



CITY OF
MONASH

**MINUTES OF THE ORDINARY MEETING OF
COUNCIL**

HELD ON 13 MAY 2008

at 7.30 pm

**Monash Seminar and Training Centre
Atherton Road, Oakleigh**

**MINUTES OF THE ORDINARY MEETING OF THE MONASH CITY COUNCIL
HELD AT THE MONASH SEMINAR AND TRAINING CENTRE, OAKLEIGH
ON TUESDAY 13 MAY 2008, AT 7.30 PM.**

PRESENT: Councillors P Klisaris (Mayor), D Manzie (Deputy Mayor), C Baines, J Banerji, R Brown, S Dimopoulos, G Kottek, G Lake, D McGill, T Morrissey JP, C Shiel

APOLOGIES:

Nil

DISCLOSURES OF INTEREST

Cr Brown – Item 7.1

Cr Baines – Item 5.9

**CONFIRMATION OF MINUTES OF THE ORDINARY COUNCIL
MEETING HELD ON 22 APRIL 2008**

Moved Cr Morrissey,

Seconded Cr Dimopoulos

That the minutes of the Ordinary Meeting of the Council held on 22 April 2008, 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 Multicultural Framework And Action Plan 2006 – 2008 – Progress Report

Moved Cr Dimopoulos,

Seconded Cr Baines

That Council notes the progress report on the implementation of the Multicultural Framework and Action Plan 2006-2008.

Cr Dimopoulos said that the Plan was about good government for all, no matter the person's background, language, etc. He also highlighted the effort Council was going to in order to gather information on the type of people who were accessing Council services and the training of Council staff in cultural awareness.

CARRIED

1.2 Creative Community: Monash Arts & Cultural Development Strategy 2007-2010 Year One Progress Report

Moved Cr Banerji,

Seconded Cr Baines

That Council notes the progress of actions 2007/08 outlined in the attached summary of the Creative Community: Monash Arts & Cultural Development Strategy 2007-2010.

CARRIED

1.3 Neighbourhood Renewal – Ashwood, Ashburton and Chadstone Areas

Moved Cr Banerji,

Seconded Cr Brown

- 1. That Council notes the progress to date of the Ashwood, Ashburton and Chadstone Neighbourhood Renewal Program.*
- 2. That Council approves \$15,000 towards a Community Development Position for a further 12 months.*

CARRIED

2. **HUMAN RESOURCES & ADMINISTRATION**

Nil

3. **CORPORATE PLANNING & FINANCE**

3.1 **2007/08 Management Accounts Report – Second Quarter**

Moved Cr Manzie,

Seconded Cr Morrissey

That Council notes the Financial Reports for the period ending 31 March 2008.

CARRIED

4. **INFRASTRUCTURE SERVICES**

4.1 **Supply of Electricity For Council's Major Buildings**

Moved Cr Morrissey,

Seconded Cr Dimopoulos

That Council:

1. *Endorses the acceptance by the Chief Executive Officer of the tender for the Supply of Electricity for Monash Council's Major Buildings, submitted by IPower Pty Ltd and IPower 2 Pty Ltd, trading as Simply Energy for the period 1 July 2008 to 30 June 2011. The estimated total cost of the contract is \$ 1.00million per annum, (exclusive of GST).*
2. *Authorises the Chief Executive Officer to execute the agreement with the supplier.*
3. *Signs and seals the Contract Agreement.*

Cr Dimopoulos noted the Council's efforts to reduce its energy consumption and said that he looked forward to the contribution the Council's Environmental Advisory Committee would make to the Council's efforts in this regard.

CARRIED

5. CITY DEVELOPMENT

5.1 Review of New Residential Zones For Victoria – Response To Discussion Paper

Moved Cr McGill,

Seconded Cr Kottek

That Council makes a submission to the Department of Planning and Community Development (DPCD) regarding the discussion paper on the review of New Residential Zones for Victoria, as shown in Attachment 2 of this report.

Cr McGill said that the submission should receive general support given that the community was concerned about the proposed changes, including the removal of third-party appeal rights.

CARRIED

5.2 Amendment C76 To The Monash Planning Scheme – 53-59 Kingsway and 108 Railway Parade North Glen Waverley

Moved Cr Brown,

Seconded Cr Manzie

That Council:-

- 1. Adopts Amendment C76 pursuant to Section 29 of the Planning and Environment Act.*

Amendment C76 modifies the Planning Scheme Overlay map provisions for the site by:

- introducing a DPO - Development Plan Overlay,*
- deleting part of the DDO1 - Design and Development Overlay No.1 and*
- deleting part of the DCP-GW - Development Contribution Plan Overlay No 1 and submissions received pursuant to Sec 23(1)(b) of the Planning and Environment Act.*

- 2. Requests the Minister for Planning to approve and gazette Amendment C76.*

Cr Lake noted that this was the next step in the process in the proposed development of this part of Glen Waverley and also noted that it accorded with one of the aims of the 2030 strategy, of encouraging higher density development in areas away from residential areas.

