



CITY OF
MONASH

**MINUTES OF THE ORDINARY MEETING OF
COUNCIL**

HELD ON 25 AUGUST 2009

at 7.30 pm

**Monash Seminar & Training Centre
Atherton Road Oakleigh**

**MINUTES OF THE ORDINARY MEETING OF THE MONASH CITY COUNCIL
HELD AT THE MONASH SEMINAR & TRAINING CENTRE, ATHERTON ROAD,
OAKLEIGH ON TUESDAY 25 AUGUST 2009 AT 7.30 PM.**

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

APOLOGIES:

Cr Lake

DISCLOSURES OF INTEREST

Crs Banerji and Perri – Item 8.1.

Cr Klisaris – Item 8.3.

**CONFIRMATION OF MINUTES OF THE ORDINARY COUNCIL
MEETING HELD ON 4 AUGUST 2009**

Moved Cr Drieberg,

Seconded Cr Baines

That the minutes of the Ordinary Meeting of the Council held on 4 August 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 **Matthew Flinders Taverner Application To Victorian Commission For Gambling Regulation Verdict**

Moved Cr Dimopoulos,

Seconded Cr Banerji

That Council

1. *Notes the decision by the Victorian Commission for Gambling Regulation (VCGR) to relocate Sixteen (16) Electronic Gaming Machines (EGMs) to the Matthew Flinders Taverner, which is within a Regional Capped and Neighbourhood Renewal Area. Council is disappointed by this decision, both because:
 - *The community in this area is vulnerable to the social and economic impact of an increased number of EGMs*
 - *The State Government's regional caps in this area were developed to reduce the negative impact of EGMs on vulnerable communities and the VCGR decision overrides the importance of reducing the density of machines in this disadvantaged area.**
2. *Notes that conditions have been placed on this decision as outlined in this report. In particular "a net reduction of 20 EGMs in the City of Monash, including 5 from within the capped part of Monash... a policy objective which is favoured by the Council".*
3. *Notes the applicant is required to provide \$25,000 per annum towards the provision of gambling counselling services in the Monash municipality and recommends that this is paid to a community organisation with expertise to employ and supervise these services.*
4. *Does not appeal the decision of the VCGR but continues to work proactively with the community in promoting harm minimisation in relation to gaming.*

Cr Banerji expressed her disappointment at the decision of the VCGR, noting that the electronic gaming machines at the Matthew Flinders Taverner generate a high level of revenue and are located in an area that has been identified as being of social disadvantage.

Cr Baines commended Cr Banerji's advocacy on this issue and the work of the Councils' Electronic Gaming Taskforce.

The Mayor noted that the Council had carefully considered whether it should appeal the VCGR's decision at the Victorian Civil and Administrative Tribunal. However, the

advice received was that the Council had no further evidence to submit in support of its case and there was a likelihood of a worse outcome if the matter went to the Tribunal.

The Mayor noted his concerns at the level of funding that the gambling industry was putting into community support programs.

CARRIED

1.2 'MetroAccess' Program – Twelve Month Progress Report

Moved Cr Drieberg,

Seconded Cr Lo

That Council notes the twelve month progress report for the MetroAccess Program.

Crs Drieberg and Perri commended the work undertaken via the 'MetroAccess' Program.

Cr Drieberg noted the work of the Council officer responsible for the Program and also noted the work of the Council's Disability Consultative Committee.

Cr Perri highlighted the focus on inclusive technology, which is available through the Council's libraries and is contributing to increasing access library services.

CARRIED

2. HUMAN RESOURCES & ADMINISTRATION

Nil.

3. CORPORATE PLANNING & FINANCE

3.1 Tender For Provision of Managed Food Services

Moved Cr Klisaris,

Seconded Cr Baines

That Council:

- 1. Accepts the tender from Oscar Hospitality Pty Ltd for Contract No. 2008091, for the Provision of Managed Food Services for a period of 3 (three) years in accordance with the schedule of prices submitted in the tender. Estimated annual payments of \$746,000 GST exclusive are expected to be made to suppliers under this arrangement.*
- 2. Authorises the Chief Executive Officer to execute the contract agreement; and*
- 3. Authorises the Chief Executive Officer at his discretion to approve the 2 (two) extension options for 2 (two) years each in accordance with the contract agreement subject to satisfactory performance.*

