MINUTES OF THE ORDINARY MEETING OF
COUNCIL
HELD ON 17 DECEMBER 2013

at 7.30 pm

Council Chambers
293 Springvale Road,
Glen Waverley
MINUTES OF THE ORDINARY MEETING OF THE MONASH CITY COUNCIL
HELD IN THE COUNCIL CHAMBERS, SPRINGVALE ROAD GLEN WAVERLEY
ON TUESDAY 17 DECEMBER 2013 AT 7.30 PM.

PRESENT: Councillors G Lake (Mayor), S Dimopoulos (Deputy Mayor), R Davies, M Drieberg, P Klisaris, B Little, J Lo, K Nolan, B Pontikis, T Zographos

APOLOGIES:

Moved Cr Little, Seconded Cr Dimopoulos

That an apology from Cr Paterson be accepted.

CARRIED

DISCLOSURES OF INTEREST

Nil

CONFIRMATION OF MINUTES OF THE ORDINARY COUNCIL
MEETING HELD ON 26 NOVEMBER 2013

Moved Cr Klisaris, Seconded Cr Lo

That the minutes of the Ordinary Meeting of the Council held on 26 November 2013, be taken as read and confirmed.

CARRIED

RECEPTION AND READING OF PETITIONS, JOINT LETTERS &
MEMORIALS

Nil

PUBLIC QUESTION TIME

The Mayor advised that 20 questions had been received. A copy of these questions and Council’s responses is appended to this document. He noted that the Meeting Procedures Local Law provided for 20 minutes to be allocated to Public Question Time. The submitters of any questions that could not be dealt with within that time limit, would be provided with Council’s written response at the conclusion of Public Question Time.
The Mayor also noted that the Council had previously agreed to suspend “Standing Orders” in the event that any questions received did not relate to items on this Council meeting’s agenda or the immediately preceding Council Meeting’s agenda, could be dealt with.

PROCEDURAL MOTION

Moved Cr Lake, Seconded Cr Little

That in the event that a question is received that does not relate to an item on this Council meeting’s agenda or the immediately preceding Council Meeting’s agenda, “Standing Orders” be suspended to permit consideration of that question.

CARRIED

PROCEDURAL MOTION

At the conclusion of Public Question Time, the following motion was submitted:

Moved Cr Davies, Seconded Cr Pontikis

That Public Question Time be extended by 10 minutes.

LOST

OFFICERS’ REPORTS

1. COMMUNITY DEVELOPMENT & SERVICES

1.1 Introduction of A Youth Friendly Membership At Council’s Aquatic and Recreation Centres

Moved Cr Lo, Seconded Cr Little

That Council approves the introduction of a new youth friendly membership at Council’s aquatic and recreation centres.

Cr Little said that Council’s aquatic and leisure centres operated in a vibrant market. Council’s gyms were great, but needed to be pitched to a younger clientele.

Cr Lo said that he was happy to move the motion. It would be a positive move for the Council. He thanked the Young Persons Reference Group for its leadership on this issue.

CARRIED
1.2 ‘Walk21 International Charter for Walking’

Moved Cr Nolan,  Seconded Cr Lo

_That Council signs the Walk21 International Charter for Walking._

CARRIED

2. **HUMAN RESOURCES**

Nil

3. **CORPORATE SERVICES**

Nil

4. **INFRASTRUCTURE SERVICES**

4.1 Sustainable Street Lights

Moved Cr Little,  Seconded Cr Klisaris

_That Council:_

1. Notes the updated business case.

2. Supports the replacement of inefficient street lights throughout the city with more efficient street lights to reduce carbon emissions.

3. Refers the funding for the project to the Council’s financial plan for consideration over a two year period and continues to investigate other funding streams as they became available.

In response to a question from Cr Davies, the Director Infrastructure advised that the savings were based upon projected increases in electricity costs.

Cr Little noted that the costs of the light globes needed to be factored in.

In response to a further question from Cr Davies, the Director Infrastructure advised that the majority of the savings related to operational costs, not electricity usage.

**AMENDMENT**

Moved Cr Dimopoulos,  Seconded Cr Nolan

That the motion be amended to read as follows:
1. Notes the updated business case demonstrating the environmental and financial benefits of energy efficient street lights.
2. Supports the replacement of the existing inefficient street lights throughout the city with more energy efficient street lights to reduce carbon emissions and reduce Council’s energy costs.
3. Authorises Council officers to commence a tender process as soon as possible for the purposes of selecting a provider to begin a roll-out of the new lights in 2014/15.
4. Refers to the Council 2014/15 budget process the question of whether the project will be funded through borrowings or through Council’s capital works budget.

Cr Dimopoulos said that given the benefits of the project and the possible funding sources, the Council should move quickly to commence it. He noted that more than 50 percent of Councils had begun the change to energy efficient street lights, with 12 Councils having completed their changeover. Council could save $14 million over 17 years.

Cr Nolan said that there would be significant operational savings and reduction in greenhouse emissions, helping to meet the targets in the Environmental Sustainability Roadmap.

Cr Davies asked if the savings had been quantified and verified by those Councils who had engaged in the change to energy efficient street lights. The Director Infrastructure advised that the City of Frankston had experienced higher than anticipated savings in both operational costs and electricity usage.

Cr Lo said that he supported the amendment. Street lighting is core Council business and the project was consistent with the aims of the Environmental Sustainability Road Map. It presented financial and environmental advantages to the Council and to the community.

Cr Pontikis supported the initiative but suggested that the Council wait until the possible effects of the proposed scrapping of the carbon tax had been determined.

Cr Davies asked if Council officers were satisfied with the financial projections for the project. The Director Corporate Services advised that a financial assessment would be made. He added that electricity charges, inflation, debt, cost of globes, etc were all relevant factors. But the matter before Council was the source of funding for the project.

The Mayor noted that the carbon tax issue would have an impact on any analysis. Any cost rises would impact on the length of the payback to Council, of the costs incurred.

Cr Davies commented that the impact of the carbon tax removal would not be significant given that electricity charges do not represent the majority of the costs. Cr Drieberg said that she supported the initiative but considered it appropriate that it go through the Council’s budget process first.
Cr Davies said that he supported the initiative but had two concerns – the need to validate the financial analysis by Council officers and the source of funding. He expressed concern at the use of vendor funding as that would lead to Council paying higher costs for its borrowings for the project.

The Mayor advised that the matter of sustainable street lighting came before Council in February 2012 and again in February this year. The motion before the Council related to the business case for proceeding with sustainable street lighting, which had been developed with input from many areas of the Council’s Administration. The Mayor added that the project would save the Council money and contribute to meeting its Environmental Sustainability Roadmap targets, helping to reduce its carbon footprint by almost 20 percent. Now was the time for Council to make a decision. The Mayor added that the financial advantages added to the attraction of the project and stated that, like Cr Davies, he had an aversion to vendor financing.