Cr Manzie noted that this proposal was important to the development of Glen Waverley and would act as a link between the Kingsway and The Glen Shopping Centre.

CARRIED

5.3 25-37 Huntingdale Road Burwood – Use and Development of The Existing Building For The Purposes of A Secure Storage Centre With Associated Ancillary Office

Moved Cr Banerji,

Seconded Cr Morrissey

That Council having considered Section 52 of the Planning and Environment Act 1987 and being satisfied that the grant of a permit would not cause material detriment to any person has not required that notice be given for Planning Application No. 35891.

*The Council having considered planning application No. 35891 and all the matters required under Section 60 of the Planning and Environment Act 1987 decides to grant a planning **permit** under the provisions of the Monash Planning Scheme in respect of the land known and described as 25-37 Huntingdale Road, Burwood, for the use and development of the existing building for the purpose of a secure storage centre with associated ancillary office generally in accordance with the plans submitted with the application and 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 and use 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) *Provision of screening in front of the satellite dishes to a minimum height of 2 metres to prevent visibility to the residential area located to the east of the site.*
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 has started it must be continued and completed to the satisfaction of the Responsible Authority. The Responsible Authority must be advised in writing when the construction and works are completed to enable the site to be inspected.*
4. *No utility installations are to be located within the front setback of Huntingdale Road.*
5. *No goods must be stored or left exposed outside the building so as to be visible from any public road or thoroughfare.*
6. *No bin or receptacle or any form of rubbish or refuse shall be allowed to remain in view of the public and no odour shall be emitted from any receptacle so as to cause offence to persons outside the land.*
7. *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.

8. *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;*
9. *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.*
10. *Outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.*
11. *Air-conditioning and other plant and equipment installed on or in the building must be so positioned and baffled so that any noise emitted complies with the appropriate Australian Standards and EPA requirements.*
12. *Noise from mechanical services equipment associated with the premises must at all times comply with State Environment Protection Policies SEPP N-1.*
13. *Before the development hereby permitted starts three copies of a site layout plan 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 around the rearranged car park to the west of the building and around the building to complement overall planting on the site. When approved the plan will be endorsed and will then form part of the permit.*
14. *Landscaping works as shown on the endorsed plans must be completed prior to occupation of the building to the satisfaction of the Responsible Authority and then maintained to the satisfaction of the Responsible Authority.*
15. *Before the development permitted is completed, areas set aside for parked vehicles and access lanes as shown on the endorsed plans must be :*
 - (a) *constructed to the satisfaction of the Responsible Authority;*
 - (b) *properly formed to such levels that they can be used in accordance with the plans;*
 - (c) *surfaced with an all-weather sealcoat to the satisfaction of the Responsible Authority;*
 - (d) *drained, maintained and not used for any other purpose to the satisfaction of the Responsible Authority;*
 - (e) *line-marked to indicate each car space and all access lanes to the*

satisfaction of the Responsible Authority.

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

16. *The driveway 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 Clause 52.06-3 of the Monash Planning Scheme.*
17. *Access ramps for people with disabilities should be designed in accordance with the Australian Standard for Design for Access and Mobility, AS 1428.*
18. *All on-site stormwater is to be collected from hard surface areas and must not be allowed to flow uncontrolled into adjoining properties.*
19. *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 existing drainage system. The drainage plans for the redevelopment are to be approved by the Engineering Division prior to works commencing.

NOTES:

1. *Building approval must be obtained prior to the commencement of the above approved works.*
2. *Unless no permit is required under the planning scheme, no sign must be constructed or displayed without a further permit.*
3. *In the event that the existing building were to convert to a conventional warehouse in the future a minimum of 229 car parking spaces must be provided on site.*

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.

