MINUTES OF THE ORDINARY MEETING OF
COUNCIL
HELD ON 26 JUNE 2012
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 TUESDAY 26 JUNE 2012 AT 7.30 PM.

PRESENT: Councillors S Perri. (Mayor), J Lo (Deputy Mayor), C Baines, J Banerji, M Drieberg P Klisaris G Lake, G Male, D McGill OAM, T Morrissey JP

APOLOGIES:
Cr S Dimopoulos.

DISCLOSURES OF INTEREST
Cr Drieberg – Item 8.1.

CONFIRMATION OF MINUTES OF THE ORDINARY COUNCIL
MEETING HELD ON 29 MAY 2012

Moved Cr Baines, Seconded Cr Morrissey

That the minutes of the Ordinary Meeting of the Council held on 29 May 2012, be taken as read and confirmed.

CARRIED

RECEPTION AND READING OF PETITIONS, JOINT LETTERS & MEMORIALS

Nil

PUBLIC QUESTION TIME

The Mayor advised that no questions had been received.
PROCEDURAL MOTION

Moved Cr Perri, Seconded Cr Lo

That Item 7.2 on the agenda be dealt with as the first item of business.

CARRIED

7.2 Report on Submissions For Draft Budget 2012/13, Council Plan (2012 Update) and The Electronic Gaming Machine (EGM) Land Differential Rate

Moved Cr Klisaris, Seconded Cr Banerji

That Council
1. Having considered the verbal submissions in support of written submissions received on the Draft Budget 2012/13, Draft Council Plan (2012 Update) and the Electronic Gaming Machine (EGM) Land Differential Rate, as required under Section 223 of the Act, the committee recommends that Council does not make any amendments to the:
   - Draft Budget 2012/13,
   - Draft Council Plan (2012 Update) or
   - Electronic Gaming Machine (EGM) Land Differential Rate; and

2. Further recommends that following the Council’s adoption of the Draft Budget, EGM Land Differential and Draft Council Plan (2012 Update) that each submitter thanked for their submission to the Budget and Council Plan development process, and be advised of the outcome of the adopted Budget and Council Plan in writing.

Cr McGill acknowledged the submissions made to the Council, in particular, the detailed submission from the Ratepayers’ Association.

CARRIED
OFFICERS’ REPORTS

1. COMMUNITY SERVICES

1.1 Notting Hill Community Action Plan

Moved Cr McGill, Seconded Cr Baines


Cr McGill noted that the Notting Hill is geographically isolated and commended the Notting Hill community, the community organisations in the area and Monash University for their involvement.

The Mayor noted the major part that the Notting Hill Community Association played in the process, including engaging other community organisations in Notting Hill.

CARRIED


Moved Cr McGill, Seconded Cr Male

That Council note the progress and achievements of the Baby Boomer Strategic Action Plan 2010 – 2014 to date.

Cr McGill noted the progress of the Strategic Plan and its links to the Positive Ageing Action Plan. Cr McGill noted the significant contribution made to these plans by the community, through the various advisory committees to Council.

CARRIED


Moved Cr Drieberg, Seconded Cr Male

Cr Drieberg noted that the Action Plan helped to articulate the Council’s significant work in the area of access and inclusion.

Cr Male highlighted aspects of the Action Plan and acknowledged the significant contribution made by the Disability Consultative Committee.

**CARRIED**

1.4 Multicultural Framework And Action Plan 2009-2013 Progress Report

Moved Cr Lo, Seconded Cr Baines


Cr Lo endorsed the progress report, noting that Monash is a recognised leader in multiculturalism and in supporting emerging communities. He highlighted key achievements of the Action Plan and commended the Multicultural Advisory Committee and the Interfaith Network for their efforts.

Cr McGill also endorsed the progress report and the work of the Multicultural Advisory Committee and the Interfaith Network.

The Mayor endorsed the progress report. She noted that 40 percent of the Monash community was born overseas and that the Action Plan forms a major part of the Council’s strategy in supporting and engaging the CALD community. The Mayor also noted the Multicultural Advisory Committee’s important role in this.

**CARRIED**

1.5 Positive Ageing Action Plan 2010 -2014 Progress Report

Moved Cr McGill, Seconded Cr Banerji

That Council notes the progress and achievements of the ‘Positive Ageing Action Plan 2010 – 2014’ to date

Cr McGill acknowledged the work of the Positive Ageing Reference Group for its efforts and for its work in engaging the wider community.

**CARRIED**
1.6 Monash Public Health And Wellbeing Plan 2010-2013: Year 2 Review

Moved Cr Drieberg, Seconded Cr Banerji

That Council notes that the annual review of the Monash Public Health and Wellbeing Plan has been conducted in accordance with the Public Health and Wellbeing Act 2008.

Cr Drieberg stated that the Council lead the sector in providing for the health and wellbeing of the Monash community. She emphasised that all of the Council’s roles, responsibilities and actions had an impact on the health and wellbeing of its community.

