MINUTES OF THE ORDINARY MEETING OF
COUNCIL
HELD ON 30 APRIL 2013

at 7.30 pm

Council Chambers
293 Springvale Road,
Glen Waverley
PRESENT: Councillors M Drieberg (Mayor), J Lo (Deputy Mayor), R Davies, S Dimopoulos, P Klisaris, G Lake, B Little, T Morrissey, K Nolan, B Pontikis, T Zographos

APOLOGIES:
Nil

DISCLOSURES OF INTEREST
Nil

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

Moved Cr , Seconded Cr

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

CARRIED

RECEPTION AND READING OF PETITIONS, JOINT LETTERS & MEMORIALS

Nil

PUBLIC QUESTION TIME

The Mayor advised that 1 question had been received. The question was responded to in the Council Chamber.
1. COMMUNITY DEVELOPMENT & SERVICES

1.1 Draft Monash Youth Plan 2013-16

Moved Cr Lo, Seconded Cr Little

*That Council approves the release and circulation of Council’s draft Monash Youth Plan 2013-2016 for final exhibition.*

Cr Lo spoke in support of the Plan, noting that the Council was committed to advocating on behalf of young people and providing the best possible services for them. He also noted the active participation of the Monash Young Persons Reference Group and young people in the community, in the development of the draft Plan.

Cr Little said that a great deal of work had been done by Council to make young people in the community aware of the services available to them. He added that the Council had to look at encouraging young people to be active in engaging and connecting with other young people.

Cr Zographos commended the draft Plan and the Council’s youth outreach services. He said that the Council needed to promote participation in civic activities by young people and to encourage them to use Council’s facilities, such as the Monash Libraries. Cr Zographos noted that volunteering by young people in the community was an important issue and had been included in the draft Plan. He also noted that youth unemployment was an important issue and would like to see that addressed in the draft Plan.

Cr Klisaris commended the Plan and said that it was necessary to acknowledge the important role played by families in young people’s lives and for Council to consider providing support to parents of young people.

CARRIED

1.2 Monash Young Persons Reference Group

Moved Cr Lo, Seconded Cr Zographos

1) *That Council accepts the appointment of Ms Elaina Opare, Ms Sakshi Thakur, Mr Hyden Seo, Mr Phillip Liberatore, Ms Indie Wijesekara and Mr Abdullah Zahid to the Monash Young Persons Reference Group.*

2) *That Council endorses the resignation of Mr Andrew Gai, Mr Cadell Sanderson, Mr Gajan Thiyagarajah, Ms Jade Leigh, Mr Luke Blakemore, Mr Miranpal Nagra, Ms Natalie Inder, Mr Nick Bell, Ms Rahat Kapur and Mr*
Beven Heng from the Monash Young Persons Reference Group and acknowledges their important contribution to the City of Monash.


Cr Lo congratulated the outgoing Reference Group members and welcomed the new members. He noted the enthusiasm and commitment of the Group and the significant contribution it had made to the development of the Draft Youth Action Plan.

Cr Klisaris commended Cr Lo for his work with the Reference Group and his involvement in youth-related issues in the community.

CARRIED

1.3 Strengthening Clayton & Clarinda Council Report

Moved Cr Pontikis, Seconded Cr Zographos

That Council notes the progress report for the Strengthening Clayton & Clarinda Project

Cr Pontikis noted the recent achievements of the project and the Government funding that had been received to for some of the work being done.

CARRIED

1.4 Victorian Public Libraries - Stage 2 Discussion Paper

Moved Cr Drieberg, Seconded Cr Lo

That Council:

(1) advise the Ministerial Advisory Council on Public Libraries of Council’s response to the Review of Public Libraries Stage Two Discussion Paper in accordance with the submission detailed in this report.

(2) write to relevant State Members of Parliament advising of Councils position and seeking their support to advocate for and consider an equitable and well funded model.

Cr Lo stated that could not support the Victorian Library concept without first seeing a business case. He said that he wanted to ensure that the services that Monash provides to the community were protected and the concept was unclear, particularly in relation to funding.

Cr Zographos said that the Ministerial Advisory Council on Public Libraries was politically bi-partisan in its composition and included Parliamentarians from the major political parties, representatives of the MAV and VLGA and Local
Government professionals. The review of public libraries was quite extensive and it was appropriate to discuss the role of libraries in the community. Cr Zographos said that the current government had increased library funding by $37 million.