CARRIED

5.4 320-322 & 324 Huntingdale Road, Huntingdale – Buildings and Works and Use of The Premises As A Place of Assembly

Moved Cr McGill,

Seconded Cr Baines

*The Council having caused notice of planning application No. 35781 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** under the provisions of the Monash Planning Scheme in respect of the land known and described as 320-322 & 324 Huntingdale Road, Huntingdale, for buildings works and use of the premises as a Place of Assembly generally in accordance with the plans submitted with the application and 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. The use and/or development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.*
- 2. One or both of the entrances at 320 or 322 Huntingdale Road shall be utilised as the main pedestrian access to the premises.*
- 3. 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.*
- 4. 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 existing internal drainage system.*
- 5. All on-site stormwater is to be collected from hard surface areas and must not be allowed to flow uncontrolled into adjoining properties. The on-site drainage system must prevent discharge from each driveway onto the footpath. Such a system may include either:
 - a) a trench grate (175 mm minimum internal width) located within the property; and/or*
 - b) shaping the driveway so that water is collected in a grated pit on the property; and/or*
 - c) another Council approved equivalent.**
- 6. Stormwater discharge is to be detailed on-site to the predevelopment level of peak stormwater discharge. Approval of any detention system is required from Council prior to works commencing.*

7. *Any new drainage work within the road reserve or right of way requires the approval of the Council's Engineering Division prior to the works commencing. One copy of the plans for the drainage works must be submitted to the Engineering Division prior to the commencement of works for our records.*
8. *The eastern side of the property shall be kept clear of gate posts, fencing or any other item which would potentially block vehicular access or which could be hit by a vehicle to the satisfaction of Council.*
9. *Wheel stops should be placed between the car park and concrete walkway at the rear of the buildings to prevent cars on the walkway to the satisfaction of Council.*
10. *Before the use and/or development starts, 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.
11. *No fewer than 12 (twelve) car spaces are to be provided on the land for the use and development.*
12. *The amenity of the area must not be detrimentally affected by the use or development, through the:*
 - a) *transport of materials, good 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; and*
 - d) *parking of vehicles on the site, in the public car park or surrounding roads.*
13. *No goods must be stored or left exposed outside the building so as to be visible from any public road or thoroughfare.*
14. *To the satisfaction of the Responsible Authority the following hours of operation and patron numbers are permissible:*

<i>Office:</i>	<i>9 am to 10.30 pm attended by up to 5 persons.</i>
<i>Education:</i>	<i>5.00 pm to 9.00 pm weekdays and on weekends attended by up to 20 persons.</i>
<i>Prayers:</i>	<i>5.00 pm to 10.30 pm for scheduled prayer periods attended by up to 10 persons.</i>

Weekly

Event: 12.30 pm to 2.30 pm attended by up to or about fifty (50) persons for the lecture followed by prayer.

Seminars: Weekends attended by not more than thirty (30) persons.

Social

Events: 7.30 am to 9.30 am on two (2) occasions per year on weekends with up to one hundred (100) persons attending social gatherings and on special Muslim occasions.

Library: 9 am to 10.30 pm.

15. To the satisfaction of the Responsible Authority, a: "Traffic Management Plan" shall be clearly displayed (in English and appropriate languages for all members) at the entry of the premises, which provides the following details with regard to parking management, a copy of which is to be provided to the Responsible Authority.

- For the Weekly Event, in preference to parking in the Huntingdale Road shopping centre or Hume Street, members are directed to park in areas to the south of the site including the off street car park on the north-east corner of Huntingdale Road and North Road and the on-street parking along North Road.*
- For Social Events held on weekends, in preference to parking in the Huntingdale Road shopping centre or Hume Street, members are directed to park in areas to the south and west of the site including the off street car park on the north-east corner of Huntingdale Road and North Road, the Huntingdale Railway Station car park opposite the site and the on-street parking along North Road.*
- At these peak demand times the on-site parking is reserved for designated members use. Where car parking spaces are available, members are encouraged to utilise these spaces in preference to other off site parking areas.*
- At all other times the on-site parking is available for members' use, to be used in preference to other off-site parking areas.*

16. The existing buildings and any extensions thereto, shall comply with Victorian Building Regulations 1994, in relation to, the provision of adequate toilet and bathroom facilities for the use of 100 people both able and disabled; the provision of adequate pedestrian access and egress for both able and disabled persons; the provision of suitable ventilation; and the provision of suitable fire protection measures.

17. On the bi-annual occasions whereby up to 100 persons will be attending the premises, portable temporary amenity facilities (toilets etc) in accordance with the Victoria Building Regulations 1994 and Health Act 1985, shall be provided to the satisfaction of the Responsible Authority.

18. The premises are to be used substantially as a Place of Assembly. The use as a

Place of Worship must be subservient to the dominant use.

NOTES:

1. *Building approval must be obtained prior to the commencement of the above approved works.*
2. *Unless no permit is required under the planning scheme, no sign must be constructed or displayed without a further permit.*
3. *Council records show that the property is liable to flooding. It is recommended that external doors are made water proof.*

Expiry of Permit

This permit will expire if one of the following circumstances applies:

- *The development and use is/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.*
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.

