



CITY OF
MONASH

**MINUTES OF THE ORDINARY MEETING OF
COUNCIL
HELD ON 28 MAY 2019**

at 7.00 pm

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

**MINUTES OF THE ORDINARY MEETING OF THE MONASH CITY COUNCIL
HELD IN THE COUNCIL CHAMBERS, SPRINGVALE ROAD GLEN WAVERLEY
ON 28 MAY 2019 AT 7.00 PM.**

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

APOLOGIES:

Cr R Paterson

DISCLOSURES OF INTEREST

Nil.

**CONFIRMATION OF MINUTES OF THE ORDINARY COUNCIL
MEETING HELD ON 30 APRIL 2019 & SPECIAL MEETING ON 14 May 2019**

Moved Cr Zographos,

Seconded Cr Pang Tsoi

That the minutes of the Ordinary Meeting of the Council held on 30 April 2019 and Special Meeting held on 14 May 2019, be taken as read and confirmed.

CARRIED

RECEPTION AND READING OF PETITIONS, JOINT LETTERS & MEMORIALS

Cr Davies noted the passing of the Hon. Robert James Lee Hawke AC GCL on 16 May 2019. Mr Hawke served as Prime Minister of Australia and Leader of the Labor Party from 1983 to 1991. Cr Davies noted the key achievements of Mr Hawke, as Prime Minister.

The Mayor congratulated all those candidates who had been elected, at the May 2019 Federal election, to a seat which included the City of Monash. He said that the Council looked forward to working with the new Federal Government on matters that impacted on the municipality. He added that it was pleasing that there had been bi-partisan support for a Headspace in Monash and the continuation of 15 hours of kindergarten. The Mayor also congratulated those candidates at the election who had been elected to seats that had Monash within their borders and that the Council looked forward to working with them, to advance the best interests of the Monash community.

PUBLIC QUESTION TIME

The Mayor advised that 3 questions had been received.

OFFICERS' REPORTS

1. CITY DEVELOPMENT

1.1 Prohibiting Dogs – Synthetic Pitch Gardiners Reserve

Moved Cr Little,

Seconded Cr Klisaris

That Council:

- 1. Revokes Dog Control Order – Number 4 adopted by Council on 25 August 2015 and adopts Order - Number 5 made under the provisions of Section 26 (2) of the Domestic Animals Act 1994 in the form described in attachment one.*
- 2. Directs Council Officers to cause Order Number 5 made under the provisions of Section 26 (2) of the Domestic Animals Act 1994 to be published in the Government Gazette and in a newspaper circulating in the municipal district*

CARRIED

1.2 554-558 High Street Road, Mount Waverley - the Use and Development of Land For A Retirement Village and Food and Drink Premises (Cafe)

Moved Cr Little,

Seconded Cr James

A. That Council resolves that if it were in a position to make a decision, it would determine to refuse the application for a Planning Permit (TPA/49751) for the construction of a seven storey mixed use development; use of the land for a food and drinks premises (café) and retirement village; buildings and works within the Special Building Overlay; alteration and creation of access to a Road Zone, Category 1; subject to the following grounds:

- 1. The proposed height and scale of the development does not appropriately respond to the General Residential Zoning of the land and the context of the Syndal Neighbourhood Activity Centre in addition to the Residential Development and Character Policy at Clause 22.01.*
- 2. The proposed architectural detailing and rear setbacks will not provide for substantial canopy tree planting to respond to the 'garden character' of the area as reflected in the Housing Strategy 2014.*
- 3. The proposal would have a poor level of internal amenity for future residents with respect to the provision of secluded private open space.*
- 4. The proposal is contrary to policy and does not provide a good planning outcome.*

B *That Council advise VCAT and all submitters of its position on this application.*

CARRIED

1.3 14 Donald Street, Clayton - Construction of Two (2) Double Storey Dwellings

Moved Cr James,

Seconded Cr Saloumi

That Council resolves to issue a Notice of Decision to Refuse to Grant a Planning Permit (TPA/49894) for the construction of two (2) double storey dwellings at 14 Donald Street, Clayton subject to the following grounds:

