

## 6 Property matter - Committee of Management - Crown allotment 154D 17-21 Whitehorse Road Deepdene

### Abstract

This report is presented in the context of Council becoming Committee of Management for the section of Crown land known as Crown Allotment 154D located and known as 17-21 Whitehorse Road, Deepdene. See **Attachment 1** for the location of Crown allotment 154D.

Crown allotment 154D is located within the Outer Circle Linear Park (OCLP). The OCLP extends from Princess Street, Kew south to the train line at East Camberwell and consists of land owned by VicRoads and VicTrack and several Crown land allotments administered by the Department of Environment, Land, Water and Planning (DELWP). The section of land known as Crown allotment 154D is under the control of the Department of Environment, Land, Water and Planning (DELWP).

Section 14 of the *Crown (Reserves) Act 1978* provides that for any land that “*has been permanently reserved for the purposes of a public park or garden or for the recreation convenience or amusement of the people*” the Minister may appoint Council as Committee of Management (CoM) for the land.

The basis of proposing that Council give consideration to being appointed CoM for the land relates to Council's proposal to install a public toilet block on the land in response to community demand. DELWP as owner of the land requires that Council agrees to being appointed CoM in order to support the proposal made by Council.

### Officers' recommendation

That Council resolve to:

1. Advise the Department of Environment, Land, Water and Planning that Council and supports the proposal to being appointed Committee of Management over the Crown allotment 154D, shown cross hatched in Attachment 1, located at 17-21 Whitehorse Road, Deepdene.
2. Authorise the Chief Executive Officer or such other person as the Chief Executive Officer approves, to undertake the necessary procedural steps to complete the formal procedures for Council to be appointed of Committee of Management of the Crown allotment including the execution of all relevant documentation.

**Responsible director: Marilyn Kearney  
Corporate Services**

---

## 1. Purpose

The purpose of this report is to obtain Council's approval to advise the Department of Environment, Land, Water and Planning (DELWP) that Council accepts the request from DELWP to be appointed as Committee of Management (CoM) over Crown Allotment 154D known as 17-21 Whitehorse Road, Deepdene.

## 2. Policy implications and relevance to council plan

This report is consistent with the Council Plan 2013-17 and in particular with:

Strategy 2 - *"Community inclusion - We will monitor and plan for the community's changing needs, aspirations and opportunities to contribute to community life."*

Strategy 9 - *"Parks, gardens and natural environment - High quality natural environments, parks and gardens for our current and future communities."*

Strategy 12 - *"Safety and amenity - We will implement appropriate policies, strategies and practices that will improve neighbourhood amenity and safety."*

Strategy 13 - *"Managing assets - We will implement strategies for the development and ongoing renewal of Council's physical assets."*

Strategy 17 - *"Customer responsiveness - We will support a culture of innovation and improvement to ensure we continue to offer a relevant, responsive and friendly service to the community."*

## 3. Background

Crown allotment 154D is located within the Outer Circle Linear Park (OCLP). The OCLP extends from Princess Street, Kew down to the train line at East Camberwell and consists of land owned by VicRoads and VicTrack and several Crown land allotments.

Crown allotment 154D is located between Abercrombie Street, Deepdene and Whitehorse Road, Deepdene and is known as 17-21 Whitehorse Road, Deepdene (refer **Attachment 1**).

Facilities currently located on Crown allotment 154D include an oval, BBQ facilities, playground and walkway/bike path between Abercrombie Street and Whitehorse Road, Deepdene. The section of land is currently fully maintained by Council (without formal CoM status).

Council officers, supported by information obtained in community feedback, acknowledge that amenities are required along the OCLP. Analysis carried out by Council's Projects and Strategy and Parks and Gardens units have identified the most appropriate location for the installation of a toilet block is near the playground and BBQ facilities within Crown allotment 154D. See **Attachment 1** for proposed location of the toilet block.

DELWP has advised that generally DELWP is not supportive of Council infrastructure on Crown Land unless Council is appointed CoM, and therefore, the installation of the proposed toilet block on Crown allotment 154D has not yet been approved by DELWP.

#### **4. Outline of key issues/options**

Installation of the public toilet on the Crown Land can only proceed if Council accepts CoM status. In becoming CoM of a section of Crown Land, Council does not become the owner of the land but has the following responsibilities over land:

- Manage, improve, maintain and control the land for the purposes for which it is reserved;
- Negotiate leasing and licensing arrangements for all or part of the reserve, subject to Minister's approval; and
- Build and maintain infrastructure, subject to Minister's approval.

Crown Allotment 154D is 'Reserved for public recreation'.

#### **5. Consultation/communication**

The Crown allotment 154D is recognised in the Boroondara Open Space Strategy (BOSS). This particular section of the OCLP is identified as 'OCLP - Abercrombie Street'. Minor upgrades are also identified in the BOSS as a lower term priority with respect to the design of the open space. This action refers to community feedback obtained during the preparation of the BOSS about the need for additional amenities including public toilets.

Council's Risk Management Coordinator has reviewed the proposal and has not identified any risk management concerns.

#### **6. Financial and resource implications**

Crown Allotment 154D currently forms part of Council's Parks and Gardens maintenance schedule and the proposed appointment for Council to become CoM will not impact on the Parks and Gardens maintenance budget.

The proposed public toilet installation is budgeted for in Council's 2016-17 adopted budget.

#### **7. Governance issues**

Officers involved in the preparation of this report have no conflict of interest. The list of prescribed human rights contained in the Victorian Charter of Human Rights and Responsibilities has been reviewed in accordance with Council's Human Rights Compatibility Assessment Tool and it is considered that the proposed actions contained in this report present no breaches of, or infringements upon, those prescribed rights.

