

# SERVICES DELEGATED COMMITTEE

## MINUTES

(Open to the public)

**Monday 12 July 2021**

Council Chamber, 8 Inglesby Road, Camberwell.

**Commencement** 6.39pm

**Attendance**

- Councillor Jane Addis (Chairperson)
- Councillor Garry Thompson (Mayor)
- Councillor Jim Parke
- Councillor Felicity Sinfield
- Councillor Victor Franco
- Councillor Wes Gault
- Councillor Di Gillies
- Councillor Lisa Hollingsworth
- Councillor Cynthia Watson
- Councillor Susan Biggar
- Councillor Nick Stavrou

**Apologies** Nil

**Officers**

Phillip Storer	Chief Executive Officer
Daniel Freer	Director Places and Spaces
Carolyn McClean	Director Community Support
Nick Lund	Acting Director Urban Living
Bruce Dobson	Director Customer and Transformation
Adele Thyer	Acting Manager Governance and Legal
Simon Mitchell	Manager Strategic & Statutory Planning
Nicole White	Manager Community Planning and Development
Jim Hondrakis	Manager Traffic and Transport
Robert Costello	Senior Project Planner
Kirstin Ritchie	Coordinator Governance
Elizabeth Manou	Senior Governance Officer

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## 1. Adoption and confirmation of the minutes

### MOTION

**Moved Councillor Parke**

**Seconded Councillor Stravrou**

**That the minutes of the Services Delegated Committee meeting held on 28 June 2021 be adopted and confirmed.**

### CARRIED

## 2. Declaration of conflict of interest of any councillor or council officer

Councillor Gillies acknowledged, in the interests of transparency, she is a parent of past students who attended Camberwell Primary School and was a past President of Camberwell Primary School Council.

Councillor Franco provided a personal explanation to the meeting as to why he did not consider himself to have a conflict of interest on item 3.1 Camberwell Green - Correspondence received from Victorian School Building Authority.

Refer to Item 3.1 Camberwell Green - Correspondence received from Victorian School Building Authority - Councillor Thompson

## 3. Presentation of officer reports

### 3.1 Camberwell Green - Correspondence received from Victorian School Building Authority

The purpose of this report is to advise the Services Delegated Committee (SDC) of correspondence received from the Victorian School Building Authority (VSBA) advising Council government funding has been secured for the redevelopment of land known as the Reserve Road car park from its current use as a car park to open space. The correspondence is provided at **Attachment 1**. The car park comprising Crown Land (Crown Allotment 113C and part of Crown Allotment 113D) is currently used by staff of the adjoining Camberwell Primary School, people working at and visiting the Council offices/library and the general public.

The Reserve Road Car Park occupies land known as Allotment 113C Boroondara and part of Allotment 113D Boroondara. These allotments are Crown Land managed by Council having been appointed committee of management for the land. According to the Government Gazette (January 1969), the Crown Land parcel Allotment 113C was reserved for "children's playground / car park", and Allotment 113D was reserved for "public gardens". A map showing the Crown Land parcels is provided at **Attachment 2**. The current configuration of the subject land reflects a change in layout associated with the 2010 upgrades to the Camberwell Civic Centre and environs, which is predominantly occupied by a car park and an open play space.

The VSBA correspondence is seeking two outcomes from Council. The first request is seeking Council's support for the re-reservation of Crown Allotment 113C for education purposes to enable the land to come into the control of the Minister for Education and form part of the adjoining Camberwell Primary School (CPS).

The second request is for council to sign a shared use agreement allowing use of the land by the Camberwell Primary School (CPS) during school hours and for use by the public outside of school hours on the basis that Council will contribute to the maintenance costs associated with the playground.

The former Chairperson of the Camberwell Green Steering Committee, Victor Franco, wrote to Council in September 2018 advising of the campaign launch for the Camberwell Green proposal. The proposal seeks to partially close Reserve Road, Camberwell and convert the Reserve Road car park to public open space.

In addition, a petition supporting the Camberwell Green proposal was received by Council on 12 June 2019.

Council commissioned Urbis planning consultants to prepare a land use analysis for the existing Reserve Road Car Park land parcel. The report is provided at **Attachment 3**. The report found no compelling case to convert the Reserve Road Car Park to public open space given existing demand for car parking and the potential negative amenity impacts on the area should this function be downgraded or removed. Further, the report found there is not expected to be any demand for additional municipal open space in this area until at least the period of 2031-2041.