CARRIED

1.5 Walking & Cycling Strategy

Moved Cr Lo, Seconded Cr Nolan

*That Council endorses Monash’s Walking & Cycling Strategy*

Cr Little noted that the Strategy, in its draft form, had been put out for public consultation, which attracted an excellent response. He emphasised that the Strategy would enable the Council to develop a coordinated approach to determining what paths it has and the work needed to link them.

Cr Nolan commended the Strategy, and acknowledged the important contribution made to it by those community groups that had been involved in the public consultation phase of the Strategy’s development.

Cr Davies spoke in support of the strategy, noting the inclusion of Key Performance Indicators, which he had requested.

CARRIED

2. HUMAN RESOURCES

Nil

3. CORPORATE PLANNING & FINANCE

3.1 Quarterly 2012/2013 Management Accounts Report

Moved Cr Morrissey, Seconded Cr Davies

*That Council notes the Financial Reports for the period ending 31 March 2013.*

CARRIED
3.2 Draft Council Plan 2013-17 incorporating the Strategic Resource Plan

Moved Cr Drieberg, Seconded Cr Lo

That


2. The Council appoints a Committee of all Councillors to consider any submissions received up to 5.00 pm., Tuesday 4 June 2013 in accordance with Section 223 of the Local Government Act 1989 at a meeting to be convened at 7.30 pm., Tuesday 11 June 2013, in the Council Chambers at the Civic Centre, 293 Springvale Road, Glen Waverley.

Cr Lo noted that the Council Plan set out the Council’s priorities for the next 4 years in a straightforward manner. He further noted the significant community feedback that had been received during the community consultation phase of the draft Plan’s development.

Cr Klisaris emphasised that the Council worked hard to ensure that the services and facilities it provides to the community are of a very high standard.

Cr Drieberg emphasised that the Plan had real implications for the community and represented a collective vision, with a strong emphasis on civic participation.

CARRIED

3.3 Fees Charges 2013-2014

Moved Cr Davies, Seconded Cr Klisaris

That Council adopts the Schedule of Fees & Charges, as detailed in the attachments accompanying this report, to be effective from 1 July 2013 (except as otherwise indicated).

Cr Davies noted that extensive work had been done on the fees and charges, with a line by line examination of each fee and charge. He said that the proposed fees and charges represented a good balance between rates and revenue raised through ‘user-pays’.

CARRIED
3.4 2013-2014 Draft Budget Report

Moved Cr Davies,  
Seconded Cr Little

That

1. Council approves the proposed budget for 2013/14 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,
   - Glen Waverley Library, Kingsway, Glen Waverley,
   - Wellington Community Centre, Mackie Road Mulgrave; and

3. At the time of publication of the public notice the information contained in the public notice and the requirements for statutory information set out in Regulation 9 of the Local Government (Finance & Reporting) Regulations 2004 will be available for public inspection between 2nd May and 4th June 2013, (both dates inclusive) during normal business hours at the following locations:
   - Civic Centre 293 Springvale Road, Glen Waverley between the hours of 8.15 am and 5.00 pm weekdays
   - Oakleigh Service Centre, Atherton Road Oakleigh, between the hours of 8.45 am and 5.00 pm weekdays

and

   - 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
   - Glen Waverley Library, Kingsway Glen Waverley
   - Wellington Community Centre, Mackie Road Mulgrave

   during the normal advertised business hours; and on Council’s web site: www.monash.vic.gov.au.

4. Council appoints a Committee of Council, comprising all Councillors to consider submissions received on the proposed 2013/14 Budget.

5. Any written submissions on any proposal contained in the proposed budget
received by the Council by close of business, 4th June 2013, 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 11 June 2013.

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 11 June 2013 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 25 June 2013.

Following a request from the Mayor, the Director Corporate Planning and Finance spoke to a recommended addition to the motion to add a new Point 8:

8. If the Governor in Council, by Order in Council, prohibits the declaration of the proposed Electronic Gaming Machine Differential Rate by Council, Council proposes that the land to which the Electronic Gaming Machine Differential Rate would have applied shall be rated in accordance with the General Differential Rate, subject to Council determining to apply the General Differential Rate to such land when declaring its rates.

The Director Corporate Planning and Finance advised Council that this additional point was being proposed out of an abundance of caution and had been suggested by Council’s solicitors as a way of ensuring that there could be no suggestion that Council would need to go through a further public consultation process should Council ultimately decide to remove the proposed differential on electronic gaming machine venues from the budget following the public consultation period. Such a further period of consultation would be required if this a change was regarded as a material change to the draft budget. The Director Corporate and Finance advised that it was his view that such a removal would not reasonably be considered to be a material change, however, in light of the cautious approach suggested by Council’s solicitors, he was recommending that the change be adopted.