- 1. The proposal does not adequately satisfy the design objectives of the Residential Growth Zone – Schedule 3 of the Monash Planning Scheme with regard to the style of development encouraged, having particular regard to the intention in this area to provide apartment style development.*
- 2. The proposed development is contrary to the proposed policy of the Residential Growth Zone – Schedule 3 as part of Amendment C125 (Part 2) to the Monash Planning Scheme.*
- 3. The proposed development is an underdevelopment.*
- 4. The proposed development will have a detrimental impact on future development of the area.*
- 5. The proposed development is considered a poor design outcome for the site.*

Cr James said that he would not support the motion, and should it not be carried, foreshadowed an alternative motion. He added that the issues raised by officers, concerning the setback and the west facing kitchen had been addressed, as well as the scale and bulk of the first floor, which was subject to conditions in the proposed alternative motion. Cr James said that the site was in a residential growth zone and the proposal was considered an under-development of the site and inconsistent with State and local planning objectives. Cr James said that he understood the officers' position of seeking to encourage growth around the railway station. He added that the applicants had inherited the property and sought to replace the existing dwelling with 2 town houses for their families and it was not appropriate that they could be prevented from doing that.

Cr Zographos said that the applicants had approached him earlier in the year, after Council officers had expressed concerns about their proposal and that it was an underdevelopment for the street. This was a residential street that currently had no high density development on it, even though it was in a zone that provided for such development. He noted that the family had been in Monash for at least 40 years and the property had also been held by the family for many decades. Cr Zographos said that the Council needed to show some level of discretion in relation to 'mum and dad developers'; people who were not seeking a profit. He noted that should the motion before Council fail, an alternative motion had been prepared for Council's consideration.

Cr Saloumi stated that she had met the applicants and was stunned that officers were proposing to refuse the development of 2 units on the land. Cr Saloumi made the following points: there were no apartments in the street; the street is in a neighbourhood area, but not right on the railway line; the property has been in the family for 40 years; the State Government is creating growth zones in suburbs where neighbourhoods have been long-established, destroying the sense of community and neighbourhood; the State Government wanted apartments to be constructed so that it could collect stamp duty, land tax, and land would attract higher rates because it could be developed. Cr Saloumi noted that the subject land was too small for development of apartments and would require being combined with an immediately neighbouring property. She said that it was an overreach for the Council to make such a decision and in a few years' time the zoning could be changed.

RIGHT OF REPLY

Cr James requested a right of reply.

POINT OF ORDER

Cr Lake asked how a right of reply could be made for a motion where the mover spoke against that motion? He said that there shouldn't be a right of reply because Cr James should not have moved a motion that he didn't support.

The Mayor replied that he understood Cr Lake's sentiment. He said that he didn't think that there was a criteria for a right of reply and it had happened previously, where a mover of a motion who had not supported it, had moved it, in order for it to be considered by the Council. The Mayor advised that he would not uphold the Point of Order.

Cr James said that he wanted to correct a statement made by Cr Saloumi that high density development would result in increased rates for the Council. He said that the Council had a total budget for the financial year and that was divided by the number of properties in Monash, multiplied by the land value. An increase in the number of properties would technically lead to a reduction in rates for each property

LOST

ALTERNATIVE MOTION

Moved Cr James,

Seconded Cr Zographos

That Council resolves to issue a Planning Permit for the construction of two (2) double storey dwellings at 14 Donald Street, Clayton subject to the following conditions:

Amended Plans

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1. *Before the development starts, a copy 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) *Dwelling 1 and 2 first floor balconies deleted.*
 - b) *Dwelling 1, first floor southern wall of the en-suite and walk in robe for Bed 2 to be shifted north by 2 metres and internally reconfigured to the satisfaction of the Responsible Authority.*
 - c) *Dwelling 1, first floor northern wall of Bed 4 shifted south by 500mm.*
 - d) *Dwelling 2, first floor northern wall of the en-suite and walk in robe for Bed 2 to be shifted south by 1.7 metres and internally reconfigured to the satisfaction of the Responsible Authority.*
 - e) *The development must be provided with a corner splay or area at least 50% clear of visual obstruction (or with a height of less than 1.2m) extending at least 2.0 metres long x 2.5 metres deep (within the property) on both sides of each vehicle crossing to provide a clear view of pedestrians on the footpath of the frontage road.*