CARRIED

1.7 Empowering Monash Women’s Award – Selection Panel

Moved Cr Baines, Seconded Cr Drieberg

That Council:

1. Endorses the following as members of the Empowering Monash Women Award selection panel:
   - Sarah Cousins
   - Fran James
   - Dianne Taylor

2. Endorses Cr. Banerji, Cr. Drieberg and Cr. Perri to the selection panel with Cr. Perri being chairperson.

The Mayor noted the background and expertise of the 3 community members of the selection panel and thanked them for their involvement.

CARRIED
1.8 Active Reserves Strategy – Year 2 Action Plan Summary

Moved Cr Lo, Seconded Cr McGill

That Council:
1. Notes the progress of items as outlined in the summary of the Active Reserves Strategy – Year 2 Action Plan.
2. Endorses the Active Reserves Strategy Year 3 Action Plan.

Cr Lo noted the progress of actions under the second year of the strategy and emphasised that the strategy provided Council with the effective means to evaluate current community needs for sporting facilities and to plan for future and developing needs.

CARRIED

2. HUMAN RESOURCES

Nil

3. CORPORATE PLANNING & FINANCE

3.1 2012 Municipal Revaluation

Moved Cr Morrissey, Seconded Cr Banerji

That Council
1. Pursuant to the provisions of Section 13DH of the Valuation of Land Act 1960, notes the return of and adopts the 2012 General Valuation.
2. Notes the “Certificate of Valuation and Return” (Attachment A); and
3. Records that the Contract Valuer for the City of Monash has completed a Statutory Declaration dated 17 May 2012, pursuant to the requirements of Section 13DH of the Valuation of Land Act 1960 (Attachment B).

CARRIED

Moved Cr Male, Seconded Cr Drieberg

That Council, having prepared and given public notice of the Draft Council Plan 2009-2013 (2012 Update) in accordance with Section 125 of the Local Government Act 1989 (the Act) and having conducted a consultative process, received and considered submissions, as required under S223 of the Act, resolves:


CARRIED

3.3 2012-2013 City of Monash Budget

Moved Cr Klisaris, Seconded Cr Lo

That Council, having prepared and given public notice of the Draft Budget for 2012-2013 in accordance with Section 129 of the Local Government Act 1989 (the Act) and having conducted a consultative process, received and considered submissions, as required under S223 of the Act, resolves:

1. That the 2012/2013 Budget be adopted in accordance with Section 130 of the Local Government Act 1989 with amendments (as detailed in this report ) to reflect advice received regarding changes to operating grants, fees and charges, materials & contracts and capital grants since the adoption of the Draft Budget, and

2. To give public notice of its decision to adopt the 2012/2013 Budget in accordance with Section 130 (2) of the Local Government Act 1989

Cr Lo noted that the Budget was made in a tough year with external pressures having to be dealt with such as the impending carbon tax and State Government levies. However the Council was still able to deliver key new initiatives, including increased funding for Council’s bicycle path network.

The Mayor said that it was a tough budget to deliver because of the external pressures, but the Council was committed to its business plan. Council acknowledges that the 6 percent rate rise would have an impact on the community, but it was doing all it could to reduce that burden.

CARRIED
3.4 Declaration of Rates and Charges for 2012-2013

Moved Cr Lo, Seconded Cr Morrissey

In respect of the 2012/13 financial and rating years and in accordance with Sections 158 and 161 of the Local Government Act 1989, Council declares: -

1. That the estimated amount it intends to raise by way of general rates is $86,995,023, comprised of:

   1.1 an amount of $86,612,047 which is intended to be raised by the General Differential Rate. The information which Council is required to specify or include with respect to the EGM Land Differential Rate is contained in Appendix 1 (Schedule C - General Differential Rate); and

   1.2 an amount of $382,976 which is intended to be raised by the Electronic Gaming Machine (EGM) Land Differential Rate. The information which Council is required to specify or include with respect to the EGM Land Differential Rate is contained in Appendix 1 (Schedule C - Differential Rate for Commercial Gaming Venues that operate Electronic Gaming Machines (EGMs));

Council will also raise an amount of $196,598 in lieu of rates in accordance with the Cultural and Recreational Lands Act 1963.

Council does not intend to have a municipal charge, service rate or service charge.

There has been no change in the valuation system, so section 161(2)(iii) of the Local Government Act 1989 (Vic) does not apply.

2. That the rates will be raised by the application of:

   The General Differential Rate of 0.18916 applied to the Capital Improved Value (CIV) of all rateable land to which the EGM Land Differential Rate does not apply (see below).

   The EGM Land Differential Rate of 0.37831 applied to the Capital Improved Value (CIV) of all rateable land on which gaming machines (as defined in the Gambling Regulation Act 2003 (Vic)), are operated.

