

# **COUNCIL MEETING**

## **REVISED AGENDA**



(Open to the public)

**6.30pm, Monday 26 February 2024**

Council Chamber, 8 Inglesby Road, Camberwell

Date of Issue 23 February 2024

Please note: No audio, video, photographic or any other recording of proceedings at Council or Delegated Committee meetings is permitted without written authority from Council.

### **Order of Business**

- 1 Adoption and confirmation of the minutes of the Council meeting held on 18 December 2023**
- 2 Declaration of conflict of interest of any councillor or council officer**
- 3 Deputations, presentations, petitions and public submissions**
- 4 Informal Meetings of Councillors**
- 5 Public question time**
- 6 Notices of motion**
  - 6.1 Australia Citizenship Ceremony
- 7 Presentation of officer reports**
  - 7.1 Bi-annual Report from the Audit and Risk Committee
  - 7.2 Contract 2023/213 - Record Storage and Imaging Services
  - 7.3 Economic Development Strategy
  - 7.4 Award of Contract 2023/119 Biodiversity Sites Maintenance Contract - Panel
  - 7.5 December 2023 Quarterly Performance Report
  - 7.6 Adoption of Election Period Policy

- 7.7 Proposed removal of reserve status and sale of drainage reserve -  
Adjoining 68 to 110 Illawarra Road, 73 to 107 Kooyongkoot Road  
and 9A and 11 Reserve Road, Hawthorn
- 7.8 Instrument of Appointment and Authorisation - Environment  
Protection Act 2017
- 7.9 Organised Sport Seasonal Allocation Policy
- 7.10 North East Link: Koonung Creek Reserve master plan
- 7.11 Terms of Reference for CEO Employment and Remuneration  
Advisory Committee
- 7.12 CEO Employment and Remuneration Advisory Committee -  
Independent Advisor

**8 General business**

**9 Urgent business**

**10 Confidential business**

**Close of meeting**



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## **6 Notices of motion**

### **6.1 Australia Citizenship Ceremony**



## **Notice of Motion - Number 54**

### **Subject: Australia Citizenship Ceremony**

I intend to move the following motion at the Council Meeting to be held on 26 February 2024:

That Council resolve to act on the petition tabled at Council on the 27 November 2023 and undertake community consultation on whether Boroondara Council should conduct a citizenship ceremony on a day other than 26 January in 2025 and beyond in accordance with the Australian Citizenship Ceremonies Code.

**Councillor Victor Franco**

**Councillor Susan Biggar**

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## 7 Presentation of officer reports

### 7.9 Organised Sport Seasonal Allocation Policy

#### Executive Summary

##### Purpose

This report presents the draft *Organised Sport Seasonal Allocation Policy* (draft Policy) (**Attachment 1**) for Council endorsement for community consultation.

##### Background

The draft Policy delivers on a key initiative of the Boroondara Sport and Recreation Strategy 2016 and associated Action Plan (Action 3.10) to:

*'Develop a sportsground allocation policy to facilitate appropriate ground usage by sports club, schools and other stakeholders'* (page 8).

This report outlines a draft Policy for the seasonal allocation of outdoor sportsgrounds to sports clubs, schools and other community groups. The draft Policy does not include the allocation of sporting assets used all year round, for example tennis and bowls clubs.

Council provides a total of 54 sportsgrounds and 39 community and sports pavilions, the community can access to be physically active. Having access to and participating in sport and recreation activities provides many physical, mental and social benefits for the community. Sportsgrounds (and associated pavilions) primarily support field-based sports; including athletics, Australian rules football, baseball, cricket, lacrosse, rugby, soccer, and ultimate frisbee.

Sports clubs and schools can apply for a seasonal allocation to use sportsgrounds and pavilions during the summer (1 October - 31 March) or winter (1 April - 30 September) seasons.

Where a seasonal allocation request is approved, the user group is issued a seasonal licence agreement which incurs a fee for use.

This report acknowledges other community members and stakeholders also use Council's sportsgrounds and pavilions. The scope of this policy and associated report relates to the governance required to support seasonal allocation arrangements.

##### Key Issues

There are a number of issues identified with the current seasonal allocation process, which include:

- There is currently no policy to guide allocation of sportsgrounds and associated pavilions
- Clubs currently request an 'allocation' to a sportsground for entire evenings or days even if they don't require all hours (blanket bookings)
- There are historical practices or operating arrangements that prevent allocation of sportsgrounds in some instances, such as not allowing night matches.

The development of the draft Policy allows Council to:

- to provide a consistent and transparent approach to seasonal allocations to Council's sportsgrounds and pavilions for local/community sports clubs who provide health and wellbeing benefits to the Boroondara community
- deliver on the Boroondara Sport and Recreation Strategy's Action 3.10 outlined above, and
- deliver opportunities outlined in the Sportsground Provision Project including expanding hours of sportsground use and allowing night matches as well as encouraging clubs to only request hours required. (Council's Sportsground Provision Project is an initiative to address increased demand on sportsgrounds for organised sport use).

### Scope

The draft Policy:

- covers seasonal allocations to Council sporting assets that facilitate organised sport on a regular basis via a seasonal allocation licence agreement with Council
- outlines when casual bookings are required
- excludes non-sporting users of Council's sportsgrounds and pavilions (including fitness groups/personal trainers, neighbourhood houses and dog trainers). Non-sporting users of Council's sportsgrounds will be managed under a separate policy which is currently being developed, we anticipate seeking feedback on this policy early in 2025
- excludes specialised sporting assets, where Council provides year-round access to sports clubs and user groups via lease and licence agreements (such as tennis facilities).

### Consultation

Two seasonal sports club forums were conducted in November and December 2023 where officers presented draft Policy key elements and next steps. Following the two club forums, seasonal sports clubs were sent a survey in December 2023 outlining the draft Policy key elements to understand sports club initial thoughts and issues.

This engagement indicated general support of the draft Policy key elements. As a result of feedback, officers made one minor change to the draft Policy, which is outlined in the body of the report.

## **Officers' recommendation**

That Council resolve to:

1. Endorse the draft Organised Sport Seasonal Allocation Policy (**Attachment 1**) to be released for community consultation in February 2024.
2. Receive a further report, outlining community consultation feedback, consideration of changes and presentation of the final Organised Sport Seasonal Allocation Policy for adoption.

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**Responsible director:** Kate McCaughey, Director Community Support

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## 1. Purpose

This report presents the draft *Organised Sport Seasonal Allocation Policy* (draft Policy) (**Attachment 1**) for Council endorsement for community consultation.

## 2. Policy implications and relevance to community plan and council plan

Documents referenced in the development of the draft *Organised Sport Seasonal Allocation Policy* include:

- *Boroondara Community Plan 2021-2031*
- *Boroondara Sport and Recreation Strategy 2016 (and associated Action Plan)*
- *Boroondara Open Space Strategy 2013*
- *Council Assets - Leasing and Licensing Policy 2017*
- *Development and Funding of Community Pavilions - Sport and Recreation 2019*
- *Victorian Government Fair Access Policy Roadmap*.

### 2.1 Boroondara Community Plan 2021- 2031 (BCP)

Specific strategies from the BCP that relate to participation in sport include:

Strategy 1.1 Neighbourhoods and community spaces facilitate social connections and belonging by providing, maintaining and activating places for people to meet, organise activities and celebrate events.

Strategy 1.2 Health and wellbeing is improved through delivering, facilitating and advocating for services and programs that are accessible and affordable.

Strategy 1.4 Facilities and sports precincts encourage equal access through social planning, delivery, asset maintenance and renewal activities.

Strategy 2.1 Parks and green spaces enable sport and recreation opportunities by maintaining and improving recreation spaces and equipment.

### 2.2 Boroondara Sport and Recreation Strategy 2016 (BSRS)

The draft Policy delivers on a key initiative of the Boroondara Sport and Recreation Strategy and associated Action Plan (Action 3.10) to:

*'Develop a sportsground allocation policy to facilitate appropriate ground usage by sports club, schools and other stakeholders'* (page 8).

The priority area from the BSRS directly relating to organised sport is *Priority Area 3 - Participation* - 'Incorporating a focus on getting more people active more often and achieving a balance in the use of open space, sportsgrounds and facilities for structured and unstructured recreation'.

## 2.3 Boroondara Open Space Strategy 2013 (BOSS)

The BOSS principle of 'Recreational', states that open space should encourage the community to be outside, play sport, exercise and/or keep fit to improve their health and wellbeing.

The BOSS also outlines open space character classifications, which indicate the intent of use for different types of open space. The majority of Boroondara's sporting reserves/precincts have the primary character classification of 'Sporting', which states that the space is to be primarily used for organised club-based sport, with the facilities made available for general public use when no organised sport is in progress.

## 2.4 Council Assets - Leasing and Licensing Policy 2017

Detail on the types of Council agreement and the requirements for each agreement from the Council Assets - Leasing and Licensing Policy informed the development of this policy.

One of the objectives of the Leasing and Licensing Policy is to optimise use by the Boroondara community of Council assets, encouraging multi use to maximise capacity of existing facilities before constructing new facilities (page 5).

## 3. Background

Some 54 sportsgrounds and 39 community and sport associated pavilions are provided by Council to support the community to be physically active. Sportsgrounds (and associated pavilions) are primarily used for organised field-based sports including athletics, Australian rules football, baseball, cricket, lacrosse, rugby, soccer, and ultimate frisbee. Outside of organised sport use, sportsgrounds are also highly utilised by the community for informal recreational activities, such as running, walking and dog walking.

Sports clubs and schools can apply for a seasonal allocation to use sportsgrounds and pavilions during the summer (1 October - 31 March) or winter (1 April - 30 September) seasons.

Where a seasonal allocation request is approved, the user group is issued a seasonal licence agreement which incurs a fee for use.

Council currently provides a range of groups with a seasonal allocation to sportsgrounds which includes dog training groups, fitness groups, personal trainers, schools and sports clubs.

Specialised sporting assets, where Council provides year-round access to sports clubs and user groups via lease and licence agreements are not considered seasonal tenants nor managed via the seasonal allocation process. This includes, but is not limited to bowls, croquet, hockey, pétanque and tennis facilities.

In 2022, the Victorian Government introduced the *Fair Access Policy Roadmap*, which includes the mandate for all Victorian councils to have gender equitable access and use policies in place by 1 July 2024 to be eligible for State Government community sport infrastructure funding programs.

The *Fair Access Policy* aims to develop a statewide foundation to improve access to, and use of, community sports infrastructure for women and girls. The City of Boroondara has been successful in securing Victorian Government community sport infrastructure funding over the last 5 years. Examples of Victorian Government supported projects include Victoria Park, Balwyn Park, Lewin pavilion renewals and Warner Reserve and Rathmines sportsground lighting projects. Embedding the *Fair Access Policy Roadmap* principles within the Organised Sport Seasonal Allocation Policy ensures the City of Boroondara remains eligible for Victorian Government funding and aligns with the *Gender Equality Act 2020*. It will also promote a wider culture of gender equity and considers a more even spread of scheduling, access and use of facilities.

The City of Boroondara is one of the most physically active municipalities in the state with residents participating in sport and recreation at much higher rates than the Victorian and Australian averages<sup>1</sup>. In 2019, 93.8% of City of Boroondara residents participated in sport and recreation, this is higher than Victorian (88.4%) and National (87.8%) participation rates.

Increases in sport and recreation participation has resulted in an increased demand for sportsground organised sport use. Council has identified some opportunities to address these challenges through the Sportsground Provision Project, with the following opportunities identified through this initiative and also included in the draft Policy:

- Involve leagues and associations as part of the seasonal allocation process to determine training requirements and frequency
- Increased hours of ground use (balanced with ground condition and carrying capacity)
- Ongoing data collection, including allowing clubs to adjust their booking a few weeks into the season when they have more certainty of the number of teams they will have for the season. This will ensure allocations reflect the time required, reduce blanket bookings and enable Council to have a more accurate understanding of hours of use on sportsgrounds
- Consideration of night matches.

There are a number of key drivers which have led to the development of the draft *Organised Sport Seasonal Allocation Policy*, these include:

- Deliver action 3.10 from the Sport and Recreation Strategy
- There is currently no policy to guide allocation of sportsgrounds and associated pavilions
- There are issues with the current seasonal allocation approach, which are outlined in **Table 1**, Section 4
- Realisation of opportunities identified in the Sportsground Provision Project, including expanding hours of sportsground use and the provision of night matches.

The draft *Organised Sport Seasonal Allocation Policy* (**Attachment 1**) provides a governance framework for how sportsground and pavilion seasonal allocations will be assessed and applied.

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<sup>1</sup> Sport and Recreation Household survey 2019, City of Boroondara



#### 4. Outline of key issues/options

There are several issues with the current allocation process which are outlined in **Table 1**.

**Table 1: Issues with the current allocation process**

Issue	Implications
1. There is no written policy to guide the allocation of sportsgrounds and pavilions	<ul style="list-style-type: none"> <li>• Lack of consistency or clarity around which user groups receive an allocation</li> <li>• Challenge for officers to determine and justify why one user group received allocation over another</li> <li>• Issues are created when groups other than sports clubs are managed as a seasonal tenant as the seasonal licence agreement isn't always appropriate or aligned to these activities.</li> </ul>
2. Clubs request 'blanket bookings' of sportsground for entire evenings or days	<ul style="list-style-type: none"> <li>• Council is unable to provide an allocation to other user groups when a club isn't using all hours of their allocated 'time block'.</li> </ul>
3. Allocations to Council sportsgrounds are given to schools who have access to their own sportsgrounds	<ul style="list-style-type: none"> <li>• Limits the ability to allocate these grounds to other local/community sports clubs with demonstrated need or for community use.</li> </ul>
4. There are Council historical practices that prevent allocation of grounds in some circumstances e.g., no night matches	<ul style="list-style-type: none"> <li>• Officers are unable to optimise allocation/use of sportsgrounds to accommodate increased demand in winter.</li> </ul>

The draft Policy aims to address the above issues and includes a number of key elements:

- Policy principles
- Scope
- School use
- Allocation process
- Hours of use
- Night matches
- Pre-season and practice matches.

##### Policy principles

Policy principles have been developed and included in the draft Policy. The principles reflect information gathered during the research phase of policy development. They consider the following key inputs:

- (i) the Boroondara strategic context
- (ii) current issues and implications, and

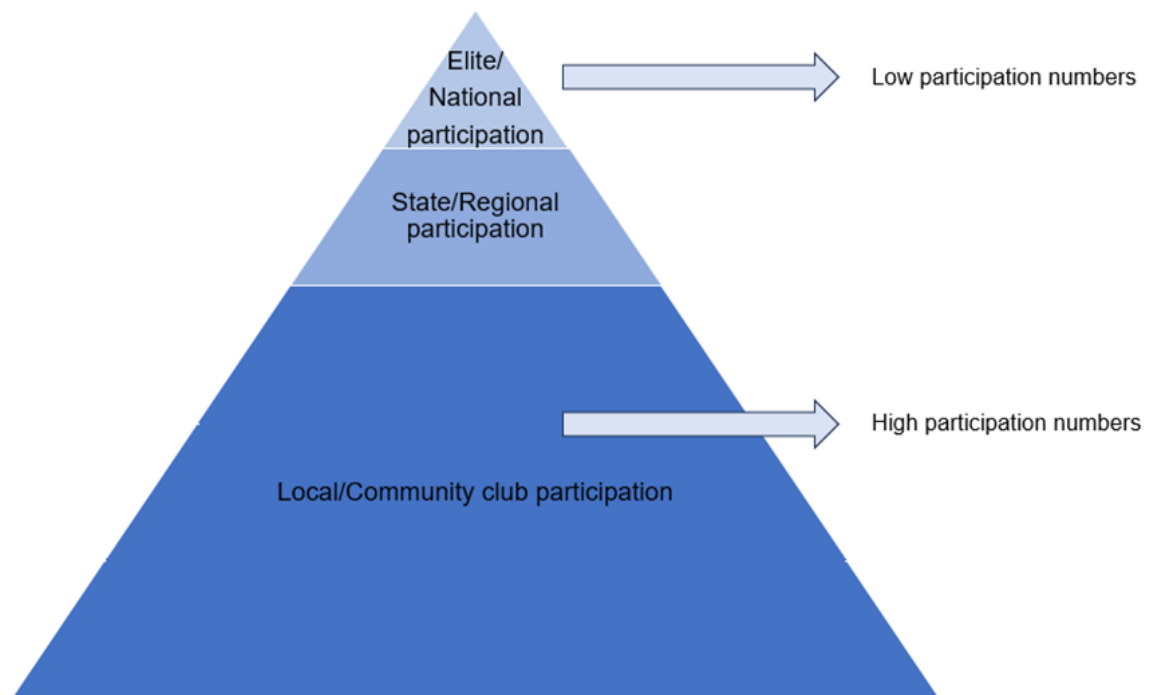
(iii) benchmarking of neighbouring Councils.

Principles outlined in the draft policy are:

- Community Access
- Fairness and Consistency
- Sustainable Participation
- Fit for Purpose
- Equity
- Clarity and Simplicity.

### Scope

The City of Boroondara acknowledges participation in organised sport and recreation occurs at different levels, from local/community level through to elite, as shown in **Figure 1** below. Consistent with the Boroondara Sport and Recreation Strategy, Council's primary commitment is to local/community level participation (also refer to *Policy Statement* section 4 of the draft Policy).



**Figure 1: Organised Sport and Recreation Participation Model**

The Organised Sport and Recreation Participation Model depicts high participation occurring at the local/community club level through to elite/national participation, which has lower participation numbers overall. It's acknowledged that some clubs may have teams that compete at different levels of competition, ranging from local/community to state/regional.

*'Community Sport and Recreation: Resources for sport and recreation will be directed towards community level participation rather than for activities that are exclusively focused on elite participation.'* (BSRS, page 34).

A focus on local/community club level sport also aligns with Council's existing level of service for sporting asset provision. i.e., state/regional participation and elite/national sport have different capital requirements which is above what Council provides.

The development of the participation model and definitions considered State Sporting Association (SSA) definitions. This approach identified SSA's typically use three common categories to define levels of participation within each sport, these include:

1. Local community level competition
2. State/Regional and
3. National/elite.

### *Eligible groups*

Council currently provides a range of groups with a seasonal allocation to sportsgrounds which includes dog training groups, fitness groups, personal trainers, schools and sports clubs. This differs from neighbouring councils as most municipalities reserve seasonal allocations for sports clubs and provide access to other groups through different processes, such as permits and casual bookings. Four out of the five councils benchmarked manage personal trainers under a separate policy or guidelines document.

There have been several issues identified managing groups other than sports clubs under a Seasonal Allocation Policy, especially as a seasonal licence and associated guidelines for use isn't necessarily appropriate or aligned to the activities of other groups.

In order to address this, the draft Policy is recommending fitness groups/personal trainers and dog trainers to be managed under a separate policy which reflects the different nature of their activities and patterns of use. This policy is currently being developed and community consultation is expected to be undertaken in 2025. Policy implementation will assist Council to better manage the use of sportsgrounds.

### *School use*

Ten independent (or private) schools currently receive a seasonal allocation to Council sportsgrounds and pavilions outside of school hours.

Government (or public) schools tend to apply for seasonal allocations during school hours.

Although school training is generally scheduled earlier than the preferred training time for clubs (allowing for grounds to be shared) this use by schools reduces the overall number of hours a ground can be used each week (due to carrying capacity), thus limiting how much sports club use can be programmed overall. School use on weekends also significantly impacts Council's ability to accommodate additional local/community sports clubs' use.

While some schools have limited open space to accommodate these activities, others have their own dedicated sportsgrounds, but elect to use Council's facilities.

Limiting school access to Council grounds outside of school hours will safeguard school use from impacting local/community sports club access to sportsgrounds. However, this approach may inhibit future opportunities for reciprocal access to school facilities. Council currently has joint use agreements in place with St Kevins College and Auburn High School to allow local/community sports club access to school sporting assets.

In addition to this, Council is aware of local/community sports club use of school sporting assets through private, club organised agreements. The draft Policy recommends allowing schools to apply for a seasonal allocation for both inside and outside school hours to help facilitate opportunities to unlock future access to school facilities for local/community sports club use. However, school requests will be considered following local/community sports club requests, as outlined in the allocation approach (**Table 2** below).

#### Allocation approach

In order to identify how allocations would be prioritised across various user groups, it is important to consider the allocation of sporting assets as a whole.

**Table 2: Priority order**

<b>Detail</b>	Groups, outlined below, detail the priority order of use to Council sporting assets. This provides Council and user groups transparency of which group types have priority access to Council sporting assets.
<b>Draft Policy recommendation</b>	<ol style="list-style-type: none"> <li>1. Local/community sports clubs, including not for profit groups</li> <li>2. Boroondara Public Schools</li> <li>3. Boroondara Private Schools and commercial/private operators</li> </ol>
<b>Justification</b>	<ul style="list-style-type: none"> <li>• The BOSS primary character classification of 'Sporting' states that sportsgrounds should 'primarily provide for organised club-based sporting use and the outdoor grounds and assets are available for general public use when no organised sporting events are in progress</li> <li>• This order is consistent with most neighbouring municipalities</li> <li>• It aligns to the allocation principle 'fit for purpose'</li> <li>• Public schools are more universally accessible to the Boroondara community</li> <li>• School seasonal allocations help to facilitate opportunities to unlock future access to school facilities for community use.</li> </ul>

#### Allocation process

High demand for the use of Council sporting assets impacts Council's ability to approve all applications for use. Therefore, the draft Policy proposes to give priority to returning local/community sports clubs in-line with the priority order of use and Organised Sport and Recreation Participation Model for existing times and locations, before considering schools and new applications. This approach ensures existing clubs have a sense of security, ability to plan for the future and recognises clubs who have provided sporting opportunities to the Boroondara community for a long time and participants and families associated with clubs are provided certainty on club primary locations.

The process also allows for schools and new applications to be considered for remaining ground availability or when new times become available (for example when a sportsground with no lights has lights installed or a club no longer requires a night that they've previously used for training).

The proposed process would require all seasonal tenants to meet essential criteria to receive an allocation (outlined in **Table 3** below) which is in line with the allocation principle of 'fairness and consistency'. The essential criteria must be satisfied to be eligible for a seasonal allocation which is standard practice across many benchmarked Councils. In the event an existing or new application does not meet the essential criteria, an allocation for the sportsground and pavilion may not be provided. This gives officers the opportunity to manage current bookings and to remove clubs from grounds if they're not meeting minimum expected requirements.

**Table 3: Allocation Essential criteria**

Essential Criteria	Justification
1. Public liability insurance for a minimum of 20 million dollars	<ul style="list-style-type: none"> <li>Standard essential criteria based off benchmarking</li> <li>Existing requirement at City of Boroondara</li> <li>Requirement from a legal and risk management perspective.</li> </ul>
2. Registered as a legal entity (such as an Incorporated Association)	<ul style="list-style-type: none"> <li>Standard essential criteria based off benchmarking</li> <li>Existing requirement at City of Boroondara</li> <li>Requirement from a legal and risk management perspective.</li> </ul>
3. Have developed a Child Safe Policy/Child Protection Policy, which incorporates a 'Statement of commitment to child safety'	<ul style="list-style-type: none"> <li>Meets requirements set out in the Child Wellbeing and Safety Amendment (Child Safe Standards) Act 2015</li> <li>Ensures alignment to City of Boroondara Child safe Policy.</li> </ul>
4. Provide evidence of the following equitable access and use practices; <ul style="list-style-type: none"> <li>Provide a genuinely welcoming, safe, and inclusive environment</li> <li>Opportunities are provided for individuals from underrepresented groups, in particular women and girls to fully participate in all aspects of your club, including as a player, coach, administrator, official, volunteer and spectator</li> </ul>	<ul style="list-style-type: none"> <li>Ensures gender equitable access to and use of community sports infrastructure</li> <li>New requirement to align with the Victorian Government <i>Fair Access Policy Roadmap</i></li> <li>Addresses Victorian Government's Fair Access Policy principles</li> <li>Aligns with BCP Vision for "a sustainable and inclusive community" and Theme 1: Community, Services and Facilities strategic objective - Community services and facilities are high quality, sustainable,</li> </ul>

Essential Criteria	Justification
<ul style="list-style-type: none"> <li>Women and girls have equitable access to and use of Council's sporting assets.               <ul style="list-style-type: none"> <li>a. of the highest quality available and most convenient</li> <li>b. at the best and most popular competition and training times and locations</li> <li>c. to support existing and new participation opportunities, and a variety of sports</li> </ul> </li> <li>Women and girls are equitably represented in leadership and governance roles</li> </ul>	<p>inclusive and strengthen resilience.</p>
<p>5. Accept terms and conditions of allocation as stated on seasonal licence agreement (including submitting all relevant documentation). Returning tenants must have history of compliance with these terms and conditions</p>	<ul style="list-style-type: none"> <li>Standard essential criteria based off benchmarking</li> <li>Existing requirement at City of Boroondara</li> <li>Ensures the assets are used appropriately and there is equitable access to open space.</li> </ul>
<p>6. No outstanding debts owing to Council (or successfully adhering to an approved payment plan)</p>	<ul style="list-style-type: none"> <li>Standard essential criteria based on benchmarking</li> <li>Existing requirement at City of Boroondara</li> <li>Good financial and asset management practice.</li> </ul>
<p>7. Affiliated with a State Sporting Association (SSA) or other relevant peak body</p>	<ul style="list-style-type: none"> <li>Standard essential criteria based on benchmarking</li> <li>Existing requirement at City of Boroondara</li> <li>Ensures groups/clubs are reputable</li> <li>Supports organised sport.</li> </ul>
<p>8. Provide evidence of participant numbers, including breakdown of age, gender and postcode as part of seasonal allocation application</p>	<ul style="list-style-type: none"> <li>Common request during the allocation process</li> <li>Existing requirement at City of Boroondara</li> <li>Ensures allocations are needs based</li> <li>Enables greater understanding of the demographic cohort's Council is providing for in seasonal allocations.</li> </ul>

Essential Criteria	Justification
9. Provide a detailed schedule of proposed use for the requested allocation (including which team/s are scheduled for each session) <i>Update Council with updated schedule once teams, training times and fixtures have been finalised - 1 month into the start of the season</i>	<ul style="list-style-type: none"> <li>Some councils request this during the allocation process</li> <li>Existing requirement at City of Boroondara</li> <li>To ensure efficient allocation in order to accommodate the optimal number of groups and participants</li> <li>Allows clubs to adjust their allocation prior to invoices being finalised which may lead to assets becoming available for another group to use.</li> </ul>

#### Hours of use

The draft Policy recommends the hours of use outlined in **Tables 4** and **5**, inclusive of set up and pack up.

**Table 4: Sportsground hours of use**

Days	Current hours	Proposed hours
Monday, Tuesday and Wednesday	7.30am - 9.00pm	7.30am - 9.30pm
Thursday, Friday and Saturday	7.30am - 9.00pm	7.30am - 10.00pm
Sunday	7.30am - 9.00pm	7.30am - 9.00pm

\*Note: Sportsground hours of use are subject to ground carrying capacity and availability of lights.

**Table 5: Pavilion hours of use**

Days	Current hours	Proposed hours
Sunday, Monday, Tuesday and Wednesday	Sunday to Thursday 7.00am to 10.00pm	7.00am - 10.00pm
Thursday, Friday and Saturday	Friday and Saturday 7.00am - 11.00pm	7.00am - 11.00pm

Sportsground lighting may be used when natural light is not sufficient for safe conduct of sporting activities, in line with Australian Standards and state sporting association recommendations relevant to each sport, between the times noted in **Table 4** above.

The above proposed times are an amendment to the current hours of use, which includes:

- Extension of current sportsground time of 9.00pm to 9.30pm from Monday to Wednesday
- Extension of current sportsground time of 9.00pm to 10.00pm on Thursday, Friday and Saturday
- Extension of current pavilion time of 9.00pm to 10.00pm on Thursdays

The proposed hours of use allows clubs to train later on weeknights, enables night matches and ensures clubs have access to buildings that support sportsground use.

### Night matches

Night matches are not currently allowed on sportsgrounds. This blanket rule restricts allocation flexibility and doesn't align to the allocation principles, particularly 'sustainable participation'. As part of the Sportsground Provision Project officers held discussions with state and local associations/leagues and clubs about innovative and flexible match fixturing.

Development of the draft Policy explored the opportunity to allow night matches, as identified in the Sportsground Provision Project to help meet current and future demand. Officers identified that this would unlock additional access for participants but may impact residential amenity.