No Alteration or Changes

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

Common Boundary Fences

3. *All common boundary fences are to be a minimum of 1.8 metres above the finished ground level to the satisfaction of the Responsible Authority. The fence heights must be measured above the highest point on the subject or adjoining site, within 3 metres of the fence line.*

Landscaping

4. *Before the commencement of buildings and works, 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:-*
 - a) *the location of all existing trees and other vegetation to be retained on site*
 - b) *provision of canopy trees with spreading crowns located throughout the site including the major open space areas of the development*
 - c) *planting to soften the appearance of hard surface areas such as driveways and other paved areas*
 - d) *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*

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- (e) *the location and details of all fencing*
 - (f) *the extent of any cut, fill, embankments or retaining walls associated with the landscape treatment of the site*
 - (g) *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.

Tree Protection

- 5. *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.*
- 6. *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*

Landscaping Prior to Occupation

- 7. *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.*

Drainage

- 8. *All stormwater collected on the site from all hard surface areas must not be allowed to flow uncontrolled into adjoining properties or the road reserve.*
- 9. *The private on-site drainage system must prevent stormwater discharge from the driveway over the footpath and into the road reserve. The internal drainage system may include either:*
 - *a trench grate (minimum internal width of 150 mm) located within the property boundary and not the back of footpath; and/or*
 - *shaping the internal driveway so that stormwater is collected in grated pits within the property; and or*
 - *another Council approved equivalent.*
- 10. *All stormwater collected on the site is to be detained on site to the predevelopment level of peak stormwater discharge. The design of any internal detention system is to be approved by Council's Engineering Department prior to drainage works commencing.*
- 11. *The nominated point of stormwater connection for the site is to the north-east corner of the property where the entire site's stormwater must be collected and free drained via a pipe to the kerb and channel in the naturestrip via a Council approved kerb adaptor to be constructed to Council Standards. Note: If the point of connection cannot be located then notify Council's Engineering Department immediately.*

Vehicle Crossovers

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12. *All new vehicle crossings must be a minimum of 3.0 metres in width and constructed in accordance with Council standards.*
 13. *Any works within the road reserve must ensure the footpath and naturestrip are to be reinstated to Council standards.*
 14. *Provide a corner splay or area at least 50% clear of visual obstructions (or with a height of less than 1.2 metres), which may include adjacent landscaping areas with a height of less than 0.9 metres, extending at least 2.0 metres long x 2.5 metres deep (within the property) both sides or from the edge of the vehicle crossing to provide a clear view of pedestrians on the footpath of the frontage road.*
 15. *Engineering permits must be obtained for new or altered vehicle crossings and new connections to kerb and channel and these works are to be inspected by Council's Engineering Department. A refundable security deposit of \$1,000 is to be paid prior to the drainage works commencing.*

Completion of Buildings and Works

16. *The walls on the boundary of adjoining properties shall be cleaned and finished in a manner to the satisfaction of the Responsible Authority.*
17. *Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.*

Permit Expiry

18. *This permit will expire in accordance with section 68 of the Planning and Environment Act 1987, if one of the following circumstances applies:*
 - (a) *The development has not started before two (2) years from the date of issue.*
 - (b) *The development is not completed before four (4) years from the date of issue. In accordance with section 69 of the Planning and Environment Act 1987, the responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or within six months of the permit expiry date, where the development allowed by the permit has not yet started; or within 12 months of the permit expiry date, where the development has lawfully started before the permit expires.*

