MINUTES OF THE ORDINARY MEETING OF
COUNCIL
HELD ON 24 APRIL 2012

at 7.30 pm

Council Chambers
293 Springvale Road,
Glen Waverley
PRESENT: Councillors S Perri. (Mayor), J Lo (Deputy Mayor), C Baines, J Banerji, S Dimopoulos, M Drieberg P Klisaris G Lake, G Male, D McGill OAM, T Morrissey JP

APOLOGIES: Cr Lake.

DISCLOSURES OF INTEREST

Crs Drieberg and Lo – Item 8.1.

CONFIRMATION OF MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 27 MARCH 2012

Moved Cr Baines, Seconded Cr Klisaris

That the minutes of the Ordinary Meeting of the Council held on 27 March 2012, be taken as read and confirmed.

CARRIED

RECEPTION AND READING OF PETITIONS, JOINT LETTERS & MEMORIALS

Memorial

The Mayor informed the Council of the recent passing of Mrs Gill Clare, a former Councillor of the former City of Waverley and a former Councillor and Mayor of the City of Monash. Mrs Clare passed away after a long illness.

PUBLIC QUESTION TIME

The Mayor advised that no questions had been received.
1. COMMUNITY SERVICES

1.1 Supply, Installation and Support of a Leisure Facility Software Management System

Moved Cr Klisaris, Seconded Cr Dimopoulos

That Council:
1. Accepts the tender of Links Modular Solutions Pty Ltd for the supply, installation, configuration, and ongoing maintenance for one year, of a Leisure Facility Management System for the GST inclusive sum of $170,859.

2. Authorises the Chief Executive Officer, at their discretion, to approve annual maintenance agreements for the subsequent five years to the value of $140,406 and a further $36,777 over five years, for hardware and software related services, all GST inclusive.

3. Authorises the Chief Executive Officer to approve a cost of $23,922 in the first year of the contract for compliance with the Payment Card Industry Data Security Standards

4. Authorises the Chief Executive Officer to execute the contract agreement.

CARRIED

2. HUMAN RESOURCES & ADMINISTRATION

Nil
3. CORPORATE PLANNING & FINANCE

3.1 2012/2013 Four Year Base, New and Special Capital Works Program

Moved Cr Banerji, Seconded Cr Lo

That Council adopts for the purpose of the Strategic Resource Plan the 2012/2013 to 2015/2016 Base & New Capital Works Programs as shown in the attachments to this Report.

Cr Lo noted the increased funding for bicycle paths and funding for the design of the Waverley Community Hub.

CARRIED

3.2 2012/2013 Budget - Schedule of Fees and Charges

Moved Cr Klisaris, Seconded Cr Banerji

That Council adopts the Schedule of Fees & Charges, as detailed in the attachments accompanying this report, to be effective from 1 July 2012 (except as otherwise indicated).

CARRIED

3.3 Draft Budget For 2012/2013

Moved Cr Baines, Seconded Cr Lo

That

1. Council approves the proposed budget for 2012/13 as presented for the purpose of giving public notice in accordance with Section 129 of the Local Government Act 1989.

2. In accordance with Section 129 of the Local Government Act 1989, public notice of the preparation of the proposed budget will be published in The Age, Waverley Leader, Monash Journal and Oakleigh Monash Leader newspapers as soon as practicable and the proposed budget documents will be available for viewing at the following locations as prescribed by the Council:

   • Civic Centre 293 Springvale Road, Glen Waverley
   • Oakleigh Service Centre, Atherton Road, Oakleigh
   • Oakleigh Library, Drummond Street, Oakleigh
   • Clayton Branch Library, Cooke Street, Clayton
   • Mount Waverley Library, 41 Miller Crescent, Mt Waverley
   • Wheelers Hill Library, 860 Ferntree Gully Road, Wheelers Hill,
4. Council appoints a Committee of Council, comprising all Councillors to consider submissions received on the proposed 2012/13 Budget.

5. Any written submissions on any proposal contained in the proposed budget received by the Council by close of business, 28 May 2012, in accordance with Section 129 of the Local Government Act 1989, be considered by the Committee of Council at 7.30 p.m. on Tuesday 12 June 2012.

6. Any requests for verbal submissions received in accordance with Section 223 of the Local Government Act 1989 be heard by the Committee of Council at 7:30 p.m. on Tuesday 12 June 2012 in the Council Chambers at the Civic Centre, 293 Springvale Road Glen Waverley.

7. Subject to the consideration of any written or verbal submissions received in accordance with Sections 129 and 223 of the Local Government Act 1989 and any decisions made, Council adopts its budget on 26 June 2012.

