



CITY OF
MONASH

**MINUTES OF THE ORDINARY MEETING OF
COUNCIL**

HELD ON 1 APRIL 2008

at 7.30 pm

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

**MINUTES OF THE ORDINARY MEETING OF THE MONASH CITY COUNCIL
HELD IN THE COUNCIL CHAMBERS, SPRINGVALE ROAD GLEN WAVERLEY
ON TUESDAY 1 APRIL 2008 AT 7.30 PM.**

PRESENT: Councillors P Klisaris (Mayor), D Manzie (Deputy Mayor), C Baines, J Banerji,
S Dimopoulos, G Kottek, G Lake, D McGill, T Morrissey JP, C Shiell

APOLOGIES:

Cr Brown.

DISCLOSURES OF INTEREST

Cr Manzie - Item 5.2.

**CONFIRMATION OF MINUTES OF THE ORDINARY COUNCIL
MEETING HELD ON 11 MARCH 2008**

Moved Cr Morrissey,

Seconded Cr Manzie

That the minutes of the Ordinary Meeting of the Council held on 11 March 2008, be taken as read and confirmed.

CARRIED

**RECEPTION AND READING OF PETITIONS, JOINT LETTERS &
MEMORIALS**

The Mayor tabled a petition from residents of Hammence Street and adjacent streets in Glen Waverley, concerning traffic problems in the area.

PUBLIC QUESTION TIME

The Mayor advised that 3 questions had been received.

OFFICERS' REPORTS

1. CUSTOMER SERVICES

Nil

2. HUMAN RESOURCES & ADMINISTRATION

Nil

3. CORPORATE PLANNING & FINANCE

Nil

4. INFRASTRUCTURE SERVICES

Nil

5. CITY DEVELOPMENT

5.1 **77 & 77A Atherton Road Oakleigh – Existing Building For An Education Centre and Reduction In Car Parking Requirements of The Monash Planning Scheme**

Moved Cr McGill,

Seconded Cr Dimopoulos

*The Council having caused notice of planning application No. 35871 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 grant a planning permit and 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 77 and 77A Atherton Road, Oakleigh, to use the existing building for an education centre for overseas students and reduction in the car parking requirements of the Monash Planning Scheme generally in accordance with the plans submitted with the application 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 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) *Site layout plan clearly showing the entire site including car parking and internal layout of each level of the building;*
 - b) *Location of 5 bicycle parking spaces on the site;*
 - c) *Details of and location of any additional electricity substation or gas metres required for the proposed education centre;*
 - d) *Location of waste facilities.*
2. *The use as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.*
 3. *The education centre may only operate between the hours of 8.00am to 10.00pm Monday to Friday (inclusive) and 8.00am and 5.00pm Saturday and Sunday (inclusive) unless the Responsible Authority gives consent in writing.*
 4. *No more than 80 students and 10 staff may be on site at any one time.*
 5. *Over 75% of students attending the education centre must be overseas students.*
 6. *The use hereby permitted must not include the serving of meals to the general public.*
 7. *The amenity of the area must not be detrimentally affected by the use or development, through the:*
 - a) *transport of materials, goods or commodities to or from the land;*
 - b) *appearance of any building, works or materials;*
 - c) *emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;*
 - d) *presence of vermin.*
 8. *No form of public address system may be installed so as to be audible from outside the building/site.*
 9. *No goods must be stored or left exposed outside the building so as to be visible from any public road or thoroughfare.*
 10. *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.*
 11. *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 by private contractor. The Waste Management Plan shall provide for:*

- a) *The method of collection of garbage and recyclables;*
- b) *Appropriate areas of bin storage on site and areas for bin storage on collection days;*
- c) *Measures to minimise the impact upon local amenity and on the operation, management and maintenance of car parking areas;*
- d) *Litter management.*

A copy of this plan must be submitted to Council.

12. 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.

Expiry of Permit

This permit will expire if the following circumstance applies:

- *The use is not started within two years of the date of this permit.*

The Responsible Authority may extend the period referred to if a request is made in writing before the permit expires or within three months afterwards.

