



# **KNOX CITY COUNCIL MINUTES**

Ordinary Meeting of Council

Held at the

Civic Centre

511 Burwood Highway

Wantirna South

On

Tuesday 24 May 2016

**KNOX CITY COUNCIL**

**MINUTES FOR THE ORDINARY MEETING OF COUNCIL HELD AT THE  
CIVIC CENTRE, 511 BURWOOD HIGHWAY, WANTIRNA SOUTH**

**ON**

**TUESDAY 24 MAY 2016 AT 7.00 P.M.**

**PRESENT:**

<i>Cr T Holland (Mayor &amp; Chairperson)</i>	<i>Friberg Ward</i>
<i>Cr P Lockwood</i>	<i>Baird Ward</i>
<i>Cr J Mortimore</i>	<i>Chandler Ward</i>
<i>Cr J Cossari</i>	<i>Collier Ward</i>
<i>Cr A Gill</i>	<i>Dinsdale Ward</i>
<i>Cr K Orpen</i>	<i>Dobson Ward</i>
<i>Cr L Cooper</i>	<i>Scott Ward</i>
<i>Cr D Pearce</i>	<i>Taylor Ward</i>
<i>Cr N Seymour</i>	<i>Tirhatuan Ward</i>
<i>Ms K Stubbings</i>	<i>Acting Chief Executive Officer</i>
<i>Dr I Bell</i>	<i>Director – Engineering &amp; Infrastructure</i>
<i>Mr A Kourambas</i>	<i>Director - City Development</i>
<i>Ms J Truman</i>	<i>Director – Corporate Development</i>
<i>Ms K Parton</i>	<i>Acting Director – Community Services</i>
<i>Ms F Cousins</i>	<i>Manager - Governance &amp; Innovation</i>

**THE MEETING OPENED WITH A PRAYER, STATEMENT OF ACKNOWLEDGEMENT  
AND A STATEMENT OF COMMITMENT**

***“Knox City Council acknowledges we are on the  
traditional land of the Wurundjeri and Bunurong people  
and pay our respects to elders both past and present.”***

**BUSINESS:****Page Nos.****1. APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE**

Nil.

**2. DECLARATIONS OF CONFLICT OF INTEREST**

Nil.

**3. CONFIRMATION OF MINUTES**

MOVED: CR. PEARCE  
SECONDED: CR. COSSARI

- 3.1 *Confirmation of Minutes of Ordinary Meeting of Council held on Tuesday 26 April 2016*

CARRIED

MOVED: CR. PEARCE  
SECONDED: CR. COSSARI

- 3.2 *Confirmation of Minutes of Strategic Planning Committee Meeting held on Tuesday 10 May 2016*

CARRIED

**4. PETITIONS AND MEMORIALS**

- 4.1 *Councillor Lockwood presented a petition with 7 signatories requesting parking restrictions be introduced in the Council owned car park on the corner of Scoresby and Boronia Roads, Boronia.*

*The Petition lay on the table.*

- 4.2 *The Mayor, Councillor Holland accepted a Certificate of Audit for Council's Municipal Emergency Management Plan from Mr John Chaplain from the Victoria State Emergency Service. Mr Chaplain thanked staff for their cooperation and efforts and stated that Knox City Council's Municipal Emergency Management Plan is considered best practice.*

**5. REPORTS BY COUNCILLORS**

- 5.1 *Committees & Delegates* 1.
- 5.2 *Ward Issues* 3.

**6. CONSIDERING AND ORDERING UPON OFFICERS' REPORTS WITHIN THE CITY DEVELOPMENT GROUP**

- |     |  |            |
|-----|--|------------|
|     | <i>All Wards</i>   |            |
| 6.1 | <i>Report Of Planning Applications Decided Under Delegation (160/1/06)</i>                               | <b>6.</b>  |
|     | <i>All Wards</i>   |            |
| 6.2 | <i>Approval Of Amendment C131 – Consideration Of The Minister For Planning's Changes</i>                 | <b>13.</b> |
|     | <i>Dobson Ward</i>   |            |
| 6.3 | <i>Amendment C141 Draft Upper Gully Strategic Plan - Consider Submissions And Request Planning Panel</i> | <b>38.</b> |

**7. PUBLIC QUESTION TIME**

(Following the completion of business relating to Item 6, City Development, the business before the Council Meeting will be deferred to consider questions submitted by the public). **55.**

**8. CONSIDERING AND ORDERING UPON OFFICERS' REPORTS WITHIN THE ENGINEERING & INFRASTRUCTURE GROUP**

- |     |  |            |
|-----|--|------------|
|     | <i>All Wards</i>   |            |
| 8.1 | <i>Draft Street Tree Asset Management Plan</i>   | <b>57.</b> |
|     | <i>Tirhatuan Ward</i>  |            |
| 8.2 | <i>Stud Park Reserve Masterplan</i>  | <b>65.</b> |
|     | <i>Dobson Ward</i>   |            |
| 8.3 | <i>Draft Ferny Creek Reserve Landscape Plan</i>  | <b>81.</b> |
|     | <i>All Wards</i>   |            |
| 8.4 | <i>Contract Extension – Contract No. 2062 – Asphalt Resurfacing &amp; Associated Works</i> | <b>87.</b> |
|     | <i>All Wards</i>   |            |
| 8.5 | <i>Contract No. 2188 – Pruning And General Arboricultural Services</i>                     | <b>98.</b> |

**9. CONSIDERING AND ORDERING UPON OFFICERS' REPORTS WITHIN THE COMMUNITY SERVICES GROUP**

	<i>All Wards</i>	
9.1	<i>Melbourne East Regional Sport And Recreation Strategy</i>	<i>119.</i>
	<i>Baird Ward</i>	
9.2	<i>Knox Leisureworks YMCA – Two Year Contract Extension</i>	<i>129.</i>
	<i>Scott Ward</i>	
9.3	<i>Knox Regional Football Centre – Football Federation Victoria Lease</i>	<i>139.</i>
	<i>Chandler Ward</i>	
9.4	<i>Lease Agreement Between Knox City Council And Girl Guides Victoria</i>	<i>166.</i>
	<i>All Wards</i>	
9.5	<i>Review Of Council Advertising, Sponsorship And Promotional Signage On Council Land Policy</i>	<i>170.</i>
	<i>All Wards</i>	
9.6	<i>Draft Electronic Gaming Policy</i>	<i>189.</i>

**10. CONSIDERING AND ORDERING UPON OFFICERS' REPORTS WITHIN THE CORPORATE DEVELOPMENT GROUP**

	<i>Dobson Ward</i>	
10.1	<i>Lease Of Council Property – 16 Kevin Avenue, Ferntree Gully (Melway Ref: 73 K4)</i>	<i>202.</i>
	<i>All Wards</i>	
10.2	<i>Knox Community Panel – Draft Terms Of Reference</i>	<i>206.</i>
	<i>All Wards</i>	
10.3	<i>2015-16 Annual Plan Progress Report To 31 March 2016</i>	<i>219.</i>
	<i>All Wards</i>	
10.4	<i>Management Financial Report For The Period Ended 31 March 2016</i>	<i>234.</i>
	<i>All Wards</i>	
10.5	<i>Incidental Community Grants Program Applications</i>	<i>245.</i>

**11. ITEMS FOR INFORMATION**

11.1	Works Report (As At 10 May 2016)	<i>All Wards</i>	251.
11.2	Assemblies of Councillors	<i>All Wards</i>	266.

**12. MOTIONS FOR WHICH NOTICE HAS PREVIOUSLY BEEN GIVEN** 277.**13. SUPPLEMENTARY ITEMS** 277.**14. URGENT BUSINESS** 277.

14.1	Urgent Business	277.
14.2	Call Up Items	278.
14.2.1	Current and Potential Planning and Building Standards	278.

**15. QUESTIONS WITHOUT NOTICE** 278.

**KERRY STUBBINGS**  
**ACTING CHIEF EXECUTIVE OFFICER**

## **5. REPORTS BY COUNCILLORS**

### **5.1 Committees & Delegates**

#### **5.1.1 COUNCILLOR NICOLE SEYMOUR**

Councillor Seymour attended the following Meetings

- Wall to Wall Mentoring Program Briefing Session
- Scoresby Recreation Reserve
- Mayoral Reception for Emergency Services and Service Clubs
- Knox Active Ageing Committee
- Meeting with Bridges
- Knox Disability Advisory Committee
- Launch Scoresby Village Lighting Project
- One Tree Per Child Official Launch

#### **5.1.2 COUNCILLOR LISA COOPER**

Councillor Cooper attended the following Meetings

- Football Federation Victoria Meeting
- Knox Central Advisory Committee
- The Knox School
- National Disability Insurance Scheme Public Submissions
- One Tree Per Child Official Launch

#### **5.1.3 COUNCILLOR ADAM GILL**

Councillor Gill attended the following Meetings

- Shaun Lee, Public Transport Victoria re increasing parking at Bayswater train station and construction of a permanent library as part of the grade separation project

#### **5.1.4 COUNCILLOR DARREN PEARCE**

Councillor Pearce attended the following Meetings

- Knox Central Advisory Committee
- Mayoral Reception for Emergency Services and Service Clubs
- Rowville Community Reference Group
- Eildon Park Tennis Club Facility Upgrade Event
- NDIS Public Submissions

#### **5.1.5 COUNCILLOR KARIN ORPEN**

Councillor Orpen attended the following Meetings

- National Disability Insurance Scheme Public Submissions
- Local Government Professionals Annual Conference
- Knoxbrooke Inc
- Mayoral Reception for Emergency Services and Service Clubs

## **5.1 Committees & Delegates (cont'd)**

### **5.1.6 COUNCILLOR JOHN MORTIMORE**

Councillor Mortimore attended the following Meetings

- Transport and Mobility Advisory Committee
- Local Government Professionals Annual Conference
- Mayoral Reception for Emergency Services and Service Clubs
- Knox Transfer Station Management Advisory Committee
- Municipal Association of Victoria Environment Committee
- Knox Affordable Housing Reference Group
- Hindu Temple
- Active Ageing Advisory Committee
- Knox Disability Advisory Committee
- Eastern Regional Libraries Corporation Board
- Official Launch of One Tree Per Child

### **5.1.7 COUNCILLOR PETER LOCKWOOD**

Councillor Lockwood attended the following Meetings

- Knox Affordable Housing Reference Group
- Eastern Transport Coalition
- International Jazz Day, Knox Community Arts Centre
- Municipal Association of Victoria State Council
- Arts and Culture Advisory Committee
- Public Art Working Group
- Eastern Regional Libraries Corporation Board
- Knox Central Advisory Committee
- Youth Issues Advisory Committee
- Economic Development Committee
- Knox Multicultural Advisory Committee
- Future of Local Government Summit held by Municipal Association of Victoria
- Official Launch of One Tree per Child
- Municipal Association of Victoria Metro East Regional Meeting

### **5.1.8 COUNCILLOR JOE COSSARI**

Councillor Cossari attended the following Meetings

- Australia Bharatha Brahman Samaj Hindu New Year Celebrations
- Knox Multicultural Advisory Committee
- Chief Executive Officer's Recruitment
- Knox Central Advisory Committee
- Mayoral Reception for Emergency Services and Service Clubs
- Knox Multicultural Advisory Committee



## **5.1 Committees & Delegates (cont'd)**

### **5.1.9 COUNCILLOR TONY HOLLAND (MAYOR)**

Councillor Holland attended the following Meetings

- Grand Opening of Kinderlea
- Knox Central Advisory Committee
- Mayoral Reception for Emergency Services and Service Clubs
- Recreation and Leisure Liaison Group
- Volunteer Party – Ferntree Gully News
- Knox Italian Community Club Mothers Day Function
- Launch of Scoresby Village Lighting Project
- Eastern Region Mayors and CEOs meeting
- Eildon Park Tennis Club Facility Upgrade Event
- IDAHOBIT Day 2016
- National Disability Insurance Scheme Public Submissions
- Official Launch of One Tree Per Child

## **5.2 Ward Issues**

### **5.2.1 COUNCILLOR SEYMOUR (TIRHATUAN WARD)**

- Councillor Seymour advised that Planning Amendment C131 is causing angst among the Rowville community as they become more aware of the changes that the Minister has made.
- Councillor Seymour informed her fellow Councillors that the Wall to Wall Mentoring Program has delivered the most fantastic mural in Scoresby Village. The program has been funded as part of the Victorian Government's Community Crime Prevention Program, aimed at curbing illegal tagging.
- Councillor Seymour commended council officers for completing the Scoresby Village lighting and car park works. Councillor Seymour informed her fellow Councillors that, although weather delayed the start of the works, the final outcome is exemplary. Council Seymour stated that she has received feedback from the traders that the anti-social and abusive behaviour that used to occur in the car park has now stopped.

### **5.2.2 COUNCILLOR GILL (DINSDALE WARD)**

- Councillor Gill informed his fellow Councillors that the stage 1 works at Marie Wallace Park have started. Currently the netball courts have been demolished and there is fill on site to construct the central lawn area. Councillor Gill continued by stating that it is expected that the Marie Wallace Park Masterplan will be delivered over a four year period.

## **5.2 Ward Issues (cont'd)**

### **5.2.3 COUNCILLOR PEARCE (TAYLOR WARD)**

- Councillor Pearce noted his attendance at the opening of new synthetic courts at the Eildon Park Tennis Club. Councillor Pearce informed his fellow Councillors that Eildon Park is a prominent club and that the new courts are a great addition as the club can now provide a greater service to the community.

### **5.2.4 COUNCILLOR ORPEN (DOBSON WARD)**

- Councillor Orpen advised that up to 215 car park spaces will be added to the car park at Ferntree Gully train station. Councillor Orpen applauded the State Government's decision but noted that it was well overdue and that it will not solve all the traffic problems associated with the station. Councillor Orpen noted that parking will still spill into the surrounding streets and that more parking is required. Councillor Orpen advised that Council has identified some additional suitable land, owned by the State, and that she will write to the Minister requesting it also be developed into car parking.
- Councillor Orpen also noted that Amendment C141 – Draft Upper Gully Strategic Plan is on the agenda for tonight's meeting and she will be discussing this amendment in more depth then.

### **5.2.5 COUNCILLOR MORTIMORE (CHANDLER WARD)**

- Councillor Mortimore advised that the refurbishment of Progress Hall is progressing well with works expected to be finished next month.
- Councillor Mortimore provided an update on the progress of the Alchester Village public toilet. Councillor Mortimore advised that the local community have now voted on the three possible locations for the toilet and the result will be released shortly. Councillor Mortimore was impressed with the participation of local residents in the decision with one in three postal ballots being returned to Council.
- Councillor Mortimore noted his attendance at The Basin Football Club's 1000th senior game and celebrations. Councillor Mortimore advised that to mark the historical event the seniors team played their age old rivals Boronia Football Club. Councillor Mortimore was happy to note that The Basin team was victorious on the day.

## **5.2 Ward Issues (cont'd)**

### **5.2.6 COUNCILLOR LOCKWOOD (BAIRD WARD)**

- Councillor Lockwood thanked the Sport and Recreation team at Knox Council for the great help they have provided him. Councillor Lockwood continued by thanking the Arts team who have also been fantastic and very helpful. Councillor Lockwood acknowledged the recent departure of Erin Marie from Councils Marketing and Communications team and noted that she will be missed.

### **5.2.7 COUNCILLOR COSSARI (COLLIER WARD)**

- Councillor Cossari thanked his fellow Councillors and council staff for all the kind thoughts and words for the passing of his mother. Councillor Cossari noted that the support has been greatly appreciated by his family.
- Councillor Cossari noted that he has been receiving complaints from residents about trees from private property overhanging the footpath. Councillor Cossari noted that this is often very dangerous for pedestrians who may then walk into the branches.
- Councillor Cossari advised that he is continuing to receive complaints about the public toilet in Wantirna Mall and he would appreciate if council officers would look into the issues.
- Councillor Cossari noted that a new vegetarian restaurant has opened in his ward and not only does it serve excellent food it is also providing employment for the youth.

**ALL WARDS****6.1 REPORT OF PLANNING APPLICATIONS DECIDED UNDER DELEGATION**

**SUMMARY:** *Manager – City Planning (Paul Dickie)*

*Details of planning applications considered under delegation are referred for information. It is recommended that the items be noted.*

**RECOMMENDATION**

**That the planning applications decided under delegation report (between 1 April to 30 April 2016) be noted.**

**REPORT**

Details of planning applications decided under delegation from 1 April to 30 April 2016 are attached. The applications are summarised as follows:

<b>Application Type</b>	<b>No</b>
Building & Works: Residential	13
Other	7
Units	21
Tree Removal/Pruning	14
Subdivision	21
Fence	2
Signage	4
Change of use	4
Removal of Easement	1
<b>TOTAL</b>	<b>87</b>

**COUNCIL RESOLUTION**

MOVED: CR. PEARCE

SECONDED: CR. COSSARI

That the planning applications decided under delegation report (between 1 April to 30 April 2016) be noted.

CARRIED

**Knox City Council**  
**Planning Applications Decided by Responsible Officer**

1 April – 30 April 2016

<b>Ward</b>	<b>No/Type</b>	<b>Address</b>	<b>Description</b>	<b>Decision</b>
Baird	2016/9028	2/843 Mountain Highway BAYSWATER VIC 3153	Proposed Internal alteration to warehouse Mezzanine floor	1/04/2016 Approved
Baird	2015/6955	2/216 Dorset Road BORONIA VIC 3155	The erection of advertising signage	5/04/2016 Approved
Baird	2015/6531	331 Dorset Road BORONIA VIC 3155	2 Lot Subdivision (Approved Unit Development)	4/04/2016 Approved
Baird	2015/6743	19 Gibbs Road FERNTREE GULLY VIC 3156	The construction of one (1) double storey dwelling and one (1) single storey dwelling to the rear of the existing dwelling (total of three (3) dwellings)	6/04/2016 Notice of Decision
Baird	2015/6647	76 Loretto Avenue FERNTREE GULLY VIC 3156	The construction of a double storey dwelling to the rear of the existing dwelling	6/04/2016 Refused
Baird	2015/6782	48 Wattletree Road FERNTREE GULLY VIC 3156	The construction of a single storey dwelling to the rear of the existing dwelling	12/04/2016 Approved
Baird	2016/6089	1 Simpson Road FERNTREE GULLY VIC 3156	Addition of Lot 15 (LP12120) to PS639134 and three (3) Lot Subdivision (Approved Unit Development)	13/04/2016 Approved
Baird	2016/6099	24 Manuka Drive FERNTREE GULLY VIC 3156	3 lot subdivision (approved unit development)	13/04/2016 Approved
Baird	2015/6687	6 Rawlings Avenue FERNTREE GULLY VIC 3156	Development of land for three dwellings comprising of two (2) double storey dwellings and one (1) single storey	12/04/2016 Approved
Baird	2016/6134	6 Hazelwood Road BORONIA VIC 3155	3 Lot Subdivision (approved unit site)	29/04/2016 Approved
Baird	2016/6226	112A Boronia Road BORONIA VIC 3155	Advertising signage	27/04/2016 Approved
Baird	2015/6899	26 Lightwood Drive FERNTREE GULLY VIC 3156	The construction of a double storey dwelling to the rear of the existing dwelling	20/04/2016 Notice of Decision
Baird	2014/6658	198B Dorset Road BORONIA VIC 3155	17 Lot Subdivision (Approved Apartment Building)	22/04/2016 Approved
Baird	2015/6871	5 Cypress Avenue BORONIA VIC 3155	The construction of eight (8) double storey dwellings	29/04/2016 Notice of Decision

Ward	No/Type	Address	Description	Decision
Baird	2016/6133	30 Agora Boulevard FERNTREE GULLY VIC 3156	3 Lot subdivision (approved unit site)	29/04/2016 Approved
Baird	2016/6270	92 Burke Road FERNTREE GULLY VIC 3156	Remove 2 dead Eucalyptus radiata trees and prune 2 Eucalyptus melliodora trees	22/04/2016 Approved
Chandler	2015/6978	17 Landscape Drive BORONIA VIC 3155	Buildings and works (extension and alteration to existing dwelling) and removal of vegetation	8/04/2016 Approved
Chandler	2016/6083	362 Forest Road THE BASIN VIC 3154	Buildings and works (demolition of existing shed and construction of a new shed)	7/04/2016 Approved
Chandler	2016/6125	376 Forest Road THE BASIN VIC 3154	Partial demolition of the Basin Progress Hall	13/04/2016 Approved
Chandler	2016/9030	90 Claremont Avenue THE BASIN VIC 3154	Remove 1 Araucaria bidwillii tree	8/04/2016 Approved
Chandler	2015/6939	2 Camelia Crescent THE BASIN VIC 3154	The construction of two double storey dwellings	12/04/2016 Notice of Decision
Chandler	2015/6760	41 Chandler Road BORONIA VIC 3155	The construction of five (5) double storey dwellings on the land and the removal of vegetation	13/04/2016 Approved
Chandler	2016/6131	10 Shelly Avenue BORONIA VIC 3155	Buildings and works (construction of a dwelling)	12/04/2016 Approved
Chandler	2016/6215	10 Lockwoods Road BORONIA VIC 3155	The removal of four trees	7/04/2016 Approved
Chandler	2016/6141	24 Toorak Avenue THE BASIN VIC 3154	Buildings and works (construction of a garage)	18/04/2016 Approved
Chandler	2016/9033	4 Glenburn Road BORONIA VIC 3155	Pruning of 1 Eucalyptus sideroxylon Tree	18/04/2016 Approved
Chandler	2016/9034	20 Judith Avenue BORONIA VIC 3155	The removal of one Eucalyptus sp. tree in the front setback	27/04/2016 Approved
Chandler	2016/6279	64 Arcadia Avenue THE BASIN VIC 3154	The removal of two Cupressus semperviren trees	27/04/2016 Refused
Chandler	2016/6255	51 Olive Grove BORONIA VIC 3155	The removal of three trees and the pruning of one tree	19/04/2016 Approved
Chandler	2016/6091	17 Mount View Road BORONIA VIC 3155	Removal of 2 Poplar trees	19/04/2016 Approved
Chandler	2016/6189	29 Academy Drive THE BASIN VIC 3154	Buildings and works (construction of a verandah)	15/04/2016 Approved
Chandler	2016/6065	42 Philippa Road BORONIA VIC 3155	Buildings and works (construction of two sheds and retaining walls)	29/04/2016 Approved
Collier	2015/6922	Nursing Home 9 Garrisson Grove WANTIRNA VIC 3152	Buildings and works (addition to High Care Unit)	12/04/2016 Approved

Ward	No/Type	Address	Description	Decision
Dinsdale	2016/6027	8 Elm Street BAYSWATER VIC 3153	The construction of seven (7) double storey dwellings on the land	6/04/2016 Approved
Dinsdale	2016/6088	635 Mountain Highway BAYSWATER VIC 3153	7 Lot Subdivision (Approved Unit Development)	4/04/2016 Approved
Dinsdale	2015/6367	6 Maple Street BAYSWATER VIC 3153	The construction of two (2) double storey dwellings	15/04/2016 Notice of Decision
Dinsdale	2015/6694	2/2-4 High Street BAYSWATER VIC 3153	Buildings and works, reduction in carparking and alteration to access of a Category 1 Road associated with change of use	22/04/2016 Notice of Decision
Dinsdale	2015/6879	585 Burwood Highway KNOXFIELD VIC 3180	Illuminated Business Identification Signage	26/04/2016 Approved
Dinsdale	2015/6774	2 Princess Street BAYSWATER VIC 3153	The construction of a double storey dwelling to the rear of the existing dwelling	12/04/2016 Notice of Decision
Dinsdale	2015/6949	37 Parkhurst Drive KNOXFIELD VIC 3180	Warehouse alteration including addition of mezzanine level and reduction in the car parking requirements of Clause 52.06 (Car Parking)	12/04/2016 Approved
Dinsdale	2016/6127	VicTrack Station Street BAYSWATER VIC 3153	The removal of two (2) Eucalyptus ovata (Swamp Gum)	8/04/2016 Approved
Dinsdale	2015/6912	35 Kleinert Road BORONIA VIC 3155	The construction of a double storey dwelling to the rear of the existing dwelling and vegetation removal	20/04/2016 Notice of Decision
Dobson	2015/6911	17 Bowen Street FERNTREE GULLY VIC 3156	The construction of a single storey dwelling to the rear of the existing dwelling and vegetation removal.	4/04/2016 Approved
Dobson	2016/6026	67 Rathgar Road LYSTERFIELD VIC 3156	Construction of a two storey dwelling and associated earthworks	4/04/2016 Approved
Dobson	2016/9022	48 Kia-Ora Parade FERNTREE GULLY VIC 3156	Brush Fence between properties	4/04/2016 Approved
Dobson	2016/9029	19 Bales Street FERNTREE GULLY VIC 3156	Removal of one tree	5/04/2016 Refused
Dobson	2016/6216	36 Albert Street UPPER FERNTREE GULLY VIC 3156	The removal of three (3) Trees	7/04/2016 Approved

Ward	No/Type	Address	Description	Decision
Dobson	2015/6279	550 Lysterfield Road LYSTERFIELD VIC 3156	Addition to existing produce store, change in access to a Category 1 Road, and reduction in carparking spaces	6/04/2016 Refused
Dobson	2016/6041	5 Beech Close FERNTREE GULLY VIC 3156	Construction of one double storey dwelling	8/04/2016 Approved
Dobson	2016/6082	14 Mclver Street FERNTREE GULLY VIC 3156	Construction of dwelling additions (entry, porch and decking)	15/04/2016 Approved
Dobson	2016/9031	19 The Crescent FERNTREE GULLY VIC 3156	Boundary Fence	13/04/2016 Approved
Dobson	2015/6833	10 Nathan Street FERNTREE GULLY VIC 3156	4 Lot Subdivision and removal of vegetation	13/04/2016 Notice of Decision
Dobson	2016/6068	6 Acacia Road UPPER FERNTREE GULLY VIC 3156	Buildings and works (construction of an upper storey addition)	14/04/2016 Approved
Dobson	2016/6122	14 Quarry Road UPPER FERNTREE GULLY VIC 3156	Buildings and works (construction of a carport)	29/04/2016 Approved
Dobson	2015/6777	6 Obeah Court LYSTERFIELD VIC 3156	4 Lot Subdivision	28/04/2016 Approved
Dobson	2015/6982	13 Stephanie Close FERNTREE GULLY VIC 3156	Animal Husbandry- Cat breeding	27/04/2016 Notice of Decision
Dobson	2016/6192	29 The Avenue FERNTREE GULLY VIC 3156	Extension to dwelling	27/04/2016 Approved
Dobson	2016/6232	26 Waters Avenue UPPER FERNTREE GULLY VIC 3156	Buildings and works (construction of a garage, verandah and deck)	29/04/2016 Approved
Dobson	2016/9035	68 Glenfern Road FERNTREE GULLY VIC 3156	The removal of one Liquidambar styraciflua tree	27/04/2016 Approved
Dobson	2016/6143	3C Sunset Terrace LYSTERFIELD VIC 3156	Buildings and works (construction of a double storey dwelling and the removal of Leyland Cypress trees along the rear boundary)	29/04/2016 Approved
Friberg	2015/6717	22 Gaydon Street FERNTREE GULLY VIC 3156	2 Lot Subdivision (approved development site)	4/04/2016 Approved
Friberg	2016/6087	38 Gaydon Street FERNTREE GULLY VIC 3156	2 Lot Subdivision (Approved Unit Development)	4/04/2016 Approved
Friberg	2015/6834	22 Clyde Street FERNTREE GULLY VIC 3156	The construction of three (3) double storey dwellings on the land	7/04/2016 Approved



Ward	No/Type	Address	Description	Decision
Friberg	2016/6090	36 Adele Avenue FERNTREE GULLY VIC 3156	2 Lot Subdivision (Approved Unit Development)	6/04/2016 Approved
Friberg	2015/6030	6 Mountain Gate Drive FERNTREE GULLY VIC 3156	The construction of four (4) double storey dwellings	15/04/2016 Approved
Friberg	2016/6077	87 Kathryn Road KNOXFIELD VIC 3180	Removal of Twelve (12) Trees and the pruning of Two (2) trees	12/04/2016 Notice of Decision
Friberg	2016/6038	28 Ross Street FERNTREE GULLY VIC 3156	Construction of three dwellings (two double storey and one single storey)	15/04/2016 Notice of Decision
Friberg	2016/6107	84 Kathryn Road KNOXFIELD VIC 3180	4 Lot Subdivision (Approved Unit Development)	13/04/2016 Approved
Friberg	2016/6118	21 Clyde Street FERNTREE GULLY VIC 3156	3 Lot Subdivision (Approved Unit Development)	29/04/2016 Approved
Friberg	2015/6940	7 Samantha Court KNOXFIELD VIC 3180	3 Staged subdivision - Stage 1: 5 lots and all common property, Stage 2:4 lots, Stage 3:6 lots (Approved Development)	29/04/2016 Approved
Friberg	2016/6093	12 Henderson Road KNOXFIELD VIC 3180	24 Lot Subdivision (Approved Development)	22/04/2016 Approved
Scott	2016/6016	107 Kathryn Road KNOXFIELD VIC 3180	Removal of six (6) trees and the pruning of one (1) tree	5/04/2016 Noticed of Decision
Scott	2015/6844	1161 High Street Road WANTIRNA SOUTH VIC 3152	Use the land for the sale and consumption of liquor (Cafe and Restaurant License)	12/04/2016 Notice of Decision
Scott	2015/6546	5 Henry Road WANTIRNA SOUTH VIC 3152	The construction of a two storey apartment building containing nine (9) dwellings	19/04/2016 Refused
Scott	2015/6815	14 Tyner Road WANTIRNA SOUTH VIC 3152	Partial removal of easement E-1 on LP54073	20/04/2016 Notice of Decision
Taylor	2016/6086	7 Moss Court ROWVILLE VIC 3178	2 lot subdivision (Approved Unit Development)	4/04/2016 Approved
Tirhatuan	2016/6025	1/1 Laser Drive ROWVILLE VIC 3178	Use as a restricted recreation facility (gym)	4/04/2016 Notice of Decision
Tirhatuan	2015/6921	6 Enterprise Drive ROWVILLE VIC 3178	22 Lot Subdivision (Approved Development)	4/04/2016 Approved
Tirhatuan	2015/6529	13 Wattleview Rise SCORESBY VIC 3179	The construction of a double storey dwelling to the rear of the existing dwelling.	6/04/2016 Notice of Decision

Ward	No/Type	Address	Description	Decision
Tirhatuan	2015/6855	800 Stud Road SCORESBY VIC 3179	Use of the land for the sale of packaged liquor in association with a supermarket	6/04/2016 Approved
Tirhatuan	2016/6070	525 Stud Road WANTIRNA SOUTH VIC 3152	11 Lot Subdivision (Approved Unit Development)	4/04/2016 Approved
Tirhatuan	2016/6072	1085 & 1101 Stud Road ROWVILLE VIC 3178	Additional signage to existing pylon sign	18/04/2016 Approved
Tirhatuan	2016/6075	53 O'Connor Road KNOXFIELD VIC 3180	2 Lot Subdivision (Approved Unit Development)	4/04/2016 Approved
Tirhatuan	2016/6071	525 Stud Road WANTIRNA SOUTH VIC 3152	10 Lot Subdivision (Approved Unit Development)	4/04/2016 Approved
Tirhatuan	2015/6693	25 Elliot Street KNOXFIELD VIC 3180	Development of land for two double storey dwellings	18/04/2016 Approved
Tirhatuan	2015/6883	1124 Stud Road ROWVILLE VIC 3178	The construction of a three (3) storey apartment building containing eight (8) dwellings and alteration of access to a Road Zone Category 1	14/04/2016 Approved
Tirhatuan	2015/6681	52 O'Connor Road KNOXFIELD VIC 3180	Construction of two single storey dwellings (side by side)	27/04/2016 Approved

**Total: 87**

## ALL WARDS

**6.2 APPROVAL OF AMENDMENT C131 – CONSIDERATION OF THE MINISTER FOR PLANNING’S CHANGES**

**SUMMARY:** *Manager - City Futures (Kim Rawlings)*

*Amendment C131 sought to implement the Knox Housing Strategy, Residential Design Guidelines and Rowville Plan. Council adopted these planning documents and Amendment C131, at its meeting on 27 January 2015, and submitted the amendment to the Minister for Planning in February 2015. After 13 months with the State Government, the amendment was gazetted on 17 March 2016 and its contents now form part of the Knox Planning Scheme. The amendment was approved with several changes made by the Minister for Planning. This report considers changes made by the Minister that are considered to have significant potential impacts on development outcomes in Knox, and which depart from the objectives of Council’s adopted plans. In doing so, the report outlines the process undertaken to develop the Knox Housing Strategy, Residential Design Guidelines and Rowville Plan, which included significant community engagement. The report recommends that Council takes further action to try to achieve planning controls that reflect its position adopted in January 2015.*

**RECOMMENDATION**

**That Council:**

- 1. Notes the changes made by the Minister for Planning shown in Appendix A;**
- 2. Notes the implications of these Minister’s changes that undermine Council’s strategy to manage residential development in Knox;**
- 3. Reinforces its adopted strategy to planning for residential development in Knox, with particular reference to building heights and private open space requirements;**
- 4. Urgently requests that the Minister for Planning amends the Knox Planning Scheme to reflect Council’s adopted approach, outlining that:**
  - Council has worked closely with its community for over four years in the development of the Housing Strategy, including engaging with over 10,000 residents to inform it.**
  - It is a balanced and appropriate strategy that allows for both significant growth particularly in and around Activity centres while respecting neighbourhood character in established suburbs and respecting important metropolitan assets such as the Dandenong Foothills and;**

## 6.2 Approval of Amendment C131 – Consideration of the Minister for Planning's Changes (cont'd)

### Recommendation (cont'd)

5. Seeks an urgent meeting with the Minister for Planning to facilitate the above.

### 1. INTRODUCTION

Amendment C131 was gazetted on 17 March 2016 and its contents now form part of the Knox Planning Scheme. The amendment was approved with several changes made by the Minister for Planning. A summary of all of the changes made by the Minister is shown at Appendix A.

This report considers the most significant of the changes made the Minister. These are considered to be most significant due to the extent to which they depart from Council's adopted Housing Strategy (and Rowville Plan) and the potential for development outcomes which are not consistent with community expectations in Knox.

### 2. DISCUSSION

The *Knox Housing Strategy 2015* (the Strategy) is Council's plan for managing residential development to respond to the current and future needs of the Knox community, while protecting and enhancing the green and leafy character that is valued by so many in Knox. A balanced approach is therefore needed. To achieve this, the Strategy builds on existing policy to protect key areas such as the Dandenong Foothills and Sites of Biological Significance, and applies a new, strengthened 'scaled approach' to housing development across the different areas of Knox.

*Residential Design Guidelines 2015* (the Guidelines) are part of the Strategy. The Guidelines clearly explain what types of housing can be built in each area of Knox, and set out detailed design requirements.

The *Rowville Plan 2015* is a strategic document that sets out a vision and direction for the Stud Park Shopping Centre and surrounding neighbourhoods over the next 20 years.

Amendment 131 sought to implement the relevant objectives and requirements of these Council documents into the Knox Planning Scheme, to enable them to be used in Council's consideration of planning permit applications.

### **Development of the Knox Housing Strategy and the Rowville Plan**

In 2012, Council ran the *Knox@50* Community Engagement program, which was the largest community engagement project ever undertaken by Knox City Council. *Knox@50* was prompted by a growing concern within the Knox community about *change*, particularly as embodied by new and different forms of residential development starting to occur in the municipality. Of the 154,000 people who call Knox home nearly 10,000 were involved in 99 face to face community engagement activities.

## 6.2 Approval of Amendment C131 – Consideration of the Minister for Planning's Changes (cont'd)

Knox@50 was a major community engagement activity that informed the preparation of the draft *Knox Housing Strategy*. This engagement program gave Council insight into what is important to people in Knox, as well as drawing out the complexities of meeting competing needs in the community. The project informed the objectives and strategies of the *Knox City Plan 2013-17* and in turn, the draft *Knox Housing Strategy*, which was subsequently formally exhibited.

The development of the Rowville Plan also involved significant community engagement prior to the public exhibition period. This effort was guided by the Rowville Community Reference Group, a committee made up of sixteen community members and two Ward Councillors appointed to provide advice on a range of issues relevant to the *Rowville Plan* and to facilitate consultation and engagement with the broader community over a two year period.

The engagement program also included five vox pops in Rowville as part of the *Knox@50* program, two dedicated workshops attended by over 130 community members, a survey of community priorities completed by over 600 people, and a multimedia awareness campaign called "Rowville:NEXT" that included the distribution of over 8,000 postcards with information about the *Rowville Plan* and how to participate in its development.

### Public exhibition and submissions

Public exhibition was undertaken for Amendment C131 and the associated strategic plans during February and March 2014. The exhibition period commenced with a municipal-wide mail out to approximately 77,000 owners/occupiers and advertisements in local and community newspapers. A supplementary bulletin was mailed to residents within the Dandenong Foothills area, to ensure that residents understood that the existing 'Foothills controls' would continue to apply under the new Strategy. Landowners and residents in the Rowville Plan study area were also sent a Rowville-specific bulletin.

Following the mail out, approximately 400 people attended 18 information sessions across all suburbs in Knox. Approximately 600 enquiries were made to Council by phone, email and in person.

In addition to the community information sessions held in each suburb of Knox, targeted sessions were held to provide an opportunity for key stakeholders to receive information specific to their industry. A forum was held for developers and 'frequent applicants' (individuals who had applied for more than 3 planning permit applications in the previous 12 months). A specific session was held for aged-care providers during which information about the proposed new policy that was relevant to the aged-care industry was outlined and questions were answered. The final specific session was for internal Knox Council staff, as there are a large number of Council staff who live in the municipality.

## 6.2 Approval of Amendment C131 – Consideration of the Minister for Planning's Changes (cont'd)

By the close of the exhibition period, 376 submissions were received in response to Amendment C131. Twenty-four late submissions were accepted prior to the Panel Hearing. A very late submission was made by one party, which resulted in the panel reconvening following the main hearing.

Analysis of the timely submissions received to Amendment C131, provided in a report to Council on 24 June 2014, showed that:

- 44% were supportive of the entire Strategy or a particular aspect.
- 21% opposed the Strategy or a particular aspect, arguing that it is too restrictive.
- 33% opposed the Strategy or a particular aspect, arguing that it is not restrictive enough.
- 2% of submissions did not provide a position.

The Planning Panel hearing was held between 25 August and 5 September 2014 to consider submissions and the strategic basis of Amendment C131. Thirty-six submitters chose to appear at the Panel Hearing.

The Panel's report recommended that Amendment C131 be adopted with some changes. A number of changes to Amendment C131 recommended by the Panel would significantly affect the outcomes sought by Council through the Strategy, *Rowville Plan* and Amendment C131, and as such were not supported by Council.

### Approval of Amendment C131

Having been with State Government for some thirteen months, Amendment C131 was gazetted on 17 March 2016 and its contents now form part of the Knox Planning Scheme. A number of changes were made by the Minister for Planning with the approval of the amendment (see Appendix A).

It is difficult to predict the exact impacts of the Minister's changes on development outcomes. Broadly speaking, however, it is Officers' view that the *Knox Housing Strategy 2015* and the development aspects of the *Rowville Plan* will not be successfully implemented through the provisions of the Knox Planning Scheme, as a result of changes made to the amendment by the Minister.

It is likely that the impact of the Minister's changes will become apparent through planning permit applications over time. Council may find itself wishing to refuse applications on the basis of the objectives of the Strategy, but not having the statutory tools to do so. There is a significant risk that refusals made on the basis of the Strategy, despite the planning controls, will be overturned at VCAT.

## 6.2 Approval of Amendment C131 – Consideration of the Minister for Planning's Changes (cont'd)

Some changes that have resulted in technical drafting issues/errors can be resolved through a relatively straightforward administrative process (a 'prescribed' amendment to the Planning Scheme under Section 20A of the *Planning and Environment Act 1987*). There are a small number of changes that fall into this category, for example:

- Unclear wording of street setback requirements
- Reference to incorrect clause numbers

A process is currently underway to resolve these drafting issues.

The more substantive and complex changes are the subject of this report. Discussion of these matters is grouped below under the headings:

- Private Open Space
- Building Heights

### Private Open Space

Following the Minister's changes, the Private Open Space requirements within *Bush Suburban areas outside the Foothills* (i.e. parts of Boronia, Knoxfield and Rowville) are now less (60sqm) than the *Knox Neighbourhood* areas (80sqm). Furthermore the amount of *Secluded* Private Open Space required in all the *Bush Suburban* areas is less than the amount required in *Knox Neighbourhood* areas.

This results in a policy anomaly and does not support the 'scaled approach' sought by the *Knox Housing Strategy*, which included less intensive development in these sensitive areas. This planning outcome does not support the vision articulated in the Strategy, that *Bush Suburban* areas will:

- *Contribute to the protection and enhancement of Knox's distinctive environmental and biological values*
- *Continue to be low-scale neighbourhoods, characterised mostly by detached houses, where significant and native vegetation is retained and complemented.*

At the very least, the Private Open Space provisions for *Bush Suburban* areas should be equivalent to the *Knox Neighbourhood* areas (80sqm), such that the additional provisions of site coverage and landscaping can have an effect on development outcomes on the ground.

## 6.2 Approval of Amendment C131 – Consideration of the Minister for Planning's Changes (cont'd)

The letter of approval from the Minister for Planning, received on 26 February 2016 (Appendix B), stated that the Minister's changes "are **generally in accordance with** the recommendations and advice provided by the independent planning panel..." including "height and private open space requirements of the General Residential Zone Schedules 2, 3 and 5 as recommended by the independent planning panel".

Recommendations 8 and 9 of the Panel's report stated that the private open space requirement should be changed to reflect the requirements of the former Residential 3 Zone. This requirement is 60sqm. The approved amendment reflects the Panel's recommendation only as it applies to *Bush Suburban areas outside of the Foothills (GRZ5)*.

During 2015, discussions with officers from the Department of Environment, Land, Water and Planning indicated that Council's requirement for 100sqm of Private Open Space was unlikely to be approved. In light of these discussions, Council resolved on 25 August 2015 to:

*Advise the Minister for Planning that if the proposed private open space requirement for 100sqm in the Knox Neighbourhood areas is not supported, that Council would prefer favourable consideration of an 80sqm private open space requirement rather than reverting to the status quo of 60sqm.*

This 'compromise position' appears to have been applied only to *Knox Neighbourhood areas and Bush Suburban within the Foothills*.

Officers recommend that a resolution to this anomaly be sought, such that *Bush Suburban areas outside of the Foothills* are brought into line with the other areas and that a requirement for 80sqm of Private Open Space be applied. Furthermore, it is recommended that Council seeks to have the requirement for *Secluded Private Open Space* increased for all *Bush Suburban areas*, to reflect the *Knox Neighbourhood* requirement of 60sqm.

It is considered that this outcome maintains the integrity and intent of Council's Housing Strategy.

### **Building Heights**

Building heights, as approved by the Minister, substantially depart from Council's adopted amendment and therefore do not reflect the directions and objectives of the *Knox Housing Strategy* and *Rowville Plan*.



**6.2 Approval of Amendment C131 – Consideration of the Minister for Planning’s Changes (cont’d)**

Approved building heights that differ from Council’s adopted amendment are as follows:

Area	Building Height adopted by Council	Building Height approved by Minister
<b>Bush Suburban (Dandenong Foothills) NRZ1</b>	8m (mandatory)	8m (mandatory) <i>Adds exemption for Aged Care Facilities</i>
<b>Bush Suburban Outside of the Foothills GRZ5</b>	8m (mandatory)	9m (mandatory)
<b>Knox Neighbourhood GRZ2</b>	8m (mandatory)	9m (mandatory)
<b>Local Living GRZ3</b>	8m (mandatory) <i>Note: 9m discretionary was exhibited and changed in response to submissions.</i>	9m (mandatory)
<b>Activity Areas - PPTN &amp; Rowville Activity Centre RGZ1</b>	9m (mandatory)	13.5m (discretionary)

It should be noted that the Activity Centres of Knox Central, Boronia and Bayswater are guided by specific provisions and allow for development of greater heights than indicated above.

Figure 1 demonstrates the range of changes as they apply to Rowville, as an example.



Figure 1 Demonstration of adopted and approved building heights in the Rowville context

Figure 2 demonstrates the three stages of the process (exhibition, adoption and approval) as it applies to Rowville. The adopted change (post-exhibition) to the *Local Living* building height was made in response to submissions, most of which were from Rowville residents.

6.2 Approval of Amendment C131 – Consideration of the Minister for Planning’s Changes (cont’d)

EXHIBITED



ADOPTED BY COUNCIL IN RESPONSE TO SUBMISSIONS



APPROVED BY THE MINISTER FOR PLANNING



Figure 2 Changes to building heights through the amendment process, Rowville context

The Minister’s changes reflect the Panel’s recommendations regarding *Bush Suburban*, *Knox Neighbourhood* and *Local Living* areas.

Recommendations 6 and 7 of the Panel’s report stated that the building height requirement should be changed to reflect the requirements of the existing zone (the former Residential 3 Zone). This requirement is 9 metres (mandatory). Recommendation 5 of the Panel’s report recommended inclusion of the exemption from the mandatory building height requirement for aged care facilities in the Foothills.

The panel was silent on the proposed building height for *Activity Areas* within Rowville and on the PPTN. However, the Minister’s decision is consistent with the philosophy of former (Labor) governments which did not support mandatory building heights in principle.

## 6.2 Approval of Amendment C131 – Consideration of the Minister for Planning's Changes (cont'd)

### ***Aged Care Facilities in the Foothills***

The Strategy anticipates a more intensive scale of development for aged care facilities in order to respond to the needs of an ageing population. For this reason, Council adopted an exemption from mandatory height limits for aged care facilities in most areas in Knox, alongside design requirements to achieve appropriate design outcomes.

However, one of Council's main priorities through Amendment C131 was to maintain and strengthen the integrity of the Foothills controls, which have been in place since 2006 and have had the desired influence on development outcomes in this area. Clause 21.01-3 establishes this principle in the Knox Planning Scheme, stating that "Pressure for residential development in the foothills areas ... will need to be carefully managed to protect the environmental, landscape and visual amenity qualities of these areas. Urban consolidation objectives must not outweigh the environmental and landscape objectives for the foothills." In this context, it is considered that *more intensive* development for aged care facilities is not appropriate in the Dandenong Foothills. Lower scale facilities that are consistent with the character of development in this sensitive area, could be achieved with the planning controls as they were adopted by Council (including the 8m mandatory height limit).

### ***Knox Neighbourhood and Bush Suburban outside of the Foothills***

Council sought to allow for the preferred 1-2 storey scale in Knox Neighbourhood areas, with preferred housing types of detached houses, dual occupancies and villa units (on large lots). These areas have the characteristics that many people value about living in Knox, including a sense of open space, fresh air and trees.

Council's adopted height control reflected community desire for building heights that reflect these characteristics in the outer suburban, green and leafy Knox context. It provided certainty to the Knox community and development industry. It is notable that this mandatory building height requirement, as exhibited, was not the subject of many submissions during the exhibition period, as it was not seen to be impacting on development potential. In the ten years since the *Knox Housing Statement 2005* was implemented in the Knox Planning Scheme in 2006, no applications have been received for residential development of more than 2 storeys in the Residential 3 Zone (approximately equivalent to the *Knox Neighbourhood and Bush Suburban* areas). In this regard, an 8m height limit reflected the 'status quo' and was not restricting a form of development which would otherwise be delivered by the market.

The General Residential Zone has been applied to both Local Living and Knox Neighbourhood areas (through separate zone schedules). One of the objectives of the General Residential Zone is to encourage development that respects the neighbourhood character of the area. Council's adopted building height requirements directly supported the achievement of this objective.

## 6.2 Approval of Amendment C131 – Consideration of the Minister for Planning's Changes (cont'd)

### ***Local Living***

In *Local Living* areas, Council sought to allow for 1-2 storey scale development, with preferred housing types of dual occupancies, villa units and townhouses. These areas are focused around the local 'villages' of Wantirna Mall, Studfield, Mountain Gate and Rowville.

Council's adopted height control allowed for greater housing diversity within local village, outer suburban, green and leafy Knox context. It provided a transition between the 3+ storey height limits allowed in Activity Areas and the 2 storey height limit in Knox Neighbourhood areas, as adopted by Council.

This height limit directly responded to a large number of submissions made during the C131 exhibition process. Submitters requested that the exhibited height limit of 9 metres/3 storeys be reduced to 8 metres/2 storeys. This position was supported by Council as the 8 metre height limit would still allow for the preferred housing types with the application of mainly ResCode requirements, while balancing this with the need to better respond to the local village context and neighbourhood character.

### ***Principal Public Transport Network (Smart Bus Route) & Rowville Activity Centre***

As noted above, the Minister's change to the building height requirement for the Residential Growth Zone Schedule 1 does not respond to a recommendation from the Planning Panel (as is the case for the other changes). This change can be viewed through the lens of a 'one size fits all' approach to planning. This approach dictates that residential growth on public transport routes across Melbourne should be treated in a similar fashion, regardless of the nature of the area or the quality of the transport service.

Application of the Residential Growth Zone (outside of Activity Centres) was carefully considered in the development of the *Knox Housing Strategy* and Amendment C131. It is widely accepted that Knox is not well served by public transport options, particularly in the suburbs not located on the Belgrave train line. The Smart Bus Route was considered to be the only bus route sufficient to support intensification of development. In this vein, the role of the Principal Public Transport Route (PPTN) in supporting higher density development was reduced in the development of the Strategy. Council's former planning framework, the *Knox Housing Statement 2005 (revised 2007)*, encouraged medium density housing along the *entire* PPTN (which includes Boronia, Dorset and Ferntree Gully Roads), regardless of the level of service. While the Smart Bus provides an elevated level of service in the Knox context, in the metropolitan context it cannot be seen as a significant transport route.

## 6.2 Approval of Amendment C131 – Consideration of the Minister for Planning's Changes (cont'd)

In the outer suburban Knox context, on a bus route, 3 storey apartment or townhouse style development is considered to be an appropriate level of residential growth. It is important to note that Knox's residential growth needs are primarily accommodated in the Activity Centres of Knox Central, Bayswater, Boronia and Rowville. These Activity Centres have substantial capacity for growth.

It is significant that this zone also applies to Stud Road in the Rowville Activity Centre context. Extensive community engagement and strategic work was undertaken in the development of the *Rowville Plan*. Through this process, it was apparent that the scale of development was a significant issue and required appropriate management. The *Rowville Plan* identified four 'opportunity sites' on or adjacent to Stud Road, which were considered appropriate for more intensive development (4 storeys), and which would contribute to housing diversity and choice in Rowville. The identification of these sites allowed for a more 'moderate' approach to growth (3 storeys) on the remainder of Stud Road in the Activity Centre, which has low scale residential interfaces to the rear.

The change to the building height requirement for the Smart Bus Route has resulted in a further policy anomaly. Amendment C131 included a new policy (*Clause 22.12 Residential Land Use and Development within the Commercial 1 Zone*) which sought to guide residential development in Commercial 1 Zones, in areas where there is not an existing structure plan or planning controls. This policy seeks to fill a policy gap, in terms of development potential in neighbourhood activity centres in particular.

This policy specifies preferred building heights for development in these centres based on their context – *Local Living, Knox Neighbourhood, and Bush Suburban*. For *Local Living* centres – Wantirna Mall, Studfield, Scoresby Village and Mountain Gate – the policy specifies a 3 storey built form (9 metres).

As Wantirna Mall, Studfield and Scoresby Village abut the PPTN, they sit alongside the Residential Growth Zone which now allows for 4 storey development (14.5m discretionary). This results in an outcome where commercial zones in these locations allow for less intensive development than in the adjoining residential area, which represents a policy anomaly (see Figure 3).

## 6.2 Approval of Amendment C131 – Consideration of the Minister for Planning's Changes (cont'd)

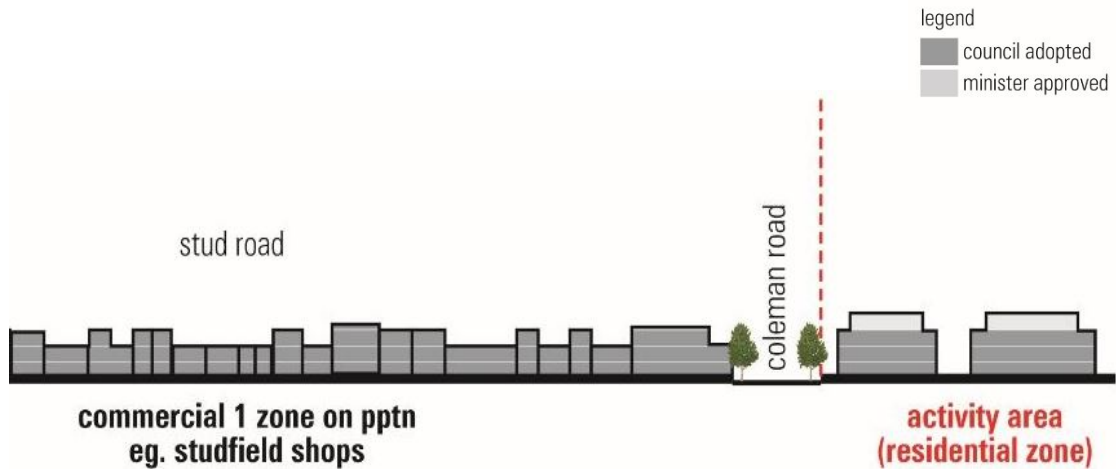


Figure 3 Sites on the PPTN demonstrating commercial zone and residential zone, Studfield context

Officers recommend that Council seeks a change to building height requirements contained in residential zones in the Knox Planning Scheme, such that the Planning Scheme reflects Council's adopted position articulated in the *Knox Housing Strategy*, *Residential Design Guidelines* and *Rowville Plan*.

### **3. CONSULTATION**

Amendment C131 sought to implement the *Knox Housing Strategy*, *Residential Design Guidelines* and the *Rowville Plan*, all of which were the subject of considerable community engagement.

