

COUNCIL MEETING

MINUTES



(Open to the public)

Monday 26 February 2024

Council Chamber, 8 Inglesby Road, Camberwell.

Commencement 6.34pm

Attendance

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

Apologies Nil

<u>Officers</u>	Phillip Storer Daniel Freer Kate McCaughey Scott Walker Mary-Anne Palatsides	Chief Executive Officer Director Places and Spaces Director Community Support Director Urban Living Executive Manager People Culture and Development
	Amy Montalti Bryan Wee Anthea Kypreos Fiona Brown	Chief Financial Officer Manager Governance and Legal Manager Capital Projects Manager Community Planning and Development
	Andrew McHugh Michelle Forster Michael Hutchison Jeanine Nieuwenhuizen Sam Taylor	Manager Health and Wellbeing Services Acting Manager Liveable Communities Head of Strategic Property and Revenue Chief Customer Officer Senior Coordinator Sports and Recreation
	Cathryn Phillips Mathew Dixon Alana Smith Danielle Calautti	Coordinator Corporate Information Coordinator Environmental Sustainability Coordinator Local Economies Planning and Facility Development Coordinator
	Jaclyn Bridgford Lucinda Bakhach Clare Davey	Communications Lead - Major Projects Local Economies Lead Major Project Interface Lead

Andrea Lomdahl
David Cashmere
Elizabeth Manou
Deborah Frecker
Richard Dureau

Principal Project Manager
Senior Recreation Contract Manager
Senior Governance and Integrity Officer
Recreation Planner
Recreation Contract Support Officer

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1. Adoption and confirmation of the minutes

MOTION

Moved Councillor Sinfield

Seconded Councillor Gillies

That the minutes of the Council meeting held on 18 December 2024 be adopted and confirmed.

CARRIED

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

The **Chief Executive Officer** declared a material conflict of interest with respect to Item 7.11 Terms of Reference for CEO Employment and Remuneration Advisory Committee and Item 7.12 CEO Employment and Remuneration Advisory Committee - Independent Advisor, in accordance with section 128 of the Local Government Act 2020 and the Governance Rules, as the matters relate to his personal affairs.

Item 8.1 - Leaves of Absence - Councillor Thompson, Councillor Parke and Councillor Sinfield

3. Deputations, presentations, petitions and public submissions

Council has received two (2) petitions. Details of the petitions are set out below.

No.	Ref. no.	Title / Description	No. of signatures	Referred to
1	CAS-1565576	Requesting Council introduce a 24 hour cat curfew	32	DUL
2	CAS-1571104	Requesting Council review maintenance of Alexandra Gardens and other heritage gardens	34	DPS

Legend:

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

MOTION

Moved Councillor Thompson

Seconded Councillor Gillies

That Council resolve:

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

CARRIED**4. Informal Meetings of Councillors**

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

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

MOTION

Moved Councillor Addis

Seconded Councillor Gault

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

CARRIED**5. Public question time****PQT1 Lisa Wittman of Kew**

The **Mayor, Councillor Hollingsworth** read the following question submitted with notice, with irrelevant parts removed to allow the question to be read:

“Why is there decline of Boroondara’s heritage gardens when many other local government area parks and gardens, as well as the Melbourne Botanical Gardens, are able to maintain high standards in horticulture despite dealing with the same set of challenges?”

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

- In recent years with the increased practice of working from home Council has seen an increase in the number of people using parks across our City.
- Climate conditions are also impacting our gardens and all of those across Melbourne and means that we need to adapt to altering weather conditions. We do this through plant, grass and tree choices and prudent management of our natural resources.

- Despite these factors we believe that we are continuing to maintain our gardens at a high standard. This is supported by benchmarking against other councils.
- Most recently we undertook a community satisfaction survey in January which returned an overall satisfaction score of 98.9%. This placed us in the top three councils and demonstrates that the majority of residents are happy with the service that is being provided.

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

PQT2 Ian Hundley of Balwyn North

The **Mayor, Councillor Hollingsworth** read the following question submitted with notice, with irrelevant parts removed to allow the question to be read:

“Please advise whether Boroondara Council will be receiving public submissions on Council’s annual budget for the 2024-25 annual budget and for subsequent budgets?”

The **Chief Financial Officer** responded as follows:

- Council is yet to turn its mind to the budget for the 2024-25 year or subsequent years.
- Council will make a formal decision regarding consultation and submissions at the appropriate point in time.

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

PQT3 Ian Hundley of Balwyn North - Disallowed Question

The **Mayor, Councillor Hollingsworth** advised the question was disallowed under rule 55.2 of the Governance Rules because it was not first asked in writing to a Councillor or a member of Council staff more than 10 working days before this meeting, and it does not relate to a matter on the agenda for the current Council meeting.

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

PQT4 Leigh Naunton of Balwyn North

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

“Can Council please advise as to whether the Election Period Policy section 3.9 and the definition of advertising sign in the policy together prohibit the use by candidates and supporters and / or third-party campaigners of placards and A-frames placed on Council-controlled land and Council roads and/or the wearing of campaign-related clothing or badges by candidates and supporters and / or third-party campaigners in those locations.”

The **Manager Governance and Legal** responded as follows:

- There is ambiguity about the choice of wording in the policy.
- Council officers are seeking advice about the wording and its effect and will suggest deferring the item to get clarity.

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

PQT5 Leigh Naunton of Balwyn North

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

“Can Council please advise how it will interpret the words “election campaign” in relation to 3.9 of the draft Election Period Policy.”

The **Manager Governance and Legal** responded as follows:

- The words “election campaign” will be given its ordinary meaning. For example, in the context of the upcoming 2024 local government elections, would include any candidate’s campaign to be elected to Council in this election.

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

6. Notices of motion

6.1 Australia Citizenship Ceremony

MOTION

Moved Councillor Franco

Seconded Councillor Biggar

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.

Procedural Motion - Laying question on the table

MOTION

Moved Councillor Sinfield

Seconded Councillor Addis

That the question lie on the table.

CARRIED

Division

Councillor Franco called for a division

Affirmative

Councillor Jim Parke
Councillor Felicity Sinfield
Councillor Di Gillies
Councillor Jane Addis
Councillor Cynthia Watson
Councillor Nick Stavrou

Negative

Councillor Lisa Hollingsworth (Mayor)
Councillor Victor Franco
Councillor Wes Gault
Councillor Susan Biggar
Councillor Garry Thompson

The Mayor declared the Motion **CARRIED**

7. Presentation of officer reports

The Chief Executive Officer left the chamber at 7.00pm.

Procedural Motion - En bloc

MOTION

Moved Councillor Parke

Seconded Councillor Addis

That the following items:

- 7.1 Bi-annual Report from the Audit and Risk Committee**
- 7.2 Contract 2023/213 - Record Storage and Imaging Services**
- 7.5 December 2023 Quarterly Performance Report**
- 7.8 Instrument of Appointment and Authorisation - Environment Protection Act 2017**

7.9 Organised Sport Seasonal Allocation Policy

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

CARRIED

7.1 Bi-annual Report from the Audit and Risk Committee

Purpose

This report presents to Council for tabling the Bi-annual Report for the Audit and Risk Committee for the period from 1 July 2023 to 31 December 2023 including results of the self-assessment survey as required by section 54(4) and 54(5) of the *Local Government Act 2020*.

