

COUNCIL MEETING

MINUTES



(Open to the public)

Monday 28 November 2022

Council Chamber, 8 Inglesby Road, Camberwell.

Commencement 6.34pm

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 Susan Biggar
Councillor Garry Thompson
Councillor Nick Stavrou

Apologies
Councillor Cynthia Watson
Councillor Garry Thompson

<u>Officers</u>	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
	Bryan Wee	Manager Governance and Legal
	David Cowan	Manager Planning and Placemaking
	David Shepard	Manager Environmental Sustainability and Open Spaces
	Fiona Brown	Manager Community Planning and Development
	Nick Lund	Manager Strategy and Performance
	Michele Forster	Acting Manager Liveable Communities
	Kirstin Ritchie	Coordinator Governance
	Christian Wilmsen	Coordinator Strategic Planning
	Caddy Purdy	Senior Coordinator Community Strengthening
	Brendon Burke	Senior Landscape Architect
	Jessica Donaldson	Principal Strategic Planner
	Katelyn Stanyer	Community Development Officer
	Lucinda Bakhach	Local Economies Lead
	Liam Merrifield	Senior Governance Officer

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1. Adoption and confirmation of the minutes**MOTION****Moved Councillor Gault****Seconded Councillor Parke**

That the minutes of the Council meeting held on 24 October 2022 be adopted and confirmed.

CARRIED**2. Declaration of conflict of interest of any councillor or council officer**

Item 8.1 Leaves of Absence - Councillor Biggar and Councillor Stavrou

3. Deputations, presentations, petitions and public submissions

Council has received three (3) petitions. Details of the petitions are set out below.

No.	Ref. no.	Title / Description	No. of signatures	Referred to
1	CAS-1280126-J7P5Z6	Establish a LGBTIQ+ Advisory Committee	27	DCS
2	CAS-1285726-P2N7R2	Removal of two car spaces at the front of 33 Prospect Hill Road	26	DPS
3	CAS-1289208-K6H6D0	Provide parking permits to employees of retail in or around Bourke Street	29	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 Gault****Seconded Councillor Parke****That Council resolve:**

1. **To receive and note the petitions.**
2. **To note that the petitions have been referred to the relevant director for consideration and to advise the first named signatory to the petitions 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 Gillies

Seconded Councillor Gault

That Council resolve to receive and note the summary of Informal Meetings of Councillors, as annexed to the minutes.

CARRIED

5. Public question time

Nil

6. Notices of motion

Nil

7. Presentation of officer reports

Procedural motion - en bloc motions

MOTION

Moved Councillor Parke

Seconded Councillor Gault

That the following items:

7.1 Maling Road Shopping and Business Centre - Marketing and Business Development Fund

7.2 Greythorn Shopping and Business Centre - Marketing and Business Development Fund**7.3 Ashburton Shopping and Business Centre - Marketing and Business Development Fund****7.4 September 2022 Quarterly Performance Report****7.5 Amendment C378boro - 1 Cherry Road, Balwyn Heritage Overlay - Outcomes of exhibition****7.6 Contract No 2021/122 Annual Supply of Drainage Construction and Associated Works****7.7 Contract No 2021/123 Annual Supply of Concrete, Bluestone and Associated Works****7.8 Contract No 2022/93 North Balwyn Senior Citizens Centre Refurbishment Works****7.9 Contract No 2022/121 Road Resurfacing and Associated Services**

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

CARRIED**7.1 Maling Road Shopping and Business Centre - Marketing and Business Development Fund**Purpose

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

Background

Despite the introduction of the *Local Government Act 2020* (2020 Act), the legislative scheme governing rates and charges currently remains under Division 1 of Part 8 of the 1989 Act. Presently, there is no equivalent provision in the 2020 Act. Therefore, Section 163 of the 1989 Act still applies to special rate and charge schemes to be declared by Council, including the Proposed Scheme.

The current five year special rate and charge scheme for the Maling Road Shopping and Business Centre (Centre) will expire on 30 June 2023 (Current Scheme) and the Maling Road Business Association (MRBA) has requested Council undertake the statutory process to renew the Current Scheme for a further five years from 1 July 2023 to 30 June 2028 (inclusive) by declaring the Proposed Scheme (Attachment 1).

The Proposed Scheme, if declared by Council, will support the Centre in achieving the vision and actions outlined in the Maling Road Strategic Business Plan 2023-2028 (Strategic Plan) (Attachment 2) and ensure it is well placed to respond to ongoing competition from other centres as well as providing opportunities for growth and development of the retail, services and hospitality businesses, helping the Centre to remain competitive and viable into the future.

Key Issues

Under the Proposed Scheme, the Maling Road Special Rate and Charge will be levied on all rateable land within the Centre which is primarily used, or adapted or designed to be used, for commercial purposes.

There are currently 80 rateable properties included in the Proposed Scheme Area as shown in the Plan outlined in Attachment 3. Further details of the Proposed Scheme are outlined in Attachment 4.

In summary, the liability of all persons subject to the Proposed Scheme will be calculated as follows:

- A rate of 0.08422 cents in the dollar of the Capital Improved Value (CIV) will be levied on each rateable property in the proposed Scheme;
- Ground level properties will be subject to a minimum charge of \$736 and maximum of \$1,021 per annum;
- All upper level properties will be subject to a minimum charge of \$446 and maximum of \$578 per annum; and
- The quantum of the rate in the dollar of the CIV and the minimum and maximum charges, will be adjusted annually in accordance with Consumer Price Index (All Groups Melbourne) (CPI).

The scope of the Proposed Scheme and the proposed liability of the persons included in the Proposed Scheme Area has been devised having regard to the needs of the Centre and the current economic climate by seeking to minimise costs to businesses and property owners while still ensuring there are sufficient funds available to deliver the marketing and promotion program for the Centre.

The Proposed Scheme, if declared, is anticipated to raise approximately \$70,000 in the first year, with a total levy of approximately \$350,000 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 and maximum charges, along with likely increases in the CIV of rateable properties over the life of the Proposed Scheme. Supplementary valuations can also result in variations in the CIV of rateable properties and thus the amount levied.

Next Steps

Council's decision to proceed with initiating this process does not commit Council to the declaration of the Proposed Scheme. Council will consider any submissions and objections received at a future meeting in accordance with the 1989 Act. Council will then decide whether or not to proceed to declare the Proposed Scheme, after having considered all submissions and objections. This process is further described under the 'Objection/Submission Process' below and in Attachment 5.

MOTION

Moved Councillor Parke

Seconded Councillor Gault

That Council resolve to

- 1. Receive and note the request from the Maling Road Business Association (MRBA) to renew the special rate and charge for a Marketing and Business**

Development Fund for the Maling Road Shopping and Business Centre (Centre) for a further five years, commencing 1 July 2023.

2. Give public notice in February 2023 of its intention to declare a special rate and charge for the Centre in accordance with Section 163 of the *Local Government Act 1989* (1989 Act) as follows:

(a) a Maling Road Special Rate and Charge be declared for a period of five years commencing on 1 July 2023 and concluding on 30 June 2028.

(b) the Maling Road Special Rate and Charge be 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:

- i. Council considers is, or will be, of special benefit to those persons required to pay the Maling Road Special Rate and Charge; and**
- ii. arises out of Council's functions of:**
- iii. encouraging and promoting economic sustainability, commerce, retail activity and employment opportunities in and around the Maling Road Special Rate and Charge area and the broader municipal district; and**
- iv. providing good governance in its municipal district for the benefit and wellbeing of the municipal community.**

(c) the Maling Road Special Rate and Charge so declared will be assessed and levied in accordance with the following:

- i. A rate of 0.08422 cents in the dollar of the Capital Improved Value (CIV) will be levied on each rateable property in the proposed Scheme;**
- ii. Ground level properties will be subject to a minimum charge of \$736 and maximum of \$1,021 per annum;**
- iii. All upper level properties will be subject to a minimum charge of \$446 and maximum of \$578 per annum;**
- iv. The quantum of the rate in the dollar of the CIV of each rateable property in the area, and the quantum of the minimum and maximum charges will be adjusted on 1 July 2024 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; and**
- v. 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 change in the period during which the Maling Road Special Rate and Charge Scheme is in force, reflecting any revaluations and supplementary valuations which take place.**

(d) the area for which the Maling Road Special Rate and Charge will be declared is the area highlighted in the plan annexed to this report (Area) (Attachment 3).