3. That Council considers that the declaration of the General Differential Rate and the EGM Land Differential Rate will contribute to the equitable and efficient carrying out of its functions.

4. The following rates apply to the categories of land classified under the Australian Valuation Property Classification Codes (AVPCC) and adopted by the Valuer General Victoria:
AVPCC (Australian Valuation, Property Classification Code)

<table>
<thead>
<tr>
<th>Classification</th>
<th>Category</th>
<th>EGM Rate</th>
<th>Land Differential Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>241</td>
<td>Hotel-Gaming</td>
<td>0.0037831</td>
<td></td>
</tr>
<tr>
<td>244</td>
<td>Casino</td>
<td>0.0037831</td>
<td></td>
</tr>
</tbody>
</table>

**Classification Category**

**General Differential Rate**

- Residential Classified Properties: Rate of 0.0018916
- Commercial Classified Properties: Rate of 0.0018916
- Industrial Classified Properties: Rate of 0.0018916
- Rural Classified Properties: Rate of 0.0018916
- * Other: Rate of 0.0018916

*(Other - To be applied to all other properties not falling within the above Classification Categories - if any).

5. The rates specified are to be separately levied in respect of each portion of rateable land for which Council has a separate valuation (unless Council has determined a fee in lieu of rates in accordance with the Cultural and Recreational Lands Act 1963).

6. That, in accordance with the Cultural and Recreational Lands Act 1963, the amount to be paid in respect of recreation lands as defined under that Act are as follows:

- Mulgrave Country Club: $8,571
- Riversdale Golf Club: $58,589
- Glen Iris Valley Recreation Club Inc: $1,686
- Victorian Homing Pigeon Assoc.: $547
- Oakleigh & Caulfield District Angling Club: $68
- Metropolitan Golf Club: $68,488
- Huntingdale Golf Club: $51,180
- Hawthorn Football Club Ltd: $5,332
- Hawthorn Football Club Ltd (Oval): $2,137

7. and resolves:

7.1 That in accordance with Section 167 of the Local Government Act 1989, the rates and charges must be paid:
   a) in a lump sum on or before 15th February 2013; or
   b) by 4 instalments on or before:-
      1 October 2012
      30 November 2012
      28 February 2013 and
      31 May 2013; or
   c) by 10 instalments (direct debit only) on:-
      3 September 2012
      1 October 2012
7.2 Interest will be applied to over-due rates payments in accordance with Section 172 of the Local Government Act 1989 and effective on and from 1 July 2012. The rate of the interest which is payable on the rates and charges which have not been paid by the dates specified, is fixed in accordance with Section 2 of the Penalty Interest Rates Act 1983; and

7.3 For overdue non-instalment payers, Council resolves to allow an additional 21 days from the 15 February in which to pay any overdue rates, before the application of the interest referred to in 7.2 above.

CARRIED

3.5 Annual Business Plan 2012-2013

Moved Cr Male, Seconded Cr Baines


CARRIED
4. INFRASTRUCTURE SERVICES

4.1 Tender For Traffic Management Services

Moved Cr Baines, Seconded Cr McGill

That the Council:

1. Accepts the tender from Advanced Traffic Management Pty Ltd, State Wide Traffic Services Pty Ltd and Traffica Pty Ltd to form a panel for Contract No. 2012117, to provide Traffic Management Services, for a period of one year with two, two year extensions for the five (5) year lump sum price of $600,000 (inc GST);

2. Authorise the Chief Executive Officer to execute the contract agreement;

3. Authorise the Chief Executive Officer to approve each of the two extension option(s) for two years each in the contract agreement, subject to satisfactory performance.

CARRIED

5. CITY DEVELOPMENT

5.1 Amendment C103 To The Monash Planning Scheme - Glen Waverley Principal Activity Centre - Parking Precinct Plan

Moved Cr Male, Seconded Cr Baines

1. That the Minister for Planning be requested to authorise Council to prepare Amendment C103 to the Monash Planning Scheme to introduce a Parking Overlay, focused on the development of a car park in the area west of Kingsway and south of Coleman Parade, with a contribution rate of $20,000- (excl. GST) per car space (plus indexation), pursuant to Sec.9(2) of the Planning and Environment Act.

2. That Amendment C103 be prepared as outlined in this report and, following authorisation by the Minister for Planning, be placed on public exhibition.