Key Issues

The attached Bi-annual Report from the Audit and Risk Committee (**Attachment 1**) was provided to the CEO by the Chair of the Audit and Risk Committee to table at this Council meeting. It describes the activities of the Audit and Risk Committee for the period from 1 July 2023 to 31 December 2023 and includes results of the Committee's annual self assessment survey.

Next Steps

This report presents to Council the Bi-Annual Report for the period from 1 July 2023 to 31 December 2023 from the Audit and Risk committee as required by the *Local Government Act 2020*. The next Biannual report will be presented to Council following the June 2024 Audit and Risk Committee meeting.

MOTION

Moved Councillor Parke

Seconded Councillor Addis

That Council resolve to accept the Bi-annual report for the period 1 July 2023 to 31 December 2023 from the Audit and Risk Committee including results of the self-assessment survey required by section 54(5)(4) of the *Local Government Act 2020* as contained in Attachment 2 (as annexed to the minutes).

CARRIED

7.2 Contract 2023/213 - Record Storage and Imaging Services

Purpose

The purpose of this report is to seek Council approval to award Contract No. 2023/213 Record Storage and Imaging Services to Grace Records Management (Australia) Pty Ltd for the sum of \$1,231,808 excluding GST.

Background

Council requires a suitably qualified organisation to provide records storage and imaging services. The services include:

Record Storage Services

- Facility and records storage requirements
- Migration of records and data
- Records ordering and delivery
- Records disposal
- Secure destruction services

Imaging Services

- Overall imaging requirements
- Programmed scanning
- On-demand imaging service
- Digital Mailroom Services

Specifically, Councils operational business under this contract includes:

- Offsite storage and lodgement of inactive records
- Physical retrieval and delivery
- Secure destruction of inventory items
- Provision and exchange (collection) of secure destruction bins
- Sale of record storage boxes and barcodes
- Scan on demand delivery of files in facility storage
- Corporate Information back-scanning digitisation projects (not on demand) across all formats. I.e. micrographics, tape conversion, paper, plans, photo, and media.
- Digital Library platform including cloud storage and ordering of statutory planning files (paperless office initiative)

This contract will replace an existing MAV (Municipal Association of Victoria) contract which was a sole contractor arrangement awarded to Grace Management in 2011. This contract expired on 31 December 2023 at which time Council entered into a 3-month agreement with Grace Records Management (Contract 2023/222) to enable continuation of critical service delivery whilst an evaluation of the new panel of suppliers was undertaken.

Key Issues

Existing contractor relationship

- Grace Records has held a contractor relationship with Boroondara since 2011 with established relationships and processes

- While there are other vendors who provide a similar service offering to Grace Records, there is a significant operational overhead and exit costs associated with a change to vendor. Exit costs including box retrieval fees and new set up costs for digital platforms were factored into the evaluation.

Next Steps

Upon award of the contract, Council will oversee the management and execution of these services.

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 Local Government Act 2020. The information relates to Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.

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

MOTION

Moved Councillor Parke

Seconded Councillor Addis

That Council resolve:

- 1. To award Contract No. 2023/213, Record Storage and Imaging Services, to Grace Records ACN 93097110257 at their tendered schedule of rates for an initial contract period of three (3) years plus two (2) optional extension period/s of two (2) years to be exercised at the discretion of Council. The estimated total contract cost over seven (7) years (inclusive of extensions) is \$1,231,808 (excluding GST).**
- 2. To authorise the Director Urban Living or Director Customer and Transformation (as appropriate at the time) to sign and execute the contracts on behalf of the Council and to authorise invoices to an amount not exceeding \$1,231,808 excluding GST.**
- 3. To authorise the Director Urban Living or Director Customer and Transformation (as appropriate at the time) to negotiate and execute optional extension periods.**
- 4. To note that expenditure under this contract has been provided for in Council's adopted budget for the financial year 2023/24 and expenditure in future years will be in accordance with the approved budget allocations.**

CARRIED

7.5 December 2023 Quarterly Performance Report

Purpose

The purpose of this report is to present to Council for adoption the December 2023 Quarterly Performance Report for the period ended 31 December 2023 (refer to **Attachment 1**). This report is designed to provide performance reporting on both the 2023-24 Annual Budget and Boroondara Community Plan 2021-31 (incorporating the Community Vision, Council Plan 2021-25 and Municipal Public Health and Wellbeing Plan 2021-25). Council is also requested to adopt the amendments to the 2023-24 Fees and Charges schedule (refer to **Attachment 2**).

Background

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

The year to date and annual budget figures referred to in this report reflects the 2023-24 Amended Budget, approved by Council on 23 October 2023, which includes the carry forward funding from 2022-23 priority projects and capital works forward commitments.

Key Issues

Financial performance

Year to date actual vs. year to date 2023-24 Amended Budget

Council's favourable operating result against year to date budget of \$123.27 million is \$6.30 million above the 2023-24 Amended Budget of \$116.97 million primarily due to a number of factors which are outlined in **Attachment 1**.

Capital works actual expenditure is \$25.64 million, which is \$1.72 million below year to date budget phasing of \$27.36 million. Priority projects expenditure of \$9.78 million is \$3.17 million below year to date budget of \$12.95 million.

Council's Balance Sheet and cash position are sound and depict a satisfactory result. At the end of December, Council's cash position stood at \$143.39 million or \$17.45 million above the year to date budget.

The overall financial position at 31 December 2023 is satisfactory with a working capital ratio of 4.58 to 1 (includes reserve funds of \$25.57 million and 0.5% cash contingency for emergency response works).

Please refer to **Attachment 1** (pages 64 to 65 and 71) for further detail.

Non-financial performance

Major Initiatives

The 2023-24 Annual Budget contains 43 major initiatives.

For the quarter ending December 2023, 9% (4 out of 43) of the 2023-24 major initiatives have been completed. A total of 91% (39 out of 43) of the major initiatives have commenced and are on track to be completed by the end of the financial year. Further details can be found in **Attachment 1** (pages 14 to 57).

Strategic Indicators

For the quarter ending December 2023, 70% (14 out of 20) of the strategic indicators are on track. A total of 15% (3 out of 20) are being monitored and are anticipated to achieve the target by the end of the financial year. A further 15% (3 out of 20) of the strategic indicators are At Risk and not on track to achieve target by the end of the financial year, with a comment provided below. Further details can be found in **Attachment 1** (pages 13 to 55).

Details of the strategic indicators At Risk and not on track to meet target at end of the financial year:

Strategic Indicator	Q2 YTD Result	Annual Target	Comments
Number of vaccinations administered.	7,086	20,400 - 20,600	Immunisation vaccines administered in Quarter 2 have consistently trended lower due to immunisation service programming. There is no flu program during this quarter. Central Immunisation Records Victoria (CIRV) software was rolled out in Quarter 1 and appointments continue to be reduced due to transitioning to this new software.
Percentage of graffiti removed from Council-owned assets within one business day of notification.	97%	100%	The Quarter 2 result has improved since last quarter. The year to date result and annual target delays are primarily due to the wet weather and contractor staff shortages.
Number of calls abandoned when customers are trying to reach Council's customer service.	4.03%	Less than or equal to 3.50%	The number of calls abandoned is currently 0.53% higher than the annual target of 3.50%. Work is being completed to understand how this can be improved to meet our target noting around 45% of callers who abandon, do so within 45 seconds of calling.