**CARRIED**

**SUSTANTIVE MOTION**

The motion, as amended became the Substantive Motion and was put to the vote and carried.

Cr Klisaris said that the proposal would enable the work needed to commence the project to be fast-tracked. The proposal would still need to go through the budget process. The benefits to the community would be substantial.

Cr Davies said that he had doubts about a number of the financial aspects of the proposal, but had received some assurances, although he still preferred that that the Council conducted its own financial analysis. He added that generally, he was supportive of the initiative.

Cr Little noted that the mercury vapour lamps currently in use were being outlawed.

**DIVISION**

At the request of Cr Zographos, a Division was called.

For: Crs Davies, Dimopoulos, Klisaris, Lake, Little, Lo, Nolan and Pontikis

Against: Crs Drieberg and Zographos

**CARRIED**

4.2 **Tender For Irrigation Systems-Maintenance & Repairs**

Moved Cr Little, Seconded Cr Nolan
That Council:

1. Accepts the schedule of rates from Rainlink Australia Pty Ltd, Total Eden Pty Ltd and Ezywatering Systems Pty Ltd to form a panel of providers with a calculated total annual expenditure of $150,000 (inc GST) for a period of one (1) year with two (2), two (2) year extensions commencing 1 January 2014;

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

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

CARRIED

5. CITY DEVELOPMENT

5.1 Project To Review Vegetation Across the Municipality and Identify Appropriate Management Control

Moved Cr Little, Seconded Cr Drieberg

That Council endorses the scope of the work outlined and considers the project as part of the 2014/2015 budget.

Cr Little said that the review responded to the feedback received from the independent panel appointed by the Minister for Planning for Amendment C115, for Council to conduct an investigation of vegetation management across the municipality.

Cr Davies said that he was concerned that the objective relating to the garden city character of the City of Monash being maintained and enhanced would be at odds with the purpose of the review. He added that the cost of the review was not funded. It was not an urgent project and could wait until funding was provided.

Cr Drieberg spoke in support of the motion, stating that the review would see Council doing its homework, seeking to create a balance and plan for the future. Cr Drieberg noted that the project would be referred to the 2014/2015 Budget process.

Cr Lo said that he supported the project. The management of vegetation in the municipality was one of the largest issues Council faced. It was important for the Council to conduct the review.
In response to a question from Cr Davies, the Chief Executive Officer advised the Council that there was no commitment to start this project until it received funding.

The Mayor noted that if the project received funding in the 2014/2015 Budget, it would commence.

Cr Klisaris said that the rights of individuals to have control over their land was still an unresolved issue and Council had failed to protect those rights. He said, however, that he would support the motion.

RIGHT OF REPLY

Cr Little said that the matter was not about the rights of individuals in the VPO, but about the protection and management of vegetation across the municipality.

CARRIED

DIVISION

At the request of Cr Davies, a Division was called

For: Crs Dimopoulos, Drieberg, Klisaris, Lake, Little, Lo, Nolan, Pontikis and Zographos

Against: Cr Davies

5.2 1 Kennedy Street Glen Waverley - Development of A Three Storey Apartment Building (20 Dwellings) With Basement Car Parking

Moved Cr Nolan, Seconded Cr Davies

That Council resolves that if it were in a position to make a decision, it would determine to refuse the application for a planning permit under the provisions of the Monash Planning Scheme to the land described as 1 Kennedy Street Glen Waverley Application Number Tpa/41675 For The The Development of A Three Storey Apartment Building (20 Dwellings) With Basement Car Parking, on the following grounds:

1. The proposal is inconsistent with the Residential Development Policy and Residential Development and Character Policy at Clauses 21.04 and 22.01 of the Monash Planning Scheme.

2. The proposal does not adequately satisfy the objectives and design standards of Clause 55 of the Monash Planning Scheme with regard to Neighborhood Character, Street Setback, Building Height, Energy Efficiency, Landscaping, Overshadowing, Private Open Space, Design Detail and Site Services.
3. The proposal is out of character with the existing development in the area in particular with regard to street setback, mass, bulk and scale.

4. The proposal would have a poor level of internal amenity for future residents.

5. The proposal would have a detrimental impact on the amenity of surrounding land.

And directs that the Applicant, each objector and VCAT be given a copy of the Council’s position with regard to the application.

Cr Nolan noted that a significant number of residents had expressed their concern regarding the proposed development. They were concerned about the density and scale of the proposal. Cr Nolan noted that the proposal was inappropriate for the site.

Cr Davies said that 100 objections had been received against the proposed development and that it was an inappropriate development for the location.

The Mayor said that he had spoken to residents, who had concerns about the proposal. He noted that the applicant had made an application to VCAT on the basis that Council had not met the statutory timeframe in making a decision on the application. The Mayor emphasised that the Council would be represented at any VCAT hearing about this matter.

CARRIED

5.3 1/44 Winterton Road Clayton: Use of Existing Premises As A Brothel With Associated Car Parking

Moved Cr Little, Seconded Cr Lo

A. That Council resolves to Grant a Planning Permit under the Monash Planning Scheme to the land described as 1/44 Winterton Road Clayton Tpa/41951 For the Use of The Existing Premises As A Brothel (8 Service Providers At Any One Time) With Associated Car Parking and Hours of Operation Between 10am To 4am the following day, 7 days a week, subject to the following conditions:

1. This permit allows the use of the land only by Hong Yan Yao only while holding a license under the Sex Work Act 1994. If Hong Yan Yao ceases to use the land, this permit will expire unless written approval is obtained from the Responsible Authority granting approval for use by another specific operator.

2. No more than 8 service providers are permitted to be on the premises at any one time.
3. **There must, at all times of operation, be a Manager on the site and such Manager must be over the age of 21 years and authorised by the operator of the use to make statements to any authorised Law Officer or authorised Council Officer which may attend the premises in the performance of their duties.**

4. **The Manager must make all reasonable endeavours to ensure persons attending the site do not cause a nuisance or adversely effect nearby property or persons.**

5. **The premises must only be used for the permitted purpose between the hours of 10am to 4am, the following day, Monday to Sunday.**

6. **No alcohol or drugs of addiction are permitted to be kept or brought onto the premises.**

7. **No person under the age of 18 years is permitted on the site.**

8. **The appearance of the site must be kept in a neat and tidy condition at all times to the satisfaction of the Responsible Authority.**

9. **Exterior lighting must be provided with suitable baffles and located so as to minimise the emission of light outside the site to the satisfaction of the City of Monash the Responsible Authority.**

10. **Vehicles under the control of the operator of the use or the operator’s staff must not be parked on the nearby roads.**

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

    In accordance with section 69 of the Planning and Environment Act 1987, the responsible authority may extend this period if a request is made in writing before the permit expires, or within six months of the permit expiry date, where the use allowed by the permit has not yet started; or within 12 months of the permit expiry date, where the use has lawfully started before the permit expires.

