

ORDINARY COUNCIL

MINUTES

(Open to the public)

Monday 12 December 2016

Council Chamber, 8 Inglesby Road, Camberwell.

Commencement 6.35pm

Attendance

- Councillor Phillip Healey (Mayor)
- Councillor Jane Addis
- Councillor Lisa Hollingsworth
- Councillor Steve Hurd
- Councillor Jim Parke
- Councillor Coral Ross
- Councillor Felicity Sinfield
- Councillor Garry Thompson
- Councillor Cynthia Watson
- Councillor Jack Wegman

Apologies Nil

Officers

- Phillip Storer - Chief Executive Officer
- Marilyn Kearney - Director Corporate Services
- John Luppino - Director City Planning
- Carolyn McClean - Director Community Development
- Deb Ganderton - Executive Manager Communications & Customer Experience
- Chris Hurley - Manager Commercial & Property Services
- Charles Turner - Manager Projects & Strategy
- Andrew McHugh - Manager Family, Youth & Recreation
- Greg Hall - Chief Financial Officer
- David Thompson - Manager Governance
- Christian Wilmsen - Team Leader Strategic Planning
- Pru Smith - Team Leader Landscape and Design
- John Lorkin - Coordinator Revenue and Property
- Andrew Dowling - Coordinator Governance
- Jane Baker - Project Architect
- Sam Taylor - Leisure Facilities Contract Officer
- Caroline Martin - Senior Landscape Architect
- Amanda Seymour - Senior Strategic Planner
- Nick Brennan - Senior Strategic Planner

Adoption and confirmation of the minutes

Moved Councillor Parke

Seconded Councillor Thompson

**That the minutes of the Ordinary Council meeting held on 28 November 2016
be adopted and confirmed.**

CARRIED

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1. Declaration of conflict of interest of any councillor or council officer

Refer to Item GB1 of General Business.

2. Deputations, presentations, petitions and public submissions**Petitions**

Council has received two (2) petitions. Details of the petitions are set out below.

No.	Ref. no.	Title / Description	No. of signatures	Referred to
1	9121469	Request for additional off-leash dog parks	171	DCP
2	9152390	Request for Council to continue to defend retention of the single dwelling covenant at 29 Frank Street, North Balwyn	255	DCP

Legend:

DCD Director Community Development DCP Director City Planning
 DCS Director Corporate Services DEI Director Environment and
 Infrastructure

MOTION

Moved Councillor Hurd

Seconded Councillor Addis

That Council resolve:

- 1. To receive and note the petitions.**
- 2. To note that the petitions have been referred to the Director City Planning for consideration and to advise the first named signatory to the petitions that they will receive a response in due course advising of Council's action.**

CARRIED

3. Assemblies of councillors

Section 80A of the *Local Government Act 1989* requires that a written record of all Assemblies of Councillors be kept and reported to an ordinary Council meeting as soon as practicable.

The attached record of Assemblies of Councillors is reported to Council in accordance with this requirement.

MOTION

Moved Councillor Parke

Seconded Councillor Addis

That Council resolve to receive and note the record of Assemblies of Councillors, as annexed to the minutes.

CARRIED

4. Public question time

The **Mayor, Councillor Healey** advised the meeting that three questions with notice and two questions without notice had been disallowed in accordance with Council's Meeting Procedure Local Law. The Mayor noted that a copy of the questions would be provided to councillors and the questions would be referred to the relevant officer to provide a written response in due course.

5. Notices of motion

Nil

6. Presentation of officer reports

Procedural motion

MOTION

Moved Councillor Hurd

Seconded Councillor Parke

That the following items:

- 1 Amendment C239 - 800 Toorak Road, Hawthorn East (Coles Headquarters) - Decision to Adopt Amendment
- 2 Amendment C236 to the Boroondara Planning Scheme - Precinct 24 Heritage Properties - Adoption
- 3 October 2016 Monthly Performance Report
- 4 Kew Junction Shopping and Business centre - marketing and business development fund
- 5 Recommendations of the Audit Committee Meeting held on 23 November 2016
- 7 Contract 2017/74, Kew Senior Citizens Centre Redevelopment Works
- 9 Junction Skate and BMX Park Advisory Committee Terms of Reference
- 10 Contract 2017/62, Hawthorn Citizens Youth Centre Redevelopment Works

be moved en bloc as per the officers' recommendations outlined in the agenda.