CARRIED
5.2 1899 – 1901 Dandenong Road Clayton – Development of A Five Storey Building Comprising 2 Shops and 30 Apartments For The Purpose of Student Accommodation and Reduction In The Applicable Car Parking Requirement

Moved Cr McGill, Seconded Cr Drieberg

<table>
<thead>
<tr>
<th>Council having caused notice of planning application No. TPA/40042 to be given under Section 52 of the Planning and Environment Act 1987 and having considered all the matters required under Section 60 of the Planning and Environment Act 1987 decides to <strong>refuse the application</strong> for the planning permit under the provisions of the Monash Planning Scheme in respect of the land known and described as 1899 – 1901 Dandenong Road, Clayton, for the development of a five storey building comprising 2 shops and 30 apartments for the purpose of student accommodation and reduction in the applicable car parking requirement on the following grounds:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. The proposal is inconsistent with the Built Environment and Heritage Policy and Housing Policy at Clauses 15 and 16 of the Monash Planning Scheme, including the Guidelines for Higher Density Residential Development.</td>
</tr>
<tr>
<td>2. The proposal is inconsistent with the Residential Development Policy and Industrial and Business Development and Character Policy at Clauses 21.04 and 22.03 of the Monash Planning Scheme.</td>
</tr>
<tr>
<td>3. The proposal is inconsistent with provisions of the Student Accommodation Policy at Clause 22.10 of the Monash Planning Scheme.</td>
</tr>
<tr>
<td>4. The proposal is out of character with the existing development in the area in particular with regard to mass, bulk and scale.</td>
</tr>
<tr>
<td>5. The proposal does not provide sufficient on-site car parking.</td>
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<tr>
<td>6. The proposal does not provide adequate arrangements for loading and unloading.</td>
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<tr>
<td>7. The proposal is an overdevelopment and an inappropriate design response of the site.</td>
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<tr>
<td>8. The proposal would have a detrimental impact on the character and amenity of surrounding land.</td>
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<tr>
<td>9. The proposal would have a poor level of internal amenity for future residents.</td>
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</tbody>
</table>

and directs that the Applicant and each objector be given a notice of the Council’s decision to refuse the permit.
Both Cr McGill and the Mayor spoke in support of the motion, noting that the proposal did not meet the Council’s planning policies or the Student Accommodation Policy and offered a sub-standard level of housing.

CARRIED

5.3 218-242 Jells Road  Wheelers Hill – The Development of A 3-4 Storey Building For The Purposes of A Retirement Village and Nursing Home, Including 206 Independent Living Units and 134 Aged Care Suites With 267 Ancillary Car Parking Spaces and Associated Landscaping Works

Moved Cr Drieberg, Seconded Cr Klisaris

The Council having caused notice of planning application No. 40098 to be given under Section 52 of the Planning and Environment Act 1987 and having considered all the matters required under Section 60 of the Planning and Environment Act 1987 decides to grant a planning permit and issue a Notice of Decision to grant a permit under the provisions of the Monash Planning Scheme in respect of the land known and described as 218-242 Jells Road Wheelers Hill, for the development of a 3-4 storey building for the purposes of a retirement village and nursing home, including 206 independent living units and 134 aged care suites with 267 ancillary car parking spaces and associated landscaping works generally in accordance with the plans submitted with the application subject to the following conditions, including the specified standard conditions set out in the Council’s “Town Planning Standard Conditions” adopted by the Council 16 September 2003:

1. Before the development starts, three copies of amended plans drawn to scale and dimensioned, must be submitted to and approved by the Responsible Authority. 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 additional canopy tree planting and increased landscaping buffers adjacent to the eastern boundary. Canopy trees must be located outside of the easement. The trees should act as a visual buffer between the site and residential properties to the east;

b) The provision of a minimum 290 car spaces for the development;

c) Car parking allocate/nominated to independent living units at a rate of 1 car space per unit;

d) The balance of car parking allocated/nominated for communal staff, resident and visitor use;

e) The provision of a minimum 8 accessible car spaces throughout the site. Accessible car spaces within the basement must be located within close
proximity to the lift(s);

f) The ramp grade is required to be designed in accordance with Section 2.5.3 of the Australian Standard for Off-Street Car Parking, AS/NZS 2890.1 in relation to the following:
   • Maximum grade of 1 in 5;
   • Grade changes to be designed and checked in accordance with Appendix C to ensure that vehicles will not scrape or bottom out.

g) The car parking layout for the development is required to be designed in accordance with Section 2.5.3 of the Australian Standard for Off-Street Car Parking, AS/NZS 2890.1 in relation to the following:
   • If a side boundary of a space is a wall or fence, or if there are obstructions such as columns placed so as to restrict door opening, 300mm shall be added to the width of the car space;
   • The location of columns should satisfy the requirements of the design envelope around a parked vehicle as indicated in Figure 5.2 of the Standard.
   • To permit access for both cars and light vans, the height between the floor and an overhead obstruction shall be a minimum of 2200mm.

h) 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.

i) The location of all service any required electricity substations and fire services suitable painted, screened and landscaped to the satisfaction of the Responsible Authority.

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

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

4. Prior to the use or development commencing, the owner of the land at 218-242 Jells Road, Wheelers Hill, must enter into an agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987 to provide that the buildings for the Retirement Village must only be used for the purpose of independent living units for persons with an age of 55 years or over. The Agreement is to be registered on title and the cost of the preparation and execution of the Agreement is to be paid by the owner.