CARRIED

5.5 31 Oxford Street Oakleigh – Use And Development of A Five Storey Building Containing Offices At Ground Level (Including Two Home Offices) & Fifty Dwellings & A Reduction In The Car Parking Requirement

Moved Cr McGill,

Seconded Cr Dimopoulos

*Council having caused notice of planning application No. 36005 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 31 Oxford Street, Oakleigh, for the use and development of a five storey building containing offices at ground level (including two home offices) and fifty dwellings and a reduction in the car parking requirements of the Monash Planning Scheme on the following grounds:*

1. *The proposed development is out of character with the surrounding area, in particular with regard to excessive mass, bulk, scale and lack of adequate landscaping.*
2. *The proposal is an overdevelopment of the site.*
3. *The proposal does not provide sufficient on-site car parking.*
4. *The proposal will have an adverse impact on the amenity of nearby*

properties, in particular with regard to inappropriate visual impact and over-spill car parking onto the surrounding street network.

- 5. The proposed development does not provide for an acceptable level of amenity for future residents in respect to the provision of communal and private open space.*

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

Cr McGill noted that a current permit had been issued for the site, at the direction of VCAT. She said that this application represented an overdevelopment of the site and would contribute to increased parking problems in the area.

Cr Dimopoulos said he agreed with Cr McGill's comments and that developers needed to get the message about proposing appropriate developments.

CARRIED

5.6 176 Springvale Road Glen Waverley - Develop The Land For The Purpose of A Drive Through Bottle Shop Integral To The Existing Hotel, Waive The Requirement For A Loading Bay, Modify The Existing Car Park And Display Business Identification Signage

Moved Cr Manzie,

Seconded Cr Kottek

*The Council having caused notice of planning application No. TPA/35732 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 176 Springvale Road, Glen Waverley, for the purpose of developing the land a drive through bottle shop integral to the existing hotel, waive the requirement for a loading bay, modify the existing car park and display business identification signage, generally in accordance with the plans submitted with the application and 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. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.*
- 2. The new building hereby permitted must operate with the same liquor licence holder/operator as the rest of the hotel, and must not without the prior written approval of the Responsible Authority be leased to a different liquor licence holder/operator.*
- 3. Once the new development/use has started, it must be continued and completed*

to the satisfaction of the Responsible Authority.

4. *The hours of operation shall not vary from the current hour restrictions of the Liquor Licence without further consent.*
5. *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.
6. *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 the existing drainage system to be constructed to Council Standards.

Note:- If the point of discharge cannot be located then notify Council's Engineering Division immediately.
7. *All on-site stormwater is to be collected from hard surface areas and must not be allowed to flow uncontrolled into adjoining properties. The on-site drainage system must prevent discharge from each 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.*
8. *The bottle shop may operate only between the hours of:*
 - *Monday – Saturday 7:00am – 11:00pm*
 - *Sunday 10:00am – 11:00pm*
 - *Good Friday and Anzac Day 12:00 noon – 11:00pm.*
9. *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 buildings, works or materials;*
c) *emission of noise, artificial light, smell or in any other way.*
10. *The loading and unloading of goods from vehicles must only be carried out on the land.*
11. *No additional utility installations may be located within the front landscape setback.*
12. *Deliveries to the bottle shop must only take place between 8:00am - 5:00pm Monday to Friday.*
13. *Prior to the bottle shop commencing operation, a security system must be installed in the bottle shop, (the details of which must be submitted to Council) to the satisfaction of the Responsible Authority.*
14. *No form of public address system may be installed so as to be audible from outside the building/site.*
15. *Any outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.*
16. *No goods must be stored or left exposed outside the building so as to be visible from any public road or thoroughfare.*
17. *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.*
18. *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. Collection shall only take place between 8:00am and 5:00pm, Monday to Friday.*
19. *The construction works associated with the permitted use/development and/or subdivision must only be carried out during the following hours:*
- *Monday to Friday (inclusive) – 7am 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. *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.

22. *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.*

23. *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.*

24. *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.*

25. *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.*

Conditions 26 and 27 required by VicRoads (Ref: 0330016)

26. *The signs must not be animated and no flashing or intermittent lights may be displayed.*

27. *The intensity of the light in the signs must be limited, so as not to cause glare or distraction to motorists, to the satisfaction of VicRoads.*

28. *The location and details of signs shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.*
29. *Signs must not contain any flashing light.*
30. *All signs must be constructed and maintained to the satisfaction of the Responsible Authority.*
31. *Signs must not be illuminated by external lights without the written consent of the Responsible Authority.*

NOTES:-

1. *Building approval must be obtained prior to the commencement of the above approved works.*
2. *Unless no permit is required under the planning scheme other signs must not be constructed or displayed without a further permit.*
3. *One copy of the plans for the drainage works must be submitted to the Engineering Division.*

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.

