MINUTES OF THE ORDINARY MEETING OF COUNCIL

HELD ON 9 NOVEMBER 2010

at 7.30 pm

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

APOLOGIES:
Cr C Baines (Mayor) and Cr Banerji

DISCLOSURES OF INTEREST
Cr Dimopoulos – Item 8.1.
Cr Lake – Item 8.4.

CONFIRMATION OF MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 12 OCTOBER 2010

Moved Cr Dimopoulos, Seconded Cr Male

That the minutes of the Ordinary Meeting of the Council held on 12 October 2010, be taken as read and confirmed.

CARRIED

RECEPTION AND READING OF PETITIONS, JOINT LETTERS & MEMORIALS

PUBLIC QUESTION TIME
The Mayor advised that no questions had been received.
OFFICERS’ REPORTS

1. CUSTOMER SERVICES

1.1 Provision of Physiotherapy Services To Residential Aged Care Facilities

Moved Cr McGill, Seconded Cr Morrissey

That Council –

1. Awards Contract No.2011053 for the provision of physiotherapy services for Council Residential Aged Care Facilities to Julanne R. Ghijsen for the submitted schedule of rates (estimated annual expenditure $90,000 including GST;

2. Notes that the contract has an initial term of two years with an optional extension of one year;

3. Authorises the Chief Executive Officer to sign and seal the documents;

4. Authorises the Chief Executive Officer to execute the option for an additional one year of the contract subject to satisfactory performance.

CARRIED

1.2 Victorian Sikh Association’s Use of Ashwood Hall

Moved Cr Klisaris, Seconded Cr Lo

That Council supports the use of Ashwood Hall by the Victorian Sikh Association by providing an in-kind grant of $12,150 for hall hire as part of the 2011 Community Grants allocations.

Cr Lo said that the proposal would assist one of the municipality’s largest multi-cultural groups to grow and develop. He noted that the VSA had not previously applied for funding through the Council’s Community Grants Program.

CARRIED
1.3 Relocation of Richmond Cricket Club to Central Reserve

Moved Cr Klisaris, Seconded Cr Male

That Council:

1. Supports the relocation of Richmond Cricket Club to Central Reserve.

2. Notes the commitment from the State Government of $500,000 and $400,000 from the Richmond Football Club with the support of the AFL for the construction of a new pavilion.

3. Funds the shortfall of $900,000 for the construction of a new pavilion at Central Reserve North Oval from the 2011/12 Capital Works program major pavilion fund.

4. Defers the refurbishment of Central Reserve South Oval Pavilion until 2013/14.

5. Agrees to enter into discussions with the Richmond Cricket Club regarding a long term licence agreement; and

6. Considers the allocation of the Central Reserve North Oval during winter as part of the active reserves allocation process.

CARRIED
2. HUMAN RESOURCES & ADMINISTRATION

2.1 2011 Council Meeting Dates

Moved Cr Male, Seconded Cr McGill

That the schedule for the Ordinary Meetings of Council be adopted for 2011, as follows, with the meetings to be held at the Civic Centre, Glen Waverley and to commence at 7.30 pm:

25 January
22 February
29 March
27 April (Wednesday)
31 May
28 June
26 July
30 August
27 September
25 October
22 November
13 December

CARRIED

3. CORPORATE PLANNING & FINANCE

3.1 City of Monash Annual Report - Period Ended 30 June 2010

Moved Cr McGill, Seconded Cr Lo

That Council adopts the Annual Report for the City of Monash, for the period ended 30 June 2010.

CARRIED
3.2 Compliance With National Competition Policy For 2009-2010

Moved Cr Morrissey, Seconded Cr Drieberg

That the National Competition Policy Compliance report for 2009-10 be noted.

CARRIED

3.3 2010/2011 Management Accounts Report: First Quarter

Moved Cr McGill, Seconded Cr Klisaris

That Council notes the Financial Reports for the period ending 30 September 2010.

