



SERVICES SPECIAL COMMITTEE

MINUTES

(Open to the public)

Monday 13 May 2019

Council Chamber, 8 Inglesby Road, Camberwell.

Commencement 6.35pm

Attendance

Councillor Steve Hurd (Chairperson)
Councillor Jane Addis (Mayor)
Councillor Lisa Hollingsworth
Councillor Jim Parke
Councillor Coral Ross
Councillor Felicity Sinfield
Councillor Cynthia Watson
Councillor Garry Thompson

Apologies

Councillor Jack Wegman (Leave of Absence)
Councillor Phillip Healey (Leave of Absence)

Officers

Phillip Storer	Chief Executive Officer
Carolyn Terry	Acting Director Environment and Infrastructure
Carolyn McClean	Director Community Development
Shiran Wickramasinghe	Director City Planning
Jarrold Reid	Acting Executive Manager People Culture and Development
Zhanna Sichivitsa	Manager Asset Management
Chris Hurley	Manager Commercial and Property Services
David Thompson	Manager Governance
Krysten Forte	Coordinator Governance
John Lorkin	Coordinator Revenue and Property
Stephen D'Agata	Team Leader Drainage
Eren Cakmakkaya	Media and Advocacy Specialist
Elizabeth Manou	Governance Projects Officer

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1. Adoption and confirmation of the minutes**MOTION****Moved Councillor Parke****Seconded Councillor Thompson****That the minutes of the Services Special Committee meeting held on 15 April 2019 be adopted and confirmed.****CARRIED****2. Declaration of conflict of interest of any councillor or council officer**

Refer to Item 3.1 Endorsement of Flood Mapping Study - Councillor Hollingsworth

3. Presentation of officer reports**Procedural motion****MOTION****Moved Councillor Parke****Seconded Councillor Thompson****That the following items:**

- 3.2 Adjoining 254 to 262 Burwood Road and 2-4 Guest Street, Hawthorn - Proposed Discontinuance and Sale of Right of Way (Road)**
- 3.3 Notice of Intention to Lease**

be moved en bloc as per the officers' recommendations outlined in the agenda.**CARRIED****3.2 Adjoining 254 to 262 Burwood Road and 2-4 Guest Street, Hawthorn - Proposed Discontinuance and Sale of Right of Way (Road)**

This report is to consider commencement of the statutory procedures to discontinue and sell the road adjoining 254 to 262 Burwood Road and 2-4 Guest Street, Hawthorn.

It is considered by officers the section of road, although currently open and used for access to the applicant's properties, will no longer be required for public access when it is incorporated into the development proposed for the applicant's properties and therefore, its discontinuance and sale can be considered.

Consultation has been undertaken with relevant Council departments and external service authorities as detailed in section 5 of the report. No objections have been received.

The proposed commencement of the statutory procedures requires Council to give public notice of its intention to discontinue and sell the road and invite submissions from affected parties.

There were no speakers wishing to make submissions to Council for this item.

MOTION

Moved Councillor Parke

Seconded Councillor Thompson

That the Services Special Committee of Council, acting under section 206 clause 3 of Schedule 10 of the *Local Government Act 1989* (“the Act”), resolve to:

- 1. Commence the statutory procedures to discontinue the road adjoining 254 to 262 Burwood Road and 2-4 Guest Street, Hawthorn, shown hatched in Attachment 1 and as annexed to the minutes.**
- 2. Give public notice of the proposed discontinuance in the appropriate newspaper and on Council’s website, under sections 82A, 207A, 223 of the Act, and for such notice to state if discontinued, Council proposes to sell the land from the road to the owners of the adjoining properties by private treaty**
- 3. If no submissions are received following the publication of the public notice, 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 the discontinuance and sale of the land from the road, to the owners of the adjoining properties, including the execution of all relevant documentation, in accordance with the purchase price detailed in this report.**
- 4. Note the discontinuance and sale will not affect any right, power or interest held by Boroondara City Council in the road in connection with any drains or pipes under the control of Boroondara City Council in or near the road.**
- 5. Note that as the section of road which is proposed to be discontinued is currently listed on Council’s Register of Public Roads (the Register) under the Road Management Act 2004, its removal from the Register will be attended to if a decision is taken by Council to discontinue the section of road, as it will no longer be considered to be reasonably required for general public use.**
- 6. In the event submissions are received, note a further report will be presented to Council to enable consideration of the submissions.**

CARRIED

3.3 Notice of Intention to Lease

This report is presented in the context of Council meeting its obligations under section 190 of the *Local Government Act 1989* (the Act) in relation to lease terms for a tennis club lease agreement, a support services lease agreement and two neighbourhood house lease agreements as detailed in **Attachment 1**.

Section 190 of the Act requires where new leases have a term of more than one year and the rent or market rent for any period of the lease term exceeds \$50,000 per annum, Council must give public notice of its intention to enter into such leases and consider any submissions received in accordance with section 223 of the Act prior to entering into the lease.

It is proposed a public notice be published in the Progress Leader advising of Council's intention to lease as described above, advising any person can make a submission. If any submissions are received a further report will be presented to a future Council meeting to enable consideration of any submissions received.

There were no speakers wishing to make submissions to Council for this item.