CARRIED

1 Amendment C239 - 800 Toorak Road, Hawthorn East (Coles Headquarters) - Decision to Adopt Amendment

Amendment C239 proposes to amend the Comprehensive Development Plan (CDP) that applies to 800 Toorak Road, Glen Iris in order to increase the maximum developable height for a single module of the building.

It is proposed to increase the maximum allowable height for one of the building's modules from 55.30 metres to 61.00 metres (a total increase of 5.70 metres).

The amendment is required to facilitate the development of a single storey addition to a single module of the building. The addition will house a meeting and training area.

Under the provisions of the existing CDZ1, any buildings and works that are generally in accordance with an endorsed CDP do not require a planning permit. A building permit will still be required for any buildings and works.

On 1 February 2016, the Urban Planning Special Committee (UPSC) resolved to seek authorisation to prepare and exhibit the requested planning scheme amendment.

The amendment was publicly exhibited from to 28 April 2016 to 30 May 2016.

During the exhibition period, two submissions were received. One submission was withdrawn by the submitter and one remained outstanding. On 4 July 2016, the UPSC resolved to refer the submission to a planning panel for consideration.

As the submitter did not wish to address the Panel, a planning panel was held 'on the papers' on 28 August 2016.

The Panel's recommendations report was received on 21 September 2016. The Panel supported Council's position and recommended that the amendment be adopted by Council. On 10 November 2016, the UPSC considered the Panel's report and resolved to refer the amendment to the Council for adoption.

It is therefore recommended that the Council adopt Amendment C239 and submit the amendment to the Minister for Planning for approval.

MOTION

Moved Councillor Hurd

Seconded Councillor Parke

That Council resolve to:

- 1. Adopt Amendment C239 to the Boroondara Planning Scheme, as shown in Attachments 1 to 3 (as annexed to the minutes), in accordance with Section 29(1) of the *Planning and Environment Act 1987*.**
- 2. Submit Amendment C239 to the Minister for Planning for approval in accordance with Section 31(1) of the *Planning and Environment Act 1987*.**
- 3. Authorise the Director City Planning to undertake minor administrative changes to the amendment and associated planning controls that do not change the intent of the controls.**

CARRIED

2 Amendment C236 to the Boroondara Planning Scheme - Precinct 24 Heritage Properties - Adoption

The purpose of this report is to inform Council of the outcomes of the Urban Planning Special Committee (UPSC) meeting of 21 November 2016 and seek Council's adoption of:

- Amendment C236 as shown in Attachment 1.
- The heritage citations shown in Attachments 2 to 7.

On 21 November 2016, the UPSC considered the Panel's recommendations and officers' response to the Panel's recommendations for Amendment C236. Amendment C236 to the Boroondara Planning Scheme seeks to apply the Heritage Overlay (HO) to two precincts and four individually significant places in Neighbourhood Character Precinct 24 (Precinct 24).

The Panel recommended that Council adopt Amendment C236 as endorsed by the UPSC on 16 May 2016, subject to the following changes:

- Identify 26 Oak Street as a 'non-contributory' place to the Fairmont Park Estate Precinct.
- Correct minor errors in the Creswick Estate Precinct heritage citation, Clause 22.05 Heritage Policy and Schedule to the HO, as recommended by officers during the hearing.

Following consideration of the Panel's and officers' recommendations as well as residents' presentation on the night, the UPSC resolved to:

- Endorse Amendment C236, as recommended by the Panel and Council officers.
- Refer Amendment C236, as endorsed by the UPSC, to an Ordinary Meeting of Council for adoption.

If Council resolves to proceed with Amendments C236, as recommended by the UPSC, Council will also need to adopt the associated heritage citations, as shown in Attachments 2 to 7. The adopted heritage citations will become reference documents to the Boroondara Planning Scheme if Amendment C236 is gazetted by the Minister for Planning.