Permit Notes

- A. *Building approval must be obtained prior to the commencement of the above approved works.*
- B. *Building Permit approval for this development must take into consideration the location of future subdivision boundaries and their compliance with the Fire Separation Provisions of the Building Code of Australia, including Separating Walls and Openings near Boundaries, as well as the requirements of the Building Regulations.*
- C. *Detention system requirements for above property are as follows:-*
 - *Minimum storage = 3.32 m³*
 - *Maximum discharge rate = 6.28 l/s*
 - *Minimum orifice diameter if using orifice pit = 65mm, otherwise install a Phillips multi cell or similar to control outflow.*

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- D. One copy of the plans for the drainage and civil works must be submitted to and approved by the Engineering Department 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.**
- E. Variation to Planning Permit**
Any request for a variation of this Permit shall be lodged with the relevant fee as determined under the Planning & Environment (Fees) Regulations 2016.
- F. Any request for time extension of this Permit shall be lodged with the relevant administration fee at the time the request is made.**
- G. The lot/unit numbers on the “Endorsed Plan” are not to be used as the official street address of the property. Street numbering is allocated in accordance with Australian/New Zealand Standards 4819:2001- Rural and Urban Addressing. Any street addressing enquiries should be directed to Council’s Valuation Team on 9518 3615 or 9518 3210.**

In response to a question from Cr Davies, the Mayor advises that, as the mover of the first motion, Cr James was permitted to move this subsequent motion.

The Mayor noted that the motion was quite detailed.

CARRIED

Note: Cr Zographos asked for the Mayor to provide a summary of the decision made by Council on item 1.3. The Mayor advised that it was more efficient for a written copy of the alternative motion to be provided to the applicants, who were in the public gallery.

1.4 1 Evelyn Street, Clayton - Extension of Time – Construction of A Two Level Building Plus Basement Car Parking Comprising Eight Dwellings

Moved Cr Little,

Seconded Cr Davies

That Council resolves to issue a refusal for an Extension of time to Planning Permit No. TPA/38345/A to develop the land by constructing a two level building plus basement car parking comprising of eight dwellings with associated landscaping at 1 Evelyn Street, Clayton, pursuant to the provisions of Section 69 of the Planning and Environment Act 1987.

The grounds of refusal are as follows:

- 1. The approved development is inconsistent with the Monash Housing Strategy, the future planning policy and requirements as envisaged by Amendment C125 to the Monash Planning Scheme.*
- 2. It is considered that the land owner is seeking to ‘warehouse’ the permit.*
- 3. The time limit originally imposed on the planning permit was adequate and the permit has been previously extended three times for a total elapse time of 8 years.*

CARRIED

1.5 671-675 Waverley Road, Glen Waverley - Use As A Child Care Centre and Eight Dwellings In A Three Storey Building Over A Basement Car Park

Moved Cr Pang Tsoi,

Seconded Cr Little

A. *That Council resolves to issue a Notice of Decision to Grant a Planning Permit (TPA/49649) to use the land as a Child Care Centre, together with associated buildings and works, eight dwellings in a three storey building over a basement car park and alteration to access in a Road Zone Category 1, at 671-675 Waverley Road, Glen Waverley subject to the following conditions:*

1. *Before the development and use starts, one copy 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 Sustainable Management Plan (SMP) in accordance with Condition 11.*
- b) The child care centre bin storage relocated to the basement.*
- c) A corner splay or area at least 50% clear of visual obstructions (or with a height of less than 1.2 metres), which may include adjacent landscaping areas with a height of less than 0.9 metres, extending at least 2.0 metres long x 2.5 metres deep (within the property) from the edge of the exit lane of the vehicle crossing to provide a clear view of pedestrians on the footpath of the frontage road.*
- d) The north facing kitchen windows of Units 1 and 5 to be screened in accordance with the requirements of Clause 55.04-5 of the Monash Planning Scheme and this detail is to be shown on both the corresponding plans and elevations.*
- e) All glass screens at the first and second levels of the child care centre to be of obscure glass.*
- f) The privacy screens of the north facing apartment balconies be reduced in height and replaced with alternate screening methods to prevent downward views into the child care centre play spaces.*
- g) The eastern property boundary fence to be maintained at a solid height of no more than 1.6 metres together with 0.3 metres of trellis above, for a combined total height of 1.9 metres.*
- h) The northern boundary fence to have a height of 2.0 metres.*
- i) The basement tandem car spaces are to be allocated to child care staff only.*
- j) The accessible parking spaces should be designed in accordance with the Australian Standard for Off-Street Parking for people with disabilities, AS/NZS 2890.6. The vehicle path to and from each accessible space shall have a minimum*

headroom of 2200mm. The headroom above each dedicated space and adjacent shared area shall be a minimum of 2500mm