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

Ground level properties and upper level properties in the area comprising:

Maling Road:

- from 85 to 141(odd numbers only);
- from 60 to 122 (even numbers only); and
- Theatre Place;

Canterbury Road (even numbers only) from the railway line to Wattle Valley Road;

Wattle Valley Road (1 Wattle Valley Road as part of property 208 Canterbury Road);

Bryson Street 1A and 2 to 8.

- (e) the land in relation to which the Maling Road Special Rate and Charge will be declared is all land within the Area primarily used, or adapted or designed to be used, for commercial purposes.
 - (f) the total cost of performing the function and the total amount of the special rate and charge to be levied is approximately \$70,000 in the first year, with a total levy of approximately \$350,000 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 and maximum 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) the benefit ratio, being the estimated proportion of the total benefits of the Maling Road Special Rate and Charge to which the performance of the function or the exercise of the power relates (including all special benefits and community benefits) which will accrue as special benefits to all of the persons who are liable to pay the Maling Road Special Rate and Charge, is 100%, as the community benefit is considered to be nil.
 - (h) the criteria to be used as the basis for levying the special rate and charge is 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 Maling Road Special Rate and Charge on the same date or dates as Council's general rates are due.
 - (j) Council will, subject to the 1989 Act, require a person to pay interest on any special rate and charge the person is liable to pay and has not been paid by the date specified for its payment.
- 3. Authorise Council's Chief Executive Officer to give notice in February 2023 of the proposed declaration of the Maling Road Special Rate and Charge in accordance with the Letter and Public Notice annexed to this report (Attachments 6 and 7) by:**
- (a) arranging for the Public Notice to be published in The Age newspaper; and

(b) sending the Letter enclosing the Public Notice to each person who will be liable to pay the Maling Road Special Rate and Charge.

- 4. Commence public consultation for a period of twenty-eight (28) days following the date of the publication of the Public Notice in The Age newspaper according to paragraph 3(a) of this Resolution.**
- 5. Consider any submissions and objections received by Council in accordance with sections 163A, 163B and 223 of the 1989 Act at the Council meeting in May 2023 or such other date as Council subsequently determines.**

7.2 Greythorn Shopping and Business Centre - Marketing and Business Development Fund

Purpose

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

Background

Despite the introduction of the *Local Government Act 2020* (2020 Act), the legislative scheme governing rates and charges currently remains under Division 1 of Part 8 of the 1989 Act. Presently, there is no equivalent provision in the 2020 Act. Therefore, Section 163 of the 1989 Act still applies to special rate and charge schemes to be declared by Council, including the Proposed Scheme.

The current five year special rate and charge scheme for the Greythorn Shopping and Business Centre (Centre) will expire on 30 June 2023 (Current Scheme) and the Greythorn Traders Association (GTA) has requested Council undertake the statutory process to renew the Current Scheme for a further five years from 1 July 2023 to 30 June 2028 (inclusive) by declaring the Proposed Scheme (Attachment 1).

The Proposed Scheme, if declared by Council, will support the Centre in achieving the vision and actions outlined in the Greythorn Shopping Centre Strategic Business Plan 2023-2028 (Strategic Plan) (Attachment 2) and ensure it is well placed to respond to ongoing competition from other centres as well as providing opportunities for growth and development of the retail, services and hospitality businesses, helping the Centre to remain competitive and viable into the future.

Key Issues

Under the Proposed Scheme, the Greythorn Special Rate and Charge will be levied on all rateable land within the Centre which is primarily used, or adapted or designed to be used, for commercial purposes.

There are currently 73 rateable properties included in the Proposed Scheme Area as shown in the Plan outlined in Attachment 3. Further details of the Proposed Scheme are outlined in Attachment 4.

In summary, the liability of all persons subject to the Proposed Scheme will be calculated as follows:

- a rate of 0.112 cents in the dollar of the Capital Improved Value (CIV) will be levied on each rateable property in the proposed Scheme;

- Ground and upper level properties will be subject to a minimum charge of \$415 per annum;
- No maximum charge per occupancy; and
- The quantum of the rate in the dollar of the CIV and the minimum charges will be adjusted annually in accordance with Consumer Price Index (All Groups Melbourne) (CPI).

The scope of the Proposed Scheme and the proposed liability of the persons included in the Proposed Scheme Area has been devised having regard to the needs of the Centre and the current economic climate by seeking to minimise costs to businesses and property owners while still ensuring there are sufficient funds available to deliver the marketing and promotion program for the Centre.

The Proposed Scheme, if declared, is anticipated to raise approximately \$77,780 in the first year with a total levy of approximately \$388,900 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. Supplementary valuations can also result in variations in the CIV of rateable properties and thus the amount levied.

Next Steps

Council's decision to proceed with initiating this process does not commit Council to the declaration of the Proposed Scheme. Council will consider any submissions and objections received at a future meeting in accordance with the 1989 Act. Council will then decide whether or not to proceed to declare the Proposed Scheme, after having considered all submissions and objections. This process is further described under 'Objection/Submission Process' below and in Attachment 5.

MOTION

Moved Councillor Parke

Seconded Councillor Gault

That Council resolve to:

- 1. Receive and note the request from the Greythorn Traders Association (GTA) to renew the special rate and charge for a Marketing and Business Development Fund for the Greythorn Shopping and Business Centre (Centre) for a further five years, commencing 1 July 2023.**
- 2. Give public notice in February 2023 of its intention to declare a special rate and charge for the Centre in accordance with Section 163 of the *Local Government Act 1989* (1989 Act) as follows:**
 - (a) a Greythorn Special Rate and Charge be declared for a period of five years commencing on 1 July 2023 and concluding on 30 June 2028.**
 - (b) the Greythorn Special Rate and Charge be 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:**
 - i. Council considers is, or will be, of special benefit to those persons required to pay the Greythorn Special Rate and Charge; and**

- ii. arises out of Council's functions of:
- encouraging and promoting economic sustainability, commerce, retail activity and employment opportunities in and around the Greythorn Special Rate and Charge area and the broader municipal district; and
 - providing good governance in its municipal district for the benefit and wellbeing of the municipal community.
- (c) the Greythorn Special Rate and Charge so declared will be assessed and levied in accordance with the following:
- iii. A rate of 0.112 cents in the dollar of the Capital Improved Value (CIV) will be levied on each rateable property in the proposed Scheme;
 - iv. Ground and upper level properties will be subject to a minimum charge of \$415 per annum;
 - v. No maximum charge per occupancy;
 - vi. The quantum of the rate in the dollar of the CIV of each rateable property in the area, and the quantum of the minimum charges will be adjusted on 1 July 2024 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; and
 - vii. 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 change in the period during which the Greythorn Special Rate and Charge Scheme is in force, reflecting any revaluations and supplementary valuations which take place.
- (d) the area for which the Greythorn Special Rate and Charge will be declared is the area highlighted in the plan annexed to this report (Area) (Attachment 3).

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

Ground level properties and upper level properties in the area comprising:

Doncaster Road:

- from Sylvander Street to Trentwood Avenue (odd numbers only);
- from Harrington Avenue to 308 Doncaster Road (even numbers only); and
- as well as properties in arcades;

Sylvander Street (odd numbers only),
Tannock Street, Centreway, Agnes Avenue and Harrington Avenue.