Cr Lake expressed his opposition to the inclusion of point 8, saying that it was not necessary to forecast something that the Council was not contemplating at this point in time. He said it would be better for Council to wait until the conclusion of the public consultation process, and being in a period to consider any submissions in relation to the budget, including any view which the Minister for Local Government wishes to express through that process, before determining how to proceed with the proposed differential rate. He noted that the MAV had received some preliminary advice that the Minister may not have the power under the Local Government Act 1989 to arbitrarily prohibit through ministerial guidelines the declaration of a differential rate on electronic gaming machine venues.
Cr Klisaris spoke against the inclusion of Point 8 saying that the Council had to see its position through.

Cr Zographos said that problem gambling was affecting the community and he considered it appropriate for the State Government, to address the issue rather than Local Government. He added that it was a mistake for the Council to persist with an EGM differential rate.

Cr Dimopoulos spoke against the inclusion of point 8, saying that the Council had worked well and appropriately on the Budget and the Minister would have an opportunity to comment on it.

In response to a question from Cr Davies, the Director Corporate Planning and Finance advised that should the Minister prohibit the differential rate, this would not have a material effect on the Council’s budget.
AMENDMENT

Moved Cr Lake, Seconded Cr Lo

That Point 1 of the recommendation be amended to read as follows:

“That, having carefully considered the Ministerial Guidelines for Differential Rating and sections 161(2A) and (2B) of the Local Government Act 1989, and in particular having regard to Council’s objectives under Sections 3A and 3C(2)(f) of the Act, as well as noting the broad rating powers pursuant to Section 161 of the Act to raise any general rates by the application of the differential rate, Council approves the proposed budget for 2013/14 as presented for the purpose of giving public notice in accordance with Section 129 of the Local Government Act 1989.

Cr Lake said that his amendment was seeking to make it clear that the Council had considered the *Ministerial Guidelines for Differential Rating*.  

Cr Zographos sought a tabling of the sections of the Local Government Act 1989 that were referred to in Cr Lake’s amendment or a tabling of the legal advice obtained by the Council regarding the *Ministerial Guidelines for Differential Rates*. Cr Zographos also expressed concern at the wording of the amendment, regarding whether or not the Council or the Administration had considered the Ministerial Guidelines.

The Director Corporate Planning and Finance advised that it was implicit in the recommended Point 8 which Council had not adopted that the Guidelines had been considered. Asked by a Councillor for his view of Cr Lake’s amendment, the Director suggested that it would be prudent to add the proposed amendment to the motion before the Council.

CARRIED

SUBSTANTIVE MOTION

The motion, as amended, became the substantive motion.

Cr Klisaris suggested that the first dot point on page 1 of the Mayor’s Message be amended to reflect the allocation of funds for the introduction of synthetic playing surfaces. He added that the municipality was in a strong financial position and would be able to continue to provide excellent services and facilities. He noted that $50,000 had been allocated to plan for the introduction of synthetic playing surfaces.

Cr Zographos commended Cr Klisaris on his work related to the introduction of synthetic playing surfaces. He commended the draft Budget and said that he looked forward to the public feedback on it.
Cr Morrissey noted that the rate rise would be 6 percent. He said that the Council would have to work hard to ensure that it delivered what was outlined in the draft Budget. He commended the draft Budget, noting the significant work done in developing it.

Cr Little commended the draft Budget and noted the impact of the Council paying its $12.4 million superannuation liability under the Defined Benefit Superannuation Scheme.

Cr Davies said that when he came onto Council he noted two substantial financial risks, the $12m Superannuation liability and employment costs, which had been rising by 7-10% per year. The Superannuation Levy was addressed in the December 2012 Council meeting saving ratepayers hundreds of thousands of dollars. The rise in employment Costs had been highlighted by him in the February edition of the Monash Bulletin. This issue had been addressed in the budget with employment costs rising by only 3.7%, a big decrease from previous years. Cr Davies further commented that this was a good, balanced, responsible and well considered budget. Both costs and revenues had been looked at and adjusted responsibly. The only reason for the 6% rate rise was that we needed to replenish funds due to the super fund bailout, otherwise the rate rise would likely have been lower.