- k) The layout of the development shall follow the Design Standards for car parking set out in Clause 52.06-9 of the Monash Planning Scheme as detailed below:*
- Driveway to provide at least 2.1m headroom beneath overhead obstructions.*
 - 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*
- 2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.*
 - 3. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.*
 - 4. There must be no more than 127 enrolled children in the Child Care premises at any one time.*
 - 5. The Child Care use may operate only between the hours of 7:00am to 6:30pm Monday to Friday.*
 - 6. The outdoor play areas of the Child Care centre may only be used between the hours of 7:00am and 6:00pm Monday to Friday.*
 - 7. A minimum of 27 spaces are to be provided in association with the child care use at all times and suitably labelled/signed as such.*
 - 8. No additional roof structures shall be permitted to be added to the second floor level 'roof terrace outdoor play area' north of the edge of the approved pergola, as shown on the endorsed plans, without the written consent of the Responsible Authority.*
 - 9. 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 utilization of private collection 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; and*
 - e) Litter management.*
 - f) 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.*

g) 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.

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

10. Before the development starts, a Construction Management Plan must be prepared and submitted to the Responsible Authority for approval. The plan must be to the satisfaction of the Responsible Authority. Once approved, the plan must be implemented to the satisfaction of the Responsible Authority. The plan must address the following issues:

- a) measures to control noise, dust and water runoff;*
- b) prevention of silt or other pollutants from entering into the Council's underground drainage system or road network;*
- c) the location of where building materials are to be kept during construction;*
- d) site security;*
- e) maintenance of safe movements of vehicles to and from the site during the construction phase;*
- f) on-site parking of vehicles associated with construction of the development;*
- g) wash down areas for trucks and vehicles associated with construction activities;*
- h) cleaning and maintaining surrounding road surfaces;*
- i) a requirement that construction works must only be carried out during the following hours:*
 - Monday to Friday (inclusive) – 7.00am to 6.00pm;*
 - Saturday – 9.00am to 1.00pm;*
 - Saturday – 1.00pm to 5.00pm (Only activities associated with the erection of buildings that does not exceed the EPA Guidelines.)*

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

11. Concurrent with the endorsement of any plans, a Sustainable Management Plan (SMP) must be submitted to and approved by the Responsible Authority. Upon approval the SMP will be endorsed as part of the planning permit and the development must incorporate the sustainable design initiatives outlined in the SMP to the satisfaction of the Responsible Authority. The report must include, but is not limited to, the following:

- a) Demonstration of how 'best practice' sustainability measures have been addressed, having regard to the relevant aspects of Clause 21.13 of the Planning Scheme.*
- b) Identify relevant statutory obligations, strategic or other documented sustainability targets or performance standards.*
- c) Document the means by which the appropriate target or performance is to be achieved.*
- d) Identify responsibilities and a schedule for implementation, and ongoing management, maintenance and monitoring.*

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- e) Demonstrate that the design elements, technologies and operational practices that comprise the SMP can be maintained over time.*
 - f) Any relevant requirements of the Condition 1 sub-clauses hereof.*

All works must be undertaken in accordance with the endorsed Sustainability Management Plan to the satisfaction of the Responsible Authority. No alterations to the endorsed Sustainable Management Plan may occur without written consent of the Responsible Authority and (to the extent material and necessary) any relevant flow-on changes to the design response must be also incorporated into the endorsed architectural plans.

