

COUNCIL MEETING

MINUTES



(Open to the public)

Monday 25 July 2022

Online - Delivered via Webex Events.

Commencement 6.40 pm

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

Apologies Councillor Susan Biggar

Officers

Phillip Storer	Chief Executive Officer
Daniel Freer	Director Places and Spaces
Carolyn McClean	Director Community Support
Scott Walker	Director Urban Living
Mans Bassi	Director Customer and Transformation
Amy Montalti	Chief Financial Officer
Bryan Wee	Manager Governance and Legal
David Cowan	Manager Strategic and Statutory Planning
George Batsakis	Manager Facilities, Waste & Infrastructure
Fiona Brown	Manager Community Planning & Development
Kirstin Ritchie	Coordinator Governance
Chris Hurley	Integrity Coordinator
Elizabeth Manou	Senior Governance Officer

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1. Adoption and confirmation of the minutes**MOTION****Moved Councillor Gault****Seconded Councillor Thompson****Moved Councillor****Seconded Councillor****That the minutes of the Council meeting held on 27 June 2022 be adopted and confirmed.****CARRIED****2. Declaration of conflict of interest of any councillor or council officer**

Refer to Item 8.1 of General Business - Councillor Watson - Leave of Absence

3. Deputations, presentations, petitions and public submissions**3.1 Petitions**

Council has received one (1) petition. Details of the petition is set out below.

No.	Ref. no.	Title / Description	No. of signatures	Referred to
1	CAS - 1210276	Requesting Council approve the previous draft of the Boroondara Bicycle Strategy	Over 320	DPS

Legend:

DCS	Director Community Support	DUL	Director Urban Living
DC&T	Director Customer and Transformation	DP&S	Director Places & Spaces
		GOV	Governance & Legal

MOTION**Moved Councillor Thompson****Seconded Councillor Hollingsworth****That Council resolve:**

1. **To receive and note the petition.**
2. **To note that the petition has been referred to the relevant director for consideration and to advise the first named signatory to the petition that they will receive a response from the Mayor in due course advising of Council's action.**

CARRIED**4. Informal Meetings of Councillors**

Chapter 6 of Council's Governance Rules requires that a summary of matters discussed at Informal Meetings of Councillors be reported to a Council meeting as soon as practicable.

The attached summary of Informal Meetings of Councillors (**Attachment 1**) is reported to Council in accordance with the requirements of the Governance Rules.

MOTION**Moved Councillor Sinfield****Seconded Councillor Gillies****That Council resolve to receive and note the summary of Informal Meetings of Councillors, as annexed to the minutes.****CARRIED****5. Public question time****PQT1 Michael Daly of Balwyn**

The **Mayor, Councillor Addis** read the following question submitted with notice:

" How much money has been budgeted for this proposed bike path through Macleay / Myrtle Parks? "

The **Director Places and Spaces** responded as follows:

- The path through Macleay and Myrtle Parks is an informal gravel shared path.
- The proposal for Macleay and Myrtle Parks involves inspecting, assessing and renewing the path where required as an unsealed gravel path.

- No funding has been allocated for these works. This is a longer term initiative subject to future funding as part of Council's Annual Budget process.

The **Mayor, Councillor Addis** informed the meeting all councillors had received a copy of the question and a written response would be provided to **Mr Daly** in due course.

PQT2 Michael Daly of Balwyn

The **Mayor, Councillor Addis** read the following question submitted with notice:

“How can you guarantee the safety of walkers [including those that are elderly or hearing impaired] who are going to use this shared bike path along its route through Boroondara parks?”

The **Director Places and Spaces** responded as follows:

- Council's role is to provide services and infrastructure for the benefit and wellbeing of the broader community.
- Amongst many wide-ranging responsibilities under the Victorian legislation, Council is also responsible for land use planning and development of relevant local laws and enforcement in line with powers given to Council.
- In line with the above, Council has developed and adopted an Amenity Local Law which guides residents of their roles and responsibilities and Council officers in managing Council managed land.
- The Victorian Road Safety Road Rules (2017) establishes rules and specify behaviour for all road and path users to support the safe and efficient use of roads and paths in Victoria. Council however, is not empowered to enforce moving violations such as those involving cyclists riding fast on shared paths. This responsibility rests with Victoria Police.
- In order to promote safer use of our footpaths and shared path network and to educate users of their roles and responsibilities, Council officers install various regulatory and behavioural message signs.
- Compliance with standards involving, inspecting, maintaining and if required, renewing our infrastructure is also undertaken in line with funding allocations.
- In summary, Council does what it can to mitigate risks in our parks and open spaces, however, it cannot eliminate all risks in parks, open spaces or for that matter roads and other public spaces.