The recommendations of this report seek to achieve outcomes that are consistent with Council's adopted position, which itself sought to reflect the outcomes of community engagement.

It is not considered that further consultation is required at this stage. However, should a formal planning scheme amendment be undertaken, the requirements of public exhibition will apply.

### **4. ENVIRONMENTAL/AMENITY ISSUES**

The *Knox Housing Strategy 2015*, *Residential Design Guidelines 2015* and Amendment C131 sought to have beneficial environmental impacts by reducing development intensity in *Bush Suburban* and *Knox Neighbourhood* areas, allowing more space for the retention and planting of canopy trees, and directing more development to areas well-served by public transport and other infrastructure in *Local Living* and *Activity Areas*.

They also sought to have beneficial amenity impacts by 'raising the bar' on the design quality by applying specific design guidelines to new residential development, including building height requirements.

## 6.2 Approval of Amendment C131 – Consideration of the Minister for Planning's Changes (cont'd)

Some of the Minister's changes undermine the achievement of the environmental and amenity objectives of the Strategy, Guidelines and Rowville Plan.

### **5. FINANCIAL & ECONOMIC IMPLICATIONS**

Further strategic work on housing issues have not been funded and will need to be absorbed by the City Futures operating budget. If further work is required to achieve the outcomes sought in this report, there may be resourcing implications for other projects underway.

### **6. SOCIAL IMPLICATIONS**

The Strategy, Guidelines and Amendment C131, as adopted by Council, sought to respond directly to residents' valued aspects of Knox that contribute to its sense of place, valued character and belonging. With regard to the *Rowville Plan* area, the Plan and Amendment C131 sought to strike a balance between competing community views for this *Activity Area*.

There is likely to be community concern regarding the outcome of Amendment C131 and the resultant planning controls in the Knox Planning Scheme. Council is not in a position to follow through on the promises made through the *Knox Housing Strategy* and *Residential Design Guidelines*. Concern is already evident among some residents, and may become an issue more broadly over time.

## 6.2 Approval of Amendment C131 – Consideration of the Minister for Planning’s Changes (cont’d)

### 7. RELEVANCE TO CITY PLAN 2013-17 (INCORPORATING THE COUNCIL PLAN)

City Plan 2013-2017 objectives	How the <i>Knox Housing Strategy 2015</i> seeks to achieve this objective
A diversity of housing choice is provided in appropriate locations.	<ul style="list-style-type: none"> <li>▪ Apply a scaled approach to housing development in Knox.</li> <li>▪ Support a greater diversity of housing types in terms of size, type, affordability and accessibility.</li> <li>▪ Seek to address the shortfall in Knox of smaller dwellings including one and two bedrooms dwellings.</li> <li>▪ Encourage housing development in locations which are well located, close to transport options, shops and services.</li> </ul>
Residential development better responds to the community’s current and future needs, and allows people to ‘age-in-place’.	<ul style="list-style-type: none"> <li>▪ Encourage the development of smaller, well designed and accessible dwellings in locations which are well located, close to transport options, shops and services.</li> <li>▪ Support the development of aged care facilities which provide for a range of care levels on site.</li> </ul>
Energy, water and waste efficient design is increased in residential, business and industry sectors and community facilities.	<ul style="list-style-type: none"> <li>▪ Encourage sustainable design features including water sensitive urban design in all developments.</li> <li>▪ Require Sustainable Design assessments for all developments of three or more dwellings.</li> </ul>
Quality housing design in Knox is improved to better respond to neighbourhood identity and create a stronger sense of place.	<ul style="list-style-type: none"> <li>▪ Encourage better architectural design through the Residential Design Guidelines.</li> <li>▪ Minimise the loss of trees and backyard space in <i>Bush Suburban</i> and <i>Knox Neighbourhood</i> areas.</li> </ul>

### 8. CONCLUSION

The *Knox Housing Strategy* and *Rowville Plan* are the result of Council working closely with the Knox community over many years. Council’s approach represents a balanced and appropriate strategy that both allows for significant growth in and around Activity centres, while respecting important metropolitan assets such as the Dandenong Foothills and Ranges, and recognising Knox’s outer suburban context.



## 6.2 Approval of Amendment C131 – Consideration of the Minister for Planning's Changes (cont'd)

It is appropriate that the provisions of the Knox Planning Scheme reflect Council's adopted planning framework and implements the objectives of its important strategic documents which have been the subject of significant community engagement.

## 9. CONFIDENTIALITY

There are no issues of confidentiality associated with this report.

### COUNCIL RESOLUTION

MOVED: CR. SEYMOUR

SECONDED: CR. PEARCE

That Council:

1. Notes the changes made by the Minister for Planning shown in Appendix A;
2. Notes the implications of these Minister's changes that undermine Council's strategy to manage residential development in Knox;
3. Reinforces its adopted strategy to planning for residential development in Knox, with particular reference to building heights and private open space requirements;
4. Urgently requests that the Minister for Planning amends the Knox Planning Scheme to reflect Council's adopted approach, outlining that:
  - Council has worked closely with its community for over four years in the development of the Housing Strategy, including engaging with over 10,000 residents to inform it.
  - It is a balanced and appropriate strategy that allows for both significant growth particularly in and around Activity centres while respecting neighbourhood character in established suburbs and respecting important metropolitan assets such as the Dandenong Foothills and;
5. Seeks an urgent meeting with the Minister for Planning to facilitate the above.

A Division was called by Councillor Orpen

For the motion: Councillor Seymour, Councillor Cooper, Councillor Gill, Councillor Pearce, Councillor Cossari, Councillor Lockwood, Councillor Mortimore, Councillor Orpen, Councillor Holland

THE MOTION WAS CARRIED

Knox City Council Planning Scheme Amendment C131 Changes made by the Minister for Planning		
Area and Zone	Adopted by Council	Approved by Minister
<b>Bush Suburban (within the Dandenong Foothills)</b>  <b>Neighbourhood Residential Zone (Schedule 1) – NRZ1</b>	Private open space consisting of an area of <b>100 square metres</b> with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling or residential building with minimum area of <b>60 square metres</b> with a minimum dimension of 5 metres of secluded private open space with convenient access from a living room.	Private open space consisting of an area of <b>80 square metres</b> or 20 per cent of the area of the lot, whichever is the lesser, but not less than 60 square metres. At least one part of the private open space should consist of secluded private open space with a minimum area of <b>40 square metres</b> and a minimum dimension of 5 metres at the side rear of the dwelling with convenient access from a living room.
	A dwelling or residential building must not exceed a height of <b>8 metres</b> , unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the height of the building must not exceed 9 metres.	A dwelling or residential building must not exceed a height of <b>8 metres</b> , unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the height of the building must not exceed 9 metres.
	Architectural features with merit designed to the satisfaction of the responsible authority may exceed the maximum building height.	Architectural features with merit designed to the satisfaction of the responsible authority may exceed the maximum building height.  The requirements of this clause do not apply to a building used for the purpose of a Residential Aged Care Facility. The requirements of Clause 54 and 55 apply.
	Maximum <b>one dwelling</b> on a lot	Maximum <b>two dwellings</b> on a lot

Knox City Council Planning Scheme Amendment C131 Changes made by the Minister for Planning		
Area and Zone	Adopted by Council	Approved by Minister
<b>Bush Suburban – outside of the Dandenong Foothills</b>  <b>General Residential Zone (Schedule 5) – GRZ5</b>	Private open space consisting of an area of <b>100 square metres</b> with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling or residential building with minimum area of <b>60 square metres</b> with a minimum dimension of 5 metres of secluded private open space with convenient access from a living room.	Private open space consisting of: An area of <b>60 square metres</b> with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling or residential building with minimum area of <b>40 square metres</b> with a minimum dimension of 5 metres of secluded private open space with convenient access from a living room, <b>or</b>  A balcony of 8 square metres with a minimum width of 1.6 metres and convenient access from a living room, <b>or</b>  A roof-top area of 10 square metres with a minimum width of 2 metres and convenient access from a living room.
	A building used for the purpose of a dwelling must not exceed a height of <b>8 metres</b> , unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the height of the building must not exceed 9 metres, except for architectural features with merit designed to the satisfaction of the responsible authority.  The requirements of this clause do not apply to a building used for the purpose of a Residential Aged Care Facility or Nursing Home. The requirements of Clause 54 and 55 apply.	A building used as a dwelling or residential building must not exceed a height of <b>9 metres</b> unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case it must not exceed a height of 10 metres.  The requirements of this clause do not apply to a building used for the purpose of a Residential Aged Care Facility. The requirements of Clause 54 and 55 apply.
	Second street setback (corner lots) - <b>5 metres</b>	The following wording has been approved:  If there is a building on the abutting allotment facing the front street, the same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser.  If there is no building on the abutting allotment facing the front street, 6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets.  The same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or <b>5 metres</b> , whichever is the lesser.

**Knox City Council Planning Scheme Amendment C131  
Changes made by the Minister for Planning**

Area and Zone	Adopted by Council	Approved by Minister
<p><b>Knox Neighbourhood</b></p> <p><b>General Residential Zone (Schedule 2) – GRZ2</b></p>	<p>Private open space consisting of:</p> <p>An area of <b>100 square metres</b> with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling or residential building with minimum area of 60 square metres with a minimum dimension of 5 metres of secluded private open space with convenient access from a living room.</p>	<p>Private open space consisting of:</p> <p>An area of <b>80 square metres</b> with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling or residential building with minimum area of 60 square metres with a minimum dimension of 5 metres of secluded private open space with convenient access from a living room, <b>or</b></p> <p>A balcony of 8 square metres with a minimum width of 1.6 metres and convenient access from a living room, <b>or</b></p> <p>A roof-top area of 10 square metres with a minimum width of 2 metres and convenient access from a living room.</p>
	<p>A dwelling or residential building must not exceed a height of <b>8 metres</b>, unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the height of the building must not exceed 9 metres.</p> <p>Architectural features with merit designed to the satisfaction of the responsible authority may exceed the maximum building height.</p> <p>The requirements of this clause do not apply to a building used for the purpose of a Residential Aged Care Facility or Nursing Home. The requirements of Clause 54 and 55 apply</p>	<p>A building used as a dwelling or residential building must not exceed a height of <b>9 metres</b> unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case it must not exceed a height of 10 metres.</p> <p>The requirements of this clause do not apply to a building used for the purpose of a Residential Aged Care Facility. The requirements of Clause 54 and 55 apply.</p>
	<p>Second street setback (corner lots) – <b>4.5 metres</b></p>	<p>If there is a building on the abutting allotment facing the front street, the same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser.</p> <p>If there is no building on the abutting allotment facing the front street, 6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets.</p> <p>The same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or <b>4.5 metres</b>, whichever is the lesser.</p>

**Knox City Council Planning Scheme Amendment C131  
Changes made by the Minister for Planning**

Area and Zone	Adopted by Council	Approved by Minister
<p><b>Local Living</b></p> <p><b>General Residential Zone (Schedule 3) – GRZ3</b></p>	<p>A dwelling or residential building must not exceed a height of <b>8 metres</b>, unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the height of the building must not exceed 9 metres.</p> <p>Architectural features with merit designed to the satisfaction of the responsible authority may exceed the maximum building height.</p> <p>The requirements of this clause do not apply to a building used for the purpose of a Residential Aged Care Facility or Nursing Home. The requirements of Clause 54 and 55 apply.</p>	<p>A building used as a dwelling or residential building must not exceed a height of <b>9 metres</b> unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case it must not exceed a height of 10 metres.</p> <p>The requirements of this clause do not apply to a building used for the purpose of a Residential Aged Care Facility. The requirements of Clause 54 and 55 apply.</p>
	<p>Second street setback (corner lots) – <b>4 metres</b></p>	<p>If there is a building on the abutting allotment facing the front street, the same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser.</p> <p>If there is no building on the abutting allotment facing the front street, 6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets.</p> <p>The same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or <b>4 metres</b>, whichever is the lesser.</p>

Knox City Council Planning Scheme Amendment C131 Changes made by the Minister for Planning		
Area and Zone	Adopted by Council	Approved by Minister
<b>Activity Areas – Rowville Activity Centre, land abutting the Principal Public Transport Network (PPTN) and outside of Bayswater, Boronia and Knox Central activity centres</b>  <b>Residential Growth Zone (Schedule 1) – RGZ1</b>	<p>Private open space consisting of a minimum area of <b>15 square metres</b> which may include:</p> <p>A balcony with a minimum area of <b>8 square metres</b>, and minimum width of 1.8 metres; or</p> <p>Rooftop of minimum area <b>10 square metres</b>, minimum width 2 metres.</p>	<p>A dwelling or residential building should have private open space consisting of:</p> <p>An area of <b>40 square metres</b> with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling or residential building with minimum area of 25 square metres with a minimum dimension of 3 metres of secluded private open space with convenient access from a living room, or</p> <p>A balcony of <b>15 square metres</b> with a minimum width of 1.8 metres and convenient access from a living room, or</p> <p>A roof-top area of <b>15 square metres</b> with a minimum width of 2 metres and convenient access from a living room.</p>
	<p>A dwelling or residential building <b>must</b> not exceed a height of <b>9 metres</b>, unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the height of the building must not exceed 10 metres.</p> <p>Architectural features with merit designed to the satisfaction of the Responsible Authority may exceed the maximum building height.</p> <p>The requirements of this clause do not apply to a building used for the purpose of a Residential Aged Care Facility or Nursing Home. The requirements of Clause 54 and 55 apply.</p>	<p>The maximum building height <b>should</b> not exceed <b>13.5 metres</b> unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the height of the building should not exceed 14.5 metres.</p>
	<p>Minimum street setback <b>6 metres</b></p>	<p>If there is a building on the abutting allotment facing the front street, the same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser.</p> <p>If there is no building on the abutting allotment facing the front street, 6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets.</p> <p>The same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or <b>6 metres</b>, whichever is the lesser.</p>

**Knox City Council Planning Scheme Amendment C131  
Changes made by the Minister for Planning**

Area and Zone	Adopted by Council	Approved by Minister
<p><b>Activity Centres Activity Areas – Bayswater and Boronia</b></p> <p><b>Residential Growth Zone (RGZ2)</b></p>	<p>Private open space consisting of a minimum area of <b>15 square metres</b> which may include:</p> <p>A balcony with a minimum area of <b>8 square metres</b>, and minimum width of 1.8 metres; or</p> <p>Rooftop of minimum area <b>10 square metres</b>, minimum width 2 metres.</p>	<p>A dwelling or residential building should have private open space consisting of:</p> <p>an area of <b>40 square metres</b> with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling or residential building with minimum area of 25 square metres with a minimum dimension of 3 metres of secluded private open space with convenient access from a living room, or</p> <p>a balcony of <b>15 square metres</b> with a minimum width of 1.8 metres and convenient access from a living room, or</p> <p>a roof-top area of <b>15 square metres</b> with a minimum width of 2 metres and convenient access from a living room.</p>
	<p>Minimum street setback <b>6 metres</b></p>	<p>If there is a building on the abutting allotment facing the front street, the same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser.</p> <p>If there is no building on the abutting allotment facing the front street, 6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets.</p> <p>The same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or <b>6 metres</b>, whichever is the lesser.</p>

**Knox City Council Planning Scheme Amendment C131  
Changes made by the Minister for Planning**

Area and Zone	Adopted by Council	Approved by Minister
<p><b>Activity Centres Activity Areas – Bayswater and Boronia</b></p> <p><b>General Residential Zone (Schedule 4) – GRZ4</b></p>	<p>Private open space consisting of a minimum area of <b>15 square metres</b> which may include:</p> <p>A balcony with a minimum area of <b>8 square metres</b>, and minimum width of 1.8 metres; or</p> <p>Rooftop of minimum area <b>10 square metres</b>, minimum width 2 metres.</p>	<p>A dwelling or residential building should have private open space consisting of:</p> <p>an area of <b>40 square metres</b>, with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling or residential building with a minimum area of 25 square metres, a minimum dimension of 3 metres and convenient access from a living room, or</p> <p>a balcony of <b>15 square metres</b> with a minimum width of 1.8 metres and convenient access from a living room, or</p> <p>a roof-top area of <b>15 square metres</b> with a minimum width of 2 metres and convenient access from a living room.</p>
	<p>Minimum street setback <b>6 metres</b></p>	<p>The average distance of the setbacks of the front walls of the existing buildings on the abutting allotments facing the front street or <b>6 metres</b>, whichever is the lesser.</p>
	<p>Canopy tree planting:</p> <p>In addition to Standard B13, landscaping consisting of a minimum of one canopy tree per 250 square metres of the site area including a minimum of one canopy tree within the front setback per 5 metres of width of the site (excluding the width of one driveway). <i>For development within the Bayswater Significant Ridgeline Area designated in Design and Development Overlay - Schedule 6, landscaping consisting of a minimum of one canopy tree per 200 square metres of the site area including a minimum of one canopy tree within the front setback per five metres of width of the site.</i> In all instances, each tree should be surrounded by 20 square metres of permeable surface with a minimum radius of 3 metres. Up to 50 per cent of the permeable surface may be shared with another tree.</p>	<p>Provision of a minimum of one canopy tree per 250 square metres of the site area including a minimum of one canopy tree within the front setback per 5 metres of width of the site (excluding the width of one driveway). Each tree should be surrounded by 20 square metres of permeable surface with a minimum radius of 3 metres. Up to 50 per cent of the permeable surface may be shared with another tree.</p>



**Knox City Council Planning Scheme Amendment C131  
Changes made by the Minister for Planning**

**CHANGES TO POLICY**

<b>Policy</b>	<b>Adopted by Council</b>	<b>Approved by Minister</b>
<b>Clause 22.07 Development in Residential Areas and Neighbourhood Character</b>	In Bush Suburban areas it is policy to:  Support detached dwellings and dual occupancies; and Discourage other forms of housing.  In Knox Neighbourhood areas, it is policy to:  Support detached dwellings, dual occupancies and villa unit developments (more than two dwellings) on lots greater than 1000 square metres; and Discourage town houses and apartments.  In Local Living areas, it is policy to:  Encourage detached dwellings, dual occupancies, villa units and townhouses; and Discourage apartments.	In Bush Suburban areas it is policy to:  Support detached dwellings and dual occupancies.  In Knox Neighbourhood areas, it is policy to:  Support detached dwellings, dual occupancies and villa unit developments (more than two dwellings) on lots greater than 1000 square metres.  In Local Living areas, it is policy to:  Encourage detached dwellings, dual occupancies, villa units and townhouses.
	Bush Suburban Design Guidelines include:  In developments of more than two dwellings, ensure that the rear dwelling is single storey.	n/a Text deleted
	Local Living Design Guidelines include:  In developments of three or more dwellings, provide a mix of dwelling sizes (number of bedrooms). At least one dwelling should contain a bedroom, kitchen, bath or shower, and a toilet and wash basin at ground floor level.	n/a Text deleted
	Design Guidelines for aged care facilities include: Locate higher scale buildings including apartments and townhouses in the centre of the site or if on a main road, at the front of the site. Second storeys and above should be set back from the storey below.	n/a Text deleted



The Hon Richard Wynne MP

Minister for Planning

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Ref: BMIN15000435R

File: 13/009923

Cr Peter Lockwood  
Mayor  
Knox City Council  
511 Burwood Crescent  
WANTIRNA SOUTH VIC 3152

Dear Cr Lockwood

#### **KNOX PLANNING SCHEME AMENDMENT C131**

I refer to Amendment C131 to the Knox Planning Scheme which was submitted for approval under Section 31 of the *Planning and Environment Act 1987*.

The amendment implements the findings of the Knox Housing Strategy 2013, the Knox Residential Design Guidelines, the Rowville Plan 2015 and the new residential zones.

I have decided to approve Amendment C131 with changes. These changes are generally in accordance with the recommendations and advice provided by the independent planning panel I appointed to review submissions to this amendment.

- Height and private open space requirements of the General Residential Zone Schedules 2, 3 and 5 as recommended by the independent planning panel
- Deletion of the mandatory limit of one dwelling per lot to the Neighbourhood Residential Zone Schedule 1; and
- Deletion of the term 'discouraged' from Clauses 21.05 and 22.07 in relation to dwelling typographies

These changes are considered appropriate as the extensive range of planning provisions of the Knox Planning Scheme provide a strong framework within which council can manage planning and building applications.

Amendment C131 is the culmination of significant work that council has undertaken with considerable input from the local community, and will assist council in providing clear advice and making robust planning decision.

*Privacy Statement*

*Any personal information about you or a third party in your correspondence will be protected under the provisions of the Privacy and Data Protection Act 2014. It will only be used or disclosed to appropriate Ministerial, Statutory Authority, or departmental staff in regard to the purpose for which it was provided, unless required or authorised by law. Enquiries about access to information about you held by the Department should be directed to the Privacy Coordinator, Department of Environment, Land, Water & Planning, PO Box 500, East Melbourne, Victoria 8002*



The amendment will come into effect when notice of its approval is published in the Victoria Government Gazette.

If you have any queries, please contact Rachael Joiner, Director of Planning Services from Department of Environment, Land Water and Planning on (03) 8392 6731.

Yours sincerely



Hon Richard Wynne MP  
Minister for Planning

14 / 2 / 2015

**DOBSON WARD****6.3 AMENDMENT C141 DRAFT UPPER GULLY STRATEGIC PLAN -  
CONSIDER SUBMISSIONS AND REQUEST PLANNING PANEL**

**SUMMARY:** *Senior Project Manager - Strategic Planning  
(Spiro Manolakis)*

*This report provides a summary of the public exhibition process and submissions received for the draft Upper Gully Strategic Plan, December 2015 (draft Strategic Plan) and associated Planning Scheme Amendment C141. In total, 344 submissions were received during public exhibition of Amendment C141 and the draft Strategic Plan.*

*Recommendations for a number of changes to Amendment C141 and the draft Strategic Plan in response to submissions is provided in this report, however not all submitter issues can be resolved. Accordingly, this report recommends Council request the Minister for Planning to appoint an independent Planning Panel and consider Amendment C141 and all the submissions received.*

**RECOMMENDATION**

**That Council**

- 1. Consider the submissions received in response to the draft Upper Gully Strategic Plan and Amendment C141 to the Knox Planning Scheme;**
- 2. Note the recommendations detailed in the Amendment C141 Submissions and Responses Summary Table (Appendix A);**
- 3. Adopt the recommended changes proposed to Amendment C141 to the Knox Planning Scheme as detailed in the revised track-change version of the Amendment C141 documents (Appendix B);**
- 4. Request the Minister for Planning to appoint an independent Planning Panel to consider Amendment C141, all submissions received and Amendment C141 documents;**
- 5. Authorise the Director – City Development to make minor changes to the Amendment C141 documentation, including the draft Strategic Plan and background documentation prior to Panel, where changes do not affect the purpose or intent of the Amendment.**

**1. INTRODUCTION**

On 24 November 2015 Council considered the draft Upper Gully Strategic Plan, October 2015 and a recommendation for a maximum two storey (8.5 metres) building height across the Activity Centre. Council resolved to seek authorisation from the Minister for Planning to prepare and exhibit Amendment C141, and that Amendment C141 and the draft Upper Gully Strategic Plan, October 2015 be modified to allow for a three storey, 12 metres maximum building height at some sites in the Activity Centre.

### **6.3 Amendment C141 Draft Upper Gully Strategic Plan - Consider Submissions and Request Planning Panel (cont'd)**

The modified Amendment C141 and modified draft Strategic Plan (December 2015) were exhibited from 8 February to 29 March 2016. Amendment C141 proposes to introduce permanent planning controls for the Upper Ferntree Gully Activity Centre by applying a new Design and Development Overlay, Local Planning Policy and making other consequential changes to the Knox Planning Scheme. Amendment C141 implements the Upper Gully Strategic Plan by giving statutory effect to the land use, design strategies, objectives and vision for the Activity Centre.

#### **1.1 Draft Upper Gully Strategic Plan**

The draft Strategic Plan was prepared in response to the concern about the lack of specific planning controls for the Upper Gully Neighbourhood Activity Centre (Activity Centre) within the Dandenong Foothills.

In 2014, Council obtained interim maximum building height controls of 7.5 metres through Amendment C130 for the upper gully activity centre. The temporary nature of these controls was to allow time to undertake the strategic planning, engagement and the associated Planning Scheme Amendment necessary to manage development for the Activity Centre. On 30 November 2015, a request to extend these controls for an additional 18 months was lodged with the Minister for Planning. The interim controls expired on 30 April 2016. The request is currently under active consideration by the Minister for Planning.

Council has been working on the preparation of the draft Strategic Plan since June 2014. This involved significant engagement with key stakeholders including State Government agencies, local business operators and the Upper Ferntree Gully community.

#### **1.2 Amendment C141**

Amendment C141 proposes to implement the Upper Gully Strategic Plan, by giving statutory effect to some land use, design strategies and objectives for the Activity Centre. Amendment C141 proposes the following changes to the Knox Planning Scheme:

- The introduction of a new Upper Ferntree Gully Activity Centre Local Planning Policy (Clause 22.14).
- Update to the Foothills Local Policy (Clause 22.01) to no longer apply to Upper Ferntree Gully Activity Centre (as relevant elements of the Foothills Local Policy will be incorporated into the new Upper Ferntree Gully Activity Centre Local Planning Policy).
- Replace the current interim height controls in Design and Development Overlay Schedule 10 (DDO10) with a new permanent control for the Upper Ferntree Gully Activity Centre (DDO12). This will support development consistent with the outcomes sought in the Strategic Plan and include proposed maximum building height (mandatory) at 8.5 metres (2 storeys); and maximum building height (mandatory) 12.0m (3 storey) with a 2m upper level setback at some sites.

### 6.3 Amendment C141 Draft Upper Gully Strategic Plan - Consider Submissions and Request Planning Panel (cont'd)

For properties in a floodplain or overland flow path, the maximum building height is measured from the minimum flood floor level. Maximum heights do not apply to roof forms, architectural features and detailing for decorative purposes.

- Remove the Design and Development Overlay Schedule 1 (DDO1): Dandenong Foothills: Foothills Backdrop and Ridgeline Area from the Activity Centre as the need for this control will be made redundant by the new DDO12 specific for the Activity Centre.
- Remove the Significant Landscape Overlay Schedule 2 (SLO2) Dandenong Foothills: Foothills Backdrop and Ridgeline Area over Burwood Highway and part of William Street, while maintaining the narrow area of land adjoining the side boundary of 9 Rose Street as a review of the extent of this overlay was undertaken to remove unnecessary red tape over properties where the overlay is no longer required.
- Remove the Vegetation Overlay Schedule 1 (VPO1) Remnant Vegetation with High Degree of Naturalness to remove unnecessary red tape over properties in the Activity Centre where the overlay is no longer required.
- Make changes to the existing Local Planning Policy Framework to support the above.
- Amend the Heritage Overlay Map and Schedule to the overlay to include the following two sites which have been identified by a specialist independent consultant as having local heritage significance:
  - Visitors Information Centre, 1211 Burwood Highway Upper Ferntree Gully; and
  - Upper Ferntree Gully Railway Station, 1183 Burwood Highway Upper Ferntree Gully.

## **2. DISCUSSION**

The draft Strategic Plan and Amendment C141 were placed on public exhibition from 8 February to 29 March 2016. 2,486 letters were sent to owners and occupiers of land in and around the Upper Gully Activity Centre (Appendix D), with notice provided in local newspapers and the Council website.

In accordance with Section 22 (1) of the *Planning & Environment Act 1987*, Council must consider each submission received. This report addresses all submissions received. Each submission has been considered on its planning merits.

Appendix A provides a summary of the issues raised in each submission, the response to the issues raised and recommendations where relevant. A copy of all submissions has been made available at the front counter of the Civic Centre and in the Councillors' Suite.

### **6.3 Amendment C141 Draft Upper Gully Strategic Plan - Consider Submissions and Request Planning Panel (cont'd)**

Of the total of 344 submissions received, 158 submissions (46%) were from the mail-out list area (refer Appendix D). Two proforma submissions were received (Proforma 1 comprised of 207 submissions and Proforma 2 comprised of 92 submissions).

There were 41 individual submissions and four submissions from government referral agencies. The key points raised include:

- General support for Amendment C141 and the draft Strategic Plan including the proposed three storey maximum building heights (209 submissions including Proforma 1 submitters).
- Objection to three storey maximum building heights in the Activity Centre (133 submissions including Proforma 2 submitters).
- Support for a maximum building height of two storeys (8.5 metres) throughout the Activity Centre as recommended to the 24 November Council meeting (10 submissions).
- Support to retain existing interim maximum building height controls of two storey (7.5 metres) throughout the Activity Centre (10 submissions)
- Request for street landscaping improvements (6 submissions)

The Submissions and Responses Summary Table (Appendix A) outlines the recommended response to each submission, including where changes to Amendment C141 or the draft Strategic Plan are supported.

#### **2.1 Main themes raised through public exhibition and recommendations**

A summary of the main themes is provided in this section.

##### **2.1.1 Building Height**

210 (including Proforma 1 submissions) supported the height limits including three storey limits in some areas of the Activity Centre. The Proforma 1 submitters supported the draft Strategic Plan with a change to allow for three storey (12 metres) maximum building heights for The 1812 Theatre sites at 1-3 Rose Street and 5 Rose Street.

The justification for a three storey height limit at 1-3 Rose Street was to allow for a 'fly-tower' (12m) at the rear of the 1-3 Rose Street to enable The 1812 Theatre Company to offer a greater range of theatre productions such as musicals.

The justification for the proposed three storey height limit change to 5 Rose Street included:

- to enable a ground level restaurant and two upper levels of residential units;

### 6.3 Amendment C141 Draft Upper Gully Strategic Plan - Consider Submissions and Request Planning Panel (cont'd)

- three storey maximum building heights are proposed in location within close proximity to the site;
- the restaurant will enhance the environment of Rose Street and surrounds; and
- provide funding for The 1812 Theatre proposal.

Of all submissions received, 133 submissions (including Proforma 2 submissions) opposed three storey (12 metre) maximum building height throughout the Activity Centre. Proforma 2 submitters also objected to the Proforma 1 submission proposing the three storey (12 metres) maximum building heights for The 1812 Theatre sites.

Submitters opposing three storey building heights were concerned that the proposed heights:

- would be detrimental to the 'village' atmosphere and existing character;
- would negatively impact to the residential amenity and obstruct views to the Dandenongs Ranges,
- were not supported by the community during workshops;
- were not supported by the officer's report to Council on 24 November 2015;
- are not justified due to the minimal projected population growth in this low density area.

#### Response:

Council, on 24 November 2015, determined the maximum building heights proposed in the draft Strategic Plan should seek to provide a balance between maintaining the village character and public realm viewlines, land use, economic and building development opportunities appropriate for an activity centre with a railway station in the foothills of the Dandenong Ranges. Accordingly, it was determined that some areas should allow three storey development.

The impact of future building heights on a number of views from the public realm was tested through 3D modelling. The sites for three storey (12.0m) maximum building heights were identified by Council and determined to have some, however minimal impact on key public realm viewlines and could still enable the 'village feel' of the Activity Centre to be maintained.

DDO12 proposes setbacks to address the transition to adjoining residential areas to preserve the residential amenity of the areas adjoining the Activity Centre. DDO12 proposes that the residential interface must provide side and rear setbacks in accordance with Standard B17, Clause 55 of ResCode (refer to Diagram B1 of Appendix C).



### **6.3 Amendment C141 Draft Upper Gully Strategic Plan - Consider Submissions and Request Planning Panel (cont'd)**

The strategic basis used to inform the background work and technical studies have not changed since Council's decision at its meeting on 24 November 2015. The submissions received through the public exhibition period have revealed strong community sentiment for and against three storey building height limits however, the submissions have not revealed any significant new information or planning matters that Council is not already aware of, with the exception of the justification provided by submissions in support of The 1812 Theatre's aspiration to construct a fly-tower at some point in the future.

The proposal for a 12.0m height limit at 1-3 Rose Street will enable the Theatre Company to expand and enhance its current operations. The 1812 Theatre is a highly valued facility and this proposal may provide economic and tourism development opportunities for the Activity Centre and help strengthen the presence of arts and culture in Upper Gully. It is considered that this proposal is consistent with the key objectives of the draft Strategic Plan. Visual impacts by the proposed 12.0m fly tower are considered to be limited and outweighed by the arts and culture, economic and potential tourism benefits of the proposal.

In summary, the technical evidence informing the draft Strategic Plan provided the strategic basis for two storey building height limits, and higher building limits were not supported through community consultation during the development of the draft Strategic Plan. However, Council determined that a number of sites are appropriate for three storey building heights and that a mix of building heights allows for a greater diversity of dwellings and sees a balance between maintaining the village character and public realm viewlines, land use, economic and building development opportunities for the Upper Ferntree Gully Activity Centre. Council has now received submissions for and against these proposed height limits.

In accordance with the section 23 of the Planning and Environment Act 1987, Council as the planning authority, after considering submissions which request a change to the amendment, must:

- change the amendment in the manner requested; or
- refer the submission to a panel appointed; or
- abandon the amendment or part of the amendment.

Should Council decide to refer this amendment to panel, as recommended, the panel will consider submissions and provide independent recommendations and advice to Council.

For these reasons, the officers' recommendation is that Amendment C141 should now be referred to an independent panel for consideration as Council is unable to resolve all submissions. The panel will provide independent advice for Council's consideration prior to finalising Amendment C141 and the draft Strategic Plan.

### 6.3 Amendment C141 Draft Upper Gully Strategic Plan - Consider Submissions and Request Planning Panel (cont'd)

Although Council must consider the recommendations of the independent panel before deciding to abandon or adopt the amendment (with or without changes), the independent panel recommendations are not binding on Council.

#### Recommendations:

- *Amend draft Strategic Plan Map 15 - Preferred Setbacks and Design Outcomes for Built Form: Add symbol to rear of The 1812 Theatre site at 1 – 3 Rose Street with a new Annotation: "Height of a maximum 12 metres at the rear of 1-3 Rose Street to facilitate the development of a fly-tower for the existing 1812 Theatre."*
- *Amend draft Strategic Plan Map 15 - Preferred Setbacks and Design Outcomes for Built Form to incorporate reference to ResCode "Standard B17 of Clause 55" into the legend.*
- *Amend C141 DDO12 - Add new design objective: "To strengthen the role of The 1812 Theatre Company in developing arts and culture in the municipality and to enhance it as an attraction for visitors to the Activity Centre".*
- *Amend C141 DDO12 Map 1 - Building Heights and Setbacks: Add symbol to rear of The 1812 Theatre site at 1 – 3 Rose Street with a new annotation: "Height of up to 12 metres at the rear of 1-3 Rose Street to facilitate the development of a fly-tower for the existing 1812 Theatre."*
- *Amend C141 DDO12 Map 1 - Building Heights and Setbacks to incorporate reference to ResCode "Standard B17 of Clause 55" into the legend.*
- *Amend C141 LPP 22.14 Map 1 – Activity Centre Framework Plan to incorporate reference to ResCode "Standard B17 of Clause 55" into the legend.*
- *Amend C141 LPP 22.14 Objective 6 - Add new Policy: "6.4 Support the ongoing operation and improvement of the 1812 Theatre to strengthen its role as a visitor, arts and cultural attraction in the Activity Centre."*

#### **2.1.2 Traffic and car parking**

Three submissions raised concerns that the proposed height limits will increase traffic and car parking demands. Three submissions were also received objecting to rumble strips used for managing traffic along Dawson Street

### 6.3 Amendment C141 Draft Upper Gully Strategic Plan - Consider Submissions and Request Planning Panel (cont'd)

#### Response:

The Technical Report: Transport and Parking (Movendo 2015) which informed the draft Strategic Plan did not identify any traffic capacity issues. The report also makes recommendations to improve traffic movements around the centre. Incremental residential growth in the centre is unlikely to have significant impact on traffic volumes. Any impacts can be managed as they arise by VicRoads and Council.

Clause 52.06 of the Knox Planning Scheme outlines the requirements for car parking provision across the municipality, which applies to the Activity Centre. The clause ensures the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated from development, the activities on the land and the nature of the locality. No decision has been made to alter parking within the Activity Centre as a result of the Streetscape Design Project.

The proposed rumble strips have been tested at other sites in the City (e.g. Phyllis Street and Warruga Avenue in Bayswater) and are not considered severe enough to create excessive noise and are similar to travelling over other raised line marking at school crossings or stop lines.

#### Recommendations:

*No changes*

#### **2.1.3 Public Space and landscaping/open space and street activation**

Six submissions were supportive of proposed measures, and requesting additional street landscape improvements. Two submissions objected to the proposed William Street village green. Three submissions raised general concerns of poor pedestrian access in the Activity Centre. One submission was received requesting that the laneway adjoining 13 Rose Street is kept clear and remains as rear access for the 6 properties between 1- 11 Dawson Street.

#### Response:

The proposed William Street Village Green and Rose Street Improvements aim to provide places for people to come together and for events within the Activity Centre. Both the William Street and Rose Street Improvement Opportunities were supported during community consultation.

### 6.3 Amendment C141 Draft Upper Gully Strategic Plan - Consider Submissions and Request Planning Panel (cont'd)

The six properties between 1-11 Dawson Street have vehicle access to Dawson Street, with pedestrian access also preferred via Dawson Street. The laneway, which provides right of way access, is not a width suitable for vehicular access if all property boundaries were fenced. Council has taken action in the past to ensure that this right of way remained uninterrupted for all abutting property owners. Council's current position is that the right of way is maintained.

#### Recommendations:

- Amend the draft Strategic Plan Map 13 - Public Space and Street Improvement Opportunities to incorporate note 'Right of way for pedestrians to be maintained' with arrow to laneway behind 1-11 Dawson Street.

#### 2.1.4 Land use

Three submissions supported retaining the commercial role for the Activity Centre. Three submissions opposed any development at the Upper Ferntree Gully Railway Station.

#### Response:

The draft Strategic Plan seeks to provide a balance between economic, land use and building development opportunities appropriate for a neighbourhood activity centre in the foothills setting. The draft Strategic Plan supports the redevelopment of underutilised sites for retail, commercial, residential and mixed use development with active street frontages. It is not considered appropriate to restrict development at the Upper Ferntree Gully Railway Station.

#### Recommendations:

*No changes*

#### 2.1.5 Bushfire Risk

Four submissions raised concerns that increased building heights will expose new development to a risk of bushfire.

#### Response:

Bushfire protection measures are required as part of the Building Amendment (Bushfire Construction) Regulations 2011 for future development within a 'Bushfire Prone Areas', which apply to the majority of the Activity Centre. The draft Strategic Plan includes strategies to support any future reviews and monitoring of the Bushfire Management Overlay and Declared Bushfire Prone Area Mapping for Upper Gully and the ongoing monitoring and planning for emergency management for Upper Gully.

### 6.3 Amendment C141 Draft Upper Gully Strategic Plan - Consider Submissions and Request Planning Panel (cont'd)

Increased development is proposed within established areas of Upper Ferntree Gully where existing service infrastructure is available. Any impacts on service capacity can be managed as they arise by service authorities and Council.

#### Recommendations:

*No changes*

### 2.2 Referral Authorities

South East Water and VicRoads provided no objection to Amendment C141.

PTV objects to applying the Heritage Overlay to the Upper Ferntree Gully Railway Station and Visitors Information Centre and applying a DDO12 and the existing SLO3 to the site on the grounds that it has the potential to restrict railway operations.

#### Response:

The Visitors Information Centre and Upper Ferntree Gully Railway Station were identified as a valued building of historic significance for Upper Gully in the Heritage Assessment Report for Upper Ferntree Gully (Context 2015). The proposed HO56 and HO57 are consistent with recommendations in this report.

The purpose of the SLO3 is to protect the environmental and visual sensitivity of areas at the foothills to the Dandenong Ranges. No changes are proposed to SLO3 as part of Amendment C141. The prominent location of the Upper

Ferntree Gully Railway Station site on the north side of the Burwood Highway makes it particularly important in defining the image and character of Upper Gully and for maintaining significant views to the Dandenong Ranges.

#### Recommendations:

*No changes*

## **3. CONSULTATION**

### 3.1 Amendment C141 Public Exhibition

Amendment C141 and the draft Strategic Plan were exhibited from 8 February 2016 to 29 March 2016, in accordance with the Planning & Environment Act 1987, which requires that a planning scheme amendment undergo a formal exhibition process prior to being submitted to the Minister for Planning for approval. Key elements of the exhibition included:

- Amendment notices sent to all property owners and occupiers including Yarra Ranges Council residents in the suburb of Upper Ferntree Gully effected by the proposed amendment (2,486);

### **6.3 Amendment C141 Draft Upper Gully Strategic Plan - Consider Submissions and Request Planning Panel (cont'd)**

- Amendment notices published in the Government Gazette and local newspaper;
- Amendment notices sent to specific departments/authorities;
- Council's website, social media, Knox News, Knox Horizons and the Ward newsletter were used to inform the community of the project;
- Two community information sessions held at Ferntree Plaza (approximately 180 attendees);
- Officers attended a community information session held at Coonara Community House.

As outlined in section 2 of this report, 344 submissions were received, of which, 158 submissions (46%) were from the mail-out area. Almost all submissions (342 submissions), contained comments relating to maximum building heights. Built form controls, including maximum building heights were themes consistently raised during the consultation process. The Submissions Location Maps illustrate the extent of interest generated through this Public Exhibition process (refer Appendix E).

## **4. NEXT STEPS**

Subject to Council's decision, the process to progress the draft Strategic Plan and Amendment C141 includes:

- Panel Hearing to consider submissions (August 2016 to be confirmed);
- Council report to consider adoption of the Final Strategic Plan and Amendment C141 (November 2016); and
- Minister to consider the Amendment C141 (December 2016 to February 2017).

These timeframes are indicative and subject to Council consideration and State Government timeframes and approvals processes.

## **5. ENVIRONMENTAL/AMENITY ISSUES**

The amendment will deliver positive environmental effects by providing clear direction for new development in the Activity Centre, optimising the use of existing infrastructure, while preserving and enhancing the existing character and amenity of the area.

The Upper Gully Strategic Plan will provide a planning policy and implementation plan that seeks to maintain and enhance the key environmental and amenity qualities, such as the relationship between the Dandenongs and the Village, that are valued by the community. Sites that are potentially contaminated have been identified and would need to be remediated prior to residential development.

### **6.3 Amendment C141 Draft Upper Gully Strategic Plan - Consider Submissions and Request Planning Panel (cont'd)**

#### **6. FINANCIAL & ECONOMIC IMPLICATIONS**

The preparation of the draft Strategic Plan and associated Planning Scheme Amendment have been funded within the 2014/15 and 2015/16 City Futures budgets. Costs associated with Planning Panel will be funded through the 2016/17 City Futures operational budget.

#### **7. SOCIAL IMPLICATIONS**

The amendment will have a positive social impact by improving the function and amenity of an area which already forms the heart of the local community. By increasing the extent to which residents, as well as visitors, can meet their needs in the Activity Centre, the amendment will promote the economic, social and environmental sustainability of the Activity Centre.

The engagement process has provided a range of opportunities for stakeholders and interested community members to engage with and influence the development of the draft Strategic Plan.

The engagement process also provided an opportunity to facilitate the development of community based relationships important in achieving the long term success of the Upper Gully Strategic Plan and Upper Gully Implementation Plan.

#### **8. RELEVANCE TO CITY PLAN 2013-17 (INCORPORATING THE COUNCIL PLAN)**

The Upper Ferntree Gully Strategic Plan will assist in implementing the Knox Vision across all City Plan objectives, but in particular will implement objectives from:

- Theme 1: Healthy, Connected Communities;
- Theme 2: Prosperous, Advancing Economy;
- Theme 3: Vibrant and Sustainable Built and Natural Environments;
- Theme 4: Culturally Rich & Active Communities; and
- Theme 5: Democratic and Engaged Communities.

#### **9. CONCLUSION**

Amendment C141 to the Knox Planning Scheme will provide planning and built form controls to guide and manage development in the Upper Gully Activity Centre.

As evidenced by the number of submissions (344) received to the amendment, there is a diversity of views in relation to the future development of the area.

### 6.3 Amendment C141 Draft Upper Gully Strategic Plan - Consider Submissions and Request Planning Panel (cont'd)

A small number of changes to Amendment C141 and draft Strategic Plan are proposed as a result of the submissions received during public exhibition. It is recommended that Council request that the Minister for Planning to appoint an independent Planning Panel to review all submissions will provide independent information and advice for Council's consideration prior to finalising Amendment C141 and draft Strategic Plan.

## **10. CONFIDENTIALITY**

There are no confidentiality issues associated with this report.

### **COUNCIL RESOLUTION**

MOVED: CR. PEARCE  
SECONDED: CR. LOCKWOOD

That Council

1. Consider the submissions received in response to the draft Upper Gully Strategic Plan and Amendment C141 to the Knox Planning Scheme;
2. Note the recommendations detailed in the Amendment C141 Submissions and Responses Summary Table (Appendix A);
3. Adopt the recommended changes proposed to Amendment C141 to the Knox Planning Scheme as detailed in the revised track-change version of the Amendment C141 documents (Appendix B);
4. Request the Minister for Planning to appoint an independent Planning Panel to consider Amendment C141, all submissions received and Amendment C141 documents;
5. Authorise the Director – City Development to make minor changes to the Amendment C141 documentation, including the draft Strategic Plan and background documentation prior to Panel, where changes do not affect the purpose or intent of the Amendment.

### **PROCEDURAL MOTION**

MOVED: CR. PEARCE  
SECONDED: CR. SEYMOUR

That Councillor Orpen be permitted an extension of time to speak under Clause 47 of the Meeting Procedure and Use of Common Seal Local Law 2008.

CARRIED



**6.3 Amendment C141 Draft Upper Gully Strategic Plan - Consider Submissions and Request Planning Panel (cont'd)****Council Resolution (cont'd)****AMENDMENT**

MOVED: CR. ORPEN

SECONDED: CR. MORTIMORE

That Council

1. Consider the submissions received in response to the draft Upper Gully Strategic Plan and Amendment C141 to the Knox Planning Scheme;
2. Note the recommendations detailed in the Amendment C141 Submissions and Responses Summary Table (Appendix A);
3. Adopt Amendment C141 (Appendix B) with the following modifications:
  - 3.1 Decrease the maximum building height to two storeys (8.5m), excluding increases to allow for floor levels to accommodate requirements of the relevant flood plain manager; architectural features; and / or a pitched roof form, across the activity centre; as shown on attached Plan – Preferred Setbacks and Design Outcomes for Built Form.
4. Request the Minister for Planning to appoint an independent Planning Panel to consider Amendment C141, all submissions received and Amendment C141 documents;
5. Authorise the Director – City Development to make minor changes to the Amendment C141 documentation, including the draft Strategic Plan and background documentation prior to Panel, where changes do not affect the purpose or intent of the Amendment.

**PROCEDURAL MOTION**

MOVED: CR. PEARCE

SECONDED: CR. ORPEN

That Councillor Seymour be permitted an extension of time to speak under Clause 47 of the Meeting Procedure and Use of Common Seal Local Law 2008.

CARRIED

### 6.3 Amendment C141 Draft Upper Gully Strategic Plan - Consider Submissions and Request Planning Panel (cont'd)

#### Council Resolution (cont'd)

#### PROCEDURAL MOTION

MOVED: CR. ORPEN  
SECONDED: CR. MORTIMORE

That Councillor Pearce be permitted an extension of time to speak under Clause 47 of the Meeting Procedure and Use of Common Seal Local Law 2008.

CARRIED

#### PROCEDURAL MOTION

MOVED: CR. PEARCE  
SECONDED: CR. SEYMOUR

That Councillor Gill be permitted an extension of time to speak under Clause 47 of the Meeting Procedure and Use of Common Seal Local Law 2008.

CARRIED

A Division was called by Councillor Orpen

For the motion: Councillor Orpen, Councillor Mortimore,  
Councillor Seymour

Against the motion: Councillor Lockwood, Councillor Cossari,  
Councillor Cooper, Councillor Gill, Councillor  
Pearce, Councillor Holland

THE AMENDMENT WAS PUT AND LOST 3:6

#### THE SUBSTANTIVE MOTION WAS PUT

A Division was called by Councillor Orpen

For the motion: Councillor Lockwood, Councillor Cossari,  
Councillor Pearce, Councillor Holland

Against the motion: Councillor Orpen, Councillor Mortimore,  
Councillor Seymour, Councillor Cooper,  
Councillor Gill

THE SUBSTANTIVE MOTION WAS PUT AND LOST 4:5

**6.3 Amendment C141 Draft Upper Gully Strategic Plan - Consider Submissions and Request Planning Panel (cont'd)****Council Resolution (cont'd)**

MOVED: CR. LOCKWOOD

SECONDED: CR. COSSARI

That further research and analysis of the height, design and associated issues of Amendment C141 be undertaken and consultation conducted with relevant stakeholders following which a report be presented at the next available Ordinary Council meeting.

A Division was called by Councillor Orpen

For the motion: Councillor Orpen, Councillor Mortimore,  
Councillor Seymour, Councillor Lockwood,  
Councillor Cossari, Councillor Cooper,  
Councillor Gill, Councillor Pearce, Councillor  
Holland

THE MOTION WAS CARRIED

**6.3 Amendment C141 Draft Upper Gully Strategic Plan - Consider Submissions and Request Planning Panel (cont'd)**

**The following appendices are circulated under separate cover:**

APPENDIX A – Submissions and Responses Summary Table

APPENDIX B – Proposed Changes to Planning Scheme Amendment C141  
(Post Exhibition)

APPENDIX C – Clause 55 of ResCode

APPENDIX D – Map: Mail-out Area Notification of Exhibition for Am C141 Feb 2016

APPENDIX E – Map: Submission Locations

## 7. PUBLIC QUESTION TIME

Following the completion of business relating to Item 6, City Development, the business before the Council Meeting will now be deferred to consider questions submitted by the public.

Question Time commenced at 8.37 pm.

The following questions were raised with Council:

<b>Question 1</b>	What Plans or progress has council made in relation to addressing the parking issue at the council car park adjacent to 197 Scoresby Road, Boronia?
<b>Answer</b>	The Director Engineering and Infrastructure, Dr Ian Bell responded that this issue has been brought to his attention. He understands that council officers are currently trying to understand how the car park is currently being used by traders and shoppers. Dr Bell advised that he will ask a member of the traffic and transport to provide an update over the next couple of days.
<b>Question 2</b>	Why does the proposed Upper Ferntree Gully Strategic Plan not permit a 12 metre (three storey) development on 5 Rose Street when such a building would be no higher than the tree in the front of the property and does not overlook any residential properties on any of its borders?
<b>Answer</b>	While introducing his question Mr Proctor withdrew his question and stated he did not require an answer.
<b>Question 3</b>	As one of your staff members was known to have said 'the days of the house on the large block are gone' in comparison to many overcrowded suburbs within Knox... Council may eventually carve up blocks and pass permits for developers to build large blocks of apartments and loose the unique aspect that is Upper Ferntree Gully village. Is this Council mainly aimed at monetary wealth or retaining a unique lifestyle remnant from the Shire of Sherbrook days?
<b>Answer</b>	The Director City Development, Mr Kourambas responded that financial benefit to Council is not part of the analysis to date for planning decisions as it is not a relevant planning consideration. Mr Kourambas continued by stating that now the Housing Strategy is approved there are tighter controls on the majority of the municipality with only approximately 5% earmarked for higher density development.

## 7. Public Question Time (cont'd)

<b>Question 4</b>	Item 9.3 of this evenings meeting relates to section 190 of the Local Government Act which required leases over a term of 10 years to be advertised under section 223 calling for submissions. Is this deed of agreement proposed to call for submissions in accordance with section 223 of the Local Government Act?
<b>Answer</b>	The Director Corporate Development, Ms Joanne Truman responded that the Local Government Act 1989 requires Council to advertise its intention to enter into a lease, with the right for people to make submissions under section 223 of the Act. In this instance, Council is not entering into a lease, it is amending, by deed, an existing lease. It therefore does not need to advertise.
<b>Question 5</b>	At the Rowville Community Reference Group meeting it was stated that officers from the Knox Planning Department would be consulting with the Victorian State Planning Department to resolve the private open space anomalies in the Bush Suburban zones outside the Dandenong foothills. Will Mr. Kourambas reassure residents that, during these consultations, the Knox Planning Department officers will also strongly urge the restitution of the 8 metre, 2-storey height limit in the Bush Suburban, Knox Neighbourhood and Local Living zones and the 9 metre, 3- storey height limit in the Activity Areas?
<b>Answer</b>	The Director City Development, Mr Kourambas responded that the Knox Planning Department will do everything in its power to implement Council resolutions.

Question Time Concluded at 8.54 pm.

**COUNCILLOR COOPER VACATED THE CHAMBER AT 8.54PM DURING DISCUSSION ON ITEM 8.1**

**COUNCILLOR COOPER RETURNED TO THE CHAMBER AT 8.56PM DURING DISCUSSION ON ITEM 8.1**

**COUNCILLOR ORPEN VACATED THE CHAMBER AT 8.56PM DURING DISCUSSION ON ITEM 8.1**

**ALL WARDS**

## **8.1 DRAFT STREET TREE ASSET MANAGEMENT PLAN**

**SUMMARY:** *Program/Project Manager – Major Initiatives  
(Andrew Chadder)*

*Council's Street Tree Asset Management Plan has been developed in accordance with Council's Asset Management Framework to complement the suite of other Asset Management Plans. The Street Tree Asset Management Plan is both a strategic and operational document that addresses a number of issues regarding the management of Council's street trees. The key improvement areas documented in the Plan provide direction for Council in continuing to appropriately manage its street tree inventory in the medium to long term.*

### **RECOMMENDATION**

**That Council approves the Street Tree Asset Management Plan (May 2016) shown as Appendix A to this report.**

### **1. INTRODUCTION**

The Knox Asset Management Framework comprises the Asset Management Policy, the Asset Management Strategy (ie. the Strategic Asset Management Plan) and a suite of Asset Management Plans.

The development of a Street Tree Asset Management Plan is a recommendation in the current (and former) Strategic Asset Management Plan. The completion of the Street Tree Asset Management Plan is also the subject of an internal audit action item, as well as a recommendation of the most recent Municipal Association of Victoria (MAV) Insurance audit. The draft Street Tree Asset Management Plan has developed over the past twelve months, with input from an appointed independent consultant.