5. After commencement of the use, a Manager (or suitably authorised delegate)
must be present on the land at all times.

6. Residents of the Retirement Village, with the exception of staff residing on site, must have attained a minimum age of 55 years.

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

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

9. No form of public address system may be installed so as to be audible from outside the building and/or site.

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

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

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

13. 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 utilisation of 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 Council.
14. No vehicle for the delivery of goods shall access the site prior to 7am and after 8pm, on any day.

15. Collection of waste must not cause disturbance to nearby residential properties and must only occur between the hours of:
   • 7:00am and 8:00pm – Monday to Friday.

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

17. 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.

18. 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.)
19. 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.

20. 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.

21. 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.

22. A landscape plan prepared by a Landscape Architect or a suitably qualified or experienced landscape designer, drawn to scale and dimensioned must be submitted to and approved by the Responsible Authority prior to the commencement of any works. The plan must show the proposed landscape treatment of the site including:
   - the location of all existing trees and other vegetation to be retained on site
   - provision of canopy trees with spreading crowns located throughout the site including the major open space areas of the development
   - planting to soften the appearance of hard surface areas such as driveways and other paved areas
   - a schedule of all proposed trees, shrubs and ground cover, which will include the size of all plants (at planting and at maturity), their location, botanical names and the location of all areas to be covered by grass, lawn, mulch or other surface material
   - the location and details of all fencing
   - the extent of any cut, fill, embankments or retaining walls associated with the landscape treatment of the site
   - details of all proposed hard surface materials including pathways, patio or decked areas

   When approved the plan will be endorsed and will then form part of the permit.
23. 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.

24. 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 existing pit as shown on Council drawing No. 8660 sheet C1 & C3 (with a 450mm outfall drain) to Council standards. A new pit is to be constructed if a pit does not exist or is not a standard Council pit.

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

25. 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 (200mm 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

26. 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.

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

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

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

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

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

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

31. Any redundant crossover must be removed and the footpath, nature strip and kerbing reinstated to the satisfaction of the Responsible Authority.

32. The driveway and parking area (apart from parking space dimensions) should be designed in accordance with the Australian Standard for Off-Street Car Parking, AS/NZS 2890.1.

33. The ramp grade is required to be designed in accordance with Section 2.5.3 of the Australian Standard for Off-Street Car Parking, AS/NZS 2890.1 in relation to the following:
   • Maximum grade of 1 in 5.
   • Grade changes to be designed and checked in accordance with Appendix C to ensure that vehicles will not scrape or bottom out.

34. Clear sight lines shall be provided at the property line to ensure adequate visibility between vehicles leaving the driveway and pedestrians on the frontage road. This requires the provision of a corner splay or area extending at least 2.0 metres long x 2.5 metres deep (within the property) x less than 1.2 metres height either side of the vehicle crossing.

35. Provision for accessible parking throughout the development must be provided and designed in accordance with the Australian Standard for Off-Street Parking for people with disabilities AS/NZS 2890.6.

NOTES-

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

2. A permit must be obtained from Council for all vehicular crossings.

These must be constructed under Council’s supervision for which 24 hours
notice is required.

3. 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.

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

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

6. 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.

7. Any new drainage connections onto a Council easement drain / work within the road reserve requires the approval of the City of Monash’s Engineering Division prior to the works commencing. Three copies of the plans (A3-A1 size) for the drainage works must be submitted to and approved by the Engineering Division. The plans are to show sufficient information to determine that the drainage works will meet all drainage conditions of the permit.

8. Engineering permits must be obtained for new or altered vehicle crossings and for connections to Councils drains / Council pits / kerb & channel and these works are to be inspected by Council (telephone 9518 3690).

9. Detention system requirements for the property are as follows:
   - Minimum storage = 116 cubic metres
   - Maximum discharge rate = 150 litres per second
   - Minimum orifice diameter if using orifice pit = 90mm, otherwise install a Phillips multi cell or similar to control outflow.

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

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

12. 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
13. Tree planting should be kept clear of the drainage easement.

**Expiry of permit:**

In accordance with section 68 of the Planning and Environment Act 1987, this permit will expire if one of the following circumstances applies:

- The development and use are not started before 4 years from the date of issue.
- The development is not completed before 6 years from the date of issue.

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

and directs that the Applicant and each objector be given a notice of the Council’s decision to grant the permit.

Cr Drieberg welcomed the proposal, saying that aged care accommodation was needed in the municipality to meet increasing demand.

