



CITY OF
MONASH

**MINUTES OF THE SPECIAL MEETING OF
COUNCIL
HELD ON 16 MAY 2017**

at 7.30 pm

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

**MINUTES OF THE SPECIAL MEETING OF THE MONASH CITY COUNCIL
HELD IN THE COUNCIL CHAMBERS, SPRINGVALE ROAD GLEN WAVERLEY
ON 16 MAY 2017 AT 7.30 PM.**

PRESENT: Councillors R Paterson (Mayor), S James (Deputy Mayor), R Davies, J Fergeus, P Klisaris, G Lake, B Little, S McCluskey, L Saloumi, MT Pang Tsoi, T Zographos

APOLOGIES:

Nil.

DISCLOSURES OF INTEREST

Nil.

ITEM OF BUSINESS

Consideration of a planning application for 807-811 Warrigal Road And 1513-1517 Dandenong Road, Oakleigh - Use of Land For Accommodation (Dwellings and Residential Hotel/Service Apartments), Construction of Three Buildings Ranging in Height from 4 to 11 Storeys and Reduction In the Applicable Car Parking Requirement

Moved Cr James ,

Seconded Cr McCluskey

1. *Before the development starts, three copies of amended plans drawn to scale and dimensioned, must be submitted to and approved by the Responsible Authority. The submitted plans must clearly delineate and highlight any changes. When approved the plans will be endorsed and will then form part of the permit.*

The plans must be generally in accordance with the plans circulated 21/04/17 (Rothe Lowman, Project No. 216027, Rev A 20.04.17), but modified to show:

- a) *Building C – reduction in the overall height to 8 storeys.*
- b) *Building C – adjustment of upper-level form with a uniform setback including a 6m setback from the Dandenong Road frontage behind a 7 storey parapet.*
- c) *Building C – provide a setback from the western boundary to facilitate a public through block connection between Dalgety Street and Dandenong Road. The through block connection should have a minimum width of 6m to allow pedestrian only access.*
- d) *Building B – reorganise the communal courtyard to allow for improved communal amenity and solar access. This rearrangement may result in reorientating the courtyard to the north.*

-
- e) *Buildings A and B – improved foyer and entry address, accessible off the central communal amenity space to improve a sense of address (and the navigation to building entries and distances along corridors).*
 - f) *Building A – relocated (or removed) car park entry on Dalgety Street so that it does not interrupt the row of townhouses (TH01 to 06).*
 - g) *Building A – increased setback to 7 storey element to match alignment of DDO Precinct B boundaries.*
 - h) *Parking allocated to the residential dwelling component of the development physically secured and separated from the retail and residential hotel components of the development. Residential visitor car parking may be provided within common property/collective use.*
 - i) *Direct vehicle access to parking areas associated with retail and residential hotel components of the development restricted to access via Dandenong Road.*
 - j) *Provide a corner splay or area at least 50% clear of visual obstructions (or with a height of less than 1.2 metres), which may include adjacent landscaping areas with a height of less than 0.9 metres, extending at least 2.0 metres long x 2.5 metres deep (within the property) to provide a clear view of pedestrians on the footpath of the frontage road.*
 - a) *Any required modification to plans as recommended in the required Wind Modelling Assessment.*
 - k) *A detailed schedule of all materials and finishes.*

All to the satisfaction of the Responsible Authority.

2. *The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.*
3. *Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.*
4. *Prior to endorsement of plans pursuant to condition 1 of the permit, a Wind Modelling Assessment must be undertaken by a suitably qualified person to assess the wind impact of the development at street level. Any recommendations or required modifications to the development must be implemented to the satisfaction of Responsible Authority.*
5. *Prior to the commencement of any works, use and development and for the usage of the land to be changed for a sensitive use (Residential) permitted by this permit for the land, you are required to provide to Council either:*
 - i. *A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970; or*
 - ii. *An environmental auditor appointed under the Environment Protection Act 1970 must make a Statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.*

Three copies of the Certificate of Environmental Audit or the Statement of Environmental Audit and the audit area plan must be submitted to the Responsible Authority.

- 6. The development and/or use allowed by this permit must strictly comply with the directions and conditions of the Environment Protection Act 1970 and also with the conditions on the Certificate or Statement of Environmental Audit.*
- 7. A Section 173 Agreement under the Planning and Environment Act 1987 may need to be entered into with the Responsible Authority depending on the conditions of the Statement of Environmental Audit issued for the land. Any amendment must be approved by the Responsible Authority prior to the commencement of any works, use and development and may require further assessment of the land.*
- 8. Prior to the use of the land permitted by this permit, issue of a Certificate of Occupancy under the Building Act 1993 and certification/issue of a statement of compliance under the Subdivision Act 1988 a letter must be submitted to Council prepared by an Environmental Auditor appointed by the Environment Protection Authority under the Environment Protection Act 1970 to verify that the conditions of the Statement of Environmental Audit issued for the land have been satisfied.*

A copy of the certificate or statement of Environmental Audit issued for the land must be provided to each owner, under a covering letter which draws attention to any conditions or directions on the Certificate or Statement of Environmental Audit.