MOTION

Moved Councillor Hurd

Seconded Councillor Parke

That Council resolve to:

- 1. Adopt Amendment C236 to the Boroondara Planning Scheme, as shown in Attachment 1 (as annexed to the minutes), in accordance with Section 29(1) of the *Planning and Environment Act 1987*.**
- 2. Submit Amendment C236 to the Minister for Planning for approval in accordance with Section 31(1) of the *Planning and Environment Act 1987*.**

3. **Adopt the heritage citations for each heritage places, as shown in Attachments 2 to 7 (as annexed to the minutes).**
4. **Write to the Minister for Planning to request replacement of the interim Heritage Overlays that apply to 25A Mason Street and 2A Oak Street, Hawthorn with the relevant permanent Heritage Overlay proposed by Amendment C236.**
5. **Authorise the Director City Planning to undertake minor administrative changes to the amendment and associated planning controls that do not change the intent of the controls.**

CARRIED

3 October 2016 Monthly Performance Report

The Monthly Performance Report for October 2016 is designed to identify and explain any major variances to budget at an organisational level for the period ending 31 October 2016. Council's year to date operating surplus reflects a favourable variance of \$2.98 million primarily due to delayed expenditure coupled with slightly higher than budgeted income. Capital works actual expenditure is \$8.36 million compared to year to date budget of \$8.67 million. Priority projects expenditure of \$2.04 million was achieved, which is \$940,000 below budget phasing.

Council's Balance Sheet and cash position are sound and depict a satisfactory result. At the end of October, Council's cash position stood at \$104.25 million which has increased by \$9.54 million from June 2016.

MOTION

Moved Councillor Hurd

Seconded Councillor Parke

That Council resolve to receive and note the Monthly Performance Report for October 2016 (Attachment A).

CARRIED

4 Kew Junction Shopping and Business centre - marketing and business development fund

This report seeks a resolution from Council to introduce and give public notice of its intention to declare the Kew Junction Special Rate and Charge (proposed Scheme renewal) as required under Section 163 of the *Local Government Act 1989* (the Act).

The current five year special rate and charge scheme will expire on 30 June 2017 and the Kew Junction Business Association (KJBA) has requested that Council introduce a special rate and charge for the Kew Junction Shopping and Business Centre (Centre) to apply for five years from 1 July 2017 to 30 June 2022 (inclusive).

The proposed Scheme renewal, if declared by Council, will support the Centre in achieving the vision and actions outlined in the Kew Junction Strategic Business Plan 2017-2022 (Strategic Plan), (Attachment 1) and ensure that it is well placed to respond to ongoing competition from other centres as well as pressures for growth and development, helping the Centre to remain competitive and viable into the future.

The special rate and charge is to be levied on all rateable land primarily used or adapted or designed to be used for commercial purposes within the Kew Junction Shopping and Business Centre.

There are currently 588 rateable properties included in the proposed Scheme renewal as shown in the Plan outlined in Attachment 3. Further details of the proposed Scheme renewal are outlined in Attachment 4. In summary the following is proposed:

- i. Primary Area (Zone 1) - in the first year of the special rate and charge scheme, a rate of 0.06168 cents in the dollar of Capital Improved value (CIV) of each rateable property required to pay the special rate and charge subject to the following minimum charge per occupancy per annum. Consumer Price Index (All Groups Melbourne) (CPI) will be applied each year to the rate in the dollar and the minimum charges.

Precinct	Minimums
Primary Area (Zone 1) This zone includes ground and upper level properties on High Street and associated side streets generally between Kew Recreation Centre and Princess Street and the Kew Junction intersection and along Cotham Road between Gellibrand Street and the Kew Junction intersection Kew as shown on the Scheme boundary plan.	Ground level <ul style="list-style-type: none"> • Minimum - \$409 Upper level <ul style="list-style-type: none"> • Minimum - \$204

- ii. Secondary Area (Zone 2) - in the first year of the special rate and charge scheme, a rate of 0.03189 cents in the dollar of Capital Improved Value (CIV) of each rateable property required to pay the special rate and charge subject to the following minimum charge per occupancy per annum. Consumer Price Index (All Groups Melbourne) (CPI) will be applied each year to the rate in the dollar and the minimum charges.