The draft Policy is proposing to permit night matches on select sportsgrounds that are deemed suitable by Council officers. Suitability of night match locations will be determined by factors such as site infrastructure, lighting quality, ground condition, ground carrying capacity and residential impacts.

As part of the process for allowing night matches, it is intended that sportsgrounds will be assessed annually to ensure ongoing suitability which will account for lighting upgrades, changes in ground condition and resident feedback. If a ground has new lights installed, officers would then assess its suitability for night matches, in line with the process noted above. If approved, the site would be added to the night match list as part of the annual review undertaken by officers, assuming the other criteria are met. Sportsgrounds approved for night matches will be listed on Council's website and updated annually.

### Pre-season training and practice matches

Access to sportsgrounds for pre-season training is not guaranteed, however Council will consider access for pre-season training subject to availability, ground condition and any restoration or preparation works that are required at grounds between seasons. Generally, access will be provided up to four months prior to the start of the season, but this timing is flexible.

During the winter pre-season period, seasonal tenants are not permitted to train on turf centre wicket areas. No studs and moulded footwear are to be worn during allocated pre-season training however the use of studs and moulded footwear will be permitted for pre-season matches only.

### Seasonal fees

Current fees will remain applicable for seasonal use of sportsgrounds and pavilions and applied as per Council's fees and charges schedule as outlined in [Appendix A of Council's adopted 2023-24 budget](#). Current fees are based on the following variables:

- Unit cost
- Ground rating
- Number of sessions
- Discounts (50% for junior sport and training sessions).

A review of seasonal fees will commence in 2025.



## 5. Consultation/communication

Two sports club forums were held in November and December 2023. Seasonal sports clubs were invited to hear about the development of the Organised Sport Seasonal Allocation Policy, which included a presentation on the draft Policy key elements such as policy principles, scope, school use, allocation process, hours of use, night matches and next steps.

Following sports club forums, seasonal sports clubs were sent a copy of the presentation and a link to a survey in December 2023 to obtain initial feedback on the draft Policy key elements.

The sports club survey was available from the 5 -15 December 2023. A total of 27 clubs were represented across both club forums and through club survey feedback.

Key draft Policy elements were generally well received by club representatives.

Issues identified by sports clubs during club forums and via the club survey are included in **Table 6** below which also outlines officers' response as a result of club feedback.

**Table 6.** Sports club feedback and officers' response

<b>Sports club feedback</b>	<b>Response</b>
Shared pavilion arrangements with third parties (i.e., casual bookings, schools) as instances have occurred where other parties have accessed club equipment and resources without permission	Review shared use of pavilions by third parties and casual booking terms and conditions of use with internal teams to address concerns raised by clubs
Limited pre-season training access	Access increased in draft Policy
Unclear how they can meet 'equitable access and use practices' (essential assessment criteria), particularly single sex clubs	Provide a clear and simple process for clubs to complete the equitable access and use practices requirements which outlines examples (for single sex clubs) through the allocation application process
Allocation impacts on clubs who have teams participating at differing levels of competition (local/community and state/regional)	Local/community sports clubs, that have received previous allocations for state/regional teams, will be assessed first in line with the allocation's priority order. The level of sport will only be considered when assessing new applications where there are competing requests
Future fees and charges review will result in increased fees	Consider fees and charges feedback received, as part of the fees review that will commence in 2025
Not understanding how the current fees and charges are applied.	Provide feedback to clubs who are unclear about how current fees and charges are applied

The next phase of consultation will involve seeking feedback from the broader community on the draft Policy. Pending Council endorsement of the draft Policy, consultation will commence late February.

Officers will consider further changes to the draft Policy based on feedback received during community consultation before a final Policy is presented to Council for adoption.

## **6. Financial and resource implications**

No changes are proposed to the current seasonal allocation fees as part of this draft Policy.

The Sport and Recreation team has an officer whose role includes assessing seasonal applications to sporting assets and invoicing for their use. Implementing the Policy would incur no additional cost to Council.

## **7. Governance issues**

No officers involved in the preparation of this report have a general or material conflict of interest requiring disclosure under chapter 5 of the Governance Rules of Boroondara City Council.

The recommendation contained in this report is compatible with the Charter of Human Rights and Responsibilities 2006 as it does not raise any human rights issues.

## **8. Social and environmental issues**

Having access to and participating in sport and recreation activities provides many physical, mental and social benefits for the community. The draft Policy allows Council a clear and transparent framework to implement this.

The draft Policy is aimed at supporting increased participation which also has potential impacts on resident amenity and the environment. It is recognised that there is a need to strike a balance to support participation but also protect resident amenity and the environment.

The draft Policy has considered ways to achieve this balance. Examples include:

- Feedback from residents regarding night match trials has been taken into consideration when identifying suitable night match locations and forms part of the assessment process run to identify suitable grounds.
- A forum for sports clubs has been held to encourage positive neighbour relations
- Council will continue to work with clubs to host forums, including a focus on strategies to minimise amenity impacts from increasing use of grounds and improve relationships with neighbours (Sportsground Provision Project opportunity)

## **9. Evaluation and review**

Following community consultation, officers will consider feedback received and finalise the Organised Sport Seasonal Allocation Policy for adoption by Council later in 2024.

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**Manager:**                    **Andrew McHugh, Manager Health and Wellbeing Services**

**Report officer:**        Deborah Frecker, Sport and Recreation Planner

# Organised Sport Seasonal Allocation Policy

Draft for consultation

2024

**Responsible Directorate:** Community Support

**Authorised By:** Council

**Date of Adoption:** <Date>

**Review Date:** <Date>

**Policy Type:** Council



BOROONDARA



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## 1 Introduction

### 1.1 Purpose

The purpose of the Organised Sport Seasonal Allocation Policy (the Policy) is to provide a consistent and transparent approach to how sportsgrounds and pavilions are allocated to local/community sports clubs, Boroondara schools and commercial/private operators who facilitate organised sport and recreation on a regular basis over a summer and/or winter season.

The Policy aims to:

- Support organisations who provide health and wellbeing benefits to the Boroondara community
- Maximise local/community club participation through efficient and flexible allocation which prioritises gender equitable access and use of sporting assets and appropriate usage fees
- Protect and manage Council assets
- Encourage equitable access to and use of Council sporting assets for as many members of the Boroondara community as possible to encourage and increase physical activity
- Support all user groups who access and use local sport infrastructure to understand, adopt and implement equitable access and usage practices.

### 1.2 Scope

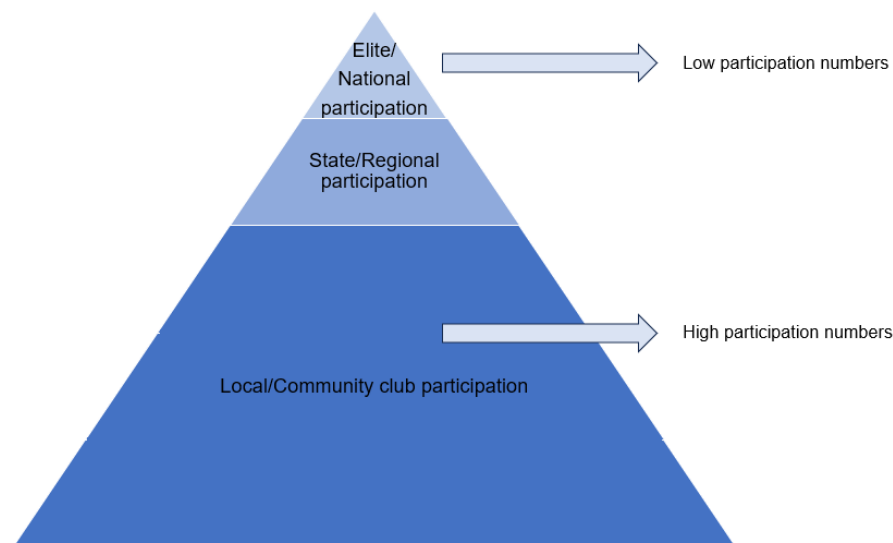
This Policy covers seasonal allocations to Council sporting assets that facilitate organised sport on a regular basis via a seasonal allocation licence agreement with Council.

A seasonal allocation is a regular booking of 12 or more sessions across a summer (1 October - 31 March) or winter (1 April - 30 September) season. Use of sporting assets for less than 12 sessions annually constitutes a casual booking and is managed under the casual booking process.

Specialised sporting assets, where Council provides year-round access to sports clubs and user groups via lease and licence agreements are not dealt with under this Policy. This includes, but is not limited to bowls, croquet, golf, hockey, netball, pétanque and tennis facilities.

Outdoor fitness and active recreation activities, including dog training, held in public open space (and associated fees) are managed outside of this Policy.

The City of Boroondara acknowledges participation in organised sport and recreation occurs across different levels, from local/community level through to elite, as shown in **Figure 1** below. Consistent with the Boroondara Sport and Recreation Strategy, Council's primary commitment is to local/community level participation (also refer to *Policy Statement* section 4 of this document).



**Figure 1. Organised Sport and Recreation Participation Model**

The model identified in **Figure 1** depicts high participation occurring at the local/community level through to elite/national participation, which has lower participation numbers overall. It's acknowledged that some clubs may have teams who compete at different levels of competition, ranging from local/community to state/regional.

### 1.3 Corporate framework

This Policy supports Council's Mission and Vision by addressing the following objectives in the Boroondara Community Plan 2021-2031.

**Theme 1:** Community services and facilities are high quality, sustainable, inclusive and strengthen resilience.

- Strategy 1.1 Neighbourhoods and community spaces facilitate social connections and belonging by providing, maintaining and activating places for people to meet, organise activities and celebrate events.
- Strategy 1.2 Health and wellbeing is improved through delivering, facilitating and advocating for services and programs that are accessible and affordable.
- Strategy 1.4 Facilities and sports precincts encourage equal access through social planning, delivery, asset maintenance and renewal activities.

**Theme 2:** Green and open spaces are provided, well-utilised and enhanced.

- Strategy 2.1 Parks and green spaces enable sport and recreation opportunities by maintaining and improving recreation spaces and equipment.





## 2 Background

The City of Boroondara is one of the most physically active municipalities in the state with residents participating in sport and recreation at higher rates than the Victorian and Australian averages<sup>1</sup>. In 2019, 93.8% of City of Boroondara residents participated in sport and recreation, this is higher than Victorian (88.4%) and National (87.8%) participation rates.

Council provides an extensive range of sporting assets the community can access to be physically active. This includes 42 sports precincts/reserves that contain a total of 54 sportsgrounds and 39 sports pavilions. These sportsgrounds (and associated pavilions) primarily support field-based sports, including athletics, Australian rules football, baseball, cricket, lacrosse, rugby, soccer, and ultimate frisbee. Outside of organised sport use, sportsgrounds are also highly utilised by the community for informal recreational activities, such as running, walking and dog walking.

Sports clubs and user groups are provided with allocations to use sporting assets via a seasonal licence, which enables organised sport to occur on a regular basis. Seasonal licence holders incur a seasonal fee for use.

### 2.1 Policy context

This Policy has been informed by the following policies and strategies:

#### **Boroondara Sport and Recreation Strategy (BSRS) 2016:**

The BSRS has a direct action to develop a sportsground allocation policy to facilitate appropriate ground usage by sports club, schools and other stakeholders (action 3.10).

The BSRS also identifies principles and priority areas for sport and recreation in Boroondara. Those that are directly relevant to seasonal allocations of sporting assets include:

- **Principle 4 - Sustainable Provision:** Ensuring viable and sustainable sport and recreation through effective governance and sustainable financial management.
- **Principle 6 - Community Access:** Council will prioritise access for the Boroondara community to community owned infrastructure. This will be a primary consideration when allocating facilities and resources.
- **Principle 9 - Amenity:** Council will support sport and recreational clubs, community groups and their neighbours to achieve a balance between sport and recreational participation requirements of the community, while minimising the impact on open space and public amenity.

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<sup>1</sup> Sport and Recreation Strategy, City of Boroondara, 2016



- **Principle 10 - Responsible Resource Management:** Council encourages facility sharing and encourages community partnership initiatives that maximise funding contributions and multi-functional use.
- **Principle 12 - Emerging and Minority Sports:** Council will balance the needs and sustainability of new and emerging sport and recreation activities and the benefits they provide to the Boroondara community.
- **Principle 13 - Community Sport and Recreation:** Resources for sport and recreation will be directed towards community level participation rather than for activities that are exclusively focussed on elite participation.
- **Priority Area 2 - Diversity and Inclusion:** Incorporating a focus on people and groups of people who are traditionally less likely to fully participate in sport and recreational activities due to ethnicity, age, gender, socioeconomic status or geographical location.
- **Priority Area 3 - Participation:** Incorporating a focus on getting more people active more often and achieving a balance in the use of open space, sportsgrounds and facilities for structured and unstructured recreation.
- **Priority Area 5 - Sustainability:** Incorporating a focus on environmental sustainability of sporting fields and open space, on supporting sporting clubs and volunteers, and on financial sustainability through responsible and fair allocation of resources.

#### **Boroondara Open Space Strategy (BOSS) 2013:**

The BOSS principle of 'Recreational' states that open space should encourage the community to be outside, play sport, exercise and/or keep fit to improve their health and wellbeing. This strategy also highlights the importance of providing for different types of sport and recreational use in open space, to increase the opportunities for a range of structured and unstructured recreational uses to occur.

The BOSS also outlines open space character classifications, which indicate the intent of use for different types of open space. The majority of Boroondara's sporting reserves/precincts have the primary character classification of 'Sporting', which states that the space is to be primarily used for organised club-based sport, with the facilities made available for general public use when no organised sport is in progress.

#### **Council Assets - Leasing and Licencing Policy 2017:**

Detail on the types of Council agreement and the requirements for each agreement from the Council Assets - Leasing and Licencing Policy informed the development of this Policy.

One of the objectives of the Leasing and Licencing Policy is to optimise use by the Boroondara community of Council assets, encouraging multi use to maximise capacity of existing facilities before constructing new facilities (page 5).

**Victorian Government Fair Access Policy Roadmap:**

The objectives and principles outlined in the Fair Access Policy Roadmap have been considered in the development of this Policy to ensure gender equitable access to and use of community sports infrastructure. This includes:

- Encourage and support all user groups who access and use community sport infrastructure to understand, adopt and implement gender equitable access and use practices.
- Prioritise access, use and support to all user groups who demonstrate an ongoing commitment to gender equitable access and use of allocated community sport infrastructure.

**3 Methodology**

Information was collected and analysed from multiple sources to inform this Policy, including:

- Boroondara sport participation, usage and allocation data
- Benchmarking of nearby councils
- Forums held with state and local associations/leagues and clubs as part of the Sportsground Provision Project
- Two club forums and a survey on key draft Policy elements and
- Broader Boroondara strategic context.

**3.1 Consultation and benchmarking**

Allocation policies and processes from other municipalities were collected and analysed to understand how other councils manage the allocation of sporting assets. Stakeholder interviews were also conducted with five nearby councils to identify policy gaps and concerns and key learnings experienced with current sporting asset allocation and fees policies. Benchmarking insights have also informed this Policy.

**4 Policy statement****4.1 Policy principles****Community Access:**

Council prioritises local/community organised sport participation in the provision and allocation of sporting assets however not to the exclusion of talent pathways (state/regional and elite/national participation).

**Fairness and Consistency:**

The allocation approach is applied consistently for all seasonal tenants.

**Sustainable Participation:**

Participation is optimised through efficient and flexible allocation of assets, while considering ground carrying capacity and maintenance requirements.

**Fit for Purpose:**

Council aims to provide and maintain high quality sporting assets that are designed to cater for local/community club level participation. Sporting assets are allocated based on the purpose and intent of the asset and the appropriateness of the



proposed activities at that location. The primary purpose of sportsgrounds is for community based organised sport and grounds are allocated accordingly, while considering secondary uses and residential amenity.

**Equity:**

Equitable access and opportunities for underrepresented groups, emerging, diverse and minority sports are provided. This includes both access to and use of facilities in line with the Victorian Government's Fair Access Policy Roadmap.

**Clarity and Simplicity:**

The allocation process is simple to administer and easy for the customer to understand.

## **4.2 Eligible groups**

Under this Policy, seasonal allocations for sportsgrounds and pavilions are provided to local/community sports clubs, Boroondara schools and commercial/private operators that facilitate organised sport and recreation on a regular basis over a summer and/or winter season.

## **4.3 Allocation approach**

Seasonal allocations to Council's sporting assets are determined with the aim of achieving the best overall outcome for the community, not one specific sport or club and in line with sportsground carrying capacity. Seasonal allocation bookings will be issued on an hourly basis.

Allocations will be provided using the following priority order:

1. Local/community sports clubs, including not for profit groups
2. Boroondara public schools
3. Boroondara private schools and commercial/private operators.

When allocating to schools, consideration will be given to any reciprocal access offered to Council, with increased access viewed favourably.

## **4.4 Allocation process**

All applicants, including new applications, returning local/community sports clubs, schools and commercial/private operators are required to meet **essential assessment criteria** ([See Appendix 1](#)) to receive a seasonal allocation. Council reserves the right to amend the essential assessment criteria when required, to incorporate new legislative requirements.

### **4.4.1 Returning local/community sports clubs**

Applications from returning local/community sports clubs, for existing times and locations, will be assessed first in-line with the allocations priority order outlined in section 4.3 and Organised Sport and Recreation Participation Model priorities (**Figure 1**), and accommodated at their previous location or 'home base' where possible, subject to meeting the essential assessment criteria ([See Appendix 1](#)).



#### **4.4.2 Schools, commercial/private operators and new applications**

Schools, commercial/private operators and new applications will be considered second in-line with the allocation priority order outlined in section 4.3 and Organised Sport and Recreation Participation Model priorities (**Figure 1**). This includes applications from returning local/community sports clubs for new times and locations, or applications for a new sporting asset.

New applications must meet essential criteria (outlined in **Appendix 1**) and additional considerations will include, but not be limited to the following:

- a. Level of sport proposed (i.e., local/community to national/elite)
- b. Equitable participation opportunities for people who are traditionally less likely to participate in sport and recreation, including playing, coaching, umpiring and administration
- c. History of using Council facilities within Boroondara including length of tenure and history of complying with Council's requirements
- d. Providing benefit to the broader community including clubs who hold come and try sessions, awareness/development workshops, have a demonstrated need (number of teams to correlating fixture) and a higher percentage of Boroondara residents
- e. Evidence of business plan
- f. Contribution to a diverse offering of sports across the municipality
- g. Participation in Council's Sports Club Accreditation Program
- h. Shared use agreement in place with Council (reciprocal access arrangement)
- i. Suitability of the activity for the requested asset/s.

New allocation opportunities may become available for reasons including, but not limited to:

- a. Vacancy of an asset by the existing tenant
- b. Acquisition (or new access to) an asset by Council; and
- c. Capital works to increase capacity at the site (e.g., new pavilion, sportsground renewal or addition of sportsground lighting).

#### **4.4.3 Seasonal allocation application process**

- a. Local/community sports clubs and user groups submit a seasonal allocation application which outlines hourly bookings and required documentation through Council's online booking system
- b. Council assesses all applications as per the allocation approach outlined in section 4.3 and 4.4
- c. In addition to 4.3 and 4.4 Council will review allocation requests to determine appropriate allocation by:
  - i. Comparing estimated participant numbers with the previous season (for clubs or groups with a previous allocation); and
  - ii. Liaising with the relevant leagues/associations and state sporting associations to cross check team/participant numbers
  - iii. Review the total amount of time sportsgrounds have been requested to be used to ensure they aren't allocated beyond their optimal carrying capacity



- d. Council issues seasonal licences and confirmation of allocation hours to successful applicants
- e. Allocation holders re-confirm allocation requirements and club participation data to Council prior to invoices being generated to ensure it reflects accurate usage and incorporates any changes that have occurred since clubs submitted their initial application (summer clubs re-confirm in November and winter clubs re-confirm in May).
- f. Allocation holders are invoiced seasonal fees as per Council's fees and charges schedule.

Sports clubs and user groups will be required to follow any allocation guidelines as stipulated by Council, when submitting an allocation application.

#### **4.5 Use of allocated assets**

Seasonal tenants can only use allocated sporting assets during the authorised allocated times and for the purposes set out in their seasonal licence agreement, and assets may be made available to other groups and for general community use at all other times.

Specific requirements and restrictions of use are detailed in the seasonal licence issued to sports clubs and user groups with a seasonal allocation to Council's sporting assets. This includes closure of sportsgrounds if ground condition deteriorates.

Council reserves the right to close grounds at short notice should playing surface conditions deteriorate to a point whereby use may have a detrimental impact on the ground condition. Where this is required, Council will prioritise matches ahead of training and casual bookings. Where possible, alternate training or match venues will be sought, but this may not be achievable. Council may also restrict access to grounds for the general community in exceptional circumstances.

If a sportsground is closed by Council for a prolonged period of time, Council may consider providing a discount to affected seasonal tenants, under exceptional circumstances only.

##### **4.5.1 Hours of use**

Sportsgrounds and associated pavilions may be allocated for sporting activities during the times outlined below, inclusive of setup and pack up:

**Table 1: Sportsground hours of use**

Monday, Tuesday and Wednesday	7.30am - 9.30pm
Thursday, Friday and Saturday	7.30am - 10.00pm
Sunday	7.30am - 9.00pm

\*Note: Sportsground hours of use are subject to ground carrying capacity and availability of lights.



**Table 2: Pavilion hours of use**

Sunday, Monday, Tuesday and Wednesday	7.00am - 10.00pm
Thursday, Friday and Saturday	7.00am - 11.00pm

Sportsground lighting may be used when natural light is not sufficient for safe conduct of sporting activities, in line with Australian Standards and State Sporting Association recommendations relevant to each sport, between the times noted in **Table 1** above.

Seasonal tenants must comply with noise regulations set out by the Environment Protection Authority (EPA) Victoria when using sporting assets.

In addition, seasonal tenants must not cause a nuisance to local residents and must consider residential amenity.

#### **4.5.2 Night matches**

Night matches are permitted on select sportsgrounds that are deemed suitable by Council officers. A list of these sportsgrounds is available on Council's website. Clubs allocated at suitable night match locations are responsible for obtaining night match approval from the relevant sporting association/league. Night matches must be conducted during the hours of use outlined in section 4.5.1, **Table 1** of this Policy.

Suitability of night match locations is determined by factors such as site infrastructure, lighting quality, ground condition, ground carrying capacity and resident impacts. Sportsgrounds will be assessed annually to ensure locations remain suitable for night matches and the list of suitable locations will be updated on Council's website following the annual review.

#### **4.5.3 Pre-season training and practice matches**

Access to sportsgrounds for pre-season training is not guaranteed, however Council will consider access for pre-season training up to four months before the start of each season as defined by Council (summer season commences 1<sup>st</sup> October and winter commences 1<sup>st</sup> April annually). If ground condition and availability allow pre-season training outside of this time may also be considered on request. Approval for all pre-season requests will be subject to ground availability; ground condition and any restoration or preparation works that are required at grounds between seasons.

During the winter pre-season period, winter clubs are not permitted to train on turf centre wicket areas.

If pre-season training is approved, seasonal tenants must ensure players wear runners. No studded or moulded footwear is permitted to be worn during pre-season training allocations.

Council's Sport and Recreation team will notify clubs when applications for pre-season training open.



Access to sportsgrounds for practice matches is not guaranteed and are granted at Council's absolute discretion. If a practice match is approved by Council, studs and moulded footwear are permitted to be worn.

If a club's request for pre-season training and or practice matches is granted, seasonal sportsground fees will apply.

#### **4.6 Seasonal fees**

Fees are applicable for seasonal use of sportsgrounds and pavilions and will be applied as per Council's fees and charges schedule.

Clubs will be invoiced one month after the start of each season (summer clubs in November and winter clubs in May) to ensure any allocation amendments are captured.

##### **4.6.1 Security deposit, damage and key replacement**

Seasonal tenants are required to pay a security deposit and may incur costs for damage and key/swipe card replacements. Information pertaining to security deposit, damage and key replacement processes and fees is detailed in the seasonal licence issued to all seasonal tenants.

#### **4.7 Other uses and associated fees**

Sportsground use is prioritised for groups that require regular use to facilitate organised sport during a summer or winter season as per this Policy. All other use of Council sportsgrounds is considered after seasonal allocations are determined (as per 4.3 Allocation approach) pending carrying capacity, remaining ground availability and ground condition. The fees that apply to each group or booking type are summarised in Council's fees and charges schedule.

##### **4.7.1 School use of sportsgrounds**

Schools (within Boroondara) may apply for:

- Seasonal licence to facilitate regular organised sport during a summer or winter season.

Schools may apply for:

- Casual bookings inside or outside of school times.

All schools are charged as per Council's fees and charges schedule.

##### **4.7.2 Casual bookings of sportsgrounds and pavilions**

Casual bookings are provided for use of sporting assets for events, ad-hoc sessions or recurring bookings of less than 12 sessions annually.

Casual bookings can be requested by any group through the casual booking process and will incur a casual booking fee as per Council's fees and charges schedule.





#### 4.7.3 Seasonal tenant use outside of seasonal allocations

Use of sporting assets by seasonal tenants, outside of what is stipulated in their seasonal allocation, will require a casual booking and will incur a casual booking fee as per Council's fees and charges schedule.

## 5 Implementation and monitoring

### 5.1 Evaluation

As part of a staged approach, it proposed the *Organised Sport Seasonal Allocation Policy* be reviewed and updated in 2025. This review will explore potential changes to fees, and will be subject to a separate community consultation and associated Council briefings and decision-making. Following this, it is proposed the Policy be reviewed five years after adoption.

### 5.2 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
Sport and Recreation Team	(03) 9278 4444	sport@boroondara.vic.gov.au

## 6 References

### 6.1 Related documents

Documents referenced in the development of this Policy include:

- *Boroondara Community Plan (BCP) 2021-2031*
- *Boroondara Sport and Recreation Strategy (BSRS) 2016*
- *Boroondara Open Space Strategy (BOSS) 2013*
- *Council Assets - Leasing and Licensing Policy 2017*
- *Development and Funding of Community Pavilions - Sport and Recreation 2019*
- *Victorian Government Fair Access Policy Roadmap*

### 6.2 Definitions

Term	Definition
Casual booking	Agreement with Council that permits use of sporting assets for events, ad-hoc sessions or recurring bookings of less than 12 sessions annually.
Commercial/private operators	Any individual or group of people who provide a service for the purpose of making a profit.
Council/City	Refer to the City of Boroondara.



Term	Definition
Elite/national participation	National and elite competitions, year-round competition and/or training.
Field sport	Outdoor sport that is typically played on a large area of open space.
Ground availability	Whether or not a sportsground is able to be used at any point in time. This is primarily determined by the ground being in a state fit for use and the presence of supporting infrastructure that facilitates use, such as sportsground lighting, goal posts.
Lease agreement	Agreement where Council grants exclusive occupancy of a defined area as set out in the Lease, which includes the whole or part of a sporting asset.
Licence agreement	Agreement where Council grants non-exclusive right to occupy a defined area as set out in the Licence, which includes the whole or part of a sports asset at specified times.
Local/community participation	Seasonal home and away competition, community level junior and senior participation, co-shared assets, modified sport programs/activities.
Local/community sports club	A sports club that is set up as a legal entity that is located within the City of Boroondara.
Organised sport	The degree of organisational structure that surrounds and influences the sport helps to distinguish whether an activity is classified as 'organised sport'.
Seasonal allocation	A recurring schedule of days and times totaling 12 or more sessions (for a summer or winter sports season) where a sports club or group is permitted to use specified sporting assets under seasonal licence agreement with Council.
'Seasonal licence agreement' or 'seasonal licence'	Agreement where Council grants the non-exclusive right to occupy a defined area as set out in the Seasonal Licence, which includes the whole or part of a sporting asset, for either the summer season (October through March) or winter season (April through September).