**NOTES**

1. **Building approval must be obtained for any works undertaken.**
2. **The subject premises are to comply with the requirements of AS 1428.1 and BCA D3 in providing access for people with disabilities.**

Cr Davies asked if there were any fines applicable for failure to operate without a planning permit.
In response the Director City Development advised that it depended on the circumstances. The applicant had ceased to operate until the outcome of this planning permit application.

Cr Klisaris said that he would not support the motion, given the type of industry the applicant was involved in.

The Mayor stated that any moral considerations had to be put aside, as the Council was required, as the Responsible Authority, to consider the matter on planning grounds and to apply the law equally and fairly, in all instances.

In response to a question from Cr Davies, the Director City Development advised that previous planning permits for brothels had a 5 year time limit. The motion proposed that there be no time limit to the permit. This is a proposed change in current policy and therefore the matter was brought before Council.

PERSONAL EXPLANATION

Cr Klisaris said that the Council was opposed to industries such as gambling, which often created problems for the community. What the community at large thinks of the brothel industry is shown in the locations in which they are required to operate, tucked away, generally in industrial areas.

CARRIED

5.4 1555-1615 Centre Road Clayton - Use and Development of Part of The Land For A Three Storey Office Building With Associated Landscaping and Car Parking Works, Alteration of Access To A Road Zone and The Display of Two Internally Illuminated Business Identification Signs

Moved Cr Pontikis,  Seconded Cr Davies

That Council resolves to Grant a Planning Permit under the Monash Planning Scheme to the land described as 1555-1615 Centre Road Clayton Vic 3168, TPA/41976 for the use and development of part of the land for a three storey office building with associated landscaping and car parking works, alteration of access to a Road Zone and the display of two internally illuminated business identification signs, subject to the following conditions:

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

   The plans must be generally in accordance with the plans submitted with the application, but modified to show:

   a) Redundant vehicle crossings are to be removed and reinstated with kerb
and channel to the satisfaction of the Responsible Authority;

b) The provision of a 2.5m wide shared path along the northern side of Centre Road from the existing western crossover to the intersection of Westall Road;

c) Truck turning manoeuvres from Centre Road to the loading bay;

d) The southernmost aisle of the existing eastern car park to be widened to 6.4m along its entire length;

e) The provision of two accessible car parking with the associated common shared area to be provided within the visitor car parking area;

f) The provision of 41 bicycle spaces;

g) Removal and replacement of vegetation within the naturestrip;

h) The access arrangements and roadworks presented on O’Brien Traffic’s Drawing No. 14824010 Sheets 1-3 dated 14/11/13 (VicRoads requirement);

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. 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;
- 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 terrace areas;
- a tree planting plan for all trees removed within the naturestrip.

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

5. 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.

6. 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;

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

8. 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.

9. Adequate provision must 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.

10. Before the development starts, a construction management plan must be prepared and submitted to the Responsible Authority for approval. The plan must be to the satisfaction of the Responsible Authority. Once approved, the plan must be implemented to the satisfaction of the Responsible Authority. The plan must address the following issues:
   a) Measures to control noise, dust and water runoff;
   b) Prevention of silt or other pollutants from entering into the Council’s underground drainage system or road network;
   c) The location of where building materials are to be kept during construction;
   d) Site security;
   e) Maintenance of safe movements of vehicles to and from the site during the construction phase;
   f) On-site parking of vehicles associated with construction of the development;
   g) Wash down areas for trucks and vehicles associated with construction activities;
   h) Cleaning and maintaining surrounding road surfaces;
   Once approved the plan will be endorsed to form part of this permit.

11. Prior to the development commencing a construction staging plan for all works associated with this permit must be submitted to and approved by the
Responsible Authority. The plan must have appropriate regard to:

- Detail the staging of works to be undertaken;
- Provision of adequate car parking for existing and proposed uses of the site during demolition and construction works;
- Any requirement for temporary car parking during construction works;
- Timeframe for completion of all works associated with this permit including landscaping and removal of any required temporary car parking;

Once approved the plan will be endorsed to form part of this permit.

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

13. Prior to the development commencing a plan detailing all works within Centre Road must be submitted to and approved by the Responsible Authority. The plan must detail works which impact the existing infrastructure (service pits, drainage pits, power poles etc.) and trees within the naturestrip. A Road Opening Permit, with associated refundable security bond, will be required from Council’s Engineering Department prior to the roadworks commencing.

14. A corner splay or area at least 50% clear of visual obstructions (or with a height of less than 1.2 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.

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 modified ‘middle’ crossing is to be constructed as a concrete vehicle crossing in accordance with the City of Monash standards and to the satisfaction of Council’s Asset Protection department.
17. The two redundant Centre Road vehicle crossings are to be removed and replaced with kerb and channel. The footpath and naturestrip are to be reinstated to the satisfaction of Council.

18. Any tree removed within naturestrip as a result of the approved development must be replaced at the full cost of the developer, to the satisfaction of the Responsible Authority. A tree planting plan is to be submitted for approval to Council.

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

20. Before the development starts, a site layout plan drawn to scale and dimensioned must be approved by the Responsible Authority detailing a drainage scheme for the development and all works to be undertaken within the Road Reserve.

The plans must show:

- The collection of stormwater within the site and for the conveying of the stormwater to the nominated point of discharge. The nominated point of discharge is the south-east corner of the property where the entire site’s stormwater must be collected and free drained via a pipe to the existing property connection. If the nominated point of discharge cannot be located then notify Council’s Engineering Division immediately.

- The proposed western access to the site is located on top of a Council pit. The existing pit must be reconstructed into a junction pit with heavy duty gatic lid and a new side entry pit to be constructed in the alignment of the accessway. A 300mm pipe is to connect the new side entry pit to the existing pit.

- The proposed eastern access to the site is located on top of an existing Council junction pit. The existing pit lid must be replaced with a new heavy duty gatic lid.

All works must be constructed to the satisfaction of the Responsible Authority, at the full cost of the developer.

Full details of all works within the road reserve must be submitted to and approved by the Responsible Authority prior to any works commencing.

21. 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 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
22. Stormwater discharge is to be detained on site to the predevelopment level of peak stormwater discharge. Approval of any detention system is required by the City of Monash, the Responsible Authority, prior to works commencing.

23. The location and details of signs shown on the endorsed plans must not be altered without the written consent of the responsible Authority.

24. Signs must not contain any flashing light.

25. Signage must not distract drivers due to its colouring, be mistaken for a traffic signal, be able to be mistaken as an instruction to drivers or constitute a road safety hazard in any way.

26. Signage must not obstruct the view of motorists, obscure traffic signals or constitute a road safety hazard in any way.