12. Before the commencement of buildings and works, 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 be consistent with the development plans and 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 canopy trees with spreading crowns located throughout the site including within the street setback and perimeter of the site. Trees should not be located in the easement or basement envelope.*
- c) the TPZ dimensioned for all trees to be retained.*
- d) planting to soften the appearance of hard surface areas such as driveways and other paved areas*
- e) 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*
- f) the location and details of all fencing*
- g) the extent of any cut, fill, embankments or retaining walls associated with the landscape treatment of the site*
- h) details of all proposed hard surface materials including pathways, patio or decked areas*

13. 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

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

14. 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.

15. *No goods must be stored or left exposed outside the building so as to be visible from any public road or thoroughfare.*
16. *The existing redundant crossings in Waverley Road are to be removed and replaced with kerb and channel. The footpath and naturestrip are to be reinstated to the satisfaction of Council.*
17. *All stormwater collected on the site from all hard surface areas must not be allowed to flow uncontrolled into adjoining properties or the road reserve.*
18. *The drainage system is to be to the satisfaction of the Responsible Authority.*
19. *All stormwater collected on the site is to be detained on site to the predevelopment level of peak stormwater discharge. The design of any internal detention system is to be approved by Council's Engineering Department prior to drainage works commencing. Further information regarding the design of the on-site detention system is provided in the notes section of this permit.*

VicRoads Condition:

20. *All disused or redundant vehicle crossings must be removed, and the area reinstated to kerb and channel to the satisfaction of and at no cost to the Roads Corporation prior to the commencement of the use or the occupation of the buildings or works.*
21. *Expiry of permit:*
In accordance with section 68 of the Planning and Environment Act 1987, this permit will expire if one of the following circumstances applies:
 - ♦ *The development is not commenced within two (2) years from the date of this permit.*
 - ♦ *The development is not completed within four (4) years of the date of this permit.*
 - ♦ *The use is not commenced within six (6) months of the date of completion of the development.*

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. *No work must be commenced in, on, under or over the road reserve without having first obtaining all necessary approval under the Road Management Act 2004, the Road Safety Act 1986, and any other relevant acts or regulations created under those Acts.*
2. *Building approval must be obtained prior to the commencement of the above approved works.*
3. *Unless no permit is required under the planning scheme, no sign must be constructed or displayed without a further permit.*
4. *Disabled access to the building must be provided to the satisfaction of the Responsible Authority. All work carried out to provide disabled access must be constructed in accordance with Australian Standards Design for Access and Mobility AS 1428.1.*

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5. *Noise from the premises must comply with State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1 (SEPP N-1).*
 6. *The nominated point of stormwater connection for the site is to the south-west corner of the property where the entire site's stormwater must be collected and free drained via a pipe to the Council pit in the nature strip outside Allen Street to be constructed to Council Standards. (A new pit is to be constructed to Council Standards if a pit does not exist, is in poor condition or is not a Council standard pit). Note: If the point of connection cannot be located then notify Council's Engineering Department immediately.*
 7. *The private on-site drainage system must prevent stormwater discharge from the driveway over the footpath and into the road reserve. The internal drainage system may include either:*
 - *a trench grate (minimum internal width of 150 mm) located within the property boundary and not the back of footpath; and/or*
 - *shaping the internal driveway so that stormwater is collected in grated pits within the property; and or*
 - *another Council approved equivalent.*
 8. *Detention system requirements for above property are as follows:-*
 - *Minimum storage = 15.56 m³*
 - *Maximum discharge rate = 16.78 l/s*
 - *Minimum orifice diameter if using orifice pit = 65mm, otherwise install a Phillips multi cell or similar to control outflow.*
 9. *One copy of the plans for the drainage and civil works must be submitted to and approved by the Engineering Department 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.*
 10. *An on site detention system for storm events up to the 1% AEP event to be retained on site for the basement carpark. The detention system for the basement is to be separated from the detention system for the property, which is to be at ground level and discharge by gravity.*
 11. *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.*
 12. *Building Over Easement approval is required. Approval will be given subject to:*
 - *Council and Yarra Valley Water approval being obtained;*
 - *The registration of a Section 173 Agreement on Title between the owners and Council, protecting Council's future drainage maintenance rights.*
 - *A construction joint being made along the easement line.*
 - *The replacement of the existing 225 mm drain within the easement by a 225 mm drain from the junction pit in north-west corner of No. 675 to the junction pit in north – west corner in the naturestrip of No. 671.*
 - *The payment of a \$5,000 refundable security deposit prior to the drainage works commencing.*
 13. *Engineering permits must be obtained for new or altered vehicle crossings and new connections to Council pits and these works are to be inspected by Council's*