## 8.1 Draft Street Tree Asset Management Plan (cont'd)

### 2. DISCUSSION

The Street Tree Asset Management Plan aims to:

- fill a strategic and operational gap in documentation hierarchy regarding street trees;
- allow street trees to be addressed at a level of consistency with other asset classes and align with the structure of Council's other Asset Management Plans;
- further promote transparency of Council's processes by publicly documenting operational processes and practices regarding street trees; and
- complement Council's existing strategies relating to streetscapes.

While development of the Street Tree Asset Management Plan has been the responsibility of the Sustainable Infrastructure Department, significant input has been provided by the Active Open Space (Parks), Biodiversity, Planning and Open Space & Landscape Design teams.

The structure of the document can essentially be broken into three (3) parts:

1. **Background and context** (chapters 1, 2, 3) – purpose, scope, how the Plan relates to other documents, summaries of current and historical quantities/expenditure/condition, risk and maintenance/inspection summaries, species diversity and canopy cover.
2. **Operational practices and procedures** (chapter 4) – current practices and procedures for managing all aspects of the lifecycle of a street tree.
3. **Recommendations** (chapters 5, 6) – summary of any financial and operational recommendations to improve the management of street trees.

Key recommendations resulting from the Plan are as follows:

1. Tree management systems – eg. undertake data collection of all street trees, with key data fields to be updated at five-year intervals.
2. Canopy cover – eg. commit to progressively increasing the percentage of tree canopy cover within Knox.
3. Tree diversity – eg. consider improved diversity of street trees by species and family, within the constraints of Council's existing policies.
4. Plantings – eg. consider various planting layouts in streets and specify and utilise high-quality tree stock.
5. Inspection data capture – eg. create and maintain thorough records of all tree management processes.
6. Budgets – eg. review and restructure street tree budgets.



## 8.1 Draft Street Tree Asset Management Plan (cont'd)

### **3. CONSULTATION**

Since the submission of the draft Plan from Council's consultant, the Plan has undergone internal consultation with the Engineering & Infrastructure Managers, with detailed input from the Active Open Space, Biodiversity, Planning and Open Space & Landscape Design teams. Council's Executive Management Team provided endorsement of the draft Plan in November 2015.

Key concepts of the Plan have also been presented to the Environment Advisory Committee in October 2015 and to a Council Issues Briefing in February 2016, where feedback was also sought. As a result of all these consultation exercises, amendments to the draft Plan have been made, to ensure the document accurately reflects the information, issues and comments raised through the Plan's development.

After initial endorsement of the draft Plan at the 23 February Council meeting, a public exhibition and consultation phase commenced on 25 February. A dedicated page on Council's website was developed, with home page advertising, Facebook and Twitter posts alerting community members of its presence.

At the conclusion of the four week consultation period, ten (10) submissions had been received:

- 1 from a consulting ecologist
- 1 from a community environment group
- 8 from individual community members

The responses were overwhelmingly constructive, and supportive overall of the development of the Street Tree Asset Management Plan and the level of detail contained within. There were some common issues and concerns raised – a working group panel consisting of members from Council's Asset Strategy, Active Open Space, Biodiversity, Open Space & Landscape Design and Planning teams convened to consider all the feedback received.

## 8.1 Draft Street Tree Asset Management Plan (cont'd)

As a result of this exercise, the draft Plan has been amended. A summary of agreed changes and explanations is presented in the Table below.

Section	Amendment	Explanation
All	Change footer to May 2016.	Administrative change.
Section 1.1	Remove flora from third last line.	Removes confusion about flora being the beneficiary of food and habitat sources.
Section 1.4	Add note about street trees representing less than 1% of total plantings by Council.	Reiterates that the scope of the Plan is street trees only, which are only a limited subset of the total public tree and plant population.
Section 3.4	Add note about there being more diversity within the Myrtaceae family than between some other pairs of families.	Emphasises the breadth of this family and explains why diversity can't simply be seen at a family level. Also, the 30:20:10 rule is not a target being adopted by Council – it is used to give context and academic rigour to the discussion.
Section 3.4 Section 5.4	Remove and change wording about Myrtle Rust and vulnerability of the Myrtaceae family.	Previous comments may be interpreted as over-stating the potential impact of Myrtle Rust.
Section 3.4 Section 5.4.1	Add commentary about street trees not being subject to Council's Genetic Integrity Policy, therefore there is also scope to achieve genetic diversity by sourcing quality stock from further afield. Expand recommendation to include consideration of stock source from a good quality genetic pool in street tree selection.	Acknowledges that, although indigenous plantings in Knox are subject to the Genetic Integrity Policy, this policy does not apply to street trees. Genetic diversity allows street trees from the same indigenous species to be planted from a variety of sources to increase the gene pool – another means of meeting the intent of species diversity objectives.
Section 3.6	Clarify that Council's maintenance and inspection levels of service were developed as a result of the risk assessment process undertaken for Council's Road Management Plan (Attachment 5 of the Road Management Plan).	Clarifies that an extensive risk management process was undertaken to inform current maintenance and inspection practices.
Section 3.6.1 Section 3.6.2	Remove sentences about insurance claims not being a significant issue.	Although initially a comment about relative risk compared to the overall value of the asset class and compared to other Council assets, this removes any misinterpretation.
Section 4.3.2 Section 5.5.1	Include water sensitive urban design (WSUD) as another design consideration to support street trees.	Acknowledges that street tree health may be supported through the use of rain gardens, stormwater harvesting etc where this is appropriate for the site.
Section 4.5.2	Add comment that customer requests are those that are identified outside of Council scheduled inspections.	Clarifies that reactive inspections as a result of customer request are in addition to the proactive scheduled inspections undertaken by Council and its contractors.
Section 4.6.1	Include installation of possum guards as another non-RMP maintenance activity undertaken by Council.	Acknowledges that Council does consider the installation of possum guards on trees where canopy cover is at risk of significant loss.

## 8.1 Draft Street Tree Asset Management Plan (cont'd)

Section	Amendment	Explanation
Section 4.7.2	Add note about delaying removal or pruning of street trees in which birds are nesting or possums have dependent young.	Expands scope of wildlife considerations.
Section 5.3	Expand commentary in recommendation to explain that dead, dying or hazardous trees that are removed typically have large canopies, meaning it takes time to accumulate a net gain in canopy cover with planted street trees.	Acknowledgement that the 25% canopy cover target is a minimum only – Council will certainly be striving for more but does recognise it as an iterative process.
Section 5.4	Add a note about the size of the Myrtaceae family being another constraint to diversity at a family level.	Emphasises that the large representation of the Myrtaceae family is a product of the Knox location and the breadth of this family (already highlighted in Section 3.4).
Section 5.4.1	Add 'street tree' to all the recommendation points.	Need to emphasise that diversity considerations in this Plan do not apply to trees in other environments (such as tree reserves, Council reserves and Council property).
Section 5.5.1	Note that an updated selection list requires an amendment of the Green Streets Policy.	Clarification.
Appendices	Change appendices dates to May 2016.	Administrative change.
Appendix K Section 3.4	Introduce new Appendix K (Planning Overlay Maps and descriptive text) and move current Appendix K to Appendix L. Include reference to new Appendix in Section 3.4.	Inclusion of the current planning overlay maps gives context to existing restrictions governing street tree species.

Table 1 – Amendments to draft Plan

## **4. ENVIRONMENTAL/AMENITY ISSUES**

Street trees, as a subset of the overall urban forest at Knox, demonstrate a significant number of environmental benefits for the municipality. These range from habitat provision and air pollution control to shading and cooling. They also play an important role in maintaining a connection to the natural environment, particularly in areas of the municipality where they contribute to the overall neighbourhood character. The draft Plan reflects the role and benefits of street trees from an environmental point of view and is cognisant of a number of guiding documents, policies and planning overlays in the management and selection of street trees. Challenges in managing street trees from a regulatory and amenity perspective are addressed in the draft Plan through operational practices. Specific environmental and amenity recommendations to improve both canopy cover and species diversity are also addressed in the draft Plan.

## 8.1 Draft Street Tree Asset Management Plan (cont'd)

### **5. FINANCIAL & ECONOMIC IMPLICATIONS**

The draft Plan does not recommend any additional funding (capital or operational), recognising that improvements in street tree management can initially be managed through existing funding.

### **6. SOCIAL IMPLICATIONS**

The Knox community has continually reiterated the importance of a green and leafy image, and as such, it is often referred to in Council planning documents to describe the community's aspiration for the character of the municipality. This desire stems not only from the environmental and amenity benefits of trees, but also from the fact that they contribute positively to community health and wellbeing. Given the sometimes emotive community response generated from the subject of street trees, it is critical that Council has a sound framework of documentation to support its decision making and operational processes.

### **7. RELEVANCE TO CITY PLAN 2013-17 (INCORPORATING THE COUNCIL PLAN)**

The City Plan 2013-17 is a description of the strategic objectives and strategies for the City, as a whole, to support attainment of the City Vision. The implementation and delivery of the following themes and objectives from the City Plan are supported by this Street Tree Asset Management Plan. The proactive management of street trees (as a component of Council's public infrastructure) and a focus on improving canopy cover are both addressed the draft Plan.

<i>Theme</i>	<i>City Plan Objective</i>	<i>City Plan Strategy</i>
<b>3. Vibrant and Sustainable Built and Natural Environments</b>	<i>3.1 The changing needs of a diverse community are supported through planned growth and change in housing and infrastructure that respects both built form and natural systems, as well as resource availability.</i>	<i>3.1.3 Public infrastructure and open space is maintained and improved to support a vibrant community life in Knox.</i>
	<i>3.2 Biodiversity and places of natural significance, including waterways, and open space are highly valued, protected and enhanced.</i>	<i>3.2.4 Recognise the importance of canopy trees in parks, reserves and streetscapes and increase canopy tree retention and planting.</i>

Table 2 – Relevance to City Plan

## 8.1 Draft Street Tree Asset Management Plan (cont'd)

### **8. CONCLUSION**

The draft Street Tree Asset Management Plan is a key component of the Knox Asset Management Framework. The draft Plan complements the work previously done for other asset categories and ensures that the same principles of sound asset planning are also applied to Council's street trees. The development of the draft Plan also ensures Council has a complete and consistent documentation set for the management of its street trees, from a policy and strategic level to an operational level.

The document provides an extensive overview of existing practices regarding street tree management, but also advocates for improvements in a number of areas, predominantly operational in nature.

### **9. CONFIDENTIALITY**

There are no confidentiality issues associated with this report.

#### **COUNCIL RESOLUTION**

MOVED: CR. MORTIMORE

SECONDED: CR. PEARCE

That Council approves the Street Tree Asset Management Plan (May 2016) shown as Appendix A to this report.

CARRIED

**8.1 Draft Street Tree Asset Management Plan (cont'd)**

APPENDIX A – Draft Street Tree Asset Management Plan (May 2016) is circulated under separate cover.

**TIRHATUAN WARD****8.2 STUD PARK RESERVE MASTERPLAN**

**SUMMARY:** *Landscape Architect – Open Space & Landscape Design (Sulochi Walisinghe)*

*This report outlines the proposed Masterplan for Stud Park Reserve, Rowville and is presented for Council's consideration. The Plan has been developed through broad community consultation and recommends a direction for the upgrade of the Reserve.*

**RECOMMENDATION**

**That Council**

- 1. approve the Masterplan for Stud Park Reserve, Rowville as shown as Appendix A to this report; and**
- 2. refer funding for the implementation of the Stud Park Reserve Masterplan to future budget processes for consideration.**

**1. INTRODUCTION**

Consistent with Council's Open Space Plan 2012-2022, the preparation of a Masterplan for Stud Park Reserve (the Reserve), Rowville was commissioned by Council in the 2014/15 Capital Works Program.

This report outlines the current status and use of Stud Park Reserve, the community consultation process and the development and features of the Draft Masterplan.

**2. DISCUSSION****2.1 Location**

Stud Park Reserve is located in Rowville and is bordered by Stud Park Shopping Centre to the west, Fulham Road to the north, Rowville Primary School to the south and Simon Avenue and the rear of several residential properties to the east. The Reserve is comprised of a regional playground, the Rowville Community Centre, a sports pavilion, a sports oval, a public toilet, established trees and car parks.

A large area of the Reserve, incorporating a substantial portion of the sports oval, is owned by the Victorian Department of Education and Early Childhood Development.

**2.2 Facilities**

Stud Park Reserve is considered to be a central feature of Rowville by the local community. In addition to the Rowville Community Centre located to the north of the Reserve, it contains:

## 8.2 Stud Park Reserve Masterplan (cont'd)

- a regional playground;
- a sports oval (with more than 75% of the oval owned by Victorian Department of Education and Early Childhood Development);
- a sports pavilion adjacent to the oval;
- two netball courts;
- four tennis courts with a pavilion;
- two asphalt carparks and an informal gravel carpark;
- a public toilet between the playground and the oval; and
- the Rowville Community Centre;

### 2.3 Use of the Reserve

Stud Park Reserve is classified as a Municipal Open Space (Knox Open Space Plan 2012 – 2022) which serves a regional size area and accommodates the needs of many residents, visitors and community groups.

The Reserve supports a mix of passive and active recreation activities including:

- a large number of programs run from the Rowville Community centre both inside the building and in the reserve;
- local residents walk within and through the Reserve to the local shops, schools and public transport;
- people walking dogs;
- personal trainers running fitness classes;
- families using the playground;
- School sports and play activities on the oval during school hours;
- cricket and football on the oval by:
  - both the Rowville Primary School and Rowville Secondary College, as a training facility;
  - St. Simons Football Club;
  - St. Simons Auskick;
  - Eildon Park Cricket Club; and
  - Black and White Fitness.



## 8.2 Stud Park Reserve Masterplan (cont'd)

- Rowville Netball Club, junior and senior training on the asphalt hard-court;
- Millennium Tennis;
- Muscillo Tennis Academy; and
- community and sporting organisations such as, the Eastern Football League using the sports pavilion for meetings.

The Reserve is also the home of the annual Stringybark Festival in October of each year which is organised by Knox City Council.

### 2.4 Environmental Value

The Reserve has numerous mature trees which provide both habitat for native wildlife and gives the site a strong local character.

### 2.5 Planning Provisions

The portion of the Reserve owned by Council (4.2 hectares) is Zoned *Public Use Zone 6*.

The portion of the Reserve owned by the Department Education and Early Childhood Development (2.1 hectares) is zoned *Public Parks and Recreation Zone*.

### 2.6 Consultation

The Stud Park Reserve Masterplan project commenced in March 2015.

Council engaged landscape architectural consultancy firm, ACLA Consultants to assist in the preparation of the Masterplan.

During the Masterplan process, community consultation was programmed and undertaken by Council in conjunction with Council's Consultant.

The Ward Councillor has been closely involved in the community consultation process, supporting and attending all of the external consultation sessions.

Consultation with project stakeholders consisted of meetings, interviews and surveys and was undertaken from August 2015 to February 2016.

In conjunction with the Ward Councillor and Council officers, consultation has involved:

- St Simons Football Club;
- St Simons Auskick;

## 8.2 Stud Park Reserve Masterplan (cont'd)

- Rowville Primary School;
- Eildon Park Cricket Club;
- Rowville Community Centre;
- Black and White Fitness;
- Rowville Secondary College;
- Rowville Netball Club;
- Millennium Tennis;
- Muscillo Tennis Academy;
- Victoria Police; and
- local residents.

On Wednesday 18 August, 2015 the Ward Councillor, officers and Council's consultant met with representatives from the Reserve user groups to discuss how Stud Park Reserve could be developed to better meet their needs and those of other park users.

A Site Issues & Opportunities Plan was presented at this meeting which reflected existing conditions and potential improvements. An online survey was created for stakeholders to provide feedback.

In September 2015, a bulletin (Refer Appendix B) with an attached survey questionnaire was sent to approximately 1340 local households in the vicinity of the Reserve. The bulletin included an issues and opportunities plan and a preliminary Draft Masterplan and invited feedback from residents on their current use of the Reserve and how it could better reflect the community's needs.

The bulletin also invited residents to a community consultation event at the Reserve on Saturday 10 October, 2015.

At this event, the Ward Councillor, officers and Council's consultant met with three (3) local residents to discuss issues and ideas for Stud Park Reserve.

The Issues and Opportunities Plan and the preliminary Draft Masterplan was presented to these people to help generate discussion around the existing site conditions and potential improvements.

## 8.2 Stud Park Reserve Masterplan (cont'd)

During the consultation process, all residents could either return their survey responses directly to Council by mail, hand deliver surveys to the Council offices or contact Council by telephone. Detailed responses were received from twelve (12) people.

Results of the consultation process are shown in the Stud Park Reserve Masterplan Consultation and Key Findings Report. Refer Appendix C.

### 2.7 Key issues and opportunities identified

- Reserve user groups and residents generally rated the overall condition of the Reserve as 'poor to very poor'.
- The most popular reasons for residents using the Reserve were:
  - to use the playground;
  - to visit the Community Centre; or
  - to exercise.
- The site is very car dominated. Traffic management, car parking and access and egress to the site, particularly on big event days is challenging.
- There are no distinct bike and pedestrian paths into and through the Reserve, which also limits access on event days.
- The topography of the site impacts on access and circulation.
- Illicit drug and alcohol use around the proximity of the playground which is exacerbated by poor sight lines into the Reserve, creating social issues.
- Maintenance is challenging in areas due to the topography of the site.
- The oval is managed by Council as an 'overflow venue' and receives extensive use by personal training groups, the school sports academy and the junior football club as a training venue. Cricket clubs do not train at the site.
- As the oval is not a home venue, it is considered a low priority by the various Clubs.
- The outdoor netball courts are only used for training purposes as the netball club has relocated to Rowville Secondary College.
- The role of the Community Centre has changed in the last five years and has become more community focussed.

## 8.2 Stud Park Reserve Masterplan (cont'd)

- There are issues with homelessness and loitering in secluded areas of the Reserve.
- There is often litter and broken bottles around the oval.
- The topography of the site impacts access for spectators to the oval area and there is not clear signage to provide opposing teams with information about access and parking.
- The Public toilets are in an isolated location and feel unsafe. Users of the playground generally access the community centre toilet which, is considered not ideal.

The community feedback was integrated into the design of a Draft Masterplan and presented to the community via a Community Bulletin and consultation sessions in November and December 2015 (refer to Appendix D).

The Draft Masterplan recognises that the site is a popular asset for the community and it accommodates a wide range of activities.

The Draft Masterplan identifies provisions to support the Reserve's current uses and possible future uses, improve access into and through the Reserve, upgrade the facilities in the vicinity of the playground and improve the sense of amenity.

### 2.8 The Draft Masterplan

The Draft Masterplan proposes the following:

#### Access

- Improve connections to and between facilities (indoor and outdoor) by improving and linking existing paths and constructing new path networks to encourage healthy and active living and promote walk-ability. The path network includes a 1 kilometre jogging circuit that will be marked.
- Enhance connections to the Schools and Stud Park Shopping Centre with new accessible ramped paths and stairs.
- Rationalise car parking to the east of the sports pavilion to reduce hidden areas of car parking. Install removable bollards to restrict access to this area when not being used for event days.
- Ensure the Reserve is safe and secure for older adults (security lighting, car park provision, access to and around facilities).

## 8.2 Stud Park Reserve Masterplan (cont'd)

### Community infrastructure and social amenity

- Remove the existing public toilet and provide a new one in a more visible location close to the path from the carpark to the playground. This location is also in closer proximity to proposed improved picnic facilities in the playground area.
- Provide improved picnic facilities in the playground precinct with shelters seating and BBQ's.
- Replace the old chain mesh fence on the Simon Avenue boundary with new fencing that reflects the existing timber farm type fencing on Fulham Road.
- Upgrade the existing netball courts to include new multi-play facilities as well as the netball facilities. Include recreational facilities such as outdoor table tennis tables, a 100 meter running circuit, a hit up wall and a shelter.
- Develop a casual seating area and ramp connection that overlooks the events lawn area adjacent to the modified netball courts.
- Introduce wayfinding signage around the site to improve navigation around the reserve.
- Continue to support and deliver event related infrastructure at the reserve to strengthen its community capacity and liveability.
- Enhance and develop the physical amenity and visual appearance of the reserve through additional tree planting and landscaping.

### Facility development

- Develop cricket nets for public, school and club use adjacent to the south east area of the oval.
- Investigate resurfacing of the oval to accommodate increased use by schools and clubs.
- Seal car parking adjacent to the oval.
- Provide more casual seating opportunities around the oval.

It is important to note that any investment on the portion of the land owned by the Department of Education and Early Childhood Development would be subject to the outcomes of a use and management agreements that are the subject of negotiation between Council and the Department. This has a bearing on works including:

- oval resurfacing;
- Cricket nets;

## 8.2 Stud Park Reserve Masterplan (cont'd)

- path works in the southern section of the site; and
- fencing along the Simon Avenue boundary.

### 2.9 Further consultation – Changes to the Draft Masterplan

The Draft Masterplan was presented to representatives from the user groups on Wednesday 18 November 2015.

The Draft Masterplan as presented to the public in a second bulletin (Refer Attachment D) was delivered to the same 1340 properties as the October 2015 bulletin. The bulletin with the Draft Masterplan included the following three (3) questions for further feedback:

1. What do you like about the proposed Draft Masterplan?
2. What would you do differently to the proposed Draft Masterplan?
3. What do you think we should do first to deliver this Draft Masterplan?

The bulletin described key elements of the Masterplan and invited members of the community to attend a second consultation event in the Reserve on Saturday 5 December, 2015. This provided the opportunity for residents to discuss the plan with the Ward Councillor and officers and for those who could not attend, a short survey was included to enable feedback.

Three (3) local residents attended to discuss the Draft Masterplan. Council received written feedback from seventeen (17) residents (refer to Appendix C for a summary of the survey responses).

Council received generally positive feedback about the Draft Masterplan, with the following issues identified for further consideration:

- More drinking fountains near recreational areas.

#### *Officer Response*

- A drinking fountain near the multi-play courts, the playground and the oval are proposed as part of the works.

- More fitness stations and a softer trail surface

#### *Officer Response*

- Three fitness stations are proposed as well as the multi-court activity area.
- The one kilometre running circuit is proposed to be an alternative material to a concrete path. Surface considerations will be taken into account when the detail design is undertaken.

## 8.2 Stud Park Reserve Masterplan (cont'd)

- Change proposed fence type at Simon Avenue.

*Officer Response*

- The fence type proposed on Simon Avenue is considered appropriate as it matches the fence type on Fulham Road and is durable.

- No smoking signs near the children's playground

*Officer Response*

- No Smoking signs have been installed near the children's playground consistent with State Government and Council Policy.

- Remove proposed planter boxes from the car park and new tree(s) near the sports pavilion.

*Officer Response*

- It is considered appropriate to create a sense of landscape amenity around sports pavilions. However, the maintenance of sightlines to and from pavilion are considered important and this will be reflected in the detail design. Importantly, users of the sports facilities will be further consulted when works are carried out in this area.

- Resurface oval with winter grass

*Officer Response*

- Further recreation and facility planning work is required to be undertaken by Council to determine the future use, allocation and funding of the oval in conjunction with the Department of Education and Early Childhood Development. This work will also determine future usage requirements and its priority for oval surfacing relative to other sports ground upgrades.

- Prevent rubbish and water discharge onto the Reserve.

*Officer Response*

- It is assumed that this comment pertains to perceived discharge from the higher Stud Park Shopping Centre land. Stormwater discharge is currently managed through the existing drainage network.
- Council will continue to work with all stakeholders to minimise litter.

## 8.2 Stud Park Reserve Masterplan (cont'd)

- Playground equipment for two year olds and younger

*Officer Response*

- The play space will be reviewed as part of the ongoing Playground Asset Management Program and this comment will be referred to that process.

- More seating and bins near the children's playground.

*Officer Response*

- More seating will be included as part of the proposed picnic shelters and path works.

- Additional lighting to encourage after hours use.

*Officer Response*

- It is noted that additional lighting will be needed to ensure a safe path through the Reserve at night time.

- Zebra crossing on Fulham Road to facilitate safe access from the Peppertree Hill Retirement Village.

*Officer Response*

- There is a signalised pedestrian crossing on Fulham road between the entry of the Peppertree Retirement Village and the Police Station. It is not considered appropriate to introduce more crossing points in this part of Fulham Road.

- Provided a Skate / BMX Park

*Officer Response*

- It is not considered appropriate to provide a dedicated Skate or BMX facility on this Reserve as there is not enough area available.

- Athletics track for community use

*Officer Response*

- A one (1) kilometre and a one hundred (100) metre running circuit are proposed adjacent to the existing path network.

- Community Centre upgrade

*Officer Response*



## 8.2 Stud Park Reserve Masterplan (cont'd)

- A review of the Community Centre is not part of the scope of works for the Stud Park Reserve Masterplan Project. However a review is proposed as part of the Knox Leisure Plan and has been included in future budgets for Councils consideration.

- Onsite Café or kiosk

*Officer Response*

- This is considered use in worthy of investigation.

- Adequate car parking and a new scoreboard for sports club use

*Officer Response*

- Current parking provision meets Council Facility guidelines.
- A new scoreboard may be considered appropriate subject to the future use of the oval. A scoreboard could be located adjacent to the oval should it be determined to be appropriate, and funding available consistent with councils facility guidelines.

## **3. CONSULTATION**

A comprehensive engagement process involving the Ward Councillor, Knox City Council staff, stakeholders, user groups and local residents has informed the design response and the content of the Final Draft Masterplan (Refer Appendix A).

Specific consultation with Council's Cultural Services Unit indicates that the improvements proposed in the Draft Masterplan will continue to accommodate the Stringybark Festival.

The Department of Education and Early Childhood Development (DEECD) has been consulted on the Draft Masterplan. The DEECD have recommended;

- The existing fence on Simon Avenue should be retained for safety and security of students as well as safety issues relating to ball games.

*Officer Response*

- The Draft Masterplan proposes to replace the existing fence as it is unsightly and in poor condition. Most of the fence is on DEECD owned land and any improvements would be subject to a Joint Use Agreement of the land being entered into, and DEECD and local School Community approval of the works.

- Retention of the existing oval perimeter fence including future replacement funding.

## 8.2 Stud Park Reserve Masterplan (cont'd)

### *Officer Response*

- The Draft Masterplan does not propose to remove the existing oval perimeter fence. Subject to a Joint Use Agreement of the land being entered into, Oval perimeter fencing is provided and maintained as per Councils Facility Guidelines.
- Parking issues to be discussed with the schools.

### *Officer Response*

- The Draft Masterplan proposes improved pedestrian connections between existing car parking areas and the schools and other facilities in the precinct. There is insufficient room on the site to provide any extra car parking.

A Joint Use Agreement will be entered into with the DEECD prior to any works being undertaken on the portion of land owned by DEECD. As part of the negotiations on a Joint Use Agreement for the land Council will seek a commitment from DEECD for financial contributions by DEECD and or the local school for major assets requested by the School Community. These assets include but are not limited to cricket nets, new path connections, oval surface improvements, and fencing.

Consultation will continue with stakeholders and the local community as part of the implementation of the Masterplan.

## **4. ENVIRONMENTAL/AMENITY ISSUES**

The implementation of this project will have a long-term positive effect on the local amenity and environment by improving Council's assets and providing greater access and improved recreational opportunities to local residents.

Additional planting will increase biodiversity, attract bird life and add to the green leafy character of Knox.

As part of the construction process an Environmental Management Plan, specific to the proposed works, will be developed.

This will include items such as, dust suppression, erosion control, stormwater management and vegetation protection which will be considered prior to any construction works.

## **5. FINANCIAL & ECONOMIC IMPLICATIONS**

A staged implementation approach will be required for the delivery of the Stud Park Reserve Masterplan.

The renewal of the Reserve may be implemented over time and it is estimated that the Masterplan may be best delivered in six (6) identifiable stages of works, as described follows:

**8.2 Stud Park Reserve Masterplan (cont'd)**

<b>Stage 1</b>	Construct 2m wide Concrete pathway network (part 1 - Simon Avenue to netball courts and playground), install oval carpark bollards to control access to east carpark, improve pedestrian access and amenity to Simon Ave (north of existing gate).	\$98,000
<b>Stage 2</b>	Construct 2m wide Concrete pathway network (part 21 - Simon Avenue to sports pavilion), Upgrade existing netball, basketball courts into new mutliplay, youth and community focused recreational facilities.	\$390,000
<b>Stage 3</b>	Construct new picnic facilities, DDA compliant access between play space and new multi-court area, new lawn area and install exercise equipment.	\$380,000
<b>Stage 4</b>	Construct 2m wide concrete circuit path around oval, construct DDA compliant access path between Community centre area and oval.	\$450,000
<b>Stage 5</b>	Seal and line mark existing oval carpark,, Install amenity lighting in key areas of reserve, mark 1 km jogging circuit, install remaining exercise equipment, park furniture and tree planting. Construct DDA compliant path between Stud Park Shopping Centre car park and oval path.	\$450,000
	<b>Total</b>	<b>\$1,758,000</b>

The above costs are exclusive of the following items which have an estimated cost of \$850,000:

- A new toilet block;
- cricket nets;
- sports field lighting; and
- oval surface renovation.

A cost estimate of \$1,758,000.00, (excluding GST), includes design, project management fees and a contingency allowance. The costing is consistent with projects of a similar nature.

Council has approved a capital works budget of \$100,000 in the 2015/16 financial year which will be used to construct stage one should the draft masterplan be endorsed.

## 8.2 Stud Park Reserve Masterplan (cont'd)

The remaining \$1,658,000.00 will be referred to the Capital Works forward program for Council consideration. These works would be eligible for funding from Council's Open Space Reserve.

As previously noted a number of items above would be subject to co-contributions from DEECD and or the local schools which will be negotiated in a joint use agreement for the DEECD owned land.

Annual maintenance costs are expected to increase, following any capital improvements.

## **6. SOCIAL IMPLICATIONS**

Stud Park Reserve has a strong sense of ownership by the local community and it has the potential to improve even more as a community 'hub' due to location of the Rowville Community Centre in the Reserve, local schools, Stud Park Retail centre and the variety of user groups.

Stud Park Reserve provides a valuable opportunity for the community to interact and engage in passive and/or active recreation. The Reserve also provides valuable links into neighbouring streets.

The engagement process undertaken by Council, has provided an opportunity for interested community members to interact and participate in a process that has resulted in a Draft Masterplan.

## **7. RELEVANCE TO CITY PLAN 2013-17 (INCORPORATING THE COUNCIL PLAN)**

This item has relevance to Council's City Plan 2013 – 2017 incorporating the Council Plan under the key objectives of Theme 1: Healthy, Connected Communities; Theme 3: Vibrant and Sustainable Built and Natural Environments and Theme 4: Culturally Rich and Active Communities.

This item supports the objectives of providing quality opportunities for leisure and recreation and providing high quality infrastructure for the benefit of the Knox community.

The following Council documents were used to inform the development of the Masterplan:

- Knox City Council 2008/2018 Sustainable Environment Strategy;
- Knox Open Space Plan 2012 - 2022;
- Knox Play Space Plan 2013;
- Knox Leisure Plan 2014 - 2019; and
- Water Sensitive Urban Design Policy.

**8.2 Stud Park Reserve Masterplan (cont'd)****8. CONCLUSION**

The Stud Park Draft Masterplan has been developed in consultation with the local community and the Department of Education and Early Childhood Development which has indicated support for the proposal.

The Draft Masterplan is consistent with the Knox Open Space Plan 2012-2022.

Implementing the Draft Masterplan will ensure that the local community has access to quality passive recreational opportunities and the green and leafy image of Knox is enhanced and maintained for current and future generations.

**9. CONFIDENTIALITY**

There are no confidential issues associated with this report.

**COUNCIL RESOLUTION**

MOVED: CR. SEYMOUR

SECONDED: CR. PEARCE

That Council

1. approve the Masterplan for Stud Park Reserve, Rowville as shown as Appendix A to this report; and
2. refer funding for the implementation of the Stud Park Reserve Masterplan to future budget processes for consideration.

CARRIED

## **8.2 Stud Park Reserve Masterplan (cont'd)**

**The following appendices are been circulated under separate cover:**

APPENDIX A - Draft Stud Park Masterplan

APPENDIX B - Draft Stud Park Masterplan - Stud Park Community Consultation  
Bulletin September 2015

APPENDIX C - Stud Park Masterplan - Community Consultation Key Findings Report

APPENDIX D - Draft Stud Park Masterplan - Community Bulletin November 2015

**DOBSON WARD****8.3 DRAFT FERNY CREEK RESERVE LANDSCAPE PLAN**

**SUMMARY:** *Coordinator - Biodiversity – (Nadine Gaskell)*

*Council recently acquired 4.006 Ha of open space as a result of an open space contribution for the development of 157-173 Glenfern Road, Upper Ferntree Gully (Appendix A). Council and Melbourne Water have jointly funded the preparation of a Landscape Plan to guide the development and management of the site. The Draft Plan was presented to the March 2016 Council meeting for consideration and approval for public exhibition. This report presents the final Draft Ferny Creek Landscape Plan for approval.*

**RECOMMENDATION**

**That Council**

- 1. notes the report;**
- 2. approves the Ferny Creek Reserve Landscape Plan as shown as Appendix C to this report; and**
- 3. refer funding for the implementation of the Ferny Creek Reserve Landscape Plan to future budget processes for consideration.**

**1. INTRODUCTION**

As a result of the open space contribution for the development of 157-173 Glenfern Road, Upper Ferntree Gully, Council has acquired 4.066 Ha of open space. The area is a Site of Biological Significance (Appendix A) and is located in proximity of the Glenfern Valley Bushland and Gilmore Park (Appendix B).

The site is a high quality catchment area of Ferny Creek and contains many large old trees and regionally vulnerable vegetation. In addition, many regionally rare fauna, such as the Powerful Owl, have been observed in the area.

The vegetation has been identified as Valley Grassy Forest, which is regionally significant and rare in the Dandenong Ranges. One of the grass species identified is *Austrostipa rudis* subspecies *australis* (Veined Spear-grass) which is listed by the Department of Sustainability & Environment as 'rare' throughout Victoria.

Consequently, there are many biodiversity values on this site which warrant protection. As such, Council and Melbourne Water have co-funded the preparation of a Draft Ferny Creek Reserve Landscape Plan for the site.

### 8.3 Draft Ferny Creek Reserve Landscape Plan (cont'd)

#### **2. DISCUSSION**

The open space adjacent to Ferny Creek, Upper Ferntree Gully was recently acquired by Council as a result of an open space contribution for the 4.006 Ha development of 157-173 Glenfern Road, Upper Ferntree Gully.

There is a high level of community interest in the site, essentially from three (3) groups:

- nearby residents;
- Friends of Glenfern Valley, formed in late 2001 to advocate and assist with the maintenance of the Glenfern Valley Bushland; and
- Friends of the Glenfern Green Wedge, who initially formed to advocate for the area during the subdivision process but is now moving towards working with Council on ground initiatives, including revegetation and weed control.

Melbourne Water has an interest in the site for flood mitigation and enhancing environmental outcomes, in the creek area.

Council has worked in collaboration with Melbourne Water, regarding ongoing management of the site, since the land was transferred into Council's ownership.

Due to the complex nature of the site, ie. high environmental value, issues relating to the floodplain, aspirations of the community and adjacent landholders, Melbourne Water and Council agreed that a consultant would be jointly funded to develop a plan for the area.

Doctor Graeme Lorimer, from Biosphere Pty Ltd, was appointed in January 2015, to assist in the development of the Ferny Creek Landscape Plan.

The Draft Ferny Creek Reserve Landscape Plan, shown as Appendix C, includes:

- current environmental condition description including:
  - hillside;
  - floodplain;
  - creek channel;
  - plant species present;
- land tenure and management responsibilities;
- Conceptual Landscape Plan; and
- recommended actions including:



### **8.3 Draft Ferny Creek Reserve Landscape Plan (cont'd)**

- waterway management;
- recommended species list and areas for revegetation; and
- proposed alignment for shared path.

The Draft Plan provides a comprehensive overview of the current conditions of the Ferny Creek Reserve, Upper Ferntree Gully and provides recommended actions which support biodiversity enhancement, waterway management and social benefits.

The Draft Plan was adopted for community exhibition at Council's 22 March meeting. The Plan was displayed on the Council's website and sent to stakeholders. One response was received. On this basis, the Plan has been finalised with no amendments and is now presented to Council for endorsement.

### **3. CONSULTATION**

The Draft Plan was developed with input from internal stakeholders, Melbourne Water and community feedback at a community open day at Ferny Creek Reserve.

The Community Open Day was held on 5 December 2016. Attendance included the Ward Councillor, Cr Karin Orpen, Council staff and approximately fifty community members attended including local residents, members of the Friends of Glenfern Green Wedge, Friends of Glenfern Valley Bushlands and the Knox Environment Society. The Draft Plan (Figure 10, Appendix C) was displayed and Dr Graeme Lorimer provided a guided walk, outlining the features on the Draft Plan.

The Draft Landscape Plan (Appendix C) was exhibited on the Council website for (3) three weeks. One response was received which congratulated Council for developing the Plan.

### **4. ENVIRONMENTAL/AMENITY ISSUES**

Knox currently supports many rare and endangered flora and fauna species. Additional habitat loss and failure to close habitat gaps will threaten survival of endangered species and will lead to possible extinction. Supporting this proposal provides an opportunity to protect and enhance an important habitat corridor that contains rare and vulnerable flora and fauna species.

### **5. FINANCIAL & ECONOMIC IMPLICATIONS**

Grass slashing, strategic native grass slashing, tree risk management and essential weed management funding are currently within budget.

Additional works including weed management and revegetation identified in the Plan would be subject to future budget considerations.

The consultant cost is \$6,900 (exclusive of GST) shared equally between Council and Melbourne Water.

### **8.3 Draft Ferny Creek Reserve Landscape Plan (cont'd)**

Site mowing is performed by Parks Services, at an approximate cost of \$3,000 per annum.

Biodiversity currently spends \$10,000 per annum on environmental weed control, bushfire preparedness works and mosaic slashing to encourage natural regeneration.

These costs are incorporated into Council's operational budgets.

The overall estimated cost of the revegetation works is estimated to be in the order of \$200,000. It is anticipated that these works would be undertaken over several years.

Specific projects will be referred to future budget business case submissions for Council's consideration.

Further, it is expected that the works to the stream banks would be undertaken and/or funded by Melbourne Water.

## **6. SOCIAL IMPLICATIONS**

Recent studies have established direct links between the health of individuals and communities and their contact with nature.

Supporting the local community in their goals to protect and enhance local biodiversity values assists in empowering the community and improves social networks and resilience.

## **7. RELEVANCE TO CITY PLAN 2013-17 (INCORPORATING THE COUNCIL PLAN)**

The matters outlined in this report relate directly to the Sustainable Natural Environment objectives of the Council Plan particularly the following Strategies and Priority actions:

- *Encourage and supporting the community to protect and enhance the natural environment.*

Further identify sites of biological significance and seek, where practicable, to protect and enhance through linking these to other sites of significance and best practice bushland management.

## **8. CONCLUSION**

The Draft Ferny Creek Reserve Landscape Plan provides a comprehensive overview of the current conditions of the recently acquired Ferny Creek Reserve, Upper Ferntree Gully.

The Plan provides recommended actions which support biodiversity enhancement, waterway management and social benefits and is now presented for Council approval.

**8.3 Draft Ferny Creek Reserve Landscape Plan (cont'd)****9. CONFIDENTIALITY**

There are no confidentiality issues in this report.

**COUNCIL RESOLUTION**

MOVED: CR. GILL

SECONDED: CR. MORTIMORE

That Council

1. notes the report;
2. approves the Ferny Creek Reserve Landscape Plan as shown as Appendix C to this report; and
3. refer funding for the implementation of the Ferny Creek Reserve Landscape Plan to future budget processes for consideration.

CARRIED

### **8.3 Draft Ferny Creek Reserve Landscape Plan (cont'd)**

**The following appendices are circulated under separate cover:**

APPENDIX A - Site of Biological Significance

APPENDIX B - Map of Glenfern Valley Bushland and Gilmore Park

APPENDIX C - Ferny Creek Reserve Landscape Plan - Version Draft 0.1,  
12 July 2015

**ALL WARDS****8.4 CONTRACT EXTENSION – CONTRACT NO. 2062 – ASPHALT RESURFACING & ASSOCIATED WORKS**

**SUMMARY:** *Coordinator – Construction (Matt Balderston)*

*This report makes recommendations to Council to extend the current contract period for an additional one (1) year for the listed contractors under Contract 2062 Asphalt Resurfacing & Associated Works.*

**RECOMMENDATION**

**That Council:**

1. **approve a one year extension to the Schedule of Rates tenders submitted by:**

- **R.A.B.S Paving Pty Ltd**
- **Downer EDI Works Pty Ltd**
- **Boral Resources Pty Ltd**

**for Contract 2062 - Schedule of Rates Asphalt Resurfacing & Associated Works for a contract term from 1 July 2016 to 30 June 2017;**

2. **authorise the Chief Executive Officer to formalise the contract extension documentation;**
3. **authorise the Chief Executive Officer to sign and seal the completed contract extension documentation; and**
4. **notify the contractors accordingly.**

**1. INTRODUCTION**

On 23 September 2014 R.A.B.S Paving P/L, Downer EDI Works P/L, and Boral Resources P/L were awarded the above contract for a period of twenty (20) months from 20 October 2014 to 30 June 2016, with the option of a one (1) year extension, at Council's discretion. The original Council report is provided as Appendix A to this report.

Under Services General Conditions of the contract, Clause 9.2 "Contract Term" gives Council the option to consider an extension for a period of twelve (12) months for the period from 1 July 2016 to 30 June 2017, at Council's discretion.

#### **8.4 Contract Extension – Contract No. 2062 – Asphalt Resurfacing & Associated Works (cont'd)**

##### **2. DISCUSSION**

In accordance with Council's Contract Management Manual, all the listed contractors were requested by letter (29 March 2016) to submit revised Schedule of Rates for Asphalt Resurfacing and Associated Works for the period from 1 July 2016 to 30 June 2017.

All three contractors responded to Council's request in writing that they agree to submit their existing Schedule of Rates.

A summary of the existing Schedule of Rates (Appendix B) is included in the Confidential Summary attached to this report.

The Contract Supervisor has advised that the performance of all nominated contractors has been acceptable over the initial contract period and supports an extension of the contract for the one (1) year option period.

All nominated contractors have met their requirements for completing works on time, within their control and have provided a good level of service, responding well to all requests and rectified any issues promptly.

In addition, there are no known Occupational Health & Safety issues requiring resolution during the initial contract term.

##### **3. CONSULTATION**

No public consultation is necessary on this contract at this time.

##### **4. ENVIRONMENTAL/AMENITY ISSUES**

The services under this Contract provide a contribution to enhance the amenity and safety of the streets throughout the municipality – particular roads, shared paths and carparks which require reinstatement due to deterioration or failure.

The contractors are aware of both minimising any noise impacts with the operation of machinery and equipment, and initiating protection measures to prevent sediments from entering into the drainage system.

This contract allows for the profile material to be transported to a recycling plant. This ensures that there is a reduction on the environmental impact.

##### **5. FINANCIAL & ECONOMIC IMPLICATIONS**

The funding of these works is provided under Council's Capital Rehabilitation Programs for roads, carparks and shared paths. In 2016/17 it is anticipated that approximately \$4.0 Million will be allocated to road resurfacing, \$500,000 to carpark resurfacing and \$500,000 to shared path resurfacing and associated works.

#### **8.4 Contract Extension – Contract No. 2062 – Asphalt Resurfacing & Associated Works (cont'd)**

##### **6. SOCIAL IMPLICATIONS**

The rehabilitation programs will enable Council to provide improved infrastructure throughout the municipality which will benefit residents and the broader community.

##### **7. RELEVANCE TO CITY PLAN 2013-17 (INCORPORATING THE COUNCIL PLAN)**

This item has relevance to Council's 2013-2017 City Plan under the theme of 'Vibrant and Sustainable Built and Natural Environments' which has the strategic objective: 'Public Infrastructure and open space is maintained and improved to support a vibrant community life in Knox'.

##### **8. CONCLUSION**

Council has the option of a one (1) year extension for the various components of Contract No. 2062 covering the period 1 July 2016 to 30 June 2017, subject to satisfactory performance and acceptable price.

The nominated contractors have provided an acceptable service for the initial contract term and are willing to continue servicing this Contract for the prices submitted.

It is believed that the prices submitted are reasonable and reflect current industry rates.

It is therefore recommended that approval of the one (1) year extension be awarded to each nominated contractor.

##### **9. CONFIDENTIALITY**

This report is not confidential. Details of the contractors' prices and Schedules of Rates have been provided under separate cover.

**8.4 Contract Extension – Contract No. 2062 – Asphalt Resurfacing & Associated Works (cont'd)****COUNCIL RESOLUTION**

MOVED: CR. COOPER

SECONDED: CR. LOCKWOOD

That Council:

1. approve a one year extension to the Schedule of Rates tenders submitted by:

- R.A.B.S Paving Pty Ltd
- Downer EDI Works Pty Ltd
- Boral Resources Pty Ltd

for Contract 2062 - Schedule of Rates Asphalt Resurfacing & Associated Works for a contract term from 1 July 2016 to 30 June 2017;

2. authorise the Chief Executive Officer to formalise the contract extension documentation;
3. authorise the Chief Executive Officer to sign and seal the completed contract extension documentation; and
4. notify the contractors accordingly.

**CARRIED**



**COUNCIL REPORT OF 23 SEPTEMBER 2013****APPENDIX A****ALL WARDS****CONTRACT NO. 2062 – ASPHALT RESURFACING & ASSOCIATED WORKS*****SUMMARY: Coordinator – Construction (Matt Balderston)***

*This report considers tender submissions from contractors for asphalt resurfacing and associated works and recommends the preferred contractors to perform the contract under a Schedule of Rates arrangement.*

**RECOMMENDATION****That Council**

**accept the Schedule of Rates tenders submitted by:**

**R.A.B.S Paving Services Pty Ltd;  
Boral Resources (VIC) Pty Ltd; and  
Downer EDI Works Pty Ltd;**

**for Contract No. 2062 – Asphalt Resurfacing and Associated Works, for a period of 20 months from 20 October 2014 to 30 June 2016 with the option of a further 12 month extension at Council's discretion;**

**authorise the Chief Executive Officer to formalise the contract documentation and to sign and seal the contracts; and**

**advise the successful and unsuccessful tenderers accordingly.**

**1. INTRODUCTION**

This contract is for asphalt resurfacing and associated works (line marking and traffic control) of Council's roads, shared paths and carparks for a variety of maintenance and Capital Works Renewal Projects throughout the Knox municipality. This contract replaces Contracts 2002 – 13/14 Road Resurfacing Program and Contract 2007 – 13/14 Shared Path and Carpark Resurfacing Program.

It is intended to appoint several contractors for these services with the objective of ensuring items are cost effective and readily available across the municipality when required. The contract is proposed for the period of 20 months from 20 October 2014 to 30 June 2016 with the option to extend for a further 12 months at Council's discretion.

**COUNCIL REPORT OF 23 SEPTEMBER 2013****Contract No. 2062 – Asphalt Resurfacing & Associated Works (cont'd)****2. DISCUSSION****2.1 Tender Process**

This contract was advertised as a Schedule of Rates tender in 'The Age' newspaper on Saturday 2 and 9 August 2014 closing 26 August 2014. Prospective tenderers were asked to supply rates for specific items in accordance with the tender documents. Refer Appendix A.

**2.2 Tenders Received**

Nine tenders were received:

**Tenderer**

R.A.B.S. Paving Services Pty Ltd  
Metro Asphalt Pty Ltd  
Alex Fraser Asphalt Pty Ltd  
Downer EDI Works Pty Ltd  
Bitu-mill (Road Maintenance) Pty Ltd  
Boral Resources (VIC) Pty Ltd  
Victoria Asphalt Pty Ltd  
Fulton Hogan Industries Pty Ltd  
R&C Asphalt Paving Pty Ltd

**2.3 Pre-Evaluation Checks**

All tenderers had conforming tender submissions in accordance with the advertised Tender Conditions.

**2.4 Tender Evaluation**

The tenders were evaluated against the following criteria as advertised in the tender documentation with the weighting established prior to the tender process:

- Schedule of rates – 40%
- Project delivery and relevant experience (capability to perform the work) – 20%
- Track record and quality achieved on similar projects – 20%
- Customer service and human resources – 10%
- Safety and risk management practices – 10%

Under Council's contract administration procedures, a Tender Evaluation Panel was appointed to assess the tenders for this contract. The Tender Evaluation Panel consisted of:

Kai Yap, Executive Engineer – Operations  
Phil Kearsley – Governance

**COUNCIL REPORT OF 23 SEPTEMBER 2013****Contract No. 2062 – Asphalt Resurfacing & Associated Works (cont'd)**

Matt Balderston, Coordinator – Construction

Deran Mehmet, Project Delivery Officer – Construction

No officers involved in the Tender Evaluation Panel have any conflict of interest in this matter. A Conflict of Interest Declaration was signed by all members of the Tender Evaluation Panel.

As part of the evaluation process, the panel contacted the tenderers' referees, reviewed all tenderers' risk and safety management plans, and assessed their Health & Safety Questionnaires submitted with requested information.

The financial benefit impact was evaluated by applying the rates submitted for typical sample projects that would be common for the life of this contract. A lump sum amount was then arrived at for the sample project and used for evaluating the financial benefit of the tenders. An independent financial report has also been sourced on each of the preferred tenderers. A summary of these reports are included in the Confidential Report, attached to this report.

With the quantity and variety of asphalt pavement resurfacing works throughout the Knox municipality expected for the term of the tender, it is recommended that three preferred tenderers are awarded the contract. This will give Council flexibility in providing the optimum service for the community.

The Panel arrived at the following ranking when it completed the tender evaluation:

<b>Ranking Order</b>	<b>Tenderer</b>
<b>1</b>	R.A.B.S. Paving Services Pty Ltd
<b>2</b>	Boral Resources (VIC) Pty Ltd
<b>3</b>	Downer EDI Works Pty Ltd
<b>4</b>	Bitu-mill (Road Maintenance) Pty Ltd
<b>5</b>	Metro Asphalt Pty Ltd
<b>6</b>	Alex Fraser Asphalt Pty Ltd
<b>7</b>	Victoria Asphalt Pty Ltd
<b>8</b>	R&C Asphalt Paving Pty Ltd
<b>9</b>	Fulton Hogan Industries Pty Ltd

Details of the evaluation are provided in the attached Confidential Summary associated with this report.

**COUNCIL REPORT OF 23 SEPTEMBER 2013****Contract No. 2062 – Asphalt Resurfacing & Associated Works (cont'd)****2.5 Recommended Tenderers**R.A.B.S. Paving Services Pty Ltd

R.A.B.S. Paving Services Pty Ltd has 35 years experience in the type of works required and they have current or recent contracts with many other local government organisations.

R.A.B.S. Paving Services Pty Ltd has successfully delivered Knox City Council's road resurfacing program for the past 4 years which this contract intends to replace. Council staff involved in administering this work have indicated that there has been very few issues and that the contractor has always responded promptly to any requests.

Boral Resources (VIC) Pty Ltd

Boral Resources (VIC) Pty Ltd has 65 years experience in the type of works required and they have current or recent contracts with many other local government organisations.

Referee checks have been extremely positive and indicated that the contractor has delivered works of a high standard has always responded promptly to any requests. It is anticipated that Boral Resources (VIC) Pty Ltd will give a quality performance and successfully deliver the services required for this contract.

Downer EDI Works Pty Ltd

Downer EDI Works Pty Ltd has 65 years experience in delivering asphalt pavement resurfacing works to Councils. Downer EDI currently supply a number of Councils with the services required of the contract.

Referee checks have all been positive and indicated that the contractor has delivered works of a high standard. It is anticipated that Downer EDI Works Pty Ltd will give a quality performance and successfully deliver the services required for this contract.

**3. CONSULTATION**

Consultation has occurred with potential tenderers and stakeholders during the phases of tender preparation and advertising, and also with the current contract officer, relevant Council staff and representation of other Councils during the evaluation phase to ensure a successful tendering process was achieved.

**COUNCIL REPORT OF 23 SEPTEMBER 2013****Contract No. 2062 – Asphalt Resurfacing & Associated Works (cont'd)****4. ENVIRONMENTAL/AMENITY ISSUES**

This contract will improve Council's assets and maintain infrastructure integrity well into the future while providing greater amenity to local residents.

Any surplus material from these works will be disposed of at a licence disposal centre for recycling by the contractor.

**5. FINANCIAL & ECONOMIC IMPLICATIONS**

The projected expenditure for the term of the contract (20 months plus the option of a 12 month extension) is anticipated to be in the order of \$7M which is derived from the Asset Renewal Programs for asphalt resurfacing. This is derived from anticipated expenditure as projected in Council's Long Term Financial Forecast over the life of the contract. The actual expenditure incurred under this contract (as a Schedule of Rates contract) will be dependent on annual budget allocations during the life of the contract.

Funding for this contract will come from Council's 2014/15, 2015/16 and possibly 2016/17 Capital Works Programs. The Capital Works Programs include Road Surface Renewal (R6000), Miscellaneous Industrial Roads – Pavement Rehabilitation (R6032), Car Park Renewal Program (R5910) and Shared Path Renewal Program (R8975).

**6. SOCIAL IMPLICATIONS**

The resurfacing and rehabilitation programs will enable Council to provide improved road network conditions which will benefit residents and the broader community.

**7. RELEVANCE TO CITY PLAN 2013-17 (INCORPORATING THE COUNCIL PLAN)**

This item has relevance to the Council Plan under the theme of *Vibrant and Sustainable Built and Natural Environments*.