Precinct	Minimums
<p>Secondary Area (Zone 2)</p> <p>This zone includes ground and upper level properties on High Street between Ridgeway Avenue and Highbury Grove to the south and between Kew Recreation Centre and 427 High Street to the north and south and north west of the Kew Junction intersection as well as properties north of Walton Street and adjacent properties in Walpole Street, Charles Street, corner of Cotham Road and Derrick Street and Queen Street Kew as shown on the Scheme boundary plan.</p>	<p>Ground level</p> <ul style="list-style-type: none"> • Minimum - \$204 <p>Upper level</p> <ul style="list-style-type: none"> • Minimum - \$155

The KJBA Committee has been actively involved in the formulation of the proposed Scheme renewal and has considered the needs of the Centre and the current economic climate in striving to minimise costs to businesses and property owners associated with delivering the marketing and promotion program for the Centre.

The proposed Scheme renewal, if declared, is anticipated to raise approximately \$268,500 in the first year with a total levy of approximately \$1,342,500 expected over five years. The amount levied is likely to increase each year given the application of the CPI to the rate in the dollar and the minimum charges, along with likely increases in the CIV of rateable properties over the life of the proposed Scheme.

MOTION

Moved Councillor Hurd

Seconded Councillor Parke

That Council resolve to:

1. **Receive and note the request from the Kew Junction Business Association (KJBA) to commence the statutory process for the proposed declaration of a Special Rate and Charge for a Marketing and Business Development Fund for the Kew Junction Shopping and Business Centre (the Centre) for five years, commencing 1 July 2017.**
2. **Give notice of its intention to declare a Special Rate and Charge for the Centre in accordance with Section 163 of the *Local Government Act 1989* as follows:**
 - (a) **a Kew Junction Special Rate and Charge be declared for a period of five years commencing on 1 July 2017 and concluding on 30 June 2022.**

- (b) the Kew Junction Special Rate and Charge be:
- (i) declared for the purpose of defraying expenses of advertising, promotion, centre management, business development and other incidental expenses associated with the encouragement of commerce in the Centre, which Council considers is or will be of special benefit to those persons required to pay the Kew Junction Special Rate and Charge; and
 - (ii) implemented by carrying out or enabling to be carried out activities that help achieve the purpose ("the function");
- (c) the following be specified as the manner in which the Kew Junction Special Rate and Charge so declared will be assessed and levied:
- (i) Primary Area (Zone 1) - in the first year of the special rate and charge scheme, a rate of 0.06168 cents in the dollar of Capital Improved Value (CIV) of each rateable property required to pay the special rate and charge subject to the following minimum charges per occupancy per annum.
 - (ii)

Precinct	Minimums
Primary Area (Zone 1) This zone includes ground and upper level properties on High Street and associated side streets generally between Kew Recreation Centre and Princess Street and the Kew Junction intersection and along Cotham Road between Gellibrand Street and the Kew Junction intersection Kew as shown on the Scheme boundary plan.	Ground level <ul style="list-style-type: none"> • Minimum - \$409 Upper level <ul style="list-style-type: none"> • Minimum - \$204
 - (iii) Secondary Area (Zone 2) - in the first year of the special rate and charge scheme, a rate of 0.03189 cents in the dollar of Capital Improved Value (CIV) of each rateable property required to pay the special rate and charge subject to the following minimum charges per occupancy per annum.

Precinct	Minimums
<p>Secondary Area (Zone 2)</p> <p>This zone includes ground and upper level properties on High Street between Ridgeway Avenue and Highbury Grove to the south and between Kew Recreation Centre and 427 High Street to the north and south and north west of the Kew Junction intersection as well as properties north of Walton Street and adjacent properties in Walpole Street, Charles Street, corner of Cotham Road and Derrick Street and Queen Street Kew as shown on the Scheme boundary plan.</p>	<p>Ground level</p> <ul style="list-style-type: none"> • Minimum - \$204 <p>Upper level</p> <ul style="list-style-type: none"> • Minimum - \$155

The quantum of the rate in the dollar of the CIV of each property in the area, and the quantum of the minimum charges, will be adjusted on 1 July 2018 and on each anniversary of that date by the March quarter Consumer Price Index (All Groups, Melbourne) (CPI) during the 12 months preceding the end of that March quarter.