CARRIED

3.4 Contract For Supply of Tyres and Batteries

Moved Cr Morrissey, Seconded Cr Male

That Council:
1. Appoints the following suppliers to a panel for the provision of Tyres and Batteries for a three (3) year term for the schedule of rates submitted with their respective tenders (Estimated annual expenditure of $63,000 GST inclusive):

   **Tyres**
   - Bridgestone Australia;
   - Goodyear and Dunlop Tyres Australia; and
   - Tyres4U

   **Batteries**
   - Century Yuasa Batteries; and
   - Goodyear and Dunlop Tyres Australia

2. Authorises the Chief Executive Officer to execute the contract agreement; and
3. Authorises the Chief Executive Officer at his discretion to approve the extension options of two (2) x one (1) year options in the contract subject to satisfactory performance.

CARRIED
3.5 Contract For Mowing/Turf Care, Small Plant and Gardening Equipment

Moved Cr Morrissey, Seconded Cr McGill

That Council:
1. Appoints the following suppliers to a panel for the provision of Mowing/Turfcare, Small Plant & Gardening Equipment for a three (3) year term for the schedule of rates submitted with their respective tenders (Estimated annual expenditure of $320,000 GST inclusive):

   AGCO Australia Ltd;
   Australian Mower Supply;
   CNH Australia Pty Ltd trading as New Holland Agriculture;
   John Deere Ltd
   Kubota Tractor Australia
   MGH Holdings Pty Ltd trading as Mt Waverley Mowerpower; and
   Toro Australia Group Sales Pty Ltd

2. Authorises the Chief Executive Officer to execute the contract agreement; and
3. Authorises the Chief Executive Officer at his discretion to approve the extension options of two (2) x one (1) year options in the contract subject to satisfactory performance.

CARRIED

4. INFRASTRUCTURE SERVICES

Nil
5. **CITY DEVELOPMENT**

5.1 **29-31 Swindon Road Hughesdale – Extension of Time – Construction of Ten Dwellings**

Moved Cr McGill, 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 No. 32708 under the provisions of the Monash Planning Scheme in respect of the land known and described as 29-31 Swindon Road, Hughesdale and issue an extended permit with extension dates as follows:

- The development is not started before 13 November 2011
- The development is not completed before 13 November 2013

Cr McGill noted that the site had been vacant for some time and that, up until recently, the Applicant had been endeavouring to finalise an environmental audit.

**CARRIED**

5.2 **535-559 Police Road Mulgrave – Extensions and Alterations To The Valley Private Hospital**

Moved Cr Drieberg, Seconded Cr Klisaris

The Council having caused notice of planning application No. 38413 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 issue a **Notice of Decision** to grant a permit under the provisions of the Monash Planning Scheme in respect of the land known and described as 535-559 Police Road, Mulgrave, for the purpose of additions and alterations to the existing hospital together with associated site works and car parking generally in accordance with the plans submitted with the application dated 2 July 2010 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. Before the development starts, three copies of amended plans drawn to scale and dimensioned, must be submitted to and approved by the Responsible Authority. 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) A minimum setback of 12.1 metres between the new ward building and the adjoining residential properties to the east. This can be achieved by
creating additional double rooms and the staggered setback as shown on the latest amended plans submitted to Council on 8 October 2010 must be maintained.

b) The proposed oxygen tank and rooftop plant and equipment relocated generally in accordance with the latest amended plans submitted to Council on 8 October 2010.

c) An additional 10 car parking spaces to the south side of the main entrance off Blanton Drive.

d) Screens and wing walls provided along the eastern most boundary of the new ward building to the satisfaction of the Responsible Authority to prevent overlooking to the east.

e) Details of the fixed screens to the roof top plant detailed on the plans.

f) The layout of the car parking designed in accordance with the Australia Standard for Off-Street Car Parking, AS/NZS 2890.1-2004.

g) Bicycle parking facilities in accordance with the Australian Standard for parking facilities.

h) Details of the fixed acoustic screens to the roof top plant detailed on the plans.

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

3. 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.

4. The construction works associated with the permitted use/development and/or subdivision 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);

   unless otherwise approved in writing by the Responsible Authority.

