



CITY OF
MONASH

**MINUTES OF THE ORDINARY MEETING OF
COUNCIL**

HELD ON 6 OCTOBER 2009

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 6 OCTOBER 2009 AT 7.30 PM.**

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

APOLOGIES:

Cr J Banerji.

DISCLOSURES OF INTEREST

Cr Klisaris – Item 8.2.

**CONFIRMATION OF MINUTES OF THE ORDINARY COUNCIL
MEETING HELD ON 15 SEPTEMBER 2009**

Moved Cr Baines,

Seconded Cr Lo

That the minutes of the Ordinary Meeting of the Council held on 15 September 2009, 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.

OFFICERS' REPORTS

1. CUSTOMER SERVICES

1.1 Name Change of Clayton Reserve To 'Meade Reserve'

Moved Cr Perri,

Seconded Cr Dimopoulos

That Council acknowledges the name change of Clayton Reserve to 'Meade Reserve' and informs the Clayton Football Club Inc of the announcement.

Cr Perri advised the Council that this concluded the two- part process, involving the renaming of the oval and the reserve. She added that the name change was a fitting honour to the Meade family, which had made a significant contribution to the Clayton Football Club and the local community.

CARRIED

2. HUMAN RESOURCES & ADMINISTRATION

Nil.

3. CORPORATE PLANNING & FINANCE

3.1 Provision of Stationery, Office Machines, I.T Consumables And Copy Paper

Moved Cr Baines,

Seconded Cr Male

That Council:

- 1. Appoints the nominated suppliers listed in Attachment A, to a Panel for the Provision of Stationery, Office Machines, I.T Consumables and Copy Paper for a three (3) year period for the schedule of rates submitted with their respective tenders (Estimated annual expenditure of \$593,000 GST inclusive) with two (2) options to extend for a further one (1) year each;*
- 2. Authorises the Chief Executive Officer to execute the contract agreement; and*
- 3. Authorises the Chief Executive Officer at his discretion to approve the extension options in the contract agreement subject to satisfactory performance.*

CARRIED

4. INFRASTRUCTURE SERVICES

4.1 Tender For Tree Pruning And Associated Works Within Councils Parks Reserves And Properties

Moved Cr Male,

Seconded Cr McGill

That Council:

- 1. Awards Contract No. 2009137 Tree Pruning and Associated Works Within Council Parks Reserves and Properties to Rodjen Pty Ltd, trading as City and Rural Tree Services commencing 1 November 2009 for the schedule of rates as submitted. (Estimated annual expenditure \$190,000).*
- 2. Notes that the contract is awarded on the basis of an initial term of one year with options for two extensions of two years each that includes CPI All Groups Melbourne rise and fall adjustments.*
- 3. Authorises the Chief Executive Officer to execute the options in the contract subject to satisfactory performance.*
- 4. That the appropriate contract documentation be signed and sealed.*

CARRIED

5. CITY DEVELOPMENT

5.1 Brandon Park Major Activity Centre – Draft Structure Plan

Moved Cr Baines,

Seconded Cr Drieberg

That the report be noted and that a further report be made to Council following completion of discussions with the Department of Education and Early Childhood Development detailing the results of the public consultation process, analysis of all comments and submissions, and recommendations on progressing a Structure Plan for the Brandon Park Major Activity Centre.

Cr Drieberg noted that this motion related to an update on the draft Structure Plan and advised that delays had occurred due to issues within the Department of Education and Early Childhood Development. Cr Drieberg stated that she would continue her advocacy on behalf of the community on the Structure Plan.

CARRIED

5.2 473 Warrigal Road Ashwood –two storey building comprising 9 dwellings plus basement car parking and removal of 2 trees exceeding 10 metres in height

Moved Cr Morrissey,

Seconded Cr Lo

*The Council having caused notice of planning application No 37431 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 473 Warrigal Road Ashwood, for the development of a two storey building comprising nine dwellings plus basement car parking and removal of two trees exceeding 10 metres in height, generally in accordance with the plans submitted with the application dated 29 July 2009 No 37431 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. 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 location and design of any proposed electricity supply meter boxes. The electricity supply meter boxes must be located at a distance from the street which is at or behind the setback alignment of buildings on the site or in compliance with Council's "Guide to Electricity Supply Meter Boxes in Monash".*
- b) *The location of gas and water meters;*
- c) *Separate detail showing the materials and construction of the proposed west facing canopy to the satisfaction of the Responsible Authority;*
- d) *Deletion of that part of the terrace bound by the kitchen and living area of the south-west upper level dwelling;*
- e) *Deletion of that part of the terrace bound by the kitchen and bedroom of the south-east upper level dwelling;*
- f) *Screening to a height of 1.7 metres above finished floor level to the east facing terrace starting at the south end and extending 4 metres northward;*
- g) *A two way sealed vehicle crossover at least 6.4 metres wide as measured at the property boundary;*
- h) *A two way driveway at least 6.0 metres wide for the first 6.0 metres with a maximum gradient of 1:20;*
- i) *The vehicle crossing, as measured from the turning point, situated a minimum of 1.0 metre from the edge of any tree canopy, power pole,*