Cr Lake said he was pleased that the draft Budget appeared to be supported by all Councillors and acknowledged that the 6 percent rate increase would be difficult for some ratepayers. However, he said that in his view, the Council was getting the balance right between the level of the rate increase on one hand and maintaining and in places – enhancing services and infrastructure on the other. Returning to the inclusion of the differential rate on electronic gaming machine venues, Cr Lake said that in Council’s view it was not proper for the Minister for Local Government to block the continuation of Council’s differential rate on electronic gaming machines without having first reviewed the draft budget and considered Council's reasons for proposing the differential rate. He also said that based on the preliminary advice received by the MAV, it was also questionable whether or not through mere guidelines, the Minister had the power to arbitrarily block the continuing use of a differential rate which otherwise was entirely consistent with, and in strict compliance with, the Local Government Act 1989.

EXTENSION OF TIME

Moved Cr Lo, Seconded Cr Zographos

That Cr Lake be granted an extension time to speak of 2 minutes.

CARRIED

Cr Lake advised that the MAV was seeking further legal advice regarding the Minister’s powers to restrict the use of differential rates and noted that the Guidelines had only been announced earlier that month and may not have even been published yet in the Government Gazette.
Cr Lo said that the Budget put the Council in a great position for the next 3 years; going back to basics but also funding new initiatives.

The Mayor noted that the emphasis of the Budget was getting back to basics. The Mayor noted that Monash was the lowest rating Council in Victoria and was also pleased that the Council would continue with its EGM Differential Rate.

Put and

CARRIED

3.5 4 Year Base New Capital Works Programs Report

Moved Cr Lo, Seconded Cr Zographos

That Council adopts for the purpose of the Strategic Resource Plan the 2013/2014 to 2016/2017 Base & New Capital Works Programs as shown in the attachment to this Report.

CARRIED

4. INFRASTRUCTURE SERVICES

Nil

5. CITY DEVELOPMENT

5.1 Amendment C115 To The Monash Planning Scheme - The Vegetation Protection Overlay

Moved Cr Lake, Seconded Cr Klisaris

a) That the Minister for Planning be requested to appoint a Panel to consider Amendment C115 to the Monash Planning Scheme to modify the exemption provisions of the Vegetation Protection Overlay (VPO) and submissions received pursuant to Sec.23(1)(b) of the Planning and Environment Act.

b) That all submissions received be referred to the Panel appointed by the Minister for Planning.

CARRIED

5.2 2 Park Road Oakleigh - Use And Development of A Restricted Recreation Facility With Ancillary Restaurant / Cafe; Buildings And Works Within A Design And Development Overlay (DDO1); And The Provision of Associated Car Parking
Moved Cr Drieberg, Seconded Cr Little

Council resolves to issue a Notice of Decision to grant a Permit under the Monash Planning Scheme to the land described as 2 Park Road Oakleigh, TPA/41099 for the use and development of a restricted recreation facility with ancillary restaurant / cafe; buildings and works within a Design and Development Overlay (DDO1); and the provision of associated car parking, subject to the following conditions;

1. Before the development and use starts, three copies of amended plans drawn to scale and dimensioned, must be submitted to and approved by the Responsible Authority. 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) The accessible parking space is to have a minimum length of 5.5 metres to avoid vehicles overhanging the footpath to the satisfaction of the Responsible Authority.

b) Provide 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) both sides of each vehicle crossing to provide a clear view of pedestrians on the footpath of the frontage road to the satisfaction of the Responsible Authority.

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

3. Prior to the commencement of works on the site, the owner shall prepare a Waste Management Plan for the collection and disposal of garbage and recyclables for all uses on the site. The Waste Management Plan shall provide for:

a) The method of collection of garbage and recyclables for uses;

b) Designation of methods of collection including the need to provide for private services or utilisation of council services;

c) Appropriate areas of bin storage on site and areas for bin storage on collection days;

d) Measures to minimise the impact upon local amenity and on the operation, management and maintenance of car parking areas;

e) Litter management.

A copy of this plan must be submitted to Council.

4. The use may operate only between the hours of:
• 10.00am to midnight Sunday to Thursday; and
• 10.00am to 1.00am Fridays and Saturdays.

unless the Responsible Authority gives consent in writing.

5. Not more than one-hundred (100) patrons shall be accommodated within the subject property at any one time.

6. The use must comply with the Environment Protection Authority’s State Environment Protection Policy ‘Control of Noise from Commerce, Industry and Trade’ – (SEPP-N1).