5. 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. The plan must show the proposed landscape treatment of the site including:
   a) the location of all existing trees and other vegetation to be retained on site;
   b) provision of extensive screen planting using advanced plants along the eastern property boundary;
   c) provision of canopy trees with spreading crowns located throughout the site;
d) the provision of screen planting in the nominated locations along the southern boundary of the site;

e) planting to soften the appearance of hard surface areas such as driveways and other paved areas;

f) 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;

g) location and details of all fencing;

h) the extent of any cut, fill, embankments or retaining walls associated with the landscape treatment of the site;

i) details of all hard surface materials including pathways;

j) the installation of security lighting to the car park areas.

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

6. Before the occupation of the buildings allowed by this permit, landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority and then maintained to the satisfaction of the Responsible Authority.

7. Prior to the commencement of any works that are permitted by this permit, all trees that are to be retained, or are located within or adjacent to any works area, shall be marked and provided with a protective barricade and verified by an authorised officer of the Responsible Authority.

8. No building material, demolition material or earthworks shall be stored or stockpiled under the canopy line of any tree to be retained during the construction period of the development hereby permitted.

9. All works within five (5) metres of any tree to be retained shall be supervised by a qualified landscape architect or horticulturist who shall ensure that the works are done in a manner which protects and minimises any damage to those trees.

10. 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.

11. Vehicles under the control of the operator of the use or the operator's staff must not be parked on the nearby roads.

12. A site management plan for all buildings and works on the land is to be approved by the City of Monash prior to any buildings or works commencing on the land. The plan must provide for the following:
   - Prevention of silt or other pollutants from entering the Council’s underground drainage system or road network.
   - On site parking of vehicles during construction.
   - Wash down areas for trucks and vehicles associated with construction activities.
   - Maintenance of safe movement of vehicles to and from the site during the construction phase.

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

14. Outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.

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

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

17. Before the development starts, a site layout plan drawn to scale and dimensioned must be approved by the Responsible Authority.

The plans must show a drainage scheme providing for the collection of stormwater within the site and for the conveying of the stormwater to the nominated point of discharge.

The nominated point of discharge is the existing drainage system to be constructed to Council standards.

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

18. Any new detention system requires the approval of the Council’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 prior to the commencement of works. The plans are to show sufficient information to determine that the drainage works will meet all drainage conditions of the permit.

19. Engineering permits must be obtained for new detention systems and these
works are to be inspected by Council (9518 3690).

20. The driveway and car parking area should be designed in accordance with the Australian Standard for Off-Street Parking, AS/NZS 2890.1-2004.

21. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

22. 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.

23. 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;
   others as appropriate.

24. The unused portion of the property must be kept drained, tidy and mown at all times to the satisfaction of the Responsible Authority.

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

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

27. 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.

28. Any infectious or potentially infectious wastes (as defined by the EPA) shall be properly segregated in containers colour coded yellow for infectious wastes and
orange for potentially infectious wastes. Any prescribed waste which leaves the premises of generation must be disposed of in accordance with Environmental Protection Authority (EPA) requirements.

29. Deliveries and waste collection should only be carried out within hours prescribed by the EPA Guidelines

30. The waste bin enclosure should be designed and constructed so as to ensure it and the bins can be effectively cleaned.

31. External wet areas or wash areas must be graded and drained to a sewer connection. Wastewater from these areas must not be discharged to the stormwater system.

32. 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.

33. The occupier of the premises must ensure that any noise emanating from the premises, during and post construction, must not exceed the standards of the State Environment Protection Policies No. N1 and N2 and must on request provide evidence to Council of Compliance with the policies.

34. Air-conditioning and other plant and equipment installed on or in the buildings must be so positioned and baffled that any noise emitted complies with the appropriate Australian Standards and EPA requirements.

NOTES:

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

2. A drainage contribution will not be accepted in lieu of a detention system.

3. Stormwater detention requirements may be obtained from the City of Monash prior to the design of any stormwater detention system.

4. Unless no permit is required under the planning scheme, no sign must be constructed or displayed without a further 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 and use are not started within two years of the date of this permit.
- The development is not completed within four years of the date of this permit.

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 permits expires, or within three months afterwards.
Cr Drieberg noted that there had been significant resident concern about the proposal but was confident that the proposed conditions of the planning permit would address those concerns and provide for an outcome that would be supported by all parties.