CARRIED

5.7 1 & 3 Meadow Crescent Mount Waverley - Development And Use of A 2 Storey Medical Centre With A 34 Space Basement Car Parking Area & Associated Landscaping

Moved Cr Morrissey,

Seconded Cr Brown

*The Council having caused notice of planning application No. 35892 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 1 & 3 Meadow Crescent Mount Waverley, for the purpose of the development and use of a 2 storey medical centre with a 34 space basement car parking area and associated landscaping 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 and use 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 generally be in accordance with the plans submitted with the application, but modified to show:

- a) *The polycarbonate twin wall cladding to be angled to minimise sun glare to adjoining residential properties to the satisfaction of the Responsible Authority.*
 - b) *A 1.4 metre high fence staggered along the Meadow Crescent frontage to restrict vehicle and pedestrian access, with materials and colours to compliment the medical centre building and adjoining residential properties to the satisfaction of the Responsible Authority.*
 - c) *The design detail and acoustic report on the mechanical exhaust equipment for the basement car park and the location of exhaust outlets away from property boundaries and integration of the exhaust outlets into the building structure.*
 - d) *Details of all service equipment located outside the buildings or on the buildings and suitably screened and integrated as part of the architecture of the buildings.*
 - e) *Details of any security arrangements for basement car park.*
 - f) *A minimum height of 2.2 metres between the floor and any overhead obstruction within the basement car park.*
2. *The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.*

3. *Once the development/use has started it must be continued and completed to the satisfaction of the Responsible Authority.*
4. *No more than eight (8) practioners may practice from the medical centre at any one time.*
5. *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;*
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 and works are completed to enable the site to be inspected.*
7. *No form of public address system must be installed so as to be audible from outside the building/site.*
8. *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.*
9. *Before the use and/or development 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.
10. *The ramp grade to the basement car park must be constructed in accordance with Australian Standards.*
11. *Air-conditioner and other plant and equipment installed on or in the buildings*

must be so positioned and baffled so that any noise emitted complies with the appropriate Australian Standards and EPA requirements.

- 12. The driveway and parking area should be designed in accordance with the Australian Standard for Off-Street Parking, AS/NZS 2890.1-2004.*
- 13. In areas set aside for car parking, measures must be taken to the satisfaction of the Responsible Authority to prevent damage to fences or landscaped areas.*
- 14. Vehicles under the control of the operator of the use or the operator's staff must not be parked on the nearby roads.*
- 15. Vehicles involved with the construction works must enter and exit the site via Blackburn Road only.*
- 16. Construction traffic shall be prohibited in Meadow Crescent and alternative arrangements for parking of construction vehicles shall be organized, to the satisfaction of the Responsible Authority.*
- 17. Outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.*
- 18. Before the development hereby permitted starts three copies of a site layout plan 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 location of all existing and proposed species. When approved the plan will be endorsed and will then form part of the permit.*

Before the use allowed by this permit starts, 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.
- 20. All on-site stormwater is to be collected from hard surface areas and must not be allowed to flow uncontrolled into adjoining properties. Such a system may include either:*
 - a) A trench gate (175 mm minimum internal width) located within the property; and/or*
 - b) Shaping the driveway so that water is collected in a grated pit on the property; and/or*
 - c) Another Council approved equivalent.*
- 21. Direct the entire site's stormwater drainage to either:*
 - a) Connection into the existing private stormwater drains (of the hospital) if they have the capacity; or*
 - b) To the north-west corner of the property where it must be collected and free drained via a pipe to Melbourne Water's main drain to their standards. Melbourne Water approval is required.*

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

- 22. No floodlights must be installed without the written consent of the Responsible Authority.*
- 23. Engineering permits must be obtained for altered vehicle crossings and these works are to be inspected by Council (telephone 9518 3690).*
- 24. The redundant crossings are to be removed and reinstated with kerb and channel to the satisfaction of Council.*

NOTES:

- 1. Building approval must be obtained prior to the commencement of the above approved works.*
- 2. Unless no permit is required under the planning scheme, no sign must be constructed or displayed without a further permit.*
- 3. Three copies of the plans for the drainage works must be submitted to and approved by the Engineering Division prior to the commencement of works.*
- 4. An on-site detention system is recommended for storm events up to the 1% AEP event to be retained on-site for the basement carpark.*
- 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. "Use of easement" approval is not required.*

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.

