

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

A handwritten signature in black ink, appearing to be a stylized 'J' or similar character.

Table of contents

1.	Adoption and confirmation of the minutes	3
2.	Declaration of conflict of interest of any councillor or council officer	3
3.	Deputations, presentations, petitions and public submissions	3
4.	Informal Meetings of Councillors	4
5.	Public question time	4
6.	Notices of motion	4
7.	Presentation of officer reports	4
7.1	Maling Road Shopping and Business Centre - Marketing and Business Development Fund	5
7.2	Greythorn Shopping and Business Centre - Marketing and Business Development Fund	9
7.3	Ashburton Shopping and Business Centre - Marketing and Business Development Fund	12
7.4	September 2022 Quarterly Performance Report	16
7.5	Amendment C378boro - 1 Cherry Road, Balwyn Heritage Overlay - Outcomes of exhibition	17
7.6	Contract No 2021/122 Annual Supply of Drainage Construction and Associated Works	19
7.7	Contract No 2021/123 Annual Supply of Concrete, Bluestone and Associated Works	20
7.8	Contract No 2022/93 North Balwyn Senior Citizens Centre Refurbishment Works	22
7.9	Contract No 2022/121 Road Resurfacing and Associated Services Contract No. 2022/121, Road Resurfacing and Associated Services - Regional Procurement Eastern Network	24
7.10	2022-2031 Melbourne East Regional Sport and Recreation Strategy	26
7.11	Contract No. 2019/5A - Enterprise Service Bus Extension	27
7.12	Asset Management Policy	29
8.	General business	29
8.1	Leave of Absence - Councillor Watson, Councillor Stavrou, Councillor Biggar and Councillor Thompson.	29
8.2	Maintenance of Council Parks and Reserves	30
9.	Urgent business	30
10.	Confidential business	30
10.1	Contract 2020/1 Variation No. 3 - Boroondara Leisure and Aquatic Facilities	30

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 LGBTIQA+ 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

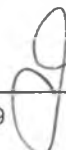
8. General business

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



 19/06/22