Term	Definition
'Seasonal tenant' or 'seasonal allocation holder'	Refer to a sports club or user group, who Council has granted a seasonal licence (and associated seasonal allocation) to a specified sporting asset.
Sport	A human activity involving physical exertion and skill as the primary focus of the activity, with elements of competition or social participation where rules and patterns of behaviour governing the activity exist formally through organisations and is generally recognised as a sport.
State/Regional participation	Talent pathway, regional level junior and senior participation, home and away competition either seasonal or year-round.
Sporting activities	Any organised physical activity associated with participating in a sport, including training and competition.
Sporting asset	A Council managed asset that is primarily used to facilitate sporting activities, including sportsgrounds (and assets within sportsgrounds such as cricket nets, player benches, AFL/soccer goals) and associated pavilions. For the purposes of this Policy, it does not include specialised sporting assets that are provided to clubs on long term lease or licence agreements.
'Sportsground carrying capacity' or 'carrying capacity'	The amount of use a sportsground can withstand without significant degradation of the surface, typically expressed as hours per week.



## Appendix 1: [Essential assessment criteria](#)

### Essential Criteria all applicants must meet

1. Public liability insurance for a minimum of 20 million dollars.
2. Registered as a legal entity (such as an Incorporated Association).
3. Provide Council with the user group's Child Safe Policy/Child Protection Policy, which incorporates a 'Statement of commitment to child safety'.
4. Provide evidence of the following equitable access and use practices:
  - a) Provide a genuinely welcoming, safe and inclusive environment.
  - b) Opportunities are provided for individuals from underrepresented groups, in particular women and girls to fully participate in all aspects of your club, including as a player, coach, administrator, official, volunteer and spectator.
  - c) Women and girls have equitable access to and use of Council's sporting assets.
    - i) of the highest quality available and most convenient
    - ii) at the best and most popular competition and training times and locations
    - iii) to support existing and new participation opportunities, and a variety of sports.
  - d) Women and girls are equitably represented in leadership and governance roles.
5. Accept terms and conditions of allocation as stated in seasonal licence agreement (including submitting all relevant documentation). Returning tenants must have history of compliance with these terms and conditions.
6. No outstanding debts owing to Boroondara City Council (or successfully adhering to an approved payment plan).
7. Affiliated with a State Sporting Association (SSA) or other relevant peak sporting body/association.
8. Provide participant numbers, including breakdown of age, gender and post code as part of seasonal allocation application.
  - a) *Re-confirm participant details with Council after the start of each season (summer clubs to re-confirm in November and winter clubs to re-confirm in May).*
9. Provide a detailed schedule of proposed use for the requested allocation (including which team/s are scheduled for each session) which ensures gender equitable access to and use of community sports infrastructure, as per the Victorian Government Fair Access Policy Roadmap.
  - a) *Provide Council with updated schedule once teams, training times and fixtures have been finalised - after the start of each season (summer clubs to provide updated schedules in November and winter clubs to provide updated schedules in May).*

## 7.10 North East Link: Koonung Creek Reserve master plan

### Executive Summary

#### Purpose

This report is presented to Council to:

- share the outcomes of the September and October 2023 Koonung Creek Reserve (KCR) master plan draft concept design (**Attachment 1**) community engagement and consultation (**Attachment 2**)
- present the KCR master plan design (**Attachment 3**) for consideration, endorsement and adoption.

#### Background

The North East Link Program (NELP) will occupy approximately 65% of the KCR for construction purposes from mid-2024 to sometime in 2028. They will formally acquire approximately 25% of the KCR for permanent project infrastructure sometime in 2028. The NELP has indicated they will not formally acquire land required for their proposed new stormwater management infrastructure in the KCR, which could leave as little as 37.5% of the current total area for the community post construction.

The North East Link (NEL) must be developed in accordance with the January 2020 NELP Environmental Management Framework (EMF) and Environmental Performance Requirements (EPRs). The Social and Community EPRs are relevant to the KCR, with EPR SC2 stating:

*“Where public land is to be permanently acquired or temporarily occupied, the project will:*

- *Return public land not required for permanent project infrastructure to its pre-existing use post construction as soon as practicable, including with all relevant reinstatement works, unless otherwise agreed with the land manager...”*

The KCR is land owned solely by Council, with the exception of a small number of very small parcels, and we are the land manager.

The July 2020 settlement agreement between Council and the State of Victoria requires the NELP to work with Council on the development of the Koonung Creek Reserve master plan.

In May 2022, Council officers completed community consultation and engagement about the KCR. The feedback gathered during this exercise informed Council's submission to the Spark Tunnels/Central Urban Design and Landscape Plan (UDLP), which included a design for the western half of the KCR ahead of the master plan process. The submission was considered and endorsed at the 20 June 2022 Services Delegated Committee meeting. Key community opinions shared include:

- opposition to the Koonung Creek Trail being reinstated as a shared use path.

- support for a mode separated Koonung Creek Trail.
- desire to retain as much contiguous green open space as possible.

In mid-2022, NELP and Council officers commenced work on the KCR master plan. The feedback from the May 2022 consultation and engagement was shared with the NELP to inform the master plan. We asked the NELP to honour the requests of the community.

From mid-2022 to September 2023, workshops and meetings were held to discuss and further the master plan. Multiple iterations of the NELP authored documents were presented to Council officers for review and comment. Despite continuous opposition through this process to the shared use path and new stormwater management infrastructure, the NELP included both in their master plan and their draft concept design (**Attachment 1**).

These inclusions are at odds with the NELP's very strong preference for the master plan to be a Council owned and led document.

The joint work culminated in a 3.5 week long Council organised and led community consultation and engagement about the NELP authored KCR master plan draft concept design (**Attachment 1**) from Wednesday 27 September 2023 to Sunday 22 October 2023.

Where Council officers disagreed with a design element included by the NELP (i.e. the shared use path and stormwater management infrastructure), this was highlighted to ensure the community was aware of this opposition and the reasons for it. Capire Consulting Group (Capire) was engaged by Council at NELP's cost to assist with and prepare the report about the exercise (**Attachment 2**).

The community feedback gathered during this engagement and consultation informed Council's submission to the North East Link Eastern Freeway Upgrades - Burke Road to Tram Road - UDLP and the KCR master plan design (**Attachment 3**). The UDLP submission was considered and endorsed at the 27 November 2023 Council meeting.

Key consultation findings include:

- very strong support for the inclusion of mode separate paths instead of a shared use path, with the level of support consistent with the findings of the May 2022 engagement and consultation.
- strong opposition to the inclusion of the stormwater management infrastructure that impacts on the open space in the reserve.
- support for:
  - a 5km parkrun and 2km junior parkrun route (to be managed by others).
  - a fenced dog park.
  - relaxation area near the wetland with a new purpose designed gazebo to support existing community activities (i.e. daily tai chi).
  - a new playground at the western end of the reserve.

## Key Issues

Council has owned the KCR for decades. It has been an open space reserve, as well as a part of a critical east-west linear trail network for commuter and recreational cyclists, pedestrians and runners for as long. It is a cherished community asset.

The anticipated permanent and formal acquisition of approximately 25% of the KCR and loss of open space land within the nearby Freeway Golf Course are issues of significant concern for Council. To the extent some offset land was identified in the early planning phase of the NEL. Consistent with this approach by the NELP, and the community consultation findings, the protection of open space for community use has been at the forefront of Council officer engagement throughout the KCR master plan process.

The inclusion of the shared use path and the stormwater management infrastructure in the NELP authored KCR master plan draft concept design (**Attachment 1**) provided Council officers the opportunity to test these two design elements with the community. The outcomes of the consultation revealed the community and Council are in agreement with how we want the KCR to look and feel once the North East Link (NEL) construction is finished and the land is reinstated and rehabilitated.

The Council prepared KCR master plan design (**Attachment 3**) incorporates the feedback received from the community in May 2022, as well as September and October 2023. The design excludes a shared use path and the new stormwater management infrastructure.

In late January 2024, the Burke to Tram Alliance (BTA), the NELP's contractor delivering the Burke Road to Tram Road section of the NEL, provided Council officers an undated letter addressed to 'Boroondara City Council' from the Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation (WWCHAC). The letter expresses their disappointment in Council's "rejection" of the reimagining of the Koonung Creek and their support for the same. The letter highlights the educational opportunities the reimagining provides, along with the enhancement of inclusivity it will bring all people.

Neither NELP nor BTA has shared, despite requests, the information they provided to the WWCHAC to inform their letter. The NELP has not included Council officers in any meetings with the WWCHAC about the KCR master plan for this Council owned land.

The Council authored KCR master plan design (**Attachment 3**) presents opportunities to introduce initiatives to recognise the Traditional Owners, the Wurundjeri Woi-wurrung people and the Aboriginal histories and culture of the area. Re-imagining a former water body does not have to be as literal as the NELP has proposed.

## Next Steps

Should Council agree with the officers' recommendation, next steps are to:

- present the Council prepared KCR master plan design to NELP and other listed in the recommendation.
- work with NELP to finalise the design for implementation.

## Officers' recommendation

That Council resolve to:

1. Thank the community for, and acknowledge, their input to the September and October 2023 community engagement and consultation about the Koonung Creek Reserve master plan draft concept design.
2. Endorse and adopt the Koonung Creek Reserve master plan design, as annexed to the minutes.
3. Object to the inclusion of any new stormwater management infrastructure within the Koonung Creek Reserve.
4. Endorse and support the concept of re-imagining the Koonung Creek through the Koonung Creek Reserve through creative, inclusive and holistic design.
5. Write to the following to advise of this resolution:
  - a. The Hon. Jacinta Allan, MP, Premier of Victoria.
  - b. The Hon. Sonya Kilkenney, MP, Minister for Planning.
  - c. The Hon. Danny Pearson, MP, Minister for Transport Infrastructure.
  - d. Mr Duncan Elliott, CEO, Major Road Projects Victoria.
  - e. Mr Jim Waller, Executive Program Director, North East Link Program.
  - f. Members of Victorian and Federal Parliaments with seats representing Boroondara.



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**Responsible director:** Daniel Freer, Director Places and Spaces

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## 1. Purpose

The purposes of this report are to:

- share the outcomes of the September and October 2023 Koonung Creek Reserve (KCR) master plan draft concept design (**Attachment 1**) community engagement and consultation (**Attachment 2**) with Council.
- present the KCR master plan design (**Attachment 3**) for consideration, endorsement and adoption.

## 2. Policy implications and relevance to community plan and council plan

This report is consistent with the Council Plan 2021-2025 and the Boroondara Community Plan 2021-2031, in particular the following themes:

- Community, services and facilities.
- Parks and green spaces.
- The environment.
- Moving around.
- Leadership and governance.

## 3. Background

### General

NELP will occupy approximately 65% of the KCR for construction compounds, Eastern Freeway construction access roads and materials laydown from mid-2024 to sometime in 2028.

NELP will formally acquire approximately 25% of the KCR for permanent project infrastructure, with the acquisition expected to take place in 2028 when the land requirements of the project are known.

NELP has indicated they will not formally acquire land required for their proposed new stormwater management infrastructure in the KCR. From publicly available designs it is understood the new stormwater management infrastructure would effectively occupy or render inaccessible approximately half of the returned KCR area or 37.5% of the current total area.

### January 2020: Environmental Performance Requirements

The January 2020 North East Link Project Environmental Management Framework (EMF) includes the Environmental Performance Requirements (EPRs).

The EMF states:

*“The Project must be developed in accordance with the EPRs in Table 8-1.”*

The Social and Community EPRs are relevant to the KCR, with EPR SC2 stating:

*“Where public land is to be permanently acquired or temporarily occupied, the project will:*

- *Minimise the extent of the acquisition or the extent or duration of the occupation...*
- *Return public land not required for permanent project infrastructure to its pre-existing use post construction as soon as practicable, including with all relevant reinstatement works, unless otherwise agreed with the land manager...”*

EPR SC2 applies to the KCR. The KCR is land owned solely by Council, with the exception of a small number of very small parcels, and we are the land manager.

#### July 2020: Settlement agreement

The July 2020 settlement agreement between Council and the State of Victoria requires the North East Link Program (NELP) to work with Council on the development of the KCR master plan.

#### May 2022: Spark Tunnels/Central Urban Design and Landscape Plan

The Spark Tunnels/Central Urban Design and Landscape Plan (UDLP) was on public exhibition from 11 May 2022 to 31 May 2022. It included a design for the western half of the Koonung Creek Reserve, pre-empting the master plan process.

To inform Council's submission to the Spark Tunnels/Central Urban Design and Landscape Plan (UDLP) Council officers completed community consultation and engagement about the KCR in May 2022. The submission was considered and endorsed at the 20 June 2022 Services Delegated Committee meeting.

Key community opinions from the May 2022 consultation and engagement include:

- opposition to a shared use path.
- support for mode separated paths.
- desire to retain as much contiguous green open space as possible.
- retention and improvement of existing community assets such as the playground, gazebos and outdoor exercise equipment.

The outcomes of the consultation and engagement also informed the future work on the KCR master plan and NELP prepared draft concept design (**Attachment 1**).

#### Mid-2022 onwards: Koonung Creek Reserve master plan

In mid-2022, NELP and Council officers commenced work on the KCR master plan. The feedback received from the community in May 2022 was shared with the NELP team to inform the KCR master plan. In sharing the feedback, we asked the NELP to honour the requests of the community.

From mid-2022 to September 2023, workshops and meetings were held to discuss and further the master plan. Multiple iterations of the NELP authored master plan were presented to Council officers, with comments made, feedback shared and design changes requested to better reflect what the community wants their public open space to look and feel like.

Despite continuous opposition to the shared use path and stormwater management infrastructure from Council officers and the community, the NELP has included both in the master plan and the draft concept design (**Attachment 1**).

The inclusion of the two design elements is at odds with the NELP's very strong preference for the master plan to be a Council owned and led document. Nonetheless, Council officers continued to work with the NELP on the master plan as it is a critically important document for Council and the community.

The joint work culminated in the Council organised and led community consultation and engagement on the NELP prepared KCR master plan draft concept design (**Attachment 1**) in September and October 2023.

Where Council officers disagreed with a design element included by NELP (i.e. the shared use path and stormwater management infrastructure), this was highlighted and called out to ensure the community was aware of this opposition and the reasons for the opposition.

#### September and October 2023: Council led community engagement and consultation.

For a period of 3.5 weeks, from Wednesday 27 September 2023 to Sunday 22 October 2023, Council ran a community engagement and consultation process about the NELP prepared KCR master plan draft concept design (**Attachment 1**). Capire Consulting Group (Capire) was engaged by Council at NELP's cost to assist with the engagement and consultation.

See Section 5 (Consultation/communication) of this report for details of the engagement and consultation, including the Capire authored report (**Attachment 2**) about the exercise.

The feedback gathered during this engagement and consultation informed Council's submission to the North East Link Eastern Freeway Upgrades - Burke Road to Tram Road - UDLP. The submission was considered and endorsed at the 27 November 2023 Council meeting.

The feedback has also informed the Council prepared KCR master plan design (**Attachment 3**).

#### **4. Outline of key issues/options**

Council has owned the KCR for decades. It has been an open space reserve for the nearby and wider regional community for as long. It has provided a section of a critical east-west linear trail network for commuter and recreational cyclists, pedestrians and runners for as long. It is a cherished community asset.

The anticipated permanent and formal acquisition of approximately 25% of the KCR for noise walls along the northern boundary and other road infrastructure (e.g. gantries, traffic lanes, roadside shoulders) and loss of open space land within the nearby Freeway Golf Course are issues of significant concern for Council. To the extent some offset land was identified in the early planning phase of the NEL.

Consistent with this approach by the NELP, and the May 2022 and September and October 2023 consultation findings, the protection of open space for community use has been at the forefront of Council officer engagement throughout the KCR master plan process.

The inclusion of the shared use path and the stormwater management infrastructure in the NELP authored KCR master plan draft concept design (**Attachment 1**) provided Council officers the opportunity to test the opinion of the community about these two design elements. It allowed Council to understand if we had properly understood and interpreted the community's opinions and sentiments from the May 2022 consultation and engagement exercise.

The feedback provided by the community who responded to the online survey and/or attended an in-person session was consistent with that gathered during May 2022. It was also consistent with the feedback Council officers had shared and continue to share with the NELP about the KCR master plan and associated design.

The community and Council are in agreement with how we want the KCR to look and feel once the North East Link (NEL) construction is finished and the land is reinstated and rehabilitated.

The Council prepared KCR master plan design (**Attachment 3**) incorporates the feedback received from the community in May 2022, as well as September and October 2023. The design includes:

- a mode separated Koonung Creek Trail through the KCR where width allows.
- a 5km parkrun and 2km junior parkrun route (to be managed by others).
- an area for a fenced dog park.
- bird hide and relaxation area near the wetland with a new purpose designed gazebo to support existing community activities (i.e. daily tai chi).
- a new playground and facilities at the western end of the reserve
- upgrades to the existing playground and visitor facilities at Wandeen Street.
- relocation of the existing BMX and mountain bike skills track.
- a second public toilet at the western end of the reserve.
- additional seating throughout.
- co-located community assets including exercise equipment, drinking fountains, bins and bike hoops.
- new gateway entrances to the reserve with seating and landscaping at Doncaster Road, Mountain View Road and Wilburton Road.

The design excludes a shared use path and the new stormwater management infrastructure, including:

- representation of past watercourse/dry creek bed/WSUD swale/planted swale.
- temporary water retention areas.
- land subject to temporary inundation.
- bioretention ponds.
- sediment basins/ponds.

Community feedback indicated some support for the retention of the existing dog beach at the wetland, which is at odds with Council endeavours to protect and enhance native fauna habitat.

In late January 2024, the Burke to Tram Alliance (BTA), the NELP's contractor delivering the Burke Road to Tram Road section of the NEL which includes the KCR, provided Council officers an undated letter addressed to 'Boroondara City Council' from the Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation (WWCHAC). The letter notes the WWCHAC:

- support for the re-imagining of the Koonung Creek/Koonung Koonung.
- disappointment in their perceived position of Council in relation to the re-imagining of the Koonung Creek/Koonung Koonung (i.e. our rejection of the new stormwater management infrastructure).

The letter highlights the educational opportunities the reimagining provides, along with the enhancement of inclusivity it will bring all people.

Council officers have asked NELP and BTA to share the information provided to the WWCHAC that led to their letter. At the time of writing, Council is yet to receive any information from NELP or BTA. It is worth noting, the NELP has not included Council in any meetings or workshops with the WWCHAC about the KCR master plan.

The Council authored KCR master plan design (**Attachment 3**) presents opportunities to introduce initiatives to recognise the Traditional Owners, the Wurundjeri Woi-wurrung people and the Aboriginal histories and culture of the area. Practising a creative, inclusive and holistic design philosophy centred on the core tenant of people, purpose and place will ensure these opportunities are realised.

Re-imagining a water body does not have to be as literal as the NELP has proposed given the alignment of the former Koonung Creek is, for the most part, under the Eastern Freeway.

## 5. Consultation/communication

For a period of 3.5 weeks, from Wednesday 27 September 2023 to Sunday 22 October 2023, Council ran a community engagement and consultation process about the NELP prepared KCR draft concept design (**Attachment 1**).

The Capire Consulting Group (Capire) was engaged to assist Council with the development and implementation of the engagement and consultation. The costs Council incurred engaging Capire were reimbursed by the NELP.

The engagement and consultation consisted of the following available in English and Simplified Chinese, with Chinese (Mandarin and Cantonese) speaking staff in attendance at the three in person sessions.

- an online survey, which received 153 responses.
- 2-hour pop-up session on Saturday 7 October 2023 at the Boroondara Shopping Centre on Balwyn Road attended by 30 community members.
- 1-hour drop-in session on Saturday 14 October 2023 from 10am to 11am at the Greythorn Community Centre attended by 6 community members.
- 1-hour facilitated community workshop on Saturday 14 October 2023 from 11am to 12pm at the Greythorn Community Centre attended by 12 community members.

The engagement and consultation were advertised through the following channels in both English and Simplified Chinese:

- Engage Boroondara page.
- postcards sent to 4,600 households in Balwyn North and Kew East.
- signage in the KCR, as well as signage and postcards at local shops and schools.
- social media posts on Council's Facebook, Instagram, X (formerly known as Twitter) and LinkedIn pages.
- emails to local trader groups, education facilities, Boroondara's cultural champions and others.

See **Attachment 2** for the Capire authored report about the engagement and consultation and findings.

Key consultation findings include:

- very strong support for the inclusion of mode separate Koonung Creek Trail instead of a shared use path, with the level of support consistent with the findings of the May 2022 engagement and consultation
- strong opposition to the inclusion of the stormwater management infrastructure in the reserve
- support for:
  - a 5km parkrun and 2km junior parkrun route (to be managed by others)
  - a fenced dog park
  - relaxation area near the wetland with a new purpose designed gazebo to support existing community activities (i.e. daily tai chi)
  - a new playground at the western end of the reserve
  - inclusion of natureplay areas
  - relocation of the BMX and mountain bike skills track
  - lighting along the Koonung Creek Trail.

At the pop-up, drop-in and workshop sessions, community members shared detailed feedback including requests for:

- additional seats in particular locations

- additional bike repair stations at key locations including path intersections
- improved location and colocation of complementary assets such as bike hoops, seats, drinking fountains and outdoor exercise equipment.

Feedback from Council officers during the 3.5 week period included:

- provision of 120L Big Belly bins in pairs (1 x recycling, 1 x rubbish) throughout the reserve.

The feedback gathered during this engagement and consultation informed Council's submission to the North East Link Eastern Freeway Upgrades - Burke Road to Tram Road - UDLP. The submission was considered and endorsed at the 27 November 2023 Council meeting.

The feedback has also informed the Council authored KCR master plan design (**Attachment 3**).

## 6. Financial and resource implications

The financial and resource implications associated with the Council officer recommendation are not clear.

As noted in Section 3 of this report, the project must be developed in accordance with the EPRs, including EPR SC2. EPR SC2 states:

*“Where public land is to be permanently acquired or temporarily occupied, the project will:*

- *Minimise the extent of the acquisition of the extent or duration of the occupation...*
- *Return public land not required for permanent project infrastructure to its pre-existing use post construction as soon as practicable, including with all relevant reinstatement works, unless otherwise agreed with the land manager...”*

EPR SC2 very clearly requires public land, in this case the KCR, be reinstated to its pre-existing use unless otherwise agreed with the land owner, being Council.

NELP are also required to develop the project in accordance with the Minister for Planning approved UDLPs. The KCR is included in the Spark/Tunnels UDLP as well as the North East Link Eastern Freeway Upgrades - Burke Road to Tram Road - UDLP. The former has been approved by the Minister. The latter has yet to be approved by the Minister.

The UDLPs contradict EPR SC2 as the UDLPs, both the approved and yet to be approved, do not return the KCR to its pre-existing condition nor to a condition agreed with the land manager. It is not clear which document, the EMF which contains the EPRs or the UDLP, is subordinate to the other.

This contradiction leads to uncertainty about the financial implications of the Council officer recommendation as there is no clear course of action for NELP to implement and fund. This uncertainty will not be resolved for sometime, however it should not be the barrier to endorsing and adopting the Council prepared KCR master plan design (**Attachment 3**). Endorsement and adoption will provide Council with a formal position on an important strategic matter for the community.

## **7. Governance issues**

No officers involved in the preparation of this report have a general or material conflict of interest requiring disclosure under chapter 5 of the Governance Rules of Boroondara City Council.

The recommendation contained in this report is compatible with the Charter of Human Rights and Responsibilities 2006 as it does not raise any human rights issues.

## **8. Social and environmental issues**

The social and environmental issues associated with this report are generally positive.

The report seeks to inform councillors of the feedback received from the community about the NELP prepared KCR master plan draft concept design (**Attachment 1**) and demonstrate how it has been incorporated into the Council authored KCR master plan design (**Attachment 3**) for endorsement and adoption.

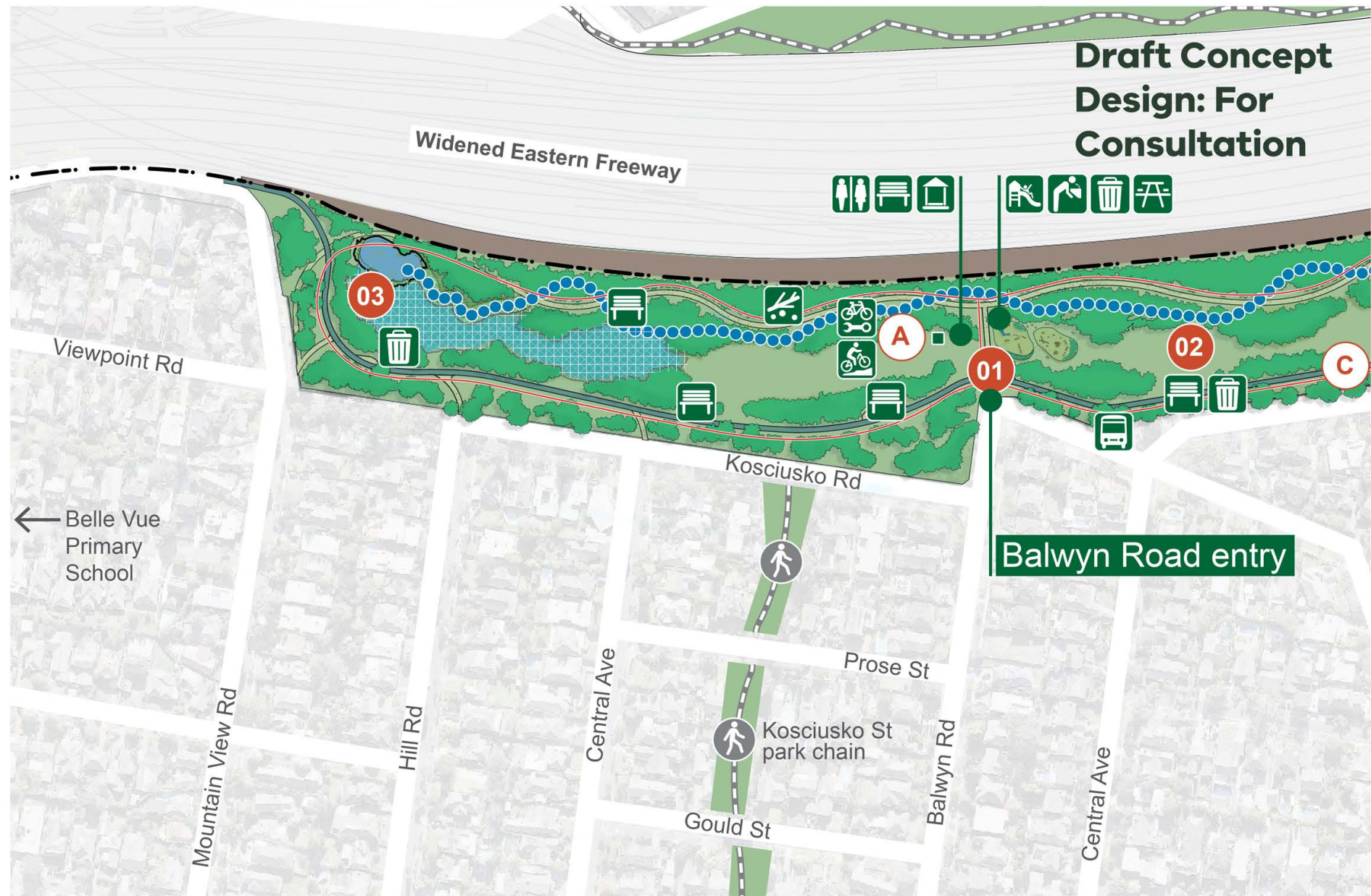
**Manager:** Clare Davey, Lead Major Project Interface  
Fiona Brown, Manager Community Planning and Development

**Report officer:** Andrea Lomdahl, Principal Project Manager  
Liz O'Loughlin, Social Inclusion Policy & Project Officer





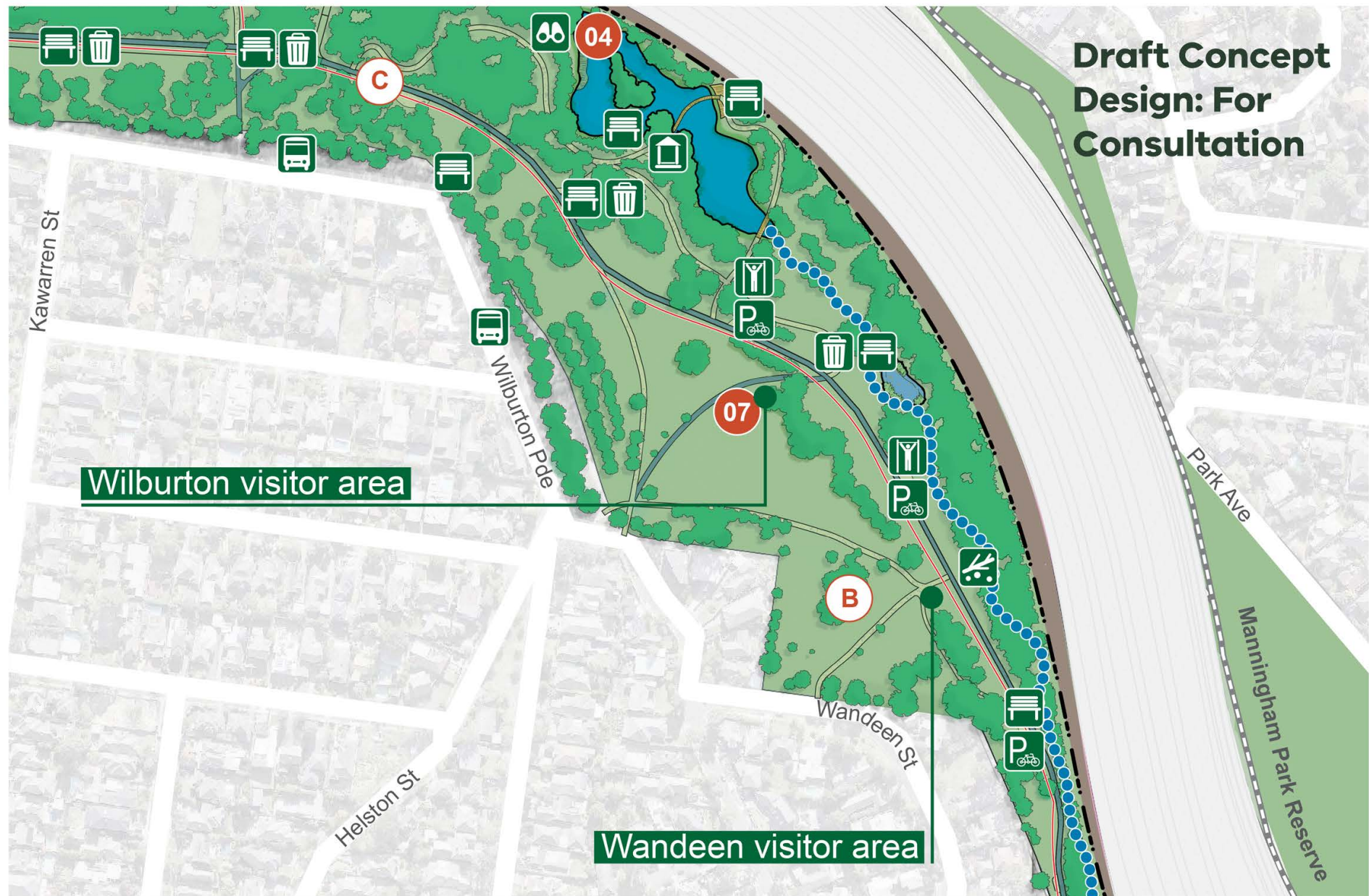
















## Draft Concept Design: For Consultation

### Legend

#### Connectivity

- Main Koonung Creek Trail
- Secondary Paths
- Parkrun Loop - 5 km

#### Existing & Proposed Facilities & Access

- Shelter
- BBQ
- BMX & mountain bike dirt jumps & skills tracks (beginner & intermediate)
- Toilet
- Seating
- Playground
- Bird hide

- Bus stop
- Parking
- Water fountain
- Bike parking
- Outdoor gym
- Bike repair station

- Possible Nature Play and eco-learning locations

#### Landscape character

- Trees and understorey - biodiversity corridor planting
- Grassland/Open space
- Granitic sand/ paving
- Road shoulder

- Existing wetland
- Fence
- Representation of past water course

- Temporary water retention area
- Noise wall alignment
- Land subject to temporary inundation

0 20m

**Draft Concept Design for Koonung Creek Reserve**  
**September 2023 – Zone 4**  
 Scale 1:2000 at A3







# Koonung Creek Reserve

Draft Concept Design Engagement

City of Boroondara

09.11.23

capire



# Giving every person a voice.

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Capire acknowledges  
and deeply respects the Wurundjeri  
people and  
the Traditional Owners  
of the Victorian land.