CARRIED

5.8 1330-1336 Dandenong Road Hughesdale - Use & Development of The Land For Thirty (30) Two-Storey Dwellings (Townhouses)

Moved Cr Dimopoulos,

Seconded Cr Kottek

*Council having caused notice of planning application 35647 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 to the land known and described as 1330-1336 Dandenong Road Hughesdale for the purpose of the use and development of thirty (30) two-storey dwellings (Town houses) on the following grounds:*

- 1. The proposed development is not consistent with the Residential Development and Character Policy (Clause 22.01) of the Monash Planning Scheme.*
- 2. The proposed development is not consistent with the objectives and standards of the Monash Planning Scheme in respect to neighbourhood character, building height, overshadowing of open space, private open space and front fencing.*
- 3. The proposed development does not provide sufficient on-site car parking.*
- 4. The proposed development would have a detrimental impact on the amenity of the adjoining land and the surrounding area.*
- 5. The proposed development does not provide for satisfactory provision of either communal or private open space*
- 6. The proposed development will result in poor internal amenity for future residents.*
- 7. The proposed development does not provide sufficient arrangements for garbage collection.*
- 8. The proposal is an over development of the land.*

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

CARRIED

5.9 38-72 & 34-70 Jells Road Wheelers Hill - For The Purpose of A Farmer's Market

NOTE: Cr Baines disclosed a conflict in this item as her house backs onto Jells Park. Cr Baines remained in the Chamber for the discussion and vote but did not take part in the vote.

Moved Cr Morrissey,

Seconded Cr Manzie

*The Council having caused notice of planning application No. 35937 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 38-72 & 34-70 Jells Road Wheelers Hill, for the purpose of Farmer's Market, 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. The use as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.*
- 2. The amenity of the area must not be detrimentally affected by the use or development, through the:*
 - a) transport of materials, goods or commodities to or from the land;*
 - b) appearance of any building, works or materials;*
 - c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;*
 - d) presence of vermin;*
 - e) parking of vehicles.*
- 3. The market may only be operated once per calendar month.*
- 4. The use hereby permitted must only be carried out during the following hours:*
 - Saturday – 8am to 2pm (with gates to open no earlier than 7.00am for setup only by stall holders);**Unless otherwise approved in writing by the Responsible Authority.*
- 5. No more than 40 stalls can operate at the Farmer's Market on any market day unless otherwise approved in writing by the Responsible Authority.*
- 6. Signage to the satisfaction of the Responsible Authority must be provided within the site directing drivers to the area set aside for car parking and must be located and maintained to the satisfaction of the Responsible Authority.*

7. *Adequate provision shall be made for the storage, collection and disposal of garbage and other solid wastes associated with the Farmer's Market and these facilities are to be provided to the satisfaction of the Responsible Authority. A Refuse Management Plan must be provided and approved by the Responsible Authority.*
8. *The location of any power generators must be to the satisfaction of the Responsible Authority and must not be operated prior to 8:00am.*
9. *This permit will expire 12 months from the date of issue.*

NOTES:-

1. *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.*
2. *Proposed floor plans of the above food stalls must be submitted to and approved by Environment Health Services by four weeks prior to the Farmer's Market date.*
3. *All food stalls must submit an application for registration of a temporary food premises, and submit a copy of their Food Safety Program – Food Events.*
4. *A covering must be provided to protect food and food storage areas from possible contamination. Where contaminants such as dust is evident, the covering must have protective sides.*
5. *All enclosed areas within or adjacent to the premises must comply with the requirements of the Tobacco Act 1987 and any amendments or regulations made there under.*
6. *The external bin wash areas must be graded and drained to the sewer connection. Waste water from this area must not be discharged.*
7. *Adequate toilet with hand washing facilities must be provided for the use of all food handlers at the farmers market.*

Expiry of permit:

In accordance with section 68 of the Planning and Environment Act 1987, this permit will expire 12 months from the date of issue.

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

CARRIED

5.10 Town Planning Schedule

Moved Cr Brown,

Seconded Cr Kottek

That the report containing the Town Planning Schedules be noted.

CARRIED

5.11 Waverley Netball Centre Tender For Additions and Alterations

Moved Cr Lake,

Seconded Cr Banerji

That Council:

- 1. Accepts the revised lump sum price of \$768,625 (inclusive of GST), submitted by Building Makers Pty Ltd to undertake the alterations to the existing Waverley Netball Centre*
- 2. Notes the anticipated project expenditure of \$747,350 (exclusive of GST) for the construction, design and documentation*
- 3. Agrees to allocate a total of \$375,000 in Council funding for this project and notes the contribution of \$375,000 by the Waverley Night Netball Association*
- 4. Signs and seals the Contract*

Cr Lake noted that the centre was the most heavily used recreational facility in the municipality and it was necessary and appropriate for the Council to undertake capital works to improve access. He also noted that the Waverley Night Netball Association would contribute half the cost of the works.