27. The intensity of the light in the signs must be limited so as not to cause glare or distraction to motorists, or loss of amenity in the surrounding area, to the satisfaction of the Responsible Authority.

28. Signage approved under this permit will expire 15 years from the date of issue.

29. Conditions 30-34 required by Vic Roads (ref: 08446/13)
Before the development starts, amended plans shall be submitted to the Responsible Authority for endorsement. Once endorsed, the amended plans shall form part of the permit. The amended plans shall be generally in accordance with the application plans but modified to show:

   a) The access arrangements and roadworks presented on O’Brien Traffic’s Drawing No. 14824010 Sheets 1-3 dated 14/11/13.

30. Before the development is occupied or used, roadworks and access works, as depicted functionally on O’Brien Traffic’s Drawing No. 14824010 Sheets 1-3 dated 14/11/13, must be completed to the satisfaction of and at no cost to VicRoads.

31. The preparation of the detailed engineering design and the construction and completion of all roadworks must be undertaken in a manner consistent with current VicRoads’ policy, procedures and standards and at no cost to VicRoads. In order to meet VicRoads’ requirements for these tasks the applicant will be required to comply with the requirements documented as “Standard Requirements - Developer Funded Projects” and any other requirements considered necessary depending on the nature of the work.

32. No work may be commenced in, on, under or over the road reserve without having first obtaining all necessary approvals under the Road Management Act 2004, the Road Safety Act 1986, and any other relevant Act or regulations created under those Acts.
33. Where the roadworks, including footpath and nature strip, lie within private property, a widening of the road reserve will be required, at no cost to VicRoads. The developer must engage a licensed surveyor to prepare a Plan of Subdivision showing the affected land labelled "ROAD", which is to be vested in the Roads Corporation upon certification of the Plan of Subdivision, without any encumbrances. Subsequent to the registration of the plan, the subdivider must ensure that the original Certificates of Title that issues in the name of the Roads Corporation, are posted to: VicRoads - Property Services Department, 60 Denmark Street KEW, 3101.

34. 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 and use are 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 use or development allowed by the permit has not yet started; or within 12 months of the permit expiry date, where the use or 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 other signs must not be constructed or displayed without a further permit.
4. 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.
5. 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. A refundable security deposit of $5,000 is to be paid prior to the drainage works commencing.
6. Engineering permits must be obtained for new or altered vehicle crossings and for connections to Council drains, Council pits, kerb & channel and these works are to be inspected by Council (tel. 9518 3690).
7. All new or modified 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. Approval of the relevant electricity company for
the power pole relocations is required. The poles are to be relocated to the satisfaction of the Responsible Authority.

CARRIED

5.5 Town Planning Schedules

Moved Cr Little, Seconded Cr Zographos

That the report containing the Town Planning Schedules be noted.

CARRIED

6 CHIEF EXECUTIVE OFFICER’S REPORTS

6.1 Assembly of Councillors Record

Moved Cr Pontikis, Seconded Cr Zographos

That Council notes the Assembly of Council records submitted as part of the requirements of the Local Government Act 1989.

CARRIED

7. COMMITTEE REPORTS

7.1 Multicultural Advisory Committee Membership

Moved Cr Lo, Seconded Cr Pontikis

That Council

1. Approves the appointment of Lam Paul Gak, Navneet Rewal, Carolyn Poljski, Sandeep Bhagat, Alan Dew, Serajul Hoque and Danny Ong to the Multicultural Advisory Committee for a two (2) year period.

2. Approves the re-appointment of Ngatuaine Hosking, Candy Deepika Kuruppu, Sue Herbst and Ross Buscemi for a further two (2) years to the Multicultural Advisory Committee.

Cr Lo acknowledged the work of the Multicultural Advisory Committee and its members, noting the importance the Council placed on its engagement with the many communities within the municipality and the efforts that had been undertaken to support multiculturalism. He congratulated the retiring Advisory Committee members for their efforts and welcomed the new members.
The Mayor advised that the Council had been joined by members of both the Multicultural Advisory Committee and the Disability Consultative Committee at dinner, at which the retiring members of both Committees had been presented with certificates of appreciation.

CARRIED

7.2 Monash Young Persons Reference Group

Moved Cr Lo, Seconded Cr Pontikis

That Council

1) Acknowledges the resignation of the following members from the Monash Young Persons Reference Group and acknowledges their contributions to the City of Monash: Ms Eileen Liu, Mr Cadell Sanderson, Mr Jeremy Yam, Ms Gabby Fowler and Mr Daniel Crowe;

2) Accepts the appointment of Ms Lizzy Kouth, Mr Kamran Shad, Mr Jacob Kotaridis and Ms Tienyi Long to the Monash Young Persons Reference Group;

3) Accepts the reappointment of Mr Nick Kong, Ms Mizna Shahbaz and Mr Sebastian Purcell to the Monash Young Persons Reference Group;

4) Acknowledges Jeremy Yam for his commitment to the MYPRG since the group was founded in early 2007;

5) Endorses an amendment to the Terms of Reference in relation to membership from one Councillor representative to two Councillor representatives; and

6) Notes the achievements of the MYPRG for 2013.

Cr Lo congratulated the retiring members of the Monash Young Persons Reference Group for their contribution, and in particular, thanked Jeremy Yam who had been a founding member of the reference group. Cr Lo welcomed the new members and noted that the change to the Terms of Reference for the Group provided for a second Councillor to be appointed.

CARRIED

7.3 Monash Leadership and Integrity Award (In Honour of David Conran)

Moved Cr Dimopoulos, Seconded Cr Drieberg

That Council endorses the recommendation of the Monash Leadership and Integrity Award Committee and resolves that Lucas Skelton is the recipient of the 2013 Monash Leadership and Integrity Award.
Cr Dimopoulos said that it gave him great pleasure to move this motion, in honour of the Council’s first Chief Executive Officer, Mr David Conran, who was held in high regard by both Councillors and staff. He said that the award represented an excellent opportunity to acknowledge the achievements of Council staff.

The Mayor noted that the Awards Committee, which included Cr Dimopoulos, the Chief Executive Officer and himself, considered a number of outstanding nominees. He said that the proposed recipient, Lucas Skelton was a fitting recipient, representing the highest level of customer service, initiative and innovation.

CARRIED UNANIMOUSLY

8. NOTICES OF MOTION

8.1 Discretionary Fund Applications - Mayor

Moved Cr Lake, Seconded Cr Klisaris

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

<table>
<thead>
<tr>
<th>APPLICANT</th>
<th>PURPOSE</th>
<th>AMOUNT APPROVED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sewa International(Australia) t/a Monash Indian Senior Citizens Forum</td>
<td>Donation towards expenditure for community event held on 16 November 2013</td>
<td>$650</td>
</tr>
</tbody>
</table>

CARRIED

8.2 Residential Aged Care – Confirmation Of Process To Be Adopted For Council’s Final Decision On Its Divestment Of Its Residential And Retirement Living Portfolio

PERSONAL EXPLANATION

Cr Nolan advised the Council that, in relation to this matter, she had previously declared a potential conflict of interest as she works for a residential aged care provider and did not know whether they would participate in the EOI process. She was now aware that her organisation does not have an involvement and as such she no longer has a potential indirect conflict of interest.