*Asset Management*

*This service provides strategic direction for asset management incorporating the development of processes and systems to maintain and regularly update Council's asset register and management system, collection of asset condition data and the development and implementation of strategic asset management plans for all asset categories.*

*Operations*

*This service is responsible for the management and delivery of maintenance services and delivery of new, renewed and upgraded Council infrastructure assets.*

**COUNCIL REPORT OF 23 SEPTEMBER 2013****Contract No. 2062 – Asphalt Resurfacing & Associated Works (cont'd)****8. CONCLUSION**

The preferred tenderers for Contract No. 2062 – Asphalt Resurfacing and Associated Works are R.A.B.S. Paving Services Pty Ltd, Boral Resources (Vic) Pty Ltd, and Downer EDI Works Pty Ltd.

As part of the assessment an independent financial check was conducted on the preferred tenderers in order to ascertain their financial ability to undertake this contract (see Confidential Report). All preferred tenderers reported favourable financial accreditation.

The preferred tenderers have sufficient resources and are expected to be available to undertake this contract within the constraints of time, quality and cost as detailed in the contract documentation.

**9. CONFIDENTIALITY**

A confidential summary providing details of tender evaluation together with the capacity to undertake this contract is attached to this report.

***Report Prepared By: Coordinator – Construction (Matt Balderston)***

***Report Authorised By: Manager – Operations (John McCarthy)***

***Report Authorised By: Director – Engineering & Infrastructure (Ian Bell)***

**8.4 Contract Extension – Contract No. 2062 – Asphalt Resurfacing & Associated Works (cont'd)**

**Confidential Appendix B is circulated under separate cover.**

**ALL WARDS****8.5 CONTRACT NO. 2188 – PRUNING AND GENERAL ARBORICULTURAL SERVICES**

**SUMMARY:** *Project Officer – Trees (Dru Taylor)*

*This report considers and recommends the appointment of contractors for pruning of street and reserve trees from overhead power lines and other general pruning works as specified in the contract for 49 designated Zones throughout the municipality. Trees will be pruned to ensure compliance with Council's Road Management Plan and current 2015 Electrical Line Clearance Regulations. The report also incorporates services that are undertaken through a Schedule of Rates component to cover reactive tree works.*

**RECOMMENDATION**

That Council

**1. Lump Sum Contract – Proactive Zone Pruning Program**

accept the Lump Sum tender submitted by Citywide Service Solutions Pty Ltd for Contract 2188 – Pruning of Tree & General Services for the provision of a Proactive Zone Pruning program for a contract term of two years from 1 July 2016 to 30 June 2018 with the option of two, 1 year extensions at Council's discretion;

**2. Schedule of Rates – Tree Pruning and Removal**

accept the Schedule of Rates tenders submitted by:

- Citywide Service Solutions Pty Ltd
- Predcon Pty Ltd
- R&J Stewart Travel Tower Hire Pty Ltd
- Active Tree Services Pty Ltd

for Contract 2188 – Schedule of Rates Tree Pruning and Removal for a contract term of two years from 1 July 2016 to 30 June 2018 with the option of two, 1 year extensions at Council's discretion;

**3. Schedule of Rates – Stump Removal**

accept the Schedule of Rates tender submitted by R&J Stewart Nominees Pty Ltd Trading as Munch A Stump for Contract 2188 – Schedule of Rates Stump Removal for a contract term of two years from 1 July 2016 to 30 June 2018 with the option of two, 1 year extensions at Council's discretion;



**8.5 Contract No. 2188 – Pruning and General Arboricultural Services (cont'd)****Recommendation (cont'd)****4. Schedule of Rates – Tree Root Control**

accept the Schedule of Rates tender submitted by Just Roots Pty Ltd for Contract 2188 – Schedule of Tree Root Control for a contract term of two years from 1 July 2016 to 30 June 2018 with the option of two, 1 year extensions at Council's discretion;

**5. Schedule of Rates – Pest Control (Elm Leaf Beetle)**

accept the Schedule of Rates tender submitted by Arborspray Pty Ltd for Contract 2188 – Schedule of Rates Pest Control (Elm Leaf Beetle) for a contract term of two years from 1 July 2016 to 30 June 2018 with the option of two, 1 year extensions at Council's discretion;

**6. Schedule of Rates – Tree Report Writing**

accept the Schedule of Rates tender submitted by ENPEC Pty Ltd for Contract 2188 – Schedule of Rates Tree Report Writing for a contract term of two years from 1 July 2016 to 30 June 2018 with the option of two, 1 year extensions at Council's discretion;

**7. Schedule of Rates – Afterhours**

accept the Schedule of Rates tenders submitted by:

- Citywide Service Solutions Pty Ltd
- Predcon Pty Ltd
- R&J Stewart Travel Tower Hire Pty Ltd
- Active Tree Services Pty Ltd

for Contract 2188 – Schedule of Rates Afterhours for a contract term of two years from 1 July 2016 to 30 June 2018 with the option of two, 1 year extensions at Council's discretion;

**8. Schedule of Rates – Disposal of Mulch**

accept the Schedule of Rates tenders submitted by:

- Citywide Service Solutions Pty Ltd
- Predcon Pty Ltd
- R&J Stewart Travel Tower Hire Pty Ltd
- Active Tree Services Pty Ltd

for Contract 2188 – Schedule of Rates Disposal of Mulch for a contract term of two years from 1 July 2016 to 30 June 2018 with the option of two, 1 year extensions at Council's discretion;

## **8.5 Contract No. 2188 – Pruning and General Arboricultural Services (cont'd)**

### **Recommendation (cont'd)**

**9. authorise the Chief Executive Officer to formalise the contract documentation for the Lump Sum component and Schedule of Rates components of Contract No. 2188 – Pruning and General Arboricultural Services and to sign and seal the contracts; and**

**10. that all successful and unsuccessful tenderers are advised accordingly.**

### **1. INTRODUCTION**

There are approximately 75,000 trees located within streetscapes and an estimated 200,000 trees located within parks and reserves across the municipality that require ongoing management. Contractors undertake the majority of the works to ensure that a high level of service can be delivered utilising their specialist skills, experience and equipment necessary to meet the needs of Council's tree management programs.

The Cyclic Street Tree Pruning maintenance contract calls for the pruning of all Knox City Council street trees and road reserve trees from the relevant power authority's overhead distribution lines to the standard required by the Electrical Safety (Line Clearance) Regulations 2005. In addition, general pruning to provide clearances over footpaths, driveways, roads and other service authority wires, as well as removal of dead and dying branches, sign clearance and associated remedial maintenance will also be undertaken to comply with Council's Road Management Plan. Formative pruning will also form part of this contract to enhance juvenile street tree assets.

In order to evaluate each tender, the pruning area was divided into 49 zones and each zone further divided into three sections (A) Line Pruning, (B) General Pruning and (C) Live Line Work. This enabled the selection panel to assess that the tenderer had a full understanding of the work required. The maintenance zones selected for the four years are shown on the attached locality plan (see Appendix A), which complies with Council's Road Management Plan requirements, and will ensure that one half of the municipality will be pruned every year. This contract completes the whole of municipality over a two year period (see Appendix B).

Remedial maintenance is also undertaken on a Schedule of Rates or quotation basis for tree pruning and removal works within Council's parkland and bushland reserves, as well as reactive maintenance, tree stump removal, Elm Leaf Beetle control and tree root control. These works are often seasonal and levels of service will vary depending on seasonal growth and circumstances such as storm events.

This contract also contains three new sections (compared to Contract 1789) which are; Afterhours (to respond to requests from 4pm to 7am 365 days of the year), Tree Report Writing and Disposal of Mulch (location other than the Operational Depot).

## 8.5 Contract No. 2188 – Pruning and General Arboricultural Services (cont'd)

### 2. DISCUSSION

#### 2.1 Proposed Works/Services

This report considers and recommends the appointment of a sole contractor for the Lump Sum component and the appointment of a number of contractors for the Schedule of Rates component of Contract 2188. The contract period is for a minimum of two years and a maximum of four years based on the following:

Contact Period	Dates
24 Months	1 July 2016 to 30 June 2018
12 Months	1 July 2018 to 30 June 2019
12 Months	1 July 2019 to 30 June 2020

The length of the contract period for each tenderer is dependent on their ability to deliver the agreed service levels as outline in Contract 2188.

#### 2.1.1 Lump Sum Component

As mentioned, the Lump Sum component is commonly referred to as Council's Proactive Zone Pruning Program. The contract operates on a cyclic basis whereby the municipality is divided two areas (see Appendix A) and then further divided into 49 inspection zones (see Appendix B). The contract ensures that all trees planted under power lines are inspected on an annual basis and that street trees are pruned every other year (see Appendix A). This cyclic approach ensures that Council is compliant with regard to its obligation under the Electrical Safety (Line Clearance) Regulations 2015 and Council's Road Management Plan.

With regard to Contract 2188 the following is required from the tenderer:

- To audit each zone (see Appendix A) before undertaking tree works with the purpose to identify trees which may required pruning or removal and to provide this information to Council prior to the commencement of works.
- To prune Council trees a set distance (as outlined Electrical Safety Regulations 2015) away from the relevant Power Authority power lines in designated streets in Knox.
- To prune trees in accord with height clearance distances described in Council's Road Management Plan, for example clearances over roads, foot paths and driveways.

## 8.5 Contract No. 2188 – Pruning and General Arboricultural Services (cont'd)

- To perform general tree maintenance pruning such as the removal of: deadwood, suckering growth, structurally weak branches, crossing limbs, broken/cracked limbs and hanging branches.
- To perform pruning which will improve the structure of the tree such as formative pruning and the suppression of co-dominant stems.
- Where practicable, all trees are to be pruned in accord with the Australian Standard – Pruning of Amenity Trees (AS 4373 2007).
- To provide a year round afterhours tree service to Council between the hours of 4pm and 7am including public holidays and weekends.

For the purpose of evaluation, the Lump Sum component was first divided by Council's Inspection Zones (see Appendix B) and then each inspection zone was subdivided by (A) Line Pruning, (B) General Pruning and (C) Live Line Work. This enabled the evaluation panel to assess if tenderers had a full understanding of the required works.

### 2.1.2 Schedule of Rates Component

The Schedule of Rates component covers a range of tree management areas as well as services. This component applies to street trees, reserve trees and bushland land trees. Services included reactive tree pruning, reactive tree removal, tree stump removal, pest control (Elm Leaf Beetle), tree root control, and tree report writing. These works are often seasonal and levels of service will vary depending on seasonal growth and unforeseen circumstances such as storm events.

Below are a list of all the services covered in this component and an explanation as to what is required by the tenderer:

- Tree Pruning and Removal

The Tenderer must remove or prune any tree nominated by Council officers. The Tenderer will be paid in accordance with the Schedule of Rates – Tree Removal and Pruning for the performance of this work.

- Stump Removal

The Tenderer must grind any stump nominated by Council officers. The Tenderer will be paid in accordance with the Schedule of Rates – Stump Grinding for the performance of this work.

- Elm Leaf Beetle Control

The Tenderer must treat Elm trees as directed by Council officers. The treatment applied to each tree shall be nominated by the Project Officer – Trees. The Tenderer will be paid in accordance with the Schedule of Rates – Elm Leaf Beetle/Pest Treatment for the performance of this work.

## 8.5 Contract No. 2188 – Pruning and General Arboricultural Services (cont'd)

- Root Control

The Tenderer shall selectively prune tree roots or install tree root barriers as directed by Council officers. The Tenderer will be paid in accordance with the Schedule of Rates – Tree Root Control for the performance of this work.

- Tree Reports

The Tenderer shall undertake tree reports as directed by Council officers. Tree reports may vary from single trees through to many trees including whole reserves.

The Tenderer will be paid in accordance with the Schedule of Rates – Tree Reports for the performance of this work.

- After Hours

The Tenderer shall prune/remove trees to an acceptable level of risk as directed by Council officers. The Tenderer will be paid in accordance with the Schedule of Rates – Afterhours for the performance of this work.

The tenderer successfully awarded the Lump Sum contract is obliged to have a crew that is available to attend afterhours works between the hours of 4pm and 7am including public holidays and weekends. This crew is to have a designated direct phone number to ensure a consistent number is used. The tenderer is expected to attend any tree related issues within an hour of the initial call for assistance.

Note: Tenderers not awarded the Lump Sum but are selected for Schedule of Rates Tree Removal and Pruning will be able to respond to requests dependent on their availability and charge as per their Schedule of Rates for Afterhours.

- Disposal of Mulch

In general, tree mulch is to be provided to the Knox City Council. However, the Tenderer should allow for disposal of chipper mulch anywhere within the municipality during the course of the pruning works at no additional cost.

In the event that Council is unable to accept mulch, the Tenderer will be paid in accordance with the Schedule of Rates – Disposal of Mulch per truck load. The tenderer must not dump or dispose of any chipper mulch illegally.

## 8.5 Contract No. 2188 – Pruning and General Arboricultural Services (cont'd)

### 2.2 Expressions of Interest

An Expression of Interest was invited in *The Age* on the 19 March 2016 and in the *Knox Leader* on the 22 March 2016. The invitation closed on 19 April 2016. During this period a pre-tender meeting was held on 30 March 2016 to highlight requirements of the contract and to answer any questions any potential tenderers may have had. At the time of closing (3pm, 19 April 2016) a total of 39 potential tenderers obtained a copy of the tender documents.

### 2.3 Tenders Received

A total of 17 tenders were received by 3pm on 19 April 2016. In accordance with Council's Contract Management procedures, each tenderer was invited to attend the tender opening process; however no tenderers were present at the time of the tender opening. The following tables state the name of each of the tenderers that submitted by service.

<b>Lump Sum Component (Proactive Zone Pruning program)</b>	
<b>Tenderer No.</b>	<b>Tenderer Name</b>
Tenderer 1	Active Tree Services Pty Ltd
Tenderer 2	Sevron Pty Ltd
Tenderer 3	Citywide Service Solutions Pty Ltd
Tenderer 4	R&J Stewart Travel Tower Hire Pty Ltd

<b>Schedule of Rates Component – Tree Removal &amp; Pruning</b>	
<b>Tenderer No.</b>	<b>Tenderer Name</b>
Tenderer 1	Predcon Pty Ltd
Tenderer 2	R&J Stewart Travel Tower Hire Pty Ltd
Tenderer 3	Citywide Service Solutions Pty Ltd
Tenderer 4	Sevron Pty Ltd
Tenderer 5	Active Tree Services Pty Ltd
Tenderer 6	Taylor's Tree & Stump Removal Pty Ltd
Tenderer 7	Garden Glow Tree Care
Tenderer 8	Heritage Tree Professionals Note: The tenderer applied solely for the climbing component

**8.5 Contract No. 2188 – Pruning and General Arboricultural Services (cont'd)**

<b>Schedule of Rates Component – Stump Removal</b>	
<b>Tenderer No.</b>	<b>Tenderer Name</b>
Tenderer 1	Adams Stump Removal
Tenderer 2	Munch A Stump
Tenderer 3	Garden Glow Tree Care
Tenderer 4	Munns Parks & Gardens
Tenderer 5	Sevron Pty Ltd
Tenderer 6	Citywide Service Solutions Pty Ltd
Tenderer 7	Active Tree Services Pty Ltd

<b>Schedule of Rates Component – Elm Leaf Beetle Control</b>	
<b>Tenderer No.</b>	<b>Tenderer Name</b>
Tenderer 1	Abor Spray
Tenderer 2	Citywide Service Solutions Pty Ltd
Tenderer 3	Environmental Tree Technologies Note: The prices submitted were classified as not conforming

<b>Schedule of Rates Component – Root Control</b>	
<b>Tenderer No.</b>	<b>Tenderer Name</b>
Tenderer 1	Just Roots Pty Ltd
Tenderer 2	Active Tree Services Pty Ltd
Tenderer 3	Citywide Service Solutions Pty Ltd

<b>Schedule of Rates Component – Tree Report Writing</b>	
<b>Tenderer No.</b>	<b>Tenderer Name</b>
Tenderer 1	ENSPEC Pty Ltd
Tenderer 2	Heritage Tree Professionals
Tenderer 3	Garden Glow Tree Care
Tenderer 4	Greenscapes Tree Consulting
Tenderer 5	Ryder Arboriculture & Environment

### 8.5 Contract No. 2188 – Pruning and General Arboricultural Services (cont'd)

<b>Schedule of Rates Component – After Hours</b>	
<b>Tenderer No.</b>	<b>Tenderer Name</b>
Tenderer 1	Predcon
Tenderer 2	Active Tree Services Pty Ltd
Tenderer 3	R&J Stewart Travel Tower Hire Pty Ltd
Tenderer 4	Taylor's Tree & Stump Removal Pty Ltd
Tenderer 5	Garden Glow Tree Care
Tenderer 6	Sevron Pty Ltd
Tenderer 7	Citywide Service Solutions Pty Ltd
Tenderer 8	Heritage Trees Note: The tenderer applied solely for the climbing component

<b>Schedule of Rates Component – Disposal of Mulch</b>	
<b>Tenderer No.</b>	<b>Tenderer Name</b>
Tenderer 1	Taylor's Tree & Stump Removal Pty Ltd
Tenderer 2	Predcon Pty Ltd
Tenderer 3	Citywide Service Solutions Pty Ltd
Tenderer 4	R&J Stewart Travel Tower Hire Pty Ltd
Tenderer 5	Heritage Trees
Tenderer 6	Sevron Pty Ltd
Tenderer 7	Garden Glow Tree Care
Tenderer 8	Active Tree Services Pty Ltd

#### 2.3.1 Evaluation Panel

The Tender Evaluation Panel comprised the following members:

- Dru Taylor (Project Officer – Trees)
- Lara Wilson (Project Officer – Capital Project Delivery Officer – Trees)
- Kai Yap (Executive Engineer – Operations)
- Phil Kearsley (Coordinator – Contracts and Purchasing)

All members of the panel signed the Tender Evaluation Panel Declaration form indicating that they had no conflict of interest or association with any tenderers.



## 8.5 Contract No. 2188 – Pruning and General Arboricultural Services (cont'd)

### 2.3.2 Evaluation Criteria

The evaluation criteria as listed in the Conditions of Tender included:

- **Financial Benefit 40%** – Projected costs to impact Council.
- **Project Delivery 30%** – Track record delivering similar type works within local government – based on referee reports and choice of referees.
- **Quality Management 10%** – High quality work, flexibility, ability to meet deadlines, customer service, value adding – Council experience, contract renewal, programs and methods.
- **Human Resource Management 10%** – Management, supervisors, field staff, staff qualifications, reliability.
- **Equipment 10%** – Range, age and condition of equipment.
- **Occupational Health & Safety Pass/Fail** – Processes, procedures and track record.

### 2.3.3 Evaluation of Tenders

Outcomes of the evaluation for Contract 2188 are presented in the confidential attachment.

With regard to the Lump Sum component, Citywide Service Solutions Pty Ltd scored the highest in the evaluation process for the Lump Sum component.

With regard to the Schedule of Rate component, refer below for the companies that scored highest:

- Tree Removal & Pruning

Citywide Service Solutions Pty, R&J Stewart Travel Tower Travel Tower Hire Pty Ltd, Predcon Pty Ltd and Active Tree Services Pty Ltd were the four highest scores in the evaluation process for the Schedule of Rates.

- Stump Removal

R&J Stewart Nominees Pty Ltd trading as Munch A Stump scored the highest in the evaluation process for the Schedule of Rates.

- Pest Treatment (Elm Leaf Beetle)

Arborspray Pty Ltd scored the highest in the evaluation process for the Schedule of Rates.

## 8.5 Contract No. 2188 – Pruning and General Arboricultural Services (cont'd)

- Root Control

Just Roots Pty scored the highest in the evaluation process for the Schedule of Rates.

- Tree Report Writing

ENSPEC Pty Ltd scored the highest in the evaluation process for the Schedule of Rates.

**Note:** With regard to the Schedule of Rates for 'Disposal of Mulch' and 'Afterhours', these services will be awarded to the tenderers that are awarded the Lump Sum component and the Reactive Tree Remove and Pruning Schedule of Rates component.

### 2.3.4 Preferred Tender

#### 2.3.4.1 Lump Sum Component (Proactive Zone Program)

The preferred tenderer is Citywide Service Solutions Pty Ltd ("Citywide"). This company scored the highest in the evaluation process (a detailed analysis is provided in the Confidential Summary aligned with this report) and it was clear that the company has a thorough appreciation of the scope of works.

Citywide has managed this Lump Sum component for Council for the previous six years; Council officers involved in the administration of this tenderer have advised that the company's performance during this period has been to a high level. Council officers have also advised that the company has high customer service levels and to date has fulfilled all the requirements under the Occupational Health and Safety and Work Cover requirements.

In addition, Citywide has substantial experience in providing contract tree maintenance services to local government. The company currently provides tree maintenance and other horticultural services to numerous councils throughout Melbourne such as City of Bayside, City of Melbourne, City of Kingston and City of Port Phillip.

Based on all the above, it is expected that Citywide Service Solutions Pty Ltd will continue to provide a high quality service and successfully deliver the outcomes required for this contract.

## 8.5 Contract No. 2188 – Pruning and General Arboricultural Services (cont'd)

### 2.3.4.2 Schedule of Rates Component – Tree Removal & Pruning

The Schedule of Rate Component – Tree Removal and Pruning is by far the largest section in terms of expenditure and volume of work. The volume of work is not always continuous and a storm event can result in high volumes of work in a short amount of time. As such, it is important that Council has an adequate amount of resources to respond in such events. Therefore, the following four tenderers were recommended to undertake tree pruning and removal works as per the submitted Schedule of Rates.

#### 1. Citywide Service Solutions Pty Ltd

Citywide Service Solutions Pty Ltd scored the highest in the evaluation process – a more detailed analysis is provided in the Confidential Summary aligned with this report. Please see section 2.3.4.1 for further information in regard to experience.

#### 2. R&J Stewart Travel Tower Hire Pty Ltd

R&J Stewart Travel Tower Hire Pty Ltd scored the second highest in the evaluation process (a more detailed analysis is provided in the Confidential Summary aligned with this report) and have a thorough appreciation of the scope of works required under the requirements of this contract.

R&J Stewart Travel Tower Hire Pty Ltd has had substantial experience in providing contract tree maintenance services to Council and to date has fulfilled all the requirements under the Occupational Health and Safety and Work Cover requirements. Council officers involved in the administration of this tenderer have advised that the company's performance during this period has been satisfactory and that the tenderer provides a high level of customer service.

#### 3. Predcon Pty Ltd

Predcon Pty Ltd scored the third highest in the evaluation process (a more detailed analysis is provided in the Confidential Summary aligned with this report) and have a thorough appreciation of the scope of works required under the requirements of this contract.

Predcon Pty Ltd has had substantial experience in providing contract tree maintenance services to Council and to date has fulfilled all the requirements under the Occupational Health and Safety and Work Cover requirements. Council officers involved in the administration of this tenderer have advised that the company's performance during this period has been satisfactory as has the level of customer service.

## **8.5 Contract No. 2188 – Pruning and General Arboricultural Services (cont'd)**

### **4. Active Tree Services Pty Ltd**

Active Tree Services Pty Ltd scored the fourth highest in the evaluation process (more detailed analysis is provided in the Confidential Summary aligned with this report) and have a thorough appreciation of the scope of works required under the requirements of this contract.

Active Tree Services Pty Ltd has had substantial experience in providing contract tree maintenance services to various municipalities including Moonee Valley Council, City of Manningham, City of Yarra and the City of Dandenong. The tenderer has to date fulfilled all the requirements under the Occupational Health and Safety and Work Cover requirements.

It is anticipated that Active Tree Services Pty Ltd will be able provide a quality performance and successfully deliver the outcomes required for this contract.

### **2.3.4.3 Schedule of Rates Component – Stump Removal**

The R&J Stewart Nominee Pty Ltd trading as 'Munch A Stump' scored the highest in the evaluation process (more detailed analysis is provided in the Confidential Summary aligned with this report) and have a thorough appreciation of the scope of works required under the requirements of this contract.

Munch A Stump has had substantial experience in providing contract tree maintenance services to Council and to date have fulfilled all the requirements under the Occupational Health and Safety and Work Cover requirements. Council officers involved in the administration of this tenderer have advised that the company's performance during this period has been satisfactory and that the tenderer provides a high level of customer service.

### **2.3.4.4 Schedule of Rates Component – Pest Control (Elm Leaf Beetle)**

Arborspray Ltd scored the highest in the evaluation process (more detailed analysis is provided in the Confidential Summary aligned with this report) and has an appreciation of the scope of works required under the requirements of this contract.

Arborspray Pty Ltd has had experience in providing contract Elm Leaf Beetle services to various municipalities including the City of Yarra, Mount Alexander Shire Council and the City of Bendigo. It is believed that the company will be able to provide a sufficient level of service to Knox and be able to respond promptly to requests.

The tenderer has fulfilled all the requirements under the Occupational Health and Safety and Work Cover requirements to date.

## **8.5 Contract No. 2188 – Pruning and General Arboricultural Services (cont'd)**

### **2.3.4.5 Schedule of Rates Component – Tree Root Control**

Just Roots Pty Ltd scored the highest in the evaluation process (a more detailed analysis is provided in the Confidential Summary aligned with this report) and has a thorough appreciation of the scope of works required under the requirements of this contract.

Just Roots Pty Ltd has had substantial experience in providing contract tree root control services to Council and to date has fulfilled all the requirements under the Occupational Health and Safety and Work Cover requirements. Council officers involved in the administration of this tenderer have advised that the company's performance during this period has been satisfactory and that the tenderer provides a high level of customer service.

It is anticipated that Just Roots Pty Ltd will continue to provide a quality performance and successfully deliver the outcomes required for this contract.

### **2.3.4.6 Schedule of Rates Component – Tree Report Writing**

ENSPEC Pty Ltd scored the highest in the evaluation process (a more detailed analysis is provided in the Confidential Summary aligned with this report) and has a thorough appreciation of the scope of works required under the requirements of this contract. In addition, the tenderer has fulfilled all the requirements to date under the Occupational Health and Safety and Work Cover requirements.

ENSPEC Pty Ltd has had substantial experience in providing tree reporting services to Council which includes its current data capture for street trees. Council officers involved in the administration of this tenderer have advised that the company's performance during this period has been good and that the tenderer provides a high level of customer service. It is anticipated that ENSPEC Pty Ltd will provide a quality performance and successfully deliver the outcomes required for this contract.

### **2.3.4.7 Schedule of Rates Component – Afterhours**

As the afterhours component accounts for less than 2% of Council's overall expenditure for reactive tree works the preferred Tenderers for the Schedule of Rate Component – Tree Removal and Pruning are also the preferred Tenderers for the Schedule of Rates Component – Afterhours. In addition, with regard to storms events it has been Council's experience that the contractors who have been awarded the Schedule of Rate Component – Tree Removal and Pruning are best positioned to respond to afterhours works as they are often in the municipality undertaking works.

## 8.5 Contract No. 2188 – Pruning and General Arboricultural Services (cont'd)

### 2.3.4.8 Schedule of Rates Component – Disposal of Mulch

As it is only the Tenderer/s that have been awarded the Lump Sum Component, Schedule of Rate Component – Tree Removal and Pruning, and the Schedule of Rate Component – Afterhours, will be producing mulch – these Tenderers are therefore the preferred Tenderers for this component.

### 3. CONSULTATION

Consultation has occurred with stakeholders during the phases of tender preparation and advertising. Consultation has also occurred with the current contract officer and relevant Council officers during the evaluation phase to ensure a successful tendering process was achieved.

### 4. ENVIRONMENTAL/AMENITY ISSUES

The services under this contract provide a significant contribution to enhance the environment and visual amenity of the municipality's road network and the surrounding environment. This contract will ensure that regulations regarding tree clearances to overhead powerlines are maintained along with Council's obligations under the Road Management Plan, thus ensuring a safe environment for the community. Trees will be pruned to promote their long term health, therefore providing a treescape that will benefit the community, both now and in the future.

### 5. FINANCIAL & ECONOMIC IMPLICATIONS

Council has made an allowance of \$760,000 in the 2016/2017 draft budget for Proactive Zone Pruning (lump sum) contract. This contract will allow for the completion of all works specified by Contract No. 2188 which includes the pruning of 50% of the municipality's street trees and trees adjacent roadsides.

It is noted that there has been a general increase in costs for tree maintenance works and is in excess of recognised CPI or inflation costs. The significant increase is largely based on the additional costs of working in close proximity to overhead powerlines. Legislative requirements result in the need for power suppression or power shutdown and the costs associated with these works have significantly increased.

Tree service costs and funding based on the recommended tenderer against the draft budget for 2016/17 is summarised as follows:

Financial Year	Budget Required for Proactive Zone Pruning (lump sum) contract	Draft 2016/17 Budget for Proactive Zone Pruning (lump sum) contract
2016/2017	\$865,000 (excluding GST)	\$904,338 (excluding GST)

## 8.5 Contract No. 2188 – Pruning and General Arboricultural Services (cont'd)

Funds available from the Council's Draft 2016/17 Operational Budget are:

- Trees – Street Tree Pruning Program \$904,338

The total funding identified in the draft budget 2016/17 will meet the requirements of the lump sum contract sum of the preferred tenderer, plus associated costs (i.e. the removal of dead, dying or hazardous tree greater than 5 meters in height within a zone).

Council has made an allowance of \$1,041,102 in the draft 2016/17 Budget for reactive tree works as a part of this contract. It is noted however, based on historical expenditure, there has been a budget shortfall for the Schedule of Rates component (Reactive Tree Maintenance). This has been due to significant storm events that have required a substantial amount of reactive works over and above what has been provided for. This required over expenditure is managed across the overall Operations budget – through reprioritisation of priorities. These works are generally in the order of \$1,200,000 per annum.

Council will need to consider the budget provision for programmed and reactive tree works in future budgets to address any shortfall to ensure Council can meet its legislative requirements as identified in the Electricity Safety (electric line clearance) Regulations 2005 and the Road Management Act.

## **6. SOCIAL IMPLICATIONS**

Studies have shown that trees have a positive impact on physical and mental health and improve social cohesion. Trees also benefit the population from an aesthetic, symbolic and sensory perspective.

## **7. RELEVANCE TO CITY PLAN 2013-17 (INCORPORATING THE COUNCIL PLAN)**

The following elements of the Council Plan relate to this issue:

**Sustainable Natural Environment** – Knox City Council will be a leader in environmentally sustainable management, producing a healthier local environment, a green and leafy municipality and sustainable living opportunities for all.

## 8.5 Contract No. 2188 – Pruning and General Arboricultural Services (cont'd)

**Attractive & Vibrant Places** – Knox will have a village community feel with access to 'big city' facilities, neighbourhood parks and open space. Development will be targeted around activity centres, with significant landscape and cultural heritage sites preserved through quality urban and landscape design standards.

### 8. CONCLUSION

Following the tender evaluation process, the following tenderers were considered to have achieved the highest evaluation rating to deliver Contract 2188 – Pruning of Trees and General Arboricultural Services.

<b>Type of Works</b>	<b>Selected Tenderer</b>
<b>Proactive Zone Pruning</b>	Citywide Service Solutions Pty Ltd
<b>Tree Pruning &amp; Removal</b>	Citywide Service Solutions Pty Ltd R&J Stewart Travel Tower Hire Pty Ltd Predcon Pty Ltd Active Tree Services Pty Ltd
<b>Tree Stump Removal</b>	R&J Stewart Nominees Pty Ltd trading as Munch A Stump
<b>Pest Control (Elm Leaf Beetle)</b>	Arborspray Pty Ltd
<b>Tree Root Control</b>	Just Roots Pty Ltd
<b>Tree Report Writing</b>	ENSPEC Pty Ltd
<b>Afterhours</b>	
<b>Disposal of Mulch</b>	Citywide Service Solutions Pty Ltd R&J Stewart Travel Tower Hire Pty Ltd Predcon Pty Ltd Active Tree Services Pty Ltd

Each company selected is adequately resourced and available to successfully undertake this contract within the constraints of time, quality and cost as detailed in the contract documentation.

### 9. CONFIDENTIALITY

A confidential summary relating to the capacity of the tenderers to undertake all sections of the tender document will be circulated separately to this report.



**8.5 Contract No. 2188 – Pruning and General Arboricultural Services (cont'd)****COUNCIL RESOLUTION**

MOVED: CR. SEYMOUR

SECONDED: CR. COSSARI

That Council

1. Lump Sum Contract – Proactive Zone Pruning Program

accept the Lump Sum tender submitted by Citywide Service Solutions Pty Ltd for Contract 2188 – Pruning of Tree & General Services for the provision of a Proactive Zone Pruning program for a contract term of two years from 1 July 2016 to 30 June 2018 with the option of two, 1 year extensions at Council's discretion;

2. Schedule of Rates – Tree Pruning and Removal

accept the Schedule of Rates tenders submitted by:

- Citywide Service Solutions Pty Ltd
- Predcon Pty Ltd
- R&J Stewart Travel Tower Hire Pty Ltd
- Active Tree Services Pty Ltd

for Contract 2188 – Schedule of Rates Tree Pruning and Removal for a contract term of two years from 1 July 2016 to 30 June 2018 with the option of two, 1 year extensions at Council's discretion;

3. Schedule of Rates – Stump Removal

accept the Schedule of Rates tender submitted by R&J Stewart Nominees Pty Ltd Trading as Munch A Stump for Contract 2188 – Schedule of Rates Stump Removal for a contract term of two years from 1 July 2016 to 30 June 2018 with the option of two, 1 year extensions at Council's discretion;

4. Schedule of Rates – Tree Root Control

accept the Schedule of Rates tender submitted by Just Roots Pty Ltd for Contract 2188 – Schedule of Tree Root Control for a contract term of two years from 1 July 2016 to 30 June 2018 with the option of two, 1 year extensions at Council's discretion;

5. Schedule of Rates – Pest Control (Elm Leaf Beetle)

accept the Schedule of Rates tender submitted by Arborspray Pty Ltd for Contract 2188 – Schedule of Rates Pest Control (Elm Leaf Beetle) for a contract term of two years from 1 July 2016 to 30 June 2018 with the option of two, 1 year extensions at Council's discretion;

**8.5 Contract No. 2188 – Pruning and General Arboricultural Services (cont'd)****Council Resolution (cont'd)**

## 6. Schedule of Rates – Tree Report Writing

accept the Schedule of Rates tender submitted by ENPEC Pty Ltd for Contract 2188 – Schedule of Rates Tree Report Writing for a contract term of two years from 1 July 2016 to 30 June 2018 with the option of two, 1 year extensions at Council's discretion;

## 7. Schedule of Rates – Afterhours

accept the Schedule of Rates tenders submitted by:

- Citywide Service Solutions Pty Ltd
- Predcon Pty Ltd
- R&J Stewart Travel Tower Hire Pty Ltd
- Active Tree Services Pty Ltd

for Contract 2188 – Schedule of Rates Afterhours for a contract term of two years from 1 July 2016 to 30 June 2018 with the option of two, 1 year extensions at Council's discretion;

## 8. Schedule of Rates – Disposal of Mulch

accept the Schedule of Rates tenders submitted by:

- Citywide Service Solutions Pty Ltd
- Predcon Pty Ltd
- R&J Stewart Travel Tower Hire Pty Ltd
- Active Tree Services Pty Ltd

for Contract 2188 – Schedule of Rates Disposal of Mulch for a contract term of two years from 1 July 2016 to 30 June 2018 with the option of two, 1 year extensions at Council's discretion;

## 9. authorise the Chief Executive Officer to formalise the contract documentation for the Lump Sum component and Schedule of Rates components of Contract No. 2188 – Pruning and General Arboricultural Services and to sign and seal the contracts; and

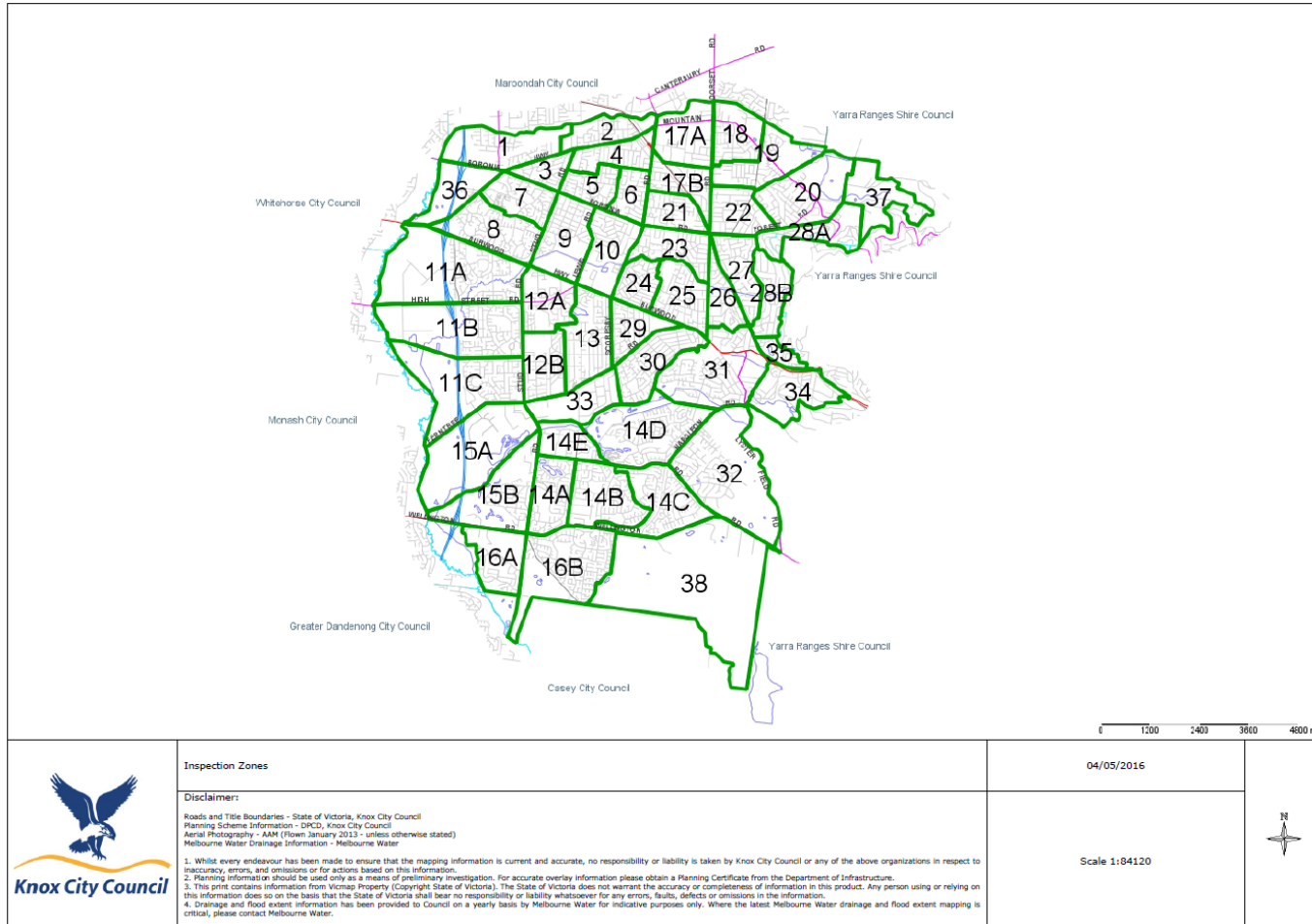
## 10. that all successful and unsuccessful tenderers are advised accordingly.

CARRIED

8.5 Contract No. 2188 – Pruning and General Arboricultural Services (cont'd)

APPENDIX A

Council's Inspection Zones



Inspection Zones

Disclaimer:

Roads and Title Boundaries - State of Victoria, Knox City Council  
 Planning Scheme Information - DKC2, Knox City Council  
 Aerial Photography - AAM (Flown January 2013 - unless otherwise stated)  
 Melbourne Water Drainage Information - Melbourne Water

1. Whilst every endeavour has been made to ensure that the mapping information is current and accurate, no responsibility or liability is taken by Knox City Council or any of the above organizations in respect to inaccuracy, errors, and omissions or for actions based on this information.
2. Planning information should be used only as a means of preliminary investigation. For accurate overlay information please obtain a Planning Certificate from the Department of Infrastructure.
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4. Drainage and flood extent information has been provided to Council on a yearly basis by Melbourne Water for indicative purposes only. Where the latest Melbourne Water drainage and flood extent mapping is critical, please contact Melbourne Water.

04/05/2016

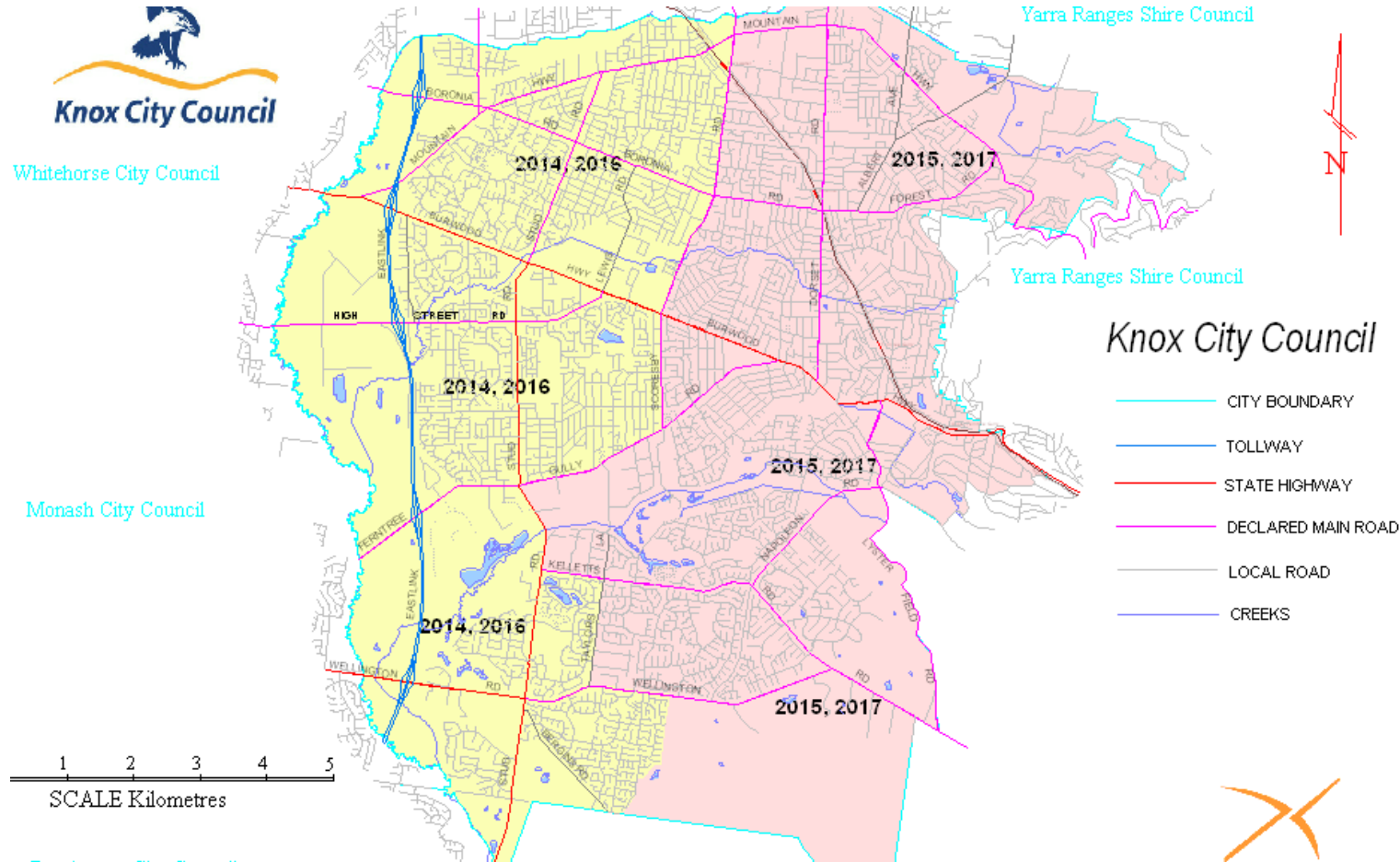
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8.5 Contract No. 2188 – Pruning and General Arboricultural Services (cont'd)

APPENDIX B

Areas prune annually as part of Lump Sum Contract



**ALL WARDS****9.1 MELBOURNE EAST REGIONAL SPORT AND RECREATION STRATEGY**

**SUMMARY:** *Strategic Leisure Planner (Nicole Columbine)*

*The purpose of this report is to present to Council the draft Melbourne East Regional Sport and Recreation Strategy and to seek Council's approval for the Strategy. The Strategy has been developed by representatives from all 7 Eastern Metropolitan Region Councils and representatives from the Department of Transport, Planning and Local Infrastructure and Regional Development Australia (East).*

*The strategy is presented in two parts. Part A – the Strategy provides a summary of the region, identifies gaps in facility and trail networks and outlines the vision for the future provision of regional facilities in Melbourne's East. Part B – Regional Planning framework is designed as a tool to support Councils and other stakeholders to prioritise, plan and deliver regional facilities and shared trails.*

**RECOMMENDATION**

**That Council**

- 1. approve the Draft Melbourne East Regional Sport and Recreation Strategy as provided in Appendix A; and**
- 2. advise the stakeholders involved in the development of the Strategy of Council's decision.**

**1. INTRODUCTION**

The Melbourne East Regional Sport and Recreation Strategy "Strategy" has been developed to support and guide Councils and stakeholders in the Eastern Metropolitan Region in the planning and delivery of regional level sport and recreation facilities and shared recreation trails.

The core project team consisted of representation from the seven Eastern Metropolitan Region Councils (Boroondara, Manningham, Monash, Maroondah, Whitehorse, Knox and the Shire of Yarra Ranges), the Department of Transport, Planning and Local Infrastructure, via Sport and Recreation Victoria (SRV), and Regional Development Australia (East).

The purpose of the Strategy was to undertake a regional planning approach that supports the development of both current and new sport and recreation infrastructure for the Melbourne East Region for the next 20 years.

The Strategy provides an overview of the region, identifies the gaps in regional sport and recreation facilities and shared trails and outlines the vision for the future provision of regional facilities in Melbourne's East.

## 9.1 Melbourne East Regional Sport and Recreation Strategy (cont'd)

Also included in the Strategy is a planning framework to support Councils and other regional stakeholders to prioritise, plan and deliver regional facilities and shared trails collaboratively and effectively.

The Strategy investigates the issues and opportunities impacting the planning and provision of regional level facilities using information provided by the seven represented Councils, State Sporting Associations, State Government and other regional stakeholder groups.

The Strategy is supported by background, research and consultation reports (Preliminary Situational Analysis and Key Findings Report and the State Sporting Association Consultation Findings Report).

Regional level sport and recreation facilities play an important role in contributing to the health and well being of communities, as they generally serve a broader catchment and cater for a diverse range of activities.

The development of a regional Strategy for sport and recreation provision in Melbourne's East will address a range of issues. These are as follows:

- Gaps in the shared recreation trail network create opportunities to better connect and link trails and develop a comprehensive network of regional trails.
- There is currently no regional approach to identifying sport and recreation priorities for the region.
- There is no formal governance structure or advocacy platform to support the planning and development of regional level facilities.
- There is no alignment of stakeholder policies and strategic directions that supports a collaborative approach to investment.
- There is a lack of stakeholder collaboration on planning regional projects that meet broader sport and recreation needs.
- There is a gap in strategic partnerships across key stakeholder organisations including state and regional sporting groups, schools and government departments.
- The capacity and ability of Melbourne's Eastern Metropolitan Region Councils to fund regional priorities as well as servicing local sporting needs is increasingly difficult. Councils are generally unable to exclusively deliver regional level facilities.
- The constraints on Councils working across borders, resulting in some duplication and oversupply of facilities across the region.
- The need to provide a regional approach to regional facility planning and delivery that is consistent with peak sporting bodies, Councils and State Government.
- An ageing community with changing demographics will create a focus on accessible and affordable facilities with broader recreation objectives.

## 9.1 Melbourne East Regional Sport and Recreation Strategy (cont'd)

Key regional highlights in the catchment area include:

- 1.044 million people (24.5% of Melbourne population, 2013).
- Additional 140,000 by 2031 (55,000 aged 55 and over).
- 70 identified regional level sport and recreation facilities (including regional play spaces) catering for a range of activities.
- Approximately 25 regional trails and mountain bike tracks.
- Walking, jogging, cycling and swimming are the most popular recreation activities.
- Basketball, Australian Rules football, netball, soccer and gymnastics are the highest participation sports.
- Adventure and lifestyle sports, badminton, table tennis and personal training are also popular and growing in numbers (emerging and significant new growth).

The objectives of the Strategy are to:

- Identify the vision and principles that will guide future planning and development of regional level sport and recreation facilities.
- Develop a sustainable governance model to drive regional project delivery, improve stakeholder collaboration and create a structure for assessment and decision making.
- Identify and map current and proposed regional level sport and recreation facilities and shared trails across the region.
- Identify gaps in existing regional facility provision and recommend future development priorities that meet current and future demand.
- Develop a regional project assessment criteria, to support future project selection and prioritisation.

The preparation of the Strategy has been aligned to the recommendations of the individual Recreation and Sports Strategies developed by the seven participating Councils in the Eastern Region, Strategic Plans of State Sporting Associations and relevant State and Federal Government policies and strategies.

The Strategy aims to:

- Increases participation in sport and recreation activities;
- Provide facilities that can accommodate future demand;
- Provide increased opportunities to bid for and host regional, state and national sporting events resulting in economic benefits to communities;
- Provide access to a wider range of quality facilities;

### 9.1 Melbourne East Regional Sport and Recreation Strategy (cont'd)

- Avoid duplication of facility service provision across Council boundaries; and
- Ensure sports facilities are financially viable and sustainable.

Regional facilities mean different things to different people. The State Sporting Associations primarily view regional level facilities as venues for elite sport whereas government, in particular local government, see regional facilities as catering for a broad range of sport and community use. For the purposes of this Strategy regional level facilities and trails include:

Sport and Recreation Facilities that:

- Provide a range of participation outcomes which benefit the community, allow for a range of competitions (local, state and/or national), and have the ability to host medium to large scale events;
- Cater for a broad catchment across multiple municipal boundaries;
- Offer flexibility of use by one or more sports / activities;
- Deliver quality management and service levels that are maintained to a high level;
- Meet the defined regional facility standards of local governments and state sporting associations for training and competition.

Shared trails that:

- Are integrated and connected across municipal boundaries;
- Provide appropriate supporting infrastructure and amenities;
- Provide safe off road alternatives; and
- Support both recreation and commuter use.

## **2. DISCUSSION**

The process for the Strategy development included the following:

- Consultation with peak sporting bodies, external reference group members, local Councils and other regional stakeholders;
- Regional facility supply and demand analysis;
- Current and proposed regional level facilities identified and mapped;
- Key findings and background report completed;
- Identification of State Sporting Organisation regional needs;
- Development of Project assessment criteria; and
- Development of Draft Strategy and Planning Framework.



## 9.1 Melbourne East Regional Sport and Recreation Strategy (cont'd)

### 2.1 Strategy Findings

Through the development of the strategy and consultation with regional stakeholder groups it was determined that:

- There is a strong supply of regional level sports facilities and shared recreation trails in Melbourne's East catering for a range of formal and informal activity.
- Local Government rate capping will deliver increased financial pressure on East Region Councils, and is likely to result in Councils prioritising the renewal of existing community facilities over committing to new regional projects.
- Councils exist to provide facilities and services that serve their local communities and are constrained on the level of support they can provide to regional level projects.
- Those municipalities located in the outer east such as Yarra Ranges can offer different sport and recreation experiences than densely populated inner region municipalities due to having greater access to land and open space provision.
- Informal sport and recreation activities such as walking, swimming and gymnasiums are popular with adults in Melbourne's East.
- Structured sports such as basketball, netball, football, cricket and soccer have high participation rates, particularly in the junior category.
- The quality of facility and participation information received from Limited information is available from State Sporting Associations was mixed. The key sports have provided data that will support regional planning and key projects delivery.
- There is an adequate supply of regional swimming pools and athletics facilities to service current and future demand across Melbourne's East at a regional level.
- There is an opportunity for state and local government to plan and collaborate on shared recreation trail development projects to service the region.

These high level findings have guided the development of the strategic directions recommended for the region.

A number of gaps in the current provision of regional level sport and recreation facilities in Melbourne's East have been identified. These include:

1. The connection and development of shared recreation trails;
2. Fit for purpose indoor sports courts for basketball, netball and other compatible sports;

## 9.1 Melbourne East Regional Sport and Recreation Strategy (cont'd)

3. Development of specialised purpose built facilities for gymnastics; and
4. A destination for adventure based activities that cater for the strong recreation market.

### 2.2 Regional Priorities

The Strategy focuses on three priority areas for the region that are critical to the successful planning, funding and delivery of regional sport and recreation facilities. These are:

1. Governance and partnerships;
2. Knowledge and understanding of the region; and
3. Sustainable, flexible and efficient facility development.

#### Governance and partnerships

It is essential that the Melbourne Eastern Metropolitan Region establishes a strong and sustainable governance structure that supports a process for decision making that identifies, prioritises and implements Regional projects.

The proposed governance and project management structure will require Councils and other stakeholders to collaborate and invest resources into a regional planning process to ensure the objectives of the Strategy are achieved.

#### Knowing and understanding the region

Recognising and responding to the region's unique attributes and continuing to challenge, assess and review identified priorities through the use of current sports participation, recreation trails and future population data will be a high priority for the region.

To ensure the sport and recreation profile, including identified facility gaps remains contemporary to the region, it is essential that the baseline trail usage and sport participation data collected as part of the Strategy is kept up to date and reviewed annually.

#### Sustainable, flexible and efficient facility development

There is a need for sport, government and community stakeholders to work together more effectively on planning and delivery of regional facilities, to ensure future provision is targeted, sustainable and successful. The delivery of regional projects requires significant investment from a range of funding providers. The application of the regional framework will guide future investment and provide the evidence to secure support from potential investors.

## 9.1 Melbourne East Regional Sport and Recreation Strategy (cont'd)

The sport and recreation needs of the region and the role and function of existing regional level facilities have been considered in the development of the framework. The framework identifies and prioritises future regional level facilities and shared trail development that will be required to service the region for the next twenty years.

These priorities are supported by 17 recommended actions and eight potential projects (refer Appendix A pages, 32 and 33).