Council pit, Telstra pit or other services;

- j) The edges of the vehicle crossover angled at 60 degrees to the road reserve boundary;*
- k) Car space 9 increased to 3.2 metres in width;*
- l) A 2.0 metre long and 2.5 metre deep sight triangle on the south side of the vehicle crossing in accordance with Figure 3.3 of the Australian Standard for Off Street Car Parking AS/NZS 2890.1-2004;*
- m) The details and location of the mechanical ventilation equipment and vents required for the basement car park. Any inlet/outlet vents must not be located within the front landscape setback area.*
- n) A defined area of secluded open space in the front setback area attached to the south-west ground floor dwelling.*

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

3. 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.

CONDITIONS 4-8 REQUIRED BY VIC ROAD REF:SY 003 MSH.

4. A two-way sealed vehicular crossover must be constructed at least 6.4 metres wide, as measured at the property boundary, to the satisfaction of the Responsible Authority.

5. A two-way driveway must be constructed within the site, and be 6.0 metres wide for the first 6.0 metres with a maximum gradient of 1:20, to the satisfaction of the Responsible Authority.

6. The edges of the vehicular crossover must be angled at 60 degrees to the road reserve boundary, to improve entry and exit conditions, to the satisfaction of the Responsible Authority.

7. All car parking spaces must be designed to allow vehicles to drive forwards when both entering and exiting the property, to the satisfaction of the

Responsible Authority.

8. *The developer must pay the full cost of all road works, drainage, service relocation, protection and any other associated costs.*
9. *Before the development starts, a site layout plan drawn to scale and dimensioned must be approved by the Responsible Authority.*

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

The nominated point of discharge is the south-east corner of the property where it must be collected and free drained via a pipe to the Council pit in the rear easement to be constructed to Council standards.

If the point of discharge cannot be located then notify Council's Engineering Division immediately.
10. *All on-site stormwater is to be collected from hard surface areas and must not be allowed to flow uncontrolled into adjoining properties. The on-site drainage system must prevent discharge from the driveway onto the footpath. Such a system may include either:*
 - a) *a trench grate (175mm 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*
11. *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.*

Note: A drainage contribution may be accepted in lieu of the installation of the detention system.
12. *Before occupation all buildings and works specified in this permit must be completed to the satisfaction of the Responsible Authority. The Responsible Authority must be advised in writing when all construction and works are completed to enable the site to be inspected.*
13. *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.*
14. *No goods must be stored or left exposed outside the building so as to be visible from any public road or thoroughfare.*
15. *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.

16. *Prior to commencement of any buildings and works on the site, 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 activities;*
- g) *wash down areas for trucks and vehicles associated with construction activities;*
- h) *cleaning and maintaining surrounding road surfaces.*

17. *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.

18. *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.*

19. *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.*
20. *The driveway, parking area, basement ramp and sight lines are to be designed in accordance with the Australian Standard for Off-Street Parking, AS/NZS 2890.1 – 2004. The ramp grade is required to be designed and checked in accordance with Appendix C of this Standard.*
21. *Bicycle parking shall follow the Australian Standard for Parking Facilities Part 3 – Bicycle Parking Facilities.*
22. *The walls on the boundary of adjoining properties shall be cleaned and finished in a manner to the satisfaction of the Responsible Authority.*
23. *Motors for equipment and air-conditioning/heating units to be located where no noise nuisance created to neighbours or insulated/sound proofed.*
24. *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.
25. *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.*

NOTES:

1. *Building approval must be obtained prior to the commencement of the above approved works.*
2. *The drainage contribution applicable at the date of this permit is \$4,464. This amount is valid until 30 June 2010. After this date an amended amount in accordance with Clause 22.04 of the Monash Planning Scheme will be applicable. This contribution is based on the plans provided and any additional hard surfaced areas included on the landscape or drainage plans will alter this amount.*
3. *Any new connections into a Council easement drain requires the approval of the Council'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.*
4. *Engineering permits must be obtained for altered vehicle crossings and for new connections to the Council pit and these works are to be inspected by Council (telephone 9518-3690).*
5. *Stormwater detention requirements are to be obtained from Council's Engineering Department prior to the design of any stormwater detention system.*
6. *An on site detention system for storm events up to the 1% AEP event to be retained on site for the basement carpark.*
7. *Tree planting should be kept clear of the drainage easement.*