Local Government Performance Reporting Framework (LGPRF)

There are 59 mandatory performance indicators included in the LGPRF under 3 thematic areas:

- Service Performance Indicators
- Financial Performance Indicators
- Sustainable Capacity Indicators.

Of these LGPRF measures, 28 will be audited and included in Council's performance statement.

For the quarter ending December 2023, 95% (36 out of 38) of the non-financial LGPRF measures are on track. A total of 5% (2 out of 38) are being monitored and are anticipated to achieve the target by the end of the financial year.

There are currently no non-financial LGPRF measures which are not on track to achieve target by the end of the financial year. Further details can be found in **Attachment 1** (pages 18 to 58).

Amendments to the 2023-24 Fees and Charges schedule can be found in **Attachment 2**. This includes amendments to existing fees and charges and two new fees linked to the introduction of electric vehicle charging stations.

MOTION

Moved Councillor Parke

Seconded Councillor Addis

That Council resolve to:

- 1. Adopt the Quarterly Performance Report for December 2023 (Attachment 1).**
- 2. Adopt the amendments to the 2023-24 Fees and Charges Schedule (Attachment 2).**

CARRIED

7.8 Instrument of Appointment and Authorisation - Environment Protection Act 2017

Purpose

The purpose of this report is for Council to consider executing an Instrument of Appointment and Authorisation under the *Environment Protection Act 2017* respectively.

The Instrument presented to Council is for the appointment and authorisation of staff from the Urban Living Directorate. This review deals with staffing arrangements and is distinct from the biannual authorisation reviews conducted in March and October of each year.

Background

Maddocks recommend that officers enforcing the *Environment Protection Act 2017* be authorised by Council resolution and that the Instruments of Appointment and Authorisation be refreshed on a regular basis.

Council last adopted an Instrument of Appointment and Authorisation under the *Environment Protection Act 2017* in December 2023.

Key Issues

Council subscribes to the Maddocks Authorisations and Delegations Service, and relevant advice has been considered in the preparation of this report and the Instruments of Appointment and Authorisation.

To ensure that the Instrument is up to date and accounts for staffing changes within the organisation, officers undertake a review of the Instrument bi-annually. There were no legislative changes relevant to the current review, the changes merely accommodate staffing arrangements in the Urban Living Directorate.

Officers are now presenting a refreshed Instrument of Appointment and Authorisation under the *Environment Protection Act 2017* (**Attachment 1**) for adoption.

Next Steps

The Instrument will be refreshed as needed to ensure any staffing changes within the Urban Living Directorate are captured.

MOTION

Moved Councillor Parke

Seconded Councillor Addis

1. In the exercise of the power conferred by s 242(2) of the *Environment Protection Act 2017* and the Instrument of Delegation of the Environment Protection Authority under the *Environment Protection Act 2017* dated 4 June 2021, Council resolves that:
 - a) The members of Council staff referred to in the Instrument (Attachment 1 as annexed to the minutes) be appointed and authorised as set out in the Instrument.
 - b) The Instrument comes into force immediately upon the common seal of Council being affixed to the Instrument and remains in force until Council determines to vary or revoke it.
 - c) The instrument be sealed.
 - d) On the coming into force of the Instrument all previous Instruments of appointment and authorisation under the *Environment Protection Act 2017* are revoked

CARRIED

7.9 Organised Sport Seasonal Allocation Policy

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.

MOTION

Moved Councillor Parke

Seconded Councillor Addis

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.**

CARRIED

The Chief Executive Officer returned to the chamber at 7.03pm and resumed his seat.

7.3 Economic Development Strategy

Purpose

The purpose of this report is to seek endorsement of the:

- a. Economic Development Strategy (**Attachment 1**),
- b. Economic Development Action Plan 2023/24 - 2025/26 (**Attachment 2**), and
- c. Additional resources required to deliver core economic development programs.

The report also presents the 2023 Economic Development Strategy community consultation findings (**Attachment 3**).

Background

Broader context

The City of Boroondara's economy is shaped by its distinct 55 high streets and neighbourhood shopping centres.

These precincts have experienced increasing pressures, in part due to the impact of changing shopping habits (such as towards online shopping) and responses and recovery to the global pandemic. More recently, the cost-of-living crisis, fuelled by international events and inflation, has provided further challenges for local shopping centres. The Economic Development Strategy (Strategy) and associated Economic Development Action Plan 2023/24 - 2025/26 (Action Plan) aim to enhance the health of the local economy.

Strategy development

At the 12 December 2022 Services Delegated Committee meeting, Councillors were presented with the draft Economic Development Strategy (formerly referred to as the Economic Development and Visitor Attraction Strategy) and draft Action Plan 2023/24 - 2025/26. At this meeting, Council resolved to undertake community consultation on the draft Strategy between 25 January and 10 March 2023. This consultation was the final step in a three-stage consultation process which included community consultation from December 2020 to April 2021 and a targeted stakeholder consultation undertaken from March to October 2021.

Delivering on the Boroondara Community Plan's Theme 6 - Local Economy

The Economic Development Strategy (the 'Strategy') is Council's key road map to delivering on the Boroondara Community Plan 2021-2031 Theme 6, Local Economy Strategic Objective to:

"...Support local businesses and enhance shopping precincts, fostering a strong economy and welcoming places for the community." (page 48)

The 2021 refresh of the Boroondara Community Plan 2021-2031 (BCP) identified Local Economy within the top three priority issues for our community (**Figure 1**). The importance of Local Economy to our community has risen since the 2017 BCP when it was the sixth ranked priority (**Figure 2**).

Strategy vision

In line with this Strategic Objective, the Strategy's vision is to:

- facilitate the maintenance and growth of a thriving economy and contribute to Boroondara's liveability.
- support and promote the municipality as a desirable destination for visitors through the growth of the visitor economy.

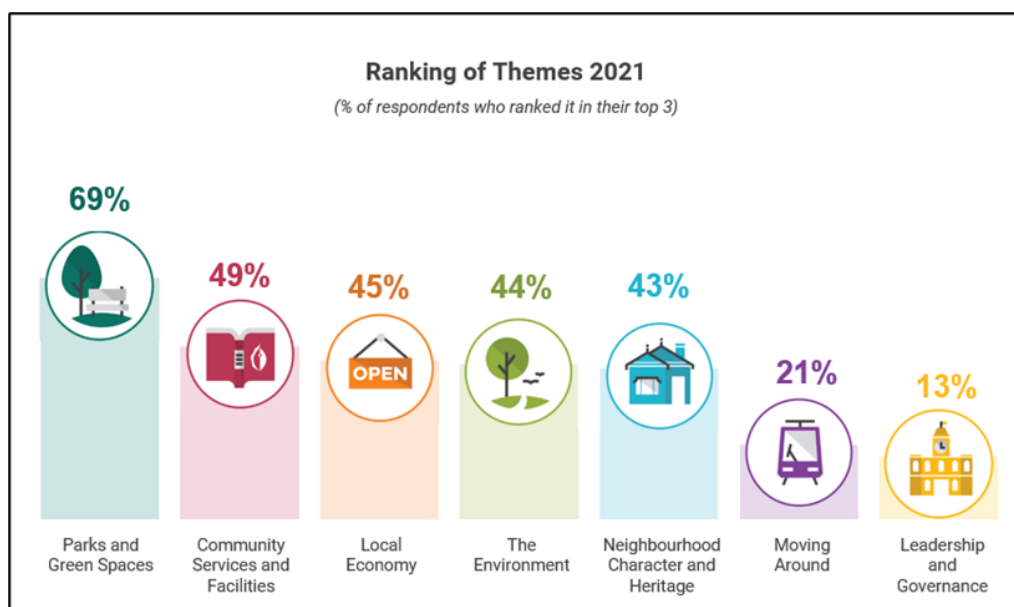


Figure 1: BCP 2021 Refresh - Theme rankings

(Source: Boroondara Community Plan Refresh 2021 Consultation results)