### **3. CONSULTATION**

The development of Melbourne East Regional Sport and Recreation Strategy has incorporated a range of consultation methods to ensure that the outcomes of the Strategy were evidence based and provided a clear picture of the future needs of the region.

The following methods were undertaken:

- Provide an opportunity for all State and Regional Sporting Associations to have input into the development of the Strategy through an information session and subsequent survey (33 peak sporting bodies participated in the survey).
- The individual members of Council's Recreation and Leisure Liaison Group were informed of the project via email.
- Key internal stakeholder consultations with individual Councils.
- External Reference Group - Provided technical advice and a formal mechanism to consult with key sport and industry leaders and organisations which included the following organisations:
  - Aquatics and Recreation Victoria
  - Victorian Trails Committee
  - VicSport
- Other Regional Stakeholders – Parks Victoria, Melbourne Water, Melbourne Planning Authority, Bicycle Network Victoria, YMCA, Belgravia Leisure, Victorian Equal Opportunity and Human Rights Commission

An analysis of the consultation data was conducted and a consultation report forms part of a background research and findings paper.

### **4. ENVIRONMENTAL/AMENITY ISSUES**

Environmental and amenity considerations will be taken into account as the project or trail progresses through the six stages of planning, development and delivery (Appendix A, page 25).

## 9.1 Melbourne East Regional Sport and Recreation Strategy (cont'd)

### **5. FINANCIAL & ECONOMIC IMPLICATIONS**

The Strategy was funded through a successful Sport and Recreation Victoria Community Facilities Funding, Regional Planning grant which included contributions from Regional Development Australia (\$15,000), Sport and Recreation Victoria (\$50,000) and each Eastern Metropolitan Council (\$5,000).

All participating Eastern Metropolitan Region Councils have committed to maintaining and updating regional sports participation data to remain current, an estimated contribution of \$3000 per Council biennially will be funded through each Council's existing operational budget.

Future priorities identified in the Strategy will follow the approach proposed in the framework (page 17) and funding options explored through each Council's capital works program, as well as external grant opportunities.

### **6. SOCIAL IMPLICATIONS**

Regional level sport and recreation facilities play an important role in contributing to the health and well being of communities, as they serve a broad catchment and cater for a diverse range of activities. The Strategy identifies projects that address the regional sport and recreation needs of residents and demonstrates the broader health, social and economic benefits to the region.

### **7. RELEVANCE TO CITY PLAN 2013-17 (INCORPORATING THE COUNCIL PLAN)**

The Strategy has relevance to Council's City Plan 2013 – 2017 incorporating the Council Plan under the key objectives of:

*Theme 1: Healthy, Connected Communities* - 1.1 The Knox community benefits from good health and wellbeing at all life stages;

*Theme 3: Vibrant and Sustainable Built and Natural Environments* - 1.3 Infrastructure networks provide transport choice, affordability and connectivity and

*Theme 4: Culturally Rich and Active Communities* - 1.2 Increase use of public spaces and infrastructure for the purposes of cultural expression and physical activity.

The Strategy supports the objectives of providing quality opportunities for leisure and recreation and providing high quality infrastructure for the benefit of the Knox community.

**9.1 Melbourne East Regional Sport and Recreation Strategy (cont'd)****8. CONCLUSION**

The draft Melbourne East Regional Sport and Recreation Strategy has been developed through detailed consultation, research and collaboration. The Strategy provides a snap shot of the current provision of regional facilities and identifies future priorities, the current gaps in regional facility provision and provides clear strategic directions and priorities. It also provides a planning framework and a process to assist stakeholders to evaluate, assess and prioritise regional projects. It supports collaboration across local government areas to deliver regional facilities that support healthy and active communities.

The establishment and nurturing of strategic partnerships and improving collaboration across key sport, government and community stakeholder groups which will provide more opportunities for Councils to secure funding for regional projects is also a key outcome of this Strategy.

**9 CONFIDENTIALITY**

There are no issues of confidentiality associated with this report.

**COUNCIL RESOLUTION**

MOVED: CR. SEYMOUR

SECONDED: CR. GILL

That Council

1. approve the Draft Melbourne East Regional Sport and Recreation Strategy as provided in Appendix A; and
2. advise the stakeholders involved in the development of the Strategy of Council's decision.

**CARRIED**

**9.1 Melbourne East Regional Sport and Recreation Strategy (cont'd)**

**APPENDIX A – Draft Melbourne East Regional Sport and Recreation Strategy is circulated under separate cover.**

**BAIRD WARD****9.2 KNOX LEISUREWORKS YMCA – TWO YEAR CONTRACT EXTENSION**

**SUMMARY:** *Coordinator Leisure Services (Marco D’Amico)*

*This report provides background and information related to Contract 1983 – Management and Operation of Knox Leisureworks (KLW) - and recommends the approval of a two year extension (2016-2018) (option) after the initial contract period. The recommendation is based on the YMCA’s contract compliance and industry benchmarking against key facility management indicators over the current contract period.*

**RECOMMENDATION**

**That Council approve a two year extension of the YMCA Knox Leisureworks contract (2016-2018).**

**1. INTRODUCTION**

Council awarded a contract for the management and operation of Knox Leisureworks commencing July 2013 for an initial three year term with an option of a further two year extension at Council’s sole discretion. The contract was awarded to Victorian YMCA Community Program Pty Ltd (YMCA) with the initial term concluding in July 2016 and the option of a two year extension period to commence in July 2016.

A key consideration of the winning tender in 2013 was that the YMCA would make guaranteed payments in the first three years of operation with indicative payments for the final two years of the contract period.

- Year 1 \$398k (guaranteed) (2013-14)
- Year 2 \$522k (guaranteed) (2014-15)
- Year 3 \$611k (guaranteed) (2015-16)
- Year 4 \$708k (indicative) (2016-17)
- Year 5 \$807k (indicative) (2017-18)

The YMCA provided the guaranteed lump sum contract return to Council of \$1,392,500 (exc. GST) during the initial term of the contract (Years 1 – 3) despite some challenges over the period and operating financial losses. These losses were covered by YMCA’s Victoria Incorporated (parent entity).

The management of Knox Leisureworks includes the operations of a range of leisure and aquatic opportunities in both an indoor and outdoor setting including a 50m heated pool, program pool, warm water pool, spa, leisure pool with beach entry, outdoor 25m pool, outdoor toddlers pool, 80m fun slide, gymnasium, program rooms, crèche, cafeteria and professional offices.

Council’s objective for KLW is to provide a broad range of aquatic and non aquatic fitness, leisure and wellbeing opportunities which are attractive and accessible to residents of the municipality.

## **9.2 Knox Leisureworks YMCA – Two Year Contract Extension (cont'd)**

### **2. DISCUSSION**

The YMCA gave notice on 25 November 2015, to seek an extension to the initial contract term. During the initial term, the YMCA have performed well against the Contract specification whilst highlighting that they were experiencing a significant reduction in business operating performance.

#### **2.1 Contract Compliance**

Council's Leisure team has monitored the performance of the YMCA through regular audits and reporting against key criteria and contract requirements. Bi-monthly compliance audits are carried out on the YMCA contract. The compliance audits cover a variety of areas, including asset management, cleaning, marketing, programming, reporting, service planning and staffing. All aspects of the contract are audited in line with the contract specification. A total of 362 areas were assessed.

The audit results show that over the past two years and eight months, the YMCA has been compliant in 80% of areas, and partially compliant in a further 15% (95% in total). Of the reported 5% deemed non-compliant, there are no major issues highlighted. Any issues deemed to be of partial compliance or non-compliant has been raised with the YMCA and were either rectified immediately, or action plans put in place to ensure compliance was attained.

#### **2.2 Knox Leisureworks performance compared to Industry**

Leisureworks performance has been compared against similar sized facilities in industry benchmarking under the Centre for Environmental and Recreation Management (CERM) Performance Indicators 2014. The table below provides a snapshot of key areas of Knox Leisureworks performance in a number of critical operational areas. Data shows the centre is operating satisfactorily against industry benchmarking for visits by an individual, but is not recording enough total participation. The data indicates a strong safety culture within the YMCA with lower major incident occurring per 10,000 visits.

The data shows the YMCA's efficient staffing structures and lower staffing costs. Labour costs as a percentage of income are 23% better than the industry bench mark and \$9,000 less per FTE per staff member. The marketing indicator positions the facility well showing an almost on par spending per visit against industry standards.

#### **2.3 Financial performance**

Information regarding the financial operating performance of Knox Leisureworks YMCA can be found at Confidential Appendix A attached to this report.



## 9.2 Knox Leisureworks YMCA – Two Year Contract Extension (cont'd)

### 2.4 Trends and observations 2013-14 to 2015-16

Financial information regarding the trends and observations of 2013-14 and 2015-16 of Knox Leisureworks YMCA can be found at Confidential Appendix A attached to this report.

### 2.5 Pricing Structure

Knox Leisureworks appears to have average fees across most services consistent with industry benchmarking, eg. Average swim lesson fee of \$35.95 (per fortnight) compared to the benchmark average of \$37.21. However, the existing pricing structure offers limited membership options. This is currently limited to either a 'full service fee' (all aquatic and dry programming) or aquatic only. Officers identified that in order to compete with the local market, and specifically the 24 hour gym model, a gym or dry programming membership option (health and fitness) is a current missed market segment.

In 2015 the YMCA conducted a survey with 1,636 prospective patrons who had enquired about a membership but had not joined as members. The research found a total of 50% did not join due to their perception that the price for memberships did not represent value for money, 39% had reasons such as "types of memberships offered did not meet my needs", "joined another centre instead", "location was not convenient for me" and "not convenient". In addition, 11% stated they did not join due to the poor condition of the facility.

The pricing structure has been investigated in depth by both the YMCA and Council Officers, with the YMCA proposing a varied pricing structure to commence in 2016-17.

The Deakin University competitor research undertaken by the YMCA identifies an average membership fee of \$30 per fortnight for gym access (includes all types of gyms from 24/7 to full service). By offering a \$35 per fortnight option (\$30 concession) for gym and group fitness only, Knox Leisureworks will offer a competitive price point for those seeking the type of facilities and price offered by local competitors such as Jetts, Genesis, Goodlife, Anytime Fitness, Snap Fitness and Plus Fitness. A summary of the new proposed membership prices are provided below with the full revised structure included as Confidential Appendix B of this report.

Membership Type	Access	Proposed Price	Current
Full Access	Gym / Group Fitness / Pools / Childcare*	\$48.00	\$46.40
Health & Wellness	Gym & Group Fitness	\$35.00	N/A
Aquatics	Pools Only	\$25.00	\$24.60
Pryme Movers	Aqua & Land Classes	\$25.00	\$24.30

\*Childcare and centre discounts on food and merchandise is now an added service on this membership

## 9.2 Knox Leisureworks YMCA – Two Year Contract Extension (cont'd)

### CERM Performance Indicators 2014

Areas	Item	Industry Benchmark Figure	Knox Leisureworks Performance
Finance	Expense Recovery	102%	99%
Local participation	Visits per person annually for 5km Catchment	5.0	5.1
Visits / Size of the facility	Visits per m2	79	48
Visits	Annual Visits	612,000	580,000
Safety	Major incidents per 10,000 visits	0.18	0.15
Labour	Labour Costs as a % of income	68%	45%
Labour	Average labour cost per FTE staff	\$62,966	\$53,537
Marketing	Promotional Cost Per visitor	\$0.10	\$0.11

The YMCA has met their contractual requirements to provide a safe, clean and comfortable environment for the Knox community to recreate. The YMCA has satisfactorily met the existing contract specification requirements based on the ongoing evaluation by Council through a comprehensive contract compliance process. The results of both the compliance with the Contract specification and performance against the industry benchmarks are indicators that the YMCA is meeting Council's expectations in delivering on the requirements of Contract 1983.

It is important to note that the proposal for an extension on the existing contract is based on performance against specification to meet governance requirements. While the current negotiations indicate a lower return to Council for years 4 and 5 of the Contract, the tendered amount provided in 2013 were 'indicative'. Legal advice sought by Council officers has indicated that any consideration of variations to the indicative payments to Council at this time could be construed as negotiations of a new contract and therefore require a full tender process to proceed. This matter should be excluded in deliberations for awarding the contract extension.

### 2.6 Local Competition

The saturation of local competitors is similar to benchmarking of similar facilities. Independent research by Deakin University identified 35 competitors to Knox Leisureworks within a 5km radius. The research compared Knox to other facilities in Melbourne; with only one other (Ashburton Pool & Rec Centre) identified as having more competitors in the same catchment zone.

## 9.2 Knox Leisureworks YMCA – Two Year Contract Extension (cont'd)

In the past two years 8 additional Health and Wellness competitors have established operations within the catchment as well as a major redevelopment of Maroondah's Aquanation Aquatic Facility located just outside the catchment.

Centre	Local Government Area	Number of Competitors with 5km radius of the facility
Ashburton Pool & Rec Centre	Boroondara	43
Knox Leisureworks	Knox	35
Glen Eira Sports & Aquatic Centre	Glen Eira	32
Monash Aquatic & Rec Centre	Monash	31
Aquanation Ringwood	Maroondah	30
Casey ARC	Casey	23
Casey Race	Casey	10

The map in Appendix C shows the saturation of competitors that are located within the Knox Leisureworks catchment.

### 2.7 Current Facility Management Market

The current facility management market has a limited amount of competitors tendering and/or operating Council facilities. Existing providers that have a sufficient track record in major leisure facility management practices include the YMCA and Belgravia. Recently, Cardinia Shire Council awarded their facility management contract to Aligned Leisure, (March 2016) a subsidiary of the Richmond Football Club, which will manage Cardinia Life, Pakenham Regional Tennis Centre and four seasonal outdoor pools. The contract will also include two soon-to-be-open facilities, Officer Community Hub and IYU Recreation Reserve – synthetic (soccer) pitch.

It should also be noted that there are very few guaranteed performance managed contracts existing in Victoria. The majority are agreed service provision arrangements with Council taking the risk of meeting annual costs as most management companies do not have the asset or financial base to lose money on an ongoing basis. Ultimately if a contractor continues to lose money on a guaranteed performance contract there is likely to be a time where they will have to cease the contract or go out of business.

## **3. CONSULTATION**

Consultation has been undertaken with representatives of the YMCA and industry experts (SGL Consulting) in order to assess the performance of the YMCA against industry trends. Furthermore, Council officers have undertaken consultation with other Local Governments in order to benchmark Council's experience with the YMCA against other facilities and management models.

## 9.2 Knox Leisureworks YMCA – Two Year Contract Extension (cont'd)

### 4. ENVIRONMENTAL/AMENITY ISSUES

As stated in section 3.3, the YMCA has met their contractual requirements to provide a safe, clean and comfortable environment for the Knox community to recreate. Furthermore, the YMCA has satisfactorily met the existing contract specification requirements based on the ongoing evaluation by Council through a comprehensive contract compliance process. The decision to award the YMCA the two year contract extension would allow Council further time to complete a review of the Knox Aquatics Future Directions Strategy and research trends in facility management options during this period.

### 5. FINANCIAL & ECONOMIC IMPLICATIONS

The evidence provided by the YMCA suggests that the indicative returns to Council for Year 4 and 5 in the initial tender submission are not financially sustainable. The financial performance of KLV's has not been as good as originally anticipated due mainly to lower than projected membership growth. While the YMCA has met their payment obligations for years 1 to 3 the financial performance of the centre has resulted in the YMCA Victoria Inc absorbing a net loss of \$416,516.

Initial discussions with the YMCA indicate a revision of the indicative year 4 and year 5 payments to \$205,686 over the option period. This is based on new budgets developed for the period (2016-17 and 2017-18) (see below).

#### **Original tender submission**

	Indicative Council Return (tender)	Revised Council Return	Negative Variance
Year 4 (2016-17)	\$643,812	\$80,153	\$563,659
Year 5 (2017-18)	\$734,536	\$125,533	\$609,003

#### **Knox Budget LTFF**

	LTFF	Proposed Council Return	Negative Variance
Year 4 (2016-17)	\$573,000 *	\$80,153	\$492,847
Year 5 (2017-18)	\$590,000 *	\$125,533	\$464,467

\* The 2016-17 and 2017-18 LTFF figures are based on the tendered proposed final year figure of the initial term plus a 3% increase.

This revised financial proposal from the YMCA will see a significant negative variation in Council's LTFF (2015) for the next two years totaling \$957,314, however, the revised returns are based on a more stringent business analysis and a range of business improvements. This appears to be more realistic and take an evidence based approach and is therefore more likely to be sustainable.

The YMCA regional executive management has agreed to meet with Officers on a quarterly basis to discuss business progress and improvement initiatives to ensure the YMCA is able to meet their revised obligations and management performance.

## 9.2 Knox Leisureworks YMCA – Two Year Contract Extension (cont'd)

### **6. SOCIAL IMPLICATIONS**

Council's objective for KLW is to provide a broad range of aquatic and non aquatic fitness, leisure and wellbeing opportunities which are attractive and accessible to the residents of the municipality. This includes:

- Providing a broad range of aquatic and non aquatic fitness, leisure and wellbeing opportunities which are attractive and accessible to the residents of the municipality and do not disadvantage any person on the basis of gender, age, culture, disability or economic circumstances;
- Taking an active role in assessing and responding to the changing needs of the community and working with Council to ensure that KLW continues to meet community expectations;
- Operating the KLW in such a way that is consistent with Knox City Council's Integrated City Strategy, Leisure Plan and Building and Asset Management Plan;
- Contributing to a stronger community through the provision of social networking opportunities that promote participation in leisure activities,
- Actively assessing and responding to the health and safety of patrons, staff, volunteers and contractors at the KLW; and
- Collaboratively working with Council to promote Council's role and support with the provision of the health and wellbeing activities at KLW.

The contract specification translates these objectives into measurable action items through the use of innovative initiatives such as a monthly provision of free swim passes for the community and established performance targets.

### **7. RELEVANCE TO CITY PLAN 2013-17 (INCORPORATING THE COUNCIL PLAN)**

The report responds to the Council Plan 2013-17 in the following areas:

- *Healthy, Connected Communities* – Creating and supporting a strong, diverse and motivated community that is a safe place to live, and in which community leaders are supported, and every voice is valued;
- *Culturally Rich and Active Communities* – Creating a community environment in which a range of major and local events, festivals and activities thrive, culturally rich arts, diverse leisure and recreational activities are abundant, and people have access to a range of cultural and leisure facilities, shared open spaces and lifelong; and
- *Dynamic Services and Facilities* – All services and facilities delivered by Council will respond to community needs and will be well managed and effective and seek best value outcomes for our community.

**9.2 Knox Leisureworks YMCA – Two Year Contract Extension (cont'd)****8. CONCLUSION**

The YMCA has performed satisfactorily against the specification for the Management and Operation of Knox Leisureworks for years 1 to 3. They have maintained a safe facility and have performed well against industry benchmarks. Officers recommend that Council approve the proposed contract extension (2016-2018) based on these performance measures.

**9. CONFIDENTIALITY**

There are no confidentiality issues with this report.

**COUNCIL RESOLUTION**

MOVED: CR. LOCKWOOD

SECONDED: CR. PEARCE

That Council approve a two year extension of the YMCA Knox Leisureworks contract (2016-2018).

CARRIED

**9.2 Knox Leisureworks YMCA – Two Year Contract Extension (cont'd)**

Confidential Appendices A and B are circulated under separate cover.

## Appendix C – Competitor Analysis



Figure 1 - Knox Leisureworks competitor map

- 24-hour, budget gyms
- CrossFit, High Intensity Training gyms
- Full service gyms
- Gender-specific gyms
- Gym only
- Personal Training studios/Pilates/Yoga
- Sport-based facilities
- Boot Camps/Small Group Training/Outdoor training
- Aquatic facility/Swim School



**SCOTT WARD****9.3 KNOX REGIONAL FOOTBALL CENTRE – FOOTBALL FEDERATION VICTORIA LEASE**

**SUMMARY:** *Manager Youth Leisure & Cultural Services  
(Peter Gore)*

*The purpose of this report is to provide the outcome of discussions and subsequent negotiations between Knox City Council officers and representatives from Football Federation Victoria (FFV) regarding the Lease of land (including pitches and pavilion) on the corner of George Street and High Street Road, Wantirna South.*

*The FFV has raised a number of issues with provisions in the existing Lease and, following discussions regarding these issues, it is proposed that an amendment to the terms of the Lease is executed (Deed of Amendment) to ensure ongoing operations are sustainable and financially viable.*

**RECOMMENDATION**

**That Council approve a Deed of Amendment (Knox Regional Sports Park – Lease) as outlined in this report (Draft Deed of Amendment provided as Appendix D).**

**1. INTRODUCTION**

In 2011 Council developed the Knox Regional Football Centre (KRFC) on the Knox Regional Sports Park (KRSP) land including a full sized football (soccer) pitch, 9 small synthetic football (soccer) pitches and a pavilion comprising of a canteen, change rooms, office, public toilet, storeroom, meeting/social room and associated facilities. The total cost of the KRFC component of the project was \$6,335,000.

On the 9 December 2009, Council entered into a Memorandum of Understanding (MOU) with the Football Federation Victoria (FFV) for the development of the KRFC facilities at the KRSP. The purpose of this Memorandum of Understanding was to establish the arrangements for FFV's contribution to the development of the facility and then occupancy of facilities following its construction. Under the MOU Football Federation Victoria (FFV) agreed to provide an initial contribution of \$1,539,697 + GST towards the cost of construction plus contingencies up to a maximum of \$92,250 + GST.

### **9.3 Knox Regional Football Centre – Football Federation Victoria Lease (cont'd)**

The term of the Lease was for a 10 year period (with a further option of five years) and commenced in September 2011. The annual instalment of rent is \$1 per annum. The Lease provides the following permitted uses:

- Sporting, recreation, leisure, cultural, education and associated retail uses.

Football Federation Victoria is required to operate the premises as a regional football centre promoting and encouraging its use primarily for football competition, recreation, training and development.

The Lease agreement sets out a number of key requirements including sole responsibility for the operation and management of the premises and a requirement to meet a number of key performance indicators and objective measures which are commercially realistic. It details permitted hours of use and occupancy, application and approval for hiring fees as well as a range of reporting obligations (Annual Business Plan and Budget) as well as general maintenance and repair obligations.

## **2. DISCUSSION**

### **2.1 Lease Negotiations**

For the last two years, the FFV has indicated a desire to amend the current Lease in the areas of fee structure, opening hours, reporting obligations and KPI's. The current CEO and Board have indicated that the Lease conditions are onerous and, in the long term, are not sustainable and viable to continue operations.

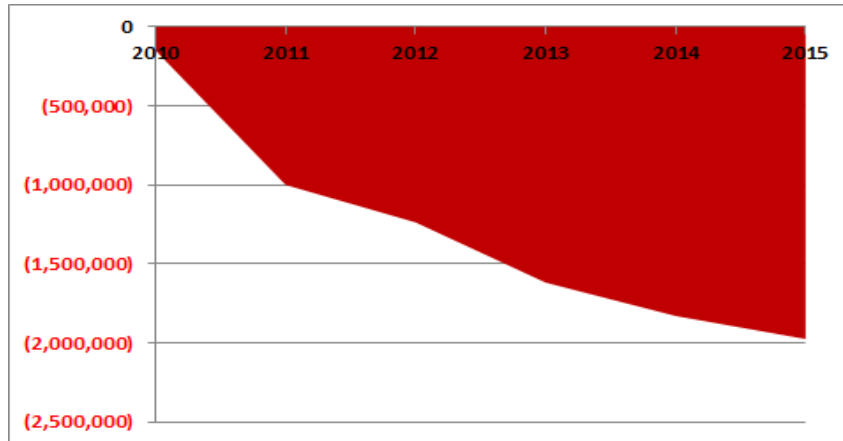
FFV representatives met with the Knox City Council's Chief Executive Officer on 23 February 2015 to indicate a desire to begin formal negotiations on these matters and these negotiations have been taking place since that time.

The most significant issue raised by the FFV related to the financial viability of operations. A copy of the FFV financial forecasting based on the existing contract is provided as Confidential Appendix A. This includes a detailed estimate of accumulative loss up until 2021 in the range of \$1.3m to \$600k (depending on assumptions regarding pricing and occupancy.) The FFV has indicated that a financial loss of this magnitude would prejudice continued operations.

Graph 1 below provides a snapshot of the accumulative Knox Regional Football Centre cash deficit that the FFV has realised from the initial contribution payment to Council in February 2010 up to October 2015. This totals just under \$2m and is made up of capital contribution funding, pitch replacement contributions and operating losses.

### 9.3 Knox Regional Football Centre – Football Federation Victoria Lease (cont'd)

Graph 1 – FFV Accumulative cash deficit at the KRFC 2010-2015



## 2.2 Discussion

Following the February 2015 contract meeting, and at the request of the CEO, Council officers from the Leisure Services unit initiated a series of meetings with the FFV (from April 2015 to February 2016) to explore, undertake benchmarking and negotiate a range of lease provisions in the key provisions grouped as follows: fee structure; opening hours; and key performance indicators.

## 2.3 Key Lease Provisions

### 2.3.1 Fee Structure

The FFV has indicated that the current fee schedule (in its view) was not financially viable. The FFV argues that the hiring fees detailed in the agreement were not consistent with market rate (significantly lower). The existing annual increase of CPI plus 1% on the current fees would not support future operations and expenditure.

The current fee structure has been discussed in detail by the parties. A benchmarking of 'like' facilities within the State was undertaken and there has also been an attempt to rationalise and simplify the existing fee structure.

The table in Appendix B provides information on the fee benchmarking exercise undertaken by Council officers. Facilities that were used for comparison included a range of football facilities including Albert Park, Kingston Heath, Hillsville Recreation Reserve, Clifton Park, State Football Centre, Anderson Park, CB Smith Reserve, Harvest Home Reserve, Keilor Park Recreation Reserve and Sunshine George Cross.

At the conclusion of the benchmarking review a revised fee schedule has been proposed for endorsement. The new fee schedule has been developed with the intention of maintaining a cost benefit for local community clubs and schools while providing an opportunity for the centre to become more viable based on market rates.

### 9.3 Knox Regional Football Centre – Football Federation Victoria Lease (cont'd)

Should this fee schedule be endorsed, all future fee increases will be in accordance with clause 10.3 of the Lease which provides for an annual review with permitted increases being no greater than CPI +1%.

#### 2.3.2 Opening Hours

The existing Lease prescribes a range of core hours for the use of the premises (staffed) and does not permit any reduction in the application of these operating times. The FFV has proposed a change to the core hours based on occupancy levels of actual operations as outlined below:

Day	Existing Hours *	Revised Hours **
Monday - Friday	8am – 11.30pm	9am-6pm on demand (community pitch open)
		6pm-10pm
Saturday - Sunday	8am-12midnight	9am-6pm
	* These times are to apply all year round	** These times would apply April to September (peak season) In the off season the community pitch would remain open. Other amenities, eg. pavilion and cages, would be on demand.

During the peak-season period the FFV will commit to ensuring the facility is opened for all on-demand bookings made at least two hours in advance. Furthermore, the FFV will use reasonable endeavours to accommodate other bookings made inside this two hour period.

In addition, the FFV has agreed, in the off-season, to ensure the facility is open for advance bookings (made 24 hours in advance). Furthermore, the FFV will leave a minimum of two cages unlocked for use by the Knox community during the following times:

- Peak season period on a Monday to Friday between 9.00am – 6.00pm;
- Off-peak season period on a Monday to Sunday between 9.00am – 6.00pm; and
- Public Holidays between 9.00am – 6.00pm

In essence, this revised arrangement does not require the FFV to fully staff the pavilion and associated facilities during daylight/business hours and within the off-season and on-demand during peak season. A six month trial of the revised hours commenced earlier this year with the initial three month report confirming no broad adverse impacts on community access thus far. This reporting will form the basis of some further considerations following the trial.

### **9.3 Knox Regional Football Centre – Football Federation Victoria Lease (cont'd)**

#### **2.3.3 Reporting Obligations**

The FFV has requested changes to the current business planning and annual reporting requirements in order to simplify and 'better align' the information in both reports as well as to minimize duplication. The parties have clarified information required for business planning, budget reporting and key performance indicators.

A comprehensive table of the proposed change to business planning and annual reporting arrangements are provided in Appendix C.

#### **2.3.4 Key Performance Indicators**

The parties have re-examined Key Performance Indicators (KPI's) required by Council given that the FFV has expressed some concerns about the relevance, calculation methods and their capacity to provide accurate information (without data collection becoming too onerous). As a consequence, some performance measures have been revised and/or clarification provided on methodology.

KPI measures need to be realistic and the information collected needs to be such that Council can evaluate the use, range and diversity of programs, attendances etc. The proposed revised KPI measures continue to meet key Council reporting categories and assist in evaluating accessing and operational effectiveness. A copy of the proposed revised KPI measures is also provided in Appendix C.

#### **2.4 Summary of the changes**

A summary of the specific clauses under review, the FFV's request and the Council officers' response (with a recommended course of action) are provided in a comprehensive table provided as Appendix C.

In discussions with Council's Lawyers, Russell Kennedy, a revised Deed of Amendment has now been prepared which sets forward the proposed changes to the existing Lease (Appendix D).

### **3. CONSULTATION**

The negotiation team comprising Council's Manager Youth, Leisure and Cultural Services, Coordinator Leisure Services and Leisure Contracts and Projects Officer has undertaken an extensive negotiation with the FFV's negotiation team consisting of the FFV Chief Executive Officer, General Manager Legal and Regulatory and Chief Finance Officer. Consultation has occurred with officers from Council's Finance Department to review the FFV's financial modelling. Benchmarking with like facilities across Victoria was undertaken by both officers from Council and the FFV to compare the current and proposed fee structure. Council also engaged legal representation to assist in the final deed negotiation and development.

### 9.3 Knox Regional Football Centre – Football Federation Victoria Lease (cont'd)

#### **4. ENVIRONMENTAL/AMENITY ISSUES**

The proposed changes in the Deed of Amendment will not impact on any environment or amenity issues as the facilities will still be available for the Knox community to use for recreation. While the change of hours may impact on the ease of community access to the social space and change facilities, flexibility is provided in the Deed of Amendment through the unconstrained access of the community pitch and two 5-a-side pitches when the facility is not staffed, as well as the guaranteed booking window.

#### **5. FINANCIAL & ECONOMIC IMPLICATIONS**

The Deed of Amendment proposes changes to the fees and charges for the facility. This will not have any financial implications for Council.

#### **6. SOCIAL IMPLICATIONS**

The proposed Deed of Amendment will ensure that the Knox Regional Football Centre will continue to provide an effective and sustainable service to the Knox community. While there will be an initial impact to the community with regards to some increases in fees, officers have worked with the FFV to ensure this has minimal impact on Knox residents. A revised fee base and structure will facilitate the management of the centre to operate more sustainably.

#### **7. RELEVANCE TO CITY PLAN 2013-17 (INCORPORATING THE COUNCIL PLAN)**

The report responds to the Council Plan 2013-17 in the following areas:

- *Healthy, Connected Communities* – Creating and supporting a strong, diverse and motivated community that is a safe place to live, and in which community leaders are supported, and every voice is valued;
- *Culturally Rich and Active Communities* – Creating a community environment in which a range of major and local events, festivals and activities thrive, culturally rich arts, diverse leisure and recreational activities are abundant, and people have access to a range of cultural and leisure facilities, shared open spaces and lifelong; and

*Vibrant and Sustainable Built and Natural Environments* – All services and facilities will respond to community needs and will be well managed, effective and seek best value outcomes for our community.

**9.3 Knox Regional Football Centre – Football Federation Victoria Lease (cont'd)****8. CONCLUSION**

To ensure the ongoing operations of the Knox Regional Football Centre remains sustainable and financially viable, Officers recommend that Council approve the proposed changes to the current centre's fees and charges, opening hours and reporting requirements within the existing Lease. These changes are reflected in the Deed of Amendment.

**9. CONFIDENTIALITY**

There are no confidentiality issues with this report.

**COUNCIL RESOLUTION**

MOVED: CR. COOPER

SECONDED: CR. COSSARI

That Council approve a Deed of Amendment (Knox Regional Sports Park – Lease) as outlined in this report (Draft Deed of Amendment provided as Appendix D).

CARRIED

**9.3 Knox Regional Football Centre – Football Federation Victoria Lease  
(cont'd)**

Confidential Appendix A is circulated under separate cover.



## 9.3 Knox Regional Football Centre – Football Federation Victoria Lease (cont'd)

## Appendix B

Proposed fees compared to current fee schedule and benchmarking results (average)

	Current		New/Proposed		Benchmark Average		Current Comparison		Benchmarking Comparison	
	Off Peak	Peak	Off Peak	Peak	Off Peak	Peak	Off Peak	Peak	Off Peak	Peak
<b>Main Pitch Hire</b>										
<b>Knox Clubs</b>	\$60.00	\$78.00	\$55.00	\$80.00	\$61.48	\$66.40	-\$5.00	\$2.00	-\$6.48	\$13.60
<b>Knox Relocated Clubs</b>	\$54.00	\$78.00	\$55.00	\$80.00	\$61.48	\$66.40	\$1.00	\$2.00	-\$6.48	\$13.60
<b>Non-Knox Clubs</b>	\$83.00	\$102.00	\$75.00	\$110.00	\$84.94	\$94.75	-\$8.00	\$8.00	-\$9.94	\$15.25
<b>Knox School</b>	\$24.72	\$24.72	\$40.00	\$40.00	\$52.07	\$58.73	\$15.28	\$15.28	-\$12.07	-\$18.73
<b>Non-Knox School</b>	\$28.00	\$28.00	\$50.00	\$50.00	\$77.59	\$79.61	\$22.00	\$22.00	-\$27.59	\$29.61
<b>Corporate</b>	\$92.00	\$107.00	\$120.00	\$160.00	\$124.69	\$133.07	\$28.00	\$53.00	-\$4.69	\$26.93
<b>FFV</b>	\$83.00	\$102.00	\$75.00	\$110.00	\$	\$	-\$8.00	\$8.00	N/A	N/A

	Current		New Proposed		Benchmark Average		Current Comparison		Benchmarking Comparison	
	Day	Night	Day	Night	Off Peak	Peak	Off Peak	Peak	Off Peak	Peak
<b>5 a Side Pitch Hire</b>										
<b>Knox Clubs - Unsecured</b>	\$11.00	\$16.00	\$30.00	\$60.00	\$67.67	\$83.25	\$19.00	\$44.00	-\$37.67	-\$23.25
<b>Knox Clubs - Booked</b>	\$27.00	\$27.00	\$30.00	\$60.00	\$67.67	\$83.25	\$3.00	\$33.00	-\$37.67	-\$23.25
<b>Other - Booked</b>	\$34.00	\$68.00	\$60.00	\$90.00	\$67.67	\$83.25	\$26.00	\$22.00	-\$7.67	\$6.75

9.3 Knox Regional Football Centre – Football Federation Victoria Lease (cont'd)

Appendix C - Table of Amendments

FFV Request	Lease Ref	Formal Wording in Deed	FFV Proposed Change	Notes	KCC Response
Change to core opening hours	9.9(a)(iii)	<p><b>9.9 Hours of operation</b></p> <p>(a) Other than in accordance with conditions prescribed in any planning permit or as otherwise approved by the Landlord (acting reasonably, and not at any time reducing permitted hours of use), the Tenant must comply with the following times of use of the Premises: <i>Core Hours</i></p> <p>(iii) The Tenant must keep the Premises open (that is, staffed) and available for use for Events (including by persons from within the municipal boundaries of the City of Knox) within the following hours:</p> <p style="padding-left: 40px;">Monday - Friday      9 am - 10 pm</p> <p style="padding-left: 40px;">Saturday - Sunday      9 am - 6 pm.</p> <p>For the avoidance of doubt, nothing in this <b>clause 9.9(a)</b> prevents the Tenant (including the Tenant's Employees and Invitees) from accessing and attending the Premises outside these times, provided the Tenant is not using the Premises in a manner inconsistent with the relevant planning controls.</p>	<p>(a) Clause 9.9(a)(iii) of the Lease is omitted and replaced with the following: <i>"The Tenant must keep the Premises open (that is, staffed) and available for use for Events (including by persons from within the municipal boundaries of the City of Knox) as follows:</i></p> <p><i>Mon – Fri</i> <i>9.00am – 6.00pm</i> <i>Access:</i> <i>Community pitch – open.</i> <i>Cages – bookings / on-demand.</i> <i>Pavilion – bookings / on-demand.</i></p> <p><i>Mon – Fri</i> <i>6.00pm – 10.00pm</i> <i>Community pitch – open.</i> <i>Cages – open.</i> <i>Pavilion – open.</i></p> <p><i>Sat – Sun</i> <i>9.00am – 6.00pm</i> <i>Community pitch – open.</i> <i>Cages – open.</i> <i>Pavilion – open.</i></p> <p><i>Off-Season &amp; Public Holidays</i> <i>Community pitch – open.</i> <i>Cages – bookings / on-demand.</i> <i>Pavilion – bookings / on-demand.</i></p> <p><i>Off-season is 1 October to 31 March.</i> <i>For the avoidance of doubt, nothing in clause 9.9(a) prevents the Tenant (including the Tenant's Employees and Invitees) from accessing and attending the Premises outside these times, provided the Tenant is not using the Premises in a manner inconsistent with the relevant planning controls."</i></p> <p>(b) In addition:</p> <p>(i) FFV will commit to ensuring the facility is opened for all advance bookings made 2+ hours in advance, and FFV will use reasonable endeavours to accommodate other bookings.</p> <p>(ii) FFV will undertake a trial run of the proposed hours from 1 December 2015 to 30 June 2016 and shall provide a report to KCC in accordance with the terms of the letter dated 6 November 2015. Thereafter, the hours in clause 1.1(a) of the Deed shall continue whilst KCC reviews the report of the trial period until the parties agree whether to maintain or modify the hours.</p> <p>(iii) During the following times, FFV will leave a cage or cages unlocked for use by the Knox community: Monday to Friday 9.00am – 6.00pm, Off-Season and Public Holidays. FFV may lock cages in its sole discretion for safety or maintenance reasons, or instances of vandalism.</p>	<p><b>CHANGE</b> Core operating hours will reduce from the current requirement of: Monday to Friday 9am – 10pm Saturday to Sunday 9am – 6pm to new operating hours as set out in <a href="#">Attachment 1</a> of this document.</p> <p>The pitches will be bookable at any time and the centre staffed for all bookings. Bookings can be made as late as two hours in advance. When the facility is not staffed the community pitch and two cages will be available for the public to use free of charge. Public toilets will be open and maintained by Council as at present.</p> <p><b>FURTHER ACTION REQUIRED</b></p> <p>LS to seek approval for the trial to take place. FFV will provide a report at the conclusion of the trial with a further decision on a permanent change to be taken at that time.</p>	<p>Agree to proposed amendment</p>

FFV Request	Lease Ref	Formal Wording in Deed	FFV Proposed Change	Notes	KCC Response
Small changes to Premises Bookings	10.1	<p>(a) Within 30 days after the Commencement Date, the Tenant must submit a Hiring Policy for approval by the Landlord. Thereafter, the Tenant must submit an updated Hiring Policy for approval by the Landlord as part of each Annual Business Plan and Budget required under clause 11.1.</p> <p>(d) The Tenant must comply with any Hiring Policy approved by the Landlord. If the Parties are unable to agree on the content of any Hiring Policy, either Party may refer the matter for expert determination in accordance with clause 24. However, the overriding principles in clause 10.1(b) will apply and the Tenant must comply with those overriding principles.</p>	<p>(a) Clause 10.1(a) of the Lease omit the words “for approval by” and replace with “to” where those words appear.</p> <p>(b) Clause 10.1(d) of the Lease omit the words “approved by” and replace with “submitted to”.</p>		Agree to proposed amendment
Change to fee approval to make process more efficient	10.3	<p>(a) The Tenant acknowledges that it must obtain the Landlord's approval for hire fees applied in relation to the Premises (both Pitch and Pavilion facilities). The Tenant must provide proposed hire fees to the Landlord for approval in accordance with the Knox City Council annual budgetary processes. Such approval may not be unreasonably withheld if the Tenant does not propose to increase hire fees by more than the movement in the Consumer Price Index (All Groups for Melbourne) plus 1% in any given year, but may otherwise be withheld in the Landlord's absolute discretion.</p>	<p>Clause 10.3(a) of the Lease is omitted and replaced with:</p> <p><i>“10.3(a)</i></p> <p><i>The Tenant acknowledges that it must obtain the Landlord’s approval for an increase in hire fees applied in relation to the Premises (both Pitch and Pavilion facilities). The Tenant may provide proposed hire fees to the Landlord for approval at any time. Notwithstanding such an application by the Tenant, the hire fees in relation to the Premises increase automatically by the Consumer Price Index (All Groups for Melbourne) plus 1% on 1 January each year for the calendar year.</i></p> <p><i>For the purpose of this clause 10.3(a), the Superintendent of the Landlord, being at the time of entering this Deed the Manager Youth, Leisure and Cultural Services, or such subsequent person performing that role for the Landlord howsoever titled, may approve proposed hire fees as part of the ongoing operational management of the Lease. Where the Superintendent or such subsequent person declines to approve proposed hire fees, FFV may seek approval through the Council annual budget process.”</i></p>		Agree to proposed amendment
Annual Business Plan and Budget	11.1(a)	<p>(a) The Tenant must submit to the Landlord for approval no later than 30 November each year a Business Plan and Budget for the following Financial Year.</p>	<p>(a) Clause 11.1(a) of the Lease is omitted and replaced with:</p> <p><i>“The Tenant must submit to the Landlord no later than 30 November each year, a Business Plan and Budget for the period 1 November of that year to 31 October of the next year (i.e., the Business Plan and Budget is due 30 days into FFV's new financial year).”</i></p>	No further action required	Agree to proposed amendment

FFV Request	Lease Ref	Formal Wording in Deed	FFV Proposed Change	Notes	KCC Response
Changes to the content required in the Annual Business Plan and Budget	11.1(b)	<p>11.1(b) Each Business Plan and Budget must include the following information:</p> <ul style="list-style-type: none"> <li>(i) details of forecast income to be generated from the Premises;</li> <li>(ii) details of forecast costs in relation to the management, operation and maintenance of the Premises, including overhead costs and the like;</li> <li>(iii) details of all proposed Pitch and Pavilion hire fees in relation to use of the Premises;</li> <li>(iv) a Programming Plan including details of all objectives, key strategies, operations, programs, resource requirements and targets for the Premises;</li> <li>(v) the proposed Annual Maintenance Program;</li> <li>(vi) a Risk Management Plan;</li> <li>(vii) all statutory and regulatory compliance information requested by the Landlord;</li> <li>(viii) a Marketing and Communications Plan; and</li> <li>(ix) a Human Resource Plan;</li> <li>(x) an Environmental Management Plan;</li> <li>(xi) proposed Key Performance Indicators; and</li> <li>(xii) a Hiring Policy, for the relevant Financial Year.</li> </ul>	<p>Clause 11.1(b) of the Lease is omitted and replaced with the following:</p> <p><i>“11.1(b) Each Business Plan and Budget must include the following information:</i></p> <ul style="list-style-type: none"> <li><i>(i) details of forecast income to be generated from the Premises;</i></li> <li><i>(ii) details of forecast costs in relation to the management, operation and maintenance of the Premises, including overhead costs;</i></li> <li><i>(iii) details of all proposed Pitch and Pavilion hire fees in relation to use of the Premises;</i></li> <li><i>(iv) a Programming Plan including strategic summary, key targets and programs, human resources, and marketing and communication plans;</i></li> <li><i>(v) the proposed Annual Maintenance Plan in the form of a preventative maintenance schedule for key assets;</i></li> <li><i>(vi) a Risk Management Plan;</i></li> <li><i>(vii) statutory or regulatory compliance information, where requested by the Landlord;</i></li> <li><i>(viii) an Environmental Management Plan;</i></li> <li><i>(ix) proposed Key Performance Indicators; and</i></li> <li><i>(x) a Hiring Policy for the relevant period.”</i></li> </ul>	<p><b>CHANGE</b></p> <p>The Programming Plan requirements have been reduced and marketing and communication as part of this item, statutory and regulatory information is specified, human resource plan removed (to be included as part of the annual report).</p> <p><b>FURTHER ACTION REQUIRED</b></p> <p>LS to seek approval for the change in documents required. The Annual Business Plan and Budget is due 30 November so agreement on this needs to be reached quickly.</p>	Agree to proposed amendment
	11.1(d)(ii)	<p>(ii) Tenant must either:</p> <ul style="list-style-type: none"> <li>A. revise the Business Plan and Budget and re-submit it for approval by the Landlord; or</li> <li>B. refer the Business Plan and Budget for expert determination in accordance with <b>clause 24</b> and notify the Landlord accordingly; and</li> </ul>	<p>Clause 11.1(d)(ii) of the Lease is omitted and replaced with the following:</p> <p><i>“11.1(d)(ii)</i></p> <p><i>Tenant shall consider the Landlord’s reasons for disapproval of the Business Plan and Budget, and shall work collaboratively with the Landlord and amend the Business Plan and Budget if it deems necessary.”</i></p>		Agree to proposed amendment

FFV Request	Lease Ref	Formal Wording in Deed	FFV Proposed Change	Notes	KCC Response
	11.1(d)(iii)	Landlord may refer the Business Plan and Budget for expert determination in accordance with <b>clause 24</b> if the Tenant fails to do one of the things referred to in <b>clause 11.1(d)(ii)</b> within 60 days of the Landlord giving the Tenant notice in accordance with <b>clause 11.1(d)(i)</b> .	Clause 11.1(d)(iii) of the Lease is omitted.		Agree to proposed amendment
	11.1(e)	The Tenant must:  (i) not delay or reduce performance of the Management Services or compliance with the Responsibility Table as a result of any disapproval of the Business Plan and Budget by the Landlord; and  (ii) continue performance of the Management Services having regard to the Landlord's reasons for disapproval,  pending approval or determination of the revised Business Plan and Budget.	Clause 11.1(e) of the Lease omit the words "or determination".		Agree to proposed amendment
	11.1(f)	From time to time the Landlord is entitled to request changes to the format, style and required contents of the Business Plan and Budget and, provided such specifications are reasonable and the Tenant is given reasonable notice thereof, the Tenant must incorporate all such changes in each future Business Plan and Budget.	Clause 11.1(f) of the Lease is omitted and replaced with the following:  <i>"11.1(f) From time to time the Landlord is entitled to request changes to the form, style and required contents of the Business Plan and Budget. The Tenant shall consider the Landlord's request for changes to the format, style and required contents of the Business Plan and Budget, and shall work collaboratively with the Landlord and amend the Business Plan and Budget as requested if it deems necessary."</i>		Agree to proposed amendment
	11.1(g)	The Tenant must operate the Premises in accordance with each Business Plan and Budget approved by the Landlord or determined in accordance with <b>clause 24</b> .	Clause 11.1(g) of the Lease omit the words: "...approved by the Landlord or determined in accordance with clause 24" and replace with:  <i>"...submitted to the Landlord."</i>		Agree to proposed amendment

FFV Request	Lease Ref	Formal Wording in Deed	FFV Proposed Change	Notes	KCC Response
Annual Report	11.2(a)	<p>(a) The Tenant will provide an Annual Report to the Landlord as soon as practicable but in any event no later than 1 April of each year setting out:</p> <p>(i) all costs expended in relation to the management, operation and maintenance of the Premises, including overhead costs and the like;</p> <p>(ii) details of Pitch and Pavilion hire fees and all other income in relation to use of the Premises;</p> <p>(iii) attendance levels at the Premises;</p> <p>(iv) maintenance activities;</p> <p>(v) Occupational Health and Safety matters;</p> <p>(vi) environmental initiatives undertaken by the Tenant on the Premises including an Environmental Management Plan that incorporates water, waste, energy (gas and electricity) use in the Pavilion and on the Pitches and a report of these measures to both the Landlord and the community at large on an annual basis along with measures being undertaken to minimise the consumption and reduction of waste generation; and</p> <p>(vii) details of compliance (or any non-compliance) with Key Performance Indicators, targets set by any previous Business Plan and Budget and the methods by which the Tenant monitors such compliance,</p> <p>for the relevant Financial Year immediately past,</p>	<p>Clause 11.2(a) of the Lease is omitted and replaced with the following:</p> <p><i>“11.2(a) The Tenant will provide an Annual Report to the Landlord as soon as practicable but in any event no later than 30 April of each year setting out:</i></p> <p><i>i) all costs expended in relation to the management, operation and maintenance of the Premises, including overhead costs and the like;</i></p> <p><i>ii) details of Pitch and Pavilion hire fees and all other income in relation to use of the Premises;</i></p> <p><i>iii) Occupational Health and Safety matters;</i></p> <p><i>iv) Details of compliance (or any non-compliance) with Key Performance indicators, targets set by any previous Business plan and Budget and the methods by which the Tenant monitors such compliance for the relevant Financial Year immediately past.”</i></p>	<p><b>CHANGE</b></p> <p>The changes are to include removing the reporting of attendance figures separately and reporting maintenance activities. No change to reporting on expenditure, income, OHS matters, environmental initiatives and KPIs.</p> <p><b>FURTHER ACTION REQUIRED</b></p> <p>LS to seek approval for the overall change in Annual Report requirements.</p>	Agree to proposed amendment
Annual Report	11.2(b)	From time to time the Landlord is entitled to request changes to the format, style and required contents of the Annual Report and, provided such specifications are reasonable and the Tenant is given reasonable notice thereof, the Tenant must incorporate all such changes in each future Annual Report.	<p>Clause 11.2(b) of the Lease is omitted and replaced with the following:</p> <p><i>“11.2(b) From time to time the Landlord is entitled to request changes to the form, style and required contents of the Annual Report. The Tenant shall consider the Landlord’s request for changes to the format, style and required contents of the Annual Report, and shall work collaboratively with the Landlord and amend the Annual report as requested if it deems necessary.”</i></p>		Agree to proposed amendment
			<p>In addition:</p> <p>(a) KCC will provide an Asset Management Plan, upon asset review being undertaken including a facility condition audit, to FFV to assist with clause 11.1(b)(v) above.</p> <p>(b) KCC will provide assistance from the council Sustainable Futures Team to FFV to assist with clause 11.1(b)(viii) above.</p>		This is included in the Deed, does not need to be as part of collaborative work not amendments to lease.
			Schedule 3 of the Lease is omitted and replaced with Attachment 1 to this Deed.		Satisfied with draft of deed, however attachment needs further discussion.

**Deed of Amendment**

**Knox Regional Football Centre – Lease**

**Football Federation Victoria**

**and**

**Knox City Council**

<b>Date</b>	
<b>Parties</b>	
1	<b>KNOX CITY COUNCIL</b> (ABN 24 477 480 661) of 511 Burwood Highway, Wantirna South, Victoria, 3152 ( <b>KCC</b> )
2	<b>FOOTBALL FEDERATION VICTORIA INC</b> (ABN 97 592 993 965) of Level 3, 436 St Kilda Road, Melbourne 3004 ( <b>FFV</b> )
	together (the <b>Parties</b> )
<b>Recitals</b>	
A	KCC leases the Premises to FFV under a Lease dated 29 August 2011 (the <b>Lease</b> ).
B	KCC and FFV have mutually agreed to alter certain terms and requirements that are set out in the Lease in order to facilitate community usage of the Premises and to promote growth of football in the Knox region.
C	The Parties have agreed to amend the Lease in accordance with the terms of this Deed.

The Parties agree as follows:

## 1. Amendments

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With effect from the date of this Deed, the Lease is amended as set out in this clause 1. Except as provided in this clause 1, all terms of the Lease shall continue in full force and effect.

### 1.1 Clause 9.9 (a) (iii)

The word “The” at the beginning of clause 9.9(a)(iii) is omitted and replaced with “Subject to clause 9.9(a)(iv), the”.

The following is inserted after the word “hours” in the third line of the first paragraph of clause 9.9(a)(iii):

“(Core Hours)”.

The words “these times” are omitted from the third line of the second paragraph of clause 9.9(a)(iii) and replaced with “the Core Hours”.

### 1.2 Clause 9.9 (a) (iv)

A new clause 9.9(a)(iv) is inserted in the Lease to read as follows:

“(iv) Trial Period

Notwithstanding clause 9.9(a)(iii), it is agreed that a trial will be conducted of changes to the Core Hours. The remainder of this clause will apply during the trial



period from 1 December 2015 until 30 June 2016. The Tenant must provide the Landlord with reports on 31 March 2016 and 30 June 2016 which detail any changes to the usage of the Premises by Knox-based Football Clubs and the public in the periods, respectively, from 1 December to 31 March 2016 and 1 December 2015 to 30 June 2016 from the corresponding periods in 2014-15 and any complaints made or concerns expressed by Knox-based Football Clubs or the public about the opening hours of the Premises during the trial period.

Prior to the conclusion of the trial period, the Landlord must seek to consult with the Tenant on the outcome of the trial and any issues arising out of the trial.

Following the conclusion of the trial period, the Landlord may:

- (i) extend the trial period on terms agreed by the Parties;
- (ii) by Notice to the Tenant, require the Tenant to revert back to the Core Hours, within 14 days of the date of the notice or such longer period as the Landlord may specify in the Notice, in which case this clause 9.9(a)(iv) will cease to apply; or
- (iii) confirm that the opening hours and other terms specified in this clause 9.9(a)(iv) shall apply for the remainder of the Term.

The Tenant must keep the Premises open (that is, staffed) and available for use for Events (including by persons from within the municipal boundaries of the Landlord) as follows:

	<i>Time</i>	<i>Access</i>
1.	<i>Mon – Fri 9.00am – 6.00pm</i>	<i>Community pitch – open. Cages – bookings / on-demand. Pavilion – bookings / on-demand.</i>
2.	<i>Mon – Fri (excluding the Off-Season and Public Holidays) 6.00pm – 10.00pm</i>	<i>Community pitch – open. Cages – open. Pavilion – open.</i>
3.	<i>Sat – Sun (excluding the Off-Season and Public Holidays) 9.00am – 6.00pm</i>	<i>Community pitch – open. Cages – open. Pavilion – open.</i>

	<i>Time</i>	<i>Access</i>
5.	<i>Off-Season &amp; Public Holidays</i>	<i>Community pitch – open. Cages – bookings / on-demand. Pavilion – bookings / on-demand.</i>

For the purposes of this clause 9.9(a)(iv):

- A. the “Off-Season” is 1 October to 31 March; and
- B. “Public Holiday” means a public holiday under the Public Holidays Act 1993 which is partly or wholly observed throughout Victoria.