Cr Brown said that he supported the project, emphasising that it was vital for people with disabilities to be given the opportunity to access recreational facilities.

CARRIED

5.12 DW Nicholl Reserve Car Park Construction Tender

Moved Cr McGill,

Seconded Cr Dimopoulos

1. *That Council accepts the tender of J & S Civil Constructions Pty Ltd to construct the carpark in DW Nichol Reserve, Oakleigh for the lump sum price of \$136,328.62 (GST inclusive).*
2. *That the anticipated project expenditure of \$192,000.00 (GST exclusive) for the construction, design and supervision of the carpark be noted.*
3. *That the contract agreement be signed and sealed.*

CARRIED

6 CHIEF EXECUTIVE OFFICER'S REPORTS

6.1 Council Web Site Quarterly Report

Moved Cr Baines,

Seconded Cr Manzie

That Council notes the Quarterly Website Report and in particular the following features:

1. *Visits to the site during the period have increased by 6% over the same period a year ago; and*
2. *The number of pages accessed during the period has increased by 11 % over the same period a year ago.*

CARRIED

6.2 Council Delegation – Acquisition or Disposal of Land

Moved Cr Manzie,

Seconded Cr Dimopoulos

That Council authorises the Instrument of Delegation in accordance with Attachment 'A' to this report.

CARRIED

7. COMMITTEE REPORTS

7.1 Appointment of Internal Audit Services

NOTE: Cr Brown disclosed a conflict of interest in this item as Pricewaterhouse Coopers is a financial contributor to his employer, PKF has provided financial advice and he has a personal relationship with an employee of Ernst & Young.

Cr Brown left the Chamber at 8.12 pm and returned at 8.13 pm, after discussion and voting on the item had been completed.

Moved Cr Baines,

Seconded Cr Banerji

The Audit Committee recommends to Council:

4. *That PricewaterhouseCoopers, be appointed to provide Internal Audit services for a three-year term commencing July 2008 for the lump sum price of \$505,550 (GST inclusive).*
5. *That the Chief Executive Officer be authorised to sign and seal the contract documents.*

CARRIED

7.2 Monash Gallery of Art 2007/2008 Annual Progress Report To Council From The Committee Of Management

Moved Cr Brown,

Seconded Cr Morrissey

That Council:

1. *Notes the Monash Gallery of Art Annual Report to Council for 2007/2008;*
2. *Considers this Report in association with the 2008/09 Operating Budget process;*
3. *Notes the MGA Exhibition plan for 2008/09;*
4. *Considers the MGA New Initiative proposals for Fundraising and Sponsorship, Managing Major Assets and Community Outreach as part of the 2008/2009 budget deliberations; and*
5. *Thanks the Committee of Management and staff for its work in the past twelve months.*

Cr Lake highlighted a 35 percent increase in attendances at the MGA; receipt of donations of \$500,00 worth of art in the last 12 months and the MGA being able to meet almost 50 percent of its operating costs.

CARRIED

7.3 Proposed Sale of Council Land – 3 Kennett Street, Ashwood

Moved Cr Dimopoulos,

Seconded Cr Manzie

The Committee appointed by Council to consider written and verbal submissions received under s. 223 of the Local Government Act 1989 ("the Act") in relation to the proposal to sell by way of auction or private treaty part of the Council-owned land located at 3 Kennett Street, Ashwood ("the land") and being part of the land comprised in Certificate of Title Volume 5929 Folio 635 (indicated in Attachments , 2 and 3 of this report) which statutory process Council resolved to initiate at its Council meeting on 29 January 2008 recommends to Council that it resolve as follows:

1. Council having considered the written and verbal submissions received under s. 223 of the Local Government Act 1989 ("the Act") in relation to the proposal to sell by way of auction or private treaty part of the Council-owned land located at 3 Kennett Street, Ashwood ("the land") being part of the land comprised in Certificate of Title Volume 5929 Folio 635 (indicated in Attachments 1, 2 and 3 of this report) which statutory process Council resolved to initiate at its Council meeting on 29 January 2008 resolves:-

2. That the Chief Executive Officer or his delegate be authorised on behalf of Council to:-

- a) Lodge an application under s. 35(8) of the Subdivision Act 1988 with Council's Planning Department for the subdivision of the land a shown on Attachment 3 ("the Plan");*
- b) Upon certification of the Plan, lodge an Application to Register the Plan of Subdivision with the Registrar of Titles for registration with the title to the land to issue in the name of Council;*
- c) Sell the land comprised within the Plan by way of public auction or private treaty at Council's appointed Valuer's valuation with the balance of the land to be retained as road;*
- d) Sign and seal all documentation relevant to the registration of the Plan and sale of the land.*