**CARRIED**

5.4 665 & 667 Blackburn Road Clayton – Development of A Two-Storey Building Containing 16 Dwellings With Associated Basement Car Parking

Moved Cr McGill,  
Seconded Cr Lo

Council having caused notice of planning application No. TPA/39985 to be given under Section 52 of the Planning and Environment Act 1987 and having considered all the matters required under Section 60 of the Planning and Environment Act 1987 decides to **refuse the application** for the planning permit under the provisions of the Monash Planning Scheme in respect of the land known and described as 665 & 667 Blackburn Road, Clayton, for the purpose of development of a two-storey building containing 16 dwellings with associated basement car parking on the following grounds:

1. The proposal does not adequately satisfy the objectives and/or design standards of Clause 55 of the Monash Planning Scheme (ResCode) having regard to neighbourhood character, landscaping, overlooking, private open space and solar access to open space.

2. The proposal is an overdevelopment of the site.

3. The proposed development is out of character with the existing development
in the area in particular with regard to mass, bulk and scale.

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

5. The amenity of the dwellings would be unsatisfactory owing to the location and orientation of the secluded open space areas.

and directs that the Applicant and each objector be given a notice of the Council’s decision to refuse the permit.

CARRIED

5.5 First Floor, 113-115 Kingsway Glen Waverley - Use of The Existing First Floor Level For The Purposes of Establishing A Karaoke Lounge With An On-Premises Liquor Licence (Maximum of 100 Persons At Any One Time) With Associated Car Parking. (Proposed Trading Hours : 1:00pm to 1:00 am, The Following Day, 7 Days A Week)

Moved Cr Male, Seconded Cr Lo

The Council having caused notice of planning application No. TPA/40360 to be given under Section 52 of the Planning and Environment Act 1987 and having considered all the matters required under Section 60 of the Planning and Environment Act 1987 decides to issue a Notice of Decision to grant a permit under the provisions of the Monash Planning Scheme in respect of the land known and described as 113-115 Kingsway, Glen Waverley for the use of the existing first floor level for the purposes of establishing a karaoke lounge with an on premises liquor licence (maximum of 100 persons at any one time) with associated car parking (Proposed trading hours : 1:00pm to 1:00am, the following day, 7 days a week) generally in accordance with the plans submitted with the application dated 18 April 2012, No TPA/40360 subject to the following conditions:

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

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

3. Before the use begins, a payment of $11,925.50 (plus GST) indexed by CPI (all groups) from 1 July 2011 must be paid to the Responsible Authority for:
   • each car parking space or part thereof required under this Scheme, or
   • where a rate is not specified, then the rate determined by the responsible authority and which cannot be provided on the land (net of car parking credits).
A cash contribution for 16 car spaces is required. As at the date this permit issued, the total amount payable for the use hereby permitted is $209,888.80.

4. Noise from mechanical service equipment or any music noise associated with the subject premises must at all times comply with the requirements of the State Environment Protection Policies SEPP N-1 and SEPP N-2.

5. Within 3 months of commencement of the use the applicant shall demonstrate (by a report from a qualified acoustic engineer, by on-site simulation of the proposed activities, or by other means) that the use can be conducted in a manner that does not cause unreasonable noise or vibration, to the satisfaction of the Responsible Authority.

6. The name and phone number of the Manager of the premises must be clearly displayed at the entrance of the premises, 24 hours a day, 7 days a week.

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

8. No form of public address system may be installed so as to be audible from outside the building / site.

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

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

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

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

13. No fewer than 4 car spaces must be provided on the subject land.

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

15. Removal of refuse shall be effected in manner to the satisfaction of the Responsible Authority.

16. The use may operate only between the hours of 1:00pm – 1.00am, the following day, 7 days a week unless the Responsible Authority give consent in writing.

17. No more than 100 patrons are to be within the upper level (place of assembly/karaoke use) at any one time.

NOTES:

1. The car parking contribution applicable at the date of this permit is $209,888.80 incl. GST (calculated at the rate of $11,925.50 + GST per space).

2. The maximum number of patrons in the existing ground floor Restaurant use cannot exceed 80 at any one time.

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

4. Premises used for the sale or storage of food in any manner whatsoever are to be registered under the Food Act and require Council approval via the Chief Environmental Health Officer before occupation.

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

6. That all enclosed areas within or adjacent to the premises must comply with the requirements of the Tobacco Act 1987 and any amendments or regulation made thereunder.

Expiry of permit:

In accordance with section 68 of the Planning and Environment Act 1987, this permit will expire if the use is not started before 2 years from the date of issue.

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

and directs that the Applicant and each objector be given a notice of the Council’s decision to grant the permit.
Cr Lake said that he did not have a particular view of such venues and would consider the application on planning grounds, as the Council was required to do. He noted that the operation would be restricted to a 12 hour period of 1.00 pm to 1.00 am and that market demand would determine the viability of such venues.

The Director City Development noted that the Applicant had taken into consideration, the concerns of nearby residents and had agreed to a reduction in operating hours to 1.00 am.

Cr Male noted that this was a planning application and that 17 conditions form part of the proposed planning permit. Council is mindful of the residents’ concerns. He is satisfied that the conditions placed on the proposed permit will protect the amenity of the nearby residents.