- (e) the land in relation to which the Greythorn Special Rate and Charge will be declared is all land within the Area primarily used, or adapted or designed to be used, for commercial purposes.
- (f) the total cost of performing the function and the total amount of the special rate and charge to be levied is approximately \$77,780 in the first year, with a total levy of approximately \$388,900 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) the benefit ratio, being the estimated proportion of the total benefits of the Greythorn Special Rate and Charge to which the performance of the function or the exercise of the power relates (including all special benefits and community benefits) which will accrue as special benefits to all of the persons who are liable to pay the Greythorn Special Rate and Charge, is 100%, as the community benefit is considered to be nil.**
 - (h) the criteria to be used as the basis for levying the special rate and charge is 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 Greythorn Special Rate and Charge on the same date or dates as Council's general rates are due.**
 - (j) Council will, subject to the 1989 Act, require a person to pay interest on any special rate and charge the person is liable to pay and has not been paid by the date specified for its payment.**
- 3. Authorise Council's Chief Executive Officer to give notice in February 2023 of the proposed declaration of the Greythorn Special Rate and Charge in accordance with the Letter and Public Notice annexed to this report (Attachments 6 and 7) by:**
- (a) arranging for the Public Notice to be published in The Age newspaper; and**
 - (b) sending the Letter enclosing the Public Notice to each person who will be liable to pay the Greythorn Special Rate and Charge.**
- 4. Commence public consultation for a period of twenty-eight (28) days following the date of the publication of the Public Notice in The Age newspaper according to paragraph 3(a) of this Resolution.**
- 5. Consider any submissions and objections received by Council in accordance with sections 163A, 163B and 223 of the 1989 Act at the Council meeting in May 2023 or such other date as Council subsequently determines.**

CARRIED

7.3 Ashburton Shopping and Business Centre - Marketing and Business Development Fund

Purpose

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

Background

Despite the introduction of the *Local Government Act 2020* (2020 Act), the legislative scheme governing rates and charges currently remains under Division 1 of Part 8 of the 1989 Act. Presently, there is no equivalent provision in the 2020 Act. Therefore, Section 163 of the 1989 Act still applies to special rate and charge schemes to be declared by Council, including the Proposed Scheme.

The current five year special rate and charge scheme for the Ashburton Shopping and Business Centre (Centre) will expire on 30 June 2023 (Current Scheme) and the Ashburton Shopping Traders Association (ASTA) has requested Council undertake the statutory process to renew the Current Scheme for a further five years from 1 July 2023 to 30 June 2028 (inclusive) by declaring the Proposed Scheme (Attachment 1).

The Proposed Scheme, if declared by Council, will support the Centre in achieving the vision and actions outlined in the Ashburton Shopping Centre Strategic Business Plan 2023-2028 (Strategic Plan) (Attachment 2) and ensure it is well placed to respond to ongoing competition from other centres as well as providing opportunities for growth and development of the retail, services and hospitality businesses, helping the Centre to remain competitive and viable into the future.

Key Issues

Under the Proposed Scheme, the Ashburton Special Rate and Charge will be levied on all rateable land within the Centre which is primarily used, or adapted or designed to be used, for commercial purposes.

There are currently 140 rateable properties included in the Proposed Scheme Area as shown in the Plan outlined in Attachment 3. Further details of the Proposed Scheme are outlined in Attachment 4.

In summary, the liability of all persons subject to the Proposed Scheme will be calculated as follows:

- A rate of 0.055 cents in the dollar of the Capital Improved Value (CIV) will be levied on each rateable property in the proposed Scheme;
- Ground level properties fronting Welfare Parade and properties which only have an entrance from Ashburn Grove will be subject to a minimum charge of \$300 per annum and maximum charge of \$400 per annum;
- All other ground level properties will be subject to a minimum charge of \$550 per annum and maximum of \$2,500 per annum;
- All upper level properties will be subject to a minimum charge of \$300 and maximum of \$400 per annum; and
- The quantum of the rate in the dollar of the CIV and the minimum charges, will be adjusted annually in accordance with Consumer Price Index (All Groups Melbourne) (CPI).

The scope of the Proposed Scheme and the proposed liability of the persons included in the Proposed Scheme Area has been devised having regard to the needs of the Centre and the current economic climate by seeking to minimise costs to businesses and property owners while still ensuring there are sufficient funds available to deliver the marketing and promotion program for the Centre.

The Proposed Scheme, if declared, is anticipated to raise approximately \$96,393 in the first year, with a total levy of approximately \$481,698 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. Supplementary valuations can also result in variations in the CIV of rateable properties and thus the amount levied.

Next Steps

Council's decision to proceed with initiating this process does not commit Council to the declaration of the Proposed Scheme. Council will consider any submissions and objections received at a future meeting in accordance with the 1989 Act. Council will then decide whether or not to proceed to declare the Proposed Scheme, after having considered all submissions and objections. This process is further described under 'Objection/Submission Process' below and in Attachment 5.

MOTION

Moved Councillor Parke

Seconded Councillor Gault

That Council resolve to:

- 1. Receive and note the request from the Ashburton Shopping Traders Association (ASTA) to renew the special rate and charge for a Marketing and Business Development Fund for the Ashburton Shopping and Business Centre (Centre) for a further five years, commencing 1 July 2023.**
- 2. Give public notice in February 2023 of its intention to declare a special rate and charge for the Centre in accordance with Section 163 of the *Local Government Act 1989* (1989 Act) as follows:**

(a) an Ashburton Special Rate and Charge be declared for a period of five years commencing on 1 July 2023 and concluding on 30 June 2028.

(b) the Ashburton Special Rate and Charge be 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:

- i. Council considers is, or will be, of special benefit to those persons required to pay the Ashburton Special Rate and Charge; and**
- ii. arises out of Council's functions of:**
 - encouraging and promoting economic sustainability, commerce, retail activity and employment opportunities in and around the Ashburton Special Rate and Charge area and the broader municipal district; and**
 - providing good governance in its municipal district for the benefit and wellbeing of the municipal community.**

(c) the Ashburton Special Rate and Charge so declared will be assessed and levied in accordance with the following:

- i. A rate of 0.055 cents in the dollar of the Capital Improved Value (CIV) will be levied on each rateable property in the proposed Scheme;**
- ii. Ground level properties fronting Welfare Parade and properties which only have an entrance from Ashburn Grove will be subject to a**

- minimum charge of \$300 per annum and maximum charge of \$400 per annum;
- iii. All other ground level properties will be subject to a minimum charge of \$550 per annum and maximum of \$2,500 per annum;
 - iv. All upper level properties will be subject to a minimum charge of \$300 and maximum of \$400 per annum;
 - v. The quantum of the rate in the dollar of the CIV of each rateable property in the area, and the quantum of the minimum, will be adjusted on 1 July 2024 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; and
 - vi. 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 change in the period during which the Ashburton Special Rate and Charge Scheme is in force, reflecting any revaluations and supplementary valuations which take place.
- (d) the area for which the Ashburton Special Rate and Charge will be declared is the area highlighted in the plan annexed to this report (Area) (Attachment 3).
- For the purposes of this paragraph, the Area can be described generally as follows:
- Ground level and upper level properties in the area comprising:
- High Street:
- from Johnston Street to Carool Road (odd numbers only);
 - from Munro Avenue to Morotai Avenue (even numbers only);
 - Highgate Grove (odd numbers only); and
 - as well as properties in arcades;
- Ground level properties with frontage in Welfare Parade; and
- properties which only have an entrance from Ashburn Grove.
- (e) the land in relation to which the Ashburton Special Rate and Charge will be declared is all land within the Area primarily used, or adapted or designed to be used, for commercial purposes.
- (f) the total cost of performing the function and the total amount of the special rate and charge to be levied is approximately \$96,393 in the first year, with a total levy of approximately \$481,965 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) the benefit ratio, being the estimated proportion of the total benefits of the Ashburton Special Rate and Charge to which the performance of the function or the exercise of the power relates (including all special benefits and community benefits) which will accrue as special benefits to all of the persons who are liable to pay the Ashburton Special Rate and Charge, is 100%, as the community benefit is considered to be nil.

- (h) the criteria to be used as the basis for levying the special rate and charge is 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 Ashburton Special Rate and Charge on the same date or dates as Council's general rates are due.**
 - (j) Council will, subject to the 1989 Act, require a person to pay interest on any special rate and charge the person is liable to pay and has not been paid by the date specified for its payment.**
- 3. Authorise Council's Chief Executive Officer to give notice in February 2023 of the proposed declaration of the Ashburton Special Rate and Charge in accordance with the Letter and Public Notice and Letter annexed to this report (Attachments 6 and 7) by:**
- (a) arranging for the Public Notice to be published in The Age newspaper; and**
 - (b) sending the Letter enclosing the Public Notice to each person who will be liable to pay the Ashburton Special Rate and Charge.**
- 4. Commence public consultation for a period of twenty-eight (28) days following the date of the publication of the Public Notice in The Age newspaper according to paragraph 3(a) of this Resolution.**
- 5. Consider any submissions and objections received by Council in accordance with sections 163A, 163B and 223 of the 1989 Act at the Council meeting in May 2023 or such other date as Council subsequently determines.**

CARRIED

7.4 September 2022 Quarterly Performance Report

Purpose

The Quarterly Performance Report for September 2022 provides detailed reporting on financial and non-financial performance against both the Boroondara Community Plan 2021-31 and the Budget for the year.