For the avoidance of doubt, nothing in clause 9.9(a) prevents the Tenant (including the Tenant’s Employees and Invitees) from accessing and attending the Premises outside these times, provided the Tenant is not using the Premises in a manner inconsistent with the relevant planning controls.

Where the table in this clause 9.9(a)(iv) indicates that the “Access” to the Cages or Pavilion are “bookings/on demand”, the Tenant must open and make available the Cages or Pavilion where a prospective user of the Cages or Pavilion has made a booking with the Tenant at least two (2) hours prior to the time at which the prospective user wishes to use the Cages or Pavilion and must use reasonable endeavours to accommodate any bookings on shorter notice.

The Tenant must leave a cage or cages unlocked for use by the community of the Landlord’s municipal district on: Monday to Friday 9.00am – 6.00pm, during the Off-Season and Public Holidays, unless agreed otherwise by the Landlord. It is acknowledged that the Landlord may agree to the Tenant locking the cages in response to issues of public safety or vandalism, but the Landlord shall not be obliged to agree to the locking of the cages.”

**1.3 Clause 10.1 – Premises Booking**

In the second and third lines of the first sentence of clause 10.1(a) of the Lease, the words “for approval by” are omitted (where twice occurring) and replaced with “to”.

In the first sentence of clause 10.1(d) of the Lease, the words “approved by” are omitted and replaced with “submitted to”.

In the second sentence of clause 10.1(d), the words “If the parties are unable to agree on the content of any Hiring Policy” are deleted and replaced with “In the event of any dispute as to whether any Hiring Policy submitted by the Tenant complies with the requirements of the Lease”.

**1.4 Clause 10.3(a) – Fees approval**

The text of clause 10.3(a) of the Lease is omitted and replaced with:

*“The Tenant may increase the hire fees applied in relation to the Premises (both Pitch and Pavilion facilities) on 1 January during each year of the Term by a percentage equivalent to the percentage increase in the*

*Consumer Price Index (All Groups: Melbourne Index) over the immediately preceding four quarters for which figures have been published plus 1%.*

*The Tenant acknowledges that it must obtain the Landlord's approval for any greater or additional increase in hire fees applied in relation to the Premises (both Pitch and Pavilion facilities). The Tenant may provide proposed hire fees to the Landlord for approval at any time.*

*For the purpose of this clause 10.3(a), the Landlord's Manager Youth, Leisure and Cultural Services, or any person performing that role for the Landlord howsoever titled, may approve proposed hire fees as part of the ongoing operational management of the Lease. Where that person declines to approve proposed hire fees, the Tenant may seek approval through the Landlord's annual budget process."*

## **1.5 Clause 11 - Business Plan and Budget reporting**

The text of clause 11.1(a) of the Lease is omitted and replaced with:

*"The Tenant must submit to the Landlord no later than 30 days from the commencement of the Tenant's new financial year, a Business Plan and Budget for the Financial Year.*

The period of the financial year of the tenant is 1 November to 31 October. The Tenant may, at its discretion, elect to change its financial year, but must give the Landlord notice of any change and comply with this clause 11.1(a) with respect to the changed financial year."

The text of clause 11.1(b) of the Lease is omitted and replaced with the following:

*"Each Business Plan and Budget must include the following information:*

- (i) details of forecast income to be generated from the Premises;*
- (ii) details of forecast costs in relation to the management, operation and maintenance of the Premises, including overhead costs and the like;*
- (iii) details of any proposed increase to the Pitch and Pavilion hire fees in relation to use of the Premises;*
- (iv) a Programming Plan including strategic summary, key targets and programs, human resources, and marketing and communication plans;*
- (v) the proposed Annual Maintenance Program;*
- (vi) a Risk Management Plan;*
- (vii) all statutory or regulatory compliance information requested by the Landlord;*
- (viii) an Environmental Management Plan;*
- (ix) proposed Key Performance Indicators; and*
- (x) a Hiring Policy*

*for the relevant financial year of the Tenant."*

Clauses 11.1(c), 11.1(d) and 1.1(e) of the Lease are omitted.

The text of clause 11.1(f) of the Lease is omitted and replaced with the following:

*“From time to time the Landlord is entitled to request changes to the format, style and required contents of the Business Plan and Budget. The Tenant shall consider the Landlord’s request for changes to the format, style and required contents of the Business Plan and Budget, and shall work collaboratively with the Landlord to amend the Business Plan and Budget.”*

In clause 11.1(g) of the Lease, the words: “approved by the Landlord or determined in accordance with clause 24” are omitted and replaced with: “submitted to the Landlord.”

## **1.6 Clause 11 – Annual Report**

The text of clause 11.2(a) of the Lease is omitted and replaced with the following:

*“The Tenant will provide an Annual Report to the Landlord as soon as practicable but in any event no later than 30 days after the Tenant’s Annual General Meeting of each year setting out:*

- i) all costs expended in relation to the management, operation and maintenance of the Premises, including overhead costs and the like;*
- ii) details of Pitch and Pavilion hire fees and all other income in relation to use of the Premises;*
- iii) maintenance activities;*
- iv) Occupational Health and Safety matters;*
- v) environmental initiatives undertaken;*
- vi) details of compliance (or any non-compliance) with Key Performance Indicators, targets set by any previous Business Plan and Budget and the methods by which the Tenant monitors such compliance; and*
- vii) total booked hours of pitch usage as follows:*
  - a. Community Pitch by Knox based Football clubs;*
  - b. five-a-side pitches by Knox based Football clubs;*
  - c. Community Pitch by schools based in the Landlord’s municipal district; and*
  - d. five-a-side pitches by schools based in the Landlord’s municipal district.*

*for the relevant financial year of the Tenant immediately past.”*

The text of clause 11.2(b) of the Lease is omitted and replaced with the following:

*“From time to time the Landlord is entitled to request changes to the format, style and required contents of the Annual Report. The Tenant shall consider any request by the Landlord for changes to the format, style and required contents of the Annual Report, and shall work collaboratively with the Landlord to amend the Annual Report.”*

A new clause 11.2(c) is inserted in the Lease to read as follows:

The Landlord will provide an asset management plan to the Tenant to assist the Tenant with the performance of its obligations under clauses 11.1(b)(v) and 11.2(a)(iii) by

The Landlord may determine the form and content of the asset management plan, after consultation with the Tenant, except that the asset management plan must include a facility condition audit.

The Landlord will provide the Tenant with such assistance as the Landlord considers appropriate from the Landlord's Sustainable Futures Team to assist the Tenant with respect to the matters set out in clauses 11.1(b)(viii) and 11.2(a)(v).

### **1.7 Schedule 3 -KPIs**

Schedule 3 of the Lease is omitted and replaced with Attachment 1 to this Deed.

## **2. General**

---

### **2.1 Definitions**

Definitions used in this Deed are the same as in the Lease unless otherwise stated.

### **2.2 Entire Agreement**

This Deed when read in conjunction with the Lease contains the entire agreement between the Parties with respect to its subject matter. It sets out the only conduct relied on by the Parties and, to the full extent permissible by law, supersedes all earlier conduct made by or existing between the Parties with respect to its subject matter.

### **2.3 Severability**

If any provision of this Deed is found to be void or unenforceable, that provision shall be deemed to be deleted from this Deed and the remaining provisions of this Deed shall continue in full force and effect and the Parties shall use their respective reasonable endeavours to procure that any such provision is replaced by a provision which is valid and enforceable, and which gives effect to the spirit and intent of this Deed.

Each party warrants and represents to the other with respect to itself that it has the full right, power and authority to execute, deliver and perform this Deed.

### **2.4 Deed immediately effective**

The Parties hereby agree that on the date of this Deed, this Deed shall immediately be fully and effectively binding upon them and nothing further is required to bring this Deed into effect.

### **2.5 Costs**

The Parties shall each bear their own legal costs in relation to this Deed.

**2.6 Acknowledgement**

The Parties acknowledge that they enter into this Deed fully and voluntarily on their own information and investigation.

**2.7 Jurisdiction & Law**

This Deed shall be governed by and construed in accordance with the law of Victoria. Disputes in respect of this Deed shall be resolved using the disputes resolution procedures as set out in the Lease.

**2.8 Counterparts**

This Deed may be signed in any number of counterparts, each of which, when executed and delivered, shall be an original and all of which together evidence the same Deed, for the purposes of completion.

**2.9 Variation**

Any variation of this Deed shall be in writing and signed by or on behalf of each party.

This document has been executed as a Deed and is delivered and takes effect on the date stated at the beginning of it.

**Executed and delivered as a Deed.**

**Signed, sealed and delivered** for and on behalf of **FFV** by its authorised representative in the presence of:

\_\_\_\_\_  
Authorised Representative Signature

\_\_\_\_\_  
Witness Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Position

\_\_\_\_\_  
Date

**Signed, sealed and delivered** for and on behalf of **KCC** by its authorised representative in the presence of:

\_\_\_\_\_  
Authorised Representative Signature

\_\_\_\_\_  
Witness Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Position

\_\_\_\_\_  
Date

Attachment 1

#	KPI	Measure:						Notes:
1.1	Annual pitch hire income.	<b>Community Pitch Revenue</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	FFV will report to council the total amounts of community pitch hire income and five-a-side pitch hire income. Note: revenue is calculated for period Nov-Oct (FFV's financial year).
		Community Pitch KPI - 2 % annual Growth	97,446	99,395	101,383	103,411	105,479	
		Actual	97,446	134,575				
		<b>Football Fives Pitches</b>	<b>Actual</b>	<b>KPI</b>	<b>KPI</b>	<b>KPI</b>	<b>KPI</b>	
			<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	
		Football Fives pitches - 2% annual Growth	90,729	92,543	94,394	96,282	98,208	
	Actual	90,729	111,365					
2.1	Junior Programs run by FFV	<b>Junior</b>	<b>Actual</b>	<b>Actual</b>	<b>KPI</b>	<b>KPI</b>	<b>KPI</b>	FFV will report the total number of junior programs run by FFV, and via girls & boys programs where known (many are mixed). Note: many programs run for weeks or months. Programs include: Active after school program; Saturday morning development program; School Holiday program; and Junior Summer Sevens.
			<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	
		Programs	1	3	4	4	5	
2.2	Senior mens programs run by FFV	<b>Senior Men</b>	<b>Actual</b>	<b>Actual</b>	<b>KPI</b>	<b>KPI</b>	<b>KPI</b>	FFV will report to council the total number of senior mens programs run by FFV. Note: many programs run for weeks or months. FFV has run one Summer Sevens program at Knox
			<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	
		Programs	1	2	3	4	5	



Deed of Amendment – KRFC Lease

#	KPI	Measure:					Notes:																		
							annually since 2014. Plans are to trial further programs in the future.																		
2.3	Masters programs run by FFV	<table border="1"> <thead> <tr> <th>Masters</th> <th>Actual</th> <th>Actual</th> <th>KPI</th> <th>KPI</th> <th>KPI</th> </tr> <tr> <td></td> <th>2014</th> <th>2015</th> <th>2016</th> <th>2017</th> <th>2018</th> </tr> </thead> <tbody> <tr> <td>Programs</td> <td>-</td> <td>-</td> <td>1</td> <td>1</td> <td>1</td> </tr> </tbody> </table>	Masters	Actual	Actual	KPI	KPI	KPI		2014	2015	2016	2017	2018	Programs	-	-	1	1	1					FFV plans to trial a social competition for retired players or just older participants who do not want or feel capable of being involved in a structured full season FFV competition. A walking football program is also being trialed.
Masters	Actual	Actual	KPI	KPI	KPI																				
	2014	2015	2016	2017	2018																				
Programs	-	-	1	1	1																				
2.4	CALD programs run by FFV	<table border="1"> <thead> <tr> <th>CALD Programs</th> <th>Actual</th> <th>Actual</th> <th>KPI</th> <th>KPI</th> <th>KPI</th> </tr> <tr> <td></td> <th>2014</th> <th>2015</th> <th>2016</th> <th>2017</th> <th>2018</th> </tr> </thead> <tbody> <tr> <td>Programs</td> <td>2</td> <td>2</td> <td>3</td> <td>3</td> <td>3</td> </tr> </tbody> </table>	CALD Programs	Actual	Actual	KPI	KPI	KPI		2014	2015	2016	2017	2018	Programs	2	2	3	3	3					FFV partners with Victoria Police to run an annual CALD tournament. Knox also hosts the Victorian Asian Football Championships. FFV will report to council the total number of CALD programs run by FFV. Note: whilst FFV intends to increase growth in CALD programs, Council acknowledges that running CALD programs is grant dependent for funding per year.
CALD Programs	Actual	Actual	KPI	KPI	KPI																				
	2014	2015	2016	2017	2018																				
Programs	2	2	3	3	3																				
2.5	Disability programs run by FFV	<table border="1"> <thead> <tr> <th>Disability Programs</th> <th>Actual</th> <th>Actual</th> <th>KPI</th> <th>KPI</th> <th>KPI</th> </tr> <tr> <td></td> <th>2014</th> <th>2015</th> <th>2016</th> <th>2017</th> <th>2018</th> </tr> </thead> <tbody> <tr> <td>Programs</td> <td>1</td> <td>2</td> <td>3</td> <td>3</td> <td>3</td> </tr> </tbody> </table>	Disability Programs	Actual	Actual	KPI	KPI	KPI		2014	2015	2016	2017	2018	Programs	1	2	3	3	3					FFV coordinates St Mary's Deaf School program and is currently running a 20 session AAA program for eastern special schools. FFV will report to council the total number of Disability
Disability Programs	Actual	Actual	KPI	KPI	KPI																				
	2014	2015	2016	2017	2018																				
Programs	1	2	3	3	3																				

#	KPI	Measure:	Notes:																		
			programs run by FFV. Note: whilst FFV intends to increase growth in disability programs, Council acknowledges that running disability programs is grant dependent for funding per year.																		
2.6	Senior women's programs run by FFV	<table border="1"> <thead> <tr> <th>Senior Women Programs</th> <th>Actual</th> <th>Actual</th> <th>KPI</th> <th>KPI</th> <th>KPI</th> </tr> <tr> <td></td> <td>2014</td> <td>2015</td> <td>2016</td> <td>2017</td> <td>2018</td> </tr> </thead> <tbody> <tr> <td>Programs</td> <td>-</td> <td>-</td> <td>1</td> <td>2</td> <td>2</td> </tr> </tbody> </table>	Senior Women Programs	Actual	Actual	KPI	KPI	KPI		2014	2015	2016	2017	2018	Programs	-	-	1	2	2	FFV plans to trial a midweek women's program targeting women who are not able to participate in structured weekend competitions. FFV will report to council the total number of senior womens programs run by FFV.
Senior Women Programs	Actual	Actual	KPI	KPI	KPI																
	2014	2015	2016	2017	2018																
Programs	-	-	1	2	2																
3.1	Total hours of use of community pitch	<table border="1"> <thead> <tr> <th>Community Pitch</th> <th>Actual</th> <th>KPI</th> <th>KPI</th> <th>KPI</th> <th>KPI</th> </tr> <tr> <td>KPI 2% annual Growth</td> <td>2014</td> <td>2015</td> <td>2016</td> <td>2017</td> <td>2018</td> </tr> </thead> <tbody> <tr> <td>Hours</td> <td>1,314</td> <td>1,340</td> <td>1,367</td> <td>1,394</td> <td>1,422</td> </tr> </tbody> </table>	Community Pitch	Actual	KPI	KPI	KPI	KPI	KPI 2% annual Growth	2014	2015	2016	2017	2018	Hours	1,314	1,340	1,367	1,394	1,422	FFV will report to council on total hours of use of community pitch.
Community Pitch	Actual	KPI	KPI	KPI	KPI																
KPI 2% annual Growth	2014	2015	2016	2017	2018																
Hours	1,314	1,340	1,367	1,394	1,422																
3.4	Annual attendance	<table border="1"> <thead> <tr> <th>Annual Attendance</th> <th>Actual</th> <th>KPI</th> <th>KPI</th> <th>KPI</th> <th>KPI</th> </tr> <tr> <td>KPI 2% annual Growth</td> <td>2014</td> <td>2015</td> <td>2016</td> <td>2017</td> <td>2018</td> </tr> </thead> <tbody> <tr> <td>People</td> <td>55,395</td> <td>56,503</td> <td>57,633</td> <td>58,786</td> <td>59,962</td> </tr> </tbody> </table>	Annual Attendance	Actual	KPI	KPI	KPI	KPI	KPI 2% annual Growth	2014	2015	2016	2017	2018	People	55,395	56,503	57,633	58,786	59,962	<p>FFV will report to council annual attendance as follows:</p> <p>Annual attendance = KPI2.1 + KPI2.2 + KPI2.3 + KPI2.4 + KPI2.5 + KPI2.6 + total# matches played + total# training sessions.</p>
Annual Attendance	Actual	KPI	KPI	KPI	KPI																
KPI 2% annual Growth	2014	2015	2016	2017	2018																
People	55,395	56,503	57,633	58,786	59,962																

Deed of Amendment – KRFC Lease

#	KPI	Measure:	Notes:																		
			<p>Where the following agreed estimates are used:</p> <ul style="list-style-type: none"> <li>- All KPI programs will assume an average of 25 participants in a typical program;</li> <li>- All matches will assume an average of 30 players/coach participating;</li> <li>- All training sessions will assume an average of 40 players, given that clubs typically send multiple teams to train.</li> </ul>																		
4.1	Asset downtime less than 25% down (unusable) per month per asset.	<table border="1"> <thead> <tr> <th>Asset Down Time/Month</th> <th>KPI</th> <th>KPI</th> <th>KPI</th> <th>KPI</th> <th>KPI</th> </tr> <tr> <td></td> <th>2014</th> <th>2015</th> <th>2016</th> <th>2017</th> <th>2018</th> </tr> </thead> <tbody> <tr> <td>Hours</td> <td>38</td> <td>38</td> <td>38</td> <td>38</td> <td>38</td> </tr> </tbody> </table>	Asset Down Time/Month	KPI	KPI	KPI	KPI	KPI		2014	2015	2016	2017	2018	Hours	38	38	38	38	38	<p>FFV will report to council total downtime per asset per month (lights are excluded as costs require multiple lights to fault before changing).</p> <p>For the purpose of this KPI 4.1, "asset" is defined as the community pitch, each five-a-side cage, the pavilion, each change room area, and each toilet area.</p>
Asset Down Time/Month	KPI	KPI	KPI	KPI	KPI																
	2014	2015	2016	2017	2018																
Hours	38	38	38	38	38																

**CHANDLER WARD****9.4 LEASE AGREEMENT BETWEEN KNOX CITY COUNCIL AND GIRL GUIDES VICTORIA**

**SUMMARY:** *Property Management Coordinator (Angela Mitchell)  
Leisure Contracts and Projects Officer (Emma Hayton)*

*This report recommends the signing and sealing of the Lease between Knox City Council and Girl Guides Victoria for the occupancy of Council owned land located at Chandler Park, Boronia.*

**RECOMMENDATION**

**That Council**

- 1. Enter into a lease between Knox City Council and Girl Guides Victoria for occupancy of land located at Chandler Park, Boronia (as shown at Appendix A); and**
- 2. Authorise the Chief Executive Officer to sign and seal the lease agreement.**

**1. INTRODUCTION**

The lease agreement held by Girl Guides Victoria ('Guides') with Knox City Council has now ended. A new Lease agreement has been prepared with Girl Guides Victoria that reflects the Guides continued ownership of the building located at Chandler Park.

A detailed review of the building structure and surrounds was carried out in consultation with relevant departments and the Guides. A new lease has now been finalised.

**2. DISCUSSION**

Guiding encourages the personal development of girls aged 5 to 17, with a focus on empowering girls and young women to grow into confident, self-respecting, responsible community members through the promotion of citizenship, volunteerism, social awareness and self-reliance.

There are ten active Guides units operating within the municipality. The Lease agreement between Knox City Council and the Guides is for the Guide Hall at Chandler Park, Boronia. This hall is used by The Basin Birra-Li Guides and The Basin Woorack Guides.

The lease is based on Council's standard lease arrangements with specific conditions relevant to the arrangements with Girl Guides Victoria and the use of the identified land at Chandler Park.

#### **9.4 Lease Agreement between Knox City Council and Girl Guides Victoria (cont'd)**

The key principles in the Lease agreement are as follows:

##### **Length of Lease**

It is proposed that the Lease be for a total term of nine years, consisting of three terms of three years each, commencing on 1 June 2016.

##### **Lessee's Responsibilities**

A summary of responsibilities for the Guides are:

- To recognise, by way of signage and in the annual report, any support provided by Council;
- To provide an annual report to Council; and
- To carry out all repairs, maintenance and works specified as a 'Lessee's Responsibility' in the maintenance schedule.

### **3. CONSULTATION**

The Lease agreement has been discussed and agreed with relevant Council officers and representatives from Girl Guides Victoria.

Further, as the current market rental value of the land is not more than \$50,000 a year and the Lease is for less than 10 years, there is no requirement to advertise under the Local Government Act 1989.

### **4. ENVIRONMENTAL/AMENITY ISSUES**

There are no environmental or amenity issues associated with this report.

### **5. FINANCIAL & ECONOMIC IMPLICATIONS**

The Lease fee of \$10 per annum (GST inclusive) has been determined in line with other fees charged to similar groups at other Council facilities (eg. Scouts). The fee recognises the ongoing community contribution that Girl Guides Victoria makes within Knox.

### **6. SOCIAL IMPLICATIONS**

The use of this property by the Guides will enable the continuation of a diverse range of educational, recreational and social activities aimed at developing young girls and women.

#### 9.4 Lease Agreement between Knox City Council and Girl Guides Victoria (cont'd)

### **7. RELEVANCE TO CITY PLAN 2013-17 (INCORPORATING THE COUNCIL PLAN)**

The relevance of this report to the Council Plan is reflected in the following areas:

- Creating healthy and connected communities by providing access to health and leisure facilities and services; and providing the opportunity for children to be nurtured and embrace learning; and
- Supporting culturally rich and active communities by providing diverse leisure and recreational activities.

### **8. CONCLUSION**

Girl Guides Victoria provides learning, recreation and social connection opportunities for girls and young women within the municipality. The lease agreement between Knox City Council and Girl Guides Victoria has now ended and a new lease has been prepared following discussions with Girl Guides Victoria. It is recommended that the Lease agreement between Knox City Council and Girl Guides Victoria for the Guide Hall at Chandler Park Reserve be signed and sealed.

### **9. CONFIDENTIALITY**

There are no confidentiality issues with this report.

### **COUNCIL RESOLUTION**

MOVED: CR. SEYMOUR  
SECONDED: CR. PEARCE

That Council

1. Enter into a lease between Knox City Council and Girl Guides Victoria for occupancy of land located at Chandler Park, Boronia (as shown at Appendix A); and
2. Authorise the Chief Executive Officer to sign and seal the lease agreement.

**CARRIED**

# Appendix A

## Leased Area



**ALL WARDS****9.5 REVIEW OF COUNCIL ADVERTISING, SPONSORSHIP AND PROMOTIONAL SIGNAGE ON COUNCIL LAND POLICY**

**SUMMARY:** *Leisure Services Coordinator (Marco D’Amico)*

*Council’s Community Signage Open Space Policy (The Policy), formerly Council’s Advertising, Sponsorship and Promotional Signs Policy, provides guidance and parameters for community signage in Council owned or managed open space (including passive reserves, active reserves and bush land reserves). The purpose of this policy is to provide a clear direction to Council and the community for the management and control of community signage located on Council owned or managed open space. The Policy seeks to ensure that Council, as landowner, achieves compliance with the Knox Planning Scheme, while recognising the requirements of sporting and community groups to display their activities and promote sponsorship.*

*The Policy was approved in 2012 and is now due for review. This report proposes some amendments and enhancements for Council consideration.*

*A copy of the policy highlighting changes is included as Appendix A and a final copy of the revised draft policy is included as Appendix B of this report.*

**RECOMMENDATION**

**That Council adopt the revised Community Signage Open Space Policy as presented in Appendix B of this report.**

**1. INTRODUCTION**

The Community Signage on Council Open Space Policy (The Policy) was first introduced in 1997 as Council Advertising, Sponsorship and Promotional Signs Policy. The Policy outlined Council’s position on signage located on Council owned or managed open space for sporting clubs and community groups. This was to ensure that Council, as a landowner, achieved compliance with the Knox Planning Scheme. In 2011 The Policy was further reviewed to provide closer alignment with the Knox Planning Scheme after Council officers identified that 52% of Council’s active reserve were in breach of the signage requirements within the scheme.

Council recognises the importance of signage in terms of advertising for community groups, sporting clubs and their respective activities, events and sponsors. However, Council also has a requirement to manage and control the location and appearance of signs on Council’s recreation reserves, road reserves, water courses and open space. This requirement is established in the Knox Planning Scheme to ensure that the visual integrity of the municipality is upheld and to discourage the excessive proliferation of signs.



## **9.5 Review Of Council Advertising, Sponsorship And Promotional Signage On Council Land Policy (cont'd)**

The Policy controls are also intended to provide guidance for community groups by providing guidelines for size, construction and installation.

### **2. DISCUSSION**

#### **2.1 Background**

The current Community Signage on Council Open Space Policy was first developed in 1997 to provide clear direction to Council and the community for the management and control of signs located on Council land. The Policy was designed to achieve compliance with the provisions under the Knox Planning Scheme and regulations of the local road authority, while recognising the requirements of sports clubs and associations to display their activities and promote sponsors.

As increasing costs associated with club operations impact on sustainability, community organisations look to revenue raising activities such as sponsorship to assist with additional income. Sponsors principally consider a purposefully placed sign as suitable consideration for providing funds to groups. Council's role is to provide an opportunity for this to occur while limiting the visual impact on its open spaces and achieving compliance with the Knox Planning Scheme.

The majority of Council's open space is classified as a Category 4 – Sensitive area under clause 52.05 of the Public Park and Recreation Zone in the Knox Planning Scheme. Category 4 provides for the maximum limitation of signs, restricting them to advertising and promotion signs that can only be viewed from within the reserve. The only exception would be individual 'business identification' signs that provide information on the specific activities being carried out in the reserve. Council has installed identification signs outside most active and passive reserves identifying the reserve name and any tenanted user groups.

VicRoads, as the local road authority, does not have documented requirements for signage however it holds the function of primary reference group with respect to the Knox Planning Scheme and any potential amendments for signage that has road or road reserve frontage.

#### **2.2 Proposed Amendments to the policy**

An internal consultation process and officer review has identified a number of areas where the content and application of the Policy can be enhanced.

## 9.5 Review Of Council Advertising, Sponsorship And Promotional Signage On Council Land Policy (cont'd)

The application of the Policy is proposed to be expanded to include all community signage on all Council owned or managed open space. In recent times it has been identified that community groups that have a tenancy agreement for infrastructure located on land that is not an active reserve are not governed by the Policy and therefore are required to make a separate planning application for any signs that they wish to install. Officers recommend that the Policy becomes a standard guideline for all community groups tenancing infrastructure on Council owned or managed open space and this is reflected in the revised naming and scope of the policy.

The review also proposes variations to align the Policy with the changed expectations of community organisations while maintaining the visual integrity of open space for passive users. These proposed amendments have taken into account current provisions under the Local Planning Scheme and regulations of the local road authority. The proposed revised Policy is provided as Appendix A to this report with the amendments highlighted as tracked changes.

**Table One – Key Proposed Policy Amendments**

Description	Current Policy	Proposed Policy	Notes
Scope of the Policy	This <b>Council Policy</b> applies to the erection and installation of any form of external <b>Advertising, Sponsorship and Promotional Signs on Council Land.*</b>	This <b>Council Policy</b> applies to the erection and installation of any form of external <b>Community Signage on Council Owned or Managed Open Space.</b>	Broader Policy scope to provide a consistent approach for all Council owned or managed Open Space.
Definitions - Signs	<p><b>Advertising Sign</b> means any board, notice, structure, banner or similar device used for the purposes of soliciting sales or notifying people of the presence of a property where goods or services may be obtained.</p> <p><b>Sponsorship Sign</b> means any board, notice, structure, banner or similar device used for the purposes of promoting a sponsor.</p> <p><b>Promotional Sign</b> means any board, notice, structure, banner or similar device used for the purposes of promoting a Club, User Group or Community Group, or any event or activity that the Club, User Group or Community Group may be involved in.</p>	<b>Community Signage</b> means any advertising, sponsorship or promotional sign erected by a <b>Club and User Group, or Community Group</b> that is either an <b>Advertising, Sponsorship or Promotional Sign.</b>	The original definitions for Advertising, Sponsorship and Promotional Signs are still included.

### 9.5 Review Of Council Advertising, Sponsorship And Promotional Signage On Council Land Policy (cont'd)

Description	Current Policy	Proposed Policy	Notes
Definitions – Land*	<b>Council Land</b> means any recreation reserve, road reserve, water course or land vested in, or under control of Council and is subject to a tenancy agreement with Leisure Services. This includes seasonal tenancy agreements, leases and license tenancy agreements.	<b>Council Owned or Managed Open Space</b> means any passive open space, bush-land reserve, active recreation reserve, road reserve, water course or land vested in, or under control of Council. The land may be subject to a tenancy agreement with Council. Tenancy includes temporary hire agreements, seasonal tenancy agreements, leases and license tenancy agreements and service contracts	The definition now incorporates all open spaces.
User Identification signage	One outward facing 'User Group Identification' temporary sign and assessed on a case by case basis. Signs shall:  5.1.9.1 Identify the incumbent user group only. 'User Group Identification' shall include the name of the incumbent tenanted user groups and club membership details only. Commercial representation or sponsor recognition is not permitted.  5.1.9.2 Be installed no earlier than the first day of a tenancy period and must be removed no later than 14 days after the conclusion of a tenancy period.  5.1.9.3 Be free a standing sign inside the fence line or connected to the reserve or park perimeter fence.  5.1.9.4 Be limited to 1800mm x 900mm.	One outward facing 'User Group Identification' sign and assessed on a case by case basis. Signs shall:  5.1.9.1 Identify the incumbent user group only. 'User Group Identification' shall include the name of the incumbent tenanted user groups and club membership details only. Commercial representation or sponsor recognition is not permitted.  5.1.9.2 Be a free standing <b>Sign</b> inside the fence line or connected to the <b>Council Open Space</b> perimeter fence.  5.1.9.3 Be limited to 2m <sup>2</sup> in area.	Size limitation has been amended and increased to a maximum of two square meters to provide flexibility for the user groups.
Sign Sizes	Fence and building signs – 1800mm x 900mm  User Identification – 1800mm x 900mm  Temporary signs – 1800mm x 900mm  Banners– 3000mm x 900mm	Fence and building signs – 2m <sup>2</sup>  User Identification – 2m <sup>2</sup>  Temporary signs – 2m <sup>2</sup>  Banners– 3m <sup>2</sup>	Size limitations have been amended and increased to provide flexibility for the user groups.

## 9.5 Review Of Council Advertising, Sponsorship And Promotional Signage On Council Land Policy (cont'd)

Description	Current Policy	Proposed Policy	Notes
Variable Messaging Signs	Not addressed	Temporary Signs – Variable Messaging Signs (VMS)  5.1.12.1 VMS signs are not permitted without a planning permit.	VMS signs were not addressed in the previous Policy.
Council's Sponsorship Rights	Not Addressed	5.1.8.5 Council reserves the right to erect <b>Advertising, Promotional and Sponsorship signage</b> and the <b>Club and User Group or Community Group</b> would be required to remove any branding conflicts that arise with their existing signage and any potential Council Sponsors.	Policy revised to include Council's overarching right to place sponsorship or Council recognition signage within a reserve.
Examples	Not Addressed	Included as an appendix.	Provided in the document as a reference.

### **3. CONSULTATION**

Consistent with Council's policy review process, consultation has been undertaken with officers from the Engineering, City Development and Community Services Directorates and feedback has been sought from Council's Recreation and Leisure Liaison Group (RLLG). Support for the changes has been received from this consultation process.

Furthermore, officers have undertaken a broader external community consultation process with organisations tenanted infrastructure on Council owned or managed open space. No issues were identified during this process.

### **4. ENVIRONMENTAL/AMENITY ISSUES**

Adoption of the revised Policy will assist Council to discourage the excessive proliferation of signs and continue to provide amenable, appealing and serviceable reserves for both structured and unstructured uses and ensure that the visual integrity of Council land is upheld. The broadening of the policy will allow for a more consistent approach across all Council owned or managed open space.

## 9.5 Review Of Council Advertising, Sponsorship And Promotional Signage On Council Land Policy (cont'd)

### **5. FINANCIAL & ECONOMIC IMPLICATIONS**

There are no direct financial implications to Council from this Policy. Implementation and enforcement of the Policy may lead to potential claims and planning enforcement action should community install unsafe or inappropriate signage on Council owned or managed open space. Signage constructed and installed by Council on Council land is supported through Council's capital works and operating budgets.

### **6. SOCIAL IMPLICATIONS**

The provision of good quality, presentable outdoor structured and unstructured sporting facilities provides opportunities for the community to recreate. The Policy will provide Council with the tool to ensure the balance between the ability for community groups to promote their activities and raise revenue through sponsorship as well as protecting the amenity of reserves for other members of the community.

### **7. RELEVANCE TO CITY PLAN 2013-17 (INCORPORATING THE COUNCIL PLAN)**

The review and on-going implementation of the Community Signage on Council Open Space Policy is consistent with the Council Plan in the following areas:

- *Healthy, Connected Communities* – Creating and supporting a strong, diverse and motivated community that is a safe place to live, and in which community leaders are supported, and every voice is valued;
- *Culturally Rich and Active Communities* – Creating a community environment in which a range of major and local events, festivals and activities thrive, culturally rich arts, diverse leisure and recreational activities are abundant, and people have access to a range of cultural and leisure facilities, shared open spaces and lifelong; and
- *Dynamic Services and Facilities* – All services and facilities delivered by Council will respond to community need and will be well managed and effective and seek best value outcomes for our community.

### **8. CONCLUSION**

The draft Community Signage on Council Open Space Policy will provide a clear guide to minimise the proliferation of community signage on Council owned or managed open space, protecting the amenity of Knox's parks, gardens and bush land spaces for all users. The draft Policy has been designed to balance the requirements of the Knox Planning Scheme with the promotional and sponsorship benefit that signage can provide for a tenanted community group.

**9.5 Review Of Council Advertising, Sponsorship And Promotional Signage On Council Land Policy (cont'd)**

**9. CONFIDENTIALITY**

There are no confidentiality issues with this report.

**COUNCIL RESOLUTION**

MOVED: CR. GILL

SECONDED: CR. SEYMOUR

That Council adopt the revised Community Signage Open Space Policy as presented in Appendix B of this report.

CARRIED

## APPENDIX A

# KNOX POLICY



## ~~ADVERTISING, SPONSORSHIP AND PROMOTIONAL COMMUNITY~~ ~~SSIGNAGES ON COUNCIL OPEN SPACE~~ LAND POLICY

<b>Policy Number:</b>	<a href="#">1997/63</a>	<b>Directorate:</b>	Community Services
<b>Approval by:</b>	<a href="#">Council</a>	<b>Responsible Officers:</b>	<del>Marco D'Amico</del> – Leisure Services <del>Coordinator</del> <a href="#">Manager Youth, Leisure Cultural Services</a> <a href="#">Manager Community Infrastructure</a>
<b>Approval Date:</b>	<del>28 February 2012</del> <a href="#">26 May 2016</a>	<b>Version Number:</b>	1
<b>Review Date:</b>	<del>August 2015</del> <a href="#">May 2019</a>		

### 1. PURPOSE

- 1.1 It is recognised by Council that promotion and advertising is important to ~~t~~The club, ~~u~~User ~~g~~Groups and ~~c~~Community ~~g~~Groups in terms of advertising activities and major events, raising funds and in attracting new members. It is also recognised by Council that there is a requirement to manage and control ~~a~~Advertising, ~~s~~Sponsorship and ~~p~~Promotional ~~s~~Signs to ensure that the visual integrity of Council ~~l~~Land is maintained through compliance with the requirements under clause 52.05 of the Knox Planning Scheme ~~and that Council, the club, User Groups, Community Groups and the general public are protected in terms of public risk and liability.~~
- 1.2 The purpose of this ~~p~~Policy is to provide a clear direction to Council and the community for the management and control of ~~c~~Advertising, ~~S~~Sponsorship and ~~P~~Promotional ~~S~~Signs ~~Community s~~Signage located ~~on Council~~ ~~on Council~~ ~~o~~Owned or ~~m~~Managed ~~o~~Open ~~s~~Space ~~Land~~.

### 2. OBJECTIVES

- 2.1 To define specific Council ~~l~~Land where the club, ~~u~~User ~~g~~Groups and ~~c~~Community ~~g~~Groups can apply to promote activities.
- 2.2 To provide guidelines for the consistent application of ~~s~~Signs ~~on Council~~ ~~on Council~~ ~~l~~Land.

2.3 To ensure that the erection of sSigns does not interfere with Council assets or the installations of other authorities.

2.4 To ensure all signs comply with the requirements of the Knox Planning Scheme.

2.5 To minimise liability to Council resulting from sSigns being located ~~on Council~~ Council ~~Land~~.

### 3. SCOPE

3.1 This Council pPolicy applies to the erection and installation of any form of external cCommunity sSignage Advertising, Sponsorship and Promotional Signs ~~on Council~~ Council oLand Owned or mManaged oOpen sSpace.

### 4. DEFINITIONS

4.1 Sign means all permanent and temporary board, notice, structure, banner or similar device.

4.2 Community sSignage means any advertising, sponsorship or promotional sign erected by a cClub and uUser gGroup, or cCommunity gGroup that is either an aAdvertising, sSponsorship or pPromotional sSign.

4.3 Advertising sSign means any board, notice, structure, banner or similar device used for the purposes of soliciting sales or notifying people of the presence of a property where goods or services may be obtained.

4.34 Sponsorship sSign means any board, notice, structure, banner or similar device used for the purposes of promoting a sponsor.

4.45 Promotional sSign means any board, notice, structure, banner or similar device used for the purposes of promoting a cClub, uUser gGroup or cCommunity gGroup, or any event or activity that the cClub, uUser gGroup or cCommunity gGroup may be involved in.

4.56 Council oOwned or Land mManaged oOpen sSpace means any passive open space, bush-land reserve, active recreation reserve, road reserve, water course or land vested in, or under control of Council, ~~and is subject to~~ The land may be subject to a tenancy agreement with Council Leisure Services. This Tenancy includes temporary hire agreements, seasonal tenancy agreements, leases and license tenancy agreements and service contracts.

4.67 Council sSigns means the Knox City Council corporate sSigns and sSigns which are permitted under the Local Government Act 1989 or Local Government Regulations 1990.

4.78 Playing aArena means the defined area on an active reserve that is utilised for organised active recreation.



4.89 The club and uUser gGroups means all sporting and recreational clubs, associations, pre-schools, groups and individuals based at, or utilising Council oOwned or mManaged oOpen sSpaceLand on a casual, seasonal or permanent basis.

4.910 Community gGroups means all community based groups or organisations including schools, churches, service club and organisations.

4.4011 Applicant means the person representing a cClub, uUser gGroup or cCommunity gGroup who has lodged an application for a permit.

4.412 Act means the Local Government Act 1989.

4.13 Council's pPolicy for Community Signage on Council Owned or Managed Open Space ~~Council's Policy for Advertising, Sponsorship and Promotional Signs on Council Land~~ means this policy.

4.14 City of Knox gGateways means the main entries to the municipality along major traffic routes (defined in the planning scheme as Category 1 roads)

## 5. POLICY

### 5.1 General

5.1.1 That reference to Council's pPolicy for Advertising, Sponsorship and Promotional Signs ~~Community Signage on Council Land Open Space~~ be incorporated into Council's policy for Grounds Allocation ~~and~~ User Charges and any other tenancy agreements including hire agreements, licences and leases.

5.1.2 That all Community sSignages located on Council Land oOpen sSpace be adequately constructed and secured to minimise liability.

5.1.3 That upon application, the following sites be available for temporary Community Signs sSignage providing for city wide advertising of prominent community events ~~on Council on Council Land oOpen sSpace~~ within the structures provided. This would not include commercial sponsorship or advertising.

- Tim Neville Arboretum
- Knox Civic Centre
- Ferntree Gully Community Centre
- Rowville Community Centre
- City of Knox Gateways

5.1.4 All ~~Advertising, Promotional and Sponsorship Signs~~ Community sSignage on all Council o

~~Land Owned or mManaged oOpen Sspace~~ will comply with the requirements set in clause 52.05 of the Knox Planning Scheme. Signs that do not comply will be considered prohibited and removed with costs apportioned to ~~tThe cClub and User user gGroups and cCommunity gGroups.~~

5.1.5 The ~~sSigns~~ lettering and surface finish is to be non reflective, with a maximum of four (4) colours.

5.1.6 For ~~pPromotional sSigns~~, any commercial sponsorship shall be limited to a maximum of 20% of the total area of the ~~sSign~~ unless otherwise stated.

5.1.7 The club and ~~uUser gGroups~~ requiring any ~~pPromotional, aAdvertising and sSponsorship sSigns~~ shall apply prior to each season for a package of ~~sSigns~~. Each application for additional ~~sSigns~~ shall be accompanied by a total list of ~~aAdvertising and sSponsorship sSigns~~ on the reserve.

5.1.8 Positioning of any ~~aPromotional, Advertising and sSponsorship sSign~~ shall be limited to:

5.1.8.1 The inward facing perimeter fence line of a ~~pPlaying aArena~~ and fixed in a manner approved by Council. Signs are permitted on 80% of the inward facing perimeter fence line of a playing arena. No sign is permitted to be visible from a roadway or residential property.

5.1.8.2 10% of the total area of outward facing perimeter fence line of a ~~pPlaying aArena~~. Signs limited to a maximum of perimeter fence provided that it cannot be viewed from outside the reserve, a roadway or residential property.

5.1.8.3 The inward facing external surface of a building or structure. Signs are limited to 20% of the total inward facing area of any building or structure and must not distract from the main purpose of the structure. No sign is permitted to be visible from a roadway or residential property. Signs are not permitted to be painted directly onto the roof or walls of any building or structure.

5.1.8.4 The inward facing side of a scoreboard. Signs to occupy a maximum of 20% of the total area of the scoreboard and limited to 1 commercial partner or sponsor. ~~The sSign~~ must not distract from the main purpose of the structure. No sign is permitted to be visible from a roadway or residential property.

5.1.8.5 Council reserves the right to erect aAdvertising, pPromotional and sSponsorship signage and the cClub and uUser gGroup or cCommunity gGroup would be required to remove any branding conflicts that arise with their existing signage and any potential Council sSponsors.

5.1.9 One outward facing 'User Group Identification' ~~temporary~~ sign and assessed on a case by case basis. Signs shall:

5.1.9.1 ~~identify~~Identify the incumbent user group only. 'User Group Identification' shall include the name of the incumbent tenanted user groups and club membership details only. Commercial representation or sponsor recognition is not permitted.

5.1.9.2 ~~Be free a standing sSign inside the fence line or connected to the Council oOpen sSpace perimeter fence.~~

~~5.1.9.3 Be limited to 2m<sup>2</sup> in area. be installed no earlier than the first day of a tenancy period and must be removed no later than 14 days after the conclusion of a tenancy period.~~

~~5.1.9.3 be free a standing sign inside the fence line or connected to the reserve or park perimeter fence.~~

~~5.1.9.4 be limited to 1800mm x 900mm.~~

#### 5.1.10 Temporary Signs

5.10.1 The size of the ~~s~~SSigns shall be limited to ~~2m<sup>2</sup> in area. 1800 x 900 mm.~~

5.10.2 The ~~s~~SSigns may be installed for a maximum of 14 days prior to the event and removed within 48 hours of the conclusion of the event.

#### 5.1.11 Temporary Signs - "Banners"

5.1.11.1 The ~~t~~Temporary size of the banner shall be limited to ~~3m<sup>2</sup> in area. 3000 x 900 mm~~

5.1.11.2 The ~~t~~Temporary banner can only be erected on the day of the event.

#### 5.1.12 Temporary sSigns – Variable Messaging Signs (VMS)

5.1.12.1 VMS signs are not permitted without a planning permit.

~~5.1.12-13~~ All costs associated with the design, production and installation of the ~~s~~SSigns shall be borne by ~~the The cClub and, uUser gGroup or cCommunity gGroup.~~

## 5.2 Insurance

5.2.1 In granting approval for the erection of signs or banners Leisure Services or Local Laws will give consideration to the matter of liability and may determine that the ~~a~~Applicant is required to take out a liability insurance policy in a form approved by Council's Insurance Authority. Such policy shall be in the joint names of Council and the ~~a~~Applicant for a minimum of \$10,000,000 against all actions, costs, claims, charges, expenses and damages whatsoever which may be brought made or claimed against Council or the applicant in regard to an incident relating to the ~~s~~SSign.

### 5.3 Materials and Construction

- 5.3.1 The finishes and materials used in the construction of the sSign are to have no sharp or exposed edges and all fixing (i.e. nails and screws) are to be recessed or countersunk.
- 5.3.2 Unless otherwise directed, sSigns located ~~on Council~~ Council Land Open sSpace are to be set back a minimum of 25 metres from the edge of the road way and situated 5 metres from foot paths and bike paths, 7 metres from play grounds and 5 metres from trees and any other structures.

### 5.4 Existing Non Compliant Signs

- 5.4.1 In the event that the requirements of this pPolicy not being met, the Manager responsible for the Council oOwned or mManaged oOpen sSpace will arrange for the sSign(s) to be removed and any cost incurred by Council shall be recovered from the The cClub and uUser gGroup or cCommunity gGroup responsible for the sSign(s). Existing Signs not in accordance with this policy are to be removed by 1 September 2012 (1/9/2012)
- ~~5.4.2 In the event that the requirements of Clause 5.7.1 not being met, the Manager responsible for the Council Land will arrange for the Sign(s) to be removed and any cost incurred by Council shall be recovered from the Club or User Group responsible for the Sign(s).~~

## 6. PROCEDURE~~46.~~ Procedure

- 6.1 With the exception of road reserves, application for signs ~~to Council Land~~ Council oOwned or mManaged oOpen sSpace is to be made to the relevant department Manager, Youth, Leisure & Cultural Services.
- 6.2 Application for signs to road reserves is to be made to Local Laws.
- 6.3 Prior to the erection of any sSign, the applicant must produce a Certificate of Currency as evidence of Public Liability Insurance cover to the satisfaction of the responsible aAuthority, if such insurance cover has been deemed a requirement.

## 7. RESPONSIBILITY~~7.~~ Responsibility

- ~~7.1~~ Manager, Youth, Leisure & Cultural Services and Manager Community Infrastructure

## 9.5 Review Of Council Advertising, Sponsorship And Promotional Signage On Council Land Policy (cont'd)

### APPENDIX B

## KNOX POLICY



## COMMUNITY SIGNAGE ON COUNCIL OPEN SPACE POLICY

<b>Policy Number:</b>	1997/63	<b>Directorate:</b>	Community Services
<b>Approval by:</b>	Council	<b>Responsible Officers:</b>	Manager Youth, Leisure Cultural Services Manager Community Infrastructure
<b>Approval Date:</b>	26 May 2016	<b>Version Number:</b>	1
<b>Review Date:</b>	May 2019		

### 1. PURPOSE

- 1.1 It is recognised by Council that promotion and advertising is important to the club, user groups and community groups in terms of advertising activities and major events, raising funds and in attracting new members. It is also recognised by Council that there is a requirement to manage and control advertising, sponsorship and promotional signs to ensure that the visual integrity of Council land is maintained through compliance with the requirements under clause 52.05 of the Knox Planning Scheme.
- 1.2 The purpose of this policy is to provide a clear direction to Council and the community for the management and control of community signage located on Council owned or managed open space.

### 2. OBJECTIVES

- 2.1 To define specific Council land where the club, user groups and community groups can apply to promote activities.
- 2.2 To provide guidelines for the consistent application of signs on Council land.
- 2.3 To ensure that the erection of signs does not interfere with Council assets or the installations of other authorities.
- 2.4 To ensure all signs comply with the requirements of the Knox Planning Scheme.
- 2.5 To minimise liability to Council resulting from signs being located on Council land.

### **3. SCOPE**

- 3.1 This Council policy applies to the erection and installation of any form of external community signage on Council owned or managed open space.

### **4. DEFINITIONS**

- 4.1 Sign means all permanent and temporary board, notice, structure, banner or similar device.
- 4.2 Community signage means any advertising, sponsorship or promotional sign erected by a club and user group, or community group that is either an advertising, sponsorship or promotional sign.
- 4.3 Advertising sign means any board, notice, structure, banner or similar device used for the purposes of soliciting sales or notifying people of the presence of a property where goods or services may be obtained.
- 4.4 Sponsorship sign means any board, notice, structure, banner or similar device used for the purposes of promoting a sponsor.
- 4.5 Promotional sign means any board, notice, structure, banner or similar device used for the purposes of promoting a club, user group or community group, or any event or activity that the club, user group or community group may be involved in.
- 4.6 Council owned or managed open space means any passive open space, bush-land reserve, active recreation reserve, road reserve, water course or land vested in, or under control of Council. The land may be subject to a tenancy agreement with Council. Tenancy includes temporary hire agreements, seasonal tenancy agreements, leases and license tenancy agreements and service contracts.
- 4.7 Council signs means the Knox City Council corporate signs and signs which are permitted under the Local Government Act 1989 or Local Government Regulations 1990.
- 4.8 Playing arena means the defined area on an active reserve that is utilised for organised active recreation.
- 4.9 The club and user groups means all sporting and recreational clubs, associations, pre-schools, groups and individuals based at, or utilising Council owned or managed open space on a casual, seasonal or permanent basis.
- 4.10 Community groups means all community based groups or organisations including schools, churches, service club and organisations.
- 4.11 Applicant means the person representing a club, user group or community group who has lodged an application for a permit.
- 4.12 Act means the Local Government Act 1989.

4.13 Council's policy for Community Signage on Council Owned or Managed Open Space means this policy.

4.14 City of Knox gateways means the main entries to the municipality along major traffic routes (defined in the planning scheme as Category 1 roads)

## **5. POLICY**

### 5.1 General

5.1.1 That reference to Council's policy for Community Signage on Council Open Space be incorporated into Council's policy for Grounds Allocation, User Charges and any other tenancy agreements including hire agreements, licences and leases.

5.1.2 That all Community signage located on Council open space be adequately constructed and secured to minimise liability.

5.1.3 That upon application, the following sites be available for temporary community signage providing for city wide advertising of prominent community events on Council open space within the structures provided. This would not include commercial sponsorship or advertising.

- Tim Neville Arboretum
- Knox Civic Centre
- Ferntree Gully Community Centre
- Rowville Community Centre
- City of Knox Gateways

5.1.4 All community signage on all Council owned or managed open space will comply with the requirements set in clause 52.05 of the Knox Planning Scheme. Signs that do not comply will be considered prohibited and removed with costs apportioned to the club and user groups and community groups.

5.1.5 The signs lettering and surface finish is to be non reflective, with a maximum of four (4) colours.

5.1.6 For promotional signs, any commercial sponsorship shall be limited to a maximum of 20% of the total area of the sign unless otherwise stated.

5.1.7 The club and user groups requiring any promotional, advertising and sponsorship signs shall apply prior to each season for a package of signs. Each application for additional signs shall be accompanied by a total list of advertising and sponsorship signs on the reserve.

5.1.8 Positioning of any advertising and sponsorship sign shall be limited to:

- 5.1.8.1 The inward facing perimeter fence line of a playing arena and fixed in a manner approved by Council. Signs are permitted on 80% of the inward facing perimeter fence line of a playing arena. No sign is permitted to be visible from a roadway or residential property.
- 5.1.8.2 10% of the total area of outward facing perimeter fence line of a playing arena. Signs limited to a maximum of perimeter fence provided that it cannot be viewed from outside the reserve, a roadway or residential property.
- 5.1.8.3 The inward facing external surface of a building or structure. Signs are limited to 20% of the total inward facing area of any building or structure and must not distract from the main purpose of the structure. No sign is permitted to be visible from a roadway or residential property. Signs are not permitted to be painted directly onto the roof or walls of any building or structure.
- 5.1.8.4 The inward facing side of a scoreboard. Signs to occupy a maximum of 20% of the total area of the scoreboard and limited to 1 commercial partner or sponsor. The sign must not distract from the main purpose of the structure. No sign is permitted to be visible from a roadway or residential property.
- 5.1.8.5 Council reserves the right to erect advertising, promotional and sponsorship signage and the club and user group or community group would be required to remove any branding conflicts that arise with their existing signage and any potential Council sponsors.

5.1.9 One outward facing 'User Group Identification' sign and assessed on a case by case basis. Signs shall:

- 5.1.9.1 Identify the incumbent user group only. 'User Group Identification' shall include the name of the incumbent tenanted user groups and club membership details only. Commercial representation or sponsor recognition is not permitted.
- 5.1.9.2 Be free a standing sign inside the fence line or connected to the Council open space perimeter fence.
- 5.1.9.3 Be limited to 2m<sup>2</sup> in area.

**5.1.10 Temporary Signs**

- 5.10.1 The size of the signs shall be limited to 2m<sup>2</sup> in area.
- 5.10.2 The signs may be installed for a maximum of 14 days prior to the event and removed within 48 hours of the conclusion of the event.



### 5.1.11 Temporary Signs - “Banners”

5.1.11.1 The temporary size of the banner shall be limited to 3m<sup>2</sup> in area.

5.1.11.2 The temporary banner can only be erected on the day of the event.

### 5.1.12 Temporary signs – Variable Messaging Signs (VMS)

5.1.12.1 VMS signs are not permitted without a planning permit.

5.1.13 All costs associated with the design, production and installation of the signs shall be borne by the club and user group or community group.