The CIV of each parcel of rateable land is the CIV of that parcel of land at the time of levying the special rate and charge in each year. The CIV may alter during the period in which the special rate and charge is in force, reflecting any revaluations and supplementary valuations which take place.

- (d) the following be specified as the area for which the special rate and charge is so declared: the area highlighted in the plan annexed to this report ('the area').

For the purposes of this paragraph, the area can be described generally as follows:

- (i) **Primary Area (Zone 1): This zone includes ground and upper level properties on High Street and associated side streets generally between Kew Recreation Centre and Princess Street and the Kew Junction intersection and along Cotham Road between Gellibrand Street and the Kew Junction intersection Kew as shown on the Scheme boundary plan.**
- (ii) **Secondary Area (Zone 2): This zone includes ground and upper level properties on High Street between Ridgeway Avenue and Highbury Grove to the south and between Kew Recreation Centre and 427 High Street to the north and south and north west of the Kew Junction intersection as well as properties north of Walton Street and adjacent properties in Walpole Street, Charles Street, corner of Cotham Road and Derrick Street and Queen Street Kew as shown on the Scheme boundary plan.**

- (e) the following be specified as the land in relation to which the Kew Junction Special Rate and Charge is so declared:
- all land within the area primarily used, or adapted or designed to be used, for commercial purposes.
- (f) the following be specified as the total amount of performing the function and the total amount of the special rate and charge to be levied: the amount of approximately \$268,500 in the first year of the scheme with a total amount of approximately \$1,342,500 over the five years of the scheme having regard to adjustments in the CIV of the rateable properties and the application of CPI to the rate in the dollar and minimum charges as described in paragraph 2(c) of this resolution or such other amount as is lawfully levied as a consequence of this resolution.
- (g) for the purposes of section 163(2B) of the Local Government Act 1989, the benefit ratio, being the estimated proportion of the total benefits of the scheme to which the performance of the function or the exercise of the power relates (including all special benefits and community benefits) that will accrue as special benefits to all of the persons who are liable to pay the special rate and charge, is 100%, as the community benefit is considered to be nil.
- (h) the following be specified as the criteria to be used as the basis for levying the special rate and charge: ownership of any land described in paragraph 2(e) of this resolution.
- (i) the owners of the land described in paragraph 2(e) of this resolution will, subject to further resolution of Council, pay the special rate and charge in the following manner: on the same date or dates as Council's general rates are due.
- (j) Council will, subject to the Local Government Act 1989, require a person to pay interest on any special rate and charge which that person is liable to pay and has not been paid by the date specified for its payment.
3. That Council records the reasons for the proposed declaration is because in Council's opinion the Kew Junction Special Rate and Charge is or will be of special benefit to the persons required to pay it and is an exercise of its powers and functions in the best interests of the local community and for the peace, order and good government of its municipal district.
4. Direct public notice of the proposed declaration of the Kew Junction Special Rate and Charge be published in the local Progress Leader newspaper, and that written notice also be given to each person who will be liable to pay the special rate and charge generally as set out in the Public Notice and Letter to those liable to pay that are annexed to this report.
5. Consider any submissions and objections received by Council in accordance with sections 163A, 163B and 223 of the *Local Government Act* 1989 at the Council meeting on Monday 22 May 2017 or such other date as Council subsequently determines.

CARRIED**5 Recommendations of the Audit Committee Meeting held on 23 November 2016**

Council's Audit Committee held its most recent meeting on 23 November 2016. This report presents the recommendations of that Audit Committee meeting for consideration by Council. A schedule of reports and committee recommendations is presented as an attachment to this report.

MOTION

Moved Councillor Hurd

Seconded Councillor Parke

That Council resolve to adopt the resolutions recommended to Council contained in Attachment 1 (as annexed to the minutes) reflecting the recommendations from the Audit Committee meeting held on 23 November 2016.

CARRIED**7 Contract 2017/74, Kew Senior Citizens Centre Redevelopment Works**

This report seeks Council endorsement for the award of Contract No. 2017/74, Kew Senior Citizens Centre Redevelopment Works.