Background

At the end of each quarter, a Quarterly Performance Report is prepared and adopted at Council.

The year to date and annual budget figures referred to in this report reflects the 2022-23 Annual Original Budget, approved by Council on 27 June 2022.

Key Issues

Financial performance

Year to Date Actuals vs. Annual Original Budget

Council's favourable operating result against year to date budget of \$156.33 million is \$127,000 above the Annual Original Budget of \$156.21 million primarily due to a number of factors which are outlined in Attachment 1.

Capital works actual expenditure is \$14.30 million which is \$927,000 above year to date budget phasing of \$13.37 million. Priority projects expenditure of \$5.41 million is \$313,000 below year to date budget phasing of \$5.72 million.

Council's Balance Sheet and cash position are sound and depict a satisfactory result. At the end of September, Council's cash position stood at \$175.17 million or \$57.11 million above year to date budget.

This report does not consider any financial implications from the Kew Recreation Centre roof collapse which occurred on the evening of Thursday 20 October 2022. Once financial implications are known, these will be considered as part of the development of the 2022-23 Full Year Forecast and the 2023-24 Budget development.

Non-financial performance

Annual Initiatives

For the September quarter, 6% of the 2022-23 Major Initiatives have been completed and a further 94% have commenced and are on track to be completed by the end of financial year. This is accurate as at the close of the quarter. It is anticipated the impact of failure in a section of the roof structure at the Kew Recreation Centre will mean Major Initiative 1.5 "Create an all-ability recreation facility to meet current and future community needs by completing the construction of the Kew Recreation Centre" will not be delivered by the end of the financial year.

Strategic Indicators

The Boroondara Community Plan 2021-31 and Annual Budget 2022-23 contain 52 strategic indicators of which 31 are annual measures. The remaining 19 are reported on a quarterly basis, with data being available quarterly on the progress towards the annual forecast. Quarter 1 data indicates 4 of the strategic indicators are not on track to be achieved by the end of the financial year, with commentary provided in the Outline of key issues/options section of this report and on pages 9 to 76 in Attachment 1. Also see the Executive Overview in Attachment 1 for more information.

MOTION

Move Councillor Parke

Seconded Councillor Gault

That Council resolve to:

1. **Receive and note the Quarterly Performance Report for September 2022 (Attachment 1).**
2. **Adopt the proposed Payment card surcharge rates for 2022-23 included in (Attachment 2).**

CARRIED

7.5 Amendment C378boro - 1 Cherry Road, Balwyn Heritage Overlay - Outcomes of exhibition

Purpose

The purpose of this report is to inform Council of the outcomes of the exhibition of Amendment C378boro and to seek a resolution to adopt the amendment and submit it to the Minister for Planning for final approval.

Background

The property at 1 Cherry Road, Balwyn is a former Maternal Child Health Centre owned by the City of Boroondara. Vacated in 2019, the site is considered surplus to Council needs and is proposed to be sold. The site was identified as having heritage significance based on heritage assessments commissioned by Projects and Strategy in 2017 (Michael Taylor Architects) and 2021 (GML Heritage, previously Context).

On 4 July 2022, the UPDC resolved to adopt the heritage citation for 1 Cherry Road Balwyn, and to write to the Minister for Planning to request authorisation to prepare an amendment to include the property in the Heritage Overlay.

Under delegation from the Minister for Planning, DELWP authorised preparation and exhibition of Amendment C378boro on 3 August 2022.

Key Issues

Exhibition of Amendment C378boro in accordance with the requirements of the Planning and Environment Act 1987 commenced on 1 September 2022 and closed on 3 October 2022.

No submissions were received. Accordingly, there is no need for the appointment of an independent planning panel and the matter can proceed straight to Council for final adoption before submitting it to the Minister for Planning for final approval.

Next Steps

On the basis that no submissions were received, it is recommended that Council proceed with the adoption of Amendment C378boro.

MOTION

Moved Councillor Parke

Seconded Councillor Gault

That Council:

- 1. Adopt Amendment C378boro to the Boroondara Planning Scheme, as shown in Attachments 1 to 5, in accordance with Section 29(1) of the *Planning and Environment Act 1987*.**
- 2. Submit Amendment C378boro to the Minister for Planning for approval in accordance with Section 31(1) of the *Planning and Environment Act 1987*.**
- 3. Following the Minister's approval of Amendment C378boro, update the Boroondara *Schedule of Gradings Map* to include heritage gradings for properties affected by Amendment C378boro.**
- 4. Authorise the Director Urban Living to undertake administrative changes to the amendment and associated planning controls that do not change the intent of the controls.**

CARRIED

7.6 Contract No 2021/122 Annual Supply of Drainage Construction and Associated Works

Purpose

The purpose of this report is for Council to consider the awarding of Contract 2021/122, Annual Supply Drainage Construction and Associated Works.

Background

Council requires a panel of suitably qualified organisations to provide drainage construction and associated services. Council's current annual supply contract for Drainage construction and Associated Construction Works (Contract No. 2017/143) expires on 1 February 2023.

The tender was developed with a view to delivering a range of high-quality Drainage and Associated Construction Works throughout the municipality.

The broad objectives of the Contract are to deliver:

- Drainage and Associated Construction Works of high quality
- Cost effective, reliable and efficient construction services; and
- Construction Works which comply with Government Acts, regulations, local laws, and policies.

To ensure that Council obtains these services in the most cost effective and efficient manner, Council intends to establish a panel of contractors for drainage and associated construction works. Works will be allocated based on the Schedule of Rates of the successful Contractors.

Council does not guarantee either a minimum quantity of work in relation to any of the contract components, or any mix of work within contract components.

Key Issues

This Contract for Drainage Construction and Associated Works is a key enabler to allow the extensive drainage construction program to be completed each year.

Next Steps

Upon award of the contract, Council will appoint the panel of contractors and oversee the delivery of drainage construction works based on asset conditions and renewal program.

Confidentiality

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 Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.

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

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

MOTION

Moved Councillor Parke

Seconded Councillor Gault

That Council:

1. **Award Contract No. 2021/122, Drainage Construction and Associated Works, to:**
 - **Beara Construction Pty Ltd, (ABN 88 101 639 301)**
 - **Fercon Pty Ltd (ABN 43 116 527 363)**
 - **Cole Civil (The Trustee for THE CENTOFANTI UNIT TRUST) (ABN 27 593 149 786)**
 - **Rapid Paving construction Pty Ltd (ABN 84 004 600 462)**
 - **CDN Constructors Unit Trust (ABN 62 884 294 341)**

at their tendered schedule of rates for an initial contract period of five (5) years plus optional extension period of 2 years (1+1 year) to be exercised at the discretion of Council. The estimated total contract cost is \$20,800,000 (excluding GST).
2. **Authorise the Director of Places and Spaces to execute the contract agreements with the above contractors.**
3. **Authorise the Director Places and Spaces to negotiate extensions to Contract No. 2021/122 Annual Supply of Drainage Construction with the above contractors to the maximum contract term.**
4. **Note that expenditure under this contract in 2022-23 is in accordance with Council's adopted budget and expenditure in future years will be in accordance with the approved budget allocations.**

CARRIED

7.7 Contract No 2021/123 Annual Supply of Concrete, Bluestone and Associated Works

Purpose

The purpose of this report is to seek Council approval to award Contract 2021/123 Annual Supply of Concrete, Bluestone and Associated Works.

Background

Council requires a panel of suitably qualified organisations to provide concrete, bluestone and associated services. Council's current annual supply contract for Concrete, Bluestone and Associated Construction Works (Contract No. 2017/144) expires on 1 February 2023.

The tender was developed with a view to delivering a range of high-quality Concrete, Bluestone, and Associated Construction Works throughout the municipality.

The broad objectives of the Contract are to deliver:

- Concrete, Bluestone and Associated Construction Works for residents and ratepayers of the municipality, and

- Cost-effective, reliable, and efficient Concrete, Bluestone and Associated Construction Works which comply with regulations, local laws, and policies.