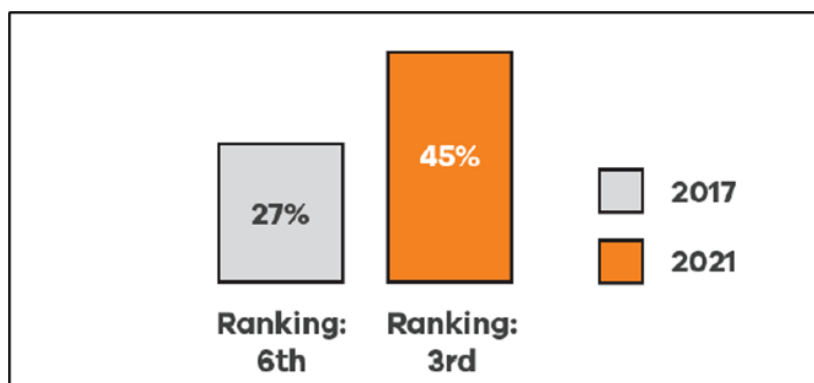


Figure 2: Local Economies Ranking - BCP 2017 to BCP refresh 2021

(Source: Boroondara Community Plan Refresh 2021 Consultation results)

Strategy priority areas

To deliver on this vision, the six-year Strategy identifies four priority areas:

- Priority 1 - Thriving Shopping Precincts
- Priority 2 - A Supported Business Community
- Priority 3 - A Sustainable, Circular and 'Smart' Local Economy
- Priority 4 - A Desirable Destination for Visitors.

Economic Development Strategy Action Plan

The six-year Strategy will be implemented through two three-year action plans. The first action plan period is proposed as 2023/24 - 2025/26. These actions complement Council's core economic development and business support programs (listed below). To ensure the actions remain relevant and respond to current and emerging issues and opportunities, a new action plan will be developed in 2026.

In response to community feedback, the Strategy (**Attachment 1**) and Action Plan (**Attachment 2**) were updated. Of note, the title of the strategy was simplified and a number of actions were added, consolidated, or amended.

Council's existing economic development core programs

Council currently delivers the following 14 economic development and business support programs (described in section 4 and **Table 2** of this report) which contribute to the delivery of the BCP's Theme 6 Local Economy. These programs also contribute to the realisation of the Strategy vision, and include:

1. Economic development program and policy development
2. Special Rate and Charge Schemes program (SR&CS)
3. Community Strengthening Grants (Vibrant Retail Precincts stream) program
4. Trader Association Liaison and Place-making Projects program
5. Business Support Service
6. Shopping Centre Improvement Program (SCIP)
7. Parklets program
8. Business Boroondara Events program
9. Economic participation program
10. Local business marketing and promotion program
11. Circular Economy program
12. Christmas in Boroondara program
13. Shopping Centre Activation program
14. Markets program.

Key Issues

Importance of the local economy to our community

The importance of the local economy to our community was highlighted in the recent findings from the 2023 Australian Liveability Census. *Place Score* surveyed more than 25,000 Australians to gauge overall liveability satisfaction and identify key attributes of each municipality. Boroondara ranked highest in Victoria and fourth nationally, with 'Local Business' its best performing attribute (**Table 1**). (Note: Place Score is an independent, for-profit social planning and data analysis company).

Ranking	Municipality	Best Performing Attribute
1	Boroondara	<ol style="list-style-type: none"> 1. Local businesses that provide for daily needs 2. Access to neighbourhood amenities 3. Landscaping and natural elements
2	Port Phillip	<ol style="list-style-type: none"> 1. Access to neighbourhood amenities 2. Connectivity 3. Spaces suitable for specific activities or special interests
3	Bayside	<ol style="list-style-type: none"> 1. Physical comfort 2. Access to neighbourhood amenities 3. Local businesses that provide for daily needs

Table 1: Melbourne's top three liveable local government areas and attributes

(Source: Place Score; The Age, 11 November 2023)

Consultation Findings

The third and final round of consultation on the Strategy occurred during January and March 2023. The consultation received 1,085 Engage Boroondara page visits, with 96 people providing contributions.

The Strategy was widely supported with approximately 79% of respondents providing positive and/or constructive feedback on the four proposed priorities of the draft Strategy. 'Thriving Shopping Precincts' was ranked most important by half of all respondents. A Community Engagement Summary is provided in **Attachment 3**.

Resourcing the Action Plan (2023/24 - 2025/26)

The six-year Strategy will be implemented through two three-year action plans. The first Action Plan (2023/24 - 2025/26) includes 24 actions (**Attachment 2**). These actions complement Council's existing economic development and business support programs identified above (and described in section 4 (**Table 2**) of this report).

Several actions will require additional resources (summarised in **Table 5**). Where this is the case, budget proposals will be submitted for consideration as part of the annual budget bid process where they can be considered against other priorities. Should these bids be unsuccessful, these actions will be reconsidered for possible inclusion in the subsequent Action Plan.

Resourcing core economic development programs

Since 2020 and the onset of the global COVID-19 pandemic, three of the 14 programs listed above (the Community Strengthening Grants, Parklet program, and Love Local Life website program), have been added to the team's core programming. Additional activity has generally increased in response to the Covid-19 pandemic and associated measures to support local businesses (both during and as part of recovery).

More generally, Council support for shopping centres and trader associations has also increased in recent years, through:

- the need for additional governance support and process improvements,
- increase in requests to support existing trader associations,
- support to establish new trader associations,
- investigations and project coordination responsibility for arts and placemaking projects and requests on Council land or assets
- demand for face-to-face business engagement, and
- support for major projects within shopping centres such as the Surrey Hills Level Crossing Removal Project (LXRP).

In addition, there has been community and organisational demand to broaden economic development programs into aspects of the local economy beyond a focus on shopping centres such as sustainability and circular economy initiatives, employment and training, and social and local procurement.

To resource the delivery of these additional responsibilities, respond to COVID-19 recovery, as well as increasing demand for trader support, three fixed-term roles were introduced into the Local Economies team from 2020. One of these roles has been partially funded by a Victorian Government Covid-19 grant. These contracted roles will conclude in June 2024 (2 roles) and December 2024 (1 role) and will impact the delivery of both core programs and the Strategy.

In order to respond to community feedback regarding the importance of local businesses and 'Thriving Shopping Precincts', and to ensure Strategy Priority areas can be delivered, additional ongoing resources (1.25 EFT) are requested from 1 January 2025 after the fixed-term roles cease.