The **Mayor, Councillor Addis** informed the meeting all councillors had received a copy of the question and a written response would be provided to **Mr Daly** in due course.

PQT3 Carol Hunt of Balwyn

The **Mayor, Councillor Addis** read the following question submitted with notice:

“When is it proposed that the Signalised Pedestrian Crossing in Balwyn Road North Balwyn, to be funded by the Victorian Government, will be installed?”

The **Director Places and Spaces** responded as follows:

- Installation of the pedestrian operated signals on Balwyn Road at Gordon Barnard Reserve is expected by mid 2023.

The **Mayor, Councillor Addis** informed the meeting all councillors had received a copy of the question and a written response would be provided to Mrs Hunt in due course.

PQT4 Geraldine Hopper of Kew East

The **Mayor, Councillor Addis** read the following question submitted with notice:

“Has the Council done any assessment of the numbers of walkers and cyclists who are using Hays Paddock each day and, if so, could you please make the information available?”

The **Director Places and Spaces** responded as follows:

- Council officers arranged for surveys of path users in Hays Paddock to be undertaken on Thursday 24 March and Saturday 26 March 2022 between the hours of 7:30am and 7:30pm.
- For the gravel path along the eastern side of the south oval, a total of 517 pedestrians and 77 cyclists were recorded during the 12-hour period on Thursday. Weekend volumes recorded on the Saturday were slightly higher with 624 pedestrians and 93 cyclists over the 12-hour period.
- Surveys were also undertaken near the Glass Creek wetlands, just north of the bridge over the creek. At this location, a total of 416 pedestrians and 95 cyclists were recorded on Thursday. Weekend volumes were again slightly higher with a total of 539 pedestrians and 106 cyclists.

The **Mayor, Councillor Addis** informed the meeting all councillors had received a copy of the question and a written response would be provided to Mrs Hopper in due course.

PQT5 Ian Hundley of Balwyn North

The **Mayor, Councillor Addis** read the following question submitted with notice:

“Please advise on the numbers of cyclists currently travelling in Hays Paddock as identified by photographic imaging installed in Hays Paddock and any other measures employed by Council for this purpose in 2022?”

The **Director Places and Spaces** responded as follows:

- Council officers arranged for surveys of path users in Hays Paddock to be undertaken on Thursday 24 March and Saturday 26 March 2022 between the hours of 7:30am and 7:30pm.
- For the gravel path along the eastern side of the south oval, a total of 517 pedestrians and 77 cyclists were recorded during the 12-hour period on Thursday. Weekend volumes recorded on the Saturday were slightly higher with 624 pedestrians and 93 cyclists over the 12-hour period.
- Surveys were also undertaken near the Glass Creek wetlands, just north of the bridge over the creek. At this location, a total of 416 pedestrians and 95 cyclists were recorded on the Thursday. Weekend volumes were again slightly higher with a 12-hour total of 539 pedestrians and 106 cyclists.

The **Mayor, Councillor Addis** informed the meeting all councillors had received a copy of the question and a written response would be provided to Mr Hundley in due course.

PQT6 Ian Hundley of Balwyn North

The **Mayor, Councillor Addis** read the following question submitted with notice:

“Please advise why it is that in the report of representations by identified community groups on the proposed bicycle strategy, contained in the agenda paper for the Services Delegated Committee meeting of 11 July 2022, that written representations by the Lighter Footprints Local Government Group in opposition to the cycleway through parks in East Kew, Balwyn and North Balwyn were not acknowledged?”

The **Director Places and Spaces** responded as follows:

- Pages 15 and 27 of the Council report for the Services Delegated Committee meeting of 11 July 2022 acknowledged correspondence received from Lighter Footprints dated 5 April 2022:
- *Correspondence supporting the draft strategy has been received co-signed by the Boroondara Bicycle Users Group, Lighter Footprints, Kooyong Climate Change Alliance and ACF Community Boroondara.*
- This was the latest correspondence received from the group which was included in the Council report as the first one may have been superseded by the latter joint statement by Lighter Footprints.
- Council received a very high volume of submissions from a wide range of community members and groups and did not make reference to every individual submission received in the Council report.