The land owner and all its successors in title or transferees must upon release for private sale of each of the lots created (if any) by the subdivision include in the Vendor's Statement pursuant to Section 32 of the Sale of Land Act 1962 annexed to the Contract of Sale for the sale of the land, a copy of the planning permit and relevant plans, Certificate or Statement of Environmental Audit for the land and any management plans or other documentation required to be prepared and adhered to in respect of the land.

- 9. Prior to the commencement of the permitted development, the owner of the land to which this permit relates must enter into an agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987. In addition to the usual mechanical provisions, the agreement must provide for the following matters:*
 - a) Serviced apartment premises within the development are restricted to short-stay serviced apartments defined as "Residential Hotel" by the Monash Planning Scheme.*
 - b) Permanent occupation of apartment premises as a primary residence is prohibited.*
 - c) Serviced apartment premises are to managed and remain under the control of a single operator responsible for the operation and maintenance of the entire premises.*

-
- d) *Car parking allocated to serviced apartments on Title, managed and allocated by the serviced apartment operator to the satisfaction of the Responsible Authority.*
 - e) *The costs of the Responsible Authority in relation to the preparation, review and registration of the agreement are to be borne by the owner.*

A memorandum of the Agreement is to be entered into on Title. The cost of the preparation and execution of the Agreement and entry of the memorandum on Title is to be paid by the owner.

10. *Prior to the commencement of the use for serviced apartments an Operational Management Plan concerning the serviced apartments prepared to the satisfaction of the Responsible Authority must be submitted and approved by the Responsible Authority. The plan should detail but not be limited to:*
- a) *The presence of a manager on site;*
 - b) *Services provided;*
 - c) *Operating hours;*
 - d) *Management of the car park associated with the serviced apartments.*

When approved, the Operational Management Plan will be endorsed to form part of this permit and must be implemented to the satisfaction of the Responsible Authority.

11. *Function and conference facilities within the development must not exceed 30 patrons/seats at any single time and be operated ancillary to the primary use as serviced apartments, unless otherwise consented to in writing by the Responsible Authority.*
12. *Function and conference facilities must only operate between 7:30am and 7:30pm Monday to Friday unless otherwise agreed to in writing by the Responsible Authority.*
13. *Prior to the commencement of works on the site, the owner shall prepare a Waste Management Plan for the collection and disposal of garbage and recyclables for all uses on the site by private contractor. The Waste Management Plan shall provide for:*
- a) *The method of collection of garbage and recyclables for uses;*
 - b) *Designation of methods of collection by private services;*
 - c) *Waste collection via the laneway adjacent to the northern boundary;*
 - d) *Appropriate areas of bin storage on site and areas for bin storage on collection days;*
 - e) *Measures to minimise the impact upon local amenity and on the operation, management and maintenance of car parking areas;*
 - f) *Litter management.*

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

-
14. *No goods must be stored or left exposed outside the building so as to be visible from any public road or thoroughfare.*
 15. *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.*
 16. *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;*
 17. *The loading and unloading of goods from vehicles must only be carried out on the land.*
 18. *The occupants and management of the premises must ensure that any noise emanating from the premises, during and post construction, must not exceed the standards of the State Environment Protection Policies No. N1 and N2 and must on request provide evidence to Council of Compliance with the policies.*
 19. *Air-conditioning and other plant and equipment installed on or within the buildings must be so positioned and baffled that any noise emitted complies with the appropriate Australian Standards and EPA requirements.*

At the immediate request of the Responsible Authority noise testing must be taken to demonstrate compliance with EPA noise requirements. Noise testing is to be undertaken at no cost to 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:-*
 - *Planting to soften the appearance of the development.*
 - *Schedule of all proposed trees, shrubs, creepers 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.*

-
- *Provision of appropriate species suited to low water use and low ongoing maintenance.*
 - *Detail of growing medium, irrigation and drainage of planter boxes and planting within confined spaces.*
 - *The extent of any cut, fill, embankments or retaining walls associated with the landscape treatment of the site.*

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

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

24. *The layout of the development shall generally follow the Design Standards for car parking set out in Clause 52.06-8 of the Monash Planning Scheme.*
25. *Car parking within the development must be allocated as follows:*
 - *Provision of no less than 1 car space to each one or two bedroom dwelling.*
 - *Provision of no less than 2 car spaces to each three or more bedroom dwelling.*
 - *Provision of no less than 102 car spaces associated with the supermarket, cafe and retail tenancies.*
 - *Provision of no less than 1 car space per 5 dwellings for residential visitor car parking.*
 - *Provision of no less than 0.69 car spaces per serviced apartment/hotel room.*

Any future subdivision of the development must provide for car parking in accordance with the above-mentioned requirement on Title to the satisfaction of the Responsible Authority. Car parking associated with serviced apartments are to remain entirely within common property associated with the serviced apartments and managed by the operator of the serviced apartments to the satisfaction of the Responsible Authority. Residential visitor car spaces are to remain in common property associated with and accessible to the residential dwelling component of the development.