Cr Lo commented that the Council was working to meet its short and long term goals, while addressing external pressures such as State and Federal Government levies and charges.
Cr Lo noted the introduction of an Electronic Gaming Machine land differential rate to address problem gambling in the Monash community. This is an initiative he was very proud to have advocated for during the development of the draft budget as Council understands that problem gambling has a devastating effect on individuals and families throughout Monash.

Cr Dimopoulos noted that of the proposed 6% rate increase, 3.75% of that would be required to pay for Government levies and charges.

Cr Morrissey stated that the proposed Budget was balanced and financially responsible.

Cr McGill supported the Budget and noted the State and Federal Government levies and charges Council would be required to meet.

The Mayor noted that the Budget aimed to keep costs down while maintaining Council’s strong financial position into the future. She highlighted a number of key projects and programs proposed for the 2012/13 financial year.

CARRIED

3.4 Draft Council Plan 2009/2013 (2012 Update)

Moved Cr McGill, Seconded Cr Morrissey

That

2. The Council appoints a Committee of all Councillors to consider any submissions received up to 5.00 p.m., 28 May 2012 in accordance with section 223 of the Local Government Act 1989, at a meeting to be convened at 7.30pm, Tuesday 12 June 2012, in the Council Chambers at the Civic Centre, 293 Springvale Road, Glen Waverley.

CARRIED

3.5 2011/2012 Management Accounts Report

Moved Cr Lo, Seconded Cr Banerji

That Council notes the Financial Reports for the period ending 31 March 2012.
4. **INFRASTRUCTURE SERVICES**

Nil

5. **CITY DEVELOPMENT**

5.1 17-55 Nantilla Road Clayton – Buildings and Works Comprising A New Office / Warehouse Building

Moved Cr McGill, Seconded Cr Dimopoulos

That Council having considered Section 52 of the Planning and Environment Act 1987 and being satisfied that the grant of a permit would not cause material detriment to any person has not required that notice be given for Planning Application No.40158.

The Council having considered planning application No. 40158 and all the matters required under Section 60 of the Planning and Environment Act 1987 decides to **grant a planning permit** under the provisions of the Monash Planning Scheme in respect of the land known and described as 17-55 Nantilla Road, Clayton, for the purpose of buildings and works comprising a new office / warehouse building generally in accordance with the plans submitted with the application dated 6 February 2012 subject to the following conditions, including the specified standard conditions set out in the Council’s “Town Planning Standard Conditions” adopted by the Council 16 September 2003:

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

2. The 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.

3. Before occupation all buildings and works specified in this permit must be completed to the satisfaction of the Responsible Authority. The Responsible Authority must be advised in writing when all construction and works are completed to enable the site to be inspected.

4. Direct the entire site’s stormwater drainage to the existing point of discharge to the internal drainage system.
5. **All on-site stormwater is to be collected from hard surface areas and must not be allowed to flow uncontrolled into adjoining properties.**

6. **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.**

7. **The construction works associated with the use/development and/or subdivision hereby permitted must only be carried out during the following hours:**
   - Monday to Friday (inclusive) – 7:00am to 6pm;
   - Saturday – 9am to 1pm;
   - Saturday – 1pm to 5pm (Only activities associated with the erection of buildings. This does not include excavation or the use of heavy machinery);

   unless otherwise approved in writing by the Responsible Authority.

8. **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.**

**NOTES**-

1. Forward to Council a copy of the plans (A3-A1 size) for the drainage works for Council’s records. The plans are to show sufficient information to determine that the drainage works will meet all drainage conditions of the permit.

**Expiry of permit:**

In accordance with section 68 of the Planning and Environment Act 1987, this permit will expire if one of the following circumstances applies:

- The development 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 three months afterwards.

**CARRIED**

**5.2 1 Price Street Oakleigh South – Use of The Site For A Transfer Station and For Materials Recycling**

Moved Cr McGill, Seconded Cr Dimopoulos

Council having caused notice of planning application No. 39902 to be given under section 52 of the Planning and Environment Act 1987 and having considered all the matters required under section 60 of the Planning and Environment Act 1987 decides
to refuse the application for the planning permit under the provisions of the Monash Planning Scheme in respect of the land known and described as 1 Price Street, Oakleigh South for the use of the site for a transfer station and for materials recycling on the following grounds:

1. The proposed use will have an adverse impact on the amenity of nearby properties, in particular with regard to noise, odour, emissions to air, land or water, vibration and dust.
2. The proposal is not consistent with the purpose of Clause 52.45 of the Monash Planning Scheme relating to Resource Recovery.