7. 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.

8. Before the use starts all 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 works are completed to enable the site to be inspected.

9. No form of public address system may be installed so as to be audible from outside the building / site.

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

11. 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.

12. Adequate provision shall be made for the storage and collection of garbage and other solid wastes and these facilities are to be located on the site to the satisfaction of the Responsible Authority.

13. Approval of each proposed crossing, and a permit for installation or modification of any vehicular crossing is required from Council’s Engineering Department.

14. All new crossings are to provide a minimum of 1.0 metre from the turning point of the vehicle crossing at the kerb to the edge of any tree canopy, power pole, drainage or service pit, or other services.
15. On-site staff parking spaces are required to be clearly marked.

16. The layout of the development shall follow the Design Standards for car parking set out in Clause 52.06-8 of the Monash Planning Scheme as detailed below:
   - Accessway to provide at least 2.1m headroom beneath overhead obstructions.
   - Driveway gradient to be no steeper than 1 in 10 (10%) within 5 metres of the frontage to ensure safety for pedestrians and vehicles.
   - Minimum requirements for parking space dimensions to be in accordance with Table 2.
   - Clearance to car parking spaces to be in accordance with Diagram 1 in relation to the placement of a wall, fence, column, tree, tree guard or any other structure that abuts a car space.

17. The accessible parking space should generally be designed (other than length of space) in accordance with the Australian Standard for Off-Street Parking for people with disabilities, AS/NZS 2890.6.

18. Bicycle parking facilities shall generally follow the design and signage requirements set out in Clause 52.34 of the Monash Planning Scheme.

19. The stormwater drainage for the proposed development must be collected and free drained via a pipe / pipes to the existing on-site storm water system.

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

20. All on-site stormwater is to be collected from hard surface areas and must not be allowed to flow uncontrolled into adjoining properties.

21. One copy of the drainage plans is to be provided to the Engineering Division for our records.

22. The waste storage area must be sufficient in size to contain all rubbish receptacles. The waste storage area must be sealed, graded and drained to sewer.

23. A grease trap is to be provided in accordance with your Water Authority’s requirements and be located outside kitchen and server areas.

24. The design and fit out of the food premises must comply with Food Standard Australia New Zealand’s Food Safety Standard 3.2.3 – Food Premises & Equipment.

25. Council’s Public Health Unit must be contacted once works have been completed so that a final inspection can be conducted and works approved prior to commencement to trade.
26. The ancillary restaurant / café component is to be for the use of patrons of the restricted recreation facility only.

27. The manager’s details (including mobile phone number) must be clearly displayed on a fixed sign at the main entry to the facility at all times. Contact details should be provided to Council and updated on an ongoing basis.

28. 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 three months afterwards.

NOTES-

1. Deliveries and waste collection only to be carried out within hours prescribed by EPA guidelines.

2. Construction and performance of kitchen exhaust system must comply with AS1668.2 (as amended). NB: the flue from the kitchen exhaust canopy must terminate at least 1 metre above the building line.

3. Offensive odours must not be emitted from the premises.

4. Motors for equipment and air-conditioning/heating units to be located where no noise nuisance created to neighbours or insulated/sound proofed.

5. Provision is to be made for the protection of food from insects and dust by providing:
   • air curtains
   • positive air pressure and/or
   • insect light traps.

6. That all enclosed areas within or adjacent to the premises must comply with the requirements of the Tobacco Act 1987 and any amendments or regulation made thereunder.

LOST

ALTERNATIVE MOTION

Moved Cr Zographos, Seconded Cr Dimopoulos
Council resolves to issue a Refusal to grant a Permit under the Monash Planning Scheme to the land described as 2 Park Road Oakleigh, TPA/41099 for the use and development of a place of assembly with ancillary restaurant / cafe; buildings and works within a design and development overlay (DDO1); and a reduction in the car parking requirements set out at clause 52.06 of the Monash Planning Scheme, subject to the following grounds:

1. The proposed use is contrary to the purpose and intent of the Industrial 1 zone, and if approved will set an undesirable precedent.
2. The proposed use is inappropriate having regard to the proper and orderly planning of the area.
3. The proposed use and development will result in an adverse impact on amenity, the streetscape and the general neighbourhood character of the area.
4. Traffic and vehicular movements directly associated with the proposal have the potential to adversely impact on the residential area to the north.
5. The location is considered inappropriate for the proposed use.