**capire**



### Privacy

Capire Consulting Group and any person(s) acting on our behalf is committed to protecting privacy and personally identifiable information by meeting our responsibilities under the Victorian Privacy Act 1988 and the Australian Privacy Principles 2014 as well as relevant industry codes of ethics and conduct.

For the purpose of program delivery, and on behalf of our clients, we collect personal information from individuals, such as e-mail addresses, contact details, demographic data and program feedback to enable us to facilitate participation in consultation activities. We follow a strict procedure for the collection, use, disclosure, storage and destruction of personal information. Any information we collect is stored securely on our server for the duration of the program and only disclosed to our client or the program team. Written notes from consultation activities are manually transferred to our server and disposed of securely.

Comments recorded during any consultation activities are faithfully transcribed however not attributed to individuals. Diligence is taken to ensure that any comments or sensitive information does not become personally identifiable in our reporting, or at any stage of the program.

Capire operates an in-office server with security measures that include, but are not limited to, password protected access, restrictions to sensitive data and the encrypted transfer of data.

For more information about the way we collect information, how we use, store and disclose information as well as our complaints procedure, please see [www.capire.com.au](http://www.capire.com.au) or telephone (03) 9285 9000.

### Consultation

Unless otherwise stated, all feedback documented by Capire Consulting Group and any person(s) acting on our behalf is written and/or recorded during our program/consultation activities.

Capire staff and associates take great care while transcribing participant feedback but unfortunately cannot guarantee the accuracy of all notes. We are however confident that we capture the full range of ideas, concerns and views expressed during our consultation activities.

Unless otherwise noted, the views expressed in our work represent those of the participants and not necessarily those of our consultants or our clients.

### Definition

#### Community

An individual or a group of people united by at least one common characteristic such as geography, shared interests, values, experiences, or tradition.

#### Community engagement/ Consultation

A process in which the community has a role in Council's decision-making process.

#### Stakeholder

An individual or group that has an interest in any Council decision or activity, including Traditional Custodians and Aboriginal communities, other tiers of government and government agencies, businesses, educational institutes, not-for-profits and philanthropic organisations, visitors, residents, advocacy groups, children, ratepayers and renters, emergency services, culturally and linguistically diverse people and many more.

### Acronyms

**CoB** City of Boroondara

**NELP** North East Link Project

**UDLP** Urban Design and Landscape Plan

VERSION	AUTHOR	AUTHORISED	DATE
1	Bec Yandell	Tiffany Tang	27/10/2023
2	Bec Yandell	Tiffany Tang	09/11/2023

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## Executive summary

The Victorian Government's North East Link Project (NELP) is developing a master plan and a concept design for the Koonung Creek Reserve (KCR) to address the impacts of the North East Link (NEL) project. Building on past consultations with the community and Council's internal stakeholders, Capire Consulting Group (Capire) was engaged by Council to seek feedback on the draft concept design.

Between 27 September and 22 October 2023 (3.5 weeks), the City of Boroondara conducted a series of consultation activities to build community understanding of the Koonung Creek Reserve Draft Concept Design and seek community feedback through a range of online and in-person activities.

Over 3,200 people were reached through the project website (available in English and Simplified Chinese), 153 completed a survey, 36 people participated in a pop-up or drop-in session, and 12 participated in a community workshop to provide detailed responses.

Features that received about 80% support:

- Council's position to advocate for mode separated path in the Reserve (81% support)
- The inclusion of a relaxation and quiet activity zone by the wetland, including a deck and new gazebo (79% support)

Features that received over 50% support:

- Provide a park run route (71% support)
- Include a relaxation and quiet activity zone by the wetland, including a deck and new gazebo (79% support)
- Include a new fenced dog park (67% support)
- Council's position to oppose the past water course feature (66% support)
- Include a new nature play area (63% support) and a new second playground at the western end of the reserve (60%)
- Include a beginner BMX track in the reserve (64% support)
- Include a bird hide at the wetlands (58% support)
- Include an intermediate BMX track in the reserve (55% support)

Features that received mixed views / no clear majority were:

- The removal of the dog beach at the wetlands (40% support; 36% oppose)
- Include two fenced dog parks (40% support; 33% oppose).

Council may consider undertaking further consultation on dog-related features. In relation to the water retention feature, one-fourth of the respondents did not understand the proposed feature. Further information and education could be provided to build community understanding.

Throughout the consultation, comments were made about the North East Link Project in general, the noise walls, and concerns about air pollution, ventilation, and disruption during construction.

This report will be used to inform Council's feedback to NELP to refine the Koonung Creek Reserve concept design and master plan and also support Council's submission on the Eastern Freeway widening UDLP.

# 1. Introduction

## 1.1. Project background

The Victorian Government's North East Link project (NELP) is developing a master plan and a concept design for the Koonung Creek Reserve (KCR) to address the impacts of the North East Link (NEL) project. The development of the NEL will see around 20% of the KCR acquired for new NEL infrastructure and around 65% of the reserve used for construction compounds and laydown site. A draft concept design for the KCR was developed by NELP in consultation with the City of Boroondara, as owners of the Koonung Creek Reserve.

Building on past consultations with the community and Council's internal stakeholders, Capire Consulting Group (Capire) was engaged by Council to seek feedback on the draft concept design.

The draft concept design developed by the NELP is shown in Figure 1

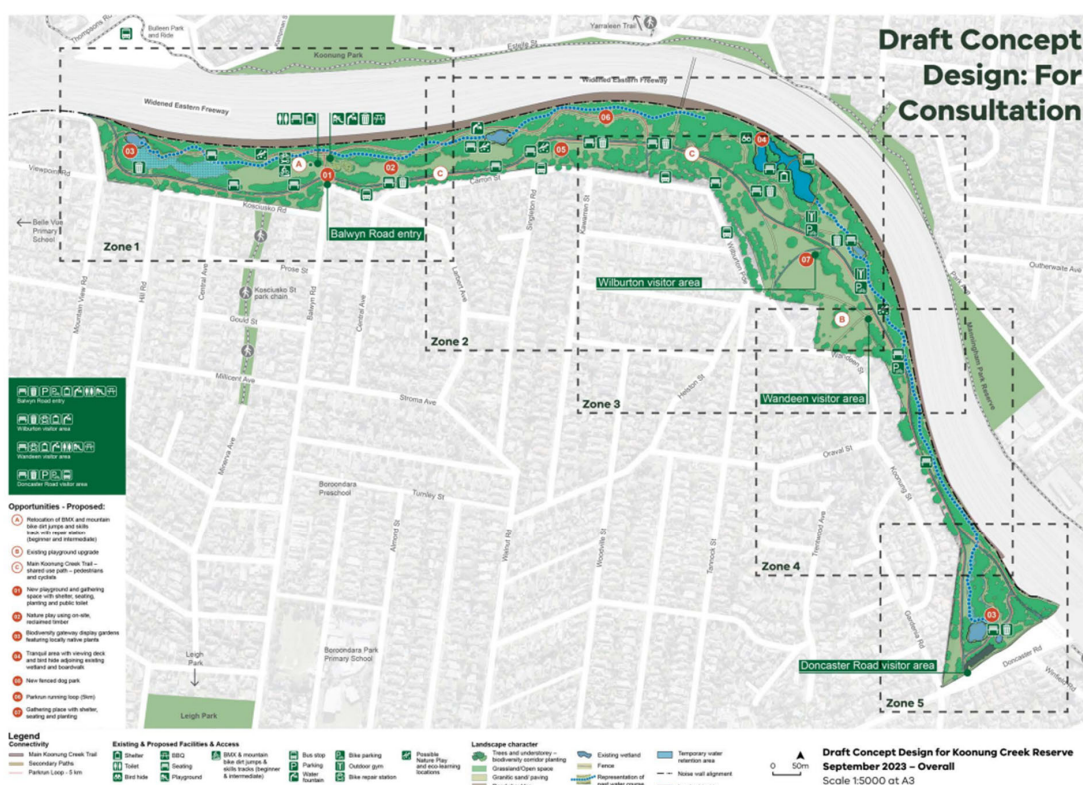


Figure 1 Draft Concept Design of Koonung Creek Reserve

## 1.2. Previous consultation

Engagements with both the community and Council's internal stakeholders have been held prior to this phase of engagement.

In 2022, Council consulted with the community about the Koonung Creek Reserve. Feedback received was used to inform Council's submission to the North East Link Tunnels Urban Design and Landscape Plan (UDLP) public exhibition. This UDLP included the design for the North East Link Tunnels from Watsonia to Bulleen and connecting Eastern Freeway upgrades in Bulleen and Balwyn North., The UDLP developed by the Spark Consortium and NELP shaped the draft concept design proposed for the Koonung Creek Reserve in late 2023.

Council officers with expertise relevant to supporting Koonung Creek Reserve have been consulted throughout the development of the draft concept design. Input to the draft concept design was provided by various teams include Landscape and Design, Drainage, Biodiversity, Environmental Sustainability, Parks and Sport and Recreation.

### 1.3. Report purpose

This report summarises the key findings from the community consultation on the draft concept design of the Koonung Creek Reserve. This report will be shared with Council to inform Council's feedback to NELP to refine the Koonung Creek Reserve concept design and master plan.

### 1.4. Report limitations

Several limitations should be acknowledged when reading this report:

- Capire has reported on information submitted by participants and interpreted the information to represent the views of participants as closely as possible.
- The consultation included multiple opportunities for participants to contribute. Some people may have taken part in multiple engagement activities, for example completed the survey and participated in a workshop. Their views may have been captured more than once.
- In some instances, participants did not respond to all survey questions, this meant that some questions received fewer responses than others.
- People who participated in the engagement self-selected to take part. As such, whilst every effort has been made to gather the views of stakeholders and the community, the information in this report may not reflect a statistically representative sample across all age groups and genders.
- Demographic data was captured through the survey, but not other engagement activities.
- Participants' feedback has been summarised. Qualitative data (comments and discussions) has been summarised under key themes reflecting issues that were frequently raised.
- Quantitative survey findings have been supported by qualitative findings from other engagement activities where relevant. Some workshops provided quantitative data. Due to smaller numbers of responses in comparison to the survey, these have not been included in the graphs.
- There were more registrations received for community workshops than the actual number of participants.

## 2. Consultation approach

This section provides an overview of the objectives, methodologies, and participation in the consultation process. The consultation activities occurred over three and a half weeks, commencing on 27 September 2023 and ending on 22 October 2023.

### 2.1. Objectives

The consultation was designed to meet a set of objectives. The objectives guided the planning and design of the engagement program and allowed for effective monitoring and evaluation. The objectives are:

1. To build community understanding of how their feedback from previous consultation was used to inform the concept design.
2. To build community awareness of the impacts of the NEL on KCR; and that concerns about the impact and the NEL should be directed to NELP.
3. To seek community feedback on the draft concept design.
4. To build awareness of the separate UDLP consultation process being run by NELP.
5. To develop new relationships and strengthen existing relationships between Council and its community.

### 2.2. Communications tools

Throughout the consultation, the Council sought to reach as many people as possible to alert them to the opportunity to review the concept plan and give feedback. Various tools and channels were used to provide information about the draft concept plan and to promote the consultation opportunities.

Table 1 outlines the tools to promote the consultation.

Table 1 Communications tools

Tools	Results / views / distribution
Printed collateral Postcards Letters Posters On-site signage	Printed collateral (postcards, posters and on-site signage) were displayed at Council libraries, local shopping strips. Corflute signage was installed in 7 locations within KCR.  Postcards were sent to 4,600 Balwyn North and Kew East households letter-boxes.
Engage Boroondara consultation page	A consultation page for the KCR concept design was established on Engage Boroondara. This page serves as a comprehensive resource, providing information about the proposed changes to KCR, a summary of community feedback from the 2022 consultation links to the NEL project page, as well as the consultation timeline and updates. The page also hosted the consultation survey and an Expression of Interest form for the community workshop.
Social media posts and advertisements	Council promoted the consultation through social media channels Facebook, LinkedIn, Twitter and Instagram. Promotional posts encouraged viewers to complete the survey online.
Email promotion	Emails were directly sent to stakeholders to promote and extend personal invitations to engage in various opportunities. A total of 34 emails were sent, including local interest groups, nearby schools and kindergartens, traders and Boroondara's cultural champions etc.
Staff weekly newsletter Councillor Information Bulletin	An article was included in Council's internal newsletter Connect. There were 98 clicks through to the KCR consultation page.
eDM to respondents from previous consultation	Emails were sent to community members who had registered their interest on Engage Boroondara. A total of 265 emails were sent.
Translation of communications collateral and online	Materials promoting the consultation were printed in Simplified Chinese to reach community members who prefer to read in their first language. The consultation page on Engage Boroondara was replicated on a stand-alone Simplified Chinese page The Simplified Chinese consultation page was reviewed and edited by native speakers.

survey into Simplified  
Chinese

## 2.3. Consultation tools

**Error! Reference source not found.** outlines the tools to seek feedback from the community about the concept design.

Table 2 Engagement tools

Engagement tools	Description
Online survey Survey opened from 27 September to 22 October 2023.	<p>The online survey was the principal method for gathering community feedback. The survey was accessible via Engage Boroondara page.</p> <p>The objective of the survey was to provide a wide-reaching opportunity for community members to review the concept design and share their feedback and ideas for Koonung Creek Reserve.</p> <p>The survey asked 8 questions and 6 demographic questions.</p> <p>The full list of questions asked in the survey can be found in Appendix 1.</p>
Interactive Map	<p>To effectively show the changes proposed in KCR, an online interactive map was made available on the Engage Boroondara page.</p> <p>The interactive map enabled participants to see the 'before' and 'after' images of the KCR.</p> <p>The interactive map also allowed participants to zoom into different zones of the KCR for detailed observation.</p>
Children's colouring activity	To raise awareness and engage with the younger cohort, an A4-size colouring-in activity for primary school aged children. These colouring-in sheet were available at pop-ups and at Council libraries.
Pop-ups A two-hour pop-up at Boroondara Shopping Strip Saturday 7 October 2023.	<p>The pop-ups aim to raise awareness within the community about the concept design and encourage people to get involved in engagement activities.</p> <p>Large print outs of the concept design were on display.</p>
Drop-in session A one-hour community drop-in session Saturday 14 <sup>th</sup> October 10am-11am	<p>The drop-in session provided an opportunity for the community to ask questions about the concept design.</p> <p>Large print outs of the concept design were on display. Three council staff members were there to answer questions and support participation.</p>
Community workshop A one-hour community workshop Saturday 14 <sup>th</sup> October 11am-12pm	<p>This community workshop provided an opportunity for members of the community who submitted an Expression of Interest to participate in some activities in a workshop style format, alongside members of the general community.</p> <p>Participants spent 20 minutes to listen to Council's presentation; followed by small group discussions by activity zones. Participants spent a lot of time and effort to understand and review the draft concept design and existing conditions plans before they provided feedback.</p>





Figure 2 Image from pop-up on Saturday 7<sup>th</sup> October



Figure 3 Image from pop-up on Saturday 7<sup>th</sup> October

9 KOONUNG CREEK RESERVE, CITY OF BOROONDARA

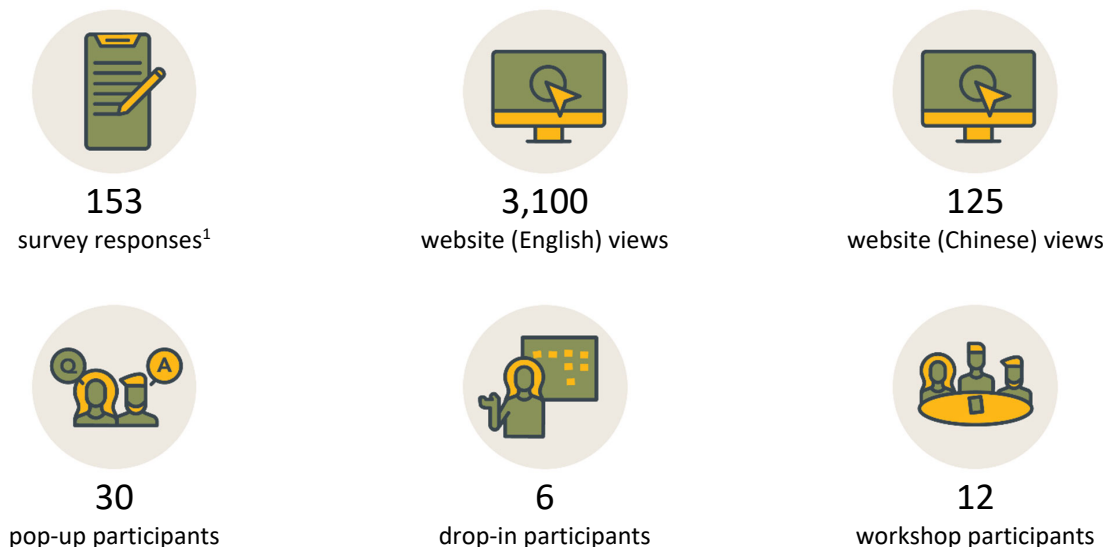
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## 3. Participation

### 3.1. Participation

Over 3,000 people were reached or participated in this consultation. An overview of participation and reach of each engagement tool is summarised below.



### 3.2. Demographic information

Demographic information was collected through the survey. Survey respondents were asked to provide their age, gender, connection to Koonung Creek Reserve, suburb they live in, and how they heard about the consultation. This section provides an overview of the demographic data of all survey respondents.

#### 3.2.1. Age

As shown in Figure 4, there was a spread of age groups across the survey respondents. The most represented age groups were 35-49 (27%) and 50-59 (26%), followed by 60-69 (16%). The least represented age groups were those who were 85 or above (1%), and under 18 (2%).

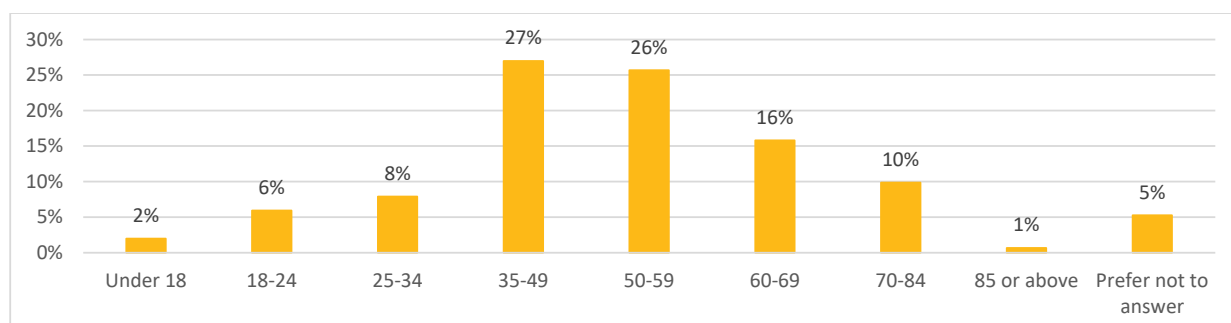


Figure 4 Age of survey respondents (n=153)

<sup>1</sup> 151 surveys were completed in English, and two were completed in Simplified Chinese. The Simplified Chinese responses have been translated and collated with the English survey responses

### 3.2.2. Gender

As shown in Figure 5, there was a balanced representation of gender in the survey. Half of the respondents identified as man (50%). A little under half of the respondents identified as woman (43%). 7% of respondents chose not to indicate their gender. No respondent used a different term to describe their gender.

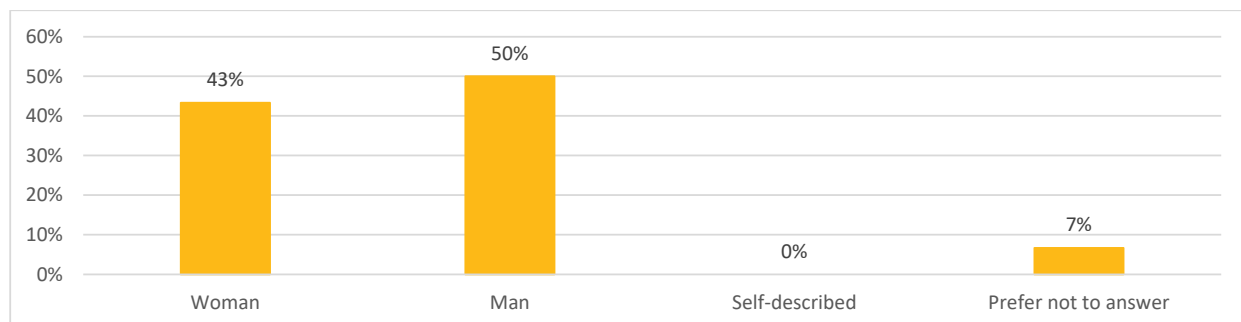


Figure 5 Gender of survey respondents (n=153)

### 3.2.3. Connection

As shown in Figure 6, the majority of respondents indicated that they use the walking or bike paths in the Koonung Creek Reserve (79%), followed by those who live near the site (77%). Half of the survey respondents exercise in the reserve. Comparatively, there were fewer people who go to school near the reserve (6%) or are a member of a community group that uses the reserve. Community groups represented by respondents included the Thursday Cycling Group and Whitehorse Cyclers. A few respondents (3%) shared other connections they had to the Reserve, including to meet up with friends, enjoy passive recreation, and organise activities near the Reserve. Respondents were able to select multiple answers in response to this question.

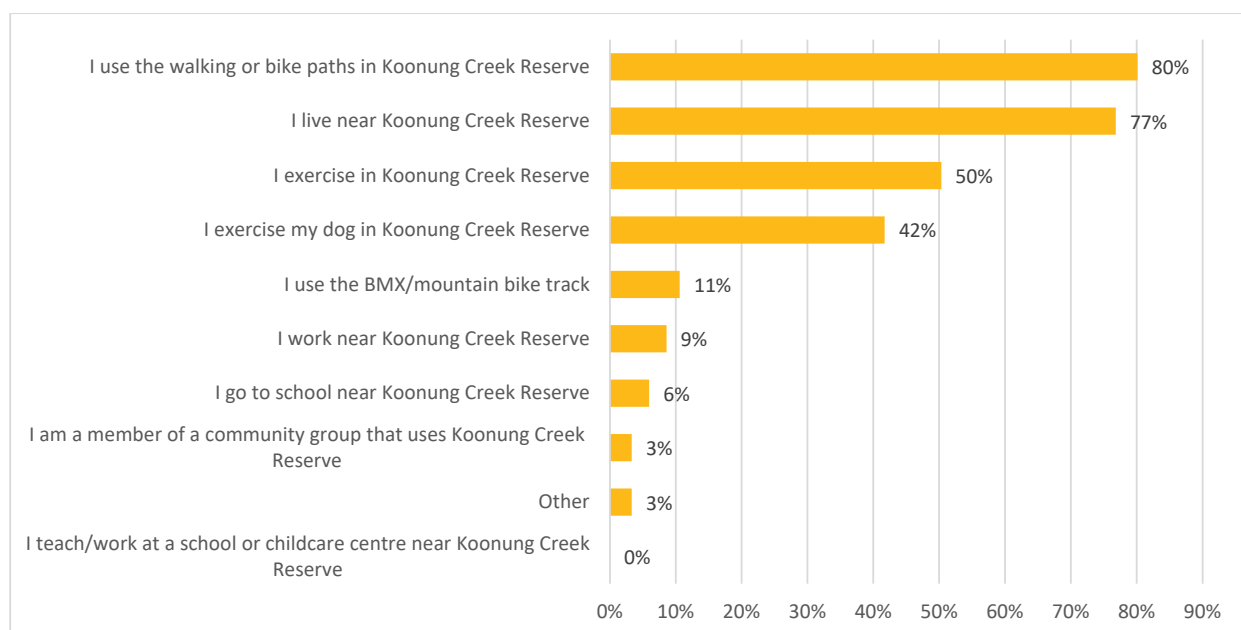


Figure 6 Connection to Koonung Creek Reserve (n=153)

### 3.2.4. Suburb

As shown in Figure 7, more than half survey respondents live in Balwyn North (64%), this was followed by those who reside in Balwyn (4%). There was less representation of respondents who live in other suburbs in the City of Boroondara. There were 11% of respondents resided in other suburbs beyond Boroondara such as Bulleen, Templestowe Lower, Box Hill, Doncaster, Caulfield North, and South Yarra.