CONFLITING PERSONAL INTEREST

Cr Dimopoulos informed the Council that he wanted to declare a ‘conflicting personal interest’ in this matter pursuant to s 79B of the Local Government Act. He made the following statement to Council:
The reason why I feel I have a ‘conflicting personal interest’ in this matter is because recently, and since the last Council meeting, I have become the endorsed Labor candidate for Oakleigh. The leader of the Parliamentary Labor Party has made it clear that he does not support the current Monash Gardens and Elizabeth Gardens sale process being progressed by Council.

I feel I have a genuine conflict in relation to this issue, between my duty as an endorsed Labor candidate to support the Parliamentary Labor leader on one hand, and my duty as a Monash City Councillor to make decisions in the best interests of the community and free from any other outside interests.

As such I think it is appropriate for me to declare this ‘conflicting personal interest’ and to seek to be exempted from voting on this matter tonight and on any subsequent occasions.

In response to a question from Cr Davies, Cr Dimopoulos advised that he considered that he had a conflicting role between his role as Councillor and his role as endorsed Labor Party candidate for the seat of Oakleigh.

The Mayor stated that he had discussed this matter with Cr Dimopoulos and had considered Cr Dimopoulos’ reasons for declaring a ‘conflicting personal interest’ along with the relevant section of the Local Government Act. He said that he believed that Cr Dimopoulos was dealing appropriately with this matter and had correctly identified a conflicting personal interest in this matter. The Mayor informed the Council that a ‘conflicting personal interest’ was dealt with by the Local Government Act in a slightly different way than a ‘conflict of interest’. He further informed the Council that the Act required the Council to vote on whether or not to consent to an application by a councillor to declare a ‘conflicting personal interest’ in a matter. The Mayor advised Councillors that the Act made it clear that consent to such an application should not be unreasonably withheld and he recommended that Councillors support the application.

NOTE: Cr Dimopoulos abstained from voting on this motion.

**Moved** Cr Lake,  
**Seconded** Cr Klisaris

That in accordance with the provisions of Section 79B of the Local Government Act 1989, Council exempts Cr Dimopoulos from voting on this item and on any item relating to this particular matter, that may come before the Council in the future.

CARRIED

Cr Dimopoulos left the Chamber at 9.20 pm and returned at 9.40 pm, at the conclusion of consideration of and voting on this item by the Council.

**Moved** Cr Lake,  
**Seconded** Cr Klisaris

That Council confirms that:
1. **The final decision relating to the divestment of its residential aged care and retirement living portfolio will be made in Confidential Business at the 28 January 2014 Council meeting (or at a special meeting soon afterwards if there are unforeseen delays in the process);**

2. **A public announcement of the selected provider and information about the arrangement entered into between Council and the successful provider will be made available immediately following the conclusion of Confidential Business; and**

3. **In the interests of transparency and given the level of public interest in this matter, how each councillor votes on this item will be made public immediately following the conclusion of Confidential Business.**

Cr Davies said that the decision could be made in open Council, as it had done at its October meeting. Confidential information would not need to be disclosed. He said that perhaps the concern was that the officers’ recommendation would not be accepted by the Council.

The Mayor said that Cr Davies knew why the matter was proposed to be dealt with as recommended in this motion. The nature of the decision was different to the decision made at the 29 October 2013 Council meeting; the matter dealt with in open Council had no confidential component to it. But later in that same meeting, an item relating to this matter was dealt with in Confidential Business.

The Mayor noted that Council had received external advice which supported the process proposed in the motion before Council. He added that it would be preferable to have the matter dealt with in open Council, but Council could simply not do that. The Cities of Whitehorse and Knox both followed the same process when divesting their aged care facilities.

The Mayor said that there was absolutely no ulterior motive in the proposed process. The Council would make its decision based upon the Evaluation Panel’s recommendations and the evaluation criteria.

Cr Pontikis said that it was best for the decision to be made publicly as it was important for transparency. He added that the de-identification of the bidders would enable the matter to be dealt with in this way.

Cr Klisaris said that the word ‘transparency’ had been used very loosely, in order to politicise the issue. The Council had been quite transparent and had consulted the relevant stakeholders. No attempt had been made by the Council other than to be transparent and it was not seeking to antagonise the community. The Council had a mandate to make decisions for the whole community and for its future needs.
RIGHT OF REPLY

The Mayor said that the Council was bound to adhere to the professional advice that it had received by and through Council staff. Council would provide as much information as it could, to the community, following the decision of Council.

CARRIED

DIVISION

At the request of Cr Davies, a Division was called.

For: Crs Drieberg, Klisaris, Lake, Little, Lo and Nolan

Against: Crs Davies, Pontikis and Zographos

9. URGENT BUSINESS

Nil.

10. COUNCILLORS’ REPORTS

10.1 Cr Zographos reported to Council on his attendance at the following:

- Oakleigh Youth Club boxing event held on 30 November 2013
- Oakleigh Grammar Presentation Night on 2 December 2013 at which he presented a civic award
- Human Rights and Multicultural Forum, with Cr Pontikis. The event was also attended by students of Westall College.
- Carols in the Park

Cr Zographos also noted the covered that the Ward Avenue kindergarten had recently received in the local press.

10.2 Cr Little informed the Council of his attendance at the Mount Waverley Carols, which was well attended.

10.3 Cr Dimopoulos noted that the Director Human Resources, Leigh Harder was retiring and noted the contribution that he had made to the Council in close to 20 years of service.

10.4 Cr Davies reported to Council on his attendance at the following:

- Greek Senior Citizens function at Mulgrave Community Centre
- Indian Senior Citizens Association luncheon, with the Mayor
10.5 Cr Drieberg reported to Council on her attendance at the following:

- Disability Consultative Committee meeting
- Function for school crossing supervisors (representing the Mayor)
- Volunteers afternoon tea, with the Mayor and Cr Paterson

11. **PERSONAL EXPLANATIONS**

Nil

12. **MATTERS OF COUNCIL IMPORTANCE**

Nil.

13. **CONFIDENTIAL BUSINESS**

Nil.

The Mayor declared the meeting closed at 9.48 pm

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

DATED THIS ............................... DAY OF ............................... 2013
PUBLIC QUESTION TIME: QUESTION ONE
Question from: Yvonne Segal
Question:
Monash Council employees are on the panel evaluating the tenders for Monash and Elizabeth Gardens. Are these staff members likely to be recipients of retrenchment benefits or changes of employment conditions should the sale proceed? If so isn’t this a conflict of interest?