NOTES:

1. *Any external buildings and works ie installation of flues/mechanical equipment or signage will require a further planning permit from Council. The current permit relates to use only.*
2. *Premises used for the sale or storage of food in any manner whatsoever are to be registered under the Food Act and require Council approval via the Chief Environmental Health Officer before occupation.*
3. *Unless no permit is required under the planning scheme, no sign must be constructed or displayed without a further permit.*
4. *A waste storage area of sufficient size to contain all rubbish receptacles must be provided. Waste storage must be sealed, graded and drained to the sewer.*
5. *Deliveries and waste collection must only be carried out within prescribed EPA guidelines.*
6. *Construction and performance of kitchen exhaust system must comply with AS 1668.2 (or as amended). The flue from the kitchen exhaust canopy must terminate at least 1 metre above the building line.*
7. *Motors for equipment and air-conditioning/heating units must be located where there is no noise nuisance created to neighbours or insulated/sound proofed.*

8. *A grease trap is to be provided and located outside in accordance with the relevant water authority requirements.*
9. *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.*
10. *Offensive odours must not be emitted from the premises.*
11. *All enclosed areas within or adjacent to the premises must only comply with the requirements of the Tobacco Act 1987 and any amendments or regulation made thereunder.*

and directs that the Applicant and the objector be given a notice of the Council's decision to grant the permit.

Cr McGill noted that there were two applications for this site. This application complied with local and State planning policies and adequate conditions were being placed on the planning permit.

Cr Dimopoulos questioned the proposed hours of operation of the proposed facility and matters relating to parking.

The Director City Development responded to the matters raised by Cr Dimopoulos.

CARRIED

5.2 618-688 High Street Road, Glen Waverley – The Erection of Four 250,000 Litre Stormwater Storage Tanks and Two Process Tanks Together With A Desalination Plant

NOTE: Cr Manzie disclosed a conflict of interest in this item, having been a student of Wesley College from 1980 to 1986.

Cr Manzie left the Council Chamber at 7.50 pm and returned at 7.53 pm after discussion and voting on the item had concluded.

Moved Cr Dimopoulos,

Seconded Cr Lake

*The Council having caused notice of planning application No. 35462A 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 grant a planning permit and 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 618-688 High Street Road, Glen Waverley, for the purpose of the erection of four 250,000 litre stormwater storage tanks and two process tanks together with a desalination plant 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 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.
 - a) The plans must show the relocation of the four (4) 250,000L storage tanks to a position east of the existing storage sheds generally in accordance with the modified plan dated March 2008, Ref 135024-S2 as submitted by the applicant.*
 - b) Detail of the tank colour.*
 - c) Details of any overflow path.**
 - 2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.*
 - 3. 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) – 7am to 6pm;*
 - Saturday – 9am to 1pm;*
 - Saturday – 1pm to 5pm (Only activities associated with the erection of buildings. This does not include excavation or the use of heavy machinery);**
- unless otherwise approved in writing by the Responsible Authority.*

4. *Any noise associated with the desalination plant and storage tanks must at all times conform with the State Environment Protection Policy SEPP N-1.*
5. *The amenity of the area must not be detrimentally affected by the use or development, through the:*
 - e) *transport of materials, goods or commodities to or from the land;*
 - f) *appearance of any building, works or materials;*
 - g) *emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;*
 - h) *presence of vermin;*
 - i) *others as appropriate.*
6. *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 western boundary of the site including:*
 - a) *the location, details, species, height and spread of all existing trees and other vegetation on site adjacent to the subject building and marked as to their retention/removal;*
 - b) *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;*

When approved the plan will be endorsed and will then form part of the permit.
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.*
8. *Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.*
9. *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.*
10. *No goods must be stored or left exposed outside the building so as to be visible from any public road or thoroughfare.*

NOTES :

1. *Building approval must be obtained prior to the commencement of the above approved works.*
2. *Water is to be stored onsite with no overflow into Council's drainage system.*
3. *Approval from Yarra Valley Water may be required.*

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.

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

Cr Lake congratulated Wesley College on its efforts in environmental sustainability and its willingness to address the concerns of nearby residents regarding the location of the water storage tanks.