CARRIED

4. INFRASTRUCTURE SERVICES

Nil

5. CITY DEVELOPMENT

5.1 Guide To Student Accommodation In Monash

Moved Cr Lo,

Seconded Cr Perri

- 1. That Council adopts the revised 'Guide to Student Accommodation in Monash, August 2009'.*
- 2. That the Draft Student Accommodation Policy be referred to the Minister for Planning requesting authorisation to prepare and exhibit an amendment to the Scheme.*
- 3. That a further report be made to Council following receipt of the Minister's response.*

A number of Councillors made statements on this item. These are summarised below –

Cr Lo:

- Supports the Guide, which has been prepared following extensive consultation with stakeholders.
- Students are disadvantaged in relation to finding suitable accommodation and need more information on their rights.

Cr Perri:

- Students are a vital and valued group within the Monash community and should be supported.
- The Council will continue to protect the local neighbourhood character of its suburbs through the development of appropriate policies and strategies.

Cr McGill:

- Supports the motion and congratulated all involved in the development of the Guide.
- Council has, for a long time, worked to ensure that local neighbourhood character is protected.

Cr Dimopoulos:

- A broad focus is needed to address the issues relating to the needs of students, particularly international students, across a range of areas such as civic participation, welfare, etc.

Cr Lo (Right of Reply):

Cr Lo endorsed the comments made by Cr Dimopoulos and noted that the Council's Multicultural Advisory Committee had set up a working group to address these issues.

CARRIED

5.2 Extension of Time for Planning Permits

Moved Cr ,Klisaris

Seconded Cr Baines

That the report be noted.

CARRIED

5.3 315, 317 & 319 Huntingdale Road, Chadstone – 4 Storey Building, 43 Dwellings

Moved Cr Banerji,

Seconded Cr Lo

That Council confirms the refusal of planning application No 36413 for the planning permit under the provisions of the Monash Planning Scheme in respect of the land known and described as 315, 317 and 319 Huntingdale Road, Chadstone, for the development of a building up to four stories in height comprising 43 dwellings with semi-basement and basement car park, alteration to the access to a Road Zone-Category 1 and reduction in the car parking requirements of Clause 52.06 of the Monash Planning Scheme and due to the amended design advises VCAT that it would have refused the application on the following grounds:

- 1. The proposed development is out of character with existing development in the area, in particular having regard to excessive mass and bulk and scale.*
- 2. The proposed development does not pay due regard to the Garden City Policies within the Monash Planning Scheme and will result in the loss of a mature street tree.*
- 3. The proposed development will have an adverse impact on the amenity of nearby properties, in particular with regard to inappropriate visual impact.*
- 4. The proposed development is considered to be an overdevelopment of the site.*

CARRIED

5.4 59 Kinnoull Grove, Glen Waverley – Amended Permit

Moved Cr Male,

Seconded Cr Klisaris

*The Council having caused notice of planning application No. 32465A 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 an amended planning permit and issue a **Notice of Decision** to grant an amended permit under the provisions of the Monash Planning Scheme in respect of the land known and described as 59 Kinnoull Grove, Glen Waverley to allow for the subdivision of land creating a new road, nineteen (19) lots and a public open space reserve subject to the following changes to the existing permit:*

- A) *Citation amended to read as follows:
Subdivision of land creating a new road, nineteen (19) lots and a public open space reserve.*
- B) *Reword condition 1a) to read:
Retention of the existing trees located along the northern boundary of the site apart from the trees required for the driveway of Lot 17.*
- C) *Insert new condition 1b):
Building envelopes for lots located along the northern boundary of the site to ensure protection of trees, based on an arborist report and having regard to setbacks of buildings (including footings).*
- D) *Insert new condition 1c):
Building envelopes for lots 1 to 8 (inclusive), lots 9 to 17 (inclusive) and lot 1001 to provide for a 6 metre building setback from the front boundary and 6.5 metres from front boundary and 4 metres from south eastern boundary for lot 1002.*
- E) *Deletion of conditions 1b), 1c), 1d), 1e), 1f), 1g), 1h).*
- F) *Condition 2b) amended to read:
All bearings, distances, levels, lot numbers, lot sizes, building envelopes, reserves and easements.*
- G) *Condition 4 amended as follows:*
- *Dot point one amended to read: Reserve No 1, lots 1001 and 1002 and lots 1 to 17(inclusive) listed as beneficiaries of the restriction;*
 - *Dot point 4 amended to read: lots 1 to 17 (inclusive) and lot 1001:*
 - *Delete dot points 2 and 7;*
 - *Dot point 6 amended to read: Prohibition of more than one dwelling per allotment for all lots except for lot 1002.*
 - *New dot point inserted to read: Lot 1002 to have a building setback from the front boundary a minimum of 6.5 metres and a minimum building setback of 4 metres from the southern and eastern boundary.*