The additional resources enable Council to deliver eight of 14 (57%) core programs (**Table 3**) and enhance the Local Economies' team capacity to deliver on key Action Plan items.

The ongoing additional EFT costs would be \$95,778 in 2024/25 then \$1,761,571 over the remainder of the life of the Long Term Financial Strategy (refer **Table 6** and sections 4 and 6 of this report). In addition, the delivery of Strategy Action Plan items requiring additional project funding (**Table 5**) would be subject to the annual budget development process.

With the withdrawal of Covid-19 funding and the end of the fixed term contracts, there will be 2.8 EFT less staff within the Local Economies team. If the additional 1.25 EFT requested is approved there will still be 1.55 EFT less staff. In light of this, the following core programs will no longer be delivered, the implications of which are outlined in Section 4 (**Table 4**) of this report:

- Parklets program (relates to new parklets only)
- Shopping Centre Activation program.

MOTION

Moved Councillor Gillies

Seconded Councillor Stavrou

That Council resolve to:

- 1. Adopt the Economic Development Strategy (Attachment 1).**
- 2. Endorse the Economic Development Action Plan 2023/24 - 2025/26 (Attachment 2).**
- 3. Endorse funding for the additional resources required to deliver core economic development programs as described in Table 6 of this report.**

CARRIED

7.4 Award of Contract 2023/119 Biodiversity Sites Maintenance Contract - Panel

Purpose

The purpose of this report is to seek Council support to award Contract No. 2023/119 Biodiversity Site Maintenance Services – Panel, to a panel of contractors.

Background

This contract replaces Contract No. 2018/195 Revegetation Site Maintenance which will expire on 31 March 2024. The services include maintenance of existing biodiversity sites including Indigenous vegetation zones, wetlands and water sensitive urban design sites, as well as the creation and planting of new biodiversity zones in accordance with Council's Urban Biodiversity Strategy and Biodiversity Asset Management Plan.

This contract will provide biodiversity site maintenance services for an initial period of three (3) years with a possible two (2) year extension to a maximum period of five (5) years.

It is important to note that Council does not guarantee either a minimum quantity of work in relation to any of the contract components. The amount of work to be performed will be in accordance with need and budgetary allocations each year.

Next Steps

Upon award of the contract, officers will oversee the management and execution of these services.

Confidentiality

Confidential information is contained in **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 Local Government Act 2020. The information relates to private commercial information, being information provided by a business, commercial or financial undertaking that—(i) relates to trade secrets; or (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

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

MOTION

Moved Councillor Franco

Seconded Councillor Biggar

That Council resolve to:

1. Award Contract No. 2023/119 Biodiversity Site Maintenance Services - Panel to the following three (3) contractors:

- **Acacia Environmental Management Pty Ltd (ABN 88 108 191 466);**
- **Indigenous Design Environmental Services Pty Ltd trading as ID Ecological Management (ABN 64 081 044 144); and**
- **Felix Botanica the Trustee for The Chynoweth Family Trust (ABN 84 171 259 468),**

At their tendered schedule of rates for an initial contract period of three (3) years plus an optional extension period of two (2) years to a maximum contract period of five (5) years. The estimated cumulative value over the maximum contract period is \$5,452,680.20 (including GST) including an annual CPI increase commencing from year two (2) of the contract.

The estimated cost to Council after the return of GST Input Credits is \$4,956,982.

- 2. Authorise the Director Places and Spaces to sign and execute the contracts on behalf of Council with the above contractors.**
- 3. Authorise the Director Places and Spaces to negotiate and execute the optional extension period.**

4. **Note that expenditure under this contract is in accordance with Council's Adopted Budget for 2023/24. Future expenditure will be in accordance with the approved budget allocations.**

CARRIED

7.6 Adoption of Election Period Policy

Purpose

This report presents an updated Election Period Policy (the **Policy**) for Council to consider adopting.

Background

Section 69(1) of the Local Government Act 2020 (the Act) requires an election period policy to be included in the Governance Rules. The Policy must prohibit any Council decision during the election period for a general election that:

- a) relates to the appointment or remuneration of the Chief Executive Officer but not to the appointment or remuneration of an Acting Chief Executive Officer; or
- b) commits the Council to expenditure exceeding one per cent of the Council's income from general rates, municipal charges and service rates and charges in the preceding financial year; or
- c) the Council considers could be reasonably deferred until the next Council is in place; or
- d) the Council considers should not be made during an election period.

The Policy must also prohibit any Council decision during the election period for a general election or a by-election that would enable the use of Council's resources in a way that is intended to influence, or is likely to influence, voting at the election.

Key Issues

Council has an existing policy which was adopted by Council on 24 August 2020.

In anticipation of Council elections in October 2024, officers considered the existing policy. While there have been no legislative changes to Council or candidate obligations during the election period since the existing policy was updated, the policy is outdated because:

- It refers to specific dates that relate to the 2020 elections.
- It uses outdated nomenclature – for example public consultation rather than community engagement.
- It uses outdated position titles in some instances.

Officers have updated these issues and included clarity on the certification process to be undertaken by the CEO. **Attachment 2** tracks changes for transparency.

Next Steps

Once adopted the Policy will be circulated to both Councillors and staff so they are aware of their obligations during the election period. The Policy will also be included in the Governance Rules which are available on the Council website.

MOTION

Moved Councillor Franco

Seconded Councillor Parke

That the matter be deferred to the next available meeting of Council for the purpose of publicly exhibiting a draft Election Period Policy for inclusion in the Governance Rules.

AMENDMENT

MOTION

Moved Councillor Sinfield

Seconded Councillor Stavrou

That the matter be deferred.

LOST

The substantive motion was put and **CARRIED**

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

Purpose

This report is to consider commencement of the statutory procedures to remove the reserve status (discontinue), take title and sell the 1.83m wide drainage reserve adjoining 68 to 110 Illawarra Road, 73 to 107 Kooyongkoot Road and 9A and 11 Reserve Road, Hawthorn.

Background

Council received a request from a property owner for the removal of reserve status (discontinuance) and sale of the drainage reserve land adjoining their property. The drainage reserve is located at the rear of 68 to 110 Illawarra Road, 73 to 107 Kooyongkoot Road and 9A and 11 Reserve Road, Hawthorn ("the Reserve").

In addition, a small part of the Reserve land south of 9A Reserve Road, Hawthorn forms part of Reserve Road. Consistent with its use, this land is proposed to be set aside as Road R1 in the proposed Plan of Subdivision.

Key Issues

- The Reserve is in the name of the original subdivider.
- The Reserve is considered by officers to be no longer required for the purpose for which it was reserved and is of little value to Council.
- The Reserve has been enclosed within many of the adjoining properties in Illawarra Road for in excess of 15 years.

- Any sale of Council land requires Council to comply with section 114 of the *Local Government Act 2020*.
- There is a Council drain and Yarra Valley Water asset located within the Reserve.
- Council's current policy provides that Council will take title to all unsold discontinued sections of Reserve.

Confidentiality

Confidential information is contained in **Attachment 5**, 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 *Local Government Act 2020*. The information relates to Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.