**CARRIED**

### 5.3 34 Golf Links Avenue Oakleigh – Development of 3 Storey Building With Basement For The Purpose of 24 Apartments With Associated Parking and Landscaping

**Moved** Cr Dimopoulos,  
**Seconded** Cr McGill

Council having caused notice of planning application No. 38628 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 34 Golf Links Avenue, Clayton for the development of a three storey building with basement for the purpose of 24 dwellings with associated car parking and landscaping on the following grounds:

1. The proposal is not consistent with the Local Planning Policy Framework at Clauses 22.01 and 22.05 of the Monash Planning Scheme relating to Residential Development and Character and Tree Conservation.
2. The proposal is not consistent with the objectives and standards of Clause 55 of the Monash Planning Scheme, particularly Neighbourhood Character, Car Parking, Energy Efficiency, Safety, Private Open Space, North Facing Windows, Walls on Boundaries, Overlooking, Landscaping, Storage, and Site Services standards.
3. The proposal is considered an over-development.
4. The proposal does not meet the private open space requirements of the Schedule to the Residential 1 Zone of the Monash Planning Scheme.
5. The proposal would result in poor internal amenity for future residents.
6. The proposal would cause a loss of amenity to surrounding land.

and directs that the Applicant and each objector be given a notice of the Council’s decision to refuse the permit.
Cr Dimopoulos stated that this was an unreasonable proposal that was also outside the Oakleigh Structure Plan and would result in an unacceptable level of density on the site.

CARRIED

5.4 2-4 Nexus Court Mulgrave – Development and Use of A Four Storey Office Building Including Basement Car Parking

Moved Cr Klisaris,                   Seconded Cr Drieberg

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. 38721.

The Council having considered planning application No. 37620 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 2-4 Nexus Court, Mulgrave, for the development and use of a four storey office building including basement car parking generally in accordance with the plans submitted with the application and 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. 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. 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) Minimum basement accessway aisle and ramp width of 6.4m;

   b) Minimum clearance width of 0.3m to the side of all end car spaces and any obstructions such as columns or basement wall (basement level 1, car space 1 impacted);

   c) The ramp gradient a maximum of 1:20 between the edge of the pedestrian path for the first 6m into the car park (overall building height have to be marginally increased to accommodate the required height clearance);

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

3. Once the development and use has started it must be continued and completed to the satisfaction of the Responsible Authority.

4. 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.

5. 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;
   e) others as appropriate.

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

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 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.

10. 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.

11. 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.

12. Before the development starts, a site layout plan drawn to scale and dimensioned must be approved by the Responsible Authority.

The plans must show a drainage scheme providing for the collection of stormwater within the site and for the conveying of the stormwater to the nominated point of discharge.

The nominated point of discharge is the south-west corner of the property where the entire site’s stormwater must be collected and free drained via a pipe to pit number 22 as shown on Council’s drawing no. 20882 sheet 3 (Grogan Richards Plan, Drawing No. 104167) to be constructed to Council Standards. A new pit is to be constructed if a pit does not exist or is not a standard Council
If the point of discharge cannot be located then notify Council’s Engineering Division immediately.

13. 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 (300mm minimum width) located within the property; and/or
   b) shaping the driveway so that water is collected in a grated pit on the property: and/or
   c) another Council approved equivalent

14. Driveways are to be designed and constructed using appropriate engineering standards.

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

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

16. The driveway and parking area should be designed in accordance with the Australian Standard for Off-Street Parking, AS/NZS 2890.1/2004, apart from the dimensions of car parking spaces and associated accessways which must be in accordance with the provisions of Clause 52.06-3 of the Monash Planning Scheme.

17. 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 including the major open space areas of the development

• 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 decked areas

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

18. Before the occupation of the buildings allowed by this permit, landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority and then maintained to the satisfaction of the Responsible Authority.

NOTES:

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

2. Unless no permit is required under the planning scheme, no sign must be constructed or displayed without a further permit.

3. Any new drainage connections onto a Council easement drain / 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.

4. Engineering permits must be obtained for new or altered vehicle crossings and for connections to Councils drains / Council pits / kerb & channel and these works are to be inspected by Council (tel. 9518 3690).

5. An on site detention system for storm events up to the 1% AEP event to be retained on site for the basement car park.

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 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.