CARRIED

5.6 110 Atherton Road Oakleigh - Development of A 2-Storey Building Comprising 15 Dwellings and Associated Basement Car Parking

Moved Cr McGill, Seconded Cr Perri

Council having caused notice of planning application No. 39953 to be given under Section 52 of the Planning and Environment Act 1987 and having considered all the matters required under Section 60 of the Planning and Environment Act 1987 decides to **refuse the application** for the planning permit under the provisions of the Monash Planning Scheme in respect of the land known and described as 110 Atherton Road Oakleigh, for the development of a 2-storey building comprising of 15 dwellings and associated basement car parking on the following grounds:

10. The proposal is inconsistent with the Built Environment and Heritage Policy, and Housing Policy at Clauses 15 and 16 of the Monash Planning Scheme.

11. The proposal is inconsistent with the Residential Development Policy, Residential Development and Character Policy, and Tree Conservation Policy at Clauses 21.04, 22.01 and 22.05 of the Monash Planning Scheme.

12. The proposal is inconsistent with the provisions of Clause 55 of the Monash Planning Scheme, with particular regard to the objectives of Neighbourhood Character, Dwelling Diversity, Street Setback, Building Height, Site Coverage, Permeability, Energy Efficiency, Open Space, Safety, Dwelling Entry, Landscaping, Side and Rear Setbacks, Overshadowing Open Space, Noise, Private Open Space, Solar Access to Open Space, Design Detail and Site Services.

13. The proposal does not satisfy the street setback requirement specified by the
14. The proposal does not satisfy the private open space requirement specified by the schedule to the Residential 1 Zone at Clause 32.01 of the Monash Planning Scheme.

15. The proposal is an overdevelopment and an inappropriate design response of the site.

16. The proposal would have a detrimental impact on the character and amenity of surrounding land.

17. The proposal would have a poor level of internal amenity for future residents and directs that the Applicant and each objector be given a notice of the Council’s decision to refuse the permit.

CARRIED

5.7 5 Hourigan Avenue Clayton – Extension of Time - Construction of 3 Double-Storey Dwellings

Moved Cr McGill, Seconded Cr Banerji

That Council having considered all the matters required under Section 60 and pursuant to Section 69 of the Planning and Environment Act 1987, decides to grant the extension of time for Planning Permit No 34522 under the provisions of the Monash Planning Scheme in respect of the land known and described as 5 Hourigan Avenue Clayton for the construction of three (3) double storey dwellings and extend the permit dates as follows:

- The development is not started before 1 June 2013.
- The development is not completed before 1 June 2015.

CARRIED
5.8 1-10/1 Howard Court Clayton – Extension of Time - Construction of An Additional 8 Dwellings

Moved Cr McGill, Seconded Cr Banerji

That Council having considered all the matters required under Section 60 and pursuant to Section 69 of the Planning and Environment Act 1987, decides to grant the extension of time for Planning Permit No 33331 under the provisions of the Monash Planning Scheme in respect of the land known and described as 1-10/1 Howard Court, Clayton, for the construction of an additional eight dwellings on the site by extending the eastern most building and constructing an additional storey on both buildings and extend the permit dates as follows:

- The development is not started before 9 May 2013
- The development is not completed before 9 May 2015

CARRIED


Moved Cr McGill, Seconded Cr Perri

That Council, having considered all the matters required under Section 60 and pursuant to Section 69 of the Planning and Environment Act 1987, decides to grant an extension of time for Planning Permit No 32511B under the provisions of the Monash Planning Scheme in respect of the land known and described as 4 Flora Road, Clayton, and extended the completion date as follows:

- The development is not completed before 21 June 2013.

CARRIED
5.10 Town Planning Schedule

Moved Cr Male, Seconded Cr Lo

That the report containing the Town Planning Schedules be noted.

CARRIED

5.11 Drainage Improvement Works – Evans Street, Burwood

Moved Cr Morrissey, Seconded Cr Banerji

That:

1. Council accepts the adjusted tender from Comar Constructions Pty Ltd to upgrade the stormwater drainage in the vicinity of Evans Street, Burwood for the lump sum of $449,746.00 (GST inclusive).

2. That the anticipated project expenditure of $468,860.00 (GST exclusive) for the construction, design and supervision (which includes $21,300.00 for Provisional Items based on actual quantities) be noted.

3. That the contract agreement be signed and sealed.

Cr Morrissey noted that the area had been subjected to flooding on several occasions in the past and the Council had gone to considerable effort to alleviate this problem, which affects the livelihood of those businesses located in the area.

CARRIED

6 CHIEF EXECUTIVE OFFICER’S REPORTS

6.1 Assembly of Councillors

Moved Cr McGill, Seconded Cr Banerji

That Council notes the Assembly of Council records submitted as part of the requirements of the Local Government and Planning Legislation Amendment Act 2010.