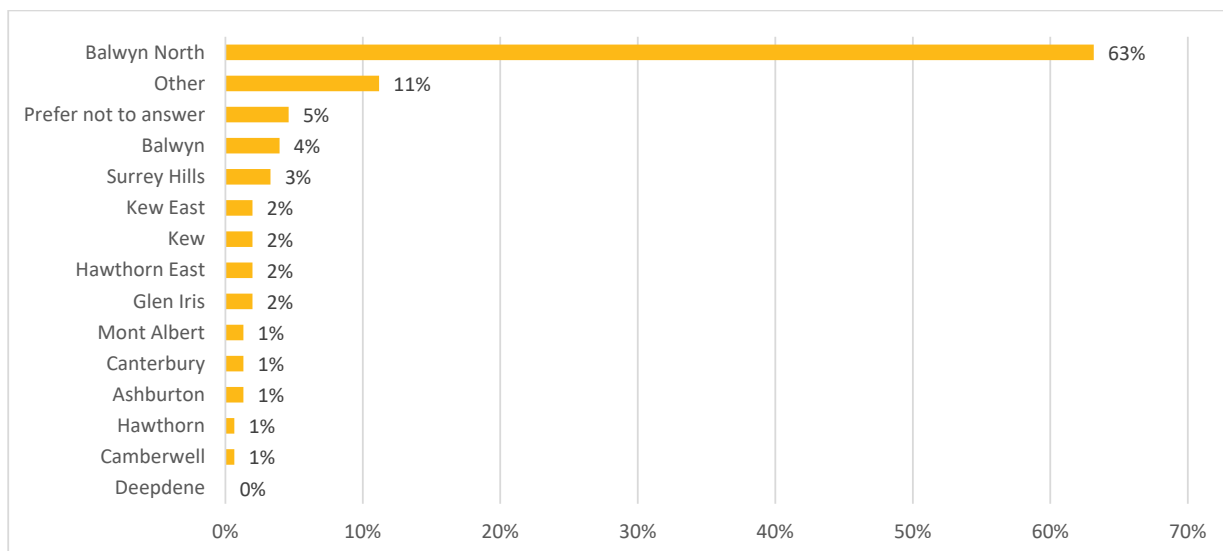


Figure 7 Suburbs that participants live in (n=153)

### 3.2.5. How respondents heard about the consultation

As shown in Figure 8, respondents reported how they heard about the consultation, reflecting the various channels used by Council to promote the consultation. Respondents reported hearing about the consultation through social media (27%) and the Engagement Boroondara (21%).

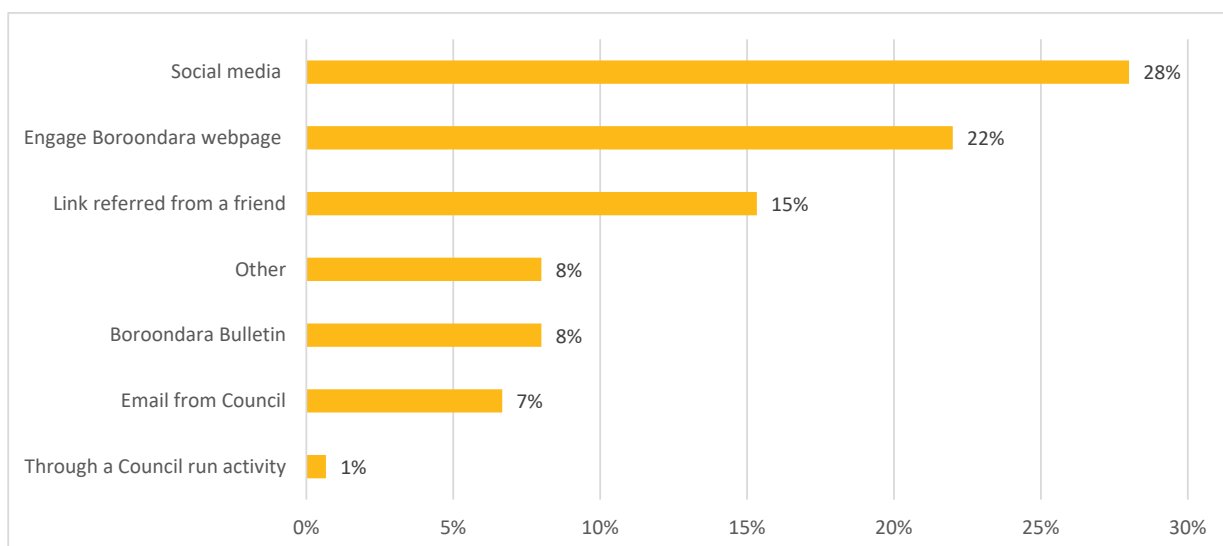


Figure 8 'How did you hear about the project'?(n = 153)

## 3.3. Gender impact assessment

Gender can affect people's needs and experiences. This means that policies, programs and services can affect people of different genders in different ways. The Gender Equality Act 2020 requires local governments to conduct gender impact assessments so that all their new services, which directly and significantly impact the public, benefit all Victorians. Capire conducted a gender impact analysis on the survey results.

Overall, there was no significant gender difference in the sentiment across most survey questions.

Overall, both men and women provided similar reasons for improving safety, amenities and had similar concerns about the reduction of green open space.

Some slight differences can be observed in the following survey responses:

- Women were more likely than men to oppose to Council's position on **Paths Design** (17% of women compared to 10% of men).

- Women (35%) were more likely than Men (23%) to support Council's position on the **new nature play areas in the reserve**.
- Women were more opposed (23%) to Council's position on the **intermediate BMX track**, than men (15%)
- Men were more supportive or strongly supportive (80%) of Council's position on the **five km Parkrun route through the reserve** than Women (63%)
- Women were more supportive (46%) of the **removal of the dog beach at the wetland**, than men (37%)
- In the open-ended responses, men were more likely to comment on all-ability or age range play equipment or play areas. Women were more likely to comment on safety and natural features as well as water, shade, etc.
- In the open-ended responses, men were more likely to comment on features to minimise the impact of the freeway.
- In the open-ended responses, women were more likely to comment on additional comfort amenities such as water taps, seating and shading. and safety features such as lighting.

## 4. Community responses to proposed key features

This section reports on survey results and discussions at the pop-up and drop-in sessions in relation to the key features proposed in the concept design:

4.1 Mode separation

4.2 Water retention

4.3 Playgrounds and nature play

4.4 BMX tracks

4.5 Dog off-leash zones

4.6 Park run

4.7 Wetlands

4.8 Landscape and amenities

### 4.1. Mode separation

The survey asked people if they supported Council's position: **'Council does not support the inclusion of a shared user path. Council is advocating for a mode separated path to be included, even with the reduction of open space.'** The image (Figure 9) below was used to illustrate what a mode separated path looks like.



Figure 9 An image included in the survey to show what mode separated path look like.

Most of the respondents were supportive of Council's position to advocate for a mode separated path in the Reserve, with more than 81% respondents indicating strongly support (59%) or support (23%). Around 14% were not supportive of Council's position, indicating they strongly oppose (8%) or oppose (6%), while 5% of respondents were neutral. Figure 10 shows the survey results.

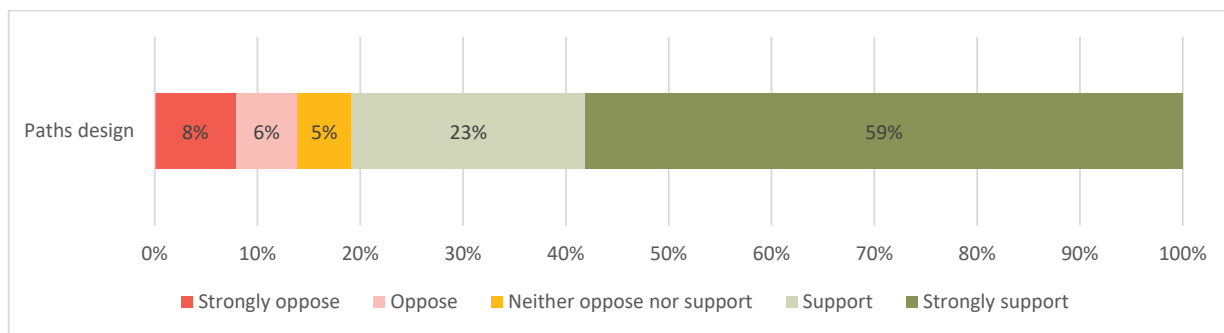


Figure 10 Do you support Council's position on mode separation? (n =152)

A total of 141 respondents provided reasons to their answers.

Reasons shared by respondents are summarised below:

REASONS FOR SUPPORT (114 RESPONSES)	REASONS FOR OPPOSITION (20 RESPONSES)	NEITHER SUPPORT NOR OPPOSE (7 RESPONSES)
<ul style="list-style-type: none"> <li>The most frequently mentioned reason was that mode separated paths would create a safer experience for all users, especially young children, elderly, and dog walkers.</li> <li>The existing mode separated paths in other areas work well.</li> <li>There is already a high volume of users on existing paths in the Reserve especially during peak hours and weekends.</li> <li>Mode separated paths would avoid risks of user conflict between cyclists and pedestrians.</li> </ul>	<ul style="list-style-type: none"> <li>The most frequently mentioned reason was that mode separated paths would take up more space and use for concrete paving.</li> <li>One respondent was concerned that if they walk their dog with their children on the bike, their children will need to cycle 30 meters away unsupervised.</li> <li>Some respondents highlighted that this may reduce activity space or greening opportunities.</li> </ul>	<ul style="list-style-type: none"> <li>They can see both sides of the argument (taking up spaces vs safety).</li> <li>They felt that current path in the Reserve works well and may not need to change.</li> </ul>

Feedback received from in-person sessions:

Participants at the in-person activities were supportive of council's position on mode separation. Many who attended the first pop up were part of a regular dog walking group who described experiences of conflict with cyclists on current shared paths.

Several cyclists attended the drop-in session shared that the current shared paths did not provide adequate room for them to avoid pedestrians and dogs. This was particularly raised by cyclists who used the path for commuting to and from work. It was noted that they then to go at higher speeds than the average recreational rider.

## 4.2. Water retention

Prior to asking questions about the water retention feature, an explanation of the 'past water course feature' was given. The survey then asked people if they supported Council's position: ***'Council does not support the occupation of the Koonung Creek Reserve for the purposes of retaining and treating water runoff from the Eastern Freeway and other roads. These features will occupy valuable open space and water could flow through an existing underground pipe with treatment and retention occurring further downstream.'***

Survey respondents were supportive of Council's view to not occupy the reserve for the purposes of retaining and treating water runoff from the Eastern Freeway and other roads. Two-thirds of respondents (66%) indicated strong support (44%) or support (22%) for Council's position. A total of 16% of respondents either strongly opposed (9%) or opposed (7%) Council's position. 19% of respondents neither oppose nor support. Figure 11 shows the survey results.

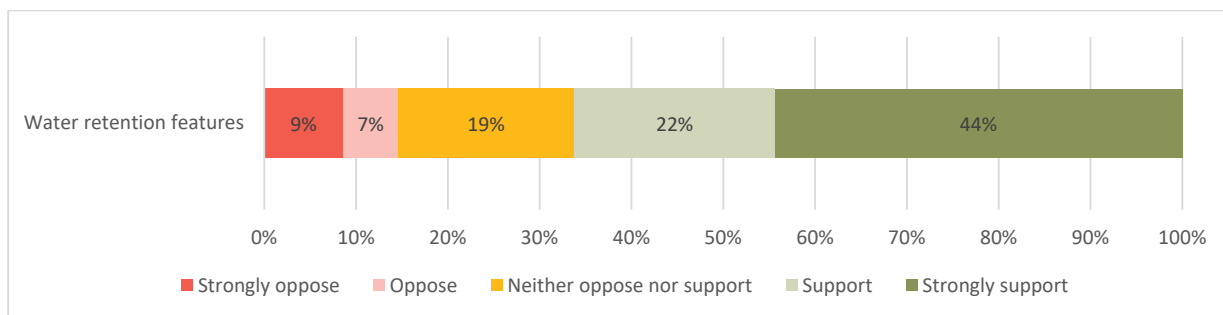


Figure 11 'Do you support Council's position on water retention in Koonung Creek Reserve?' (n = 153)

A total of 126 respondents provided reasons to their answers.

It was noted that a handful of respondents may have misunderstood the question, as their response to 'oppose' was indeed to 'oppose the past water course feature'.

Reasons shared by respondents are summarised below:

REASONS FOR SUPPORT (82 RESPONSES)	REASONS FOR OPPOSITION (20 RESPONSES)	NEITHER SUPPORT NOR OPPOSE (25 RESPONSES)
<ul style="list-style-type: none"> <li>Water retention features would take up valuable space of the Reserve, reducing opportunities to install other amenities and increase greening.</li> <li>Water runoff from the Eastern Freeway may be polluted and impact ecology of the park.</li> <li>Standing water may become breeding ground for mosquitos.</li> <li>Water runoff should be captured in existing stormwater management system.</li> <li>Water runoff may cause inundation of surrounding areas during high volume of rain</li> </ul>	<ul style="list-style-type: none"> <li>Water retention features may provide potential new habitat for animals in the Reserve with appropriate design.</li> <li>Water retention features would help reduce speed of water runoff.</li> <li>Water retention features would be a new feature for the Reserve with natural landscaping.</li> </ul>	<ul style="list-style-type: none"> <li>Most of them felt they do not have enough information / knowledge to provide an answer.</li> </ul>

Feedback received from in-person sessions:

The majority of participants at the pop-up and drop-in sessions agreed with Council's position and did not want to have the proposed water retention present in Koonung Creek Reserve. More than five of the dog walkers shared concerns about the safety and potential pollution in the water run-off and the danger that may pose to their dogs or children. Others discussed the reduction of open space as a key reason for not supporting the water retention. Three participants at the pop-up lived in an area adjacent to the water retention ponds on the western end of the reserve and shared concerns that heavy rain may cause a flooding event that could affect their properties.

### 4.3. Playgrounds and nature play

A total of 60% of survey respondents were supportive of the addition of another playground at the western end of the reserve. There was also support for BBQ, picnic facilities and toilets adjacent to the playground areas. While 63% of survey respondent were supportive of the inclusion of nature play areas in the reserve. Figure 12 shows the survey results.

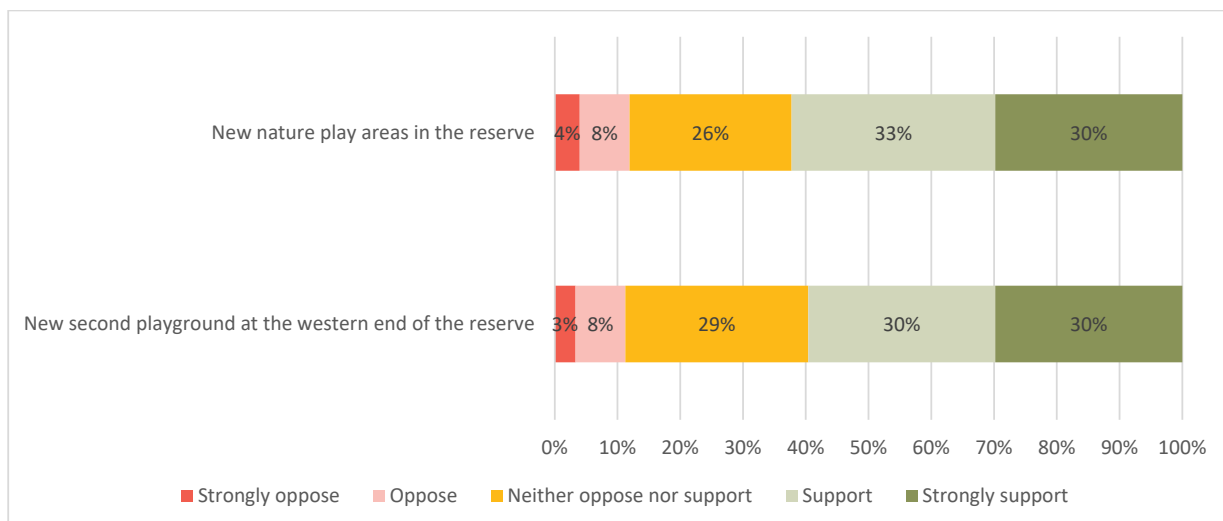


Figure 12 Support for new nature play and second playground (n=153)

Other features that participants desired to see in the playground or nature play areas include:

- slides
- swings (including an all-ability swing for people in wheelchairs)
- monkey bars
- climbing spider frames
- sufficient shelter and shade

*"A wide range of play equipment for all age groups. Good climbing equipment for a wide range of ages, slides and swings are important. As noted elsewhere, toilets are essential. Also a BBQ area to replace the existing area." – Survey respondent*

*"Playground equipment targeted to children of different ages - toddler, preschool, primary school, challenging for pre-teens and young teens." – Survey respondent*

Feedback received from in-person sessions:

Participants at the pop-up session did not share many views about the inclusion of playgrounds or nature play in the reserve. The audience at this event were older and potentially would not be as impacted by this change as some other proposed changes. Less than five participants mentioned that they hoped to see more children and families using the park to encourage them to be active.

#### 4.4. BMX Tracks

Majority of the survey respondents supported the inclusion of both a beginner (64%) and intermediate (55%) BMX track in the Koonung Creek Reserve. Those who are supportive of the inclusion of the BMX track would like to encourage children and teenagers to be more active, and believe the track needs to be well designed for it to attract users.

A small number of respondents who did not support the BMX track design were concerned that the BMX track may negatively impact the natural environment and biodiversity of the reserve. Figure 13 shows the survey results.



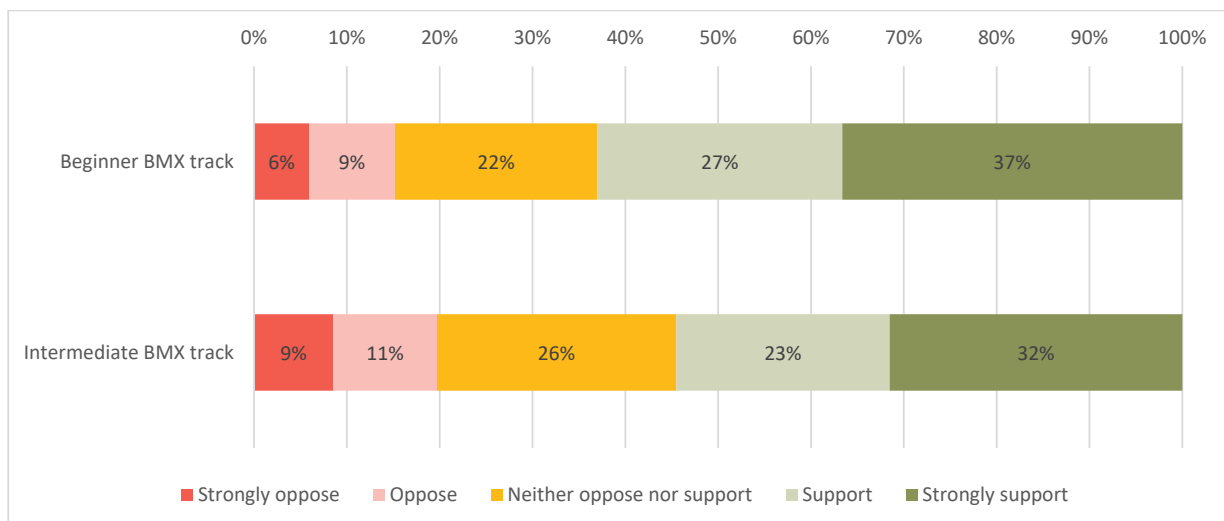


Figure 13 Support for inclusion of a beginner and intermediate BMX track (n=153)

*"Kids will build jumps as they have done in the area unless a properly maintained or sculpted facility is provided. Look at Hill n Dale in Glen Iris for a reference point to a previous Boroondara Council success story. This stops kids digging up the park in other areas, it would be great addition." – Survey respondent*

*"BMX track if done needs to be done well with good consultation taking on board and implementing feedback from users. If design is poor it will not be used and become an eyesore. If done well it would be a terrific addition to a great parkland." – Survey respondent*

*"The BMX tracks if well designed would hopefully mean that BMX riders would stop creating their own jumps in the treed area... and provide teenagers and others somewhere to be active."- Survey respondent*

There was no specific feedback made about the BMX tracks at the in-person sessions.

## 4.5. Dog off-leash zones

Less than half (40%), supported the inclusion of two fenced dog parks (one for small and one for large dogs). This is consistent with discussion at the pop-up. In contrast, 33% do not support the inclusion of two dog parks. A relatively high proportion of people (29%) neither oppose nor support. The survey did not ask participants to provide further comments.

More than half of survey respondents support the inclusion of a new fenced dog park (67%).

40% of respondents indicated they supported or strongly supported the removal of the dog beach at the wetlands, while 36% strongly oppose or oppose the removal. Figure 14 shows the survey results.

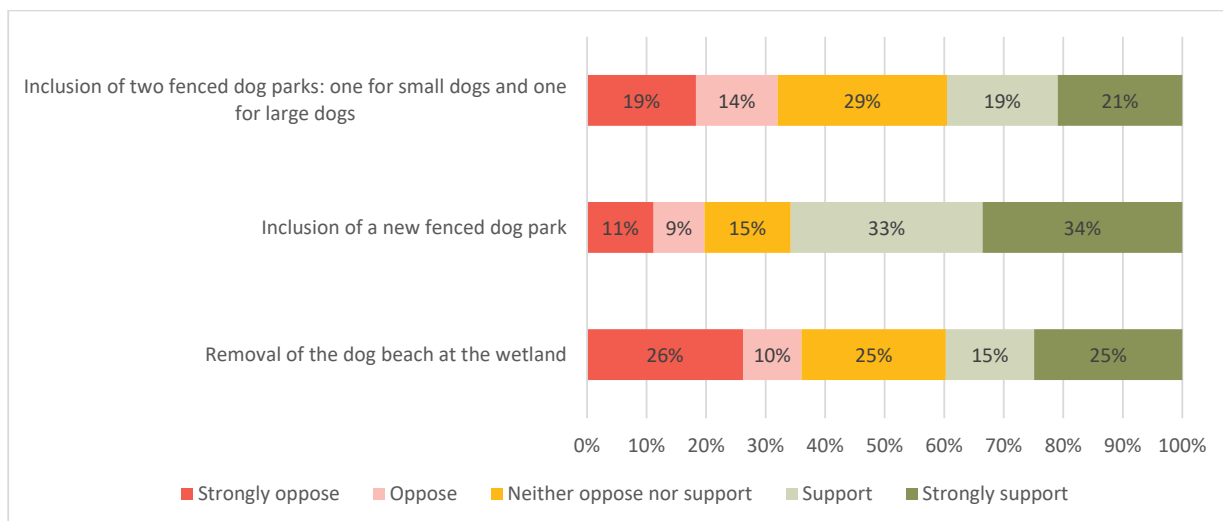


Figure 14 Questions relating to dog off-leash zones at Koonung Creek Reserve (n=153)

Feedback received from in-person sessions:

The feedback from the survey and the in-person events indicated this is a divisive issue for those who are regular users of Koonung Creek Reserve. Further clarity is needed on whether the removal of the dog beach at the wetland will also mean the removal of the dog off-leash zones in the rest of Koonung Creek Reserve. Capire suggests that further consultation is needed on this issue.

## 4.6. Park run

A total of 71% of survey respondents were supportive of the inclusion of a parkrun track in Koonung Creek Reserve, with 22% neither supporting nor opposing the inclusion. Figure 15 shows the survey results.

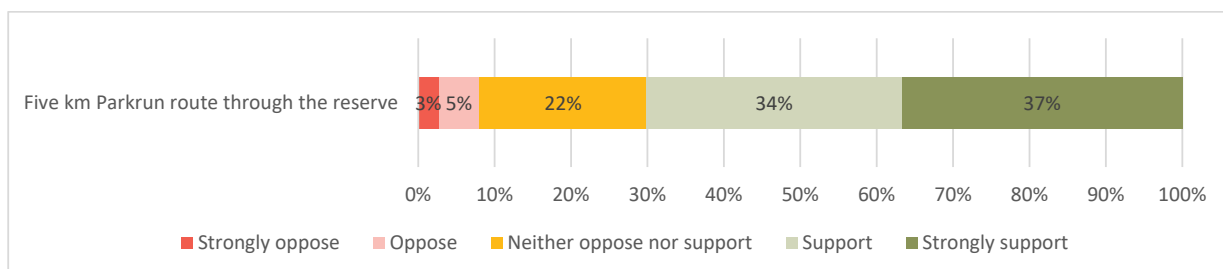


Figure 15 Support for 5km Parkrun route through the reserve (n=153)

Feedback relating to the Parkrun route includes:

*"This area is popular for runners, this route could be popular between Studley Park and Westerfolds Park if sufficient volunteers and participants." – Survey respondent*

*"To support a 5 km track for Parkrun, the design requires a shelter, access to water, toilets and a loop or out and back track ending back at the shelter." – Survey respondent*

*"I oppose a Parkrun route. The park should be primarily for passive recreation, not organised sports/businesses using public space to make a profit." – Survey respondent*

Feedback received from in-person sessions:

At the pop-up and drop-in session, participants were generally supportive of the park run idea. One participant mentioned that the mode-separation on the paths would assist in making this safer if it was to go ahead.

## 4.7. Wetlands

### BIRD HIDE

More than half (58%) of the respondents were supportive of the inclusion of the bird hide at the wetlands. 28% neither opposed nor supported it, and 15% opposed or strongly opposed. Figure 16 shows the survey results.

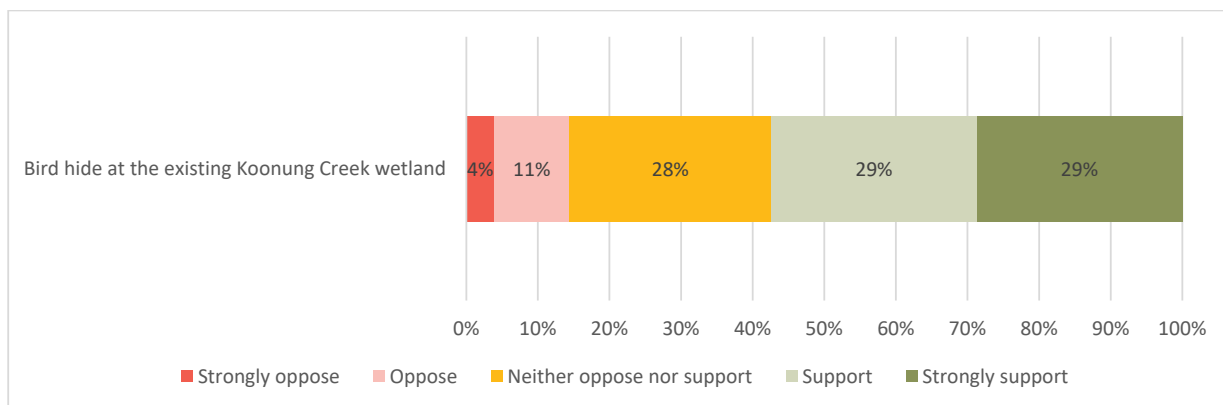


Figure 16 Support for a bird hide at the existing Koonung Creek wetland (n=153)

Considerations shared at the in-person events and in free-text survey comments include:

- a few participants were concerned a bird hide could attract anti-social behaviour, as it will be in a secluded part of the park.
- a few participants felt that the bird hide will be unnecessary as it will take years for the birds to return to the area after widening of the Eastern Freeway and it does not seem to be good use of public funding.
- there were participants that supported the bird hide, as long as it did not require the removal of the dog beach at the wetlands.

*"Like the idea of giving bird lovers the option to observe birds without disturbing them." – survey respondent*

*"Low-key facilities such as bird hides are useful and provide opportunities for the community to observe birds and other wildlife." – survey respondent*

*"Bird hide doesn't seem like a good use of funding - not enough people will use it." – survey respondent*

*"A bird hide is unnecessary when there are and will be seats around the wetlands." – survey respondent.*

#### RELAXATION AND QUIET ZONE

The majority of survey respondents (79%) are supportive of the inclusion of a relaxation and quiet activity zone by the wetland, including a deck and new gazebo. Figure 17 shows the survey results.