CARRIED

5.3 77 & 77A Atherton Road, Oakleigh – Use and Construction of A Five-Storey Building Consisting of 45 Apartments, 2 Shops and Car Parking Dispensation

Moved Cr Dimopoulos,

Seconded Cr McGill

*Council having caused notice of planning application No. 35730 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 77 & 77A Atherton Road Oakleigh, for the use and construction of a five storey building consisting of 45 apartments, 2 shops and car parking dispensation on the following grounds:*

1. *The proposal is not consistent with the State Planning Policy Framework, particularly the Design and Built Form Policy at Clause 19.03 of the Monash Planning Scheme*

2. *The proposal is not consistent with the Local Planning Policy Framework, particularly the Retail Policy and Transport and Traffic Policy at Clauses 21.06 and 21.08*
3. *The proposal does not provide sufficient on-site car parking, and suitable vehicular access and manoeuvrability*
4. *The proposal does not provide sufficient loading facilities.*
5. *The proposal would have a detrimental impact on the amenity of the adjoining land and surrounding area.*
6. *The proposal would not provide an adequate level of internal amenity for future residents*

And directs that the applicant and each objector be given a notice of the council's decision to refuse the permit.

Cr McGill noted that this application did not meet either local State planning policies.

CARRIED

5.4 549-577 Warrigal Road, Ashwood – Buildings And Works Comprising Extension and Renovation of The Existing Supermarket Including Alteration To The Existing Car Park Layout

Moved Cr Banerji,

Seconded Cr Morrissey

*The Council having caused notice of planning application No.35748 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 grant a planning permit and 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 549-557 Warrigal Road, Ashwood, for buildings and works comprising extension and renovation of the existing supermarket including alteration to the existing car park layout generally in accordance with the plans submitted with the application 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) *The retention of the Callistemon hedge along the eastern boundary of the site, as well as the three Willow Myrtle trees located along the southern property boundary.*
 - b) *The location and design of any proposed new electricity supply meter box/kiosk/substation. Any new facility must not be located within the front or side street setback area and must be integrated into the building structure.*
 - c) *The location of waste bin areas sufficient in size to contain all rubbish receptacles.*
 - d) *The location of any new fire booster, gas and water meters. These facilities should be designed to minimise their visual prominence if required to be located within the front setback.*
 - e) *The May Park Avenue vehicle crossing increased in width to a minimum of 7.2 metres, in line with the new accessway, which extends along the building frontage.*
 - f) *Either the car park layout, or the Warrigal Road crossing realigned to allow for vehicles to flow directly from the street network and unhindered into one of the aisles.*
 - g) *Any redundant crossing is to be removed and replaced with kerb and channel. The footpath and nature strip are to be reinstated to the satisfaction of Council.*
 - h) *All car parking spaces having a minimum length of 4.9 metres (refer to the north-western end of the car park).*
 - i) *All landscape buffers along the perimeter of the site having a minimum width of 600mm to avoid vehicle overhang onto the footpath.*
 - j) *The provision of pedestrian refuge areas at the end of the aisles at the main building entry, for the movement of trolleys and pedestrians.*
 - k) *The provision of trolley bays within the body of the car park.*
 - l) *The provision of kerb ramps to each disabled parking bays and the route to the supermarket considered for wheelchair users. Eg. Bluestone paving should not be used along the intended wheelchair path. Consideration should be given to whether the blade wall will restrict disabled access or require wheelchairs to travel along the roadway.*
 - m) *The height between the floor and an overhead obstruction within the under- croft car park shall be a minimum of 2200mm.*
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. *The amenity of the area must not be detrimentally affected by the use of 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.*
5. *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.*
6. *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.
7. *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.*
8. *The access ramp for people with disabilities should be designed in accordance with the Australian Standard for Design for Access and Mobility, AS 1428.*
9. *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.*

10. *The loading and unloading of goods from vehicles must only be carried out on the land.*
11. *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) – 7am to 6pm;*
 - *Saturday – 9am to 1pm;*
 - *Saturday – 1pm to 5pm (only activities associated with the erection of buildings , this does not include excavation or the use of heavy machinery);*

unless otherwise approved in writing by the Responsible Authority.
12. *No goods must be stored or left exposed outside the building so as to be visible from any public road or thoroughfare.*
13. *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.*
14. *The occupier of the premises must ensure that any noise emanating from the premises must not exceed that standards of the State Environment Protection Policies SEPP N-1 and SEPP N-2 and must on request provide evidence to Council of compliance with the policies.*
15. *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.*
16. *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:*
 - c) *the location, details, species, height and spread of the existing vegetation to be retained.*
 - 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. The plan must include advanced tree specimens.*

When approved the plan will be endorsed and will then form part of the permit.
17. *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.