26. *Prior to occupation of premises approved by this permit a Car Parking Management Plan must be submitted to and approved by the Responsible Authority.*

The Car Parking Management Plan must provide for adequate allocation of car parking to service all uses to be undertaken on the land including designated allocation of car spaces for residential visitor, staff of retail and hotel use of the car park. The Car Parking Management Plan must detail any barrier mechanisms and/or paid parking arrangements within public parking areas introduced and implemented in consultation with and to the satisfaction of the Responsible Authority.

Once approved the Car Parking Management Plan will be endorsed to form part of this permit. Car parking is to be provided in accordance with the endorsed Car Parking Management Plan and implemented to the satisfaction of the Responsible Authority.

27. *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 stormwater connection for the site is to the north of the property where the entire site's stormwater drainage must be collected and free drained via a pipe to the Council pit in the nature strip via a pipe to be constructed to Council Standards. A new pit is to be constructed if a pit does not exist or is not a standard Council pit. If the point of discharge cannot be located then notify Council's Engineering Division immediately.

28. *All on-site stormwater is to be collected from hard surface areas and must not be allowed to flow uncontrolled into adjoining properties. The on-site drainage system must prevent discharge from driveways onto the footpath. Such a system may include either:-*

- a) trench grates (150mm minimum 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.*

29. *Prior to the development commencing detailed engineering plans for civil works within Dalgety Street are required to be submitted to Monash City Council Engineering Department for approval. These plans must include the following:*

- New and modified vehicle crossovers.*
- The provision of indented car parking and any modification to the footpath and nature strip.*
- Any civil works and infrastructure within Council land along the site perimeter.*

These works are to be designed, constructed and inspected to the satisfaction of the Monash City Council Engineering Department. The full cost of the design and construction is to be met by the permit holder.

- 30. The existing redundant crossings are to be removed and replaced with kerb and channel. The footpath and naturestrip are to be reinstated to the satisfaction of Council.*
- 31. All new crossings are to be no closer than 1.0 metre measured at the kerb to the edge of any power pole, drainage or service pit, or other services. Approval from affected service authorities is required as part of the vehicle crossing application process.*
- 32. A corner splay or area at least 50% clear of visual obstructions (or with a height of less than 1.2 metres), which may include adjacent landscaping areas with a height of less than 0.9 metres, extending at least 2.0 metres long x 2.5 metres deep (within the property) from the edge of the exit lane of each vehicle crossing to provide a clear view of pedestrians on the footpath of the frontage road.*
- 33. The layout of the development shall follow the Design Standards for car parking set out in Clause 52.06-8 of the Monash Planning Scheme as detailed below:*
 - Driveway to provide at least 2.1m headroom beneath overhead obstructions.*
 - Driveway gradient to be no steeper than 1 in 10 (10%) within 5 metres of the frontage to ensure safety for pedestrians and vehicles.*
 - Ramp grades (except within 5 metres of the frontage) to be designed as follows:*
 - i. Maximum grade of 1 in 4.*
 - ii. Provision of minimum 2.0 metre grade transitions between different section of ramp or floor for changes in grade in excess of 12.5% (summit grade change) or 15% (sag grade change).*
 - Minimum requirements for car park dimensions to be in accordance with Table 2.*
 - Clearance to car parking spaces to be in accordance with Diagram 1 in relation to the placement of a wall, fence, column, tree, tree guard or any other structure that abuts a car space.*
- 34. Bicycle parking facilities shall generally follow the design and signage requirements set out in Clause 52.34 of the Monash Planning Scheme.*
- 35. 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) the location of site services and constructions sheds;*

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

VicRoads condition (ref: 18786/16)

- 36. *The proposed crossovers to Warrigal Road and Princess Highway are to be constructed to the satisfaction of the Responsible Authority and at no cost to the Roads Corporation prior to the occupation of the development hereby approved.*
- 37. *The proposed crossovers to Warrigal Road and Princess Highway should be flared at 60 degrees with 3.0m radial turnouts at the kerb and with 1.0 clearance from any fixed object at the entrance of the property.*
- 38. *Landscaping and structures within the pedestrian visibility splays must be maintained at a height no greater than 900mm.*