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

CARRIED

5.3 2 Albert Avenue, Oakleigh –3 storey building comprising 20 dwellings and semi-basement car park

Moved Cr Lake,

Seconded Cr Male

*The Council having caused notice of planning application No. 37433 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 2 Albert Avenue, Oakleigh, for the development of a 3 storey building comprising 20 dwellings and semi-basement car park 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. G4C - Amended plans required

- a) Deletion of the western most pedestrian access and relocation of the entry so that the pedestrian entry to the building is clearly identifiable and easily accessed from Albert Street. (This will necessitate the redesign of ground floor dwellings fronting the street).*
- b) Provision of landscaping to soften the built form along the western side of the building particularly in the area previously shown as the ramp for the pedestrian entry.*
- c) The upper floor setback of the wall located adjacent to the eastern boundary to comply with the requirements of Clause 55.04-1 of the Monash Planning Scheme.*
- d) The height between the floor and an overhead obstruction within the semi-basement car park must be a minimum of 2.2 metres.*
- e) Stair 2 within the semi-basement car park to be redesigned to relocate the bottom section away from the vehicle path of Space 14.*
- f) Minimum sight line to be provided at the property boundary to ensure adequate visibility. A deep sight triangle must be provided 2m long x 2.5m deep.*
- g) The location and design of any proposed electricity supply meterbox/kiosk. This facility must not be located within the front setback area and should be integrated into the building structure.*
- h) The location of any fire booster, gas and water meters. These facilities should be designed to minimise their visual prominence if located within the front setback.*
- i) Details of all external lighting, which must be designed, baffled and located to prevent any adverse effect on adjoining land.*
- j) Details of all service equipment, including any mechanical ventilation, heating and cooling systems located outside the building or on the*

- building and appropriate screening to be incorporated as part of the architectural design of the building.*
- k) Details of types and colours of all external building materials, including paving and fencing.*
 - l) Provision of external screening to the bedroom window of Dwelling 12 on the eastern boundary.*
- 2. The development and use as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.*
 - 3. Prior to the commencement of the development, a comprehensive Waste Management Plan must be submitted to and approved by the Responsible Authority. The Waste Management Plan must be prepared in consultation with Council's Waste Management Division and must detail:*
 - a) the private collection of refuse and recycling materials from the site and the method of collection;*
 - b) that the bin storage areas within the existing building are sufficient to cater for the amount of waste that will be produced;*
 - c) who will be responsible for taking refuse and recycling bins in and out for collection, where this will occur and how collection of refuse and recycling materials will be managed;*
 - d) the hours of bin collection, the frequency of the removal of such refuse and recycling materials and how recycling materials will be dealt with and collected.*
 - 4. Waste collection is only to be carried out between the hours of 7am to 6pm.*
 - 5. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.*
 - 6. Before occupation all buildings and works specified in this permit must be completed to the satisfaction of the Responsible Authority. The Responsible Authority must be advised in writing when all construction works are completed to enable the site to be inspected.*
 - 7. No bin or receptacle or any form of rubbish shall be allowed to remain in view of the public apart from collection days.*
 - 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.)*

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

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

Unless otherwise approved in writing by the Responsible Authority.

10. 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 in writing by the Responsible Authority.

11. 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.

12. Before occupation of the building hereby permitted, areas set aside for parked vehicles and access lanes 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.

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

- 14. The driveway, ramp and parking area should be designed in accordance with the Australian Standard for Off-Street Parking, AS/NZS 2890.1-2004, apart from the dimensions of car parking spaces and associated accessways, which must be in accordance with the provisions of Clause 52.06-3 of the Monash Planning Scheme.*

- 15. The access ramp for people with disabilities must be designed in accordance with the Australian Standard for Design for Access and Mobility, AS 1428.*

- 16. The laneways to the west boundary and the south boundary of the property must be fully constructed to Council Standards. A refundable \$2,000 deposit is to be paid prior to works commencing.*

- 17. 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 conveying of the stormwater to the nominated point of discharge. The nominated point of discharge is to the south-west corner of the property where it must be collected and free drained via a pipe to the Council pit in the right of way behind No 116 Atkinson Street to be constructed to Council Standards.

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

- 18. 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 system must prevent discharge from the driveway onto the footpath. Such a system may include either:*

- a) a trench grate (175mm 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.