To ensure that Council obtains these services in the most cost-effective and efficient manner, Council intends to enter contracts with a number of Contractors for Concrete, Bluestone, and Associated Construction Works and to allocate work based on the Schedule of Rates of the successful Contractors.

Council does not guarantee either a minimum quantity of work in relation to any of the contract components or any mix of work within contract components.

Key Issues

This Annual Supply contract for Concrete Bluestone and Associated Works is a key enabler to allow the extensive road renewal program to be completed each year and ensure high quality construction.

Next Steps

Upon award of the Contract, Council will appoint the panel of contractors and oversee the delivery of road resurfacing works based on asset condition and renewal program.

Confidentiality

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 Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.

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

MOTION

Moved Councillor Parke

Seconded Councillor Gault

That Council:

- 1. Award Contract No. 2021/123, Annual Supply of Concrete Bluestone and Associated Works to:**
 - The Trustee for Hall Family Trust; and (ABN 17 984 563 213)
 - Zecon Pty Ltd (ABN 41 196 979 265)
 - Giust Bros Pty Ltd (ABN 46 007 138 043)
 - Fercon Pty Ltd (ABN 43 116 527 363)
 - MFP Enterprise Pty Ltd (ABN 34 154 882 907)
 - CDN Constructors Unit Trust (ABN 62 884 294 341)
 - Cole Civil (The Trustee for THE CENTOFANTI UNIT TRUST) (ABN 27 593 149 786)

at their tendered schedule of rates for an initial contract period of five (5) years plus optional extension periods of 2 years (1+1) to be exercised at

the discretion of Council. The estimated total contract cost is \$66,890,000 (excluding GST).

- 2. Authorise the Director of Places and Spaces to execute the contract agreements with the above contractors.**
- 3. Authorise the Director Places and Spaces to negotiate extensions to Contract No. 2021/123 (Concrete, Bluestone, and Associated Works) with the above contractors to the maximum contract term.**
- 4. Note that expenditure under this contract in 2022-23 is in accordance with Council's adopted budget and expenditure in future years will be in accordance with the approved budget allocations.**

CARRIED

7.8 Contract No 2022/93 North Balwyn Senior Citizens Centre Refurbishment Works

Purpose

The purpose of this report is to seek Council approval to award Contract No. 2022/93, North Balwyn Senior Citizens Centre Refurbishment Works to the recommended tenderer Capabuild Pty Ltd for the sum of \$1,073,555 excluding GST.

Temporary accommodation is proposed at the former Balwyn Leisure Centre during the development of this and other community centres.

At the Council meeting on 23 August 2021, Council resolved to:

1. Endorse the proposal to temporarily accommodate Through Road Early Learning Centre and other community groups that require temporary accommodation during the construction period of the Canterbury Community Precinct.
2. Receive budget bid for the demolition of the Balwyn Leisure Centre and open space conversion as part of the 2022/23 budget process.
3. Undertake community engagement to shape the future open space development of this site in the 2022/23 financial year.

Despite Council's 2021 resolution, the building remains suitable for temporary accommodation by other community groups

Background

Council has allocated funding in Council budget 2022/23 for the refurbishment works of the Senior Citizens Club building (Marwal Centre) located at 9 Marwal Avenue, Balwyn North. The property is Council owned and leased to BASScare (Boroondara Aged Services Society), a local not for profit aged care provider. BASScare delivers a mixture of services, social support programs and community activities. Approximately 500 people visit the centre on a weekly basis.

The existing building is single storey with brick walls, metal roof, and timber floor construction. Currently, the facility is dated and below the standards of community expectations.

The proposed scope of works is to renew and upgrade the building and surrounds to achieve compliance with current regulations and standards whilst also improving

access and functionality of the facility. The building works will realise a major renewal and refurbishment of the existing building, including:

1. Improved accessibility both to the building entrance and within the building
2. New reception area in foyer
3. Two new activity spaces to meet current and future needs
4. Refurbished activity spaces including new furniture, floor, and window coverings.
5. Improved energy efficiency with upgrades to lighting.,
6. General maintenance which includes external painting
7. Removal of asbestos from the building (roof insulation)
8. Install a new operable wall

Next Steps

Upon award of the contract, Council will oversee the delivery of the refurbishment works for the community centre.

Confidentiality

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:

- a. Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released;

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

If discussion of the confidential information in the attachments 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.

MOTION

Moved Councillor Parke

Seconded Councillor Gault

That Council:

1. **Award Contract No. 2022/93, North Balwyn Senior Citizens Centre - Refurbishment Works, to Capabuild Pty Ltd, ABN: 90 600 043 650, ACN:600 043 650 at a total cost of \$1,073,555 excluding GST for the estimated period from 30 November 2022 to 30 May 2024.**
2. **Approve the allocation of a separate contract contingency, as detailed within the attached confidential Attachment 1, and delegate authority to the Contract Superintendent to expend this contingency to ensure the successful completion of the contract works.**
3. **Authorise the Director Place and Spaces to sign and execute the contract agreements with the above contractor.**
4. **Note that expenditure under this contract is in accordance with Council's 2022/2023 adopted budget.**

CARRIED**7.9 Contract No 2022/121 Road Resurfacing and Associated Services
Contract No. 2022/121, Road Resurfacing and Associated Services -
Regional Procurement Eastern Network**Purpose

The purpose of this report is for Council to consider the award of Contract 2022/121, Road Resurfacing and Associated Services - Regional Procurement Eastern Network (Procurement Australia Contract 2507/0335).

Background

Council requires a panel of suitably qualified contractors to provide road resurfacing and associated services. Council's current annual supply contract, Contract No. 2017/172 Asphalt and Resealing Works, expired on 30 September 2022.

As part of our continuing collaborations with Councils within the Eastern Metropolitan Procurement Network, Procurement Australia (PA) approached the Councils that formed part of the current Contract to initiate a new Contract for Asphalt and Resealing Services. Boroondara, together with four other Councils, supported Procurement Australia in initiating a tender process for these services on behalf of five (5) Councils. It was considered that instead of each Council individually approaching the market for road resurfacing and associated services, more competitive rates could be achieved as a group.

In March 2022, Procurement Australia was appointed as tendering agent by the City of Boroondara and four other Councils in the Regional Procurement Eastern Network (Knox City Council, Monash City Council, Stonnington City Council and Whitehorse City Council) to evaluate public tenders for the Road Resurfacing and Associated Services (PA Contract No. 2507/0335), in accordance with the Local Government Act 2020, Section 108(c) and Section 109.

PA advised all member Councils to conduct their own individual evaluations, specifically in relation to the schedule of rates to select the most appropriate companies to be appointed by member Councils. Details of the Boroondara's own evaluation is outlined in the Confidential Attachment 1.

Key Issues

This Contract for Road Resurfacing and Associated Services is a key enabler to deliver Council's the extensive road renewal program each year.

Next Step

Upon award of the contract, Council will appoint the panel of contractors and oversee the delivery of road resurfacing works based on asset condition and renewal program budget allocation.

Confidentiality

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 Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.

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

If discussion of the confidential information in the attachments 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.

MOTION

Moved Councillor Parke

Seconded Councillor Gault
That Council:

- 1. Award Contract No. 2022/121, Road Resurfacing and Associated Services - Regional Procurement Eastern Network (Procurement Australia Contract 2507/0335), to the following companies on the Procurement Australia panel contract:**
 - The Trustee for The Centofanti Unit Trust T/A Metro Asphalt Pty Ltd
 - Prestige Paving Pty Ltd
 - Downer EDI Works Pty Ltd
 - BA Road Service Pty Ltd
 - Fulton Hogan Industries Pty Ltd
 - RABS Paving Services Pty Ltd
 - The Trustee for SuperSealing Unit Trust (Trading as Super Sealing)
 - Tiber Bond Pty Ltd
 - Omnigrip Direct Pty Ltd
 - Road Maintenance Pty Ltd

at their tendered Schedule of Rates for an initial contract term of three years with possible extensions to a maximum contract term of five years. The estimated contract cost for the maximum term is approximately \$34,211,100 (including GST). The cost to Council after the return of the GST Tax Input Credits is approximately \$31,101,000.
- 2. Authorise the Director of Places and Spaces to execute the contract agreements with the above contractors.**
- 3. Authorise the Director Places and Spaces to negotiate extensions to Contract No. 2022/121 Road Resurfacing and Associated Services (Procurement Australia Contract No. 2507/0335), with the above contractors to the maximum contract term.**
- 4. Note that expenditure under this contract in 2022-23 is in accordance with Council's adopted budget and expenditure in future years will be in accordance with the approved budget allocations.**

CARRIED

7.10 2022-2031 Melbourne East Regional Sport and Recreation Strategy

Purpose

This report seeks Council's adoption of the 2022-2032 Melbourne East Regional Sport and Recreation Strategy (Attachment 1).