18. *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.*
19. *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.*
20. *No vehicle shall park under the canopy line of any tree to be retained.*
21. *Tree protection measures in accordance with the recommendations outlined in the Arboricultural Report dated 17 January 2008 and prepared by Tree Logic must be strictly adhered to. Specifically with regards to protection measures for the existing street trees.*
22. *No less than 5 car parking spaces per 100 square metres of floor area must be provided on the land for the use.*
23. *Any outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.*
24. *No form of public address system may be installed so as to be audible from outside the building/site.*
25. *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 may include either:*
 - a) *a trench grate (175 mm 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.*
26. *Stormwater discharge is to be retained on site to the predevelopment level of peak stormwater discharge. Approval of any retention system is required by the City of Monash prior to works commencing.*
27. *Any new connections into a Council pit requires the approval of the Council's Engineering Division prior to the works commencing. Three copies of plans for the drainage works must be submitted to and approved by the Engineering Division prior to the commencement of works.*
28. *The drains and side entry pits within the property are considered part of the sites stormwater system and may be abandoned subject to confirmation that no street or easement drains are adversely affected.*

29. *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 conveying of the stormwater to the nominated point of discharge. The nominated point of discharge is the north east corner of the property where it must be collected and free drained via a pipe to the Council pit in High Street Road. All work is to be constructed to Council Standards. Note: If the point of discharge cannot be located then notify Council's Engineering Division immediately.

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. *A permit is required for the installation or modifications of any vehicular crossings.*
4. *Your attention is drawn to previous planning approvals issued for the site which must be complied with. In particular, Planning Permits 20755 and 24551 which relate to operating hours.*

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.

and directs that the Applicant and the objector be given a notice of the Council's decision to grant the permit.

CARRIED

5.5 1303-1305 Centre Road, Clayton – Development of 14 Double Storey Dwellings With Associated Car Parking and Landscaping

Moved Cr Morrissey,

Seconded Cr Dimopoulos

*Council having caused notice of planning application No. 35758 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 1303-1305 Centre Road, Clayton, for the purpose of the development of 14 double storey dwellings with associated car parking and landscaping on the following grounds:*

- 1. The proposal does not satisfy the objectives and provisions of the Local Planning Policy Framework.*
- 2. The proposal does not satisfy the objectives and provisions of Clause 55 of the Monash Planning Scheme in particular the objectives and provisions relating to neighbourhood character, design detail, street setback and dwelling entry, energy efficiency, landscaping, parking location, parking provision and private open space.*
- 3. The proposal is an overdevelopment of the site.*
- 4. The proposed development is out of character with the existing development in the area in particular with regard to mass, bulk and scale.*
- 5. The proposed development will have an adverse impact on the amenity of adjoining properties.*
- 6. The proposed development is not appropriate for the locality with regard to its adverse impact on the streetscape and general neighbourhood character.*
- 7. The proposal is not consistent with the existing or preferred neighbourhood character.*
- 8. The proposal is inappropriate having regard to orderly and proper planning of the area.*

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

CARRIED

5.6 Town Planning Schedule

Moved Cr Manzie,

Seconded Cr Shiell

That the report containing the Town Planning Schedules be noted.

CARRIED

5.7 Drainage Improvement Works - Browns Road & Dandenong Road, Clayton

Moved Cr McGill,

Seconded Cr Dimopoulos

1. *That Council accepts the tender of Lanyon Nominees Pty Ltd & Bastow Holdings Pty Ltd trading as Juniper Contractors to construct the drainage improvement works in Browns Road and Dandenong Road, Clayton for the lump sum of \$177,681.35 (GST inclusive).*
2. *That the anticipated project expenditure of \$206,688.10 (GST exclusive) for the construction, design and supervision be noted.*
3. *That the contract agreement be signed and sealed.*

Cr Lake noted that this matter concerned a routine awarding of a contract for drainage works. He then referred to the storm and resulting damage that occurred in December 2007 and noted that it was incumbent on the Council to review its strategies for the municipality's drainage system.

Cr Lake also noted that the Council is lobbying Melbourne Water regarding its responsibilities in the municipality for waterway and overland water management.