CARRIED

5.3 7 Rugby Road Hughesdale - Extension of Time - Construction of A 2 Storey Building Over Basement Car Parking Containing 9 Dwellings (Apartments) Generally In Accordance With The Endorsed Plans

Moved Cr Little, Seconded Cr Pontikis

Council resolves to issue an Extension of Time to Planning Permit No. 34905 in respect of the land described as 7 RUGBY ROAD, HUGHESDALE for the construction of a two storey building over basement car parking containing 9 dwellings (apartments) pursuant to the provisions of Section 69 of the Planning and Environment Act 1987.

Permit expiry dates extended as follows:

- The development are not started before 8 January 2014.
- The development is not completed before 8 January 2016.

CARRIED

5.4 Domestic Animal Management Plan

Moved Cr Morrissey, Seconded Cr Lo


CARRIED
5.5 Town Planning Schedule

Moved Cr Little, Seconded Cr Dimopoulos

That the report containing the Town Planning Schedules be noted.

CARRIED

6 CHIEF EXECUTIVE OFFICER’S REPORTS

6.1 Assembly of Councillor Record

Moved Cr Davies, Seconded Cr Zographos

That Council notes the Assembly of Council records submitted as part of the requirements of the Local Government Act 1989, as amended by the Local Government and Planning Legislation Amendment Act 2010.

CARRIED

6.2 Tender for Cleaning Services - Monash Halls

Moved Cr Morrissey, Seconded Cr Pontikis

That Council:
1. Awards the contract for the provision of cleaning services at Alvie Hall, Ashwood Hall, Clayton Hall, Glen Waverley Community Centre, Huntingdale Hall, Mount Waverley Community Centre, Mount Waverley Youth Centre, Oakleigh Community Centre, Oakleigh Hall and Princes Highway Reserve West Pavilion to Cleantastic Melbourne East for the lump sum price of $536,730 including GST. and

2. Awards the contract for the provision of cleaning services at Fregon Hall, Hughesdale Hall, Monash Community Inn and Mulgrave Community Centre to Centrepoint Cleaning Pty Ltd for the lump sum price of $193,583 including GST.

3. Award the contracts on the basis of an initial term of 3 years with three optional extensions of one year each.

4. Authorise the Chief Executive Officer to execute the options in the contract, subject to contract performance and on a suitably negotiated price.

5. Agree that the Contract Agreement be signed and sealed.

6. Current cleaning contract to be extended for 1 month from 1 May 2013 to 31 May 2013 to ensure effective Contract transition.
7. COMMITTEE REPORTS

Nil

8. NOTICES OF MOTION

8.1 Discretionary Fund Applications

Moved Cr Drieberg, Seconded Cr Nolan

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

- Waverley Community Learning Centre: $500 excl. GST
- Combined Charities: $265 excl GST
- Monash Indian Senior Citizens Forum (Clayton): $500 excl. GST

Cr Davies said that he was not happy with the current Discretionary Fund process; there is no written process or guidelines and no cap on expenditure. The Council could exceed the budget allocated for the Fund. He said that he would prefer written guidelines.

Cr Klisaris noted that the Fund had been set up to allow the Council to assist those community groups that may have missed out on community grants, with ad hoc funding requests. The amounts concerned are relatively small. Previous Councils had considered the introduction of guidelines, but considered that this was not necessary and prevented flexibility in decision-making.

Cr Lo said that there was a thorough process in place, with applications required to be received in writing and officers providing written commentary and advice to Councillors on the applications.

CARRIED

EXTENSION OF TIME

Moved Cr Drieberg, Seconded Cr Little

That the meeting be extended for a further 30 minutes

CARRIED

8.2 Constitutional Recognition of Local Government
Moved Cr Lo,            Seconded Cr Lake

1. That Council resolves to contribute its assessed share towards the national local government “Yes” Campaign in the event that the Government announces a referendum will be held at the September federal election to financially recognise Local Government in the Australian Constitution.

2. The Council resolves to pay $54,431 to the Municipal Association of Victoria (MAV), being the amount determined by the MAV that Council should pay based upon its population and revenue.

CARRIED

8.3 Monash University Funding Cuts

Moved Cr Zographos,            Seconded Cr Davies

That Council writes to the Prime Minister and Local Government Federal Members of Parliament expressing concern with the budget cuts to the Universities and, in particular, to Monash University, as the reduction of funding in the provision of tertiary programs, education and social support services will have negative impacts on the community.