Background

In 2016, the Melbourne East Regional Sport and Recreation Strategy (referred to as 'MERSRS' or the 'Strategy') was developed in partnership with seven eastern region Councils, namely Shire of Yarra Ranges, Maroondah, Manningham, Monash, Whitehorse, Knox and Boroondara. This Strategy established the region's first coordinated and collaborative approach to sport and recreation planning. Given the trends and issues that shape planning for sport and recreation across the region continue to evolve, it was timely to review and update this document.

The strategic directions and recommendations outlined in the updated Strategy were developed through engagement with local government authorities and state sporting associations, as well as the analysis of updated participation data. The updated Strategy prioritises a network approach to collaboration within the region, with the establishment of four strategic pillars:

1. A balanced network of regional sport and recreation facilities
2. Knowing and understanding the region
3. A collaborative approach to regional planning, policy development and advocacy, and
4. Shared resources and support for regional sport and recreation.

The strategic pillars aim to build on the success of the MERSRS developed in 2016 (progress outlined in appendix 1 of Attachment 1), while further embedding the collaborative approach to planning and development.

Officers support a collaborative approach to planning, to enable learnings across the region and increase the advocacy potential to various state sporting associations and different levels of Government for issues of common interest.

The benefits of having the MERSRS partnership include the sharing of information about sporting trends and issues, regional collaboration and the use of the document for funding advocacy.

Throughout the development of the 2022-2032 MERSRS (Attachment 1), Boroondara officers identified the priority for Boroondara is the provision of facilities and services for Boroondara residents at a community level. The high participation rates in Boroondara, as highlighted in the Strategy, provide further justification for this approach.

Key Issues

The development of the Strategy has followed a similar process to the previous version and focuses on changes to participation and trends, as well as updating facility priorities.

Some key points to consider are:

- This Strategy provides some high-level guidance and direction for Sport and Recreation Planning across the region. It does not commit Council to any funds that are not already included as part of existing budgets.

- While the Strategy references joint planning and development, this will be considered on a case-by-case basis (and will not always be facility related) and no Council is committed to contribute to any particular project.
- The Strategy includes a direction in response to the Victorian Government's Fair Access Roadmap (a new state government initiative to promote more equal access to sports facilities for female participation consistently across the region). This is more about allocation of facilities rather than infrastructure changes.
- Endorsing the 2022-2032 MERSRS provides a number of key benefits, including:
 - A 'seat at the table' as part of key regional discussions. The existing strategy has enabled outcomes such as:
 - a review of tennis club governance across the region
 - exploration of opportunities to meet the demand for organised sport.
 - A framework for the development of key policies
 - Access to regional and Boroondara specific data and trends, particularly from often hard to engage state sporting associations
 - An opportunity to jointly advocate for key outcomes based on participation data.
 - A key document to advocate for funding for grounds, facilities and other areas (for example policy and research development).

Any Boroondara involvement in regional sport and recreation facility development will require alignment with identified local priorities and be of benefit to the local Boroondara community. Boroondara residents are likely to attend regional facilities in other municipalities. However, the Strategy does not require Councils to invest funds into regional projects located outside their municipality.

Next Steps

This Strategy has been developed by the seven MERSRS Councils listed above and incorporates officer feedback. Officers are seeking a decision from Council regarding the endorsement of the updated Strategy.

MOTION

Moved Councillor Hollingsworth

Seconded Councillor Franco

That Council resolve to adopt the 2022-2032 Melbourne East Regional Sport and Recreation Strategy (Attachment 1).

CARRIED

7.11 Contract No. 2019/5A - Enterprise Service Bus Extension

This report seeks Council endorsement to exercise a second extension of Contract No 2019/5A Enterprise Service Bus and make provision for delegation of approval for a third extension if required, because the value of this extension for years 4 and 5 will vary the original estimated value of the contract by more than 10%.

The Enterprise Service Bus (Boomi) is an integration software platform that is integral to the movement of data between Council's core platforms, providing a key component to support Council's shift to digital. For example, Boomi is used to transmit information entered by our customers in e-forms to the appropriate system of record, including but not limited to P&R, CRM and Objective.

On 22 October 2018, Council resolved to enter into a three-year contract with then Dell Boomi Australia, now Boomi Australia (2019/5A) to supply this platform for a total cost of \$880,565 including three, one-year optional extensions. The first of these extensions was exercised on 5 December 2021, and we now seek approval from Council to exercise the second extension, and to delegate authority to approve the third and final extension to the Director, Customer and Transformation.

Although the extensions are within the terms of the original contract, they require consideration by Council because the value will exceed the original estimated value of the contract by more than 10%.

Purpose

This matter is being put to Council because, although the extensions are within the terms of the original contract, the value will exceed the original estimated value of the contract by more than 10%. This is because additional connectors have been purchased to support the increased use of e-forms which require integration between Council's systems.

Background

On 22 October 2018, Council resolved to enter into a three-year contract with then Dell Boomi Australia, now Boomi Australia (2019/5A) to supply this platform for a total cost of \$880,565 including three, one-year optional extensions. The first of these extensions was exercised on 5 December 2021, and we now seek approval from Council to exercise the second extension, and to delegate authority to approve the third and final extension to the Director, Customer and Transformation

Key Issues

The platform and its functions are complex, and although there are other solutions in the market that could perform a similar function, there is a high implementation overhead associated with such a change. Further, these extensions were envisaged by the original contract, therefore it is not recommended to change this key integration tool while Council is in a state of transformation to the broader IT environment and architecture as this will consume additional resourcing, compromise stability of the existing environment, and may not serve the future state.

Next Steps

The recommended option is to exercise the extensions as provisioned in the contract.

MOTION

Moved Councillor Parke

Seconded Councillor Stavrou

That Council resolve:

1. To exercise a second extension to Contract No 2019/5A Enterprise Service Bus at a cost of \$358,504.37 (inc. GST), bringing the total contract spend to \$1,224,896.20

2. To note the cost to Council after the return of GST Input Credits is \$325,913.06

3. To authorise the Director Customer and Transformation to approve, sign and execute the second extension to contract agreement Boomi Australia Pty Ltd on behalf of the Council

4. To note expenditure under this contract is in accordance with Council's 2022/23 adopted budgets and expenditure in future years will be in accordance with Council's foreshadowed budget allocations as defined in the Long-Term Financial Plan

CARRIED

7.12 Asset Management Policy

Purpose

The purpose of this report is to present the revised Asset Management (AM) Policy 2022 for adoption by Council. The AM Policy is the overarching document that outlines the principles, requirements, and responsibilities for undertaking asset management activities across Council in a structured, coordinated approach that provides the greatest benefit to the community and supports Council Services.

Next Steps

Progress against the goals identified in the Policy will be measured and reported through Council's Corporate Planning and Reporting System. The next review of the Policy is planned for November 2026.

MOTION

Moved Councillor Sinfield

Seconded Councillor Biggar

That Council adopt the Asset Management Policy 2022 as annexed to the minutes.

CARRIED

8. General business

8.1 Leave of Absence - Councillor Watson, Councillor Stavrou, Councillor Biggar and Councillor Thompson.

Councillor Stavrou and Councillor Biggar declared a material conflict of interest in Item 8.1 General Business in accordance with section 128 of the Local Government Act 2020 and the Governance Rules.

Councillor Stavrou and Councillor Biggar advised that the nature of their interest is that the request is for a personal leave for the dates requested.

Councillor Stavrou and Councillor Biggar exited the meeting at 7.35pm prior to the consideration and vote on this item.