The **Mayor, Councillor Addis** informed the meeting all councillors had received a copy of the question and a written response would be provided to Mr Hundley in due course.

6. Notices of motion

Nil

7. Presentation of officer reports

7.1 Boroondara Volunteer Resource Centre Strategic Service Plan 2022

Purpose

The purpose of this report is to present to Council the Boroondara Volunteer Resource Centre (BVRC) Strategic Service Plan 2022 (**Attachment 1**) for adoption.

Background

The BVRC is Council's dedicated function for supporting volunteering in the community and provides tailored support to the local volunteer sector through a suite of free programs, services, community events and resources designed to encourage and facilitate volunteering.

In 2020-21, the BVRC assisted over 2,400 prospective volunteers to find relevant and meaningful volunteer opportunities while providing volunteer management support to more than 320 local volunteer-involving organisations (VIOs) and programs.

The BVRC Strategic Service Plan 2016 has been refreshed to drive the direction for the next four years.

The BVRC Strategic Service Plan 2022 (the Plan) builds on the achievements of the 2016 Plan, such as the development of a skilled volunteering program and the implementation of a nationally recognised online volunteer management system, 'VIKTOR/VIRA', and outlines Council's continued commitment to respond to the needs of the local volunteer sector through targeted services, programs and events. This Plan will also focus on supporting VIOs to engage people living with a disability, new migrants, culturally diverse communities and Aboriginal and Torres Strait Islander peoples, and identifying opportunities to facilitate informal volunteering in the community, building on learnings from skill-sharing initiatives such as Timebanking.

Attachment 2 details the achievements of the 2016 BVRC Strategic Service Plan.

Key Issues

Building on the existing work of the BVRC, the Plan outlines how essential support will continue to be provided to local VIOs, including Council volunteer programs, which rely on the BVRC's services to enhance their capacity to operate, deliver community health and wellbeing outcomes and increase opportunities for residents to participate in community life.

The COVID-19 pandemic has presented many challenges for the local volunteer sector. The Plan outlines the role the BVRC will play in COVID-19 community recovery, providing support to VIOs in rebuilding volunteer workforces and reshaping volunteer opportunities to align with changing prospective volunteers' motivations and expectations of the volunteer experience.

Over the last four years, the BVRC has observed how technology has rapidly changed the volunteer landscape. The BVRC will play a critical role in supporting

VIOs in identifying, reshaping and promoting opportunities, while ensuring volunteer roles are attractive and accessible to Boroondara's diverse community.

The Plan is underpinned by strategic objectives, which are:

- **Strategic objective 1:** BVRC activities contribute to a sustainable and inclusive community in Boroondara
- **Strategic objective 2:** The BVRC identifies and promotes flexible volunteer opportunities for people of all ages, cultural backgrounds, abilities and Aboriginal and Torres Strait Islander peoples that reflect their values, interests and skills
- **Strategic objective 3:** The BVRC builds the capacity of volunteer involving organisations by responding to contemporary trends in volunteering

Next Steps

Once adopted, the BVRC Strategic Service Plan 2022 will be available on Council's website.

MOTION

Moved Councillor Gillies

Seconded Councillor Thompson

That Council resolves to adopt the BVRC Strategic Service Plan 2022.

CARRIED

7.2 Serpells Lane Strategic Property Project

Purpose

The purpose of this report is to seek a resolution of Council to proceed with a strategic property project involving the rezoning and sale of Council owned land at 399 Burwood Road, Hawthorn, also known as the Serpells Lane car park. The report also establishes project objectives to guide the future development of the site and outlines the key stages and processes involved with delivering this project.

Background

Serpells Lane car park is an at-grade car park accessed from Burwood Road, Hawthorn. It provides a total of 89 car spaces including two disabled spaces, three loading zone spaces and one Flexi-car space. The car park is owned and maintained by Council, and currently offers free un-metered parking. Although most of the parking spaces are limited to 3 hours (during business hours), recent parking surveys show it is predominantly used for longer term parking by Swinburne University students and staff.

Key Issues

The current use of the site as a car park is considered an underutilisation of the land as envisaged by the adopted Glenferrie Structure Plan (2011). Student parking is available within the Swinburne multi-deck car park nearby. Provision of student car parking is not a responsibility of Council. The Draft Glenferrie Place Plan also proposes to provide alternative car parking facilities at sites that better align with the needs of local traders, rendering Serpells Lane surplus to parking requirements.