- 19. 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.*

- 20. 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.*

21. *A landscape plan prepared by a Landscape Architect or a suitable qualified or experienced landscape designer, drawn to scale and dimensioned must be submitted to and approved by the Responsible Authority. The plan must show the proposed landscape treatment of the site including the area located within the carriageway easement 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 and setbacks from roads*
- *Advice on the sustainability of species selected for a low water use environment*
- *Planting to soften the appearance of hard surface areas such as driveways and other paved areas*
- *Details of any planter boxes including growing medium and drainage*
- *A schedule of all proposed trees, shrubs and ground covers, 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 this permit.

22. *Before occupation of the building 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.*

NOTES:

1. *N3 - Building approval*
2. *A drainage contribution will not be accepted in lieu of a detention system.*
3. *Detention system requirements for the property are as follows:*
 - *Minimum storage = 8.0m³ cubic metres*
 - *Maximum discharge rate = 16.0 litres per second*
 - *Minimum orifice diameter if using orifice pit = 90mm, otherwise install a Phillips multi cell or similar to control outflow.*

4. *An on site detention system for storm event up to the 1% AEP to be retained on site for the basement car park.*
5. *A Licensed Surveyor or Civil Engineer (who is a Registered Building Practitioner) must certify that the stormwater detention system including all levels, pits, pipes and storage volumes is constructed in accordance with the approved plans. The certifier's registration number must be included on the certificate.*
6. *Any new drainage work within the right of way requires the approval of the Council's Engineering Division prior to the works commencing. A refundable security deposit of \$1,000 is to be paid prior to the drainage works commencing.*
7. *Engineering permits must be obtained for new or altered vehicle crossings and for new connections to the Council pits and these works are to be inspected by Council (telephone 9518 3690).*
8. *It should be noted that future residents of the proposed building will not be issued with resident parking permits.*

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 within two years of the date of this permit.*
- *The development is not completed within four years of the date of this permit.*

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 permits 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.

AMENDMENT

Moved Cr Dimopoulos,

Seconded Cr Perri

*The Council having caused notice of planning application No. 37433 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 2 Albert Avenue, Oakleigh, for the development of a 3 storey building comprising 20 dwellings and semi-basement car park 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 G4C - Amended plans required

- a) **Deletion of upper level of building.***
- b) Deletion of the western most pedestrian access and relocation of the entry so that the pedestrian entry to the building is clearly identifiable and easily accessed from Albert Street. (This will necessitate the redesign of ground floor dwellings fronting the street).*
- c) Provision of landscaping to soften the built form along the western side of the building particularly in the area previously shown as the ramp for the pedestrian entry.*
- d) **The ground and upper floor setback of the wall located adjacent to the eastern boundary associated with Unit 3 to be a minimum of 2 metres.***
- e) The height between the floor and an overhead obstruction within the semi-basement car park must be a minimum of 2.2 metres.*
- f) Stair 2 within the semi-basement car park to be redesigned to relocate the bottom section away from the vehicle path of Space 14.*
- g) Minimum sight line to be provided at the property boundary to ensure adequate visibility. A deep sight triangle must be provided 2m long x 2.5m deep.*
- h) The location and design of any proposed electricity supply meterbox/kiosk. This facility must not be located within the front setback area and should be integrated into the building structure.*
- i) The location of any fire booster, gas and water meters. These facilities should be designed to minimise their visual prominence if located within the front setback.*
- j) Details of all external lighting, which must be designed, baffled and located to prevent any adverse effect on adjoining land.*
- k) Details of all service equipment, including any mechanical ventilation, heating and cooling systems located outside the building or on the building and appropriate screening to be incorporated as part of the*

- architectural design of the building.*
- l) Details of types and colours of all external building materials, including paving and fencing.*
 - m) Provision of external screening to the bedroom window of Dwelling 12 on the eastern boundary.*
- 2 The development and use as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.*
- 3. Prior to the commencement of the development, a comprehensive Waste Management Plan must be submitted to and approved by the Responsible Authority. The Waste Management Plan must be prepared in consultation with Council's Waste Management Division and must detail:*
- e) the private collection of refuse and recycling materials from the site and the method of collection;*
 - f) that the bin storage areas within the existing building are sufficient to cater for the amount of waste that will be produced;*
 - g) who will be responsible for taking refuse and recycling bins in and out for collection, where this will occur and how collection of refuse and recycling materials will be managed;*
 - h) the hours of bin collection, the frequency of the removal of such refuse and recycling materials and how recycling materials will be dealt with and collected.*
- 4 Waste collection is only to be carried out between the hours of 7am to 6pm.*
- 5 Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.*
- 6 Before occupation all buildings and works specified in this permit must be completed to the satisfaction of the Responsible Authority. The Responsible Authority must be advised in writing when all construction works are completed to enable the site to be inspected.*
- 7 No bin or receptacle or any form of rubbish shall be allowed to remain in view of the public apart from collection days.*
- 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:*
- j) measures to control noise, dust and water runoff;*
 - k) prevention of silt or other pollutants from entering into the Council's underground drainage system or road network;*
 - l) the location of where building materials are to be kept during construction;*