MOTION**Moved Councillor Sinfield****Seconded Councillor Parke****That Council resolve to grant:**

- 1. Councillor Watson a leave of absence from 1 November until 5 December 2022 inclusive.**
- 2. Councillor Stavrou a leave of absence from 1 November until 26 November 2022 inclusive.**
- 3. Councillor Biggar a leave of absence for Monday 14 November 2022.**
- 4. Councillor Thompson a leave of absence for Monday 28 November 2022.**

Procedural motion - the closure**Moved Councillor Sinfield****Seconded Councillor Parke****That the motion be now put.****CARRIED****The substantive motion was put and CARRIED***Councillor Stavrou and Councillor Biggar returned to the meeting at 7.41pm.***8.2 Maintenance of Council Parks and Reserves**

Councillor Franco noted that he has received correspondence from members of the community regarding the state of park maintenance. Of particular concern is the length of the grass in Council owned parks and reserves.

The Director Places and Spaces responded that recent rain has made it very difficult for the heavy mechanical mowers to enter the reserves to mow the lawn. He continued that a social media campaign has been created to inform the community on this issue.

9. Urgent business

Nil

10. Confidential business**10.1 Contract 2020/1 Variation No. 3 - Boroondara Leisure and Aquatic Facilities**

Procedural Motion - Closure of the meeting to the public**Moved Councillor Gillies****Seconded Councillor Sinfield**

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 confidential items.
2. This is confidential information for the purposes of section 3(1) of the Local Government Act 2020:
 - a) because it is private commercial information, being information provided by a business, commercial or financial undertaking (section 3(1)(g)); and
 - b) this ground applies because the agenda item contains the commercial information of a private business whereby the release would expose said business to disadvantage.

CARRIED*The Council meeting was closed to the public at 7.45pm***Procedural Motion - Re-opening of the meeting to the public****Moved Councillor Gault****Seconded Councillor Gillies****That the Council meeting be re-opened to the public.****CARRIED***The Council meeting was reopened to the public at 8.46pm with all Councillors present except Councillor Thompson and Councillor Watson.***The meeting concluded at 8.47pm****Confirmed****Chairperson**

Date

MINUTES ATTACHMENTS



Council

Monday 28 November 2022

Attachments annexed to the minutes for the following items:

4. Informal Meetings of Councillors

7.12 Asset Management Policy

Record of Informal Meetings of Councillors

Assembly details	Councillor attendees	Officer attendees	Matters discussed	Conflict of Interest disclosures
Councillor Briefing & Discussion 26 September 2022	Cr Jane Addis Cr Jim Parke Cr Felicity Sinfield Cr Wes Gault Cr Di Gillies Cr Lisa Hollingsworth Cr Cynthia Watson Cr Garry Thompson Cr Nick Stavrou Cr Victor Franco	Phillip Storer (CEO) Mary-Anne Palatsides (ADPS) Carolyn McClean (DCS) Scott Walker (DUL) Mans Bassi (DCT) Amy Montalti (CFO) Bryan Wee (MGL) Fiona Brown (MCPD) Elizabeth Manou (SGO) Jacqui Buckland (CDO)	<ul style="list-style-type: none"> 2022-23 Annual Community Strengthening Grants Allocation Report Virtual Attendance Microphones in Council Chamber Defibrillators 	Nil
Councillor Briefing & Discussion 10 October 2022	Cr Jane Addis Cr Jim Parke Cr Felicity Sinfield Cr Wes Gault Cr Di Gillies Cr Lisa Hollingsworth Cr Cynthia Watson Cr Susan Biggar Cr Garry Thompson Cr Nick Stavrou	Phillip Storer (CEO) Mary-Anne Palatsides (EMPCD) Daniel Freer (DPS) Scott Walker (DUL) Amy Montalti (CFO) David Shepard (MESOS) David Cowan (MSSP) Christian Wilmsen (CSP) Bryan Wee (MGL) Matthew Dixon (CES) Jessica Donaldson (PSP) Liam Merrifield (SGO) Brendon Burke (SLA)	<ul style="list-style-type: none"> Boroondara Housing Strategy 2022 Part 1 - Overview and background research Public Realm Asset Manual CEO Matters (Verbal Report) 	Nil
Councillor Briefing & Discussion 13 October 2022	Cr Jane Addis Cr Jim Parke Cr Felicity Sinfield Cr Wes Gault Cr Di Gillies Cr Lisa Hollingsworth Cr Cynthia Watson Cr Susan Biggar Cr Garry Thompson Cr Nick Stavrou	Phil Storer (CEO) Mans Bassi (DCT) Carolyn McClean (DCS) Daniel Freer (DPS) Scott Walker (DUL) Amy Montalti (CFO) Mary-Anne Palatsides (EMPCD) Bryan Wee (MGL) Jennifer Reid (MSP) Nick Lund (MSP) Christine White (AMHWS) Andrew McHugh (MHWS) Sam Taylor (SCSR) Sapphire Allan (CMA) Georgina Wignall (ACSPR)	<ul style="list-style-type: none"> An overview of Council's budget position and the challenges and external influences impacting delivery of the capital works program. (N/A). Decision on the options to respond to current financial challenges. (Council - Draft Budget 2023-24) 	Nil

Record of Informal Meetings of Councillors

Assembly details	Councillor attendees	Officer attendees	Matters discussed	Conflict of Interest disclosures
Councillor Briefing & Discussion 17 October 2022	Cr Jane Addis Cr Jim Parke Cr Felicity Sinfield Cr Wes Gault Cr Di Gillies Cr Cynthia Watson Cr Susan Biggar Cr Garry Thompson Cr Nick Stavrou Cr Victor Franco	Phillip Storer (CEO) Bryan Wee (MGL) Elizabeth Manou (SGO) Nathan Gee-Landman (Technician)	<ul style="list-style-type: none"> Matters arising from the UPDC - 17 October 2022 Metropolitan Transport Forum 	Nil
Councillor Briefing & Discussion 24 October 2022	Cr Jane Addis Cr Jim Parke Cr Felicity Sinfield Cr Wes Gault Cr Di Gillies Cr Lisa Hollingsworth Cr Cynthia Watson Cr Susan Biggar Cr Garry Thompson Cr Nick Stavrou Cr Victor Franco	Phillip Storer (CEO) Daniel Freer (DPS) Carolyn McClean (DCS) David Shepard (MESOS) David Cowan (MSSP) Fiona Brown (MCPD) Nick Lund (MLC) Paul Mitchelmore (MCS) Christian Wilmsen (CSP) Bryan Wee (MGL) Matthew Dixon (CES) Caddy Purdy (SCCS) Robert Costello (PSP) Nick Brennan (SSP) Amaya De Silva (SSP) Wendy Smith (SPC) Liam Merrifield (SGO)	<ul style="list-style-type: none"> Solar Panels in Heritage Overlays High Street Commercial Precinct Peer Review - Ashburton Heritage Gap Study Draft Community Strengthening Grants Policy 2022 Development of a Management Plan for Back Creek East and Medlow Reserve Outdoor Trading Policy, Footpath Trading Guidelines, Outdoor Dining Structure Guidelines and Parklet Guidelines Councillor Conduct Kew Rec Centre 	Nil

MINUTES ATTACHMENTS



Council

Monday 28 November 2022

Attachments as annexed to the resolution:

7.12 Asset Management Policy

Asset Management Policy

2022

Responsible Directorate: Asset and Capital Planning
Authorised By:
Date of Adoption: Pending
Review Date:
Policy Type: Council





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1 Introduction

1.1 Purpose

This policy sets out the principles by which Council ensures its' infrastructure assets are managed, providing the best value to the Boroondara community in the long term.

This policy aims to ensure:

- Council's role in providing leadership and governance is clearly defined;
- A sound framework is in place to manage infrastructure in the long term; and
- Asset related decisions align with community expectations and support service needs in a sustainable manner.

1.2 Scope

This policy provides a framework for the procedures, processes, systems and asset information required to manage Council's infrastructure assets to ensure those assets support service objectives. It applies to the management of all Council's infrastructure assets, including buildings, park infrastructure, natural assets such as trees, vegetation and landscaping, and the road, path, and drainage networks.

1.3 Corporate Framework

This policy supports Council's Mission and Vision by addressing the objectives of the Boroondara Community Plan 2021-2031:

- Community services and facilities are high quality, sustainable, inclusive and strengthen resilience;
- Green and open spaces are provided, well-utilised and enhanced;
- The environment is considered in all decision making;
- Protect the heritage and respect the character of Boroondara while facilitating appropriate, well-designed development;
- Travel options are safe, efficient and accessible, with active and public transport encouraged;
- Support local businesses and enhance shopping precincts, fostering a strong economy and welcoming places for the community; and
- Ensure decisions are financially and socially responsible through transparent and ethical processes.