This presents a strategic property opportunity that can generate additional funding to deliver key projects and initiatives throughout the municipality that will benefit the Boroondara community, including those detailed in the draft Glenferrie Place Plan.

To ensure a positive outcome is achieved for the community, it will be important for the Serpells Lane Strategic Property Project to be guided by the following objectives for the future of the site:

- Enables a high quality, integrated development that responds to site features and constraints and is consistent with the Glenferrie Structure Plan and Boroondara Planning Scheme.
- Creates a positive interface with adjacent public realm, considering issues of safety and surveillance.
- Achieves the optimal commercial return for the land to enable investment in new projects to the benefit of the Boroondara Community.

To proceed with this strategic property project, Council needs to carry out a planning scheme amendment to rezone the land from the current Public Use Zone 6. Council will also need to issue a notice of intention to sell and follow due process in taking the property to market. The formal transfer of land can be completed over a period of approximately 18 months, and the future owner can then pursue the redevelopment of the site, which will need to fully accord with Council's planning scheme.

Next Steps

Officers recommend that Council resolve to commence with the Serpells Lane Strategic Property Project, including the planning scheme amendment process to rezone the land, and the commencement of sale of the land notification for 399 Burwood Road, Hawthorn at the appropriate time. Officers will provide further reports to Council as these processes progress.

MOTION

Moved Councillor Gault

Seconded Councillor Thompson

That the Council resolve to:

- 1. Commence the Serpells Lane Strategic Property Project, including the rezoning and sale of the land at 399 Burwood Road, Hawthorn.**
- 2. Establish the following project objectives to guide the future outcomes on the Serpells Lane site:**
 - **Enables a high quality, integrated development that responds to site features and constraints and is consistent with the Glenferrie Structure Plan and Boroondara Planning Scheme.**
 - **Creates a positive interface with adjacent public realm, considering issues of safety and surveillance.**
 - **Achieves the optimal commercial return for the land to enable investment in new projects to the benefit of the Boroondara Community.**

Planning Scheme Amendment

- 3. Write to the Minister for Planning to request authorisation to prepare an amendment to the Boroondara Planning Scheme in accordance with**

Section 4B and 8A(4) of the *Planning and Environment Act 1987* to rezone land at 399 Burwood Road, Hawthorn from PUZ6 to C1Z.

- 4. Following receipt of authorisation from the Minister for Planning, exhibit the amendment in accordance with Section 19 of the *Planning and Environment Act 1987*.**
- 5. Authorise the Director Urban Living to undertake administrative changes to the amendment that do not change the intent of the amendment or any changes required under the Minister for Planning's Authorisation prior to the commencement of exhibition.**

Sale of Land

- 6. Undertake further site investigations and other preparations to enable a future sale of the land.**
- 7. Acting under section 114 of the Local Government Act 2020:**
 - a. Commence the statutory procedures to sell the land at 399 Burwood Road, Hawthorn known as Serpells Lane car park.**
 - b. Give notice of Council's intention to sell the land inviting submissions on the proposal.**
 - c. If any submissions are received following publication of the notice of intention to sell the land, note that a further report will be presented to a future meeting of the Services Delegated Committee of Council to enable consideration of submissions and for a decision on whether or not to proceed with the sale of the land.**
 - d. If no submissions are received following publication of the notice of intention to sell the land, note that a further report will be presented to a future meeting of Council for a decision on whether or not to proceed with the sale of the land.**
- 8. Obtain from a person who holds the qualifications or experience specified under section 13DA(2) of the *Valuation of Land Act 1960* a valuation of the land which is made not more than 6 months prior to the sale.**

CARRIED

7.3 Recommendations of Audit and Risk Committee Meeting

Purpose

This report presents the recommendations of the most recent Audit and Risk Committee meeting for consideration by Council. A schedule of reports and committee recommendations is presented as an attachment to this report.

Background

The most recent meeting of the Audit and Risk Committee was held on 1 June 2022. This report presents the findings and recommendations from that meeting for consideration by Council.

Key Issues

As recorded in the minutes of the Audit and Risk Committee meeting held on 1 June 2022 the following reports were tabled:

- A5.1 Standard Questions for Tabling at Audit and Risk Committee Meetings
- A5.2 March 2022 Quarterly Performance Report
- A5.3 Business Arising June 2022
- A5.4 External Audit Plan for Year Ending 30 June 2022
- A5.5 Audit and Risk Committee Administrative Matters
- A5.6 COVID-19 Update June 2022
- A5.7 Internal Audit Report - HR Management
- A5.8 Follow Up Review - Internal Audit Report
- A5.9 Asset Accounting Policy 2021-22
- A5.10 Internal Audit Update June 2022
- A5.11 Implementation of Actions contained within the Risk Management Framework
- A5.12 Audit and Risk Committee Charter 2022 and Annual Work Program 2022-23
- A5.13 Update on Clearance of prior year Management Letter & Security update

A summary of the content of the reports tabled and identification of the required Council action is contained in **Attachment 1**.