CARRIED

5.5 24 McDonalds Lane Mulgrave - Development of 18 Warehouse/Office Buildings Together With Associated Car Parking and Landscaping

Moved Cr Klisaris, Seconded Cr Drieberg

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. 38636.

The Council having considered planning application No. 38636 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 24 McDonalds Lane, Mulgrave, for the purpose of the development of 18 warehouse/office buildings together with associated car parking and landscaping generally in accordance with the plans submitted with the application dated 11 October 2010 and 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. 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. 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) Location and design of any electricity supply meter box/kiosk/substation, which may be required. This facility must not be located within the front landscape setback of any road;

   b) Location of gas and water metres. These facilities should be designed to minimise their visual prominence if located within the front setback area; and

   c) Elevation details of the proposed sign located within the front landscape setback.

   d) All new crossings provided with a minimum distance of 1 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.

   e) Clear sight lines provided at the property line to ensure adequate visibility between vehicles leaving the driveway and pedestrians on the frontage road. This requires the provision of a corner splay or area
extending at least 2 metres long x 2.5 metres deep (within the property) measured from the edge of the exit lane of each vehicle crossing.

f) The gradient on and near access driveways shall be a maximum of 1 in 20 (5%) between the edge of the frontage road and the property line, building alignment or pedestrian path and for at least the first 6 metres into the car park.

g) Removal of 4 car parking spaces within the central parking core and replaced with landscaping with suitable canopy trees along the car park area 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. Visual clutter caused by overhead services should be minimised with these services being located underground if possible to the satisfaction of the Responsible Authority.

4. Bicycle facilities for the development, hereby permitted, must be provided in accordance with Clause 52.34 of the Monash Planning Scheme.

5. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority. The Responsible Authority must be advised in writing when the construction and works are completed to enable the site to be inspected.

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

7. 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.

8. 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.

9. 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;

10. 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.
11. 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 including the major open space areas of the development
- 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 decked areas

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

12. Before occupation, 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.

13. 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 seal coat 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.

14. The driveway and parking area (apart from parking space dimensions) should be designed in accordance with the Australian Standard for Off Street Parking, AS/NZS 2890.1-2004

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

16. 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 each driveway onto the footpath. Such a system must include either:

   a) a trench grate (300mm 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.

17. Stormwater discharge is to be detained on-site to the predevelopment level of peak stormwater discharge. Approval of any detention system is required from Council prior to works commencing.

18. Before the development starts, a site layout plan drawn to scale and dimensioned must be approved by the Responsible Authority.

   The plans must show a drainage scheme providing for the collection of stormwater within the site and for the conveying of the stormwater to the nominated point of discharge.

   The nominated point of discharge is to the south-west corner of the property where it must be collected and free drained via a pipe to the Council pit in the nature strip to Council Standards. A new pit is to be constructed if a pit does not exist or is not a standard Council pit.

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

19. Any new drainage work within the road reserve requires the approval of the Council’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 prior to the commencement of works. 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 $2,000 is to be paid prior to the drainage works commencing.

20. The existing redundant crossing is to be removed and reinstated with appropriate kerbing and channelling to the satisfaction of the Responsible Authority.

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

22. The proposed crossings are to be constructed in accordance with the City of Monash standards.
23. Any access ramp for people with disabilities should be designed in accordance with the Australian Standard for Design Access and Mobility, AS 1428.

**NOTES:**

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

2. Unless no permit is required under the planning scheme, no sign must be constructed or displayed without a further permit.

3. Engineering permits must be obtained for new or altered vehicle crossings and for new connections to Council drains and pits and these works are to be inspected by Council (9518 3690).

4. Consultation should take place with Council in relation to the removal of the vehicular crossing and reinstatement works.

5. All new crossings are to provide a minimum 1.0 metre from the turning point of the vehicle crossing at the kerb to the edge of any tree canopy, power pole, Council pit, Telstra pit or other services.

6. Parking on street should not be considered as a right and Council reserves the right to install parking restrictions in the future if required.

7. A drainage contribution will not be accepted in lieu of a detention system.

8. Stormwater detention requirements may be obtained from Council’s Engineering Department prior to the design of any stormwater detention system.