- H) *Deletion of conditions 6c) and rewording of 6e), 6f), 6g) and 6i) as follows:*
- 6e) maintenance of safe movements of vehicles to and from the site during construction of the subdivision;*
 - 6f) on-site parking of vehicles associated with the subdivision of the site;*
 - 6g) wash down areas for trucks and vehicles associated with the subdivision;*
 - 6i) a requirement that subdivision works must only be carried out during the hours specified by condition 15 of this permit.*
- I) *Retain dot point 3 of condition 7 and amalgamate dot point one and two and amend to read: Retention of the existing trees on lots 1 to 8 (inclusive), Lot 17, lot 1001 and lot 1002 unless otherwise agreed to by the Responsible Authority following submission of an arborist's report.*
- J) *Deletion of dot points 4, 7, 8 and 9 of condition 9.*
- K) *Deletion of conditions 10, 11, 12, 14.*
- L) *Insert a new point c) into condition 27 to read "fully landscape the reserve including construction of footpaths and planting of street trees within the nature strips" and re-letter existing c) and d) accordingly.*
- M) *Replace the words "commencement of development" in condition 34 with "issue of a Statement of Compliance for the subdivision hereby permitted"*
- N) *New condition 51 inserted to read: The arborist report referred to in condition 1b) must be submitted to Council prior to endorsement of condition 1 plans.*

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

The Mayor noted that a late objection to the application had been received. Details of the objection had been provided to Councillors.

CARRIED

5.5 Town Planning Schedules

Moved Cr Perri,

Seconded Cr Baines

That the report containing the Town Planning Schedules be noted.

CARRIED

5.6 Traffic and Parking Services – Contract Extension

Moved Cr Baines,

Seconded Cr Male

That Council exercises the option to extend, for a two-year period, its Contract with Tenix Solutions Pty Ltd for the provision of Traffic and Parking Services, effective from the 1 April 2010, as originally tendered.

The Mayor noted that the Council, as the Responsible Authority, has the obligation and responsibility that traffic is managed in a safe manner and that equal access to public car parking is provided to the community.

CARRIED

6 CHIEF EXECUTIVE OFFICER'S REPORTS

6.1 Tender For the Provision of Translation Services

Moved Cr Dimopoulos,

Seconded Cr Perri

That Council:

- 1. Accepts the tender from VITS Language Link, Oncall Interpreters and Translators Agency P/L and Language Partners Pty Ltd (t/a E Translate) for the Provision of Translation Services for Contract No. 2009091, for a period of 12 months in accordance with the schedule of rates submitted in the tender. (Estimated Year 1 expenditure of \$52,350 including GST);*
- 2. Authorises the Chief Executive Officer to execute the contract agreement; and*
- 3. Authorises the Chief Executive Officer at his discretion to approve the 2 extension options each for 1 year in the contract agreement subject to satisfactory performance.*

In response to a question from Cr Dimopoulos, the Chief Executive Officer advised that the contract would provide for ad hoc requirements for translation services.

CARRIED

7. COMMITTEE REPORTS

7.1 Monash Gallery of Art – 2009/2010 Committee of Management Business Plan

Moved Cr ,

Seconded Cr

That Council endorses the Monash Gallery of Art Business Plan for 2009/10 presented by the MGA Committee of Management.

Crs Banerji and Dimopoulos commended the Monash Gallery of Art Committee of Management for its work and commended the Business Plan.

CARRIED

7.2 2008/2009 Financial, Standard & Performance Statements

Moved Cr Klisaris,

Seconded Cr Baines

That Council

- 1. Approves 'in Principle' the Financial, Standard and Performance Statements for 2008/2009 and authorises those Statements to be submitted to the Auditor General.*
- 2. Authorises Councillors Klisaris and Baines to certify the Financial, Standard and Performance Statements in their final form, should any changes result from the audit process.*

The Mayor commended the Audit Committee for its work and advice and noted that the Council, as an organisation, worked hard to continuously improve its processes to ensure good financial and governance practices.