This contract involves the redevelopment of the shared community facilities at the Kew Senior Citizens Centre, including works to main hall, amenities, entry foyer and exterior cladding. The estimated cost of this contract is \$857,463 (excluding GST). The total project cost is in excess of the allocated project budget and the budget shortfall will be funded from savings on various capital works projects.

A selective tendering process was conducted from Contractors on the State Government Construction Supplier Register which is in accordance with the requirements of section 186 of the *Local Government Act 1989*.

MOTION

Moved Councillor Hurd

Seconded Councillor Parke

That Council resolve:

- 1. To award Contract No. 2017/74, Kew Senior Citizens Centre Redevelopment Works, to 4 Dimensions Building Contractors Pty Ltd (ACN 151 826 890) at a cost of \$943,209.30 (including GST). The cost to Council after the return of the GST Tax Input Credits is \$857,463.**

2. **To authorise the Chief Executive Officer or such other person that the Chief Executive Officer selects for the purpose of giving effect to this resolution to execute the contract agreement with the above contractor.**
3. **To note that expenditure under this contract is in accordance with Council's adopted 2016-17 budget.**

CARRIED

9 Junction Skate and BMX Park Advisory Committee Terms of Reference

The Junction Skate and BMX Park Advisory Committee operates in an advisory capacity regarding the management of the Junction Skate and BMX Park and supports the ongoing provision of recreation opportunities for young people while respecting residential amenity. The Junction Skate and BMX Park Advisory Committee provides information and advice for consideration by Council, promoting an inclusive approach to service planning and program delivery at the Junction Skate and BMX Park in Camberwell.

The committee meets on a six monthly basis and the meeting is chaired by the Junction Ward Councillor. After reviewing the committee's Terms of Reference, it was confirmed at the most recent committee meeting on 30 August 2016, that there are only a few minor administrative changes proposed.

MOTION

Moved Councillor Hurd

Seconded Councillor Parke

That Council resolve to adopt the revised Terms of Reference for the Junction Skate and BMX Park Advisory Committee (Attachment 2 as annexed to the minutes).

CARRIED

10 Contract 2017/62, Hawthorn Citizens Youth Centre Redevelopment Works

This report seeks Council endorsement for the award of Contract No. 2017/62, Hawthorn Citizens Youth Centre (Auburn Youth Centre) Redevelopment Works.

This contract involves replacement of amenities and refurbishment of the existing building. The estimated cost of this contract is \$784,012.90 including GST. The total project cost is in excess of the allocated project budget and the budget shortfall will be funded from savings on nominated capital works projects.

A selective tendering process was conducted from Contractors on the State Government Construction Supplier Register which is in accordance with the requirements of section 186 of the *Local Government Act 1989*.

MOTION**Moved Councillor Hurd****Seconded Councillor Parke****That Council resolve:**

- 1. To award Contract No. 2017/62, Hawthorn Citizens Youth Centre (Auburn Youth Centre) Redevelopment Works, to Bowden Corporation Pty Ltd (ACN 097 029 993) at a cost of \$784,012.90 (including GST). The cost to Council after the return of the GST Tax Input Credits is \$712,739.**
- 2. To authorise the Chief Executive Officer or such other person that the Chief Executive Officer selects for the purpose of giving effect to this resolution to execute the contract agreement with the above contractor.**
- 3. To note that expenditure under this contract is in accordance with Council's adopted 2016-17 budget.**

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

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.

MOTION

Moved Councillor Addis

Seconded Councillor Sinfield

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.**

CARRIED

8 Earl Street Proposed Community Garden

A report on the opportunity for Council to lease surplus VicRoads land on the corner of Earl Street and Willsmere Road Kew was considered by Council on 14 December 2015, followed by a subsequent report on 22 February 2016. The land had been identified as having the potential to be used more formally for community purposes, with a community garden being one identified use. There are currently six community gardens on Council managed land in Boroondara, with a combined total of around 200 plots cared for by individuals or small groups. These are located in Hawthorn, Ashburton, Balwyn and Canterbury.

In response to emerging community interest in community gardening, officers prepared the Growing and Sharing Local Food in Boroondara Discussion Paper in October 2015. The report concluded that many in the Boroondara community are either actively involved in growing and sharing food or are interested in doing so in Boroondara in the future. The greatest level of support was for 'traditional community gardens (fenced) on Council-managed land' followed by 'unfenced/open community gardens on Council-managed land'.