Engineering Department. A refundable security deposit of \$2,000 is to be paid prior to the drainage works commencing

14. All excavations associated with drainage works or the provision of underground services must not be carried out in a manner that will adversely impact on the health of trees on adjoining land or to be retained on the subject land. Please refer to development and landscaping plans for further details.

15. Residents of the approved development will not be entitled to car parking permits for on street parking.

Vic Roads Notation:

16. The proposed development requires reinstatement of disused crossovers to kerb and channel. Separate approval under the Road Management Act for this activity may be required from VicRoads (the Roads Corporation). Please contact VicRoads prior to commencing any works.

Cr Saloumi said that on Friday she had visited the Glenallen School, travelling along Allen Street. She noted that the eastern side of the street was completely taken up by parked vehicles. She stated that at the end of this no through road, there was parking for Glenallen School, Scope and St Leonards Primary School. Cr Saloumi noted that most of the 150 students at Glenallen School were being dropped off via large vehicles. Cr Saloumi said that demands made on the street by this activity would be made worse by the proposed development, which would be near one of the worst intersections for accidents. Cr Saloumi said that the problem would be drop off and pick up times for the child care centre, combined with peak hour traffic.

In response to a question from Cr Little regarding parking, the Director City Development advised that in relation to drop off/pick up at the child care centre, the peaks differed to those of schools. He added that all the car parking for the development would be on-site, including space for drop offs/pick ups. The Director advised that a traffic analysis showed that the traffic movements generated by the development would be acceptable, given its location.

CARRIED

1.6 Town Planning Schedules

Moved Cr Little,

Seconded Cr James

That the report containing the Town Planning Schedules be noted.

CARRIED

2. COMMUNITY DEVELOPMENT AND SERVICES

2.1 Community Development In Sports Clubs: Community Leaders United By Sport and Changing The Game - Progress Report

Moved Cr McCluskey,

Seconded Cr Fergeus

That Council notes the progress made towards making sports clubs more welcoming and inclusive through the Community Leaders United by Sport and Changing the Game initiatives.

The Mayor stated that the program had been run by Council officers in conjunction with community leaders in sport, as well as the Changing the Game Program. He said that this was a significant program, uniting people, using sport as a vehicle and also educating participants on culture, respect and general wellbeing, physical and mental health. The Mayor commended the program and was excited by the progress made and thanked officers for their work. He also noted the positive feedback on the program from participants.

CARRIED

3. CORPORATE SERVICES

3.1 2018/2019 Financial Management and Capital Works Progress Report – Third Quarter 31 March 2019

Moved Cr Little,

Seconded Cr Pang Tsoi

That Council:

1. Notes the Quarterly Financial Management, Annual Plan and Capital Works Progress Report for the period ending 31 March 2019, presented in accordance with Section 138 of the Local Government Act 1989.

2. Approves the variations contained therein.

3.

CARRIED

4. INFRASTRUCTURE

4.1 Oakleigh Recreation Centre Redevelopment – Architectural Design Contract

Moved Cr Klisaris,

Seconded Cr Fergeus

That Council:

1. Notes as per the Oakleigh Recreation Centre construction tender of 14th May report which advised that there have been a number of cost escalations. This impacts on design costs which have increased significantly due to the increased level of design and additional 12 months needed to complete the design to accommodate the user groups and to investigate value management options.

2. Notes the variation amount of \$457,359.95 (GST Excl.) to the Council approved contract CF2017074 for the provision of Architectural Design Services &

additional Construction Phase consultant services for the ORC project. This variation exceeds the contingency amount allowed for within the original project allocation.