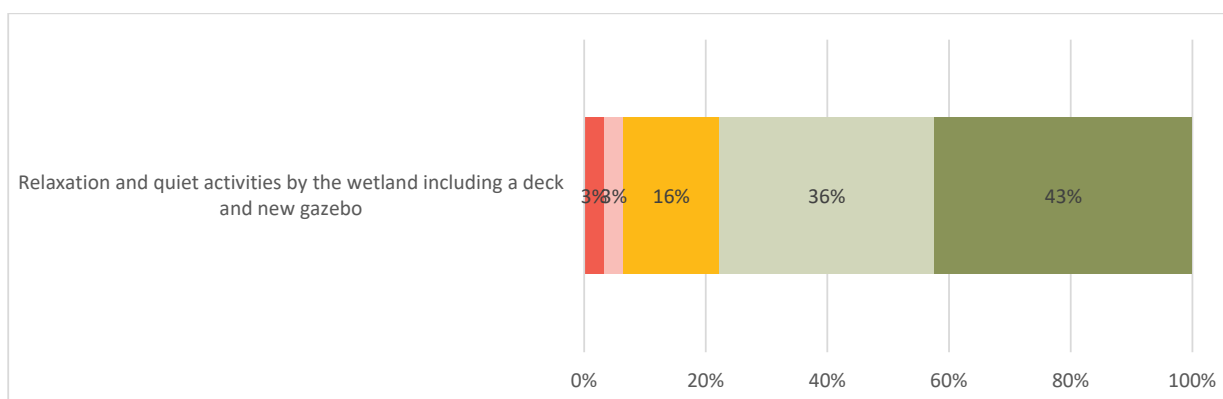


Figure 17 Support for relaxation and quiet activities by the wetland (n=153)

## 4.8. Landscape and amenities

The survey did not ask directly about the landscape features nor amenities at the Koonung Creek Reserve, however many respondents shared views about trees, biodiversity corridors, seating, toilets, lighting, water/drinking fountains, exercise equipment in their free-text comments. Their views, and the views of participants at the pop-up and drop-in discussions have been included below.

### Unstructured nature

A few participants at the pop-up and drop-in session shared their desire for the Koonung Creek Reserve to remain 'untouched' and not become too 'manicured' or 'artificial'. Many participants shared that the relatively 'wild' or unstructured nature of the reserve is what makes the reserve special, and that they did not desire for this to change. This was a common sentiment from those who attended in-person events and in the open-ended survey responses.

*"What is missing is natural bushland that strengthens reconciliation with Aboriginal and Torres Strait First Nation peoples." – Survey respondent*

### Removal of mature trees

Some expressed concerns about the removal of the mature trees during the construction period, and that replacing these with saplings would mean that the Reserve would take years to return to its current state.

*"Mature trees will be removed for the freeway extension. It is only fair to have mature trees planted at the beginning. Otherwise, it will take decades for the young trees to grow back. The mature trees will act as natural noise dampeners too." – Survey respondent*

### Noise walls impacting vegetation growth

Another concern shared by pop-up participants was the height of the noise walls through the reserve, and the impact this may have on the vegetation growing underneath due to a shadowing effect. The type of planting that will occur along the noise walls will need to take this into account, considering both the impact of shading as well as the impact of a rain shadow which may mean those plants receive less water.

### Biodiversity corridor

Participants felt that the role of the reserve as a biodiversity corridor was important. A few residents raised concerns about the displacement of wildlife during construction.

*"We already have ducks coming to our swimming pool. We wonder what would happen to the wildlife during construction; they have nowhere to go." – Drop-in session participant*

### Lighting

Many participants shared that they would like better lighting throughout, particularly along the main Koonung Creek Trail.

### E-bike charging stations

Some participants shared that they would like a solar-powered charging station that could be used for e-bikes.

### Bins

Participants suggested the inclusion of more bins along the pathway and at key intersections to allow people to drop off dog litter bags given the Reserve's popularity as a dog walking area.

### Exercise equipment

There was clear support for exercise equipment to be retained in the park and that this equipment is currently used by many.

*"I'd like more adult exercise equipment...I use these, as do many of us, every day and it's my main fitness routine, as it is for many." – Survey respondent*

### Flexi-space

One person suggested to remove the fixed seating from the current shelter/gazebo design to increase the flexibility of this space. For example, this could suit the use of a Tai Chi group that regularly uses the park, and may need a sheltered open space. It was noted by some participants that the Tai Chi Group uses the gazebo at the wetland every morning between 9am and 10am.

### Seats

A few participants desired for more seats and benches in the reserve.

*"I would also like to see a lot more benches and benches/tables for picnics and some seats in shaded areas. Not everyone who uses the trail is fit and can walk for long periods without a rest." – Survey respondent*

*“Ensure there are lots of benches, including some in shaded spots. There are too few benches now and some are unshaded. Also, water stations would be ideal for people to fill drink bottles, rehydrate and water their pets. It would be beneficial to have lighting along the path to increase usability in the evening - particularly when the days are shorter.” – Survey respondent*

Further feedback on these features in each zone are included in Section 5 of this report.

## 5. Community workshop responses to the five zones

A total of 12 people participated in a one-hour community workshop. During the workshop, participants were guided to review the existing conditions plans and the draft concept design. They were then divided into smaller groups to share their feedback on the draft concept design by zones. This section summarises their feedback by zone.

### 5.1.1. Overall comments

Participants made general comments on the overall concept design. These comments were not related to a particular zone:

- Participants were generally concerned that 20% of the park will be taken by NELP.
- General agreement that mode separation makes it safer for cyclists and pedestrians. However participants noted that pedestrians will not walk closer to the road, have them be on the inside of the reserve.
- General acceptance of the inclusion of the BMX track but noting that it would compromise open space. There were suggestions to fence in the BMX track area.
- There were suggestions to fenced off the playgrounds to ensure safety of children.
- There was preference for an extra path along the top northern edge to replace the water retention feature.
- Participants noted that there is a reduction in utility in this design with no access behind the wetland. They suggested there should still be a path access behind this area (with a gravel path).
- Participants noted that the Tai Chi group use the gazebo every morning and suggested that it should be a sheltered space for Tai Chi users.
- Desire for the dog beach, exercise equipment and the Bee Hotel to be retained.
- Suggestion to include interpretive signage in the reserve.
- Regarding dog activities, there were suggestions to separate path for dog walkers in the northern part of the reserve; and a general comment that separating small and big dogs may not be worthwhile.

The following sub-sections provided participants' feedback by zones. Participants were asked to comment on the zone maps and indicate their comments on a specific location. Where comments are specific to a location, they are numbered on the map, with a 'key' to detail their comments.

### 5.1.2. Zone 1 and 2



#### Numbered item (in orange):

1. Seat should be placed here at the western area, near Mountain View Rd entrance facing east
2. Exercise equipment should be placed here in the west near the playground
3. Add in bike racks here near the BMX area

Figure 18 Image of Zone 1 of Koonung Creek Reserve Draft Concept Design with annotation





Figure 19 Image of Zone 2 of Koonung Creek Reserve Concept Design

#### General comments provided on Zone 1 and 2:

- Concerns about inundation area and if modelling has been done including the increased impermeability of the freeway and impacts of climate change.
- Desire for the exercise equipment to be retained.
- Seating should be close to the playground.
- Secondary path is good as it will provide an alternative for dog walkers than the main path.
- Supportive of the fenced off-leash dog park but concerned that this would change the off-leash status of the rest of the park.
- A participants suggested that a big and small dog parks would not work, but having some small fenced areas that dogs can use if they are overwhelmed ('dog escape rooms') would be good.
- Supportive of public toilet at Balwyn Rd.
- Some participants felt they do not need as many nature play areas plotted along the reserve; and emphasised that they should not be placed the dog park.



### 5.1.3. Zone 3



Figure 20 Zone 3 of the Koonung Creek Reserve Concept Design

The below represents the feedback received on Zone 3:

- There were mixed views from the group regarding the number of play areas and playgrounds in the Reserve. Some participants were concerned that if the Reserve is allowing dog off-leash, the high number of play areas may increase interaction between off-leash dog users and children. However, other participants flagged that they liked the smaller more spaced playgrounds.
- Around five participants suggested that the playgrounds should be fenced to increase separation from dogs.
- It was suggested that if the noise wall is not effective, then people won't use this part of the park because it gets too close to the freeway at the end bit.
- Participants felt that the bird watch hide is a good idea but it could become an area for anti-social behaviour.
- Picnic and BBQ facilities in this zone are well suited to be in proximity to playgrounds.
- Participants desired to keep the dog beach as this is very popular.
- There should be at least one picnic and BBQ area not near playground, but in a more open area for people who don't have children.
- Some participants were keen to retain a path right around the wetland.

#### 5.1.4. Zone 4 and 5

There were annotated comments on Zone 4 and Zone 5. Where comments are specific to a location, they are numbered on the map, with a 'key' to detail their comments.

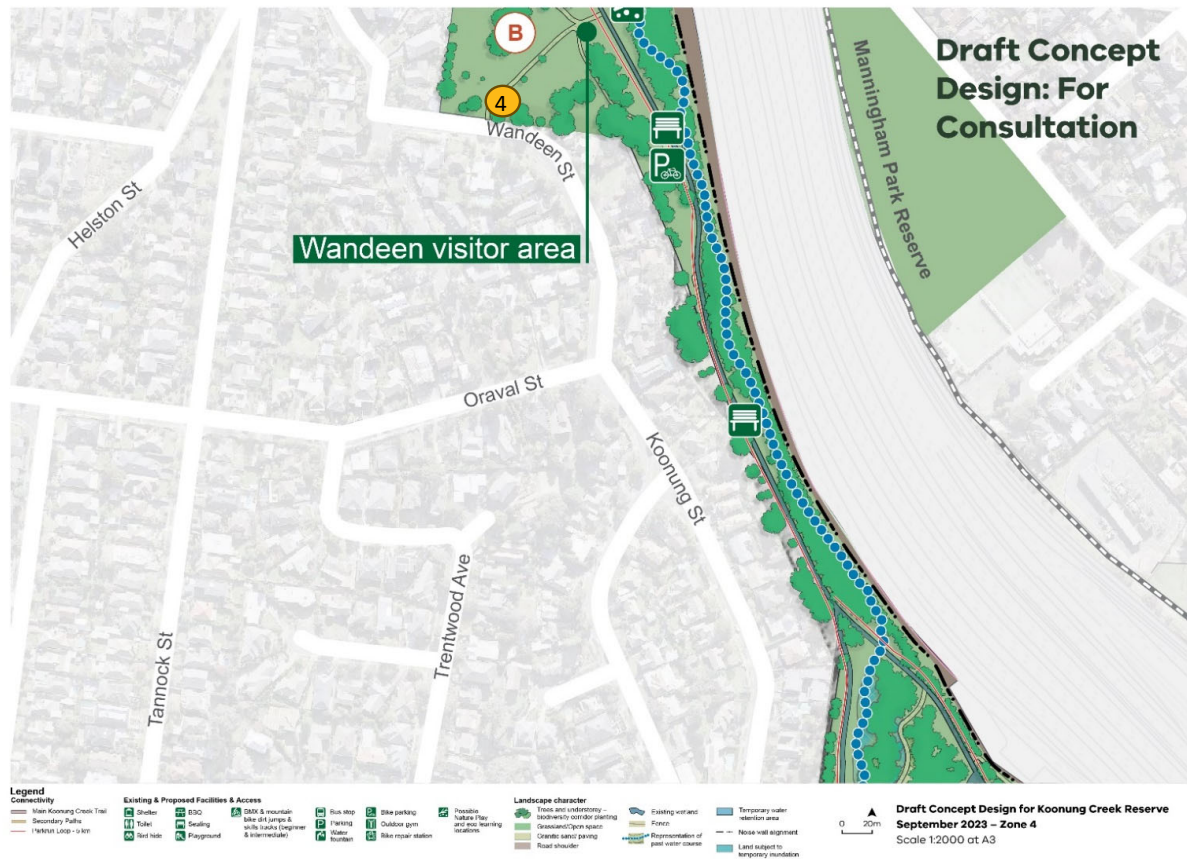


Figure 21 Zone 4 of the Koonung Creek Reserve Draft Concept Design



Figure 22 Zone 5 of Koonung Creek Reserve Draft Concept Design with annotation

## General comments for consideration:

- Increase the size of the concrete pads for furniture including space for a pram or bike to sit next to the bench.
- There is a lack of drinking fountains in the plans for this zone – people are coming into the park, or leaving it here so there needs to be water. Participants suggested this be located at node intersections.
- Signage and wayfinding for facilities needs to be included in the design.
- Consider secondary gravel paths for dog walkers instead of the water retention creek bed.
- Encourage pollinators with wildflowers. Support the opportunity to revegetate Zone 5, towards the Doncaster Rd end, as it is a throughfare and would not require much open space.
- Suggestion to relocate the bin to entrances (eg Wandeen Street entrance)
- Preference for open space over dry creek bed/water retention.

## 5.2. Feedback relating to NELP overall / out of scope feedback

During the consultation the community offered feedback not within the scope of Koonung Creek Reserve concept design or related to the NELP in general. This section summarises these comments.

### Noise walls

Community members at the in-person events raised concerns about the height of the noise walls and the construction materials. A concern is that without adequate lighting, the noise walls may make the park feel unsafe or unfriendly, particularly at night. Some were also concerned the noise walls would create a light and rain shadow, affecting vegetation planted closer to it. A handful of survey participants strongly emphasised the need for the noise wall to extend along the freeway, with particular mention that that the noise wall design according to VicRoads' standard is inadequate for residents and park users.

### Cycling connections

The bicycle freeway being built between Hoddle St and the Chandler Highway means that there will be more commuters using this route to travel in/out of the city. Several participants shared a desire for better future proofing of the bike trail and connections to ensure that it can meet the demand, including the bike path meeting a width of 4m wide to ensure there is room for faster riders to overtake novice riders.

### Future pollution and ventilation shaft

Concerns were shared in the survey comments and in-person at events about the level of pollution that will result from the widening of the Eastern Freeway. Several community members also shared concern about the design of the 'ventilation stack' that will be built as part of the widening.

*"My concern is encouraging exercise in the parkland when NELP Air Pollution from PM2.5 and NO2 are predicted in the NELP EES to breach the "project" PM2.5 safe limits. This is a serious health concern, particularly near schools like Marcellin, Carey, Trinity & Belle Vue PS." – Survey respondent*



## 6. Conclusion

During this consultation period, over 3,200 people were reached through the project website (available in English and Simplified Chinese), 153 completed a survey, 36 people participated in a pop-up or drop-in session, and 12 participated in a community workshop to provide detailed responses.

Features that received over 80% support:

- Council's position to advocate for a mode separated path in the Reserve (81% support)
- The inclusion of a relaxation and quiet activity zone by the wetland, including a deck and new gazebo (79% support)

Features that received over 50% support:

- Provide a park run route (71% support)
- Include a relaxation and quiet activity zone by the wetland, including a deck and new gazebo (79% support)
- Include a new fenced dog park (67% support)
- Council's position to oppose the past water course feature (66% support)
- Include a new nature play area (63% support) and a new second playground at the western end of the reserve (60%)
- Include a beginner BMX track in the reserve (64% support)
- Include a bird hide at the wetlands (58% support)
- Include an intermediate BMX track in the reserve (55% support)

Features that received mixed views / no clear majority were:

- The removal of the dog beach at the wetlands (40% support; 36% oppose)
- Include two fenced dog parks (40% support; 33% oppose).

Council may consider undertaking further consultation on dog-related features. In relation to the water retention feature, one-fourth of the respondents did not understand the proposed feature. Further information and education could be provided to build community understanding.

Throughout the consultation, comments were made about the North East Link Project in general, the noise walls, and concerns about air pollution, ventilation, and disruption during construction.

## Appendix – Survey questions

### Section 1: Open space and connecting pathways

#### Paths design

The current design from NELP features the Koonung Creek Trail as a shared user path. This is the same set-up as existing and means that walkers, dog walkers and cyclists will share the path. This is not currently aligned with Boroondara's Bicycle Strategy, which advocates for mode separated paths where possible to improve the walking and cycling experience, as well as safety for all pedestrians, dog walkers and cyclists.

Over 80% of those who answered our previous survey in May 2022 told us they prefer mode separated walking and cycling paths instead of shared paths. Including mode separated paths will mean a reduction in the amount of open space available.

1. **Rate your level of support for Council's position:** *'Council does not support the inclusion of a shared user path. Council is advocating for a mode separated path to be included, even with the reduction of open space.'*

*Likert scale from 1-5: strongly oppose, oppose, neither support nor oppose, support, strongly support*

2. **Tell us why you chose that answer.**

### Section 2: Water retention features

Koonung Creek Reserve features an existing wetland which is highly valued by the community. You can see this wetland in the existing conditions plan and the concept design.

NELP's concept design proposes additional and permanent water retention ponds and a 'representation of the past water course' to treat water from the surrounding road catchment and the Eastern Freeway. The 'representation of past water course' is a wide rock-lined 1.5m drain through most of the reserve with minimal planting and likely with stagnant water. The water features will occupy useable public open space as well as areas that could be planted with trees adjacent to the freeway and noise walls.

3. **Rate your level of support for Council's position:**

*'Council does not support the occupation of the Koonung Creek Reserve for the purposes of retaining and treating water runoff from the Eastern Freeway and other roads. These features will occupy valuable open space and water could flow through an existing underground pipe with treatment and retention occurring further downstream.'*

*Likert scale from 1-5: strongly oppose, oppose, neither support nor oppose, support, strongly support*

4. **Tell us why you chose that answer (open-ended)**

### Section 3: Features and community facilities by zone

The following features have been proposed to be included in the concept design. Please indicate your level of support for each one. Please note seating, picnic tables, water fountains, bicycle repair stations and exercise equipment will also be featured in the reserve.

	Strongly oppose	Somewhat oppose	Neither support nor oppose	Somewhat support	Strongly support
A new second playground at the western end of the reserve					
New nature play areas in the reserve					
A new public toilet at the western end of the reserve					
A beginner BMX track					
An intermediate BMX track					
An area for relaxation and quiet activities by the wetland					

including a deck and new gazebo					
A 5-km park run route through the reserve					
A bird hide at the existing Koonung Creek wetland.					

5. **Do you want to provide any further information as to why you chose your answers above? (open-ended)**
6. **What equipment or features would you like to see in the new playground and nature play area? (open-ended)**
7. **Have we missed any features or amenities you'd like to see in the Reserve? (open-ended)**

### Section 3: Dog activity areas

8. The concept design proposes that the dog beach at the wetland is removed to provide improved habitat for native birds and create a quiet area for birdwatching and relaxation. A new fenced dog park will be added for puppies and dogs not yet under effective voice control so they can play off leash.

**Please indicate your level of support for the following** (strongly oppose to strongly support)

- a. Removal of dog beach at the wetland
- b. Inclusion of a new fenced dog park
- c. Inclusion of two fenced dog parks – one for small dogs and one for large dogs

–

### Part 2: About you

#### 1. What is your age?

- ☐ Under 18
- ☐ 18-24
- ☐ 25-34
- ☐ 35-49
- ☐ 50-59
- ☐ 60-69
- ☐ 70-84
- ☐ 85 or above
- ☐ Prefer not to answer

#### 2. What is your gender?

- ☐ Woman
- ☐ Man
- ☐ Self-described, please specify:
- ☐ Prefer not to answer

#### 3. Please select the option(s) which best describes you. You may select more than one.

- ☐ I live near Koonung Creek Reserve
- ☐ I work near Koonung Creek Reserve
- ☐ I go to school near Koonung Creek Reserve
- ☐ I use the walking or bike paths in Koonung Creek Reserve
- ☐ I exercise in Koonung Creek Reserve
- ☐ I use the BMX/mountain bike track
- ☐ I exercise my dog in Koonung Creek Reserve
- ☐ I teach/work at a school or childcare centre near Koonung Creek Reserve
- ☐ I am a member of a community group that uses Koonung Creek Reserve (please share the group's name: \_\_\_\_)
- ☐ Other: Please tell us how you use Koonung Creek Reserve

#### 4. What suburb do you live in?

- ☐ Ashburton
- ☐ Balwyn

- Balwyn North
- Camberwell
- Canterbury
- Deepdene
- Glen Iris
- Hawthorn
- Hawthorn East
- Kew
- Kew East
- Mont Albert
- Surrey Hills
- Other:
- Prefer not to answer

**5. How did you hear about the consultation?**

- a. Engage Boroondara webpage
- b. Boroondara Bulletin
- c. Email from Council
- d. Link referred from a friend
- e. Social media
- f. Through a Council run activity
- g. Other

**6. Would you like to be contacted with the results of the survey, next steps and any further information on the Koonung Creek Reserve? If yes, please provide your email address (open-ended)**

Capire Consulting Group  
The Commons,  
Wurundjeri Country  
36-38 Gipps Street,  
Collingwood VIC 3066  
(03) 9285 9000

[info@capire.com.au](mailto:info@capire.com.au)  
[capire.com.au](http://capire.com.au)

Capire acknowledges  
and deeply respects the Wurundjeri  
people and  
the Traditional Owners  
of the Victorian land.



**capire**







# Koonung Creek Reserve Master Plan Design



## Legend

### Connectivity

- Mode separated Koonung Creek Trail
- Secondary paths
- Potential parkrun loop - 5 km

### Facilities

- Shelter
- BBQ
- Seating
- Playground
- Paired rubbish and recycling bins
- Drink fountain

- BMX & mountain bike dirt jumps and skills tracks (beginner and intermediate)

- Bus stop
- Parking

- Bike parking
- Outdoor gym
- Bike repair station

- Possible Nature Play and eco-learning locations

### Landscape character

- Trees and understorey – biodiversity corridor planting
- Grassland/Open space
- Granitic sand/ paving
- Road shoulder
- Existing wetland
- Noise wall alignment

0 50m

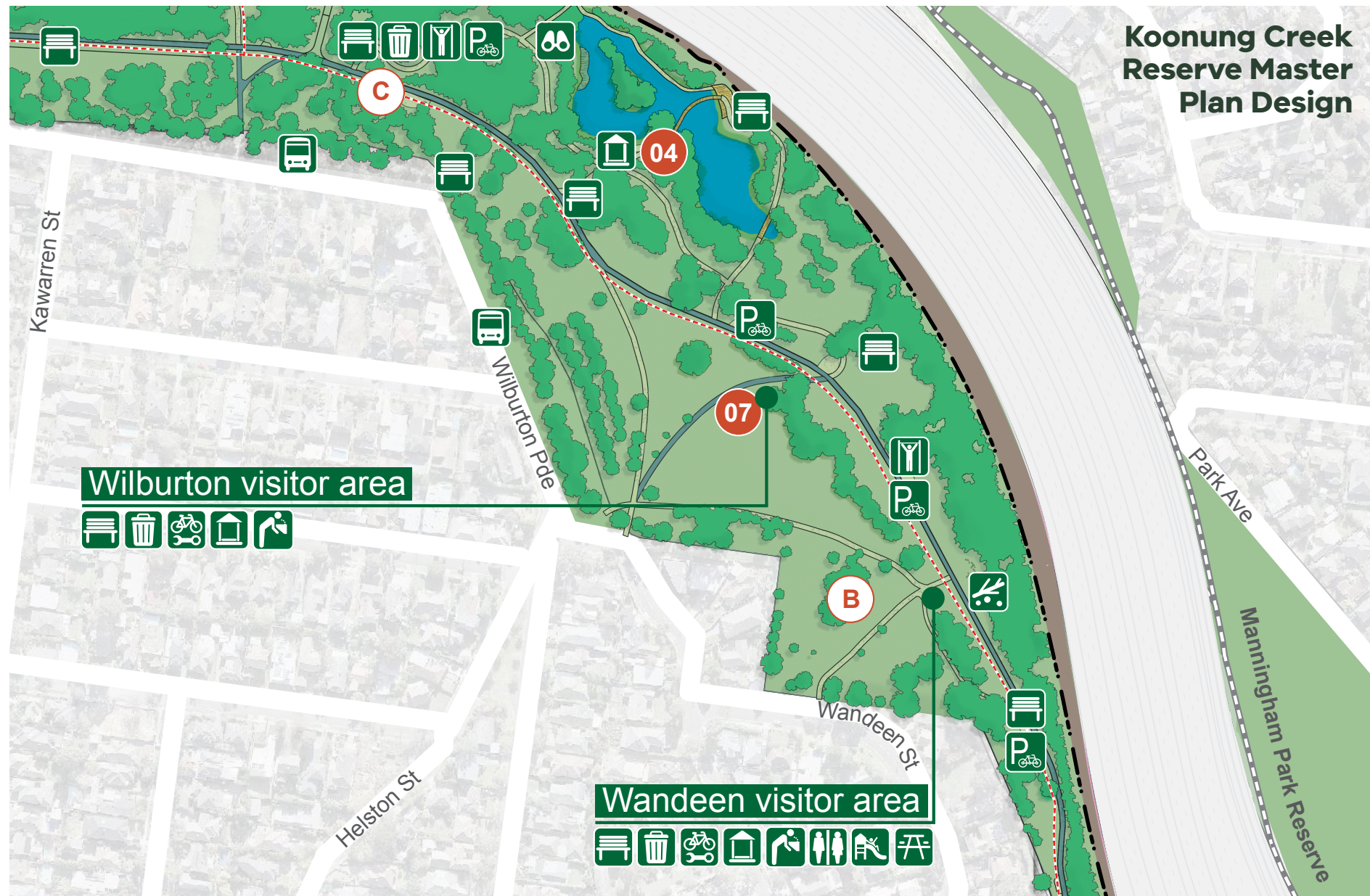
**Koonung Creek Reserve Master Plan Design – Zone 1**  
Scale 1:2000 at A3



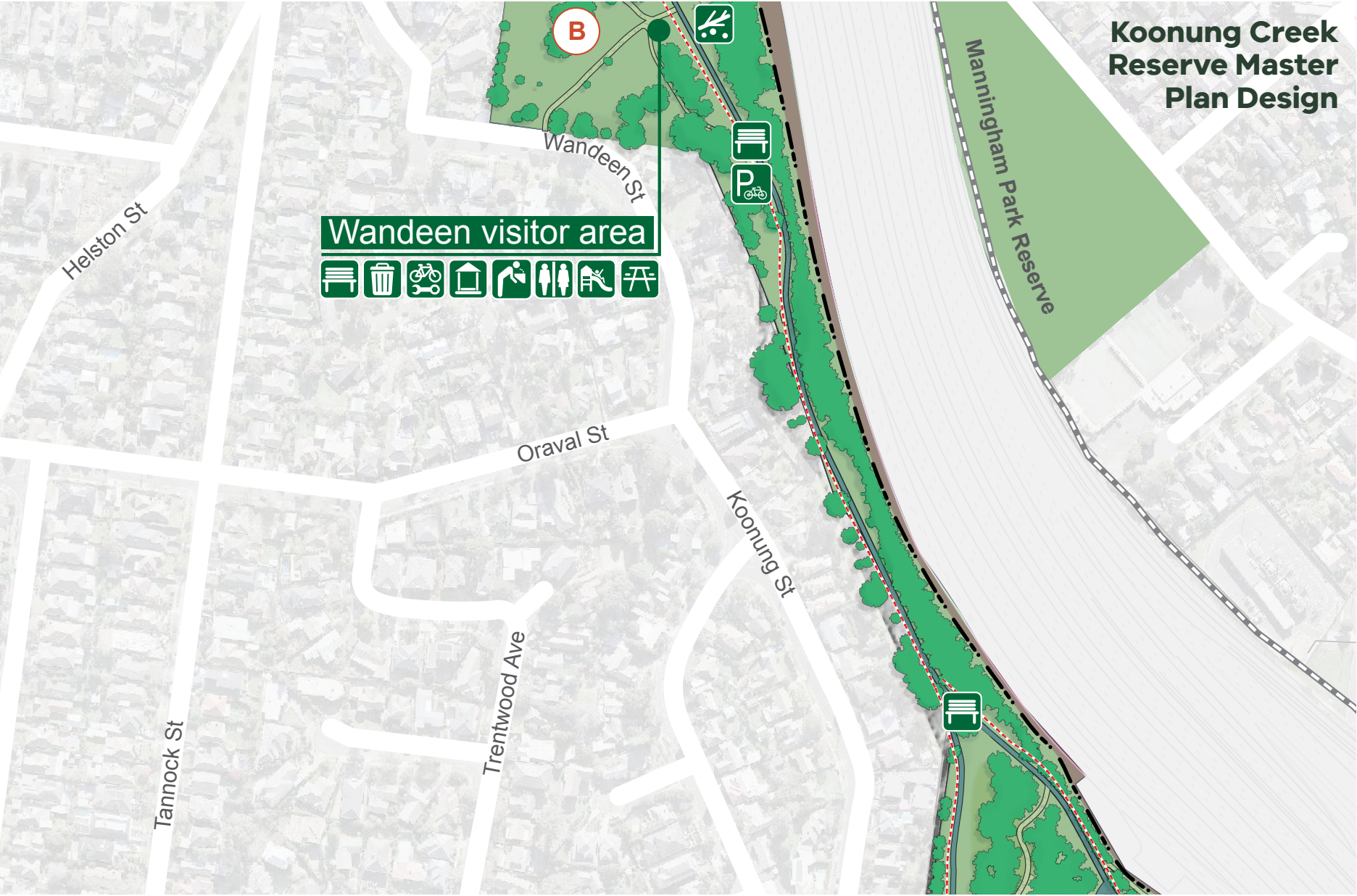




# Koonung Creek Reserve Master Plan Design







**Legend**

**Connectivity**

- Mode separated Koonung Creek Trail
- Secondary paths
- Potential parkrun loop - 5 km