9. A Licensed Surveyor or Civil Engineer (who is a Registered Building Practitioner) must certify that the stormwater detention system including all levels, pits, pipes and storage volumes is constructed in accordance with the approved plans. The certifier’s registration number must be included on the certificate.

**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 and use are not started within two years of the date of this permit.
- The development is not completed within four years of the date of this permit.

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 permits expires, or within three months afterwards.
5.6 Town Planning Schedule

Moved Cr Male, Seconded Cr Lo

That the report containing the Town Planning Schedules be noted.

CARRIED

5.7 Lease of 7 French Street, Mount Waverley To Oakleigh Centre For Intellectually Disabled Citizens Inc.

Moved Cr Morrissey, Seconded Cr Klisaris

1. That Council:

(a) Commences the statutory procedure under section 190 of the Local Government Act 1989 ("the Act") by advertising Council’s Notice of Intention to Lease the Council owned land known as 7 French Street, Mount Waverley shown on the plan in Attachment 1 to the Oakleigh Centre for Intellectually Disabled Citizens Inc. (“Oakleigh Centre”) on the following terms and conditions:

Rent: $15,096.48 per annum
Rent Reviews: Increased by CPI on each anniversary of the commencement date
Term: 5 years with 3 further terms of 5 years
Permitted Use: Accommodation for intellectually disabled people

(b) Appoints a Committee of Council, comprising Ward Councillors to consider submissions received under Section 223 of the Act at a date and time to be determined.

2. In the event of there being no submissions received, Council enters into a new lease with the current lessee, Oakleigh Centre and Council authorises the Chief Executive Officer or his delegate, on behalf of council to sign and seal all documentation required to effect the lease of 7 French Street, Mount Waverley

CARRIED
5.8 Proposed Sale of Part of 2 Stanley Avenue, Mount Waverley

Moved Cr Dimopoulos, Seconded Cr Lo

That Council, pursuant to sections 189 and 223 of the Local Government Act 1989 ("the Act"):

a. Commences the statutory procedures to sell the part of its land located at 2 Stanley Avenue Mount Waverley, being the land shown as Parcel 2 on the proposed subdivision plan on Attachment 3 ("the Land") by advertising Council’s Notice of Intention to subdivide and sell the Land by public auction or private treaty in the local newspapers; and

b. Appoints a Committee of Council, comprising the Mount Waverley Ward Councillors to consider submissions received under section 223 of the Act on 15 February 2011 at 7.30 pm at the Civic Centre or as per nominated date.

2. In the event of there being no submissions received, authorises the Chief Executive Officer or his delegate, on behalf of Council to:

a. subdivide the property in accordance with section 35(8) of the Subdivision Act 1988 into 2 allotments as detailed in Attachment 3, with the balance of the land to remain as Road;

b. Sell the Land either by way of public auction or private treaty; and

c. Sign and seal all documentation required to effect the sale of the Land.

CARRIED

5.9 Proposed Sale of Land at 37 Golf Links Avenue, Oakleigh

Moved Cr Dimopoulos, Seconded Cr McGill

That Council:

a) Appoints a Committee comprising Oakleigh Ward Councillors to consider submissions received under section 223 of the Local Government Act 1989 regarding the proposed sale of Council owned land at 37 Golf Links Avenue Oakleigh at 7.30 pm on Tuesday, 30 November 2010 at the Civic Centre;

b) Advises any person making a submission and requesting to be heard in support of their submission, of the meeting time, date and location.

CARRIED
5.10 Drainage Upgrade Works – Amaroo Street To Aloomba Street, Chadstone

Moved Cr Morrissey, Seconded Cr Klisaris

That:
1. Council accepts the adjusted tender from Comar Constructions Pty Ltd to upgrade the stormwater drainage between Amaroo Street and Aloomba Street, Chadstone for the lump sum of $430,188.00 (GST inclusive).
2. That the anticipated project expenditure of $435,080.00 (GST exclusive) for the construction, design and supervision (which includes $42,980.00 for Provisional Items based on actual quantities) be noted.
3. That the Chief Executive Officer be authorised to sign and seal the contract documents.