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

CARRIED

5.3 500-502 Highbury Road Mount Waverley–The Construction of Six Dwellings - Extension of Time

Moved Cr Morrissey, Seconded Cr Banerji

That Council having considered all the matters required under Section 60 of the Planning and Environment Act 1987, decides to grant the extension of time for Planning Permit 33547 under the provisions of the Monash Planning Scheme in respect of the land known and described as 500-502 Highbury Road, Mount Waverley for the construction of six dwellings and issue an extended permit with extension dates as follows:

- The development is not started before 7 July 2013.
- The development is not completed before 7 July 2015.

CARRIED

5.4 2 Cabal Court Mulgrave – A Single Storey Dwelling To The Rear of The Existing Dwelling - Extension of Time

Moved Cr Drieberg, Seconded Cr Klisaris

That Council having considered all the matters required under Section 60 of the Planning and Environment Act 1987, decides to grant the extension of time for Planning Permit 33297 under the provisions of the Monash Planning Scheme in respect of the land known and described as 2 Cabal Court, Mulgrave for a single storey dwelling to the rear of the existing dwelling and issue an extended permit with extension dates as follows:
• The development is not started before 23 February 2013.
• The development is not completed before 23 February 2015.

CARRIED

5.5 Town Planning Schedule

Moved Cr Drieberg, Seconded Cr Banerji

That the report containing the Town Planning Schedules be noted.

CARRIED

5.6 Contract For School Crossing Supervisors

Moved Cr Lo, Seconded Cr McGill

That:
1. Council accepts the tender from Chandler MacLeod Group Pty Ltd at an estimated cost of $2,473,334.80 (includes GST), for the provision of 73 School Crossing Supervisors for three years with an option, at Council discretion, of a further two years.
2. The Chief Executive Officer be authorised to sign and seal the contract documents.

CARRIED

5.7 Eaton Mall Enhancement Tender – Civil Contract

Moved Cr Dimopoulos, Seconded Cr McGill

That:
1. Council accepts the adjusted lump sum tender price of $2,014,621.40 inclusive of GST, submitted by Juniper Contractors, for the construction and management of the Eaton Mall Enhancement Works.
2. The anticipated project expenditure of $2,213,712 for the Eaton Mall Enhancement Works be approved.
3. The Chief Executive Officer be authorised to sign and seal the contract documents.
4. The Chief Executive Officer be authorised to approve any contract variations that are contained within the anticipated project expenditure.

Cr Dimopoulos sought an assurance that material changes to design or other elements of the project would not be made without the Council’s knowledge or consent.

CARRIED

6   CHIEF EXECUTIVE OFFICER’S REPORTS

6.1  Assembly of Councillors

Moved Cr McGill, Seconded Cr Banerji

That Council notes the Assembly of Council records submitted as part of the requirements of the Local Government and Planning Legislation Amendment Act 2010.

CARRIED

6.2  Council Web Site Quarterly Report

Moved Cr McGill, Seconded Cr Drieberg

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

1. Visits to the site during the period have increased by 5% over the same period a year ago;

2. The number of pages accessed during the period has increased by 4% over the same period a year.

CARRIED

7.  COMMITTEE REPORTS

7.1  Young Persons Reference Group Membership

Moved Cr Lo, Seconded Cr Baines
1. That Council accepts the resignation of Mr Bevan Heng, Ms Alex Pelevaniuc and Mr Michael Pelevaniuc from the Monash Young Persons Reference Group.

2. That Council accepts the appointment of Ms Eileen Liu, Mr Cadell Sanderson and Ms Bethany Davey to the Monash Young Persons Reference Group.

Cr Lo acknowledged and thanked the outgoing MYPRG members for their contribution and welcomed the incoming members.

CARRIED

8. NOTICES OF MOTION

8.1 Discretionary Fund Applications - Mayor

Moved Cr Dimopoulos, Seconded Cr Banerji

NOTE: Crs Drieberg and Lo disclosed an interest in this item and left the Chamber at 8.13 pm. Cr Lo disclosed that he is employed by an applicant for funding. Cr Drieberg disclosed that an applicant for funding is a client of hers.

Both Councillors returned to the Chamber at 8.14 pm after the Council had resolved on the motion.

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

1. Olympos Greek Senior Citizens - $2,149.70 (excluding GST)
2. Waverley Garden Club Inc. Floral Art Group - $500
3. Mazenod Panthers Football Club - $615 (excluding GST)
4. MonashLink - $3,000 subject to MonashLink raising $7,000

CARRIED

8.2 Caretaker Provisions For 2012 Council Elections

Moved Cr Klisaris, Seconded Cr Dimopoulos

That Council amends the Councillors’ Code of Conduct as detailed in Attachment 1 to this Notice of Motion.