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

MOTION

Moved Councillor Biggar

Seconded Councillor Addis

That Council resolve to:

1. **Commence the statutory procedures under section 114 of the *Local Government Act 2020* to remove the reserve status and sell the land comprising the 1.83m wide drainage reserve adjoining 68 to 110 Illawarra Road, 73 to 107 Kooyongkoot Road and 9A and 11 Reserve Road, Hawthorn, shown hatched in Attachment 1 and as Lots 1 to 16 (both inclusive) on the proposed plan of subdivision PS849085E in Attachment 2 ("the Reserve"), to the owners of the adjoining properties, by private treaty in accordance with Council's Discontinuance of Roads and Reserves Policy 2022 ("Council's Policy").**
2. **Give notice of its intention to remove the reserve status and to sell the Reserve on Council's website stating that Council proposes to remove the reserve status, take title, and sell the Reserve to the owners of the adjoining properties, by private treaty, in accordance with Council's Policy.**
3. **Invite submissions on the proposed removal of the reserve status and sale.**
4. **Note a further report will be presented to a future meeting of the Services Delegated Committee of Council, should any submissions be received, to enable consideration of the submissions and for a decision on whether to proceed with the proposed removal of the reserve status and sale in full, in part or not to proceed with the removal of reserve status and sale.**
5. **Authorise the Chief Executive Officer, or such other person as the Chief Executive Officer approves, to undertake the necessary procedural steps to complete the formal procedures for the removal of the reserve status and land sales if no submissions are received.**

6. Authorise the Chief Executive Officer, or such other person as the Chief Executive Officer approves, to sign all necessary documentation for the removal of the reserve status and land sales of the Reserve to the owners of the adjoining properties by private treaty in accordance with Principles 1, 2 and 3 of Council's Policy.
7. Authorise the Chief Executive Officer, or such other person as the Chief Executive Officer approves, to commence the sale process by undertaking community engagement consistent with section 114 of the *Local Government Act 2020* for any unsold lots.
8. Note procedures will be undertaken pursuant to part 4 of the *Planning and Environment Act 1987* and section 24A of the *Subdivision Act 1988* to remove the reserve status and subdivide the Reserve in preparation for its sale and future consolidation with purchasers' main titles.
9. Notwithstanding the present intention to sell the Reserve to the adjoining property owners detailed in the report, should submissions be received from other adjoining property owners or interested parties, Council reserves the right to sell the Reserve to any other interested property owners.

CARRIED

7.10 North East Link: Koonung Creek Reserve master plan

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.

MOTION

Moved Councillor Watson

Seconded Councillor Thompson

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, cultural and holistic design in consultation with the Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation (WWCHAC).**
- 5. Write to the following to advise of this resolution:**
 - a. The Hon. Jacinta Allan, MP, Premier of Victoria.**
 - b. The Hon. Sonya Kilkeny, 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.**

CARRIED

The Chief Executive Officer left the chamber at 8.12pm prior to the consideration and vote on the following items:

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

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

7.11 Terms of Reference for CEO Employment and Remuneration Advisory Committee

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.

MOTION

Moved Councillor Addis

Seconded Councillor Sinfield

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

CARRIED

7.12 CEO Employment and Remuneration Advisory Committee - Independent Advisor

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.

Procedural Motion - Closure of meeting**MOTION**

Moved Councillor Addis

Seconded Councillor Sinfield

That the Council meeting be closed to the public in accordance with section 66(2)(a) and subsection 3(1) of the Local Government Act 2020 to discuss personal information, being information which if released would result in unreasonable disclosure of information about any person or their personal affairs (section 3(1)(f)).

CARRIED

The Council meeting was closed to the public at 8.17pm.

Procedural Motion - Reopening of meeting**MOTION**

Moved Councillor Sinfield

Seconded Councillor Gillies

That the Council meeting be reopened to the public.

CARRIED

The Council meeting reopened to the public at 8.39pm with all councillors present.

The Chief Executive Officer returned to the chamber at 8.39pm and resumed his seat.

8. General business

8.1 Leaves of Absence - Councillor Parke, Councillor Thompson and Councillor Sinfield

Councillor Parke, Councillor Thompson and Councillor Sinfield declared a material conflict of interest in accordance with section 128 of the Local Government Act 2020 and the Governance Rules, as the nature of their interests is that their requests are for personal leave for the dates requested.

Councillor Parke, Councillor Thompson and Councillor Sinfield left the chamber at 8.40pm prior to the consideration and vote on this item.

MOTION

Moved Councillor Biggar

Seconded Councillor Gillies

That Council resolve to grant:

- **Councillor Parke and Councillor Thompson a leave of absence from Council for 19 February 2024.**
- **Councillor Sinfield a leave of absence from Council for 25 March 2024.**

CARRIED

Councillor Parke, Councillor Thompson and Councillor Sinfield returned to the chamber and resumed their seats at 8.41pm.

9. Urgent business

Nil

10. Confidential business

Procedural Motion - Closure of meeting

MOTION

Moved Councillor Thompson

Seconded Councillor Watson

That the Council meeting be closed to the public in accordance with section 66(2)(a) and subsection 3(1) of the Local Government Act 2020 to discuss items:

10.1 Contract 2020/1 Term 2 - Boroondara Leisure and Aquatic Facilities**10.2. Audit and Risk Committee - Independent Members**

These agenda items are confidential information for the purposes of section 3(1) of the Local Government Act 2020 because they comprise:

- personal information, being information which if released would result in unreasonable disclosure of information about any person or their personal affairs (section 3(1)(f)).
- private commercial information being information provided by a business, commercial or financial undertaking that relates to trade secrets or if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage (section 3(1)(g)).

CARRIED

The Council meeting was closed to the public at 8.43pm.

10.1 Contract 2020/1 Term 2 - Boroondara Leisure and Aquatic Facilities**MOTION**

Moved Councillor Watson

Seconded Councillor Parke

That Council resolve to:

- 1. Note YMCA Victoria has agreed in principle to the terms for an extension to Contract No. 2020/1.**
- 2. Approve entering Term 2 of Contract No. 2020/1 for a 3-year period (1 July 2024 - 30 June 2027).**
- 3. Authorise the Chief Executive Officer or such other person that the Chief Executive Officer selects to execute appropriate documentation to give effect to clause 2 above.**
- 4. Include clause one, two and three in the public minutes of this meeting.**

CARRIED

Procedural Motion - Reopening of meeting

MOTION

Moved Councillor Sinfield

Seconded Councillor Gault

That the Council meeting be reopened to the public.

CARRIED

The Council meeting reopened to the public at 9.05pm with all councillors present.