CARRIED

5.11 Kerrie Road Maternal and Child Health Services Centre Extensions and Refurbishments

Moved Cr Drieberg, Seconded Cr Male

That Council:
1. Accepts the lump sum tender price of $241,947.00 inclusive of GST, submitted by Schultz Building Group Pty Ltd to undertake the construction of Kerrie Road Maternal and Child Health Service Centre Extensions and Refurbishments; and
2. Authorises the Chief Executive Officer to sign and seal the contract documents.

CARRIED

6 CHIEF EXECUTIVE OFFICER’S REPORTS

6.1 Assembly of Councillors Record

Moved Cr Klisaris, Seconded Cr McGill

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

CARRIED
6.2 Council Website Quarterly Report

Moved Cr McGill, Seconded Cr Dimopoulos

That Council notes the Quarterly Website Report and in particular the following features:
1. Visits to the site during the period have increased by 22% over the same period a year ago; and
2. The number of pages accessed during the period has increased by 21% over the same period a year.

Cr Dimopoulos noted that the Oakleigh Recreation Centre was the most popular section of the Council’s website.

CARRIED

7. COMMITTEE REPORTS

7.1 Monash Community Grants Program - 2011 Allocations

Moved Cr Drieberg, Seconded Cr Lo

That Council
1. Adopts the recommended Monash Community Grants Program allocations for the 2011 calendar year as per Attachment A to this report totalling $2,150,879 in cash and in kind support.
2. Allocates an additional $7,729 of ‘in kind’ support to fund hall hire for community and arts groups.
3. In recognition of the number of growing requests placed on this program and subsequent increasing salary costs for agencies funded by Council, considers a 3% increase to the 2010/11 program allocation of $2,150,879 to the Monash Community Grants Program in the 2011/2012 year to increase the total program budget to $2,215,405.

Three Councillors spoke on this item. Their comments are summarised below:

Cr Dimopoulos
- The Council provides over $2 million in funding, in cash and in-kind services
- The community and the municipality as whole gain a significant benefit from the results of this funding program.
- Senior citizens groups receive free use of Council facilities via the funding program.
• Congratulated the Evaluation Panel for its work in assessing all the applications.
• The grants program is an innovative and important part of the Council’s connection with the Monash community.

Cr Lo
• The grants program is very popular in the community and shows the Council’s commitment to community development.
• Congratulated Cr Banerji for proposing the increase in funding under the program.

Cr Perri
• Supported the proposed increase in funding for the program.
• Was pleased to see that new organisations that had not previously sought funding, were now applying.
• Noted the work of the Evaluation Panel in managing the assessment of the significant number of applications that had been submitted by community groups and the challenge this presented in working with the program’s funding allocation.

CARRIED

8. NOTICES OF MOTION

8.1 Discretionary Fund Applications

Moved Cr Perri, Seconded Cr Male

NOTE: Cr Dimopoulos disclosed an indirect interest in this item, as one of the proposed funding recipients also receives funding from the organisation that he works for.

Cr Dimopoulos left the meeting at 8.09 pm and returned at 8.10 pm, after voting on this item had taken place.

\begin{table}
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\hline
That Council resolves to approve the following applications for funding from the 2010/2011 Discretionary Fund: \\
\hline
a) Sports Without Borders & $2,500 \\
b) Ashwood College & $750 \\
c) Waverley Helpmates & $400 \\
d) Clayton Chinese Seniors Association & $247.27 \\
\hline
\end{tabular}
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Cr Lo commended the work done by Sports Without Borders, having witnessed its success in community development, first hand.

CARRIED
8.2 Festival Fund Consultation Extension

Moved Cr Perri, Seconded Cr McGill

That Council:

1. Extends the consultation process in regard to the proposed changes to Council’s festival program and the introduction of the Festival Fund, to include feedback gathered at the 2011 Clayton and Oakleigh Festivals.

2. Extends the date of the report back to Council regarding the consultation outcomes from February 2011 to April 2011 to accommodate the feedback gathered at the 2011 Clayton and Oakleigh Festivals.

Cr Perri stated that the proposal was to extend the consultation period to April 2011 and was based on the need to acknowledge the potential impact of the proposed changes to the festivals program on the existing annual festivals and programs.