CARRIED

7.4 Proposed Sale of Council Land – 25 Sunhill Road, Mount Waverley

Moved Cr Morrissey,

Seconded Cr Brown

The Committee appointed by Council to consider written and verbal submissions received under s. 223 of the Local Government Act 1989 ("the Act") in relation to the proposal to sell by way of auction or private treaty the Council-owned land located at 25 Sunhill Road, Mount Waverley ("the land") and being the land comprised in Certificate of Title Volume 8530 Folio 991 (indicated in Attachments 1 and 2 of this report) which statutory process Council resolved to initiate at its Council meeting on 29 January 2008 recommends to Council that it resolve as follows:

- 1. Council having considered the written and verbal submissions received under s. 223 of the Act in relation to the proposal to sell by way of auction or private treaty the Council-owned land located at 25 Sunhill Road, Mount Waverley ("the land") and being the land comprised in Certificate of Title Volume 8530 Folio 991 (indicated in Attachments 1 and 2 of this report) which statutory process Council resolved to initiate at its Council meeting on 29 January 2008 resolves:-*
- 2. That the Chief Executive Officer or his delegate be authorised on behalf of Council to:-*
 - a) prepare a Plan of Subdivision pursuant to s. 24A of the Subdivision Act, 1988 ("the Plan") to remove the reservation from the land and upon certification of the Plan, lodge this with the Land Registry for registration with the title to the land to issue in the name of Council;*
 - b) commence the procedures to rezone the land from Public use (Local Government) to Residential;*
 - c) sell the land comprised within the Plan by way of public auction or private treaty at Council's appointed Valuer's valuation;*
 - d) sign and seal all documentation relevant to the registration of the Plan and sale of the land.*

CARRIED

7.5 Proposed Sale of Council Land – 28 Barlyn Road, Mount Waverley

Moved Cr Dimopoulos

Seconded Cr Klisaris

The Committee appointed by Council to consider written and verbal submissions received under s. 223 of the Local Government Act 1989 ("the Act") in relation to the proposal to sell by way of auction or private treaty Council-owned land located at 28 Barlyn Road, Mount Waverley ("the land") and being the land comprised in Certificate of Title Volume 9053 Folio 108 (indicated in Attachments 1, 2 and 3 of this report) which statutory process Council resolved to initiate at its Council meeting on 29 January 2008 recommends to Council that it resolve as follows:

1. Council having considered the written and verbal submissions received under s. 223 of the Act in relation to the proposal to sell by way of auction or private treaty the Council-owned land located at 28 Barlyn Road, Mount Waverley ("the land") being the land comprised in Certificate of Title Volume 9053 Folio 108 (indicated in Attachments 1, 2 and 3 of this report) which statutory process Council resolved to initiate at its Council meeting on 29 January 2008 resolves:-

2. That the Chief Executive Officer or his delegate be authorised on behalf of Council to:-

- a) prepare a Plan of Subdivision pursuant to s. 24A of the Subdivision Act, 1988 ("the Plan") to remove the reservation from the land and upon certification of the Plan, lodge this with the Land Registry for registration with the title to the land to issue in the name of Council;
- b) sell the land by way of public auction or private treaty at Council's appointed Valuer's valuation;
- c) sign and seal all documentation relevant to the registration of the Plan and sale of the land.

CARRIED

8. NOTICES OF MOTION

Nil.

URGENT BUSINESS

Nil.

COUNCILLORS' REPORTS

Nil.

PERSONAL EXPLANATIONS

Nil.

MATTERS OF COUNCIL IMPORTANCE

Cr Dimopoulos congratulated the Mayor for proposing the conduct of Council meetings in locations throughout the municipality.

Crs Dimopoulos, Brown and Lake noted the appointment of the Director Customer Services, Andi Diamond to the position of Chief Executive Officer of the City of

Yarra. Each of the three Councillors congratulated Ms Diamond on her appointment and commended her contribution to the City of Monash.

CONFIDENTIAL BUSINESS

Moved Cr Manzie

Seconded Cr Brown

That as the Confidential Business item concerns a contractual matter, the meeting be closed to the public for consideration of this item, in accordance with Section 89 (2) of the Local Government Act 1989.

CARRIED

Accordingly, at 8.37 pm, the Council moved into Confidential Business.

RETURN TO OPEN COUNCIL

The Council moved back into Open Council at 8.45 pm.

The Mayor declared the meeting closed at 8.46 pm

MAYOR:

DATED THIS DAY OF 2008