- m) site security;*
- n) maintenance of safe movements of vehicles to and from the site during the construction phase;*
- o) on-site parking of vehicles associated with construction of the development;*
- p) wash down areas for trucks and vehicles associated with construction activities;*
- q) cleaning and maintaining surrounding road surfaces;*
- r) a requirement that construction works must only be carried out during the following hours:*
 - Monday to Friday (inclusive) – 7.00am to 6.00pm;*
 - Saturday – 9.00am to 1.00pm;*
 - Saturday – 1.00pm to 5.00pm (Only activities associated with the erection of buildings. This does not include excavation or the use of heavy machinery.)*

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

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

Unless otherwise approved in writing by the Responsible Authority.

10 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 in writing by the Responsible Authority.

11 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.

12 Before occupation of the building hereby permitted, areas set aside for parked vehicles and access lanes shown on the endorsed plans must be:

- f) constructed to the satisfaction of the Responsible Authority;*
- g) properly formed to such levels that they can be used in accordance with the plans;*
- h) surfaced with an all-weather sealcoat to the satisfaction of the Responsible Authority;*
- i) drained, maintained and not used for any other purpose to the satisfaction of the Responsible Authority;*

j) *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.

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

14 *The driveway, ramp and parking area should be designed in accordance with the Australian Standard for Off-Street Parking, AS/NZS 2890.1-2004, apart from the dimensions of car parking spaces and associated accessways, which must be in accordance with the provisions of Clause 52.06-3 of the Monash Planning Scheme.*

15 *The access ramp for people with disabilities must be designed in accordance with the Australian Standard for Design for Access and Mobility, AS 1428.*

16 *The laneways to the west boundary and the south boundary of the property must be fully constructed to Council Standards. A refundable \$2,000 deposit is to be paid prior to works commencing.*

17 *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 conveying of the stormwater to the nominated point of discharge. The nominated point of discharge is to the south-west corner of the property where it must be collected and free drained via a pipe to the Council pit in the right of way behind No 116 Atkinson Street to be constructed to Council Standards.

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

18 *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 system must prevent discharge from the driveway onto the footpath. Such a system may include either:*

*a trench grate (175mm internal width) located within the property; and/or
shaping the driveway so that water is collected in a grated pit on the property;*

and/or

another Council approved equivalent.

19 *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.*

20 *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.*

21 *A landscape plan prepared by a Landscape Architect or a suitable qualified*

or experienced landscape designer, drawn to scale and dimensioned must be submitted to and approved by the Responsible Authority. The plan must show the proposed landscape treatment of the site including the area located within the carriageway easement 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 and setbacks from roads*
- *Advice on the sustainability of species selected for a low water use environment*
- *Planting to soften the appearance of hard surface areas such as driveways and other paved areas*
- *Details of any planter boxes including growing medium and drainage*
- *A schedule of all proposed trees, shrubs and ground covers, 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 this permit.

- 22 *Before occupation of the building 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.*

NOTES:

1. *N3 - Building approval*
2. *A drainage contribution will not be accepted in lieu of a detention system.*
3. *Detention system requirements for the property are as follows:*
 - *Minimum storage = 8.0m³ cubic metres*
 - *Maximum discharge rate = 16.0 litres per second*
 - *Minimum orifice diameter if using orifice pit = 90mm, otherwise install a Phillips multi cell or similar to control outflow.*
4. *An on site detention system for storm event up to the 1% AEP to be retained on site for the basement car park.*

- 5 *A Licensed Surveyor or Civil Engineer (who is a Registered Building Practitioner) must certify that the stormwater detention system including all levels, pits, pipes and storage volumes is constructed in accordance with the approved plans. The certifier's registration number must be included on the certificate.*
- 6 *Any new drainage work within the right of way requires the approval of the Council's Engineering Division prior to the works commencing. A refundable security deposit of \$1,000 is to be paid prior to the drainage works commencing.*
7. *Engineering permits must be obtained for new or altered vehicle crossings and for new connections to the Council pits and these works are to be inspected by Council (telephone 9518 3690)*
- 8 *It should be noted that future residents of the proposed building will not be issued with resident parking permits.*

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 within two years of the date of this permit.*
- *The development is not completed within four years of the date of this permit.*

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 permits 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 Dimopoulos said that Albert Avenue was a street with significant heritage characteristics and streetscape and this defined neighbourhood character.