CARRIED

8. NOTICES OF MOTION

8.1 Local Government (Conflict of Duties) Bill - Cr Klisaris

NOTE: Crs Banerji and Perri each disclosed a direct conflict of interest in this item as their employment may be directly affected by the proposed legislation. Crs Banerji and Perri both left the Chamber at 8.09 pm, prior to Council's consideration this item and returned at 8.12 pm, after the conclusion of the vote.

Moved Cr Klisaris,

Seconded Cr Dimopoulos

That Council contributes \$3,000 to the fund being set up by the Municipal Association of Victoria in relation to the Local Government Amendment (Conflicting Duties) Bill.

Cr Dimopoulos noted the Municipal Association of Victoria's role in coordinating the Local Government sector's response to the Bill.

The Mayor commented that the Bill appeared to be a reaction to the behaviour of a small number of people in the sector.

CARRIED

8.2 2009 National Local Roads & Transport Congress - Cr Klisaris

Moved Cr Klisaris,

Seconded Cr Baines

That Council approves the attendance of Cr Male at the Australian Local Government Association's, 2009 National Local Roads & Transport Congress, from 8 – 10 November 2009.

Cr Male outlined the agenda for the Congress and noted the importance of Monash being able to put forward its position on roads and transport issues at a national forum.

CARRIED

8.3 Preschool 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 8.15 pm, prior to Council's consideration this item and returned at 8.28 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 consult with the Monash Preschool Association regarding possible changes to the Preschool Facility Agreement that will require preschools to give priority to Monash residents in the allocation of preschool places and consider a report on this consultation in October 2009.

Cr Perri noted that the motion sought a review of the existing enrolment policies to provide for priority to be given to Monash residents.

Cr Perri also noted that the current policy, which provides for over 50 percent of enrolments to be from Monash residents would not meet the needs of the community as Monash was experiencing an increase in the number of children aged between 3 and 5.

Cr Banerji commended Cr Perri for bringing the issue to the Council's attention.

Cr McGill supported the motion and noted that preschools such as Hughesdale Kindergarten, which are close to the border with neighbouring municipalities were most affected by the current policy, particularly where the policies of the neighbouring Council differed with Monash's.

Cr Dimopoulos emphasised that the Council did not operate the kindergartens, but owned the facilities and is responsible for the administration of the enrolments. The State Government has responsibility for pre-schools.

Cr Perri, in her Right of Reply, stated that the Council has an important role to play in the provision of services for children and this is one way in which the Council and the State Government can work together.

CARRIED

8.4 Monash Friends of Vemassee – Cr Banerji

Moved Cr Banerji,

Seconded Cr Lo

That Councillor Joy Banerji and Nick Andrianis, Council's Coordinator Civic and Governance, be appointed as the Council representatives on the Monash Friends of Vemassee Committee of Management.

Cr Banerji noted that the appointment of Council representatives on the Monash Friends of Vemassee's Committee of Management was appropriate given the relationship that has recently been established between this community group and the Council.

CARRIED

9. URGENT BUSINESS

Nil.

10. COUNCILLORS' REPORTS

10.1 Cr Perri advised the Council of the public meeting held mid-last week for the Clayton Community Strengthening project. Cr Perri noted the broad representation from the local community, at the meeting.

10.2 Cr Lo advised the Council of a visit to Melbourne of a delegation from Baoshan District in Shanghai will be hosted by Monash on 16 September. The delegation will be led by the district's Mayor accompanied with 6 officers and the Australia China Exchange Group. The purpose of this visit is to learn and visit Monash's facilities and exchange knowledge on Victorian Local Council's role on community services, planning and business development.

11. PERSONAL EXPLANATIONS

Nil

12. MATTERS OF COUNCIL IMPORTANCE

Nil

13. CONFIDENTIAL BUSINESS

Moved Cr Baines,

Seconded Cr Male

That as the Confidential Business items concern a personnel 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 8.34 pm, the Council moved into Confidential Business.

RETURN TO OPEN COUNCIL

The Council moved back into Open Council at 9.05 pm.

The Mayor declared the meeting closed at 9.06 pm

MAYOR:

DATED THIS DAY OF 2009