3. *Notes the Council approved budget has provisioned for this variation so no additional funding is sought for these works.*

CARRIED

5. CHIEF EXECUTIVE OFFICER'S REPORTS

5.1 Assembly of Councillors Record

Moved Cr Fergeus,

Seconded Cr Little

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

CARRIED

6. NOTICES OF MOTION

6.1 Council's Discretionary Fund Applications

Moved Cr McCluskey,

Seconded Cr Fergeus

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

| <i>APPLICANT</i> | <i>PURPOSE</i> | <i>AMOUNT RECOMMENDED</i> |
|--|--|----------------------------|
| <i>Waverley Bonsai Group</i> | <i>Annual Bonsai Show 10-11 August 2019.</i> | <i>\$1,000</i> |
| <i>Monash University Islamic Society</i> | <i>Grand Community IFTAR 23 May 2019.</i> | <i>\$500</i> |
| <i>Rotary Club of Glen Waverley</i> | <i>Semi Annual Rotary Book Sale 11-13 October 2019 and 13-15 March 2020.</i> | <i>\$832 including GST</i> |

CARRIED

7. COMMITTEE REPORTS

7.1 Monash Gallery of Art: Recommendations for Committee of Management Members

Moved Cr McCluskey,

Seconded Cr Little

That Council:

1. *Approves the tenure extension of Ms Natasha Bowness to the Monash Gallery of Art Committee of Management for a further three years from 31 August 2019 to 31 August 2022.*
2. *Approves the tenure extension of Mr Nick Fletcher to the Monash Gallery of Art Committee of Management for a further three years from 31 August 2019 to 31 August 2022.*

The Mayor commented that he was very pleased that both Ms Bowness and Mr Fletcher had agreed to an extension of their tenure and was hopeful that the Council would approve those extensions. He added that both Committee members had been significant contributors to the MGA, its advancement and had been great stewards of the Committee of Management.

CARRIED

8. URGENT BUSINESS

Nil.

9. CONFIDENTIAL BUSINESS

Moved Cr Little

Seconded Cr McCluskey

That Council, having reviewed and considered the certificates in relation to the matters listed for confidential business, and being satisfied that it is appropriate and necessary to consider these matters at a closed meeting, resolves to close the meeting to the public in accordance with section 89(2) of the Local Government Act 1989 for the reasons specified in the certificates.

CARRIED

The Council moved into Confidential Business at 7.40 pm and returned to Open Council at 8.00 pm.

10. PERSONAL EXPLANATIONS

Nil.

11. COUNCILLORS' REPORTS

- 11.1** Cr Saloumi advised that she had

-
- a) Visited the Glen Allen School for their 40th anniversary, was taken through the school by its Principal and met the Regional Director of the Department of Education. She noted that the school had 150 students
 - b) Attended the Mayor's Afternoon Tea for Volunteers and sat with volunteers who worked at Cabeena and Legend Park and Meals on Wheels.

11.2 The Mayor advised Council that he had attended:

- a) Ashwood Memorial Kindergarten Open Day and 50th anniversary, with the kindergarten's first educator, being present. He added that the event was very well attended
- b) Mayor's Afternoon Tea for Volunteers, which was attended by 300 volunteers and
- c) The Biggest Morning Tea at the Civic Centre.
- d) The Biggest Morning Tea at Valley Reserve Neighbourhood Watch. He noted that it was amazing to see the reception that was received by Councillors who were interest enough and were able to attend community events. The Mayor added that the community appreciated seeing their representatives at events
- e) Walk With Councillors event, in Notting Hill, where the footpaths were marked for each kilometre, with the Mayor and Cr James joined by the Councils Place Makers and residents, in walking and discussion issues of interest relating to the area and wanted such initiatives repeated elsewhere, with Mulgrave needing a Place Maker to link the communities in that ward.
- f) Mulgrave Farmers' Market, which celebrated its 10th year and brought the local community together, attracting 700,000 visitors over 10 years, and bringing close to \$50 million to the local community.

The Mayor declared the meeting closed at 8.10 pm

MAYOR:

DATED THIS DAY OF 2019