The meeting concluded at 9.07pm

Confirmed

Chairperson

Date

MINUTES ATTACHMENTS



Council

Monday 26 February 2024

Attachments as annexed to the resolution:

- 4 Informal Meetings of Councillors
- 7.1 Bi-annual Report from the Audit and Risk Committee
- 7.8 Instrument of Appointment and Authorisation -
Environment Protection Act 2017
- 7.10 North East Link: Koonung Creek Reserve master

Record of Informal Meetings of Councillors

Assembly details	Councillor attendees	Officer attendees	Matters discussed	Conflict of Interest disclosures
Councillor Briefing & Discussion 4 September 2023	Cr Parke Cr Sinfield Cr Franco Cr Gault Cr Hollingsworth Cr Addis Cr Watson Cr Biggar Cr Thompson	Phillip Storer (CEO) Kate McCaughey (DCS) Scott Walker (DUL) Bryan Wee (MGL) David Cowan (MPP) Robert Costello (CSTRP) Jessica Donaldson (PSTRP) Elizabeth Manou (SGIO)	<ul style="list-style-type: none"> Housing Strategy Community Event 	Nil
Councillor Briefing & Discussion 27 November 2023	Cr Sinfield Cr Franco Cr Gault Cr Gillies Cr Addis Cr Watson Cr Biggar Cr Thompson Cr Stavrou	Phillip Storer (CEO) Daniel Freer (DPS) Kate McCaughey (DCS) Scott Walker (DUL) Amy Montalti (CFO) Bryan Wee (MGL) Jarrod Filosa (aMCP) David Cowan (MCF) Fiona Brown (MCPD) Andrew McHugh (MHWS) Tina Bourekas (MLS) Katherine Wright (SCSPR) Sam Taylor (SCSR) Danielle Calautti (PFDC) Michael Williams (SCSPO) Elizabeth Manou (SGIO) Deborah Frecker (RP)	<ul style="list-style-type: none"> Park Street Parking Facility Disability Access and Inclusion Plan Michael Tuck Stand and Glenferrie Oval Precinct Organised Sport Seasonal Allocation Policy Clayton Landfill 	Nil
Councillor Briefing & Discussion 11 December 2023	Cr Parke Cr Sinfield Cr Franco Cr Gault Cr Gillies Cr Hollingsworth Cr Addis Cr Watson Cr Biggar Cr Stavrou	Phillip Storer (CEO) Daniel Freer (DPS) Kate McCaughey (DCS) Scott Walker (DUL) Amy Montalti (CFO) Bryan Wee (MGL) Tina Bourekas (MLS) Michelle Forster (aMLC) Lucinda Bakhach (LEL) Aileen Carter (CLOCS) Alannah Smith (CLE) Elizabeth Manou (SGIO)	<ul style="list-style-type: none"> Kew Library Economic Development Strategy 	Nil

Record of Informal Meetings of Councillors

Assembly details	Councillor attendees	Officer attendees	Matters discussed	Conflict of Interest disclosures
Councillor Briefing & Discussion 18 December 2023	Cr Parke Cr Sinfield Cr Franco Cr Gillies Cr Hollingsworth Cr Addis Cr Watson Cr Biggar Cr Stavrou	Phillip Storer (CEO) Daniel Freer (DPS) Kate McCaughey (DSC) Scott Walker (DUL) Amy Montalti (CFO) Bryan Wee (MGL) Anthea Kypreos (MCP) Daniel Murphy (aMCS) Fiona Brown (MCPD) Andrew McHugh (MHWS) Graeme Mawson (SCCYPF) Katherine Wright (SCSPR) Jarrod Filosa (CBP) Mirella Manfre (CPAPA) Michael Hutchison (HSPR) Loretta Pepper (TLEYI) Andre Peters (PTTL) Elizabeth Manou (SGIO) Mila Sumner (SCP) Yvonne Hill (PPS)	<ul style="list-style-type: none"> Hamer Court Kindergarten accommodation Parking Permit Policy Media 	Nil

MINUTES ATTACHMENTS



Council

Monday 26 February 2024

Attachments as annexed to the resolution:

7.1 Bi-annual Report from the Audit and Risk Committee

Audit & Risk Committee - Self Assessment of Performance Survey 2023

The Audit and Risk Committee is required by statute to conduct a self-assessment of its performance each year and report the results to Council.

To meet this requirement, a survey with 30 rated questions and 9 free text questions was distributed seeking Committee members' comments and scores on the following scale:

Less than adequate		Adequate		More than adequate	
1	2	3	4	5	6

All five Audit and Risk Committee members responded to the survey. The average score for questions is recorded below along with free text responses.

No	Question	Average Score
1	The Committee has monitored and reported on the systems and activities of Council in ensuring reliable financial reporting and management information.	5.5
2	The Committee has monitored and reported on the systems and activities of Council in ensuring high standards of corporate governance	5.5
3	The Committee has monitored and reported on the systems and activities of Council in ensuring appropriate application of accounting policies.	5.83
4	The Committee has monitored and reported on the systems and activities of Council in ensuring compliance with applicable laws and regulations.	5.67
5	The Committee has monitored and reported on the systems and activities of Council in ensuring effective and efficient internal audit functions.	5.67
6	The Committee has monitored and reported on the systems and activities of Council in ensuring effective and efficient external audit functions.	5.67
7	The Committee has monitored and reported on the systems and activities of Council in ensuring measures to provide early warning of any issues affecting the organisation's financial well-being.	5.17
8	The Committee has monitored and reported on the systems and activities of Council in ensuring the level and effectiveness of appropriate Business Continuity and Disaster Recovery Planning.	5
9	The has monitored and reported on the systems and activities of Council in ensuring maintenance and fostering an ethical environment.	5.5
10	Comments on questions 1 to 9. Free text field. Two responses received. <i>"Whilst I believe the ARC is functioning well, I have scored a number of responses as a 5 rather than a 6 because the effectiveness of the ARC is only as good as the information it receives."</i> <i>"The papers provided are of very good quality and detail to allow sufficient oversight."</i>	n/a
11	The Audit and Risk Committee has received whatever information, presentations, or explanations it considers necessary to fulfil its responsibilities.	5.5
12	Comment on question 11. Free text field. One response received: <i>"In addition to high-quality papers, management are always responsive to any requests for additional information."</i>	n/a

No	Question	Average Score
13	The Committee has worked with management and Internal Audit to develop a framework for monitoring the multi-dimensional elements of corporate governance	5.67
14	Comment on question 13. Free text field. No response received.	n/a
15	The Committee has gained a level of assurance that systems are in place within Council to identify high risks.	5.5
16	The Committee has scheduled audit reviews in accordance with risk assessments.	5.67
17	The Committee has reviewed the accountability of Council's corporate governance arrangements.	5.5
18	The Committee has reviewed the effectiveness of internal control systems in place.	5.33
19	The Committee has made recommendations to address control deficiencies.	5.67
20	Comments on questions 15 to 19. Free text field. No response received.	n/a
21	The Committee has reviewed the effectiveness of management information including financial controls and reporting.	5.67
22	Comment on question 21. Free text field. No response received.	n/a
23	The Committee shall review reports outlining Developments and changes in the various rules, regulations and laws which relate generally to Council's business operations.	5.5
24	The Committee shall review reports outlining measures to ensure Council's compliance with legislation.	5.5
25	Comments on questions 23 and 24. Free text field. No response received.	n/a
26	The Committee will review the performance of internal audit.	5.33
27	The Committee will review the effectiveness of the annual external audit.	5.5
28	The Committee will recommend internal audit appointments to Council.	5
29	The Committee will provide a structured reporting line for internal and external audit.	5.5
30	The Committee will annually approve the Internal Audit Program and rolling three-year plan.	5.83
31	The Committee will Review and approve the Audit and Risk Committee Annual Plan.	5.83
32	<p>Comments on questions 26 and 31. Free text field. Two responses received.</p> <p><i>"Re Q 29, The ARC is reliant on Management to report back to the council."</i></p> <p><i>"There was some an amendment to the Charter this calendar year to address a perceived gap in appointment of a new internal auditor."</i></p>	n/a
33	Meetings have been conducted in accordance with the agenda issued by Governance.	5.83
34	Meeting agendas and supporting papers have been well structured and well written.	5.83
35	Meetings have been conducted to allow for full participation by all members.	5.83
36	Meetings have allowed Committee members to raise any issue they believe relevant.	5.67
37	Meetings have been conducted to allow for open, frank, and robust discussion of all matters raised.	5.83