Cr Zographos said that the Council needed to make its views known on the proposed changes to Federal Government funding for tertiary education. It had set a precedent with its advocacy to the State Government regarding funding cuts to Holmesglen TAFE. He added that one of the biggest universities in Australia was located within the municipality and the proposed funding cuts would have an impact on a large number of university students.

In a response to a question from Cr Dimopoulos, Cr Zographos said that he had not spoken to the university. He also noted that Anna Burke, Federal member for Chisholm had made statements in the press regarding this matter.

Cr Dimopoulos said that had no problem with the Council advocating on an issue but considered that details were needed regarding the impact of the proposed funding changes. He asked Cr Zographos was aware of the amount of money involved.

Cr Zographos informed the Council that the likely cut would be $25 million which was a sizeable portion of the university’s budget.

Cr Little said that the matter is not related to Council responsibilities.

The Mayor advised that the Council had a long history in advocacy on a range of issues.
Cr Davies pointed out that the Council had advocated on smoking in al fresco dining areas.

Cr Dimopoulos asked Cr Zographos what the University's total budget was so as to place the $25 million cut into some sort of context. Cr Zographos said he was unaware of the size of the University's budget. Cr Dimopoulos added that he found it curious that Cr Zographos would bring a formal report to Council expressing concern about the impact of such 'cuts' if he had no idea what the impact would be or what the surrounding context was in relation to the University's operations. Cr Dimopoulos suggested that more information on this issue was required. He noted that the Council had advocated on behalf of Holmesglen TAFE regarding funding cuts to that institution last year, but that had followed extensive discussions with the TAFE regarding this matter.

POINT OF ORDER

Cr Zographos called a Point of Order saying that he had not yet spoken to the university, but had not mentioned whether or not he was seeking to make arrangements to do so.

The Mayor did not accept Cr Zographos’ statement as a Point of Order and allowed Cr Dimopoulos to continue.

Cr Dimopoulos said that the motion was deficient and was a political stunt. He said unlike Cr Zographos, he had taken the effort to make some enquires into the issue and the potential loss of $25 million had to be considered in the context of what was the university’s $1.4 billion annual budget. He noted that $25 million amounted to less than 2% of the University's budget. He said that the motion was deficient. However, he noted that the Council was prepared to advocate to governments, no matter what the political party, on issues which impacted the local community.

An amendment was submitted by Cr Lake and seconded by Cr Dimopoulos, which proposed to change the wording of the motion to the following:

That Council writes to the Prime Minister seeking further information about:

(a) the changes to university funding and in particular the effect on Monash University; and
(b) the likely impact flowing from the reallocation of these funds to primary and secondary schools pursuant to the Gonski reforms, and in particular, to schools located within Monash.

The amendment was consented to by Cr Zographos as the mover of the original motion, the seconder and consented to by Council, so it become the substantive motion before the Council.
In speaking to the amended motion, Cr Lake that he had proposed that Council seek further information because it was clear that further work needed to be done on this issue and it was apparent that Council was not in a position to make an informed decision on the original motion.

He then informed the Council that the motion presented by Cr Zographos had been copied almost verbatim from a previous Notice of Motion presented and authored by a former councillor in 2012. He tabled a document comparing the two motions [see document attached to these minutes].

Cr Lake said that Cr Zographos had plagiarised the former report and this was a serious matter. Cr Zographos had not sought the permission of the former councillor to do so and this was unacceptable conduct from someone in public office. He said that Cr Zographos had acted immaturely by parroting the former report and had done so to either mock it or in an attempt to embarrass some councillors. He further said that in doing so, Cr Zographos had shown a deep disrespect for Holmsglen Tafe which was the subject of the former report, the former Councillor whose words he had stolen, Monash University and the wider Monash community. He noted that the only words other than name changes which appeared to have been made by Cr Zographos in the current report was a glib reference to Council and Monash University both being named after Sir John Monash. Cr Lake said it was disappointing that Cr Zographos did not take his role as a councillor more seriously.

Cr Zographos said that it was not unusual for existing documents to be used as templates. He said that both Notices of Motion were similar in intent. He added that he was more than happy to support the proposed amendment and that his Notice of Motion was not politically based.

Cr Lo said that the issue was about process and content and that Cr Zographos had not contacted the university to determine whether it was conducting a campaign to address the issue of the funding changes, even though he had had the opportunity to do so.

POINT OF ORDER

Cr Zographos called a Point of Order, saying that Cr Lo needed to confine his comments to the motion.

The Mayor refused the Point of Order. Cr Lo concluded his statement.