Council Response:
There is no conflict of interest. No member of the five member Evaluation Panel will be the recipient of redundancy payments associated with the sale of aged care facilities.

PUBLIC QUESTION TIME: QUESTION TWO
Question from: Georgia Prattis
Question:
The council has published double page spreads in the Monash Bulletin presenting their view of the sale of aged care residences and land in Mulgrave. Monash and Elizabeth Gardens groups do not agree with much of what is put forward in this publication. In a democracy we believe in a right of reply. As the groups do not have the resources to publish and deliver to the citizens of Monash will the Council grant us a right of reply in the next edition of the Monash Bulletin?

Council Response:
No. The articles in the Monash Bulletin provided information to the community. We have been open and transparent by acknowledging in these articles that many aged care residents and their family members have concerns about a sale and are opposed to it.
PUBLIC QUESTION TIME: QUESTION THREE

Question from: Greig Friday
Question:
It is of grave concern that an issue of such importance, namely the research of potential alternative service providers for the residential aged care facilities, which requires very detailed consideration and considerable time is being conducted during the festive season and holiday period.
Name all the Councillors and dates when they will be visiting the preferred purchases facilities during the festive season and holiday period in December 2013 and January 2014.
Please provide the names of Councillors who are unable or do not wish to visit the preferred purchasers facilities?

Council Response:
Councillors have booked a time in their diaries to visit a facility of the recommended operator or operators in mid January. I am not aware of any Councillor who is unable or unwilling to attend at this stage. The detailed assessment of the bids is being undertaken by the Council-appointed Evaluation Panel. All members of the Evaluation Panel have already undertaken detailed inspections of facilities operated by the short-listed providers.

PUBLIC QUESTION TIME: QUESTION FOUR

Question from: Frank Jennings
Question:
How much has the Council budgeted or estimated to pay for retrenchment of Council staff following a sale of Monash Gardens and Elizabeth Gardens? Wouldn’t this amount be better added to the $7m aged care discretionary fund, $330,000 pa available from the federal government post 2014, increased revenue from bonds post 2014 and the money saved if Council were to proceed with staff salary packaging (as advised by Cr Davies 29 Oct) to provide the ‘millions’ Council claim to need in the next 10 years to continue running aged care?

Council Response:
It is estimated that retrenchment costs will be about $2,800,000. A further amount of $1,800,000 will be required to pay statutory entitlements such as accrued annual and long service leave. These are only estimates at this stage. Council has considered all possible scenarios and has decided that the best outcome for the aged care residents and for the community is to sell the facilities to a specialist aged care provider.
PUBLIC QUESTION TIME: QUESTION FIVE
Question from: Jacki Barnes
Question:
It is incomprehensible, not to mention irresponsible, that Council is expecting an inflow of millions of dollars without any plan regarding what is to be done with the money. There is no place for Scrooge at Christmas and much less in local government.
Will Council use funds from the sale of the Monash and Elizabeth Gardens residential aged care facilities and the land from Monash Gardens to fund the proposed Community Hub and Library in Glen Waverley?
Will Council use funds from the sale of the Monash and Elizabeth Gardens residential aged care facilities to repay money borrowed to fund the superannuation debt?

Council Response:
The monies received will fund a mix of capital works and services for our community. We are yet to decide which specific projects the funding will go towards. The decision on this will be made at the appropriate time, which is when Council is forming its annual draft budget. How the funds are spent will be part of the community consultation process that we undertake for our draft budget each year. The superannuation liability has already been funded for out of Council’s cash reserves. No money was borrowed for this purpose. There are no plans to use the sale proceeds for a new library or community hub in Glen Waverley.

PUBLIC QUESTION TIME: QUESTION SIX
Question from: Helen Batty
Question:
For people who live in a Residential Aged Care facility, it is important to note there is a distinction between a smooth transition process and transfer trauma.
What specific measures to mitigate the impact of transfer trauma have been considered by EOI panel if this is to be a smooth transition process?

Council Response:
All of the shortlisted providers have been requested to provide a detailed transition plan to minimise the impact of change on residents. The transition will occur slowly and with care. After Council makes a decision on which provider to sell to, there will be a 60-90 day period where the provider will meet with residents and family members prior to assuming responsibility for the facilities.
PUBLIC QUESTION TIME: QUESTION SEVEN
Question from: Judy Schrever
Question:
Transfer trauma is a key concern for residents, their families and current staff at both Elizabeth Gardens and Monash Gardens Aged Care facilities. Question 8 was not adequately answered at the November 26 Council meeting. Informing Councillors on the importance of ensuring a caring and smooth transition to minimise any impact does not equate to providing information on symptoms and outcomes of transfer trauma.
The question is thus repeated:
What information has been provided to Councillors regarding the symptoms and outcomes of transfer trauma?
Were Councillors provided with any written documentation regarding transfer trauma from Council representatives?

PUBLIC QUESTION TIME: QUESTION EIGHT
Question from: Kate Henwood
Question:
Transfer trauma is a key concern for residents, their families and current staff at both Elizabeth Gardens and Monash Gardens Aged Care facilities. Question 8 was not adequately answered at the November 26 Council meeting.
The question is thus repeated:
Please name the Monash Council staff who provided the information on transfer trauma for elderly people with dementia to Councillors?
What qualifications do the Monash Council staff have who provided information on transfer trauma to the Councillors?
Name the Councillor who attended or participated in this information session or meeting on transfer trauma provided by Monash Council staff?

Council Response:
Council is very much aware of the possible impact of change for elderly people. Council staff informed Councillors about the importance of ensuring a caring and smooth transition to minimise any impacts. There were no specific information sessions held for Councillors on transfer trauma nor were we provided with written information on transfer trauma. We have been well briefed on the importance of a careful and sensitive transition process. It is not necessary for Council to provide you with the individual names and qualifications of Council staff who provided this advice.
Implicit in your questions is the suggestion that transfer trauma is inevitable. Much of the literature relating to transfer trauma focuses on the physiological, psychological and psychosocial disturbance that results from transfer from one environment to another. It also references sudden and unexpected relocation. Neither of these circumstances are happening here. You should be assured that the services will continue from the existing sites.
You will also know that much is written about minimising stress through change and reducing the impacts of change. We have committed to ensuring we work with the new provider to address any emerging concerns if they occur and to plan the transition jointly. We have placed a significant emphasis on the proposed transition plans so that residents have an opportunity to get to know the new provider, all staff and programs, and are
involved in the change process as much as practically possible. You would know the important role families can play through any change process and how you too can assist in minimising any concerns.