The Camberwell Green Association (CGA), led by Mr Victor Franco, presented their proposal to the Services Special Committee (SSC) on 18 November 2019. The SSC resolved to:

- 1. Not proceed with community consultation on the Camberwell Green proposal.*
- 2. Not support the Camberwell Green proposal.*
- 3. Not support the funding and ongoing maintenance of public open space at the Reserve Road Car Park in the event the State Government determines to convert the Reserve Road Car Park to public open space.*

In addition to the proposal put forward by the CGA, CPS submitted a proposal requesting the closure of part of Reserve Road between the two CPS campuses and expressing their support to the Camberwell Green proposal. Officers tabled a report for consideration by the SSC relating to the proposal on 10 August 2020. The SSC resolved at this meeting to:

- 1. Not support the proposed partial closure of Reserve Road, Camberwell.*
- 2. Support the conversion of the existing school crossing in Reserve Road into an at-grade zebra crossing during the 2020 / 2021 financial year.*
- 3. Consider funding for the proposed raised zebra crossing with a kerb outstand as part of the 2021 / 2022 budget process.*

The report considered by the SSC is provided at **Attachment 4**.

The VSBA notes funding has been secured by the VSBA for the redevelopment of the land at Crown Allotment 113C and part Crown Allotment 113D from its current use as car parking, to open space/playground for the primary school. Additional correspondence received from the VSBA suggests a grant of \$709,000 has been awarded to CPS to facilitate the project. Officers have also been advised a further \$1,056,137 has been allocated to the project in a second round of funding. This is in addition to the \$709,000 originally allocated to the project.

The recent correspondence is provided at **Attachment 5**. Officers from the VSBA have confirmed the funding is intended for conversion of the Reserve Road Car Park to open space/playground for the primary school. The partial closure of Reserve Road is out of scope for the funding allocated.

Officers obtained legal advice with respect to the comment made by the VSBA that Council support is required to facilitate the re-reservation of the allotment. Council's legal advice states whilst the Minister for Energy, Environment and Climate Change (being the responsible Minister under the Crown Land (Reserves) Act) is likely to consult with Council as the current committee of management of the land, Council support is not required for the Minister to re-reserve the land for education purposes.

The correspondence from the VSBA attaches a draft Construction Access Licence prepared by the Victorian Government's Solicitor's Office. The draft Construction Access Licence was issued by the VSBA for Council's consideration and consent.

In light of the latest correspondence from the VSBA, Officers are seeking confirmation of Council's ongoing objection to the proposal as outlined in the SSC resolution of the 18 November 2019. Based on this resolution, the recommendation is to confirm Council's opposition to any change in Council's status as Committee of Management and a rejection of any agreement which seeks to rely in full, or in part, on Council funds to maintain the open space/playground proposed by the VSBA.

The proposed re-reservation of the land for educational purposes rather than public park and recreation purposes raises significant concerns about the potential for the land to be used for buildings in the future. Further, limiting access to the land to after school hours only is completely inconsistent with the stated intent of the Camberwell Green Association to restore this historic garden to a public park. There is no other public park in Boroondara which only allows community access on the weekends. What is proposed is a school yard which may serve as a park on weekends.

Given the CGA and CPS have both proposed the closure of Reserve Road, it is considered prudent to confirm Council's position in relation to the closure to ensure all elements of the proposals impacting this locality are treated as an integrated package. Officers believe any future discussion about the closure of Reserve Road must include a proposal to incorporate a road through Lot 113C and/or that part of 113D which is included in the current car park to link Reserve Road with Inglesby Road.

*Councillor Thompson declared a material conflict of interest in this matter in accordance with section 128 of the Local Government Act 2020 and advised the nature of the material conflict of interest is "I am a director of an architectural firm and a panel architect to the VSBA".*

*Councillor Thompson left the chamber at 6.50pm prior to the consideration and vote on this item.*

*Councillor Franco left the chamber at 6.50pm prior to the consideration and vote on this item.*

*Ten speakers opposed to the officers' recommendation addressed the meeting.*

**MOTION****Moved Councillor Gillies****Seconded Councillor Parke****That the Services Delegated Committee resolve to:**

- 1. Receive and note the correspondence received from the Victorian SchoolBuilding Authority (VSBA) in Attachments 1 and 5.**
- 2. Write to the VSBA to:**
  - a) Advise Council does not support the re-reservation of Crown Allotment 113C for education purposes and instead request that if the re-reservation is to proceed, the land be reserved for public park and recreation purposes to accommodate the public park as contemplated by the Camberwell Green Concept Plan.**
  - b) Approve the request from the VSBA for the Director Urban Living (on behalf of Council) to sign the Construction Access Licence on behalf of Council.**
- 3. Write to the VSBA to advise Council opposes any agreement which seeks solely in full, or in part, on Council funds to build or maintain the school's open space/playground proposed by the VSBA.**
- 4. Write to the VSBA requesting a written commitment confirming the land proposed for re-reservation will not in the future be used to accommodate school buildings and will remain open space/playground for the school.**
- 5. Write to the VSBA requesting the VSBA to undertake community engagement prior to finalising plans for the future development of the site as a school playground/open space.**
- 6. Write to Camberwell Primary School advising:**
  - a) Council remains opposed to any closure of Reserve Road unless the school proposes to redirect Reserve Road traffic through the land which is proposed to be reserved for education purposes to provide alternative access for road users between Reserve Road and Inglesby Road.**
  - b) Any consideration of a request to include a road linking Reserve Road with Inglesby Road will be subject to further analysis by Council and consultation with the local community.**