Cr Dimopoulos also noted the comments of the VCAT member who had heard the Appeal regarding a previous application for this site.

EXTENSION OF TIME TO SPEAK

Moved Cr Lake,

Seconded Cr Perri

That Cr Dimopoulos be granted an extension of time to speak on this matter.

CARRIED

Cr Dimopoulos noted the local community's concerns and opposition to the proposed development in its current form. He added that the proposed amendment reduced the number of apartments by 2.

Cr Perri supported the amendment, noting that the proposal was insensitive to the neighbourhood character. She also requested an undertaking from the Administration that the owners of Unit 4 would be consulted in relation to the development of a waste management plan and that she be kept informed of progress on this matter.

Cr Lake acknowledged the arguments put forward by Crs Dimopoulos and Perri and added that he appreciated the basis of the recommendation of the Officers regarding the proposed third storey. He noted that Albert Avenue was on the edge of the Oakleigh Activity Area and close to public transport and therefore would be attractive to developers.

CARRIED

AMENDMENT

Moved Cr Perri,

Seconded Cr Dimopoulos

*That Part B be added to the end of the motion and read as follows –
That an Oakleigh Structure Plan be progressed as a matter of urgency and that a report, including a timeline for the structure planning be submitted to the 27 October 2009 Ordinary meeting of Council.*

Cr Perri said that the Oakleigh Structure Plan needed to be progressed as soon as possible as there was ambiguity about the Oakleigh Activity Centre boundaries and the Plan would provide for better planning and thorough consultation, which would give residents the opportunity to have their say on how their local area will develop into the future.

Cr Dimopoulos stated that not all streets adjacent to the Activity Centre should be considered as appropriate for high-density development and a Structure Plan would assist to address this issue. He also noted that an undertaking had been made for a Structure Plan to be prepared by mid 2009 and requested that the matter be attended to as a high priority.

CARRIED

SUBSTANTIVE MOTION

The motion, with the two amendments included, became the Substantive Motion and was put and

CARRIED

5.4 Town Planning Schedule

Moved Cr Male,

Seconded Cr Klisaris

That the report containing the Town Planning Schedules be noted.

CARRIED

5.5 Council Land - Sadie Street, Mount Waverley

Moved Cr Lo,

Seconded Cr Klisaris

1. *That Council notes the investigation undertaken on the land at the rear of 12 – 34 Sadie Street Mount Waverley and determines not to proceed with any subdivision or sale of any part of the land.*
2. *That an amendment to the Monash Planning Scheme be prepared to rezone the land between the rear of Sadie Street Mount Waverley and the Monash Freeway Reservation for public open space purposes.*
3. *That the Minister for Planning be requested to authorise Council to prepare amendment to the Monash Planning Scheme to rezone the land between the rear of Sadie Street Mount Waverley and the Monash Freeway Reservation to PPRZ - Public Park & Recreation pursuant to Sec.9(2) of the Planning and Environment Act and following authorisation by the Minister for Planning, the amendment be placed on public exhibition.*
4. *That Council, pursuant to Sections 189 and 223 of the Local Government Act 1989 ("the Act"):*
 - a. *Commences the statutory procedures to advertise Council's intention to sell Council owned land located at 22 Sadie Street Mount Waverley; and*
 - b. *Gives public notice in accordance with Sections 189 and 223 of the Act, of Council's Notice of Intention to sell the land at 22 Sadie Street Mount Waverley by public auction or private treaty in the 'Waverley Leader'; and*
 - c. *Appoints a Committee of Council, comprising ward Councillors to consider submissions received under Section 223 of the Act at 7:30 pm on Tuesday 1 December 2009 at the Civic Centre.*
5. *In the event of there being no submissions received, authorises the Chief Executive Officer or his delegate, on behalf of Council to:*
 - a. *Sell the land at 22 Sadie Street Mount Waverley either by way of public auction or by private treaty and*
 - b. *Sign and seal all documentation required to effect sale of the land.*
6. *That the sale of the following properties be the subject of separate reports to be considered by Council:*
 - *Rear 2 Stanley Avenue Mount Waverley;*
 - *26 Westbrook Street, Chadstone*
 - *15 Barlyn Road, Mount Waverley*

Cr Lo stated that the proposal sought to protect the environmental sensitivity of the subject land and acknowledged the advice and assistance provided by the Friends of Scotchmans Creek in this matter.

CARRIED

6 CHIEF EXECUTIVE OFFICER'S REPORTS

Nil.