2 Background

2.1 Policy environment

Council adopted its first Asset Management Policy in 2011, aligning the policy to the requirements of the National Asset Management Framework.

This policy continues the previous asset management document framework with an overarching policy document that establishes objectives, principles and responsibilities. It is supported by an asset management strategy that documents Council's asset management practices and how they will be improved and asset



management plans that determine the long-term programs required to meet service objectives for each asset class.

2.2 Policy context

The Local Government Act 2020 has reinforced Council's need for comprehensive asset management practices. It has introduced additional strategic planning requirements that mandate the development of an Asset Plan that is integrated with Council's vision (Community Plan) and long-term financial plan and is supported by deliberative engagement.

3 Methodology

This policy has been prepared, giving regard to the required future direction of Council's asset management practices and their critical role in supporting the delivery of services to the Boroondara community.

The following guidelines have been considered in the development of this Policy

- ISO 55000 Asset Management Standards
- International Infrastructure Management Manual (IIMM)
- National Asset Management Assessment Framework (NAMAF)
- Local Government Asset Management Better Practice Guide

This policy has been developed in consultation with Council departments represented on an internal Asset Management Steering Group.

4 Policy statement

This policy aims to sustainably operate and manage the City of Boroondara assets in accordance with defined levels of service whilst minimising lifecycle costs.

Five key principles for Infrastructure AM are identified in the IIMM and have been adapted to guide the development of AM practices at Boroondara. These principles are:

- Providing defined levels of service that are consistent with the Boroondara Community Plan and relevant governance and strategic planning instruments and monitoring performance in relation to those levels of service
- Managing the impact of changes in the demand for services (growth as well as decline) through demand management, infrastructure investment and other strategies
- Taking a lifecycle approach to developing cost-effective strategies for the long term that meet defined levels of service
- Identifying, assessing, and appropriately controlling risks, including the long-term risks associated with climate change
- Having financial forecasts based on sound asset management practices that both inform and are consistent with the City of Boroondara's Long-Term Financial Plan.



The Aim of this policy will be realised through the achievement of the following:

1. Establish and maintain a framework to enable the development and application of sound Asset Management practices throughout the organisation.
2. Understand and consider community expectations in all significant decisions affecting infrastructure.
3. Ensuring a forward-looking, long-term view to the provision and management of infrastructure assets is undertaken.
4. Ensuring confidence in AM outputs through the application of quality processes and procedures.
5. Ensuring ready access to all relevant information on individual assets, including physical parameters and data on valuation, condition, maintenance history, performance and risk.

5 Implementation and monitoring

5.1 Implementation

This policy will be enacted through the implementation of an Asset Management Strategy that is overseen by an internal Asset Management Steering Group.

5.2 Evaluation

Progress against the goals identified in section 4 of this policy will be measured using the assessment tool provided by the National Asset Management Assessment Framework and reported through Council's Corporate Planning and Reporting system.

5.3 Roles and responsibilities

The following provides an overview of asset management roles and responsibilities at the City of Boroondara.

Council:

- To act as stewards of the physical assets for current and future generations.
- To set the Asset Management Policy.
- To approve the Boroondara Community Plan, Long-Term Financial Plan and Annual Budget.
- To allocate appropriate resources for asset management practices.

Executive Leadership Team:

- To approve the Asset Management Strategy.
- To provide leadership and direction in implementing the Asset Management Policy and the Asset Management Strategy.
- To ensure that community needs and the outcomes of service reviews are incorporated into asset management planning and the Strategic Resource Plan.

Asset Management Steering Group:

- To oversee the implementation of the Asset Management Policy and Strategy.



- To oversee ongoing development and review of service plans and asset management plans.
- To ensure that community needs and the outcomes of service reviews are incorporated into asset management plans.
- To monitor asset management performance, issues and opportunities across the organisation and report outcomes to the Executive Leadership Team.
- To ensure that asset management is integrated with the corporate governance framework.
- To ensure that training of staff in financial and asset management practices is provided.

Asset Managers and Staff:

- To implement the Asset Management Strategy.
- Review and regularly update asset management plans for all physical assets.
- To develop and deliver maintenance, renewal, upgrade and new capital programs in accordance with the Asset Management Policy, Strategy, Plans and allocated budgets.
- To ensure compliance with legislative and statutory obligations.
- To report on asset management performance and outcomes to Council.
- To deliver agreed service levels.
- To monitor asset management performance, issues and opportunities across the organisation and report outcomes to the Asset Management Steering Group.

5.4 Accountabilities

For all queries or feedback regarding this policy, please use the contact details for the responsible department below.

Position Title	Contact number	Contact department email
Asset Management	03 9278 4505	boroondara@boroondara.vic.gov.au

6 References

6.1 Related documents

The following provides an overview of related documents, noting it is not intended to be an exhaustive list.

- Local Government Act 2020
- Boroondara Community Plan 2021-31
- Long Term Financial Plan
- Asset Management Strategy
- International Infrastructure Management Manual
- ISO 55000 Asset Management Standards



6.2 Definitions

The following provides definitions for key terms used throughout the policy.

Infrastructure Assets

Physical items (e.g. roads, drainage, buildings, parks, etc.) that contribute to meeting community need for services. They are typically part of large, interconnected networks or portfolios of assets. The components of these assets may be separately maintained, renewed, or replaced so that the required level of service is continuously sustained.

Asset Management

The combination of management, financial, technical and other practices that are applied to physical assets with the objective of providing the required level of service in the most sustainable, cost-effective manner.

Asset Manager

Responsible officer tasked with ensuring the effective planning, development and delivery of sustainable asset management practices in accordance with strategic objectives and funding constraints.

Asset Management Plan

Long-term plan (usually 10 - 20 years) that outlines the activities, programs and resources applied to sustainably providing defined levels of service in the most cost-effective manner.

Asset Management Policy

A document that outlines the key principles for undertaking asset management across the organisation in a systematic and coordinated manner, consistent with the organisation's strategic objectives.

Asset Management Steering Group

An internal group of service and asset managers responsible for coordinated oversight of asset management practices and performance across the organisation.

Asset Management Strategy

A document that outlines the specific objectives and related actions that the organisation will implement over a defined period (usually three to five years), consistent with the principles outlined in the Asset Management Policy. This is achieved by reference to current practices and anticipated future changes, disruptors, opportunities and challenges.

Boroondara Community Plan

The organisation's key strategic document defines the 10-year vision for the community's future. This vision is aligned with the priorities identified through deliberative community engagement.

Council Plan

A document that outlines how, over the course of the four-year Council term, the organisation intends to deliver on the vision articulated in the community plan. The Council Plan is implemented through commitments set out in annual budgets.

Executive Leadership Team

The organisation's peak leadership group comprises the Chief Executive Officer and all Directors.

Level of Service



The defined service standard for a particular activity against which performance may be measured. Service levels usually relate to quality, quantity, reliability, responsiveness, environmental acceptability and cost.

Lifecycle Cost

The total cost of an asset throughout its life, including planning, design, construction, acquisition, operation, maintenance, renewal and disposal costs.

Long-Term Financial Plan

A plan for generating, spending and saving future income, as well as raising and repaying borrowings as appropriate. Highlights the financial implications of the organisation's proposed activities and anticipated events over a specified period (usually 10 years).

Maintenance

All actions necessary for retaining an asset as near as practicable to its original condition and service potential, but excluding renewal.

National Asset Management Assessment Framework

Nationally recognised framework for the self-assessment of an organisation's asset management maturity. It is comprised of specific assessment questions across eleven elements and two levels of maturity (core and advanced).

New (Capital)

The construction or acquisition of new assets, as distinguished from the renewal or upgrade of existing assets.

Operation

The active process of utilising an asset that will consume resources such as workforce, energy, chemicals and materials.

Renewal

Works to rebuild or replace an asset, to restore it to a required functional condition and deliver its intended service potential.

Service Manager

Responsible officer tasked with ensuring the effective planning, development and delivery of sustainable community services in accordance with strategic objectives and funding constraints.

Upgrade

The replacement or augmentation of all or part of an existing asset that increases the available service potential (e.g. increase in functional capacity).