**CARRIED**

**Procedural motion - Adjournment**

**Moved Councillor Parke**

**Seconded Councillor Biggar**

**That the Services Delegated Committee meeting be adjourned.**

**CARRIED**

*The Services Delegated Committee meeting adjourned at 8.54pm.*

**Procedural motion - Resumption**

**Moved Councillor Parke**

**Seconded Councillor Stavrou**

**That the Services Delegated Committee meeting be resumed.**

**CARRIED**

*The Services Delegated Committee meeting resumed at 9.05pm with all councillors present.*

**3.2 2021-22 Round 1 Small Grants (Biannual) Allocations**

This report contains the recommendations of the Assessment Panel for the 2021-22 Small Grants (Biannual) Round 1 allocations.

This grant category of Small Grants (Biannual) provides a quick turnaround on approvals for funding of small, new and once off services, programs and activities, which strengthen the Boroondara community. These activities are to be completed within six months of the approved organisation receiving the funding agreement.

Small to medium not-for profit community organisations and groups were able to apply for grants of up to \$3,000 under six streams.

Applications were open from Monday 1 March and closed on Sunday 21 March 2021. The Guidelines for this grant were available through the Council website, along with information on how to apply and contact information. Council officers provided advice and support to applicants.

Forty two (42) applications were received and the total amount requested was \$91,427.81. Forty applications were recommended for full or partial funding totalling \$83,450.80 (**Attachment 1**). One application was withdrawn and one was ineligible. (**Confidential Attachment 2**).

Confidential information is contained in **Attachments 2 and 3**, as circulated in the confidential section of the agenda attachments.

These attachments are confidential information for the purposes of section 3(1) of the *Local Government Act 2020*:

(a) because it is Council business information, being information that would prejudice Council's position in commercial negotiations if prematurely released (section 3(1)(a)); and

(b) because it is personal information, being information which if released would result in the unreasonable disclosure of information about a person of their personal affairs (section 3(1)(f)); and

(c) these grounds apply because these Attachments concern the ongoing allocation of grants that would, if prematurely released, diminish the strength of Council's position in regard to its final decision about the allocation of the grants.

This item is included in the public agenda to facilitate transparency and accountability in Council's decision making.

If discussion of the confidential information in the attachment to this report is required in order for Council to make a decision, this item will be deferred to the confidential section of the agenda.

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

## **MOTION**

**Moved Councillor Gillies**

**Seconded Councillor Watson**

**That the Services Delegated Committee resolve to endorse the Small (Biannual) Grants funding allocations for Round One 2021-22 of \$83,450.80 (as outlined in Attachment 1, as annexed to the minutes).**

## **CARRIED**

### **3.3 Consideration of Public Submissions - Proposed Amended Governance Rules**

Section 60(3) of the Local Government Act 2020 (the Act) permits Council to amend its Governance Rules at any time. Council must, however, ensure that a process of community engagement is followed in amending its Governance Rules.

On 24 May 2021, Council resolved that the proposed amended Governance Rules be endorsed for public consultation. The public consultation period commenced on 27 May 2021 and closed at 5:15 pm on 25 June 2021.

Officers received one hundred and ninety-five (195) written submissions in relation to the proposed amendment to the Governance Rules. Twelve (12) submitters have requested to be heard in support of their written submission.

A final report will be presented to Council on 26 July 2021 for a decision.

Confidential information is contained in **Attachment 1**, as circulated in the confidential section of the agenda attachments, in accordance with Section 66(2)(a) and the definitions of 'confidential information' in Section 3(1) of the Local Government Act 2020.



The information relates to personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.

The item has been included in the public agenda to facilitate transparency and accountability in Council's decision making.

*Six speakers opposed to the officers' recommendation addressed the meeting.  
Two speakers in support to the officers' recommendation addressed the meeting.*

## **MOTION**

**Moved Councillor Thompson**

**Seconded Councillor Watson**

**That the Services Delegated Committee resolve to:**

- 1. Receive and note the verbal and written submissions received in relation to the proposed Governance Rules.**
- 2. Thank the submitters for their verbal and written submissions.**
- 3. Refer the proposed amended Governance Rules to Council for determination at the Council Meeting on 26 July 2021.**

## **CARRIED**

**4. General business**

Nil

**5. Urgent business**

Nil

**6. Confidential business**

Nil

**The meeting concluded at 10.25pm**

**Confirmed**

**Chairperson**

\_\_\_\_\_

**Date**

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