CARRIED
6.2 Civic Centre Office – In Principle Support for Continuation of Floor Works

Moved Cr Male, Seconded Cr Baines

1. That Council gives its in principle support for the continuation of the delivery of floor works to the Civic Centre.

2. That the costs associated with the works be considered as part of the 2013/2014 budget deliberations.

CARRIED

6.3 Public Liability, Products Liability and Professional Indemnity Insurance Services

Moved Cr McGill, Seconded Cr Baines

That Council renews its membership of the mutual liability insurance scheme with MAV Insurance, Liability Mutual Insurance for the period 30 June 2012 to 30 June 2013, for the sum of $410,571 (GST exclusive).

CARRIED

6.4 Industrial Special Risks Insurance Renewals

Moved Cr Morrissey, Seconded Cr McGill

That Council places its Industrial Special Risks (Assets) insurance with the Jardine Mutual Asset Protection Plan (JMAPP) Scheme for the period 30 June 2012 to 30 June 2013 for the sum of $600,431.11 (GST inclusive).

CARRIED
7. COMMITTEE REPORTS

7.1 Monash Gallery of Art – 2009/12 Committee of Management Strategic Plan

Moved Cr Banerji, Seconded Cr Lo

That Council notes the last year of actions related the Monash Gallery of Art Strategic Plan presented by the MGA Committee of Management.

CARRIED

7.2 Report on Submissions For Draft Budget 2012/13, Council Plan (2012 Update) and The Electronic Gaming Machine (EGM) Land Differential Rate

This item was dealt with as the first Item of Business on the agenda.

8. NOTICES OF MOTION

NOTE: Cr Drieberg disclosed an indirect interest in this item as she sits on the Committee of Management of one of the applicant organisations. Cr Drieberg left the Chamber at 8.36 pm and returned at 8.38 pm, after discussion and deliberation on this item had been finalised.

8.1 Discretionary Fund Applications

Moved Cr Perri, Seconded Cr McGill

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

1. Early Morn African Violet Group Inc. $300
2. Monash University Islamic Society $500
   Mulgrave Neighbourhood House Inc $1,000

CARRIED
8.2 Glen Waverley Activity Centre Master Plan Steering Committee

Moved Cr Lake, Seconded Cr Male

That a steering committee consisting of:
1. The Glen Waverley Ward Councillors
2. The Mayor
3. Chief Executive Officer
4. Director City Development

be established to oversee and guide the development of the Glen Waverley Activity Centre Master Plan.

CARRIED

8.3 Little Steps Sleep Settling Program

Moved Cr Perri, Seconded Cr Baines

That the Council note the report on the partnership between Council and Waverley Private Hospital relating to the Little Steps sleep settling program.

Cr McGill commended the Mayor and Council officers for their efforts on this issue.

The Mayor advised that the program had been delivered by the Council since 2010. It helps to improve the lives of women, children and families in general. The proposal, which includes the engagement of a Mandarin-speaking nurse, would expand the program. The Mayor thanked the Waverley Private Hospital for its involvement in the program.

CARRIED

9. URGENT BUSINESS

Nil
10. **COUNCILLORS’ REPORTS**

10. **Cr Drieberg**

   a) represented the Mayor at the drawing of the Monash Community Raffle.
   b) On behalf of the Councillors, thanked the Director Community Services, Ms Carolyn McClean, for her contribution to the City.

10. **Cr Baines**

   Cr Baines informed the Council that she recently had the opportunity to meet the Council’s Inclusion and Diversity Librarian who is involved in developing a “living library’ project for Monash.

10. **Cr Male**

   a) hosted the Monash Men’s Health Day at the Waverley Community Centre, which was also attended by Mr Tim Mathieson.

   b) advised of an event to be held at Monash Men’s Shed on 27 June 2012.

   c) attended the opening of the new playground at the Glenallen Special School in Glen Waverley, together with the Federal Member for Chisholm, Anna Burke MP.

10. **Cr Lo**

   Cr Lo informed the Council of his and Cr Banerji’s participation in the recent ALGA National General Assembly, held in Canberra. Discussions took place on a wide range of concerns to the Local Government Sector and Cr Lo highlighted the Constitutional Recognition of Local Government as one of the key issues.

11. **PERSONAL EXPLANATIONS**

    Nil

12. **MATTERS OF COUNCIL IMPORTANCE**

    Nil
13. **CONFIDENTIAL BUSINESS**

Moved Cr Lo, Seconded Cr Banerji

That as the Confidential Business items concern the personal hardship of a person, matters that may prejudice a person and a contractual matter, the meeting be closed to the public for consideration of these items, in accordance with Section 89(2) of the Local Government Act 1989.

CARRIED

At 8.50 pm, the Council moved into Confidential Business.

**RETURN TO OPEN COUNCIL**

The Council moved back into Open Council at 8.53 pm.

The Mayor declared the meeting closed at 8.54 pm

**MAYOR: .........................................................

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