CARRIED
8.3 MAV Notice of Motion – Reducing Inequities Around Problem Gambling

Moved Cr Perri, Seconded Cr Banerji

That Council endorses the submission of the following motion to MAV State Council Annual Meeting on 17 May 2012:

As a result of the higher densities of Electronic Gaming Machines (EGMs) being located in vulnerable communities in Victoria, the MAV undertakes systemic advocacy that:

(1) Requires decision-makers to consider the impact of increasing densities of EGMs in vulnerable communities at the local level or Census Collector District level;

(2) Community benefits be genuine (i.e to benefit those at most risk of harm from EGM gambling) and requires the applicant to prove that there is positive community benefit if increasing the number of EGMs (as opposed to the current ‘will not be detrimental’ test);

(3) Ensures that decision makers will not increase the number of EGMs in communities with below average SEIFA scores when the EGM density is currently above or will become above the State average.

The Mayor stated that the motion arose from the Council’s experiences regarding electronic gaming machines and the effects of them on vulnerable communities. It reflected the need to change the State legislation to protect such communities.

Cr Lo acknowledged the Mayor’s leadership on this issue. He noted the Local Government sector’s concerns about the impact of electronic gaming machines and stated that further guidelines were needed to require the EGM industry to prove genuine benefits to the community.

CARRIED

9. URGENT BUSINESS

Nil.
10. **COUNCILLORS’ REPORTS**

10.1 **Cr Dimopoulos:**

a) informed the Council that he had attended ANZAC Memorial services at the Oakleigh and Clayton RSLs. He would also attend the Dawn Service at the Oakleigh barracks on ANZAC Day.

b) informed the Council that he had attended the launch of the book titled “this Is A Promised Land” and that a number of copies of the book, written by an Oakleigh resident, had been purchased for the Monash Public Libraries.

c) paid tribute to the outgoing Chief Executive Officer, Mr David Conran.

10.2 **Cr McGill:**

a) Advised the Council that the Environmental Advisory Committee had met 1 week ago, when the recently Council-appointed new members of the Advisory Committee were welcomed.

b) Noted that 3 members of the Positive Ageing Advisory Committee (PARG) had attended a meeting of the Multicultural Advisory Committee to promote interest from the CALD community in vacant positions on the PARG.

c) paid tribute to the outgoing Chief Executive Officer, Mr David Conran.

10.3 **Cr Baines**

Cr Baines informed the Council of the recently-held, successful Multi-Faith Festival. She advised that a youth forum and a forum on women were held as part of the festival. Cr Baines congratulated the Inter-Faith Gathering on the event

The Mayor thanked Cr Baines for her leadership and efforts in promoting the Inter-Faith Gathering and its work.

Cr Baines paid tribute to the outgoing Chief Executive Officer, Mr David Conran.

10.4 **Cr Morrissey**

Cr Morrissey paid tribute to the outgoing Chief Executive Officer, Mr David Conran.

10.5 **Cr Lo**

a) informed the Council that he had attended the ANZAC Memorial service at the Waverley RSL on 22 April 2012 and would attend the ANZAC Day dawn service at the Waverley RSL.

b) advised the Council of the installation of outdoor lighting at the Mount Waverley Tennis Club.

c) paid tribute to the outgoing Chief Executive Officer, Mr David Conran.

10.6 **Cr Drieberg**

a) informed the Council of the successful Mulgrave Fun Day, held on the weekend.
b) attended the Mulgrave Football Club luncheon, where she was made the club’s No.1 ticket holder. The Club asked that its thanks be conveyed to Cr Male for his support of local sport.

c) together with the Mayor and Crs Baines and Klisaris, met with The Hon. Kim Wells, Member for Scoresby and State Treasurer, to discuss matters relating to Wheelers Hill.

10.7 The Mayor
The Mayor paid tribute to the outgoing Chief Executive Officer, Mr David Conran.

11. PERSONAL EXPLANATIONS
Nil

12. MATTERS OF COUNCIL IMPORTANCE
Nil

13. CONFIDENTIAL BUSINESS

Moved Cr Lo, Seconded Cr McGill

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

CARRIED

Accordingly, at 8.45 pm, the Council moved into Confidential Business.

RETURN TO OPEN COUNCIL

The Council moved back into Open Council at 8.46 pm.

The Mayor declared the meeting closed at 8.47 pm

MAYOR: ........................................
DATED THIS .................................. DAY OF .................................. 2012