PUBLIC QUESTION TIME: QUESTION NINE
Question from: Libby Hillman
Question:
In the meeting which was to address the concerns of residents and their families on November 28, the Monash Council Legal adviser stated that he would be apprehensive if he was a resident of family of the residential aged care facilities. How can you justify depriving the Monash community of:
- Affordable quality residential care for its most frail and vulnerable citizens
- The amenity of green space
- And potentially causing the current residents to suffer from emotional distress, a deterioration in health staus, depression, anxiety anger, increased confusion, insecurity, apprehension, loneliness, agitation, restlessness, pressure sore formation, weight loss and higher mortality rates

So that Monash Council can boast the lowest rates from metropolitan Melbourne? Is that the legacy that Monash Council want to be remembered for?

Council Response:
Your question is misleading. Council’s CEO and several Council staff were present at the information session which Council organised for family members with its legal advisor. They advise that our legal advisor indicated that while he would naturally have some feelings of apprehension, he would certainly not be feeling alarmed. Our legal advisor clearly stated the regulatory safeguards that were in place to protect residents. He clearly stated that it would be in the interests of the new provider to go out of their way to meet the needs of their new residents.

In terms of Council’s legacy, one of our clear priorities has been to ensure the future well-being of the aged care and independent living residents.

City of Monash Council Meeting Tuesday 17 December 2013
PUBLIC QUESTION TIME: QUESTION TEN
Question from: Linda Hornby
Question:
The Residential Aged Care and Retirement Living Portfolio report tabled on October 29 2013, page 12 states that Council has received 58 submissions, approximately 200 letters, 83 questions of Council, a strong oppositional presence at Council meetings (and now close to 10,000 signatures on petitions – compared with 1840 signatures for the Oakleigh Pool), regarding the potential sale of the residential aged care facilities in Monash. The Monash and Elizabeth Gardens support groups also provided a considered detailed response to the Quality Care survey in the very limited time frame provided. Why has Council misled the public by stating:
“Council is disappointed that support group members chose not to engage in this process.”
Council Response:
Support group members were invited to tell Council what they see as being some key elements of quality care. Council’s intention was that - in the event we decided to proceed with a sale - any elements put forward by the support groups could be considered when Council assessed bids from interested providers. The groups chose not to provide feedback that could be used to assess bids. It is the right of the groups to do this but at the same time, Council is well within its rights to express its disappointment that support group members chose not to engage in the process.

PUBLIC QUESTION TIME: QUESTION ELEVEN
Question from: Chan Cheah
Question:
Preamble:
It is noted that the Council declared that “The final decision relating to the divestment of its residential aged care and retirement living portfolio will be made in confidential business at the 28 January 2014 Council meeting (or at a special meeting soon afterwards if there are unforeseen delays in the process)”.

Public Question:
By closing the final decision meeting, is Council aware that it is taking away the Australian Charter of Healthcare Rights* of every patient, family-members and volunteer care-givers affiliated with the Monash & Elizabeth Gardens, especially the right to be included in decisions and choices about their care?

Council Response:
The relevant charter for this aged care matter is the charter of residents’ rights and responsibilities provided for in the Aged Care Act 1997. Council is meeting its responsibilities under this charter and will continue to do so. Residents were consulted prior to Council deciding to proceed with a sale. The decision at the January meeting (or at a Special Council meeting if one needs to be called) is about which provider Council will sell to. Under the charter it is not expected that residents would choose which provider Council sells the facilities to. Residents will be informed as soon as possible after the decision as to which provider has been selected and what the transition arrangements will be. The rights and choices of residents will continue to be respected by Council and the new provider.

PUBLIC QUESTION TIME: QUESTION TWELVE
Question from: Gayle Nicholas
Question:
This question is in regard to the tens of millions of dollars the Council has repeatedly stated it needs in the next 10 years to continue running Monash and Elizabeth Gardens aged care residences.
From July 2014 ALL new aged care residents pay bonds. At current market value bonds of $400,000 or higher are expected. Realistically assuming 60% bond paying residents, and by 2018 current high care resident turnover, the Council will have ‘refundable deposits’ in the vicinity of $39m. Soundly invested it is reasonable to expect income of $1m p.a upwards from 2018 onwards and a lesser but growing amount 2014-18.

- What expenditure is planned that is not covered by this income and the $7m aged care discretionary fund?
- In reality isn’t this sale about generating short term funds for other projects/needs?

Council Response
Council has considered possible scenarios and has decided to proceed with a sale. Even if the bonds held by Council increased to $39 million in value as per your proposition, the bonds cannot be spent on redevelopment as they are held in trust. If $1 million in interest was generated from the bonds each year, this could be helpful in terms of the operating costs of the facilities. However, there would still be the question of how the major redevelopment required at the facilities would be funded. Clearly the $7 million in the reserve would not be enough.

Council is not in urgent needs of funds for other projects. Instead, we believe our decision to sell is the right decision for the residents of the facilities and the community. Specialists have the capacity to respond to growing demands in aged care by investing in facilities and extra beds.

City of Monash Council Meeting Tuesday 17 December 2013
PUBLIC QUESTION TIME: QUESTION THIRTEEN
Question from: Robyn Coppell-Smith
Question:
The approved purchaser may choose in the short or long term to raze and rebuild the current aged care facilities.
What guarantee is there that residents will not be relocated tens of kilometres away from their current home if the aged care facilities are razed and rebuilt in the interim?
Who determines relocation of the current residents if the current aged care facilities are to be razed and rebuilt?
Does the resident and their family have any say as to where the resident will be relocated?

Council Response:
Council has answered your questions previously. To re-state, it is possible that a future refurbishment could mean that residents need to be temporarily relocated. This would be the case irrespective of whether the operator was Council or another provider. If a move was proposed, this would be a carefully managed process that would show respect and consideration for your mother’s needs. As her carer you would be involved in the decision making process.

PUBLIC QUESTION TIME: QUESTION FOURTEEN
Question from: Stephen Latham
Question:
The report tabled 28 October 2013, for Residential Aged Care and Retirement Living Portfolio, page 12, states that Council have received 58 submissions, approximately 200 letters, 83 questions of Council, a strong oppositional presence at Council meeting, about 10,000 signatures on petitions, regarding the potential sale of the residential aged care facilities in Monash.

Council Response on 26 November 2013 to Public Question 10, state they have an obligation to make the right decision into the future.

The preamble is factual evidence of opposition to the sale. How can about 10 letters of support for Council’s decision justify that this is the right decision to sell the communities aged care facilities?

Council Response:
Our decision was taken in the best interests of the aged care residents and the independent living residents. Specialist aged care providers will be better able to meet the needs of local elderly people into the future. Specialists have the capacity to respond to growing demands in aged care by investing in facilities and extra beds. Council considered all of the issues that had been raised in submissions and other correspondence. To us, two issues were non-negotiable: that the facilities continue to operate at their current locations and that high quality care continues to be provided. As all of the short-listed providers are able and willing to meet these terms, we believe we made the right decision and we stand by our decision.