**Facilities**

- Shelter
- BBQ
- Seating
- Playground
- Paired rubbish and recycling bins
- Drink fountain

- BMX & mountain bike dirt jumps and skills tracks (beginner and intermediate)

- Bus stop
- Parking
- Bike parking
- Outdoor gym
- Bike repair station

- Possible Nature Play and eco-learning locations

**Landscape character**

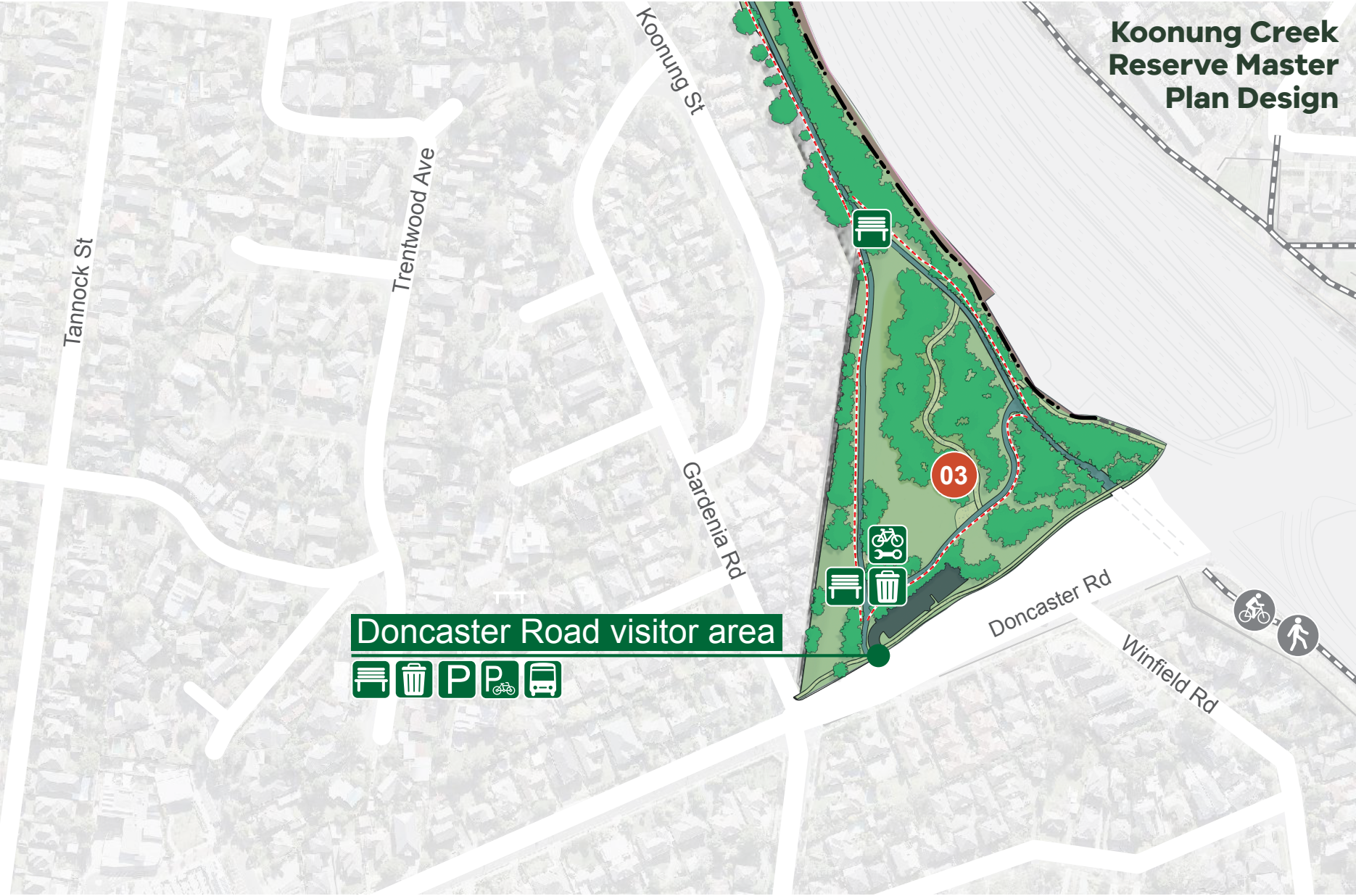
- Trees and understorey – biodiversity corridor planting
- Grassland/Open space
- Granitic sand/ paving
- Road shoulder
- Existing wetland
- Noise wall alignment

0 50m

**Koonung Creek Reserve  
Master Plan Design – Zone 4**  
Scale 1:2000 at A3







## 7.11 Terms of Reference for CEO Employment and Remuneration Advisory Committee

### Executive Summary

#### Purpose

This report seeks Council's endorsement of the Terms of Reference for the CEO Employment and Remuneration Advisory Committee (**Attachment 1**)

#### Background

The *Local Government Act 2020* (**the Act**) requires Councils to develop, adopt and keep in force a CEO Employment and Remuneration Policy (**Policy**).

Council adopted its first Policy on 13 December 2021. The Policy required the establishment of a CEO Employment and Remuneration Committee (**Committee**) to consider and make recommendations to Council on CEO employment related matters.

Until recently, this Committee operated as a Delegated Committee. At the Council Meeting on 18 December 2023, Council adopted an amended CEO Employment and Remuneration Policy (**Attachment 2**). A key change to the Policy was for the Committee to become an advisory committee rather than a delegated committee. In doing so, Council revoked the associated Instrument of Delegation for the Delegated Committee.

#### Key Issues

The CEO Employment and Remuneration Committee provides recommendations to Council on CEO employment matters as required under section 45 of the Act and within Council's CEO Employment and Remuneration Policy.

As the Committee is now an advisory committee, it requires terms of reference. These terms of reference articulate the scope, purpose, composition and meeting procedure of the Committee.

Officers developed a draft Terms of Reference for the Committee, largely based on terms of reference used across advisory committees, the Governance Rules and recommendations arising from the Operation Sandon report. The draft Terms of Reference was presented to Councillors and feedback has been incorporated in the Terms of Reference annexed to this report for Council's consideration.

The CEO Employment and Remuneration Committee, as an advisory committee, will operate under these Terms of Reference (**Attachment 1**) if endorsed by Council.

#### Next Steps

Once the Terms of Reference are adopted by Council, they will be shared with the members of the Committee.

### Officers' recommendation

That Council resolve to endorse the Terms of Reference annexed to this report (**Attachment 1**) for the CEO Employment and Remuneration Committee.

---

**Responsible director:** Mary-Anne Palatsides, Executive Manager PCD

---

## 1. Purpose

This report seeks Council's endorsement of the Terms of Reference for the CEO Employment and Remuneration Advisory Committee (**Attachment 1**).

## 2. Policy implications and relevance to community plan and council plan

The Boroondara Community Plan is structured around the seven priority themes.

The Terms of Reference for the CEO Employment and Remuneration Advisory Committee (**Committee**) specifically relates to Priority Theme 7: Leadership and Governance in the Boroondara Community Plan 2021-31, in particular Strategy 7.1 - Decision making is transparent and accountable through open governance processes with timely communication and reporting.

## 3. Background

The *Local Government Act 2020* (**the Act**) requires Councils to develop, adopt and keep in force a CEO Employment and Remuneration Policy (**Policy**). The Act outlines that a Chief Executive Officer Employment and Remuneration Policy must—

- (a) provide for the Council to obtain independent professional advice in relation to the matters dealt with in the Chief Executive Officer Employment and Remuneration Policy; and
- (b) provide for the following—
  - (i) the recruitment and appointment process;
  - (ii) provisions to be included in the contract of employment;
  - (iii) performance monitoring;
  - (iv) an annual review; and
- (c) include any other matters prescribed by the regulations.

Council adopted its first Policy on 13 December 2021. The Policy required the establishment of a Committee to consider and make recommendations to Council on CEO employment related matters.

Until recently, this Committee operated as a Delegated Committee. At the 18 December 2023 Council Meeting, Council adopted a reviewed and amended CEO Employment and Remuneration Policy (**Attachment 2**). A key change to the Policy was that the Committee become an advisory committee rather than a delegated committee. In doing so, Council revoked the associated Instrument of Delegation for the Delegated Committee.

## 4. Outline of key issues/options

The CEO Employment and Remuneration Committee considers employment matters as required by the Policy and section 45 of the Act and makes recommendations to Council.

Given the Committee is now an advisory committee, it requires terms of reference. These terms of reference articulate the scope, purpose, composition and meeting procedure of the Committee.



The draft Terms of Reference was based on existing terms of reference used across advisory committees, the Governance Rules and recommendations arising from the Operation Sardon report. The draft Terms of Reference was presented to Councillors and feedback has been incorporated in the Terms of Reference attached for Council's consideration.

The CEO Employment and Remuneration Committee, as an advisory committee, will operate under the newly developed Terms of Reference (**Attachment 1**) if endorsed by Council.

## **5. Consultation/communication**

The Governance team and Councillors were consulted as part of this process.

## **6. Financial and resource implications**

There are no financial or resource implications associated with the newly developed terms of reference for the Committee.

## **7. Governance issues**

No officers involved in the preparation of this report have a general or material conflict of interest requiring disclosure under chapter 5 of the Governance Rules of Boroondara City Council.

The recommendation contained in this report is compatible with the Charter of Human Rights and Responsibilities 2006 as it does not raise any human rights issues.

## **8. Social and environmental issues**

The draft Terms of Reference has no negative impact on community/social well-being and/or the environment.

## **9. Conclusion**

Following Council endorsement, the Committee will operate in accordance with its Terms of Reference.

**Manager &  
report officer:**

**Mary-Anne Palatsides, Executive Manager PCD**



# CEO Employment and Remuneration Committee Terms of Reference

February 2024



**Responsible Directorate:** People Culture & Development  
**Authorised By:** Council  
**Date of Adoption:** <Date>  
**Review Date:** <Date>

2024 | Terms of Reference - CEO Employment and Remuneration Advisory Committee

2



## **Acknowledgement of Traditional Owners**

The City of Boroondara acknowledges the Wurundjeri Woi-wurrung people as the Traditional Owners and original custodians of this land, and we pay our respects to their Elders past and present.



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# 1 Introduction

## 1.1 Purpose

The purpose of the Chief Executive Officer Employment and Remuneration Committee (CEOERC) is to assist the Council in fulfilling its responsibilities under section 45 of the *Local Government Act 2020* (the Act).

The CEOERC acts in an advisory capacity only and has no delegated authority to make decisions on behalf of Council.

## 1.2 Duties and functions

The CEOERC is required to make recommendations to Council on employment matters relating to the Chief Executive Officer (CEO) or the person appointed to act as the CEO, including:

- The appointment of the CEO;
- The appointment of an acting CEO when the position is vacant for a period exceeding 28 days;
- The extension of the appointment of the CEO in accordance with the CEO Employment and Remuneration Policy;
- Performance monitoring of the CEO with respect to achievement of the KPIs;
- The annual review of the CEO's performance against the KPIs;
- The CEO's remuneration;
- The provisions to be included in the contract of employment from time to time; and
- The implementation of the CEO Employment and Remuneration Policy requirements.

The CEOERC will also consider suitable candidates for the position of the Independent Advisor as per Council's CEO Employment and Remuneration Policy and to make recommendations to Council for their appointment.

## 1.3 Corporate framework

These Terms of Reference relate to Theme 7: Leadership and Governance in the Boroondara Community Plan 2021-2031.

The Terms of Reference is also consistent with Strategic Objective 7.1: Decision making is transparent and accountable through open governance processes with timely communication and reporting.



## 2 Background

The Act requires Council to develop, adopt and keep in force a CEO Employment and Remuneration policy. Council adopted the original policy 13 December 2021. Section 5 of the Policy created the CEO Employment and Remuneration Committee as a delegated committee of Council.

In 2023 it was determined to review the policy and amend the CEOERC to an advisory committee comprised of all eleven Councillors. Council adopted this amended policy and revoked the associated Instrument of Delegation on 18 December 2023.

The CEOERC is now an advisory committee and will operate as per these Terms of Reference.

## 3 Composition

The Committee shall comprise of all eleven elected Councillors, unless otherwise resolved by Council. The Independent Advisor may also be invited to attend meetings as required to provide information or advice to the Committee.

Not all elected Councillors or the Independent Advisor need to be present for the Committee to deliberate and make recommendations. Whether to proceed with the meeting in the absence of any Councillor or the Independent Advisor shall be decided by the Committee.

### 3.1 Role and selection of Councillor/s

Councillors are not required to nominate for the CEOERC and will automatically be appointed. For this reason, an annual Council resolution is not required for Councillor representation to this committee.

Councillors are expected to actively participate in CEOERC discussions and offer their opinions and views.

### 3.2 Role and selection of Council officer/s

The People, Culture and Development (PCD) team will be responsible for the administrative components of this committee.

Officers will be nominated by the Executive Manager PCD as required to provide advice and administrative support to the Committee. Recognising that the position of the officer is made difficult because they are accountable to the CEO all requests for assistance should be limited to no more than those which are reasonably necessary.

2024 | Terms of Reference - CEO Employment and Remuneration Advisory Committee



Where a meeting of the Committee is considered an 'informal meeting of councillors' under Council's Governance Rules, the officers are responsible for submitting the relevant form to Council's Governance and Legal Department as soon as practicable, so a record of the meeting can be included in the upcoming Council agenda.

### **3.3 Role and selection of independent advisor**

The Independent Advisor will be appointed as per section 13 of the CEO Employment and Remuneration Policy.

If the Independent Advisor is unable to attend a committee meeting, they are not able to nominate a proxy.

### **3.4 Other Attendees**

The Committee may, through the Executive Manager PCD, invite other persons to a Committee meeting for a specified period of time for legal, remuneration or recruitment advice if the Committee decides those persons are required to attend, present, advise or participate in that meeting.

## **4 Meetings**

### **4.1 Meeting schedule**

In accordance with the CEO Employment and Remuneration Policy, the CEOERC must meet at least twice each year.

Meetings will be held as often as is necessary to perform the duties and functions of the CEOERC with additional meetings scheduled if required.

The Committee will be convened by the Executive Manager PCD in consultation with the Mayor. At least seven days' notice of the meeting will be provided to Committee members.

### **4.2 Meeting procedure**

Meetings will follow standard meeting procedure protocols, which are in summary:

- Commence on time and conclude by the stated completion time;
- Be scheduled and confirmed in advance with all relevant papers distributed (as appropriate) to each member;
- Encourage fair and reasonable discussion, participation and respect for each other's views;
- Focus on the relevant issues at hand; and





- Provide advice to Council as far as possible on a consensus basis.

As this is an advisory committee, voting on issues is not required. Any recommendations will generally be developed through consensus. Where a matter cannot be agreed the differing opinions should be clearly expressed in the minutes of the meeting.

#### **4.3 Role and selection of the Chairperson**

The CEOERC is to be chaired by the Mayor or, if the Mayor is absent, the Deputy Mayor.

The Chairperson should allow for fair and open discussion of matters and only discuss the matters listed on the agenda.

#### **4.4 Public attendance at meetings**

The CEOERC is not required to give public notice of its meetings and its meetings are not open to the public.

#### **4.5 Reports, agendas and minutes**

An agenda will be electronically circulated by officers to all Committee members not less than 48 hours prior to each meeting.

Minutes of the meetings must be taken by officers and will be:

- submitted to the Chairperson for confirmation;
- distributed to all Committee members following confirmation from the Chairperson;
- and
- submitted to the next meeting of the Committee for information.

The minutes must:

- contain details of the proceedings and recommendations made;
- be clearly expressed;
- be self-explanatory; and
- incorporate a summary of the relevant reports and recommendations by the committee.

Agendas and minutes from meetings are confidential and must not be made available to the public.



## **4.6 Budget and resources**

The CEOERC has no budgetary allocation from Council (excluding the remuneration paid to the Independent Advisor).

Any budgetary allocation is at the absolute discretion of the relevant Executive Manager who is responsible for the CEOERC.

## **5 Compliance with legislation and Council Policies**

This part sets out conduct that Committee members agree will contribute to the good governance, integrity and responsible operation of the Committee.

In performing their role, a Committee member must:

- aim to work in an honest, respectful, collaborative and solution-focused manner;
- encourage fair and reasonable discussion;
- respect the confidentiality of documents and discussion before the Committee and during meeting proceedings; and
- not make improper use of their position for personal or professional gain.

### **5.1 Conflict of Interest**

Councillors and officers are required to disclose conflicts of interest in accordance with Part 6, Division 2 of the Act and Chapter 5 of the Governance Rules.

A Committee member who identifies with a Conflict of Interest or perceived Conflict of Interest in a matter before the Committee must declare their interest prior to discussion of the item.

The declaration and nature of the conflict of interest must be recorded in the minutes of the meeting. The member may need to exclude themselves from the discussion.

### **5.2 Confidential Information**

Committee members acknowledge that the information they will have access to, that relates to CEO employment matters, meets the definition of confidential information, although it may not always be marked as 'confidential'.

A Committee member must not intentionally or recklessly disclose information they know, or should reasonably know, is confidential information.



### 5.3 External Communications

With the exception of the Mayor, who is bound by the confidentiality provisions within the Act, Committee members are not to make public statements, submissions or announcements to external stakeholders or the media in relation to CEO employment matters or matters that are discussed or arise from the CEOERC meetings.

## 6 Review and evaluation

The Terms of Reference of the Committee will be reviewed in twelve months after the inception of the Committee to ensure it is operating effectively.

## 7 Council contact

Position Title	Contact number	Contact email
Executive Manager PCD	9278 4410	Mary-anne.palatsides@boroondara.vic.gov.au



# CEO Employment & Remuneration Policy

18 December 2023



**Responsible Directorate:** People Culture & Development  
**Authorised By:** Council  
**Date of Adoption:** 18 December 2023  
**Review Date:** as per clause 18





## **Acknowledgement of Traditional Owners**

The City of Boroondara acknowledges the Wurundjeri Woi-wurrung people as the Traditional Owners and original custodians of this land, and we pay our respects to their Elders past and present.



## CEO EMPLOYMENT AND REMUNERATION POLICY

### 1. Purpose of Policy

This is the Chief Executive Officer Employment and Remuneration Policy (**Policy**) of **City of Boroondara (Council)**, made in accordance with section 45 of the *Local Government Act 2020*.

This Policy provides for the following matters which Council is responsible for under the Act or as a requirement of this Policy:

- (a) the recruitment and appointment of the Chief Executive Officer ensuring that:
  - (i) the recruitment decision is based on merit;
  - (ii) the recruitment processes support transparency in the recruitment process and the public advertising of the position; and
  - (iii) regard is had to gender equity, diversity and inclusiveness;
- (b) approving the Contract of Employment entered into between Council and the Chief Executive Officer;
- (c) the provision of independent professional advice in relation to the matters dealt with in the Policy;
- (d) the monitoring of the Chief Executive Officer's performance;
- (e) an annual review of the Chief Executive Officer's performance; and
- (f) determining the Chief Executive Officer's remuneration.

### 2. Date of Commencement and Review

- 2.1 This Policy commenced operation on 14 December 2021 and was reviewed, updated and endorsed on 18 December 2023.

### 3. Definitions

- 3.1 In this Policy, unless the context suggests otherwise the following words and phrases mean:

**Act** means the *Local Government Act 2020*.

**Annual Review Report** has the meaning given in paragraph 11.3

**Chief Executive Officer** or **CEO** means the Chief Executive Officer of Council.

**Committee** means the CEO Employment and Remuneration Advisory Committee established under this Policy.

**Contract of Employment** means the contract of employment between Council and the CEO, including any schedules.

**Council** means **City of Boroondara**

**Councillors** means the individuals holding the office of a member of Council **City of Boroondara**.

**Council meeting** has the same meaning as in the Act.



**Executive Search Consultant** means a consultant with specialist expertise in sourcing and evaluating candidates for senior executive roles.

**Independent Advisor** means the consultant appointed by Council from time to time to provide independent advice in accordance with section 45(2)(a) of the Act.

**KPIs** means Key Performance Indicators or performance criteria however described.

**Mayor** means the Mayor of Council.

**Performance Plan** means the annual performance plan setting out KPIs for the CEO.

**Policy** means this CEO Employment and Remuneration Policy adopted in accordance with section 45 of the Act.

**Public Sector Wages Determination** means any Determination that is currently in effect under section 21 of the *Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019* in relation to remuneration bands for executives employed in public service bodies.

**Recruitment Policy** means the recruitment policy adopted by the CEO under section 48(2) of the Act.

**Regulations** means the Regulations made under Division 7 of Part 2 of the Act.

**Remuneration Package** means the total gross remuneration package paid to the CEO pursuant to the Contract of Employment.

**Resolution** means a resolution of Council made at a properly constituted Council meeting.

#### 4. Overview

- 4.1 This Policy outlines the mechanisms which support Council in fulfilling its obligations regarding the CEO's employment and under the Act.
- 4.2 The aims of the CEO in relation to this Policy are to:
  - 4.2.1 work collaboratively with the Committee in determining the Performance Plan on an annual basis;
  - 4.2.2 actively participate in the performance appraisal process as required by the Committee;
  - 4.2.3 make use of constructive feedback from Councillors and Committee Members in relation to performance appraisals;
  - 4.2.4 undertake professional development on an as needed basis, or as part of the Performance Plan; and
  - 4.2.5 promptly draw the Committee's attention to any situation where any variation of the Performance Plan may be required in light of the current circumstances.
- 4.3 The aims of Council (including via the Committee) in relation to this Policy are to:
  - 4.3.1 establish the Committee;



- 4.3.2 provide processes for the recruitment of a natural person, and their appointment, to the position of CEO;
- 4.3.3 draft and approve the Contract of Employment entered into between Council and the CEO;
- 4.3.4 seek and be guided by independent professional advice in relation to the matters dealt with in this Policy;
- 4.3.5 provide processes for determining and reviewing the CEO's Remuneration Package;
- 4.3.6 provide processes for the monitoring of the CEO's performance including setting the Performance Plan and conducting an annual review;
- 4.3.7 determine, as required, any variations to the Remuneration Package and terms and conditions of employment of the CEO.

## 5. **CEO Employment and Remuneration Committee**

- 5.1 Council will establish a CEO Employment and Remuneration Committee (**Committee**).
- 5.2 The Committee will be an advisory committee.
- 5.3 The purposes of the Committee are to consider and make recommendations to Council with respect to, the:
  - 5.3.1 selection and appointment of the Independent Advisor;
  - 5.3.2 independent advice received from time to time from the Independent Advisor;
  - 5.3.3 performance monitoring of the CEO with respect to achievement of the KPIs;
  - 5.3.4 annual review of the CEO's performance against the KPIs;
  - 5.3.5 CEO's remuneration;
  - 5.3.6 provisions to be suggested for inclusion in the Contract of Employment from time to time;
  - 5.3.7 implementation of this Policy.
- 5.4 The Committee must include all eleven (11) Councillors, unless otherwise resolved by Council.
- 5.5 The Committee is to be chaired by:
  - 5.5.1 the Mayor; or
  - 5.5.2 if the Mayor is absent, the Deputy Mayor.
- 5.6 The Committee is to hold meetings as often as is necessary to:
  - 5.6.1 consider documentation relevant to the CEO's performance and remuneration,
  - 5.6.2 prepare documentation relevant to the CEO's employment and remuneration, including Council reports and contractual documents, for the approval of Council; and
  - 5.6.3 review the Remuneration Package and conditions of employment of the CEO.



- 5.7 The Committee will determine annually during a Mayoral term:
- 5.7.1 how often the Committee will meet, provided that the Committee meets at least twice in each year;
  - 5.7.2 means of attendance at Committee meetings (e.g. in person or electronically).
- 5.8 The Committee must comply with the conditions and limitations contained within the Terms of Reference to the CEO Employment and Remuneration Committee.
- 6. Recruitment of CEO**
- 6.1 The Committee will establish and coordinate the process to recruit the CEO, designed to ensure that Council can select the best available candidate from a short list of preferred candidates.
- 6.2 The Committee will determine, and make a recommendation to Council, as to:
- 6.2.1 whether there is a need to engage an Executive Search Consultant to run the recruitment process; and, if so
  - 6.2.2 the Executive Search Consultant to be appointed to run the recruitment process.
- 6.3 If an Executive Search Consultant is engaged, the Committee, the Chair of the Committee or a member of Council staff nominated by the Committee must liaise with the Executive Search Consultant in connection with the recruitment process.
- 6.4 When considering the recruitment of the position of CEO to, the Committee must:
- 6.4.1 ensure that the recruitment decision is based on merit;
  - 6.4.2 support transparency in the recruitment process and the public advertising of the position; and
  - 6.4.3 ensure that regard is had to gender equity, diversity and inclusiveness.
- 6.5 The Committee must ensure that the Executive Search Consultant publicly advertises the CEO role unless a decision has been taken to renew the incumbent CEO's contract.
- 6.6 The Committee must direct the Executive Search Consultant to prepare, and provide to Council, a schedule of dates for key decisions to be made by resolution of Council throughout the recruitment process.
- 6.7 The Committee must provide a report and recommendation to Council so that each key decision identified in the schedule prepared under paragraph 6.6 can, if necessary, be made by resolution of Council.
- 7. Appointment of the CEO**
- 7.1 Council will receive a report from the Committee on the completion of its role in the recruitment process, and Council will proceed to decide on a preferred candidate from the short list with the support of the Committee to negotiate and finalise the Contract of Employment.
- 7.2 The Committee will provide a recommendation to Council on the provisions to be contained in the proposed Contract of Employment.
- 7.3 The appointment of the CEO must be made by a resolution of Council.



## **8. Reappointment of the CEO**

8.1 Within 6 months prior to the expiry of the current CEO's Contract of Employment, the Committee will provide a recommendation to Council on:

8.1.1 whether the CEO should be reappointed under a new Contract of Employment; and

8.1.2 if the recommendation is to reappoint the CEO, the proposed provisions of the further Contract of Employment.

8.2 Any reappointment of the current CEO must be made by a resolution of Council.

## **9. Contract of Employment**

9.1 The Contract of Employment is to be read in conjunction with this Policy (but the terms of the Policy are not incorporated into the Contract of Employment).

9.2 The Contract of Employment will, at a minimum, outline the following:

9.2.1 the employment term, which must not exceed 5 years in accordance with section 44(2) of the Act;

9.2.2 the responsibilities and duties of the position, including compliance with the Act and the Code of Conduct for Council staff;

9.2.3 the conflict of interest management requirements;

9.2.4 the CEO's Remuneration Package and other entitlements;

9.2.5 any legislative and contractual obligations, including those during and continuing after appointment;

9.2.6 the CEO's leave entitlements;

9.2.7 dispute resolution procedures;

9.2.8 processes for managing unsatisfactory performance;

9.2.9 processes for early termination, including notice of termination provisions with notice of termination by Council being restricted to a maximum of nine (9) months; and

9.2.10 any other matters required to be contained in the Contract of Employment by the Regulations.

9.3 The Contract of Employment may only be varied by a resolution of Council, and upon acceptance by the CEO, recorded in a deed of variation.