## 5.2 Insurance

5.2.1 In granting approval for the erection of signs or banners Leisure Services or Local Laws will give consideration to the matter of liability and may determine that the applicant is required to take out a liability insurance policy in a form approved by Council’s Insurance Authority. Such policy shall be in the joint names of Council and the applicant for a minimum of \$10,000,000 against all actions, costs, claims, charges, expenses and damages whatsoever which may be brought made or claimed against Council or the applicant in regard to an incident relating to the sign.

## 5.3 Materials and Construction

5.3.1 The finishes and materials used in the construction of the sign are to have no sharp or exposed edges and all fixing (i.e. nails and screws) are to be recessed or countersunk.

5.3.2 Unless otherwise directed, signs located on Council open space are to be set back a minimum of 25 metres from the edge of the road way and situated 5 metres from foot paths and bike paths, 7 metres from play grounds and 5 metres from trees and any other structures.

## 5.4 Non Compliant Signs

5.4.1 In the event that the requirements of this policy not being met, the Manager responsible for the Council owned or managed open space will arrange for the sign(s) to be removed and any cost incurred by Council shall be recovered from the club and user group or community group responsible for the sign(s).

**6. PROCEDURE**

- 6.1 With the exception of road reserves, application for signs on Council owned or managed open space is to be made to the relevant department Manager.
- 6.2 Application for signs to road reserves is to be made to Local Laws.
- 6.3 Prior to the erection of any sign, the applicant must produce a Certificate of Currency as evidence of Public Liability Insurance cover to the satisfaction of the responsible authority, if such insurance cover has been deemed a requirement.

**7. RESPONSIBILITY**

Manager, Youth, Leisure & Cultural Services and Manager Community Infrastructure

**COUNCILLOR ORPEN RETURNED TO THE CHAMBER AT 9.07PM DURING DISCUSSION ON ITEM 9.6****ALL WARDS****9.6 DRAFT ELECTRONIC GAMING POLICY**

**SUMMARY:** *Social Planner (Sharon Barker) and Senior Strategic Planner (Susan Thompson)*

*Council's primary gaming-related responsibilities include:*

*Planning applications to use or install gaming machines or to use and develop land for gaming premises, under the Planning and Environment Act 1987; the preparation of submissions to the Victorian Commission for Gambling and Liquor Regulation under the Gambling Regulation Act 2003; and the planning and development of facilities on Council-owned land, (as a landowner and lessor).*

*Council does not have the same defined role in relation to broader gambling activity and methods.*

*Council's first Gaming Policy was developed in October 2001 and revised in December 2005. The second policy was endorsed by Council in 2011 and a revision of this policy has now been completed.*

*The revision and redevelopment of the 2016 Electronic Gaming Policy (Appendix A) and Local Gaming Policy for inclusion in the Knox Planning Scheme (Appendix D) have been informed by the updated Knox Gambling Profile 2015, Knox Gaming Policy Direction Paper 2015 (Appendix C) and a community consultation process.*

*There is currently no local policy in the Knox Planning Scheme which provides guidance or direction in considering gaming machine applications outside of the broader State policy context. The new Local Gaming Policy (Appendix D) has now been developed to respond to this policy gap. This new Local Gaming Policy will form part of the proposed Amendment C150 to the Knox Planning Scheme, along with relevant new content in the proposed Municipal Strategic Statement. The policy which will provide policy, objectives and decision guidelines for Council in determining planning applications based on harm minimisation and amenity principles.*

**RECOMMENDATION**

**That Council:**

- 1. Approve the Gaming Policy Direction Paper 2015 (attached as Appendix C) which informs and supports both the Electronic Gaming Policy 2016 and the Local Gaming Policy for the Knox Planning Scheme;**

## 9.6 Draft Electronic Gaming Policy (cont'd)

### Recommendation (cont'd)

2. **Approve the revised Electronic Gaming Policy (Attached as Appendix A);**
3. **Support the new Local Gaming Policy (attached as Appendix D) and the updated Schedule to Clause 52.28-3 of Shopping Centre prohibitions (attached as Appendix E) to form part of proposed Amendment C150 to the Knox Planning Scheme.**
4. **Acknowledge all submitters to the Gaming Policy Review for their submission, and advise them of Council's decision in the matter.**

### 1. INTRODUCTION

Council's primary responsibility concerning gaming is through its decision making role on planning applications. This includes approval to use or install gaming machines or to use and develop land for gaming premises under the *Planning and Environment Act 1987*. Council also has a role in the preparation of submissions to the Victorian Commission for Gambling and Liquor Regulation under the *Gambling Regulation Act 2003*, and as a landowner and lessor, in its planning and development of facilities on Council-owned land.

Council does not have the same defined role in relation to other gambling activities and methods, e.g. online gaming. Growing trends in internet gambling, sports betting and lotteries may require further investigation by Council to fully understand any possible impacts for Knox, and inform any future advocacy programs.

Council's first gaming policy was developed in October 2001 and revised in December 2005. The second policy was endorsed by Council in 2011 and is now due for revision. This policy was a stand-alone policy and is not incorporated into the Knox Planning Scheme.

Council had no local policy in the Knox Planning Scheme to provide guidance or direction in considering gaming applications. A suite of gaming policy related documents has now been prepared in order to update Council's policy position on gaming, and to ensure that this policy translates across all areas of responsibility for gaming, including the Knox Planning Scheme. The documents include:

- A revised Electronic Gaming Policy (Appendix A). This policy is an updated version of the 2011 policy. This policy does not have any status in the Knox Planning Scheme. It will be used to outline Council's broad policy direction for electronic gaming, and to guide Council's decision-making with respect to submissions under the Gambling Act 2003 and in the management of Council-owned facilities;
- The proposed changes and additions to the revised Electronic Gaming Policy are presented with 'track changes' in Appendix B.

## 9.6 Draft Electronic Gaming Policy (cont'd)

- A new Gaming Policy Direction Paper 2015 (Appendix C), which provides background and State and local context on gaming issues and introduces a set of principles on harm minimisation. This has been used to inform both the updated Electronic Gaming Policy and the proposed Local Gaming Policy for the Knox Planning Scheme;
- A new Gaming Local Policy to form part of Clause 22 of the Knox Planning Scheme (Appendix D), which provides Council with guidance and direction for considering gaming applications, over and above the broader State policy context; and,
- An updated Schedule to Clause 52.28-3 of the Knox Planning Scheme which lists shopping centres where gaming machines are prohibited (Appendix E).

## **2. DISCUSSION**

### **2.1 Gaming Policy Direction Paper**

The Gaming Policy Direction Paper was prepared in October 2015 to provide contextual material to assist the revision of the Electronic Gaming Policy and to provide local context and an appropriate evidence base to inform and support the proposed Local Gaming Policy for the Knox Planning Scheme. Key messages from the Direction Paper include:

- While gambling is recognised as a legitimate form of recreation that has social and economic benefits, it can generate negative social and economic impacts for problem gamblers;
- Problem gambling can generate significant costs to the community, with the Victorian Competition and Efficiency Commission's 2013 Report estimating the social and economic costs of gambling in Victoria were between \$1.5 billion and \$2.8 billion in 2010-11;
- People in Australia spend more on electronic gaming machines (EGMs) than any other form of gambling. The same is true of Victoria where EGM expenditure made up 46% of all gambling losses in 2012-13;
- There has been an 11% (92) reduction in the number of electronic gaming machines in Knox since 2009 – from 855 in 2009 to 763 in 2014, with EGM losses dropping by almost \$15 million in the same period. These findings coincide with the changes in the Victorian licensing regime in 2011;
- Knox continues to have a consistently higher than average rate of EGMs to population (EGM density) compared to metropolitan Melbourne;
- Knox has consistently had a higher than average rate of EGM losses per adult (EGM expenditure) compared with metropolitan Melbourne and Victoria;
- There is a clear association for higher rates of EGM losses to be incurred by more disadvantaged communities;

## 9.6 Draft Electronic Gaming Policy (cont'd)

- Per capita, EGM losses in Bayswater were twice the Knox, metropolitan and State averages and over 40% higher in the Ferntree Gully environs (2013/14) which are areas with a higher relative social and economic disadvantage within Knox;
- There is a policy gap in the planning framework at a State level that can be addressed by introducing a gaming-specific local policy in the Knox Planning Scheme;
- While there is still some way to go regarding social research on the effects, costs and indicators of 'problem gambling', there is enough evidence to support Council policies to control the location, design and operation of gaming venues to minimise harm; and,
- Whilst online gambling and sports betting has increased dramatically over recent years, expenditure per capita from sports betting is still significantly lower than gaming machine expenditure.

The local context and key messages within the Gaming Policy Direction Paper have led to the identification of five key principles, which have been translated into the Local Gaming Policy for inclusion in the Knox Planning Scheme. The principles are:

- *Principle 1: Accessible but not convenient*  
In assessing suitable sites for gaming venues, the competing criteria of having an accessible entertainment venue, with good transport links and close to other services needs to be balanced against the desire to locate gaming venues away from primary pedestrian concentrations which might encourage opportunistic or "convenience gambling" as people go about their day-to-day business.
- *Principle 2: Minimising harm to vulnerable communities*  
Seeking to encourage gaming venues away from locations that make them convenient to use by vulnerable communities (as identified using the SEIFA Index of Relative Disadvantage).
- *Principle 3: Minimise EGM density and number of venues*  
Seeking to prevent the increase of the number of EGMs (EGM density) in areas which are already above the metropolitan average, as well as seeking to reduce the number of new gaming venues being established.
- *Principle 4: Promote diversity of entertainment venues*  
Ensuring that gaming only occurs in venues and locations which have a reasonable choice of other non-gambling entertainment activities.
- *Principle 5: Minimise amenity impacts*  
Seeking to minimise off-site amenity impacts associated with gaming venues, as well as appropriate venue design to minimise the prominence and convenience of gaming facilities within a venue.

## 9.6 Draft Electronic Gaming Policy (cont'd)

### 2.2 Revised Electronic Gaming Policy

The revised Policy will strengthen Council's approach to electronic gaming in Knox. This has included updating the Knox electronic gaming data and conditions, refining the wording of the revised Policy objectives to ensure alignment to the new local planning policy and proposing additional actions. The proposed changes and additions are presented with 'track changes' in Appendix B.

The background, scope, policy statement, policy goals, policy objectives and actions have been updated as follows.

<b>2.2.1 Background</b>	Updated data on electronic gaming in Knox has been provided in this section.
<b>2.2.2 Scope</b>	<p>Bullet point three has been added to this section to clarify that Council has a role under the <i>Planning and Environment Act 1987</i> and the <i>Gambling Regulation Act 2003</i>.</p> <p>This policy applies to:</p> <ul style="list-style-type: none"> <li>• operators of clubs and hotels in Knox with electronic gaming machines;</li> <li>• individuals, families and community in Knox who are affected by gaming/gambling on an electronic gaming machine;</li> <li>• Knox City Council, in its role as a responsible authority under the <i>Planning and Environment Act 1987</i>, in making decisions on planning applications for gaming machines and in making submissions to the VCGLR under the <i>Gambling Regulation Act 2003</i>; and</li> <li>• Knox City Council, as a landowner and lessor, in its planning and development of facilities on Council land.</li> </ul>
<b>2.2.3 Policy Statement</b>	The policy statement has been subjected to minor rewording only.
<b>2.2.4 Policy Goal</b>	No changes were made to this section.

## 9.6 Draft Electronic Gaming Policy (cont'd)

<p><b>2.2.5 Policy Objectives</b></p>	<p>The policy objectives have been streamlined. Some of the previous objectives are captured in the actions.</p> <p>Council is committed to fostering responsible gaming and gaming venues. Council will adopt necessary actions to minimise the adverse effects of electronic gaming on individuals and the community. The key strategic objectives of the Electronic Gaming Policy are:</p> <ol style="list-style-type: none"> <li>1. To apply transparent and coordinated decision-making processes with regard to electronic gaming machine and gaming venues;</li> <li>2. To reduce the public health harm caused to individuals and the community by electronic gaming through actions including; <ul style="list-style-type: none"> <li>• To advocate for best practice regulation and administration of electronic gaming; and,</li> <li>• To manage the location of new electronic gaming machines and gaming venue design.</li> </ul> </li> </ol>
<p><b>2.2.6 Policy actions</b></p>	<p>The wording of the actions has been tightened and refocused for current conditions. They continue to be set-out in accordance with Council's four key roles and functions in relation to electronic gaming as follows:</p> <ol style="list-style-type: none"> <li><b>1. Plan and manage:</b> <ul style="list-style-type: none"> <li>• <i>Manage the location of venues and EGMs in Knox;</i></li> <li>• <i>Manage the number and density of EGMs in Knox;</i></li> <li>• <i>Respond to applications for additional EGMs in Knox;</i></li> <li>• <i>Discourage the operation of EGMs on Council land;</i></li> <li>• <i>Identify and understand the impacts of EGMs; and</i></li> <li>• <i>Integrate the Electronic Gaming Policy with Council plans and policies</i></li> </ul> </li> <li><b>2. Inform and engage:</b> <ul style="list-style-type: none"> <li>• <i>Support alternative recreational and social activities; and</i></li> <li>• <i>Support community education on EGMs.</i></li> </ul> </li> <li><b>3. Represent and advocate:</b> <ul style="list-style-type: none"> <li>• <i>Advocate for electronic gaming reform.</i></li> </ul> </li> <li><b>4. Regulate and enforce:</b> <ul style="list-style-type: none"> <li>• <i>Update the Knox Planning Scheme.</i></li> </ul> </li> </ol> <p>Two new actions are proposed in this section as below.</p> <p><b>6.4.1.5 Identify and understand the impacts of EGMs</b></p> <p><i>Council will collect, analyse and report data on electronic gaming activity and its impact on the Knox community on a regular basis.</i></p> <p>This proposed action formally identifies what Council is already doing in this area through its Knox Gambling Profile Update.</p>



## 9.6 Draft Electronic Gaming Policy (cont'd)

<p><b>2.2.6 Policy actions</b></p>	<p><b>6.4.1.6 Integrate the Electronic Gaming Policy with Council plans and policies</b></p> <p><i>Council will not accept sponsorship for its activities from organisations or businesses that derive their income from EGMs.</i></p> <p>This proposed action prevents Council accepting sponsorship from a funding source fully or partially derived from electronic gaming machines, as Council recognises that individual and community detriment arises from gaming activity and does not wish to benefit from such circumstances.</p>
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### 2.3 Local Gaming Policy for the Knox Planning Scheme

#### 2.3.1 Background

Attached as Appendix D is a proposed policy for inclusion in the Knox Planning Scheme's Local Planning Policy Framework (as part of proposed Amendment C150 to the Knox Planning Scheme). The need for this policy was identified and recommended by the Knox Planning Scheme Review 2015 (adopted by Council in May 2015). It is informed by both the Gaming Policy Direction Paper 2015 and the Electronic Gaming Policy. This policy is an important implementation tool for Council's overall policy on gaming, as without a specific planning scheme policy, Council cannot effectively take its policy position on gaming into consideration when deciding on planning applications under the Knox Planning Scheme.

There are a number of other Councils that have local gaming policies in their planning schemes, many of which have had panel hearings as part of their implementation. Recommendations of panel hearings and the content and structure of other approved policies has informed the development of the proposed policy in terms of what type of policy criteria is appropriate to include in a planning scheme.

#### 2.3.2 Local Gaming Policy Content

The Local Gaming Policy proposed to be included as part of the Knox Planning Scheme is based on the 5 key harm minimisation principles that are outlined in the Gaming Policy Direction Paper (refer discussion in Section 2.1 of this report). The principles are incorporated into planning objectives and strategies relating to both locational criteria and venue design.

## 9.6 Draft Electronic Gaming Policy (cont'd)

The five objectives of the policy are:

1. To minimise harm from gaming and the incidence of problem gaming.
2. To locate gaming machines where they are accessible but not convenient.
3. To locate gaming machines away from disadvantaged and vulnerable communities.
4. To protect the amenity of the surrounding areas by ensuring the operation, location and design of gaming premises have no adverse impacts.
5. To ensure that the net social and economic impact of gaming machines will not be detrimental to the wellbeing of the community.

An important component of the policy will be the requirement for applicants to undertake a social and economic impact assessment that provides a robust assessment of the social and economic benefits and dis-benefits of the proposal, and the effect that new gaming machines or a new gaming venue will have on the health and wellbeing of the community within the catchment area.

Clause 52.28 of the State Planning Policy Framework, which appears in all Planning Schemes, provides the statewide requirements for decision making on applications for gaming machines. This clause includes two schedules which specify areas where gaming machines are *prohibited*:

- Schedule to Clause 52.28-3 - Prohibition of a gaming machine in a shopping complex listed in the schedule
- Schedule to Clause 52.28-4 - Prohibition of a gaming machine in all strip shopping centre

As well as drafting a local policy, an updated list of shopping complexes in the Schedule to Clause 52.28-3 of the Knox Planning Scheme has been prepared, for which a gaming machine is prohibited (refer Appendix E). The update is mainly for clarification purposes, as the prohibition of gaming machines in shopping centres that were not previously listed would have likely been triggered under the Schedule to Clause 52.28-4, which prohibits gaming machines in all shopping strips in the municipality.

### **3. CONSULTATION**

Council's Social Policy and Planning and Strategic Planning Services have worked in collaboration to prepare the Gaming Policy Direction Paper, the revised Electronic Gaming Policy and draft the new Local Gaming Policy for proposed inclusion in the Knox Planning Scheme. Other Council Officers were also consulted during the development of these Policy documents.

Councillors were briefed on this matter on 1 December 2015.

## 9.6 Draft Electronic Gaming Policy (cont'd)

In addition to this, a four-week, targeted, public exhibition of the Gaming Policy Direction Paper, the revised Electronic Gaming Policy and the Local Gaming Policy for the Knox Planning Scheme was conducted. This included:

- publishing the Gaming Policy Direction Paper, revised Electronic Gaming Policy and the proposed Local Gaming Policy for the Knox Planning Scheme on Council's website for public comment. An electronic survey was made available to facilitate public feedback; and,
- direct engagement with clubs and hotels with EGMs in Knox and EGM users and community gambling support groups and organisations.

The consultation process resulted in the following feedback.

- **Electronic gaming venue operators meeting**  
Representatives from seven clubs and hotels with EGMs in Knox attended a consultation session on 2 March 2016 and discussed the draft. Two respondents suggested that the revised Electronic Gaming Policy could be extended beyond EGMs to include broader gambling activity. No other changes were suggested.
- **Electronic gaming on-line survey**  
Four respondents completed the electronic survey. All of these respondents were representatives from EGM businesses (hotels and clubs) in Knox. No specific recommendations for change were suggested.
- **Other feedback**  
Feedback from an officer from a local-government peak organisation was received. This respondent noted that the language in the revised Electronic Gaming Policy could be extended beyond EGMs and include broader gambling activity. No other substantial changes were suggested.

Positive feedback, overall, was received during the consultation process. Only three respondents suggested extending the scope of the revised Electronic Gaming Policy to include other gambling activities. As the current focus of the revised Electronic Gaming Policy (which has received ongoing support from Council, aligns with its specific responsibility to make decisions on planning applications for EGMs as a responsible authority under the *Planning and Environment Act 1987* and in making submission to the Victorian Commission for Gambling and Liquor Regulation under the *Gambling Regulation Act 2003*, Council does not have the same defined role in relation to other gambling methods. It is, therefore, proposed that the scope of the Electronic Gaming Policy remain unchanged.

Council will continue to explore the impacts of other forms of gaming through its Community Health and Wellbeing; and Community Safety activities.

## **9.6 Draft Electronic Gaming Policy (cont'd)**

Further consultation will occur in the future as a separate exercise, to formally introduce the Local Gaming Policy into the Knox Planning Scheme. This will occur as part of proposed Amendment C150 to the Knox Planning Scheme and is expected to be carried out later in 2016, in accordance with statutory requirements of the *Planning & Environment Act 1987*.

### **4. ENVIRONMENTAL/AMENITY ISSUES**

The approval of the Electronic Gaming Policy and the Local Gaming Policy in the Knox Planning Scheme will help strengthen Council's capacity to respond to planning permit applications and prepare submissions to the Victorian Commission for Gambling Regulation.

Clubs and hotels that offer EGMs should be appropriately located to minimise any detrimental amenity issues. Applications for new EGMs require both:

- A planning permit (for the gaming machines/venue) which will be assessed by Council based on the policy set out in the Knox Planning Scheme; and
- A determination of the impact on community wellbeing decided by the Victorian Commission for Gambling Regulation on new EGM licence applications to which local government can make a submission.

An assessment on environmental/amenity impact will be undertaken on a site specific basis under the above scenarios and the proposed policies and Gaming Policy Direction Paper will strengthen Council's ability to ensure that these matters are appropriately taken into account in the assessment.

### **5. FINANCIAL & ECONOMIC IMPLICATIONS**

The policies will be incorporated into relevant Council business plans and existing resources within Council's operational budget will be utilised to implement the proposed actions. Any additional resource requirements which may emerge over time would be sought as part of Council's annual budget process.

### **6. SOCIAL IMPLICATIONS**

Within Knox there are people who are negatively affected by EGMs, particularly problem gamblers. Council recognises that excessive gaming can have a detrimental impact upon individuals, families and the broader community. Therefore, Council supports a harm minimisation approach to gaming which seeks to mitigate possible adverse impacts.

### **7. RELEVANCE TO CITY PLAN 2013-17 (INCORPORATING THE COUNCIL PLAN)**

The suite of proposed gaming policy documents strongly aligns to the themes of Healthy Connected Communities and Culturally Rich and Active Communities within the *Knox Council Plan 2013-17*.

## 9.6 Draft Electronic Gaming Policy (cont'd)

It particularly supports the following objectives:

- The Knox community benefits from good health and wellbeing at all life stages (Objective 1.1);
- Improve the acceptance and valuing of diversity and difference in the Knox community (Objective 4.1);
- Increase use of public spaces and infrastructure for the purposes of cultural expression and physical activity (Objective 4.2).

The proposed gaming policies are relevant to the following section of the *Integrated City Strategy and Implementation Plan 2015-17*.

Integrated Strategy	Areas of focus	Action
12 Improve personal and community safety and perceptions of safety in Knox by addressing community safety problems, family violence and child and elder abuse.	12.1 Ensure policy, planning, programs and service delivery are underpinned by approaches that reduce risk factors and increase protective factors.	12.1.5 Partner with key stakeholders to deliver community safety education and early intervention and development programs to increase safe driving, and reduce antisocial behaviour, problem gambling, family violence and child and elder abuse.

## 8. CONCLUSION

This Council Report presents a revised Electronic Gaming Policy (Appendix A) Gaming Policy Directions Paper 2015 and a new Local Gaming Policy for inclusion in the Knox Planning Scheme (Appendix D) for Council's consideration and approval.

These Policies have been well informed by an updated Knox Gambling Profile 2015 and the Knox Gaming Policy Direction Paper (Appendix C), as well as via feedback from Council, Council officers, the community and electronic gaming businesses in Knox.

It should be noted that further consultation will be undertaken during the consultation process to support the formal introduction of the Local Gaming Policy into the Knox Planning Scheme. This will occur as part of proposed Amendment C150 to the Knox Planning Scheme and will be carried out in accordance with statutory requirements of the *Planning & Environment Act 1987*.

## 9. CONFIDENTIALITY

There are no issues of confidentiality associated with this report.

**9.6 Draft Electronic Gaming Policy (cont'd)****COUNCIL RESOLUTION****MOVED: CR. MORTIMORE****SECONDED: CR. LOCKWOOD**

That Council:

1. Approve the Gaming Policy Direction Paper 2015 (attached as Appendix C) which informs and supports both the Electronic Gaming Policy 2016 and the Local Gaming Policy for the Knox Planning Scheme;
2. Approve the revised Electronic Gaming Policy (Attached as Appendix A);
3. Support the new Local Gaming Policy (attached as Appendix D) and the updated Schedule to Clause 52.28-3 of Shopping Centre prohibitions (attached as Appendix E) to form part of proposed Amendment C150 to the Knox Planning Scheme.
4. Acknowledge all submitters to the Gaming Policy Review for their submission, and advise them of Council's decision in the matter.

**CARRIED**

**9.6 Draft Electronic Gaming Policy (cont'd)**

**The following appendices are circulated under separate cover:**

Appendix A – Revised Electronic Gaming Policy

Appendix B – Proposed changes and additions with 'track changes'

Appendix C – Gaming Policy Direction Paper 2015

Appendix D – Local Gaming Policy for Knox Planning Scheme

Appendix E – Proposed changes to Schedule to Clause 52.28-3 of the Knox Planning Scheme

**DOBSON WARD****10.1 LEASE OF COUNCIL PROPERTY – 16 KEVIN AVENUE, FERNTREE GULLY (MELWAY REF: 73 K4)**

**SUMMARY:** *Senior Property Officer (Angela Kostarakis)*

*This report recommends the signing and sealing of a lease for the Council property at 16 Kevin Avenue, Ferntree Gully. The lease is for one year (with an option of a further six months) commencing on 1 July 2016.*

**RECOMMENDATION**

**That Council**

- 1. Enter into a lease between Knox City Council (Lessor) and Master Platinum Dealer Pty Ltd, trading as Ferntree Gully Nissan (Lessee), for the property at 16 Kevin Avenue, Ferntree Gully commencing 1 July 2016. The lease will be for a period of one year (with an option of a further six months) with the rental being \$1,069.31 per calendar month, plus GST, plus outgoings.**
- 2. Authorise the Chief Executive Officer to sign and seal documentation to give effect to this lease.**

**1. INTRODUCTION**

Agents have recently renegotiated a lease for the Council property at 16 Kevin Avenue, Ferntree Gully (refer Appendix A).

**2. DISCUSSION**

The property at 16 Kevin Avenue, Ferntree Gully has been in Council ownership for some years and was initially purchased along with a number of other properties in the area to provide for the future Dorset Road extension.

The current tenants have occupied this land since 2010. The lease is for a term of one year (with an option of a further six months) commencing 1 July 2016. The Lessee, Master Platinum Dealer Pty Ltd of 1000 Burwood Highway, Ferntree Gully, trading as Ferntree Gully Nissan, will continue to use the site for storage of motor vehicles (not retail). A planning permit is not required for this use.

The Lessee will meet all outgoings associated with this site.

**3. CONSULTATION**

As the lease is for less than two years and the yearly market rental is less than \$50,000, there is no requirement under the Local Government Act 1989 to advertise the lease.



### **10.1 Lease of Council Property – 16 Kevin Avenue, Ferntree Gully (cont'd)**

It should be noted that this site, together with other sites, has been acquired by Council and is proposed to be eventually sold to VicRoads for the Dorset Road extension. A short term lease is not seen as impacting on this project.

The Lessee, Master Platinum Dealer Pty Ltd, trading as Ferntree Gully Nissan, has agreed to the terms and conditions of the lease.

#### **4. ENVIRONMENTAL/AMENITY ISSUES**

The use of the land for storage is not considered detrimental to the environment or amenity of the area.

#### **5. FINANCIAL & ECONOMIC IMPLICATIONS**

The proposed lease is for one year (with an option of a further six months) commencing 1 July 2016, with the rental being \$1,069.31 per calendar month, plus GST, plus outgoings.

The rental has been determined by agents appointed by Council in accordance with commercial rentals within this area.

#### **6. SOCIAL IMPLICATIONS**

Having this vacant property fenced and leased is reducing the risk of anti-social behaviour within this area.

#### **7. RELEVANCE TO CITY PLAN 2013-17 (INCORPORATING THE COUNCIL PLAN)**

This supports Theme 5 Democratic and Engaged Communities with particular reference to:

- 5.3.1 Maintain accountable and transparent governance practices, and Council's sound stewardship of the community's finances and assets.

#### **8. CONCLUSION**

It is recommended that a lease between Knox City Council and Master Platinum Dealer Pty Ltd, trading as Ferntree Gully Nissan, for one year (with an option of a further six months) pertaining to 16 Kevin Avenue, Ferntree Gully be signed and sealed.

#### **9. CONFIDENTIALITY**

This report is not of a confidential nature.

**10.1 Lease of Council Property – 16 Kevin Avenue, Ferntree Gully (cont'd)****COUNCIL RESOLUTION**

MOVED: CR. ORPEN

SECONDED: CR. GILL

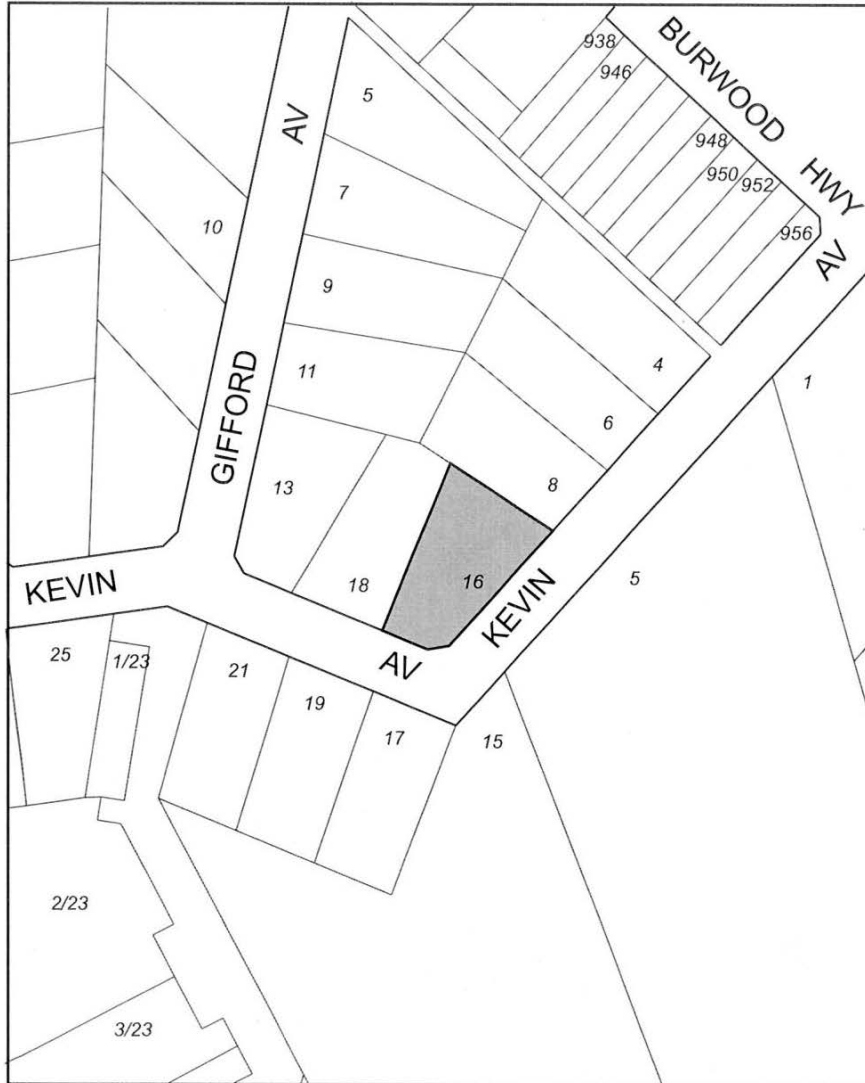
That Council

1. Enter into a lease between Knox City Council (Lessor) and Master Platinum Dealer Pty Ltd, trading as Ferntree Gully Nissan (Lessee), for the property at 16 Kevin Avenue, Ferntree Gully commencing 1 July 2016. The lease will be for a period of one year (with an option of a further six months) with the rental being \$1,069.31 per calendar month, plus GST, plus outgoings.
2. Authorise the Chief Executive Officer to sign and seal documentation to give effect to this lease.

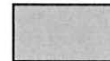
CARRIED

10.1 Lease of Council Property – 16 Kevin Avenue, Ferntree Gully (cont'd)

APPENDIX A



PROPERTY TO BE LEASED SHOWN THUS:



**COUNCILLOR GILL VACATED THE CHAMBER AT 9.13PM DURING DISCUSSION ON ITEM 10.2**

**COUNCILLOR GILL RETURNED TO THE CHAMBER AT 9.15PM PRIOR TO THE VOTE ON ITEM 10.2**

**COUNCILLOR PEARCE VACATED THE CHAMBER AT 9.17PM PRIOR TO THE VOTE ON ITEM 10.2**

**ALL WARDS**

## **10.2 KNOX COMMUNITY PANEL – DRAFT TERMS OF REFERENCE**

**SUMMARY:**            *Manager – Governance and Innovation (Fleur Cousins)*

**This report presents to Council the draft Terms of Reference regarding the Knox Community Panel for consideration and endorsement.**

### **RECOMMENDATION**

**That Council endorse the Terms of Reference to enable the formation of the Knox Community Panel.**

### **1. INTRODUCTION**

In 2012-13 Knox City Council undertook a large community engagement project called Knox@50. Knox residents, business people and community members shared their ideas and thoughts about the future of Knox through many engagement activities. The work from this project was used to inform the development of the Knox Vision and City Plan (incorporating the Council Plan) 2013-17.

In accordance with section 125 of the Local Government Act 1989 (the Act), Council is required to prepare and approve a four year Council Plan by 30 June following general elections. As the Council elections will be held in October this year, planning for the development of a new City Plan and Council Plan has begun.

The development of Knox's next City Plan and Council Plan for 2017-21 will be informed by a range of community engagement activities including a municipal wide survey, community and stakeholder focus groups and a Community Panel.

Council has agreed in principle to the approach of using a Community Panel as one of the community engagement activities to inform and test the priorities, focus areas and content of the new City Plan and Council Plan, as well as areas for further analysis and priorities relating to services and infrastructure. This report and Appendix A provide greater detail and clarity around the structure and purpose of the Community Panel, how panel members will be selected, and what the Panel will be asked to consider.

## 10.2 Knox Community Panel – Draft Terms of Reference (cont'd)

### 2. DISCUSSION

#### **Community Engagement for the City Plan and Council Plan**

With the development of a new City Plan and Council Plan, Knox will be engaging with its community to have a conversation about emerging issues, its priorities and sharing the challenges that Council is facing in the next few years. The Knox Community Panel will be just one part of the community engagement approach for the development of these documents.

A second State of Knox Report is currently being developed which describes and explains the present social, political, cultural, environmental and economic state of Knox and identifies new and emerging trends, causes and issues for consideration to inform the community and stakeholder engagement.

A survey will be then be conducted with a statistically viable sample of the community to test some of these assumptions, as well as asking the community what their priorities are.

This will be further tested in a series of focus groups with both hard to reach groups or those that traditionally do not take part in a survey, and external stakeholders and partners. They too will be asked what their priorities are and further test the data in the State of Knox report and the findings of the survey.

The Knox Community Panel will drill down into this information further, and provide Council their opinion on findings of the above engagement activities, which priority areas Council should focus on and what role they believe Council should play. The Panel will be made up of 40 community members and business owners that will be representative of the major characteristics of the Knox community. Community members or other interested parties that are not able to be part of the Panel (for example, people under the age of 18) may have the opportunity to present a submission to the Panel for their consideration and discussion.

## 10.2 Knox Community Panel – Draft Terms of Reference (cont'd)

### Community Panel Purpose

A number of conversations with Councillors have occurred over the last couple of months about the concept of a Community Panel.

The Knox Community Panel will be an opportunity for the average community member and business owner to consider these challenges, and provide input into the future direction of Council's services, activities and infrastructure, within the context of growing financial constraints. This input will provide Council with three advantages:

- It will provide a different lens (i.e. a community/customer perspective) to support Council's decisions on policy direction.
- It will build community awareness of the challenges Council faces and provide a platform for Council to share the challenges with the community.
- By having the community assist Council in identifying a way forward through the challenges, Council's reputation is likely to positively increase; and where possible change has been suggested by the Panel (and endorsed by Council), this change is more likely to be accepted by the broader community.

Appendix A are the draft Terms of Reference for the Knox Community Panel which sets out in detail the role, purpose and guidelines for the Panel, as well as the role of Councillors and Council staff in this process.

### Timeline

In order for the City Plan and Council Plan to be adopted by 30 June 2017 (including a 28 day public submission period – according to section 223 of the Act), community engagement will need to begin in June 2016, starting with the distribution of a municipal wide survey, followed on by the focus groups and then the Community Panel.

It is envisaged that the Community Panel will meet on five occasions from August to early December 2016, with no sessions being convened during the election period (20 September to 22 October 2016). This will allow sufficient time for the development of the draft City Plan and Council Plan to meet the statutory timelines.

## **3. CONSULTATION**

Community Panels in general fit on the IAP2 Spectrum for Community Engagement at the 'Involve' level, and will provide panel members the opportunity to discuss community priorities, discuss in detail the challenges Council faces over the next few years, provide feedback on how to approach those challenges, which will in turn inform the development of the new City Plan and Council Plan.

**10.2 Knox Community Panel – Draft Terms of Reference (cont'd)****4. ENVIRONMENTAL/AMENITY ISSUES**

The Community Panel will be a critical engagement activity that will be able to provide feedback on the importance of the amenity of Knox as well as identify priorities and areas of focus for Council to consider for enhancing and protecting our natural environment.

**5. FINANCIAL & ECONOMIC IMPLICATIONS**

Costs associated with development of the draft City Plan and Council Plan 2017-21, including the Knox Community Panel, have been accommodated within the Proposed 2016-17 Annual Budget.

**6. SOCIAL IMPLICATIONS**

The Community Panel will be a critical engagement activity to support the identification of priorities and Council objectives relating to improving the health and social connectivity of the Knox community and ensuring cultural diversity, activity and service availability.

**7. RELEVANCE TO CITY PLAN 2013-17 (INCORPORATING THE COUNCIL PLAN)**

This report concerns the development and adoption of the new City Plan and Council Plan for 2017-21.

**8. CONCLUSION**

The Knox Community Panel is one part of the community engagement activities planned to inform the development of the City Plan and Council Plan 2017-21.

The draft Terms of Reference attached in Appendix A outline the role and purpose of the Knox Community Panel, and the requirements of the Panel members.

It is asked that Council endorse the draft Terms of Reference in order to proceed with the formation of the Panel.

**9. CONFIDENTIALITY**

There are no issues of confidentiality associated with this report.

**COUNCIL RESOLUTION**

MOVED: CR. SEYMOUR  
SECONDED: CR. LOCKWOOD

That Council endorse the Terms of Reference to enable the formation of the Knox Community Panel.

CARRIED

**Appendix A**



**Knox Community  
Panel**

**August – December 2016**





## TERMS OF REFERENCE

### Background

Local government in Victoria is faced with a number of challenges, of which the most recent is rate capping, the considerable shifts in federal and state policy and funding arrangements impacting on services delivered by councils and significant cost shifting. These more recent pressures are causing councils across Victoria to re-examine their role and purpose, their relationship to other tiers of government and the services they deliver.

In addition to these trends, local government exists in a larger, ongoing environment of change, including change within its communities, changes in expectations of local government, technological changes and a changing natural environment. More recently the state government began a review of the Local Government Act, suggesting further changes.

Like other Councils, Knox will need to make significant changes in order to adequately adapt to the significantly changing environment. Knox began reviewing its services three years ago, before rate capping began, with the express purpose of asking fundamental questions about the need for services, their purpose and whether the service model and service levels were appropriate moving forward. However, Knox will need to make additional changes to the way it plans and works.

The challenge of rate capping is likely to require Knox Council, like many councils in Victoria, to make difficult decisions. Knox Council would like the community to contribute to this decision-making, to grapple with the complexities of prioritising services, projects, and the needs of the community. The Community Panel is one way in which Knox City Council intends to engage with the community on these difficult issues, in preparation for the development of the new City Plan and Council Plan.

### 1. Introduction

#### *Who are the people of Knox?*

Knox is located approximately 25 kilometres from Melbourne's Central Business District, and is a major hub of cultural, commercial, business and innovative activity in the eastern suburbs. The area is one of Victoria's most populous municipalities, with approximately 155,000 residents living in 12 localities. Over one quarter of Knox's residents were born overseas and approximately 20% of the Knox population were born in countries where English is not the first language. Just over half of the households in Knox are made up of families with children and one in four Knox residents are aged 55 years and older.

#### *Engaging with the community*

Engaging with its large and diverse community and ensuring the voices of all are heard, is an essential part of planning for Knox's future.

In 2012-13 Knox City Council undertook a large community engagement project called Knox@50 as the city was about to celebrate 50 years as a municipality. Knox residents, business people and community members shared their ideas and thoughts about the future of Knox through many engagement activities. Councillors, management and staff were also given the opportunity to have input. The work from this project was used to inform the development of the Knox Vision and City Plan (including the Council Plan) 2013-17.

As the four years of the current City Plan and Council Plan draw to a close, preparation is underway to engage with the community once again and develop Knox's new planning documents.

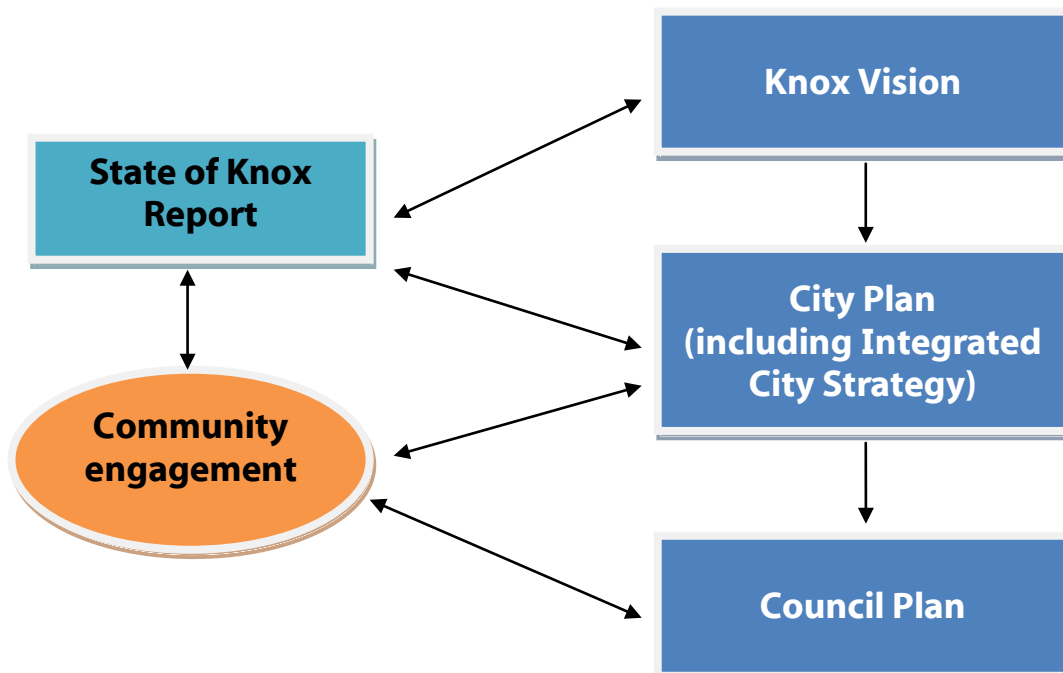
#### *Community Panel*

The development of the next City Plan and Council Plan for 2017-21 will be informed by a range of community engagement activities including a community survey, focus groups with groups that are more difficult to engage, Council's advisory groups and other partners and external stakeholders as well as a Community Panel. These engagement activities will be informed by the State of Knox Report data and Knox's current planning documents, will provide insight into the community's priorities and then focus on where community members believe Council should invest and direct its efforts over the next four years for consideration by Council. This aspect of the City Plan and Council Plan engagement will play an important role in informing Council's decision-making as rate capping and other financial constraints begin to necessitate prioritisation of a shrinking budget.

Community Panels use an approach which provides an opportunity for panel members to discuss and ask questions of Council about a relevant topic or topics. Panel members will have the opportunity to discuss community priorities, discuss in detail the challenges Council faces over the next few years and provide feedback on how to approach those challenges including an indication of priorities.

## **2. Planning framework**

The planning framework diagram below provides a quick reference to the relationships between Council's key high level planning documents. There are a number of other plans that sit below these documents, however they tend to be specific to particular areas.



The State of Knox Report provides a snapshot of data describing Knox and its community at a point in time. This information is taken from a range of data sources, provides insight into the characteristics of the City today and projections about how the City and our community are likely to change in the future.

The Knox Vision creates an aspirational picture of the future City that will deliver the lifestyle, jobs and industry, health and wellbeing desired by members of the Knox community.

The City Plan describes the outcomes required to progress the City towards the achievement of the aspirations described in the Vision. The City Plan objectives are shared and implemented through the effort of multiple agencies and stakeholders. The Integrated City Strategy was developed in 2014 and sought to create a single point of focus to implement the City Plan, removing competing strategic activities and duplication of effort, and ultimately achieve the Knox Vision. The Integrated City Strategy will be included in the new City Plan document, creating a single point of reference for the city.

The Council Plan, which is a legislatively required document and is aligned to the term of Council (four years), outlines the strategic direction of the organisation and Council's contribution to the progression of the City Plan and achievement of the Knox Vision.

Community engagement plays a vital role in the development of all of these documents and planning for Knox's future, and the Community Panel will play a key part.

### **3. Purpose and role**

The purpose of the Knox Community Panel is to provide input to the direction of Council's services, activities and infrastructure, within the context of growing financial constraints.

The Knox Community Panel will:

- discuss community priorities based on the engagement activities conducted to date;
- discuss in detail the challenges Council faces over the next few years; and
- provide feedback on how to approach those challenges including an indication of priorities in order to inform the development of the new City Plan and Council Plan documents<sup>1</sup>.

It is proposed that the feedback received from the Knox Community Panel will be used to:

- inform future investment in services through an understanding of community priorities of focus areas;
- inform specific areas for further detailed analysis on Council's role in the delivery of services where they could be delivered by others; as well as proposed levels of subsidisation; and
- confirm the level of support and prioritisation for a range of major projects and investment in infrastructure.

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<sup>1</sup> As the Knox Vision is a long term aspirational document, it is assumed that this is still relevant and therefore will not be changed, unless the community engagement demonstrates otherwise.

#### 4. Extent of authority

The Knox Community Panel will be asked to propose feedback and suggestions in relation to Council's challenges, particularly in relation to Council's services and infrastructure, as well as provide an indication of whether a rate cap variation would be considered to progress the community panel priorities.

The Community Panel has **no authority** to:

- make decisions;
- determine the service Council is or is not providing; or
- propose the amount of any future rate cap variations that may be applied for.

#### 5. Experience and knowledge

No particular experience or knowledge is required to be a member of the Knox Community Panel. To be eligible to be a panel member, individuals need to have lived, worked or had a significant connection to the Knox municipal area for a minimum of six months.

#### 6. Membership

The Knox Community Panel will be made up of 40 participants. This number is large enough to allow for a stratified sample to represent the major population characteristics of a municipality, but not so large that the group cannot be well facilitated through discussions on complex topics.

The panel membership will reflect the major characteristics of the Knox community and panel members may fit more than one criterion. Membership will be representative of community members (80%) and business owners (20%) and will be as follows:

*Community members (32 people):*

- Different age groups from 18+ years
  - 18 to 24 years – 13%
  - 25 to 34 years – 16%
  - 35 to 49 years – 29%
  - 50 to 59 years – 18%
  - 60 to 69 years – 13%
  - 70 + years – 11%
- Gender balance
  - 51% female/49% male
- Cultural diversity
  - 20% from a non-English speaking background
- Household structure
  - couples with children – 40%
  - sole parent – 12%
  - without children – 48%

- Homeowners and renters
  - homeowners (fully owned/mortgage) – 80%
  - renting (private/public) – 20%
- Employment status, total population 18 years +
  - employed (full/part time work) – 66%
  - not in labour force – 28%
  - unemployed (seeking full/part time work) – 3%
  - not stated – 3%
- Locality representation
  - At least one representative from each of the 11 localities

*Business owners (8 people):*

- Size of business
  - small business owners (employing less than 20 people) – 97%
  - large business owners (employing 20 or more people) – 3%
- Industry types
  - Manufacturing – 23%
  - Retail – 13%
  - Wholesale trade – 11%
  - Health Care and Social Assistance – 11%
  - Construction – 7%
  - Education and training – 6%
  - Professional, Scientific and Technical – 5%

The recruitment for Knox Community Panel members will be conducted by an independent professional recruitment company. This will provide assurance to the community that the membership has been chosen through an independent and arms length process. While Council will endorse the criteria for selecting the panel members, it will not be directly involved in endorsing individual members.

***Community groups and advisory committees***

Current office bearers (ie. President, Secretary or Treasurer) in any community group operating in Knox are ineligible to be a member of the Knox Community Panel.

Current Advisory Committee members are also ineligible, however past members are welcome to apply.

***Councillors***

Current Knox Councillors are ineligible to be a member of the Knox Community Panel. However Councillors are welcome to attend the sessions as observers. Any community member who is considering nomination as a candidate for the 2016 General Election is also ineligible to participate in the Knox Community Panel.

***Council employees***

Current employees of Knox City Council or those who have left the organisation in the past two years are ineligible to be a member of the Knox Community Panel. However there will be one or two Council officers who will coordinate the meetings, send out agendas, minutes, pre-reading, etc, and may be present at the sessions to support the running of the Community Panel sessions. These staff will not contribute to the discussion of the Community Panel, unless responding directly to a question of the Community Panel.

## **7. Submissions to the Knox Community Panel**

To enable input to the direction of Council from any member of the community – including those with particular interests – the process will include the capacity for individuals or groups to make submissions to the Knox Community Panel.

## **8. Commitment of Knox Community Panel members**

Knox City Council is seeking the commitment of 40 community members and business owners to meet on five, 5 – 6 hour sessions from August to December 2016. The sessions will be held at the Knox City Council offices, 511 Burwood Highway, Wantirna South as follows:

August (late)	First Panel session
September (early)	Second Panel session
November	Third and Fourth Panel sessions
December	Final Panel session

It is expected that all Knox Community Panel members will be available for all five sessions and there is an expectation that all members will read materials outside of the sessions to be fully prepared for session discussions. Community Panel members would also be expected to submit their request for additional information if required, prior to that session.

After the final session, there will be a further opportunity for the Knox Community Panel members to engage with Council to present the findings and majority view of the Knox Community Panel. The Knox Community Panel may nominate an individual(s) from the group to act as spokesperson to present to Council on behalf of the Panel.

There will also be an opportunity to provide feedback on the draft City Plan and Council Plan during the statutory public submission period (May – June 2017), prior to the adoption of those documents.

## **9. Terms and conditions of appointment**

Applicants will be interviewed by the recruitment company and assessed to ensure that they fully understand the appointment, the responsibilities of appointees and are able to commit adequate time.

The term of appointment will be from August to December 2016. Panel members who have attended all five sessions, unless under exceptional circumstances, will receive an allowance in recognition of their contribution and commitment to the Knox Community Panel.

### ***Vacancies***

Due to the timing of the sessions, any vacancies which occur due to members being unable to complete their appointments will not be filled.

## 10. Role of Council

Council will:

- oversee the general membership composition of the Knox Community Panel but will not formally appoint individual members;
- report back to the Community Panel members on the decisions made based on the information and majority view of the Panel on the topics considered.

Councillors are welcome to attend the Knox Community Panel sessions as observers only.

Council staff will:

- convene meetings of the Community Panel;
- administer the Community Panel and prepare and distribute agendas and minutes;
- engage an independent facilitator to conduct the meetings of the Knox Community Panel;
- provide the results of the other community engagement activities undertaken in the development of the City Plan and Council Plan 2017-21 to the panel for their consideration;
- distribute any pre-reading or materials required prior to each session;
- arrange invitations as necessary for presenters to the Community Panel;
- facilitate the presentation of submissions made to the Community Panel; and
- arrange presentations to Council as deemed necessary.

## 11. Role of Facilitator

Knox City Council will appoint a facilitator to run the Knox Community Panel sessions. The role of the facilitator will include:

- Prepare an agenda for the Knox Community Panel sessions;
- Facilitate each of the Knox Community Panel sessions, ensuring all panel members are provided a fair and equitable opportunity to put forward their individual views and contribute to discussion;
- Provide a debrief of each panel session;
- Prepare a summary of each panel session to be prepared for public release; and
- Seek to facilitate a consensus view of the Knox Community Panel to present to Council.

## 12. Code of conduct

A high standard of conduct is expected of all Knox Community Panel members. In particular, each panel member must:

- Act with integrity;
- Consider the interests of all members of the local community;
- Not improperly seek to confer an advantage or disadvantage on any person;
- Treat all persons with respect and have due regard to the opinions, beliefs, rights and responsibilities of other persons;
- Commit to regular attendance at meetings; and
- Not make improper use of information acquired because of their position or release information that the member knows, or should reasonably know, is confidential information.

### **13. Assembly of Councillors**

Meetings of the Knox Community Panel may potentially form an Assembly of Councillors where a Councillor is in attendance. When this occurs, Councillors and officers are required to comply with the conflict of interest provisions as set down in the *Local Government Act 1989*.

Where a Councillor or officer declares a conflict of interest in relation to a matter in which the committee is concerned, they must disclose the interest to the committee before the matter is considered or discussed at the meeting. Disclosure must include the nature of the relevant interest and be recorded in the minutes of the meeting. The member must leave the room while the matter is being considered and may return only after consideration of the matter and all votes on the matter.

Where a community member has a Conflict of Interest (as defined in the *Local Government Act 1989*) in relation to a matter in which the committee is concerned, or is likely to be considered or discussed, the community member must disclose the matter to the group before the matter is considered or discussed. Disclosure must include the nature of the relevant interest or conflict of interest and be recorded in the minutes of the meeting. It will be at the discretion of the Facilitator if the community member remains or leaves the room whilst the matter is discussed, and this must also be recorded in the minutes of the meeting. A community member who has declared a conflict of interest on a matter must abstain from voting on the matter if they remain in the meeting.

Where a meeting is identified as an Assembly of Councillors, staff must complete a Record of Assembly of Councillors form. Where a Conflict of Interest is identified by a Councillor or staff member at an Assembly of Councillors, the relevant Conflict of Interest form must also be completed. Forms should be forwarded to the Manager Governance & Innovation within 5 working days of the meeting. This information will be published at the next available Ordinary Council Meeting and on Council's website.

### **14. Contact with the Media**

Community members should defer any media enquiries to Knox City Council staff in the first instance and should take care not to respond as a representative of the committee. Contact with the media about the Knox Community Panel will be conducted in accordance with the Councillor and Staff Media Policies.