7. COMMITTEE REPORTS

7.1 Rating Strategy – Steering Committee Report

Moved Cr Lake,

Seconded Cr Perri

That:

- 1. Council resolves to change to CIV with a differential rate of 1.25 times the general rate on Commercial/Industrial properties, for the financial year beginning 1 July 2010 and commence formal public consultation on the Rating Strategy change under S223 of the Local Government Act 1989;*
- 2. Council determines that consideration of the introduction of a pensioner subsidy for eligible pensioners is deferred until the financial year 2011/12;*
- 3. In accordance with Section 157 of the Local Government Act 1989, public notice of the preparation of the proposed change will be published in The Age, Waverley Leader, Oakleigh Monash Leader, Chinese Media Group, Neos Kosmos and Il Globo newspapers and the Council's web site: www.monash.vic.gov.au as soon as practicable;*
- 4. Council appoints a Committee of Council, comprising all Councillors to consider submissions received on the proposed change to the valuation system;*
- 5. Any written submissions on any proposal received by the Council by 5 pm, 6 November 2009, in accordance with Section 157 of the Local Government Act 1989, be considered by the Committee of Council at 7.30p.m. on Tuesday 24th November 2009;*
- 6. Any requests for verbal submissions received in accordance with Section 223 of the Local Government Act 1989 be heard by the Committee of Council at 7.30p.m. on Tuesday 24th November 2009 in the Council Chambers at the Civic Centre, 293 Springvale Road Glen Waverley;*
- 7. Subject to the consideration of any written or verbal submissions received in accordance with Sections 157 and 223 of the Local Government Act 1989 and any decisions made, Council adopt its method of valuation on 8th December 2009; and*
- 8. Council gives public notice of its decision to adopt its method of valuation in accordance with Section 157(2) of the Local Government Act 1989.*

The following Councillors made statements or comments regarding this matter. These comments and statements are summarised below -

Cr Lake

- ❑ The rating strategy review has involved 3 possible options which were subjected to an extensive consultation process.
- ❑ The motion proposes CIV with a differential rate to be applied to commercial and industrial properties.
- ❑ This is the 3rd time that the Council has considered a review of its rating strategy. On the previous occasions, the Council had determined that the timing was not appropriate.
- ❑ With this proposal, 69 percent of residents and 89 percent of pensioners will pay lower rates.
- ❑ No additional pensioner rebate is proposed at this stage, but would be considered 12 months after the commencement of the new rating system.

Cr Perri

- ❑ Supported the motion
- ❑ On balance, it was the best of the 3 options to put forward for public consultation.
- ❑ Noted that Part 3 of the motion should include The Journal as a publication in which the Council's decision should be published. The Acting Chief Executive Officer undertook that the notification would be included in that newspaper.

Cr Baines

- ❑ Stated that the Council was moving to a fairer system
- ❑ Commended the extensive consultation process that the Council had undertaken, including, public forums, distribution of over 70,000 brochures throughout the municipality and the establishment of a dedicated enquiry phone number.

Cr Morrissey

- ❑ Concurred with the statement made by Cr Lake regarding the Council's past consideration of the rating strategy.
- ❑ Commended the public consultation process undertaken to date
- ❑ Expressed his support for a change to CIV without a differential, although he appreciated the merits of the proposal before the Council.

AMENDMENT

Moved Cr Dimopoulos,

Seconded Cr McGill

That recommendation 1 be amended by the deletion of the words “with a differential rate of 1.25 times the general rate on Commercial/Industrial properties.”

Cr Dimopoulos

- Agreed with the transition to CIV.
- Considered that the differential rate would be an unfair burden on the commercial and industrial sector and of minimal benefit to residential ratepayers.

Cr McGill

- Supported Cr Dimopoulos' comments.
- Noted that the Council was broadly in agreement about the rating system change.
- Noted the public consultation process undertaken and the feedback received supporting a change to CIV.
- Expressed concern that a differential rate would have a negative impact on the commercial and industrial sector.
- The information being used at present regarding the potential benefits to ratepayers is based on current values, but Council will be conducting a revaluation.
- A differential rate should be considered after the revaluation.

Cr Lo

- Expressed his opposition to a change in the rating system.
- Considers that the change would not take into consideration the situation of those in student accommodation, apartments and those in financially difficult circumstances.

Cr Lake

- Most Councillors agree with a change to CIV, with the difference in opinion being whether to introduce straight CIV or CIV with a differential rate.
- Considers that a differential rate will represent a 3 percent increase in rental increases for commercial and industrial properties.
- The fairest system is CIV with a differential rate, with the burden being placed on the commercial and industrial properties.

Cr Perri

- Owners of commercial or industrial properties will face increases irrespective of the type of CIV introduced.
- If the ultimate destination is CIV with a differential rate, Council should seek to introduce it from the outset.