## 10. Remuneration and Expenses

- 10.1 The Remuneration Package provided to the CEO will form part of the Committee's annual review, having regard to (in accordance with section 45(3) of the Act):
- 10.1.1 any statement of policy issued by the Government of Victoria which is in force with respect to its wages policy (or equivalent);<sup>1</sup> and
  - 10.1.2 any Public Sector Wages Determination.<sup>2</sup>
  - 10.1.3 A report benchmarking the CEO remuneration with similar local government CEO and public sector roles.
- 10.2 Remuneration will be reviewed on an annual basis, in accordance with the CEO's Performance Plan and contractual requirements.
- 10.3 Council will meet expenses incurred by the CEO in relation to:
- 10.3.1 membership and subscription fees payable to professional associations which are reasonably necessary in order to carry out duties;
  - 10.3.2 reasonable costs incurred where attending conferences, seminars or other professional development activities; and
  - 10.3.3 reasonable costs incurred in performance of required duties.

## 11. Performance Monitoring and Annual Review

- 11.1 Council will adopt an annual Performance Plan for the CEO, which will include KPIs. The proposed Performance Plan must be developed collaboratively between the CEO and the Committee.
- 11.2 The CEO is to provide a report against the Performance Plan to the Committee on an annual basis.
- 11.3 An annual review report (**Annual Review Report**) will be submitted to Council, based on the Committee's recommendations regarding :
- 11.3.1 whether, and to what extent, the CEO has met the KPIs under the Performance Plan;
  - 11.3.2 whether, and to what extent or in what respect, any KPIs or other criteria ought to be varied under the Performance Plan;
  - 11.3.3 whether, and to what extent, the Remuneration Package ought to be varied; and
  - 11.3.4 any other necessary matters.
- 11.4 The Annual Review Report will be submitted to Council only after meeting with the CEO to discuss the Committee's proposed recommendations.

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<sup>1</sup> Section 45(3)(a) of the Act requires Council to have regard to any statement of policy issued by Government of Victoria which is in force with respect to its wages policy (or equivalent). The current Victorian Government Wages Policy applies in the public sector until 31 December 2021. See: <https://www.vic.gov.au/wages-policy-and-enterprise-bargaining-framework>

<sup>2</sup> Section 45(3)(b) of the Act requires Council to have regard to the published remuneration bands for executives employed in public service bodies. See: <https://www.vic.gov.au/tribunals-determination-vps-executive-remuneration-bands>



- 11.5 Council shall, after receipt of the Annual Review Report, review the recommendations in the Annual Review Report, resolve upon the matters described and advise the CEO of the terms or effect of the resolution.
- 11.6 Following the initial six (6) months of the CEO's term, a workshop with Councillors and the CEO should be coordinated so that:
  - 11.6.1 the CEO can prepare and present an overview of their findings during the early months, and highlight any projections or forecasts of relevance to Council during their tenure;
  - 11.6.2 Councillors can provide feedback to the CEO on their perspective of the CEO's performance during the initial period; and
  - 11.6.3 Council and CEO can agree to projects and priorities for inclusion in the CEO's Performance Plan and KPIs.

## **12. Acting CEO**

- 12.1 Under section 44 (5) of the Act, Council must appoint an Acting CEO when there is a vacancy in the office of the CEO which will exceed 28 consecutive days or the CEO is unable to perform the duties of the office of Chief Executive Officer.
- 12.2 The appointment of the CEO must be made by a resolution of Council unless the Acting CEO is appointed for a period not exceeding 28 days, in which case the CEO may appoint an Acting CEO under delegation from Council pursuant to section 11(3) of the Act.
- 12.3 The Committee may advise Council on the selection and appointment of an Acting CEO.

## **13. Independent advice**

- 13.1 The Independent Advisor is responsible for providing independent professional advice in relation to the matters dealt with under this Policy in accordance with section 45(2)(a) of the Act.
- 13.2 The Independent Advisor will be recommended by the Committee to the Council following a process to seek experienced and suitably qualified persons, but must not be the Executive Search Consultant appointed by Council to assist in the recruitment process. The Committee will be supported and provided with a shortlist of candidates by the Executive Manager People Culture and Development.
- 13.3 Council will determine and resolve the:
  - 13.3.1 term of appointment of the Independent Advisor; and
  - 13.3.2 remuneration of the Independent Advisor,
 and ensure that it is a term of the Independent Advisor's engagement that the Independent Advisor keep confidential all information which the Independent Advisor acquires by virtue of the engagement.
- 13.4 Council, or the Committee with the approval of a Resolution, can, on an as needed basis, obtain additional independent professional advice in relation to the matters dealt with under this Policy.

## **14. Administrative Support**



14.1 Council acknowledges that, in implementing this Policy, it, the Committee and/or the Independent Advisor will from time to time require the assistance of members of staff, including assistance in relation to governance and human resources matters.

14.2 Council, the Committee and/or the Independent Advisor may from time to time request a member of staff to provide assistance in implementing this Policy, recognising that the position of the member of staff is made difficult because he or she is accountable to the CEO (or a person acting as CEO) and therefore acknowledging that requests for assistance need to be limited to no more than those which are reasonably necessary.

**15. Interaction with Act and Regulations**

15.1 This Policy applies subject to any inconsistent obligations in the Act or the Regulations.

**16. Confidentiality**

16.1 Council is not required to disclose any personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.

**17. Delegations**

17.1 Council must not delegate the power to appoint the CEO, whether on a permanent or acting basis, however, it may delegate to the CEO the power to appoint an Acting CEO for a period not exceeding 28 days (sections 11(2)(d) and 11(3) of the Act).

17.2 Council must not delegate the power to make any decision in relation to the employment, dismissal or removal of the CEO (section 11(2)(e) of the Act).

**18. Review of Policy**

18.1 This Policy will be reviewed within 6 months of its adoption by Council.

18.2 This Policy will thereafter be reviewed at least every three (3) years by the Committee and within 6 months of each Council election, and the Committee will make a recommendation to Council with respect to any suggested changes.

## 7.12 CEO Employment and Remuneration Advisory Committee - Independent Advisor

### Executive Summary

#### Purpose

The purpose of this report is for Council to consider the appointment of an Independent Advisor for the Council's CEO Employment and Remuneration Committee (**Committee**).

#### Background

The *Local Government Act 2020* (**Act**) requires Councils to develop, adopt and keep in force a CEO Employment and Remuneration Policy (**Policy**). Council adopted its most recent Policy (**Attachment 1**) on 18 December 2023.

The Act states that the CEO Employment and Remuneration Policy must provide for the Council to obtain independent professional advice in relation to the matters dealt with in the Policy.

Further, Council's Policy specifies that a key purpose of the Committee is 'to consider and make recommendations to Council with respect to the:

- selection and appointment of the Independent Advisor;
- independent advice received from time to time from the Independent Advisor.

#### Key Issues

In late 2023, the Committee asked officers to identify potential candidates for the role of Independent Advisor. Council officers identified six candidates and received submissions from five, with one later withdrawing. Submissions received are attached for Council's consideration (**Confidential Attachment 1**).

Council has discretion about the term of appointment of an Independent Advisor. Officers recommend a two-year term for consistency and convenience.

The Council can determine whether and/or when they use the Independent Advisor during the term, to what extent they would like to use the Advisor and for what role and purpose, provided it aligns with the requirements contained within the Policy. It is noted that the role of the Independent Advisor may vary based on need during the term. Such determination can occur at a later stage when meetings of the Committee are scheduled.

#### Next Steps

Following Council endorsement of the preferred candidate, the Executive Manager PCD will formally advise and engage the consultant.

#### Confidentiality

Confidential information is contained in **Confidential Attachment 1**, as circulated in the confidential section of the agenda attachments. The information in this attachment is deemed to be confidential in accordance with Section 66(2)(a) and the definition of 'confidential information' in Section 3(1) of the Act.

The confidential information is “personal information” which if released would result in the unreasonable disclosure of information about any person or their personal affairs. It is also private commercial information being information provided by a sole trader that relates to trade secrets or if released, would unreasonably expose the sole trader to disadvantage.

If discussion of the confidential information in the attachments to this report is required for Council, Council may resolve to discuss the matter in a confidential session or to defer the matter to the confidential section of the agenda.

## **Officers' recommendation**

That Council resolve to:

1. Authorise the Executive Manager, People, Culture and Development to engage \_\_\_\_\_ as its Independent Advisor based on the terms set out in the engagement letter (Attachment 2) and the fees specified in their submission to Council (Confidential Attachment 1);
2. Note that Confidential Attachment 1 remains confidential in accordance with section 125 of the *Local Government Act 2020* or until Council resolves otherwise; and
3. Authorise Council officers to disclose any confidential information in relation to this item, to the extent necessary to give effect to the resolution.

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**Responsible director:** Mary-Anne Palatsides, Executive Manager PCD

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## 1. Purpose

The purpose of this report is for Council to consider the appointment of an Independent Advisor for the Council's CEO Employment and Remuneration Committee (**Committee**).

## 2. Policy implications and relevance to community plan and council plan

The Boroondara Community Plan is structured around the seven priority themes. The draft Terms of Reference for the Committee specifically relates to:

Priority Theme 7: Leadership and Governance

- Strategy 7.1 - Decision making is transparent and accountable through open governance processes with timely communication and reporting.

## 3. Background

The *Local Government Act 2020* (**Act**) requires Councils to develop, adopt and keep in force a CEO Employment and Remuneration Policy (**Policy**). Council initially adopted its Policy on 13 December 2021 and reviewed it in 2023. Council adopted the amended policy on 18 December 2023. The Act states that the CEO Employment and Remuneration Policy must provide for the Council to obtain independent professional advice in relation to the matters dealt with in the Policy.

Further, Council's Policy specifies that a key purpose of the Committee is 'to consider and make recommendations to Council with respect to the:

- selection and appointment of the Independent Advisor;
- independent advice received from time to time from the Independent Advisor'.

## 4. Outline of key issues/options

In October 2022, Council appointed its first Independent Advisor for a one-year term. The Independent Advisor supported the Committee as requested by providing independent advice and undertaking remuneration reviews including benchmarking. Their engagement ceased in October 2023.

In late 2023, the CEO Employment and Remuneration Committee asked officers to identify potential candidates for the role of Independent Advisor for next term.

Officers consulted with the industry and approached six appropriately qualified consultants with varied experience. Five submissions were received, with one later withdrawing their application.

The received submissions are in Confidential Attachment 1 for Council's consideration. Factors for assessment may include the following criteria:

- Understanding and experience of the Local Government sector, including understanding the role of Council and CEO, and the relationship between them;



- Qualifications;
- Experience as an Independent Advisor, or as a Board member or Advisory Group member; and
- Cost.

Under the Policy, Council has discretion regarding the appointment term for an Independent Advisor. Noting the previous Independent Advisor was appointed for one year, Officers recommend a two-year term for this appointment for convenience and consistency.

The Council also has discretion as to whether and/or when they use the Independent Advisor during the term, to what extent they would like to use the Advisor and for what role and purpose, provided it aligns with the requirements contained within the Policy. It is noted that the role of the Independent Advisor may vary based on need during the term and it is for the Committee to decide when it meets as to whether they will invite the Advisor to upcoming meeting/s and the role they would like the Independent Advisor to play at these meetings should this be the case. Such determination can occur at a later stage when meetings of the Committee are scheduled.

## **5. Consultation/communication**

The Governance team were consulted on this report.

## **6. Financial and resource implications**

The appointment of an Independent Advisor will attract remuneration. This will need to be accommodated within Council's operating budget.

## **7. Governance issues**

No officers involved in the preparation of this report have a general or material conflict of interest requiring disclosure under chapter 5 of the Governance Rules of Boroondara City Council.

The recommendation contained in this report is compatible with the Charter of Human Rights and Responsibilities 2006 as it does not raise any human rights issues.

## **8. Conclusion**

As a public entity it is also important that Council has processes for managing employment matters relating to the CEO in a way that is transparent, fair, and consistent, and aligns with the requirements of the Act and Policy.

It is recommended that Council endorse their preferred candidate for the role of Independent Advisor for a two-year term.

**Manager &  
report officer:**

**Mary-Anne Palatsides, Executive Manager PCD**



# CEO Employment & Remuneration Policy

18 December 2023



**Responsible Directorate:** People Culture & Development  
**Authorised By:** Council  
**Date of Adoption:** 18 December 2023  
**Review Date:** as per clause 18



## **Acknowledgement of Traditional Owners**

The City of Boroondara acknowledges the Wurundjeri Woi-wurrung people as the Traditional Owners and original custodians of this land, and we pay our respects to their Elders past and present.



## CEO EMPLOYMENT AND REMUNERATION POLICY

### 1. Purpose of Policy

This is the Chief Executive Officer Employment and Remuneration Policy (**Policy**) of **City of Boroondara (Council)**, made in accordance with section 45 of the *Local Government Act 2020*.

This Policy provides for the following matters which Council is responsible for under the Act or as a requirement of this Policy:

- (a) the recruitment and appointment of the Chief Executive Officer ensuring that:
  - (i) the recruitment decision is based on merit;
  - (ii) the recruitment processes support transparency in the recruitment process and the public advertising of the position; and
  - (iii) regard is had to gender equity, diversity and inclusiveness;
- (b) approving the Contract of Employment entered into between Council and the Chief Executive Officer;
- (c) the provision of independent professional advice in relation to the matters dealt with in the Policy;
- (d) the monitoring of the Chief Executive Officer's performance;
- (e) an annual review of the Chief Executive Officer's performance; and
- (f) determining the Chief Executive Officer's remuneration.

### 2. Date of Commencement and Review

- 2.1 This Policy commenced operation on 14 December 2021 and was reviewed, updated and endorsed on 18 December 2023.

### 3. Definitions

- 3.1 In this Policy, unless the context suggests otherwise the following words and phrases mean:

**Act** means the *Local Government Act 2020*.

**Annual Review Report** has the meaning given in paragraph 11.3

**Chief Executive Officer** or **CEO** means the Chief Executive Officer of Council.

**Committee** means the CEO Employment and Remuneration Advisory Committee established under this Policy.

**Contract of Employment** means the contract of employment between Council and the CEO, including any schedules.

**Council** means **City of Boroondara**

**Councillors** means the individuals holding the office of a member of Council **City of Boroondara**.

**Council meeting** has the same meaning as in the Act.



**Executive Search Consultant** means a consultant with specialist expertise in sourcing and evaluating candidates for senior executive roles.

**Independent Advisor** means the consultant appointed by Council from time to time to provide independent advice in accordance with section 45(2)(a) of the Act.

**KPIs** means Key Performance Indicators or performance criteria however described.

**Mayor** means the Mayor of Council.

**Performance Plan** means the annual performance plan setting out KPIs for the CEO.

**Policy** means this CEO Employment and Remuneration Policy adopted in accordance with section 45 of the Act.

**Public Sector Wages Determination** means any Determination that is currently in effect under section 21 of the *Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019* in relation to remuneration bands for executives employed in public service bodies.

**Recruitment Policy** means the recruitment policy adopted by the CEO under section 48(2) of the Act.

**Regulations** means the Regulations made under Division 7 of Part 2 of the Act.

**Remuneration Package** means the total gross remuneration package paid to the CEO pursuant to the Contract of Employment.

**Resolution** means a resolution of Council made at a properly constituted Council meeting.

#### 4. Overview

- 4.1 This Policy outlines the mechanisms which support Council in fulfilling its obligations regarding the CEO's employment and under the Act.
- 4.2 The aims of the CEO in relation to this Policy are to:
  - 4.2.1 work collaboratively with the Committee in determining the Performance Plan on an annual basis;
  - 4.2.2 actively participate in the performance appraisal process as required by the Committee;
  - 4.2.3 make use of constructive feedback from Councillors and Committee Members in relation to performance appraisals;
  - 4.2.4 undertake professional development on an as needed basis, or as part of the Performance Plan; and
  - 4.2.5 promptly draw the Committee's attention to any situation where any variation of the Performance Plan may be required in light of the current circumstances.
- 4.3 The aims of Council (including via the Committee) in relation to this Policy are to:
  - 4.3.1 establish the Committee;





- 4.3.2 provide processes for the recruitment of a natural person, and their appointment, to the position of CEO;
- 4.3.3 draft and approve the Contract of Employment entered into between Council and the CEO;
- 4.3.4 seek and be guided by independent professional advice in relation to the matters dealt with in this Policy;
- 4.3.5 provide processes for determining and reviewing the CEO's Remuneration Package;
- 4.3.6 provide processes for the monitoring of the CEO's performance including setting the Performance Plan and conducting an annual review;
- 4.3.7 determine, as required, any variations to the Remuneration Package and terms and conditions of employment of the CEO.

## **5. CEO Employment and Remuneration Committee**

- 5.1 Council will establish a CEO Employment and Remuneration Committee (**Committee**).
- 5.2 The Committee will be an advisory committee.
- 5.3 The purposes of the Committee are to consider and make recommendations to Council with respect to, the:
  - 5.3.1 selection and appointment of the Independent Advisor;
  - 5.3.2 independent advice received from time to time from the Independent Advisor;
  - 5.3.3 performance monitoring of the CEO with respect to achievement of the KPIs;
  - 5.3.4 annual review of the CEO's performance against the KPIs;
  - 5.3.5 CEO's remuneration;
  - 5.3.6 provisions to be suggested for inclusion in the Contract of Employment from time to time;
  - 5.3.7 implementation of this Policy.
- 5.4 The Committee must include all eleven (11) Councillors, unless otherwise resolved by Council.
- 5.5 The Committee is to be chaired by:
  - 5.5.1 the Mayor; or
  - 5.5.2 if the Mayor is absent, the Deputy Mayor.
- 5.6 The Committee is to hold meetings as often as is necessary to:
  - 5.6.1 consider documentation relevant to the CEO's performance and remuneration,
  - 5.6.2 prepare documentation relevant to the CEO's employment and remuneration, including Council reports and contractual documents, for the approval of Council; and
  - 5.6.3 review the Remuneration Package and conditions of employment of the CEO.



- 5.7 The Committee will determine annually during a Mayoral term:
- 5.7.1 how often the Committee will meet, provided that the Committee meets at least twice in each year;
  - 5.7.2 means of attendance at Committee meetings (e.g. in person or electronically).
- 5.8 The Committee must comply with the conditions and limitations contained within the Terms of Reference to the CEO Employment and Remuneration Committee.
- 6. Recruitment of CEO**
- 6.1 The Committee will establish and coordinate the process to recruit the CEO, designed to ensure that Council can select the best available candidate from a short list of preferred candidates.
- 6.2 The Committee will determine, and make a recommendation to Council, as to:
- 6.2.1 whether there is a need to engage an Executive Search Consultant to run the recruitment process; and, if so
  - 6.2.2 the Executive Search Consultant to be appointed to run the recruitment process.
- 6.3 If an Executive Search Consultant is engaged, the Committee, the Chair of the Committee or a member of Council staff nominated by the Committee must liaise with the Executive Search Consultant in connection with the recruitment process.
- 6.4 When considering the recruitment of the position of CEO to, the Committee must:
- 6.4.1 ensure that the recruitment decision is based on merit;
  - 6.4.2 support transparency in the recruitment process and the public advertising of the position; and
  - 6.4.3 ensure that regard is had to gender equity, diversity and inclusiveness.
- 6.5 The Committee must ensure that the Executive Search Consultant publicly advertises the CEO role unless a decision has been taken to renew the incumbent CEO's contract.
- 6.6 The Committee must direct the Executive Search Consultant to prepare, and provide to Council, a schedule of dates for key decisions to be made by resolution of Council throughout the recruitment process.
- 6.7 The Committee must provide a report and recommendation to Council so that each key decision identified in the schedule prepared under paragraph 6.6 can, if necessary, be made by resolution of Council.
- 7. Appointment of the CEO**
- 7.1 Council will receive a report from the Committee on the completion of its role in the recruitment process, and Council will proceed to decide on a preferred candidate from the short list with the support of the Committee to negotiate and finalise the Contract of Employment.
- 7.2 The Committee will provide a recommendation to Council on the provisions to be contained in the proposed Contract of Employment.
- 7.3 The appointment of the CEO must be made by a resolution of Council.



## **8. Reappointment of the CEO**

8.1 Within 6 months prior to the expiry of the current CEO's Contract of Employment, the Committee will provide a recommendation to Council on:

8.1.1 whether the CEO should be reappointed under a new Contract of Employment; and

8.1.2 if the recommendation is to reappoint the CEO, the proposed provisions of the further Contract of Employment.

8.2 Any reappointment of the current CEO must be made by a resolution of Council.

## **9. Contract of Employment**

9.1 The Contract of Employment is to be read in conjunction with this Policy (but the terms of the Policy are not incorporated into the Contract of Employment).

9.2 The Contract of Employment will, at a minimum, outline the following:

9.2.1 the employment term, which must not exceed 5 years in accordance with section 44(2) of the Act;

9.2.2 the responsibilities and duties of the position, including compliance with the Act and the Code of Conduct for Council staff;

9.2.3 the conflict of interest management requirements;

9.2.4 the CEO's Remuneration Package and other entitlements;

9.2.5 any legislative and contractual obligations, including those during and continuing after appointment;

9.2.6 the CEO's leave entitlements;

9.2.7 dispute resolution procedures;

9.2.8 processes for managing unsatisfactory performance;

9.2.9 processes for early termination, including notice of termination provisions with notice of termination by Council being restricted to a maximum of nine (9) months; and

9.2.10 any other matters required to be contained in the Contract of Employment by the Regulations.

9.3 The Contract of Employment may only be varied by a resolution of Council, and upon acceptance by the CEO, recorded in a deed of variation.



## 10. Remuneration and Expenses

- 10.1 The Remuneration Package provided to the CEO will form part of the Committee's annual review, having regard to (in accordance with section 45(3) of the Act):
- 10.1.1 any statement of policy issued by the Government of Victoria which is in force with respect to its wages policy (or equivalent);<sup>1</sup> and
  - 10.1.2 any Public Sector Wages Determination.<sup>2</sup>
  - 10.1.3 A report benchmarking the CEO remuneration with similar local government CEO and public sector roles.
- 10.2 Remuneration will be reviewed on an annual basis, in accordance with the CEO's Performance Plan and contractual requirements.
- 10.3 Council will meet expenses incurred by the CEO in relation to:
- 10.3.1 membership and subscription fees payable to professional associations which are reasonably necessary in order to carry out duties;
  - 10.3.2 reasonable costs incurred where attending conferences, seminars or other professional development activities; and
  - 10.3.3 reasonable costs incurred in performance of required duties.

## 11. Performance Monitoring and Annual Review

- 11.1 Council will adopt an annual Performance Plan for the CEO, which will include KPIs. The proposed Performance Plan must be developed collaboratively between the CEO and the Committee.
- 11.2 The CEO is to provide a report against the Performance Plan to the Committee on an annual basis.
- 11.3 An annual review report (**Annual Review Report**) will be submitted to Council, based on the Committee's recommendations regarding :
- 11.3.1 whether, and to what extent, the CEO has met the KPIs under the Performance Plan;
  - 11.3.2 whether, and to what extent or in what respect, any KPIs or other criteria ought to be varied under the Performance Plan;
  - 11.3.3 whether, and to what extent, the Remuneration Package ought to be varied; and
  - 11.3.4 any other necessary matters.
- 11.4 The Annual Review Report will be submitted to Council only after meeting with the CEO to discuss the Committee's proposed recommendations.

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<sup>1</sup> Section 45(3)(a) of the Act requires Council to have regard to any statement of policy issued by Government of Victoria which is in force with respect to its wages policy (or equivalent). The current Victorian Government Wages Policy applies in the public sector until 31 December 2021. See: <https://www.vic.gov.au/wages-policy-and-enterprise-bargaining-framework>

<sup>2</sup> Section 45(3)(b) of the Act requires Council to have regard to the published remuneration bands for executives employed in public service bodies. See: <https://www.vic.gov.au/tribunals-determination-vps-executive-remuneration-bands>



- 11.5 Council shall, after receipt of the Annual Review Report, review the recommendations in the Annual Review Report, resolve upon the matters described and advise the CEO of the terms or effect of the resolution.
- 11.6 Following the initial six (6) months of the CEO's term, a workshop with Councillors and the CEO should be coordinated so that:
  - 11.6.1 the CEO can prepare and present an overview of their findings during the early months, and highlight any projections or forecasts of relevance to Council during their tenure;
  - 11.6.2 Councillors can provide feedback to the CEO on their perspective of the CEO's performance during the initial period; and
  - 11.6.3 Council and CEO can agree to projects and priorities for inclusion in the CEO's Performance Plan and KPIs.

## **12. Acting CEO**

- 12.1 Under section 44 (5) of the Act, Council must appoint an Acting CEO when there is a vacancy in the office of the CEO which will exceed 28 consecutive days or the CEO is unable to perform the duties of the office of Chief Executive Officer.
- 12.2 The appointment of the CEO must be made by a resolution of Council unless the Acting CEO is appointed for a period not exceeding 28 days, in which case the CEO may appoint an Acting CEO under delegation from Council pursuant to section 11(3) of the Act.
- 12.3 The Committee may advise Council on the selection and appointment of an Acting CEO.

## **13. Independent advice**

- 13.1 The Independent Advisor is responsible for providing independent professional advice in relation to the matters dealt with under this Policy in accordance with section 45(2)(a) of the Act.
- 13.2 The Independent Advisor will be recommended by the Committee to the Council following a process to seek experienced and suitably qualified persons, but must not be the Executive Search Consultant appointed by Council to assist in the recruitment process. The Committee will be supported and provided with a shortlist of candidates by the Executive Manager People Culture and Development.
- 13.3 Council will determine and resolve the:
  - 13.3.1 term of appointment of the Independent Advisor; and
  - 13.3.2 remuneration of the Independent Advisor,
 and ensure that it is a term of the Independent Advisor's engagement that the Independent Advisor keep confidential all information which the Independent Advisor acquires by virtue of the engagement.
- 13.4 Council, or the Committee with the approval of a Resolution, can, on an as needed basis, obtain additional independent professional advice in relation to the matters dealt with under this Policy.

## **14. Administrative Support**



14.1 Council acknowledges that, in implementing this Policy, it, the Committee and/or the Independent Advisor will from time to time require the assistance of members of staff, including assistance in relation to governance and human resources matters.

14.2 Council, the Committee and/or the Independent Advisor may from time to time request a member of staff to provide assistance in implementing this Policy, recognising that the position of the member of staff is made difficult because he or she is accountable to the CEO (or a person acting as CEO) and therefore acknowledging that requests for assistance need to be limited to no more than those which are reasonably necessary.

**15. Interaction with Act and Regulations**

15.1 This Policy applies subject to any inconsistent obligations in the Act or the Regulations.

**16. Confidentiality**

16.1 Council is not required to disclose any personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.

**17. Delegations**

17.1 Council must not delegate the power to appoint the CEO, whether on a permanent or acting basis, however, it may delegate to the CEO the power to appoint an Acting CEO for a period not exceeding 28 days (sections 11(2)(d) and 11(3) of the Act).

17.2 Council must not delegate the power to make any decision in relation to the employment, dismissal or removal of the CEO (section 11(2)(e) of the Act).

**18. Review of Policy**

18.1 This Policy will be reviewed within 6 months of its adoption by Council.

18.2 This Policy will thereafter be reviewed at least every three (3) years by the Committee and within 6 months of each Council election, and the Committee will make a recommendation to Council with respect to any suggested changes.



28 February 2024

Name

Email: E: XXX



Dear Name,

**Re: Appointment of Independent Advisor**

Council resolved at its Council Meeting on 26 February 2024 to the appointment and the remuneration of an Independent Advisor for the CEO Employment and Remuneration Advisory Committee (Committee).

It is with pleasure that I offer you the appointment as Independent Advisor for the Committee for a XXX year term commencing 1 March 2024.

The fees endorsed by Council are payment of \$XX daily rate, \$XX per hour and a meeting rate of \$XX.

The Advisor is required to provide independent advice on matters contained within Council's CEO Employment and Remuneration Policy (attached) as required from time to time and is expected to maintain strict confidentiality on matters discussed or documents received.

Either you or Council may choose to withdraw from this engagement during the term with 4 weeks' notice.

We would appreciate your confirmation of acceptance by signing a copy of this letter and returning it at your earliest convenience.

Yours sincerely

**Mary-Anne Palatsides**  
**Executive Manager People, Culture and Development**

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***Acknowledgement***

I acknowledge appointment as the Independent Advisor for Council's CEO Employment and Remuneration Committee.

I acknowledge that I do not have a conflict of interest in relation to this engagement and will notify Council of any conflict of interest should I discover one, or if one should arise.

Signed: \_\_\_\_\_

Name

Date: \_\_\_\_\_

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