MOTION

Moved Councillor Parke

Seconded Councillor Thompson

That the Services Special Committee resolve to:

- 1. Commence the statutory procedures under section 190 of the Local Government Act 1989 (the Act), advising of its intention to lease the Council owned facilities as detailed in Attachment 1.**
- 2. If no submissions are received pursuant to the provisions of Section 223 of the Act, following the publication of the Public Notice, 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 to lease the land including the execution of all relevant documentation.**
- 3. In the event submissions are received, note a further report will be presented to Council to enable consideration of the submissions.**

CARRIED

3.1 Endorsement of Flood Mapping Study

The City of Boroondara Flood Mapping Study (the study) was completed in 2017. It identified approximately 6,200 properties within the municipality that would be affected by flooding during a 1% Annual Exceedance Probability (AEP) rainfall event. Affected property owners and occupiers were notified of the results and offered opportunities to provide feedback at October and November 2017 pop-up Council events and via phone, email and individual appointments until January 2018.

Consultation outcomes were presented to the Services Special Committee (SSC) meeting on 8 October 2018, and affected property owners and occupiers were provided with the opportunity to address the SSC. This meeting was well attended and 36 submission forms were received, with 19 of those submitters making verbal presentations to the SSC.

In addition to those submissions, Council officers received correspondence from another 35 affected property owners and occupiers who could not attend or elected not to make a formal submission at the meeting.

At the conclusion of the SSC meeting, Council resolved that officers should undertake additional work to investigate the specific concerns raised by property owners and occupiers and report back to the SSC before seeking a further resolution from Council.

The key issues raised by owners and occupiers in their submissions to the SSC were:

1. Questions surrounding the modelling accuracy and veracity, particularly centred around lack of consideration of specific site conditions at individual properties and the absence of a peer review of the study;
2. The justification of designating properties as subject to flooding when the identified risk represents very shallow flows or only affects a small portion of the property; and
3. The influence of shortfalls in drainage infrastructure and lack of maintenance on the forecast flood extents.

Over the past few months, Council officers have been investigating these issues and have provided affected property owners and occupiers with the opportunity to discuss their specific concerns at site meetings. Any identified potential anomalies with flood mapping results were referred to Council's flood mapping consultant for detailed review. Council officers also proactively reviewed the entire flood extent to identify other properties where similar anomalies may exist and referred those properties to the consultant for review. The flood mapping consultant's review of individual properties is attached to this report.

The review conducted by Council officers and the flood mapping consultant identified a number of properties where data anomalies could justify their removal from the flood extent. This has resulted in an overall reduction in the number of properties affected to just under 6000 over approximately 4100 individual land parcels. In addition, Council also engaged an independent consultant to review the modelling methodology and assumptions and the application of those to specific properties. This peer review concluded that the study is fit for purpose as a report identifying areas of flood risk for assessing planning and building proposals.

If Council is satisfied that the issues and concerns raised at the 8 October 2018 SSC meeting have been satisfactorily addressed, the City of Boroondara Flood Mapping Study will be presented to a subsequent Council meeting for a resolution to accept the results as a reliable assessment of flood risks associated within the City of Boroondara's drainage catchments.

This Council resolution will result in affected properties being designated as subject to flooding as defined by Building Regulation 153. Once designated, Building Surveyors will be required to obtain *report and consent* from Council before issuing a building permit on affected properties. A resolution to commence the process of preparing a Planning Scheme amendment will be sought at a separate Council meeting. The purpose of the amendment will be to create Special Building Overlay (SBO2) which will identify properties affected by flooding associated with Boroondara catchments within the Boroondara Planning Scheme.

Councillor Hollingsworth declared a Conflict of Interest in this item in accordance with Section 77B of the Local Government Act 1989. Councillor Hollingsworth advised the nature of the interest was "my primary residential property is identified in the floor mapping study as an impacted property".

Councillor Hollingsworth left the Chamber at 6.40pm prior to the consideration and vote on this item.

Nine speakers opposed to the officers' recommendation addressed the meeting. Four submitters opposed to the officers' recommendation chose not to address the meeting. Two submitters in support of the officers' recommendation chose not to address the meeting.

MOTION

Moved Councillor Parke

Seconded Councillor Thompson

That the Services Special Committee resolve:

- 1. To receive and acknowledge the results of the Flood Mapping Study as shown in Attachment 1 and annexed to the Minutes.**
- 2. To receive and note the verbal and written submissions made by property owners and occupiers regarding the outcomes of the Flood Mapping Study.**
- 3. To thank the submitters for their verbal and written submissions.**
- 4. To refer the Flood Mapping Study to a future Ordinary Council Meeting for consideration and determination.**

CARRIED

Councillor Hollingsworth entered the chamber at 7.53pm and took her seat.

4. General business

4.1 Acknowledgement - Councillor Hurd

The Mayor, Councillor Addis thanked Councillor Hurd on behalf of her colleagues for chairing the Services Special Committee for the period 7 November 2018 to 13 May 2019.

The Mayor, Councillor Addis then stated Councillor Thompson would be the chairperson of the Services Special Committee from 14 May 2019 to the conclusion of the 2018/19 Mayoral Term.

4.2 Leave of Absence - Councillor Healey

MOTION

Moved Councillor Watson

Seconded Councillor Thompson

That the Services Special Committee resolve to grant Councillor Healey a leave of absence for 13 May 2019.

CARRIED

5. Urgent business

Nil

6. Confidential business

Nil

The meeting concluded at 7.55pm

Confirmed

Chairperson _____

Date _____