LOST

MOTION

Cr Dimopoulos

- ❑ Considers that commercial and industrial owners will be paying too much with a differential rate.
- ❑ A differential rate will not be equitable.
- ❑ The business community delivers more and consumes far less than is acknowledged.

Cr Drieberg

- ❑ Expressed her opposition to a change in the rating system.
- ❑ Stated that the change would disadvantage people by increasing their rates.
- ❑ Did not consider that the current difficult economic environment justified a review of the rating system.

Cr Klisaris

- ❑ An undertaking had been given to the community that the rating system would be reviewed.
- ❑ The community is in strong support of a move to a fairer, more equitable system of rating.
- ❑ Council will make its decision on 9 December 2009, following extensive consultation on the proposal.

Cr McGill

- ❑ The central issue is one of fairness and equity.

RIGHT OF REPLY

Cr Lake gave his right of reply.

CARRIED

8. NOTICES OF MOTION

8.1 Proposal: Mulgrave Community Strengthening Project – Crs Baines, Drieberg and Klisaris

Moved Cr Baines,

Seconded Cr Drieberg

That Council supports an application to the Department of Planning and Community Development for a grant of \$30,000 to undertake community planning for the Mulgrave area, involving community consultation and engagement.

Cr Drieberg said that she was pleased to see that the Council recognised the need for community strengthening in Mulgrave.

Cr Baines noted the issues and the needs within the community in Mulgrave Ward and the opportunity this project would provide to develop common goals and visions to the advantage of the community.

Cr Dimopoulos supported the proposal, noting the development of local responses to needs of communities; an approach that proved to be effective.

Cr Perri supported the proposal, noting the work that is being done with the Clayton community strengthening project and the advantages flowing from a local approach.

CARRIED

8.2 Pre-Schools Facility Agreement – Cr Perri

NOTE: Cr Klisaris disclosed an indirect conflict of interest in this item as he owns and operates a child-care centre located within the municipality. Cr Klisaris left the Chamber at 9.10 pm, prior to Council's consideration this item and returned at 9.13 pm, after the conclusion of the vote.

In the absence of the Mayor from the Chamber for the duration of this item, the Deputy Mayor assumed the Chair.

Moved Cr Perri,

Seconded Cr McGill

That Council amends the 2010 Preschool Facility Agreement so that:

When offering places for three and four year old programs the following year the preschool must first offer places to children of residents and ratepayers in the Monash municipality whose applications for enrolment have been received by 30 June. Non-Monash residents may only be offered a place once all Monash families, who applied before 30 June and nominated the preschool as their first preference, have had the opportunity to respond to a formal offer. This amendment will initially apply to places offered for 2011 and onwards.

Cr Perri advised the Council that the Agreement would provide for preference to be given to Monash families where there was competition for pre-school places and provides some security for the future where levels of demand may change over time and that overwhelming support for the change in the policy had been expressed during consultation with the Monash Pre-School Association.

CARRIED

8.3 Discretionary Fund - Mayor

Moved Cr Klisaris,

Seconded Cr Baines

That Council approves the following application for funding from the 2009/2010 Discretionary Fund:

Australia-Burma Society Inc. - \$770.50 with future requests for funding support being made through the Council's Community Support Program.

Crs Lake, McGill and Dimopoulos each spoke briefly on the Discretionary Fund.

CARRIED

9. URGENT BUSINESS

Nil.

10. COUNCILLORS' REPORTS

10.1 Cr Lo advised the Council of the following –

- Visit to Monash of a delegation from Baoshan District, Shanghai, China, on 16 September 2009. He thanked the Mayor for receiving the delegation at the Council's Civic Centre.
- His attendance at the 35th anniversary of the Ethnic Communities Council.

10.2 Cr Drieberg advised the Council of her attendance at the Disability Forum, hosted by the City of Monash and also attended by Cr Male and the Mayor. The Mayor launched the Council's new Disability Access and Inclusion Framework and Action Plan 2009-2013 as part of the Forum.

10.3 Cr McGill -

- Thanked the members of the Older Persons Reference Group for their involvement in Seniors Week, which was very successful.
- Advised the Council of the 150th anniversary of the Oakleigh Cemetery and the publication of a brochure, through Council funding.

10.4 Cr Male advised the Council that he opened the 39th Waverley Art Show, on behalf of the Mayor.

11. PERSONAL EXPLANATIONS

Nil

12. MATTERS OF COUNCIL IMPORTANCE

Nil.

13. CONFIDENTIAL BUSINESS

Nil.

The Mayor declared the meeting closed at 9.16 pm

MAYOR:

DATED THIS DAY OF 2009