## 8. Social and environmental issues

If Council were to be appointed CoM over Crown allotment 154D it will enable Council to respond to community feedback for additional facilities within the OCLP and minor upgrade requirements identified in the development of the BOSS.

## 9. Conclusion

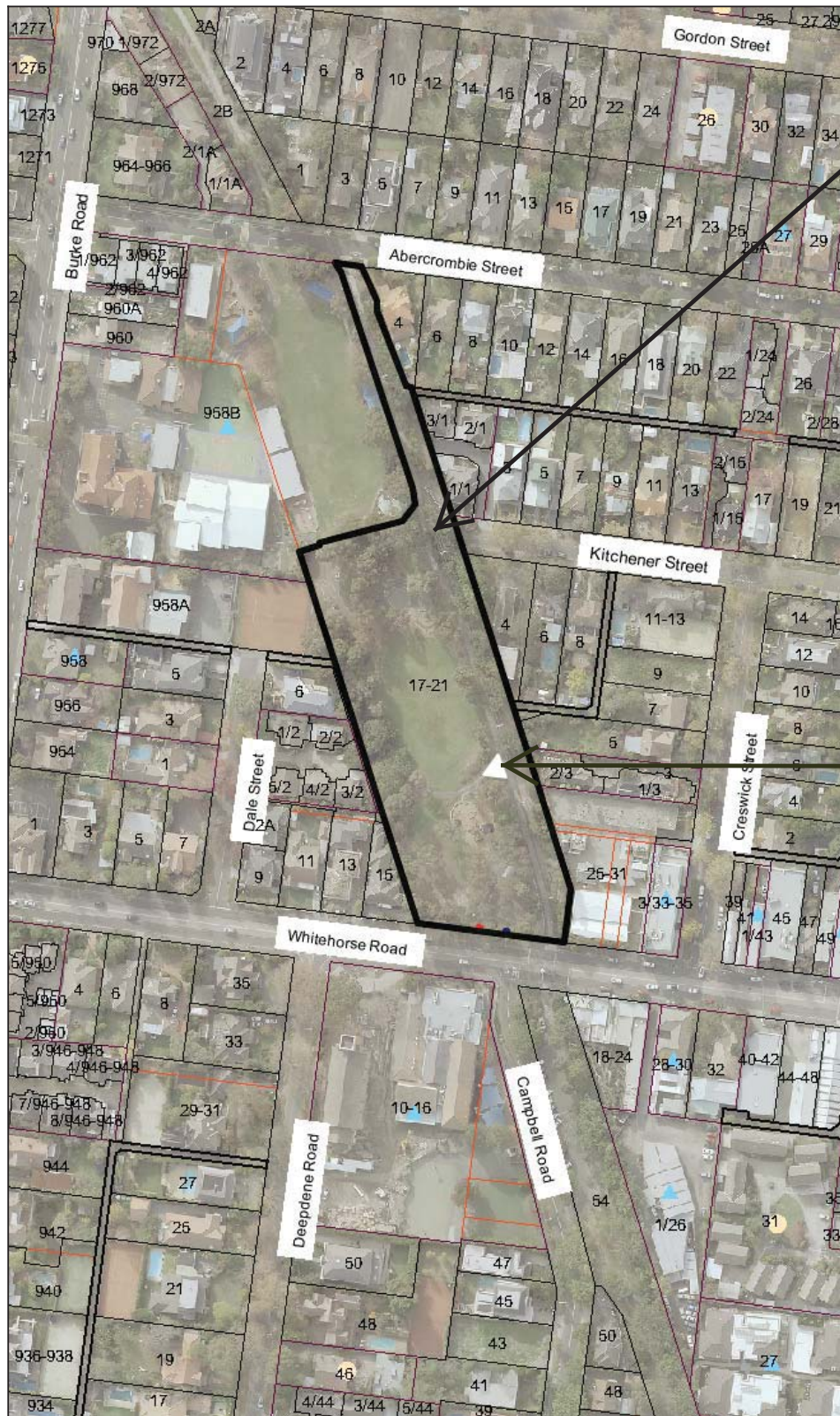
It is recommended by officers that DELWP be advised that Council is prepared to be appointed Committee of Management over Crown allotment 154D, as outlined in **Attachment 1**.

**Manager:** Chris Hurley, Commercial and Property Services

**Report officer:** John Lorkin, Coordinator Revenue and Property Services

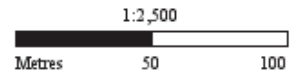
# Crown Allotment 154D

# Attachment 1



- KEY**
- Property  Crown allotment 154D
  - Utility Meters
    - Electricity Meter
    - Gas Meter
    - Water Meter
  - Roads
    - Freeway
    - Primary Road
    - Secondary Road
    - Collector Road
    - Local Road
    - Private Road
  - Lanes

Proposed toilet



Contains Vicmap Information © State of Victoria 1999

Map Produced: 17 October, 2016 15:29:51



Contains Vicmap information. The State of Victoria, Department of Sustainability and Environment, 2006. This material may be of assistance to you but the State of Victoria and its employees do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaims all liability for any error, loss or consequences which may arise from your relying on any information contained in this material [or publication]

The City of Boroondara does not warrant the accuracy or completeness of the information in this document, and does not accept responsibility for any losses or damages (whether direct or consequential) suffered by you or any other person, arising from your use of or reliance on this information. You must not reproduce or communicate this document without the prior permission of the City of Boroondara.