CARRIED

5.8 Drainage Improvement Works - Danien Street, Glen Waverley

Moved Cr Manzie,

Seconded Cr Baines

1. *That Council accepts the tender of Comar Constructions Pty Ltd to construct the drainage improvement works in Danien Street, Glen Waverley for the lump sum of \$139,697.80 (GST inclusive).*
2. *That the anticipated project expenditure of \$141,498.00 (GST exclusive) for the construction, design and supervision be noted.*
3. *That the contract agreement be signed and sealed.*

CARRIED

5.9 Drainage Improvement Works - Lilian Street, Glen Waverley

Moved Cr Manzie,

Seconded Cr Lake

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| <ol style="list-style-type: none">1. <i>That Council accepts the tender of Comar Constructions Pty Ltd to construct drainage improvement works in Lilian Street, Glen Waverley for the lump sum of \$193,381.10 (GST inclusive).</i>2. <i>That the anticipated project expenditure of \$200,051 (GST exclusive) for the construction, design and supervision, be noted.</i>3. <i>That the contract agreement be signed and sealed.</i> |
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CARRIED

5.10 Proposed Discontinuance of Part of The Road - Doon Avenue, Glen Waverley

Moved Cr Morrissey,

Seconded Cr Banerji

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| <ol style="list-style-type: none">1. <i>That Council, acting under clause 3 of Schedule 10 to the Local Government Act 1989 ("the Act") and being of the opinion that part of the Road known as 2-16 Doon Avenue, Glen Waverley which portion of Road is occupied by St Christopher's Parish School ("St Christopher's") (as shown cross-hatched on the plan at Attachment 2 ("the Plan")) is not reasonably required as a Road –</i><ol style="list-style-type: none">a) <i>Commences the statutory procedures to discontinue part of the Road occupied by St Christopher's;</i>b) <i>Gives, under Sections 207A and 223 of the Act, public notice of the proposed discontinuance in the Waverley Leader with such notices stating that, if discontinued, Council proposes to either retain or sell the land to the abutting owners; and</i>c) <i>Appoints a Committee of Council, comprising Councillors Banerji, Brown and Morrissey, to consider submissions received under S. 223 of the Act on 27 May, 2008 at 7.30 p.m. at the Civic Centre.</i>2. <i>That, should no submissions be received in accordance with S. 223 of the Act, Council authorises the Chief Executive Officer or his delegate:</i><ol style="list-style-type: none">a) <i>to publish a Notice of Discontinuance in the Victoria Government Gazette vesting the land in Council;</i>b) <i>upon the vesting of the land in Council, to enter into negotiations for the sale of the land from the road (including the signing and sealing of all relevant documentation required to effect the sale) to the occupier predicated on current occupation;</i>c) <i>to sell the land to the abutting owners at Council's valuation (taking into consideration accrued possessory entitlement and any easements located within part of Road reservation); and</i> |
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- d) *register carriageway easements over the two portions of St Christopher's land in favour of Council (shown on the Plan at Attachment 2).*

CARRIED

6 CHIEF EXECUTIVE OFFICER'S REPORTS

Nil

7. COMMITTEE REPORTS

Nil

8. NOTICES OF MOTION

Nil

URGENT BUSINESS

Nil.

COUNCILLORS' REPORTS

Cr McGill raised the following two items -

a) Pioneer Memorial Park: Cr Mc Gill noted that Memorial Park's 150th anniversary and some of the capital works proposed to be completed.

b) Sir John Monash: noted that the Council did not have any information to provide to the public on Sir John Monash and advised that sponsorship had been obtained from the Pratt Foundation for a brochure to be prepared. Cr McGill also referred to comments made by Cr Lake at a previous meeting relating to the symbolism in the Council Chamber and Sir John Monash.

Cr Dimopoulos advised the Council of the second meeting of the Oakleigh Village Public Open Space Enhancement Master Plan Steering Committee.

PERSONAL EXPLANATIONS

Cr Lake referred to the comments attributed to him by Cr McGill regarding Sir John Monash. He said that Sir John Monash was a hero of his and his comments related to the symbolism in the Council Chamber, including the portrait of Sir John Monash.

Cr Lake also noted the clock in the Chamber, which had been donated to the City of Monash by the first democratically elected Council of the municipality, at the end of its term of office.

MATTERS OF COUNCIL IMPORTANCE

Nil

CONFIDENTIAL BUSINESS

Nil.

The Mayor declared the meeting closed at 8.17 pm

MAYOR:

DATED THIS DAY OF 2008