PUBLIC QUESTION TIME: QUESTION FIFTEEN
Question from: Sathia Aruliah
Question:
Based on:
1) 96 bonded residents at $350,000 ($33.6M) of whom 66% pay lump sum ($22.176m lump sum and balance pay periodically – KPMG report) and,
2) Council spends $10,000,000 on refurbishment,

How does Council believe that:
  a) $10m debt being offset by lump sum bonds held by Bank,
  b) Plus remaining $12.176m being re-invested at 4% ($487,040)
  c) Plus $12.824m periodically payments at 6.6% ($846,000)
  d) Plus $20 per day supported resident ($467,000)
  e) Plus interest of $288,000 invested from current Bond pool return

Is sufficient to meet financing costs and debt repayment of ongoing aged care?

Council Response:
Your scenario is based on the premise that only $10 million will be required to refurbish and redevelop the facilities. The facilities need about $2 million worth of works in the next 18 months and then tens of millions of dollars within the next 10 years. Council has considered all of the financial implications and the alternatives and has decided to proceed with a sale.
PUBLIC QUESTION TIME: QUESTION SIXTEEN

Question from: Paul Nicholas

Question:
The City of Monash, along with a number of other Councils, incurred a $12m cost to fund Superannuation Liabilities. This liability has been paid in full.

Given Council’s stated aversion to rate increases and debt to meet its obligations,
- What has been the source of funding to meet this considerable and unanticipated expense?
- What assets have been sold?
- What services have been reduced or eliminated?

Council Response:

In January 2013, Council paid the superannuation liability out of its cash reserves. Council’s cash reserves are consequently lower than we would like but they will recover over time through a mix of measures including continued rate increases of 6% per year and savings. No assets have been sold or are intended to be sold to raise money for the cash reserves. No services have been reduced or removed with the purpose of raising money for the cash reserves. From time to time, it is prudent for Council to consider whether it is the most appropriate body to be providing certain services. This is what guided our approach to this issue.

PUBLIC QUESTION TIME: QUESTION SEVENTEEN

Question from: Murray Nicholas

Question:
The Local Government Act (3A) says that Councils “perform the functions and exercise the powers conferred by or under this Act and any other Act for the peace, order and good government of their municipal districts”

What services currently provided by Council are mandated by the LGA and other Acts and which are provided at Council’s discretion? For each of these, what was the net annual income or expense to Council for providing the service in FY2012-13?

Council Response:

There are many services which Council is mandated to provide and many which are discretionary. Some of the mandated services include: rubbish collection, public health inspections of restaurants and maintaining local roads. Some of the services which are run at the discretion of Councils include: community festivals, public swimming pools and libraries. For an indication of the costs of providing various Council services, please refer to Council’s budget, which is available online.

PUBLIC QUESTION TIME: QUESTION EIGHTEEN

Question from: Lise Hales

Question:
The Waverley Leader newspaper, 10 December 2013 reports that Monash Council invited about 400 households to discuss the fate of 214 heritage listed trees that are 60 years old in
the Avendon Estate at community meetings in April and October 2013 with the official consultation period set to kick off in February or March 2014.

When the Council can go to this length regarding its cypress pines,

- Why is it that there was no consultation with the community PRIOR to the council making the decision to seek expressions of interest to sell its residential aged care facilities?
- Why was all discussion behind closed doors?
- And why is this decision being made in such haste – especially when a decision on pine trees is expected to take more than 12 months?

Council Response:
Council provided nearly four months for residents and family members to express their views, prior to making a decision to sell. It is not correct to say that all the discussions have been held behind closed doors – all of the issues were discussed in public by Councillors at the 28 October Council meeting and there were many opportunities for residents and family members to discuss these issues with Councillors prior to Councillors voting on the issue.

PUBLIC QUESTION TIME: QUESTION NINETEEN
Question from: Kenneth Rankin
Question:
Prior to amendments to the Aged Care Act in 2011 permitted use of interest and retention amounts from accommodation bonds excluded operational expenses of the aged care facility for which the bond was paid. Can Monash Council make public now:

1. How many residents paid bonds, the total amount of the bonds and the interest received on bonds each year from both Elizabeth and Monash Gardens prior to the 2011 amendments.
2. What capital works were undertaken, debts retired or improvements made, and at what cost, for the benefit of the residents and funded by the bond interest between 2005 & 2011?

Council Response:
The total amount of bonds and the interest received from the bonds is available in Council’s Annual Reports. For the year ending 30 June 2011, the amount held in bonds was $19,953,000 and the interest earned was $1,386,000. For the year ending 30 June 2010, the amount held in bonds was $19,794 million and the interest earned was $1,206,000. For the year ending 30 June 2009, the amount held in bonds was $22,454,000 and the interest earned was $1,104,000. Council is required to report to the Federal Government on how many residents pay bonds. However, we do not believe it is necessary to provide these figures in this forum as we do not believe it serves the aged care residents’ interests for who does or does not pay bonds to become a public discussion point.

All of the interest earned from the bonds has been redirected back into the running of the facilities. Not one cent has been used to retire debt. Council has spent about $300,000-
$400,000 each year on capital works at the facilities including refurbishing rooms and purchasing new furniture and equipment.

PUBLIC QUESTION TIME: QUESTION TWENTY

Question from: Deidre Kelly

Monash Council claims a need to sell aged care facilities because the Council is not a specialised aged care provider. Please explain in detail:

1. What is a ‘specialised aged care provider’?
2. Explain the inconsistency between the Council operating a quality service over the decades and the apparent inadequacy in continuing to do so because they are not a ‘specialised’ provider, and
3. Whether:
   a. The appointment of a CEO level aged care manager, as employed by other community aged care facilities, and
   b. Professional development for staff

Would rectify the problem perceived by Council.

Council Response:

Specialist aged care providers are providers who are focused solely on aged care. This is in contrast to Council which provides a broad range of services including aged care. Council has been able to provide a quality service over many years but we believe the time has come where a specialist needs to take over the services. There are several reasons for this. For instance, aged care will become more complex as people defer entering aged care until their needs are high. A specialist aged care provider will have more group knowledge and resources to draw upon to meet these needs. In addition, community expectations of the actual facilities provided in an aged care home continue to increase. Specialist aged care providers have greater capacity than Council to respond to growing demands in aged care by investing in facilities and extra beds. They have economies of scale that Council does not have, as they are able to spread the costs of items such as software across several facilities. In regards to your last question, Council has considered the alternatives and decided the best outcome for the aged care residents and the community is to sell the facilities to a specialist aged care provider. In the alternative you have put forward, there is no indication of how Council would fund the major redevelopments required at the facilities within the next 10 years.