Cr Klisaris said that the Notice of Motion was a political stunt used to advance Cr Zographos’ political career and noted Cr Zographos’ unsuccessful electoral campaigns at the 2008 Council elections and at the last State election as the Liberal candidate for Oakleigh. Cr Klisaris said that the Monash community could see right through Cr Zographos. He urged Cr Zographos to take a look in the mirror and to adopt a more appropriate approach to his council duties.
The motion, as amended, became the substantive motion and was put and

CARRIED

EXTENSION OF TIME

Moved Cr Drieberg, Seconded Cr Lo

*That the meeting be extended for a further 30 minutes*

CARRIED

8.4 Anti-Social Driving Measures – Dandenong Road, Oakleigh

Moved Cr Zographos, Seconded Cr Pontikis

*That Council:

Notes the current consultation being undertaken with residents between Huntingdale Road and Carmichael Road, Oakleigh East regarding proposed parking restrictions between 10pm and 5am on the Dandenong Road Service Road.

Supports the roll out of this consultation for affected residents on Dandenong Road service roads between Clayton Road to Kalimna Avenue to ascertain resident support for additional parking restrictions.

Notes a report to Council on the success of the proposed parking restrictions and any further traffic management measures will be provided to Council by July 2013.*

Cr Zographos thanked the Ward Councillors and stakeholders for their involvement and support in addressing this issue. He noted that it will take considerable effort to resolve the issue.

Cr Dimopoulos said that he supported the motion and that it was sensible to commence with measures such as parking restrictions.

CARRIED

9. **URGENT BUSINESS**

Nil.
10. **COUNCILLORS’ REPORTS**

10.1 Cr Little informed the Council of a Metropolitan Waste Management Group meeting at which the State Government’s waste management strategy for the next 4 years was discussed. He said that the strategy takes a Victoria-wide approach to waste management and focuses on a public education program regarding waste. Cr Little noted that the landfill levy was proposed to be fixed for 10 years but the levy for organic was likely to rise.

10.2 Cr Dimopoulos informed the Council that he had attended the Oakleigh RSL ANZAC Day commemoration service, which was also attended by 200 people. Cr Dimopoulos noted the assistance provided by Council in affecting the traffic and road management for the event.

10.3 Cr Morrissey informed the Council that he, together with Cr Davies had attended the Glen Waverley RSL’s ANZAC Day commemoration service, which drew a large attendance.

10.4 Cr Zographos informed the Council that: a) he and Cr Pontikis had attended the Clayton RSL’s ANZAC Day commemoration service, which was well attended; b) he had attended the Oakleigh Cannons VPL match against Port Melbourne, c) had attended the Strengthening Clayton and Clarinda Project’s “Cultural Night”, and d) had attended the farewell function for Parkhill Primary School’s retiring Principal, Mr Gavin Bransgrove.

11. **PERSONAL EXPLANATIONS**

11.1 Cr Lake advised the Council that in regard to his earlier comments concerning the gazetting of the *Ministerial Guidelines for Differential Rating*, he had since been advised that the gazettal had been made on 26 April 2013.

11.2 Cr Zographos responded to comments made about him by Cr Klisaris, during discussion on Item 8.3 on the Council agenda. He stated that in his opinion, Cr Klisaris had acted like a child, that he would not be bullied by the Labor Party and that he had a very genuine passion for Local Government. Cr Zographos noted Cr Klisaris’ unsuccessful attempts at a previous Local Government election and Federal election, and that his previous unsuccessful campaigns had been a learning experience. He said that he would not be gagged.

11.3 Cr Davies said that he was shocked at Cr Klisaris’ behaviour

**POINT OF ORDER**

Cr Klisaris called a Point of Order, stating that Personal Explanation was for a Councillor to make an explanation in respect of statements made about them as a Councillor.

The Mayor upheld the Point of Order
12. **MATTERS OF COUNCIL IMPORTANCE**

Nil

13. **CONFIDENTIAL BUSINESS**

Moved Cr Lo, Seconded Cr Dimopoulos

That as there are two matters relating to a personnel matter and a contractual matter, the meeting be closed to the public in accordance with the provisions of Section 89(2) of the Local Government Act 1989.

CARRIED

**RETURN TO OPEN COUNCIL**

The Council moved back into Open Council at 11.00 pm.

The Mayor declared the meeting closed at 11.01 pm

MAYOR: ......................................................

DATED THIS .................................. DAY OF .................................. 2013