

NOTE: THESE MINUTES WERE RELEASED INTO THE PUBLIC DOMAIN UNDER THE RESOLUTION OF COUNCIL CARRIED ON 15.9.2020

CONFIDENTIAL

MINUTES OF THE MEETING OF COUNCIL

HELD ON TUESDAY 25 AUGUST 2020

Council Chambers 293 Springvale Road, Glen Waverley

(Record of confidential meeting transacted in accordance with the provisions of Section 89(2) of the Local Government Act 1989)

CONFIDENTIAL MINUTES OF THE MEETING OF THE MONASH CITY COUNCIL HELD IN THE COUNCIL CHAMBERS, SPRINGVALE ROAD GLEN WAVERLEY ON TUESDAY 25 AUGUST 2020 AT

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

CONFIDENTIAL URGENT BUSINESS

Moved Cr Paterson,

Seconded Cr Zographos

That the matter of the possible acquisition of part 452 -454 Waverley Road Mount Waverley be admitted as an item of Urgent Business.

CARRIED

Moved Cr Paterson,

Seconded Cr Fergeus

That Council:

- 1. Notes that Council has considered the following four options regarding the land;
 - a) communicate with the current owners and agents CBRE, asserting the public highway status of the existing shared path, Council's rights under the existing S173 agreement and the unregistered easement rights in the current location of the path, and offering to consider an agreed alternative location for the shared path subject to registration of Council's interest.
 - b) compulsory purchase part of the land. This includes the land abutting the creek (non-developable land) and nominally up to 15 metres from the top of bank.
 - c) compulsory purchase the whole of the land (excluding the Betty Court) for the purposes of public open space.
 - d) submit an expression of interest to CBRE prior to 16 September 2020 and negotiate a purchase of the land if nominated as preferred proponent.
- 2. Resolves to compulsorily purchase part of the land as identified in option b above, this includes the land abutting the creek and nominally up to 15m from top of bank. The compulsory purchase would be subject to a completion of a satisfactory plan being undertaken by a land surveyor and a valuation assessment being undertaken by a land valuer.
- 3. Notes that Council has not yet obtained valuation advice or a land survey, but directs the CEO to proceed with the acquisition of the site irrespective of a land valuation not having been received acknowledging that there will be additional unquantifiable costs due to the compulsory purchase process in addition to Councils valuation which is to be obtained. This may include costs for a valuation dispute and a legal challenge, the existing owner's legal costs, our own legal costs to arrive at an agreed compensation figure.
- 4. Authorises the CEO to take all necessary steps to immediately compulsory acquire part of 452-454 Waverley Road, Mount Waverley, (as described in point 2) being part of the land advertised for sale as per point 1 b above) required for public open

space pursuant to Council's powers under the Land Acquisition and Compensation Act 1986.

- Notes that once the compulsory purchase process commences with the service of a Notice of Acquisition, Council will own the land & compensation as determined under the LACA must be paid.
- 6. Once Council has compulsory purchased the land, Council publically announces the land acquisition (excluding financials which remain confidential) through a media release, providing information on its website and writing to key stakeholders and interested parties.

AMENDMENT

Moved Cr Lake,

Seconded Cr James

That the following words be added to the end of the first sentence in part 2 of the motion: '(with an objective of limiting the amount of funds required by Council to acquire the land while also ensuring that the width of the land to be acquired is fit for purpose for a modern and safe shared pedestrian and bicycle path).'.

CARRIED

SUBSTANTIVE MOTION

The motion, as amended, became the substantive motion. It was put to the vote and declared carried.

CARRIED

RETURN TO OPEN COUNCIL

Moved Cr James,

Seconded Cr McCluskey

That the Council moves back into Open Council.

CARRIED

It is recorded that the Chairperson declared the conclusion of Confidential Urgent Business at 10.22 pm.

CHAIRPERSON

DATED THIS DAY OF TCB 22020