In accordance with the 22 February 2016 Council resolution, officers finalised and executed a lease with VicRoads to secure the Earl Street land on 7 April 2016, and commenced further investigation into the possibility of a community garden being established on the site.

Further investigations have confirmed that the land is suitable for growing and harvesting food. Subsequent community consultation undertaken in late July to mid-August 2016 indicated that there is strong support from the local community for a community garden being located on the leased land. There also is interest from residents to be involved in the design process and establishment of a community garden.

To create sufficient space for the community garden a short section of the Anniversary Trail shared path will need to be realigned to the north of the site. VicRoads has indicated that it will fund the realignment of the shared path subject to confirmation that the community garden will proceed being provided to VicRoads by the end of 2016.

MOTION

Moved Councillor Parke

Seconded Councillor Thompson

That Council resolve to proceed with establishing a community garden on the Earl Street, Kew site leased from VicRoads, subject to funding being included in the 2017-18 Council budget.

CARRIED

11 Draft Meeting Procedure Local Law 2017

The *Local Government Act 1989* (the Act) requires Council to make a local law governing the conduct of meetings of the Council and of Special Committees of Council.

The current Meeting Procedure Local Law was originally adopted by Council on 26 March 2007 and commenced on 6 April 2007. The current Meeting Procedure Local Law is due to expire (i.e. its 'sunset date') on 6 April 2017. After this date, the Local Law will cease to apply.

In order to comply with the requirements of the Act, Council must make a new local law, which is proposed to be titled the Meeting Procedure Local Law 2017.

Officers consider that the Meeting Procedure Local Law has been generally successful in regulating the election of the Mayor; the use of the common seal and the conduct of Council and Special Committee Meetings over the past decade.

Overall it is considered appropriate that the new local law be generally consistent with the current Meeting Procedure Local Law and the draft Meeting Procedure Local Law 2017 has been prepared on that basis.

MOTION

Moved Councillor Hurd

Seconded Councillor Addis

That Council resolve to:

- 1. Commence the statutory process in accordance with Part 5 of the *Local Government Act 1989* to make the Meeting Procedure Local Law 2017.**

2. **Endorse the draft Meeting Procedure Local Law 2017 (as annexed to the minutes) for the purposes of community consultation.**

CARRIED

7. **General business**

GB1 Leave of absence - Councillor Hurd (13 to 22 February 2017)

Councillor Hurd requested a leave of absence for the period 13 to 22 February 2017 inclusive.

Councillor Hurd declared a direct Conflict of Interest in this item in accordance with Section 77B of the Local Government Act 1989. Councillor Hurd advised the nature of the interest was "There is a reasonable likelihood that my personal circumstances would be directly altered, in Council considering my request for a leave of absence".

Councillor Hurd left the Chamber at 6.57pm.

MOTION

Moved Councillor Addis

Seconded Councillor Ross

That Council resolve to grant a leave of absence to Councillor Hurd for the period 13 February 2017 to 22 February 2017 inclusive.

CARRIED

Councillor Hurd entered the Chamber at 6.58pm and resumed his seat.

8. **Urgent business**

UB1 Indented Parking adjacent to 312 Doncaster Road, Balwyn North

MOTION

Moved Councillor Parke

Seconded Councillor Ross

That Council resolve to admit the issue of restrictions applying to the indented parking adjacent to 312 Doncaster Road, Balwyn North as an item of urgent business.

CARRIED

MOTION

Moved Councillor Parke

Seconded Councillor Watson

That Council resolve to change the parking restrictions that apply to the indented parking spaces adjacent to 312 Doncaster Road, Balwyn North from 2 hour parking to unrestricted parking at all times.

CARRIED

9. Confidential business

MOTION

Moved Councillor Hurd

Seconded Councillor Addis

That the Council meeting be closed to the public in accordance with Section 89(2) of the *Local Government Act 1989* to consider *Item CB1, Representation by Council* because the premature disclosure of this information could be prejudicial to the interests of Council or other persons.

CARRIED

The Council meeting was closed to the public at 7.04pm.

The meeting concluded at 8.18pm

Confirmed

Chairperson _____

Date _____