Public Transport Victoria condition (File: F0L/16/34102)

- 39. *The permit holder must take all reasonable steps to ensure that disruption to bus operations along Warrigal Road is kept to a minimum during the construction of the development. Foreseen disruptions to bus operations and mitigation measures must be communicated to Public Transport Victoria fourteen days (14) prior.*
- 40. *This permit will expire in accordance with section 68 of the Planning and Environment Act 1987, if one of the following circumstances applies:*
 - *The development is not started before 2 years from the date of issue.*
 - *The development is not completed before 4 years from the date of issue.**In accordance with section 69 of the Planning and Environment Act 1987, the responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or within six months of the permit expiry date, where the development allowed by the permit has not yet started; or within 12 months of the permit expiry date, where the development has lawfully started before the permit expires.*

NOTES:-

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

2. *Premises used for the sale or storage of food in any manner whatsoever are to be registered under the Food Act and require Council approval via the Chief Environmental Health Officer before occupation.*
3. *Unless no permit is required under the planning scheme, no sign must be constructed or displayed without a further permit.*
4. *Building Permit approval for this development must take into consideration the location of future subdivision boundaries and their compliance with the Fire Separation Provisions of the Building Code of Australia, including Separating Walls and Openings near Boundaries, as well as the requirements of the Building Regulations.*
5. *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.*
6. *Any new drainage work within the road reserve requires the approval of the City of Monash's Engineering Division prior to the works commencing. Three copies of the plans (A3-A1 size) for the drainage works must be submitted to and approved by the Engineering Division. The plans are to show sufficient information to determine that the drainage works will meet all drainage conditions of the permit.*
7. *Engineering permits must be obtained for new or altered vehicle crossings and for connections to Council's drains/pits and these works are to be inspected by Council (tel. 9518 3690).*
8. *Approval of each proposed crossing, and a permit for installation or modification of any vehicle crossing is required from Council's Engineering Department.*
9. *The proposed crossings are to be constructed in accordance with the City of Monash standards.*
10. *The accessible parking spaces should be designed in accordance with the Australian Standard for Off-Street Parking for people with disabilities, AS/NZS 2890.6. The vehicle path to and from each accessible space shall have a minimum headroom of 2200mm. The headroom above each dedicated space and adjacent shared area shall be a minimum of 2500mm.*

Cr James advised the Council that he had been contacted by many local residents who expressed concern with the proposal. He added that it was necessary to balance out a number of issues. He said that it was not possible for urban sprawl to continue; it needed to be contained. Cr James noted that increased urban density had been mandated by the State Government. He added that councils needed to decide where they wanted this density to be; ideally it would be in activity centres where there were transport hubs, allowing people to travel quickly and efficiently. He said that it was preferable to allowing densification in residential areas. Cr James said that the original proposal was ridiculous and preferred to see a lower height in the proposed buildings,

than put forward in the amended application. However, he accepted the advice received by Council from an urban design specialist regarding an 8 story limit condition to be placed on the amended application. Cr James said that this was an appropriate site for this type of development.

In response to a question from Cr Klisaris, the Director City Development advised that there would be no reduction in the number of car parking spaces for the development.

Cr Klisaris said that the area around the site, including Dalgety Street, contained period homes, which had historical significance for the municipality. He added that the site of the proposed development should raise an alarm given its interface with these properties, although he acknowledged Cr James' position. He also noted the level of development that had been approved over the last 10 years, on Warrigal Road and Princes Highway. Cr Klisaris said that even with the proposed reduced height, he considered the proposal an overdevelopment and was not comfortable with it. He said that he would not vote for the motion.

Cr Zographos said that he shared some of Cr Klisaris' concerns, but was comfortable with the current proposal. Cr Zographos said that was concerned with the proposed traffic management proposal for the development. He said that there would be no reason for the occupants of the proposed development to park in the adjacent streets and recommended to the Council that a resident parking permit scheme for the area be investigated in the near future.

In response to a question from Cr Davies, the Director City Development advised that the site was outside the Oakleigh Activity Centre and did fall within the Centre's Structure Plan. The Structure Plan provided an indicative height guide of 21 metres. The Director further advised that there was a development overlay on the area that included this site, with a recommended height maximum of 21 metres, but this was not a mandated limit.

Cr Davies said that there was increasing development in the area, with height limits being pushed and that it would be worthwhile for the Oakleigh Ward councillors to revisit the height limits set in the Structure Plan for Oakleigh.

In response to a question from Cr James, the Director Infrastructure advised that parking restrictions in the area around the site, would be reviewed.

CARRIED

The Mayor declared the meeting closed at 7.45 pm

MAYOR:

DATED THIS DAY OF 2017