Cr Dimopoulos expressed his support for the proposal and acknowledged Cr Perri’s advocacy for the Clayton festival. He added that the proposed Festival Fund was an innovative proposal.

CARRIED

8.3 Victorian Sustainability Accord

Moved Cr Lo, Seconded Cr McGill

That Council agrees to join the Victorian Local Sustainability Accord and commits to the principles of the Accord by working with the State Government to:

- build a common agenda through dialogue and partnerships on key policies, legislative proposals and significant programs;
- establish shared local goals and priorities;
- develop joint approaches to long term strategic resource allocation and funding;
- pursue alignment and cooperation in the service delivery of relevant environmental sustainability initiatives; and
- improve procedures for regular, effective evaluation and review.

In joining the Accord, Council commits to an implementation process in conjunction with the Department of Sustainability and Environment, which includes:

- the exploration of regional approaches to local sustainability priorities and issues, and
- the development of a process for the strategic delivery of State and local resources to progress local implementation actions.
That Council endorses the signing of the Accord with the State Government, represented by the Minister for Environment.

Cr Lo said that the Council’s membership of the Accord would enable it to apply for funding, in partnership with local community groups, for sustainability projects.

Cr McGill noted that Council’s membership of the Accord was timely, given that the Council was developing its Sustainability Road Map.

CARRIED

8.4 Monash Gallery of Art Foundation – Provision of Audit Services

NOTE: Cr Lake disclosed a direct interest in this item as he is a Trustee of the Foundation. He left the Chamber at 8.15 pm and returned at 8.18 pm, at the conclusion of Council’s consideration of this item.

Moved Cr Dimopoulos, Seconded Cr Klisaris

That Council provides ongoing support to the Monash Gallery of Art Foundation through the provision of funds to meet its annual audit costs in the Monash Gallery of Art annual budget, in recognition of Council’s continuing commitment to the Foundation.

Cr Dimopoulos stated that the Foundation was a volunteer group, supporting the Monash Gallery of Art. He considered that payment of the audit costs was reasonable, given that the Foundation supports a Council-owned facility.

CARRIED

9. URGENT BUSINESS

Nil

10. COUNCILLORS’ REPORTS

10.1 Cr Male

Advised the Council that he:

a) Would be representing the Mayor at the Remembrance Day ceremony at the Cenotaph, on 11 November 2010.

b) Attended the recent Syndal Festival which attracted a crowd of 500 people.

c) Represented the Mayor at the 60th birthday celebrations for the Oakleigh Centre For Intellectually Disabled Citizens.
10.2 Cr Dimopoulos

a) Advised the Council that he had represented the Mayor at a Remembrance Day Service conducted by the Oakleigh-Carnegie RSL Branch.
b) Noted the activities occurring in Oakleigh Ward, including upgrade works in Eaton Mall, consideration of smoking bans in Activity Centres and the development of the Oakleigh Structure Plan.

Cr Dimopoulos encouraged the community to provide feedback to Councillors, on the Council’s activities.

10.3 Cr Drieberg

a) Informed the Council that following a recent trip to Sri Lanka, she noticed the excellent state of the municipality’s footpaths and was pleasantly surprised at the number of people who knew or were aware of Monash Council.
b) Noted the proposal the Council is currently considering regarding the introduction of smoking bans and also noted the City of Frankston’s recent introduction of trial smoking bans. Cr Drieberg advised that recent community feedback to this Council’s proposed bans had been very positive.

10.4 Cr Lo

Cr Lo advised the Council that as Deputy Chairperson of the Eastern Region Affordable Housing Alliance, he took part in the launch of the Alliance’s policy platform. Cr Lo noted the Alliance’s key policies.

10.5 Cr McGill

Cr McGill advised the Council that the stories of the soldiers from the Oakleigh area, who had gone to war, were documented in a book that was recently launched at the Federation Centre and was available for purchase. Cr McGill also noted that an exhibition on these stories was currently being held at the Federation Centre.

11. PERSONAL EXPLANATIONS

Nil

12. MATTERS OF COUNCIL IMPORTANCE

Nil
13. CONFIDENTIAL BUSINESS

Nil

The Acting Mayor declared the meeting closed at 8.30 pm

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

DATED THIS ............................... DAY OF ............................... 2010