Next Steps

The next meeting of Council's Audit and Risk Committee will be held 8 September 2022.

MOTION

Moved Councillor Stavrou

Seconded Councillor Thompson

That Council resolve to adopt the resolutions recommended to Council contained in Attachment 1 (including Attachments 2 and 3), as annexed to the minutes, reflecting the recommendations from the Audit and Risk Committee meeting held on 1 June 2022.

CARRIED

7.4 May 2022 Monthly Financial Report

Purpose

The purpose of this report is to provide Council the Monthly Financial Report for May 2022. The Monthly Financial Report is designed to identify and explain major variances at an organisational level and is provided in **Attachment 1**.

Background

The year to date annual budget referred to in this report reflects the October 2021 Amended Budget, approved by Council on 25 October 2021 which includes the carry forward funding for 2020-21 priority projects and capital works forward commitments.

The 2021-22 Full Year Forecast reflects the final result of the full year review of the annual financials to be undertaken during the year.

Key Issues

Year to date actuals vs. October Amended Budget

Council's favourable operating result against year to date budget of \$39.04 million is \$20.10 million or 106% above the October Amended Budget of \$18.94 million primarily due to a number of factors which are outlined in **Section 2 of Attachment 1 - Financial Overview**.

Capital works actual expenditure is \$62.80 million which is \$19.58 million below year to date budget phasing of \$82.38 million. Year to date actual and commitments as at 31 May 2022 equates to \$105.69 million and includes committed expenditure for multi-year projects with the most significant being Kew Recreation Centre and Canterbury Community Precinct.

Priority projects expenditure of \$21.68 million is \$13.76 million below year to date budget phasing of \$35.44 million.

Council's Balance Sheet and cash position are sound and depict a satisfactory result. At the end of May Council's cash position stood at \$109.85 million or \$54.01 million above year to date budget.

MOTION

Moved Councillor Sinfield

Seconded Councillor Hollingsworth

That Council resolve to receive and note the Monthly Financial Report for May 2022 (Attachment 1).

CARRIED

8. General business

8.1 Councillor Watson - Leave of Absence

Councillor Watson declared a General Conflict of Interest in Item 8.1 General Business in accordance with section 127 of the Local Government 2020 and the Governance Rules.

Councillor Watson advised that the nature of the interest was the request is for personal leave for dates requested.

Councillor Watson left the chamber at 7.41pm prior to the consideration and vote on this item.

Councillor Parke queried Council's power to approve a retrospective request for a leave of absence. The Chief Executive Officer agreed to obtain advice on the matter.

No vote was had on the item.

Councillor Watson entered the chamber at 8.42pm and resumed her seat.

9. Urgent business

Nil

10. Confidential business

10.1 Contract No 2021/144 Processing Services

Procedural Motion - Closure of meeting to the public

MOTION

Moved Councillor Hollingsworth

Seconded Councillor Gillies

- 1. That, in accordance with sections 66(1) and 66(2)(a) of the Local Government Act 2020, the meeting be closed to members of the public for the consideration of the agenda item titled '10.1 Contract No 2021/144 Processing Services.'**
- 2. This agenda item is confidential information for the purposes of section 3(1) of the Local Government Act 2020 because:**
 - a) it is council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released (section 3(1)(a)).**
 - b) It is private commercial information being information provided by a business, commercial or financial undertaking that relates to trade secrets or if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage (section 3(1)(g)).**
- 3. These grounds apply because the agenda item concerns commercial negotiations, and the premature disclosure of information would be prejudicial to the interests of the Council.**

CARRIED

The Council meeting was closed to the public at 7:49PM.

Procedural Motion - Reopening of meeting to the public

MOTION

Moved Councillor Sinfield

Seconded Councillor Hollingsworth

That the Council meeting be reopened to the public.

CARRIED

The Council meeting reopened to the public at 7.55pm with all councillors present except for Councillor Biggar.

The meeting concluded at 7.56pm

Confirmed

Chairperson _____

Date _____