No	Question	Average Score
38	Comments on questions 33 and 37. Free text field. One response received. <i>"The meetings are very professionally conducted, allowing all members sufficient time to raise and discuss any matters that are relevant."</i>	n/a
39	Are there any other matters you believe should be raised as part of this assessment of the performance of the Audit and Risk Committee? One response received: <i>"I appreciate the positive and transparent relationship between the Committee and management. Thanks to the Chair for conducting the meetings in such a professional manner."</i>	n/a

MINUTES ATTACHMENTS



Council

Monday 26 February 2024

Attachments as annexed to the resolution:

- 7.8 Instrument of Appointment and Authorisation -
Environment Protection Act 2017

Boroondara City Council

Instrument of Appointment and Authorisation (*Environment Protection Act 2017*)

Instrument of Appointment and Authorisation (*Environment Protection Act 2017*)

In this instrument "**officer**" means -

Andre Peters	Parking and Traffic Team Leader
Alex Ilievski	Parking Officer
Alice Haskett	Prosecutions Officer
Anastasia Matete	Parking Officer
Andrew Salisbury	Senior Parking Officer
Brad McMahon	Supervisor Asset Protection Enforcement
Cailin Johnston	Senior Permits and Appeals Officer
Can Doruk	Parking Officer
Chris McKee	Parking Officer Casual
Ciaran Hartnett	Permits Officer
Danielle Facey	Permits Officer
Eileen Clinch	Animal Management Officer
Ellen Hill	Environmental Health Officer
Elita Schwab	Environmental Health Officer
Florin Boiciuc	Parking Officer
Gabriel Dorning	Animal Management Officer
Heidi Beecher	Asset Protection Enforcement Team Leader
Iona Mitchell	Permits Officer
Jai Ghotra	Permits Officer
James Sidonie	Animal Management Officer
Jamie Chinga	Parking Officer
Giuseppe (Joe) Luppino	Parking Officer
Joe Peluso	Parking Officer
John Privitelli	Local Laws Officer
Jorge Contreras	Parking Officer
Joseph Climacus	Parking Officer
Joseph Elbaum	Asset Protection Enforcement Officer
Jubaidul Jekab	Local Laws Officer
Junne Matondo	Technical Officer - Asset Protection
Karanvir Singh	Parking Officer
Katerina Sioulas	Environmental Health Officer
Leanne Roberts	Asset Protection Enforcement Officer
Leonardo (Leo) Manca	Coordinator Health, Projects and Prosecutions
Lorenzo Gullone	Environmental Health Officer
Matthew (Matt) Aitken	Prosecutions Lead
Matthew Juers	Environmental Health Officer
Michael Fraser	Permits Officer
Michael O'Connor	Senior Asset Protection Enforcement Officer
Michelle Cant	Parking Officer (Night)
Mirella Manfre	Coordinator Permits Appeals and Protection of Assets

Narmada Sarvajananarajan	Environmental Health Officer
Nigel Wright	Parking Officer
Nileshkumar Jani	Parking Officer
Noppawoot Suravilas	Parking Officer
Paul Bryan Mitchelmore	Manager Civic Services
Paul Howard	Local Laws Officer
Paul Teiwes	Parking Officer
Penelope Anastasiadis	Environmental Health Officer
Rachael Oats	Parking Officer
Philippa Lee Treloar	Asset Protection Enforcement Officer
Philip Montalto	Environmental Health Officer
Robert Marshall	Parking Officer
Robert Weis	Team Leader Health Services
Roselyn Lawton	Animal Management Officer
Rosetta (Rose) Locke	Local Laws Officer
Rohit Markan	Parking Officer
Sam Joseph	Technical Officer - Asset Protection
Sam Temov	Parking Officer
Scott Walker	Director Urban Living
Serena Horg	Coordinator Field Services
Sean Bell	Local Laws Officer
Shariq Ali	Parking Officer
Sharon Raju	Permits Officer
Shaun Whittle	Local Laws Officer
Simon Elliott	Landscape Compliance Officer
Stefanie Daniliuk	Local Laws Officer
Susie Bozinovska	Permits Officer
Tim O'Reilly	Parking Officer
Toolefua Samuelu	Technical Officer - Asset Protection
Tom Vandenbroek	Parking Officer
Virginie Geoffroy	Parking Officer (Night)
Warren Norton	Local Laws Officer
Will Carroll	Environmental Health Officer

By this instrument of appointment and authorisation Boroondara City Council –

1. under s 242(2) of the *Environment Protection Act 2017* ('**Act**') and the Instrument of Delegation of the Environment Protection Authority under the Act dated 4 June 2021 - appoints the officers to be authorised officers for the purposes of exercising the powers and functions set out in the Instrument of Direction of the Environment Protection Authority under the Act dated 4 June 2021.
2. under s 114(2) of the *Environment Protection Act 2017* - appoints the officers to be litter enforcement officers for the purposes of s 114(2) of the *Environment Protection Act 2017*.
3. under s 347(4) of the *Environment Protection Act 2017* authorises the officers to take proceedings against the *Environment Protection Act 2017* or the regulations under this Act.
4. under s 171 of the *Environment Protection Act 2017* – appoints the officers to be residential noise enforcement officers for the purposes of s 171 of the *Environment Protection Act 2017*.
5. under s 170 of the *Environment Protection Act 2017* authorises the officers to take proceedings against certain offences under the *Environment Protection Act 2017* or the regulations under this Act.
6. under s 242(2) of the Environment Protection Act 2017 – appoints the officers for the purposes of the power or function delegated to Council under s 437(1) of the Act.

under –

- s 170(2), 170(4), 170(6) of the *Environment Protection Act 2017*
- s 347(4) of the *Environment Protection Act 2017*
- s 347(3) of the *Environment Protection Act 2017* and r 171 of the *Environment Protection Regulations 2021*
- s 347(7) of the *Environment Protection Act 2017*

authorises the officers generally to institute proceedings and represent Council in proceedings for offences against the Acts, Regulations and local laws described in this instrument.

It is declared that this instrument -

- a) comes into force immediately upon its execution
- b) remains in force until varied or revoked
- c) on the coming into force of this instrument, any previous Instruments of Appointment and Authorisation under the *Environment Protection Act 2017* or the regulations under this Act to the members of Council staff named above, are revoked.

This instrument is authorised by a resolution of the Boroondara City Council
on 26 February 2024

The Common Seal of the Boroondara
City Council was hereunto affixed
in the presence of:

..... Chief Executive Officer

..... Mayor

..... Date

MINUTES ATTACHMENTS



Council

Monday 26 February 2024

Attachments as annexed to the resolution:

7.10 North East Link: Koonung Creek Reserve master plan