### **15. Confidentiality and disclosure**

Information contained in agenda papers, pre-reading and associated support material, as well as information which may arise as a result of the Knox Community Panel's discussions marked as confidential must be maintained in strictest confidence.

This information should not be discussed with anyone outside of Council employees or other members of the Community Panel attending the meeting.

Under no circumstance should confidential information or any details of confidential information be released to the media or made public.

A summary of each of the Knox Community Panel sessions will be available for public information.



**COUNCILLOR HOLLAND VACATED THE CHAMBER AT 9.18PM DURING DISCUSSION ON ITEM 10.3**

**PROCEDURAL MOTION**

MOVED: CR. ORPEN  
SECONDED: CR. GILL

That Councillor Lockwood be appointed Acting Chairperson.

CARRIED

**COUNCILLOR LOCKWOOD TOOK THE CHAIR AT 9.18PM**

**COUNCILLOR PEARCE RETURNED TO THE CHAMBER AT 9.19PM DURING DISCUSSION ON ITEM 10.3**

**ALL WARDS**

**10.3 2015-16 ANNUAL PLAN PROGRESS REPORT TO 31 MARCH 2016**

**SUMMARY: *Business Improvement Officer (Carrie Hudson and Jacqueline Child)***

***This report provides the third quarter progress on initiatives identified in the 2015-16 Annual Plan. The Annual Plan for 2015-16 was adopted by Council at the Ordinary Meeting of Council on 23 June 2015 as part of the 2015-16 Annual Budget. The Annual Plan satisfies the requirements of the Local Government Act 1989 by outlining the services provided by Council and the initiatives that Council will complete in the 2015-16 year.***

***The Annual Plan progress report only reports on those initiatives identified in the Annual Plan and Annual Budget process, it is not a comprehensive report on all of Council's activities.***

**RECOMMENDATION**

**That Council receive and note the 2015-16 Annual Plan progress report for the period ending 31 March 2016.**

**1. INTRODUCTION**

An Annual Plan was established for the 2015-16 financial year to assist in the achievement of the objectives of the Knox City Plan (incorporating the Council Plan) 2013-17 and the Knox Vision. The 2015-16 Annual Plan progress report to 31 March 2016 (see Appendix A) reports on the initiatives that support those objectives.

### 10.3 2015-16 Annual Plan Progress Report to 31 March 2016 (cont'd)

#### **2. DISCUSSION**

Appendix A (attached) provides the Annual Plan progress report for the third quarter of 2015-16.

Of the 25 initiatives included in the 2015-16 Annual Plan:

- One initiative has progressed to less than 25 per cent.
- Eleven initiatives have progressed to between 25-50 per cent.
- Eleven initiatives have progressed to more than 50 per cent.
- One initiative is 100 per cent complete.
- One initiative has not started.

It is anticipated that most of the actions will be completed as planned by the end of June 2016.

Due to a significant change in staff resourcing and a reprioritisation of communications activity, two Annual Plan initiatives have been identified as unlikely to be completed in full by 30 June 2016. They are:

- Develop a comprehensive Advocacy Strategy to guide Council's advocacy efforts.
- Develop a Council Communications Strategy.

Both initiatives will have commenced before 30 June 2016 and are expected to be finalised by the end of December 2016.

Highlights for the third quarter include:

- **Initiative**  
*Continue to participate in the development of the Bayswater Grade Separation Project to provide an integrated solution that satisfies both the state government's business case and Council's objectives, as outlined in the Bayswater Structure Plan.*

**Status:**

In Quarter 3 the \$170 million project was announced by State Government and works commenced. Council Officers are contributing to the design development process.

- **Initiative**  
*Establish a Seniors Group Network to support the implementation of Council's Senior Citizens Support Service Plan.*

**Status:**

The Seniors Support Officer commenced in February 2016 and has begun establishing the Seniors Group Network, which will support the implementation of Council's Senior Citizens Support Service Plan.

**10.3 2015-16 Annual Plan Progress Report to 31 March 2016 (cont'd)****3. CONSULTATION**

The 2015-16 Annual Plan actions are linked to, and support the delivery of, the Knox Vision and the Knox City Plan 2013-17. The community took part in developing the Knox Vision, which provided the context for the Knox City Plan 2013-17.

The Annual Plan 2015-16, including the initiatives, was approved as part of the Annual Budget after public consultation on 23 June 2015.

**4. ENVIRONMENTAL/AMENITY ISSUES**

Objectives for the environment are reflected in the Knox City Plan and relevant initiatives are reflected in the 2015-16 Annual Plan.

**5. FINANCIAL & ECONOMIC IMPLICATIONS**

The initiatives for 2015-16 were developed in conjunction with the 2015-16 Annual Budget and all initiatives are funded.

**6. SOCIAL IMPLICATIONS**

There are no social implications of this report.

**7. RELEVANCE TO CITY PLAN 2013-17 (INCORPORATING THE COUNCIL PLAN)**

This is a progress report on the third quarter of the 2015-16 Annual Plan, which supports the delivery of the Knox City Plan 2013-17.

**8. CONCLUSION**

There has been significant progress on the Annual Plan Actions for 2015/16 and it is anticipated that most will be completed by the end of June 2016.

**9. CONFIDENTIALITY**

There are no issues of confidentiality associated with this report.

**COUNCIL RESOLUTION**

MOVED: CR. PEARCE  
SECONDED: CR. COSSARI

That Council receive and note the 2015-16 Annual Plan progress report for the period ending 31 March 2016.

CARRIED



Knox City Council

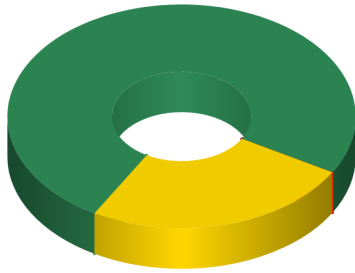
# Annual Plan Report

March Quarter 2016



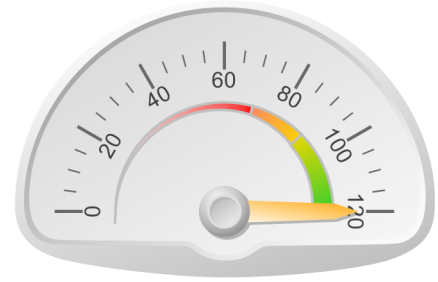
# Healthy, Connected Communities

**Action Status**



■ Off Track 0.00 %  
■ Monitor 25.00 %  
■ On Track 75.00 %  
■ No Target 0.00 %

**Action Performance**




Actions reported on	4
At least 90% of action target achieved	3
Between 70% and 90% of action target achieved	1
Less than 70% of action target achieved	0
Actions with no target set	0


## Initiatives for 2015/16

Action Description	Start Date	End Date	Status	%
<span style="color: green;">■</span> Establish a Seniors Group Network to support the implementation of Council's Senior Citizens Support Service Plan.	01/07/2015	30/06/2016	In Progress	50%
<b>Responsible Person</b>	Tanya Clark-Manager Active Ageing and Disability Services		<b>Department</b>	Active Ageing and Disability Services
<b>Progress Comments</b>	The Seniors Support Officer commenced in February 2016 and has begun establishing the Seniors Group Network, which will support the implementation of Council's Senior Citizens Support Service Plan. The Knox Seniors Bright Ideas group will commence on 5 May 2016 and will bring together older Knox residents and community groups which support older people, to discuss matters which are important to seniors in the Knox Community. The network provides an opportunity to share current and future challenges for Knox Seniors and to work together to develop ideas and opportunities which actively support seniors to continue to contribute to and participate in the Knox Community. <i>Last Updated : 11/04/2016</i>			

Action Description	Start Date	End Date	Status	%
<span style="color: yellow;">■</span> Undertake an analysis of Council's services to identify and pursue opportunities to increase awareness of mental health issues through relevant Council delivered programs.	01/07/2015	30/06/2016	In Progress	40%
<b>Responsible Person</b>	Kathy Parton-Manager Community Wellbeing		<b>Department</b>	Community Wellbeing
<b>Progress Comments</b>	Initial mapping of internal services and activities under taken. The project was delayed due to staff resourcing. This has now been rectified and project timelines have been revised. The report is now underway and is on schedule to present a report to Council by 30 June 2016. <i>Last Updated : 18/04/2016</i>			

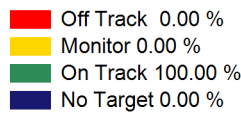
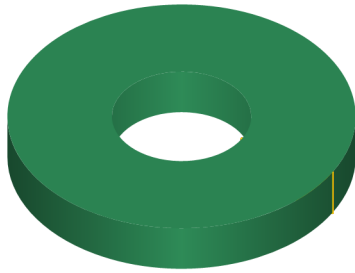
# Healthy, Connected Communities

Action Description	Start Date	End Date	Status	%
 Following research and community engagement, implement strategies to increase healthy food choices in Knox sporting and community groups that operate in Council owned or managed facilities.	01/07/2015	30/06/2016	In Progress	40%
<b>Responsible Person</b>	Nicole Hunter-Community Access and Equity Coordinator		<b>Department</b>	Community Wellbeing
<b>Progress Comments</b>	The 2016-2017 Project Action Plan (excluding additional resourcing of \$23,000) was approved by the Executive Management Team on 18 February 2016. Actions not requiring additional funding are currently being implemented.			
	<i>Last Updated : 15/04/2016</i>			

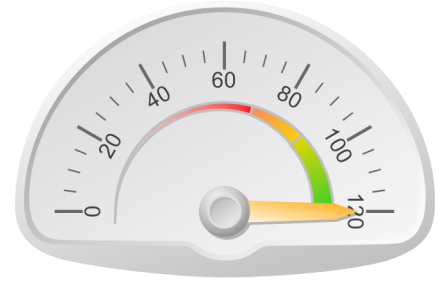
Action Description	Start Date	End Date	Status	%
 Facilitate and support volunteering in Council services and programs by preparing a policy for the management of volunteers, and a plan for training volunteers.	01/07/2015	30/06/2016	In Progress	60%
<b>Responsible Person</b>	Kathy Parton-Manager Community Wellbeing		<b>Department</b>	Community Wellbeing
<b>Progress Comments</b>	The draft policy has been circulated for comment and will be presented to the Executive Management Team in May.			
	<i>Last Updated : 15/04/2016</i>			

# Prosperous, Advancing Economy

**Action Status**



**Action Performance**



Actions reported on	5
At least 90% of action target achieved	5
Between 70% and 90% of action target achieved	0
Less than 70% of action target achieved	0
Actions with no target set	0


## Initiatives for 2015/16

Action Description	Start Date	End Date	Status	%
<input checked="" type="checkbox"/> Attract and assist new investment and assist existing businesses to grow through the Knox Investment Facilitation Service.	01/07/2015	30/06/2016	In Progress	75%
<b>Responsible Person</b>	Kim Rawlings-Manager City Futures		<b>Department</b>	City Futures
<b>Progress Comments</b>	For the reporting period, five investment and business enquires have been facilitated.  The Regional Investment Attraction Strategy Implementation Framework for Melbourne’s East has commenced implementation with a two page editorial prepared for the Inside Small Business magazine.  <i>Last Updated : 15/04/2016</i>			

Action Description	Start Date	End Date	Status	%
<input checked="" type="checkbox"/> Continue delivery of the Business Visits and Engagement Program to improve Council's understanding of the business community and their needs in terms of skills, growth, labour force, technology and infrastructure requirements.	01/07/2015	30/06/2016	In Progress	60%
<b>Responsible Person</b>	Kim Rawlings-Manager City Futures		<b>Department</b>	City Futures
<b>Progress Comments</b>	Nineteen business visits and participation in 23 business engagement opportunities have occurred since 1 July 2015.  Connecting directly with business through business visits and at various business events provides an opportunity to promote Council’s Business and Economic Development Service and to better understand the challenges and opportunities facing Knox businesses.  <i>Last Updated : 11/04/2016</i>			

# Prosperous, Advancing Economy

Action Description	Start Date	End Date	Status	%
 Continue to advance Council's place based planning to achieve business growth, attract investment and boost employment in key strategic precincts, specifically Bayswater-Boronia, Employment/Industrial Precinct and Scoresby Rowville Employment Precinct.	01/07/2015	30/06/2016	In Progress	50%
<b>Responsible Person</b>	Kim Rawlings-Manager City Futures		<b>Department</b>	City Futures
<b>Progress Comments</b>	The Bayswater Industrial Precinct Project Coordinator has commenced business engagement activities and development of a communications plan. <i>Last Updated : 11/04/2016</i>			

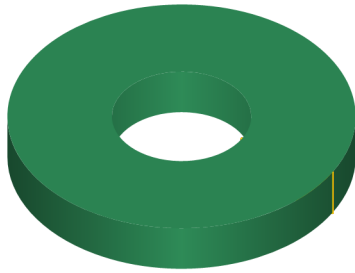
Action Description	Start Date	End Date	Status	%
 Progress preparation of a structure plan in collaboration with the Metropolitan Planning Authority to guide future investment and development for the Wantirna Health and Medical Precinct.	01/07/2015	30/06/2016	In Progress	35%
<b>Responsible Person</b>	Kim Rawlings-Manager City Futures		<b>Department</b>	City Futures
<b>Progress Comments</b>	The Health Demand Analysis has now been completed and will be reported to Council via memo in April 2016.  Comprehensive stakeholder mapping has also begun. An extended period of time will be spent building planning alliance and associated governance to help guide the planning and eventual delivery of the precinct itself.  Discussions are also still underway with MPA regarding their role and key outputs. <i>Last Updated : 15/04/2016</i>			

Action Description	Start Date	End Date	Status	%
 Proactively participate in regional forums and initiatives with South East Melbourne Innovation Precinct, the Melbourne East Regional Development Australia Group and the Regional Metropolitan Planning Group to achieve regional collaboration, build networks across Government and business and increase joint advocacy.	01/07/2015	30/06/2016	In Progress	75%
<b>Responsible Person</b>	Kim Rawlings-Manager City Futures		<b>Department</b>	City Futures
<b>Progress Comments</b>	Active participation in regional forums and initiatives continues with Melbourne East Regional Development Australia Group and Regional Metropolitan Planning Group in particular: <ul style="list-style-type: none"> <li>• Bayswater Industrial Precinct (joint regional project).</li> <li>• Progression of the Regional Work Plan and improved coordination of economic development initiatives across the region.</li> <li>• Implementation of the Regional Investment Attraction Strategy for Melbourne's East.</li> </ul> A regional partnership has been established with Greater Dandenong, Kingston, Casey and Cardinia Councils, Committee of Dandenong and South East Melbourne Manufacturers Alliance (SEMMA) to hold a Smart Manufacturing Exhibition on 22 March and 17 May 2016 aimed to advocate and 'aggressively promote Dandenong and South and East Melbourne as the largest Manufacturing Centre of Australia'. <i>Last Updated : 28/04/2016</i>			



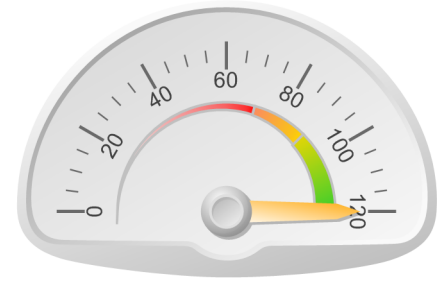
# Vibrant and Sustainable Built and Natural Environments

Action Status



■ Off Track 0.00 %  
■ Monitor 0.00 %  
■ On Track 100.00 %  
■ No Target 0.00 %

Action Performance



Actions reported on	6
At least 90% of action target achieved	6
Between 70% and 90% of action target achieved	0
Less than 70% of action target achieved	0
Actions with no target set	0

## Initiatives for 2015/16

Action Description	Start Date	End Date	Status	%
<span style="color: green;">■</span> Progress preparation of a detailed structure plan to guide and support future development within the Knox Central Activity Centre.	01/07/2015	30/06/2016	In Progress	50%
<b>Responsible Person</b>	Kim Rawlings-Manager City Futures		<b>Department</b>	City Futures
<b>Progress Comments</b>	A land use, economic and property market analysis study and heritage study have been completed. Transport and built form studies are currently underway. Initial internal consultation with Council departments has also occurred. Preliminary drafting of the draft Structure Plan has commenced. Progress has been reported to the Knox Central Advisory Committee at its October 2015 and February 2016 meetings.			
	<i>Last Updated : 11/04/2016</i>			

Action Description	Start Date	End Date	Status	%
<span style="color: green;">■</span> Identify and address missing links and key places for path connectivity through Council's capital works program.	01/07/2015	30/06/2016	In Progress	55%
<b>Responsible Person</b>	Matthew Hanrahan-Manager Sustainable Infrastructure		<b>Department</b>	Sustainable Infrastructure
<b>Progress Comments</b>	As at the end of March, Council has expended 56% of its renewal budget for the 2015/16 year for footpath renewal and 58% of its budget for shared path renewal. The new footpaths program is 34% expended and the new shared paths program is 66% expended with the majority of this program expected to be expended in the last quarter of the financial year.			
	<i>Last Updated : 01/04/2016</i>			

Action Description	Start Date	End Date	Status	%
<span style="color: green;">■</span> Actively participate in an advocacy program for improved public transport through membership of the Eastern Transport Coalition.	01/07/2015	30/06/2016	In Progress	50%
<b>Responsible Person</b>	Matthew Hanrahan-Manager Sustainable Infrastructure		<b>Department</b>	Sustainable Infrastructure
<b>Progress Comments</b>	Council currently serves as Chair of the Eastern Transport Coalition and continues to actively participate in programs and initiatives identified by the group. A key focus in the year to date is securing enhanced outcomes through the grade separation projects.			
	<i>Last Updated : 01/04/2016</i>			

# Vibrant and Sustainable Built and Natural Environments

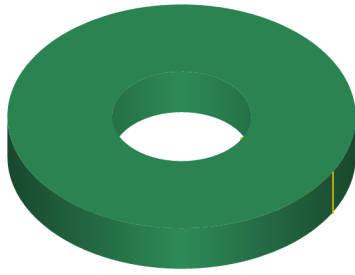
Action Description	Start Date	End Date	Status	%
<input checked="" type="checkbox"/> Following on from the release of Stage 2 of the Rowville Rail Study, undertake advocacy to seek a commitment from the state government to improve existing bus services, to protect a land corridor for the future train line, and expedite delivery of the Rowville Rail.	01/01/2016	30/06/2016	In Progress	75%
<b>Responsible Person</b>	Matthew Hanrahan-Manager Sustainable Infrastructure	<b>Department</b>	Sustainable Infrastructure	
<b>Progress Comments</b>	<p>A draft letter has been prepared for signature by the Mayor calling on the State Government to enact appropriate planning processes to protect a corridor for future transport purposes.</p> <p>At its October 2015 meeting Council resolved to erect signage at up to four strategic locations across the municipality to advocate for Federal Government funding of major public transport infrastructure projects - including the extension of heavy rail to Rowville, and the No. 75 tram service to Knox Central.</p> <p>Four creative concepts were presented to Council for consideration in April. The "let's connect the dots" campaign was supported by Council. The signs are in the process of being developed and will be installed at four locations across the municipality incorporating Burwood Highway and Stud Road, Wantirna South; Wellington Road, Rowville; and Ferntree Gully Road, Scoresby.</p> <p>The Committee for Dandenong's Strategic Agenda 2016-19 sets out regional priorities for investment, jobs, growth and innovation. This strategic document now includes the Monash/ Rowville/ Wellington Road Rail Corridor as a key priority under its Transport Infrastructure agenda. The final report will be available in May 2016.</p> <p><i>Last Updated : 03/05/2016</i></p>			

Action Description	Start Date	End Date	Status	%
<input checked="" type="checkbox"/> Continue to participate in the development of the Bayswater Grade Separation Project to provide an integrated solution that satisfies both the state government's business case and Council's objectives, as outlined in the Bayswater Structure Plan.	01/07/2015	30/06/2016	In Progress	75%
<b>Responsible Person</b>	Matthew Hanrahan-Manager Sustainable Infrastructure	<b>Department</b>	Sustainable Infrastructure	
<b>Progress Comments</b>	<p>The \$170 million project has been announced by State Government and works have commenced with a construction period expected to run until March 2017. Council Officers are contributing to the design development process.</p> <p><i>Last Updated : 12/04/2016</i></p>			

Action Description	Start Date	End Date	Status	%
<input checked="" type="checkbox"/> Continue to prioritise Council's Integrated Transport Plan to inform reviews of the Pedestrian Plan, the Bicycle Plan, Mobility Study Implementation Plan and Road Management Plan.	01/07/2015	30/06/2016	In Progress	60%
<b>Responsible Person</b>	Matthew Hanrahan-Manager Sustainable Infrastructure	<b>Department</b>	Sustainable Infrastructure	
<b>Progress Comments</b>	<p>Council formally adopted the revised Integrated Transport Plan at its Council meeting on 24 February 2015, following a period of community consultation and invitation for submissions. Aligned in structure to the key strategies identified within the Transport Integration Act, 2010, the Plan incorporates a series of actions which are to be delivered on an ongoing basis across key themes. Officers are progressing the development of a Principle Pedestrian Plan and a Parking Policy for Knox, key priority initiatives from the Integrated Transport Plan.</p> <p><i>Last Updated : 15/04/2016</i></p>			

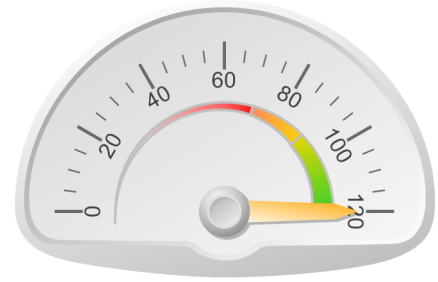
# Culturally Rich and Active Communities

**Action Status**



■ Off Track 0.00 %  
■ Monitor 0.00 %  
■ On Track 100.00 %  
■ No Target 0.00 %

**Action Performance**




Actions reported on	3
At least 90% of action target achieved	3
Between 70% and 90% of action target achieved	0
Less than 70% of action target achieved	0
Actions with no target set	0

## Initiatives for 2015/16

Action Description	Start Date	End Date	Status	%
<span style="color: green;">■</span> Investigate and implement opportunities to use new social media tools to promote arts and cultural opportunities across the community.	01/07/2015	30/06/2016	In Progress	70%
<b>Responsible Person</b>	Peter Gore-Manager Youth, Leisure and Cultural Services		<b>Department</b>	Youth, Leisure and Cultural Services
<b>Progress Comments</b>	<p>Council has commenced development of a strategy to increase and better utilise social media tools to enable and improve social media marketing. Social media has become an important platform for engaging with customers. The project aims to improve engagement with existing and prospective customers. The Events and Festivals team has initially allocated a Facebook page for the Stringybark Festival in October 2015 as part of a trial to inform the strategy and analyse its efficacy.</p> <p>An analysis of Facebook participation for the Stringybark Festival and Carols by Candlelight is currently being undertaken by the Cultural Services unit and a survey was also conducted at the Stringybark Festival exploring the community's preferred social media tools and engagement strategies. The unit has had initial discussions with a leading social media expert to begin the development of an action plan. This work, however, needs to be consistent with the social media policy developed by the Communications team and the policy has not been finalised.</p> <p><i>Last Updated : 28/04/2016</i></p>			

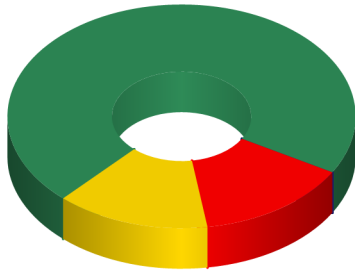
# Culturally Rich and Active Communities

Action Description	Start Date	End Date	Status	%
 Develop partnerships with community education providers to facilitate the delivery of digital navigation and literacy programs for the community in Knox libraries.	01/07/2015	30/06/2016	In Progress	50%
<b>Responsible Person</b>	Peter Gore-Manager Youth, Leisure and Cultural Services		<b>Department</b>	Youth, Leisure and Cultural Services
<b>Progress Comments</b>	<p>Eastern Regional Library Corporation (ERLC) has formed a partnership with the Basin Community House to deliver monthly taster digital training sessions at the Boronia Library.</p> <p>A range of training initiatives have been piloted in the community centre ; 'iPad and Tablet Q&amp;A' and 'Learn to Use Your Digital Camera' were offered in October and November 2015.</p> <p><i>Last Updated : 13/01/2016</i></p>			

Action Description	Start Date	End Date	Status	%
 Work with Westfield to finalise arrangements for an interim, and permanent, Knox library in the Knox Central precinct.	01/07/2015	30/06/2016	In Progress	40%
<b>Responsible Person</b>	Peter Gore-Manager Youth, Leisure and Cultural Services		<b>Department</b>	Youth, Leisure and Cultural Services
<b>Progress Comments</b>	<p>Arrangements for an interim library are progressing well. A schematic design and list of works have been developed. Negotiations are temporarily on hold whilst Westfield finalises the adjacent tenancy so that economies of scale can be achieved where possible. The "permanent" (20 year lease) site is also progressing, albeit at a pace dictated by Westfield's plans for the broader centre. A per square metre price has been agreed, and an initial piece of design completed based on a high level needs analysis. Once Westfield responds with what can be achieved within budget, then more detailed designs will be developed and the progression of a formal lease proposal.</p> <p>Awaiting further advise from Westfield, approval from the finance board regarding the proposal has yet to be formally advised. Feedback from Library staff has been provided for the revised lease for the temporary library.</p> <p>Work continues with Westfield around the interim library. It would appear that there has been some delay in finalising transition arrangements and the temporary library relocation is now not likely to commence until February 2017. Work is also being undertaken to look at the feasibility of integrating the Youth Information Centre within this facility and internal consultation will be occurring in late March.</p> <p><i>Last Updated : 15/04/2016</i></p>			

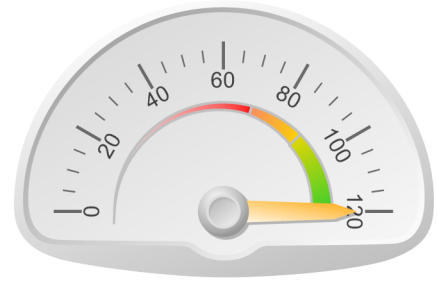
# Democratic and Engaged Communities

**Action Status**



- Off Track 14.29 %
- Monitor 14.29 %
- On Track 71.43 %
- No Target 0.00 %

**Action Performance**




Actions reported on	7
At least 90% of action target achieved	5
Between 70% and 90% of action target achieved	1
Less than 70% of action target achieved	1
Actions with no target set	0


## Initiatives for 2015/16


Action Description	Start Date	End Date	Status	%
<span style="color: green;">■</span> Develop and adopt a community infrastructure planning policy to build consideration of potential multiple community uses into new and upgrades for Council and community facilities.	01/07/2015	30/06/2016	In Progress	80%
<b>Responsible Person</b>	Kathy Parton-Manager Community Wellbeing		<b>Department</b>	Community Wellbeing
<b>Progress Comments</b>	The final draft policy and guidelines are scheduled for consideration and feedback at an Executive Management Team meeting on April 2016, Issues Briefing in May 2016 and Council in June 2016. <i>Last Updated : 15/04/2016</i>			


Action Description	Start Date	End Date	Status	%
<span style="color: green;">■</span> Actively participate in the Victorian Electoral Commission's Local Government Representation Review of the Knox municipality.	01/07/2015	30/06/2016	Completed	100%
<b>Responsible Person</b>	Fleur Cousins-Manager Governance and Innovation		<b>Department</b>	Governance and Innovation
<b>Progress Comments</b>	The Electoral Representation Review for Knox is now complete. Council actively participated in the review process preparing two submissions which recommended retaining the existing electoral structure of nine single-member wards. Following consideration of all submissions, the Victorian Electoral Commission (VEC) recommended to the Minister for Local Government that Knox retain the current ward structure with minor modification's to boundaries to ensure they provide for equitable representation in accordance with the Local Government Act 1989. The Minister has accepted the VEC's recommendation with changes to the electoral structure applying at the 2016 general elections. <i>Last Updated : 11/01/2016</i>			

# Democratic and Engaged Communities


Action Description	Start Date	End Date	Status	%
 Begin preparations for the 2016 Council general elections.	01/07/2015	30/06/2016	In Progress	35%
<b>Responsible Person</b>	Fleur Cousins-Manager Governance and Innovation		<b>Department</b>	Governance and Innovation
<b>Progress Comments</b>	Preparations for the elections have commenced. The voting method has been determined by Council as attendance voting. The Election Period Policy (formerly Caretaker Policy) has been reviewed and endorsed by Council in accordance with recently legislative amendments to the Local Government Act. Contract negotiations are currently underway with the Victorian Electoral Commission regarding the conduct of the elections.			
	<i>Last Updated : 11/04/2016</i>			

Action Description	Start Date	End Date	Status	%
 Develop a comprehensive Advocacy Strategy to guide Council's advocacy efforts.	01/07/2015	30/06/2016	In Progress	20%
<b>Responsible Person</b>	Kath Oakley-Manager Communications and Customer Service		<b>Department</b>	Communications
<b>Progress Comments</b>	An internal advocacy advisory group has been formed to support the development of a draft strategic advocacy framework/approach that guides the organisation's advocacy direction and efforts. The cross-organisational group has met twice however activities are on hold for the short term, but will recommence in April 2016.			
	<i>Last Updated : 18/03/2016</i>			

Action Description	Start Date	End Date	Status	%
 Develop a Council Communications Strategy.	01/07/2015	30/06/2016	Not Started	0%
<b>Responsible Person</b>	Kath Oakley-Manager Communications and Customer Service		<b>Department</b>	Communications
<b>Progress Comments</b>	This project has been put on hold due to issues with the contractor delivering to scope. The project will now start in late April 2016.			
	<i>Last Updated : 15/04/2016</i>			

Action Description	Start Date	End Date	Status	%
 Continue to allocate sufficient funding to ensure Council meets its asset renewal target in 2015-16.	01/07/2015	30/06/2016	In Progress	75%
<b>Responsible Person</b>	Matthew Hanrahan-Manager Sustainable Infrastructure		<b>Department</b>	Sustainable Infrastructure
<b>Progress Comments</b>	Council's 2015/16 budget has ensured sufficient funding has been applied to meet asset renewal targets. Council's 2015/16 asset renewal budget represents 100% of the 2015/16 renewal requirements (not including carry forwards from 2014/15). This exceeds the minimum target of 98% funding of asset renewal requirements outlined in Council's Strategic Asset Management Plan.			
	<i>Last Updated : 12/04/2016</i>			

# Democratic and Engaged Communities

Action Description	Start Date	End Date	Status	%
 Complete a minimum of nine service reviews as part of the implementation of Year Three of Council's four-year rolling service review program.	01/07/2015	30/06/2016	In Progress	75%
<b>Responsible Person</b>	Fleur Cousins-Manager Governance and Innovation		<b>Department</b>	Governance and Innovation
<b>Progress Comments</b>	<p>The Year 3 service planning program of work scheduled for 2015/16 is on track. The following six services have completed their service analyses and are ready to present at Issues Briefings on 3 May , 10 May and 12 June: Economic Development, Health Services, Community Access &amp; Equity, Strategy &amp; Innovation, Governance and Customer Service. The remaining four services are currently finalising their analyses, undertaking extra consultation and research, and are scheduled to present at Issues Briefings on 7 June and 12 July.</p>			
<i>Last Updated : 15/04/2016</i>				

**COUNCILLOR HOLLAND RETURNED TO THE CHAMBER AND ASSUMED THE CHAIR AT 9.20PM DURING DISCUSSION ON ITEM 10.4****ALL WARDS****10.4 MANAGEMENT FINANCIAL REPORT FOR THE PERIOD ENDED 31 MARCH 2016**

**SUMMARY:**            *Management Accounting Coordinator  
(Tharshini Balachandiran)*

*The Management Financial Report for the period ended 31 March 2016 is presented for consideration.*

*The overall financial position for the period ended 31 March 2016 is satisfactory and indicates that Council is on track to achieve the budget targets for the year and is in a financially viable and sustainable position.*

*Council recorded a net cash surplus of \$34.465 million for the period ended 31 March 2016 which is a favourable variance of \$2.225 million in relation to the year to date 2015-16 Reviewed Budget. This result excludes several non-cash items such as depreciation and includes capital expenditure. The overall surplus of \$34.465 million is the result of bringing to account the full amount of Council's annual rate income during July 2015.*

**RECOMMENDATION**

**That Council**

- 1. Receive and note the Management Financial Report for the period ended 31 March 2016.**
- 2. Approve the write-off of debts totalling \$33,438.70 which are considered no longer collectable as detailed in the confidential attachment to this report.**

**1. INTRODUCTION**

The attached Financial Reports that are presented to Council include the following:

Conversion to Cash Result (*Attachment A*)

Income Statement (*Attachment B to E*)

Capital Works Analysis (*Attachment F and G*)

Balance Sheet (*Attachment H*)

Cash Flow Statement and Cash Assets Summary (*Attachment I to K*)

Monthly Summary Revenue and Expenditure Report (*Attachment L*)

Investment and Interest Income Analysis (*Attachment M and N*)



#### **10.4 Management Financial Report for the Period Ended 31 March 2016 (cont'd)**

Rates and Sundry Debtors Summary (*Attachment O to R*)

Capital Works Program Detail (*Attachment S*)

Confidential Matters (*Attachment T*)

The Income Statement and the Balance Sheet have been prepared on an accrual basis and are the results for the period ended 31 March 2016.

The report has been prepared based on the 2015-16 Reviewed Budget as endorsed by Council on 24 November 2015. Full year figures represent the variance between the Reviewed Budget and Forecast.

#### **2. DISCUSSION**

General discussion in regards to this report is detailed under Section 5 'Financial & Economic Implications'.

#### **3. CONSULTATION**

This report does not necessitate community consultation. A copy of this report will be provided to Council's Audit Committee after it has been noted by Council.

#### **4. ENVIRONMENTAL/AMENITY ISSUES**

This report does not have any environmental or amenity issues for discussion.

#### **5. FINANCIAL & ECONOMIC IMPLICATIONS**

The overall financial position at 31 March 2016 is satisfactory and indicates that Council is on track to complete the current financial year within the targets established in the 2015-16 Reviewed Budget.

From a cash perspective, the results indicate a net cash surplus for the period ended 31 March 2016 of \$34.465 million. This is a favourable variance of \$2.225 million in relation to the year to date 2015-16 Reviewed Budget and is the result of bringing to account the full amount of Council's annual rate income during July 2015.

The favourable variance is also attributable to a number of factors which are outlined in Attachment L (Monthly Summary Revenue and Expenditure Report).

## 10.4 Management Financial Report for the Period Ended 31 March 2016 (cont'd)

### 5.1 Cash Conversion Result for the period ended 31 March 2016

Description	2015-16 Full Year		Year-to-Date March 2016			
	Reviewed Budget	Forecast	Reviewed Budget	Actual	Variance Fav/(Unfav)	
	\$000'S	\$000'S	\$000'S	\$000'S	\$000'S	%
<b>Comprehensive Income Statement</b>						
Income	161,387	171,341	147,937	155,629	7,693	5.20%
Expenditure	(158,130)	(159,040)	(104,029)	(100,784)	3,245	3.12%
<b>Total Comprehensive Income (Deficit) for the Year - Operating Result</b>	<b>3,257</b>	<b>12,302</b>	<b>43,908</b>	<b>54,846</b>	<b>10,938</b>	<b>24.91%</b>
<b>Conversion to Cash Reconciliation</b>						
<b>Add Non-Cash Items included in Operating Results and excluded from Surplus (Deficit):</b>						
Depreciation and Amortisation	18,758	18,758	13,942	13,956	13	0.09%
Contributions - Non Monetary Assets	(2,000)	(2,000)	0	0	0	0.00%
Written Down Value of Fixed Assets Sold or Disposed	12,261	12,261	450	606	156	34.71%
Increment in Investments in Associate	0	0	0	0	0	0.00%
<b>Subtotal</b>	<b>29,019</b>	<b>29,019</b>	<b>14,392</b>	<b>14,562</b>	<b>169</b>	<b>1.18%</b>
<b>Less Cash Items not included in the Operating Result:</b>						
Capitalised Expenditure (excluding Capital Projects - Operational Expenses)	(42,070)	(42,070)	(29,889)	(19,949)	9,940	33.26%
Debt Redemption	(2,474)	(2,474)	(1,957)	(1,957)	0	0.00%
Transfers to Reserves	(14,934)	(24,556)	(2,248)	(20,313)	(18,065)	(803.47%)
Transfers from Reserves	14,492	14,589	8,034	7,276	(758)	(9.43%)
<b>Subtotal</b>	<b>(39,700)</b>	<b>(49,226)</b>	<b>(26,060)</b>	<b>(34,943)</b>	<b>(8,883)</b>	<b>(34.09%)</b>
<b>Cash Surplus (Deficit) for the Year</b>	<b>(7,424)</b>	<b>(7,905)</b>	<b>32,240</b>	<b>34,465</b>	<b>2,225</b>	<b>6.90%</b>
<b>Accumulated Cash Surplus (Deficit) at 30 June 2015</b>	<b>9,891</b>	<b>9,891</b>				
Cash Surplus (Deficit) for 2014-15	(7,424)	(7,905)				
<b>Projected Accumulated Cash Surplus (Deficit) at 30 June 2016</b>	<b>2,467</b>	<b>1,986</b>				

A full copy of the Income Statement is provided as Attachments B to E shown by Organisational Structure and Income and Expense Account Group.

## 10.4 Management Financial Report for the Period Ended 31 March 2016 (cont'd)

### 5.2 Major Variance Analysis

#### 5.2.1 Net Surplus / (Deficit) from Operations

Description	2015-16 Full Year		Year-to-Date March 2016			
	Reviewed Budget	Forecast	Reviewed Budget	Actual	Variance Fav/(Unfav)	
	\$000'S	\$000'S	\$000'S	\$000'S	\$000'S	%
<b>Income</b>						
Rates and Charges (including Supplementary Rates)	101,442	101,872	101,442	101,963	521	0.51%
Garbage Charges	4,467	4,551	4,467	4,565	98	2.20%
User Charges, Fees and Fines	12,987	12,724	9,438	9,534	96	1.02%
Grants - Operating	20,106	20,160	15,235	15,316	81	0.53%
Contributions and Donations - Operating	3,246	4,784	2,473	3,352	879	35.53%
Interest	1,785	1,687	1,159	1,198	39	3.36%
Proceeds from Sale of Fixed Assets	10,840	19,001	10,840	17,169	6,329	58.39%
Other Income	388	436	294	253	(41)	(13.99%)
Contributions - Non Monetary Assets	2,000	2,000	0	0	0	0.00%
Capital Income	4,126	4,126	2,589	2,280	(309)	(11.95%)
<b>Total Income</b>	<b>161,387</b>	<b>171,341</b>	<b>147,937</b>	<b>155,629</b>	<b>7,693</b>	<b>5.20%</b>
<b>Expenses from Operating Activities</b>						
Employee Costs	66,690	67,686	49,291	49,136	155	0.32%
Contractors and Services	39,700	38,686	29,292	26,044	3,248	11.09%
Materials	4,062	4,702	3,088	3,102	(15)	(0.47%)
Utilities	3,117	3,375	2,295	2,363	(68)	(2.99%)
Contributions and Donations	5,207	5,236	5,078	5,051	27	0.53%
Finance Costs	987	987	662	663	(1)	(0.15%)
Bad and Doubtful Debts	(92)	(92)	(69)	(137)	68	99.41%
Depreciation and Amortisation	18,758	18,758	13,942	13,956	(13)	(0.09%)
Capital Projects - Operational Expenses	7,440	7,440	0	0	0	0.00%
Written Down Value of Fixed Assets Sold or Disposed	12,261	12,261	450	606	(156)	(34.71%)
<b>Total Expenses</b>	<b>158,130</b>	<b>159,040</b>	<b>104,029</b>	<b>100,784</b>	<b>3,245</b>	<b>3.12%</b>
<b>Surplus (Deficit)</b>	<b>3,257</b>	<b>12,302</b>	<b>43,908</b>	<b>54,846</b>	<b>10,938</b>	<b>24.91%</b>
<b>Other Comprehensive Income</b>						
Increment on Investment in Associates	0	0	0	0	0	0.00%
<b>Net Surplus / (Deficit) from Operations</b>	<b>3,257</b>	<b>12,302</b>	<b>43,908</b>	<b>54,846</b>	<b>10,938</b>	<b>24.91%</b>

There was a favourable variance in the surplus from Operations compared to the 2015-16 Reviewed Budget for the period ended 31 March 2016 of \$10.938 million (Attachment D).

The significant variances that contribute to this favourable variance are:

Income has an overall favourable variance of \$7.693 million. This comprises:

- Favourable variance of \$6.239 million in Proceeds from Sale of Fixed Assets due to higher than anticipated income from the sale of Stamford Park.
- A favourable variance of \$0.879 million in Contributions and Donations - Operating due primarily to higher than anticipated Public Open Space Contributions.

#### 10.4 Management Financial Report for the Period Ended 31 March 2016 (cont'd)

- Favourable variances of \$0.521 million in Rates and Charges due to greater than budgeted supplementary rates income.
- These favourable variances are partially offset by unfavourable variance in Capital Income (\$0.309 million) mainly due to timing of vehicle sales and grants receipts.

Expenditure has an overall favourable variance of \$3.245 million. This comprises:

- A favourable variance of \$3.248 million in Contractors and Services – this is primarily related to timing of payments. Some of the key variances are:
  - \$0.390 million favourable in Open Space Maintenance due primarily to timing of receipt and payment of invoices, reduced maintenance on reactive playground maintenance from less vandalism and timing of mulching activities.
  - \$0.372 million favourable in a number of Strategic Economic Development projects due to timing of consultancy and contract work.
  - \$0.356 million across the Knox Central project and Traffic Management area due to timing of activities.
  - \$0.203 million favourable in Building Maintenance Services due to timing of maintenance activities across several Council facilities.
  - \$0.169 million in Stormwater Management due to timing of receipt of invoices for payment.
  - \$0.147 million in Drainage Maintenance due to less than anticipated requirement for works as a result of favourable weather conditions.
  - \$0.147 million in Active Living program due to timing of activities relating to an IT project, timing of receipt and payment of invoices, temporary reduction in property maintenance service hours due to change in sub contractor and transitional delay with actioning service requests and a decrease in demand for home care service hours.
  - \$0.103 million in Footpath Maintenance from changes to timing of planned activities and receipt and payment of invoices for footpath grinding work.

## **10.4 Management Financial Report for the Period Ended 31 March 2016 (cont'd)**

- The remaining favourable variance is partially attributed to delays (across the organisation) in receiving invoices from suppliers for payment. This is further compounded by a number of minor favourable variances (across the organisation) relating to the timing of activities of various programs and project.

A complete analysis of the major variances against the year to date 2015-16 Reviewed Budget that have impacted on performance for the period ended 31 March 2016 has been included in this report as Attachment L.

### **5.2.2 Capital Works Program (Overview)**

The performance of the Capital Works Program including details of variances is included as Attachment F. The detailed Capital Project Status and Expenditure Report has been included as Attachment S. Performance of the Capital Works Program is also detailed in the Works Report adopted monthly by Council at its Ordinary Meeting.

For the period ended 31 March 2016 the Capital Works Program shows an overall deficit of \$17.669 million (which is funded from operations and reserves), this is an overall favourable variance of \$9.631 million against the year to date 2015-16 Reviewed Budget.

The Capital Works expenditure for the period ended 31 March 2016 is \$19.949 million and shows a favourable variance of \$9.940 million and is primarily due to renewal and upgrade projects being behind profiled expenditure.

### **5.3 Balance Sheet**

The Balance Sheet as at 31 March 2016 indicates a continued satisfactory result. A comparison of total Current Assets of \$104.172 million with total Current Liabilities of \$27.274 million (Working Capital Ratio of 3.82 to 1) continues to depict a satisfactory financial position. This will decline over the year but is forecast to remain healthy.

Current Receivables have increased significantly due to the raising of rate debtors in July 2015. The working capital ratio of 3.82 reflects the increase in current debtors resulting from the striking of the rates and this working capital ratio will diminish over the course of the year as Council funds its operating programs and capital works.

Payables have decreased by \$4.072 million from 30 June 2015 as year end creditors have been processed for payment.

## 10.4 Management Financial Report for the Period Ended 31 March 2016 (cont'd)

The Balance Sheet as at 31 March 2016 has been attached to this report as Attachment H.

### 5.4 Investment Analysis

There was \$77.192 million invested with various financial institutions as at 31 March 2016 – this includes Cash and Cash Equivalents (\$11.592 million) and Financial Assets (\$65.600 million). These funds include monies from trust funds and deposits and specific purpose reserves. The favourable cash position is primarily due to capital works renewal and upgrade projects being behind schedule and the higher than anticipated proceeds from sale of property, plant and equipment.

Attachment M and Attachment N display graphs showing investment performance for the period ended 31 March 2016.

The earning on investments to 31 March 2016 is:

	YTD Actual	YTD Budget	Variance
Investment Earnings	<u>\$0.910M</u>	<u>\$0.818M</u>	<u>\$0.092M</u>

### 5.5 Debtors Analysis

#### 5.5.1 Rates Debtors

Council's rate debtors comprise the largest component of Receivables owing to Council. The percentage of rates collected to 31 March 2016 of 80.28% is similar to the percentage collected for the same time last year of 80.29% – refer to Attachment O.

The total amount of outstanding rates debtors as at 31 March 2016 including associated interest, land fill levy, waste, legal and GST charges was \$25.443 million of which \$3.832 million relates to arrears pre July 2015. Arrears are consistent with previous years and a significant proportion of arrears are under formal payment arrangements. Also included in this amount is \$3.408 million of Fire Services Property Levy (FSPL). This is offset by a corresponding liability of the same amount that is payable to the State Revenue Office (SRO).

The FSPL is a levy set by the State Government, collected by Council and remitted to the SRO in order for the State Government to fund the State's fire services. Council is required to make four payments per financial year to the SRO of the FSPL monies collected; these payments are due 28 days after the due date of the quarterly rates instalments. This is in accordance with the Fire Services Property Levy Act 2012.

## 10.4 Management Financial Report for the Period Ended 31 March 2016 (cont'd)

Rate amounts owing are a charge over the property and therefore Council has recourse to collect these debts. Penalty interest at 9.5% also applies.

### 5.5.2 Sundry Debtors

The level of Sundry Debtors owing as at 31 March 2016 is \$0.515 million (refer to Attachment Q). The balance owing includes the following amounts:

- \$0.074 million owing from the Department of Infrastructure and Regional Development for the first instalment (50%) of the Walker Reserve Multi-Purpose Training Facility - Stage One Community Development Grants Programme project. The outstanding amount relates to an invoice over 30 days but less than 60 days.
- \$0.057 million owing from Yarra Ranges Council for reimbursement of salary and oncosts for Emergency Management Project Coordinator for the period 1 July to 31 December 2015. The outstanding amount relates to an invoice greater than 90 days. Payment was received on 8 April 2016.
- \$0.054 million owing from Public Transport Victoria to fund the upgrade of a bus stop at Mountain Gate Shopping Centre and is within Council's 30 day payment terms. This was paid on 8 April 2016.
- \$0.051 million owing from Knox Leisureworks YMCA for the Knox Leisureworks monthly management fee (contract number 1983) and is within Council's 30 day payment terms. Payment was received on 1 April 2016.

While the level of debt fluctuates depending on the level of invoicing, the percentage of Debtors outstanding for 60-90 days, 90 days and over has been consistent for Home Help and Community Groups and Centres in recent periods. Family Day Care debtors will continue to decline with the recent cessation of the service.

Follow up processes have been undertaken with Sporting Clubs who do not have a repayment plan for amounts owing or who are not adhering to their repayment plan. These amounts predominantly relate to ground rentals (refer to Attachment Q and confidential Attachment T).

### 5.5.3 Write-off of Unrecoverable Debt

A recommendation to write-off debts totalling \$33,438.70 has been included in the confidential attachment to this report and consists of:

- Unpaid Child Care fees of \$33,135.60. Care is no longer being provided to these customers' families.

#### **10.4 Management Financial Report for the Period Ended 31 March 2016 (cont'd)**

- Unpaid Family Day Care fees of \$303.10. This service is no longer being provided by Council.

A review has been conducted into Child Care Debts owed to Council. A number of these debts have been outstanding for up to four years. An extensive debt collection process on the majority of the customers has been conducted. Letters of demand from Council's debt collection agency have been sent to all customers except for one which is due to contact details not being known. No further action is recommended in pursuit of this outstanding debt. Accordingly, the relevant Manager and Director have recommended that these amounts should be written off.

#### **6. SOCIAL IMPLICATIONS**

There are no direct social implications arising from this report.

#### **7. RELEVANCE TO 2013-17 CITY PLAN (INCORPORATING THE COUNCIL PLAN)**

Through the provision of quarterly financial reports, Council ensures that it is contributing towards meeting its objectives under Theme 5 of the 2013-17 City Plan: Democratic and Engaged Communities. Council manages assets and financial resources on behalf of the community in a responsible and sustainable manner.

#### **8. CONCLUSION**

In management accounting terms, the net result for the period ended 31 March 2016 was a surplus of \$34.465 million which compares favourably with the year to date 2015-16 Reviewed Budget of \$32.240 million. This result comprises both the operating and capital works program but excludes the non-cash items (e.g. depreciation).

#### **9. CONFIDENTIALITY**

There is one component of this report (Attachment T) which has been declared confidential in accordance with the Local Government Act 1989 and distributed separately.



**10.4 Management Financial Report for the Period Ended 31 March 2016  
(cont'd)****COUNCIL RESOLUTION****MOVED: CR. PEARCE****SECONDED: CR. GILL**

That Council

1. Receive and note the Management Financial Report for the period ended 31 March 2016.
2. Approve the write-off of debts totalling \$33,438.70 which are considered no longer collectable as detailed in the confidential attachment to this report.

**CARRIED**

**10.4 Management Financial Report for the Period Ended 31 March 2016  
(cont'd)**

**Appendices A to S are circulated under separate cover.**

**ALL WARDS****10.5 INCIDENTAL COMMUNITY GRANTS PROGRAM APPLICATIONS**

**SUMMARY:** *Governance Officer - (Kirstin Ritchie)*

*This report summarises the recommended grants from the Incidental Community Grants Program.*

*All applications have been assessed against the criteria as set out in the Incidental Community Grant Program Policy.*

**RECOMMENDATION**

**That Council approve the seven recommended Incidental Community Grant applications for a total value of \$6,800.00, and note the one application approved under delegated authority for a total value of \$375.00, as detailed in Appendix A.**

**1. INTRODUCTION**

At the 24 November Ordinary Council meeting, Council endorsed the Incidental Community Grants Policy effective from 1 December 2015. The following criteria are used in determining applications for Incidental Community Grants under the policy:

- All requests for funding must be in writing and on the relevant funding application form; and
- Applications must be from individuals who reside in Knox or community groups that provide services to the Knox community; and
- All applications for funding must provide a demonstrated benefit to the Knox community and be in keeping with the objectives and directions of the City Plan; and
- Applications for financial donations and general fundraising activities will not be supported through the Incidental Community Grants Program; and
- The maximum grant limit is \$1,000.

This report presents to Council recommended grant allocations in accordance with this policy.

**2. DISCUSSION**

Council has established the Incidental Community Grants program to ensure that funding can be provided to individuals and community groups who request ad hoc, incidental, community based, one-off grants.

## **10.5 Incidental Community Grants Program Applications (cont'd)**

The Incidental Community Grants Policy (the Policy) sets out an open and transparent grant program that meets the principles of good governance and is compliant with the Act. The Policy sets out new criteria that all grant applications must meet.

Transitional arrangements have been instigated for the remainder of the 2015-16 financial year to accommodate those individuals and/or community groups who do not comply with the new criteria but would have previously been approved under the Ward Contingency Fund Policy.

These arrangements authorise the Chief Executive Officer to approve grant applications that fall outside of the Policy (for the period 1 December 2015 to 30 June 2016), to a maximum value of \$3,000, for applications which would previously have been approved under the Ward Contingency Fund Policy.

This report outlines the grant applications received since the previous Ordinary Council meeting held on 26 April 2016 and recommends seven grants for Council's approval.

One application has been received requesting \$375.00. As the grant amount is under \$500 it has been approved under delegation pursuant to the Policy.

Two applications have been received for transitional funding by the Chief Executive Officer to the combined value of \$3,000.

### **3. CONSULTATION**

No consultation has been undertaken in relation to this report. This information is presented as part of Council's accountability to the community.

### **4. ENVIRONMENTAL/AMENITY ISSUES**

There are no environmental or amenity issues associated with this report.

### **5. FINANCIAL & ECONOMIC IMPLICATIONS**

The approval of incidental community grants is managed within Council's adopted budget.

### **6. SOCIAL IMPLICATIONS**

The Incidental Community Grants program allows Council the flexibility to respond to requests from individual's and/or community groups within Knox at a municipal level. These grants provide applicants the opportunity to participate and support a variety of community based programs.

**10.5 Incidental Community Grants Program Applications (cont'd)****7. RELEVANCE TO CITY PLAN 2013-17 (INCORPORATING THE COUNCIL PLAN)**

Provision of the Incidental Community Grants program assists Council in meeting its general objectives under the Council Plan.

**8. CONCLUSION**

This report contains the recommendation for funding through the Incidental Community Grants program in Attachment A.

This recommendation is presented to Council for consideration and endorsement.

**9. CONFIDENTIALITY**

Confidential Appendix B contains each of the individual grant applications for Council's consideration.

**COUNCIL RESOLUTION**

MOVED: CR. COSSARI

SECONDED: CR. COOPER

That Council approve the seven recommended Incidental Community Grant applications for a total value of \$6,800.00, and note the one application approved under delegated authority for a total value of \$375.00, as detailed in Appendix A.

CARRIED

**10.5 Incidental Community Grants Program Applications (cont'd)****APPENDIX A – Incidental Community Grants Applications**

<b>Applicant Name</b>	<b>Project Title</b>	<b>Amount Requested</b>	<b>Amount Recommended</b>	<b>Transitional Subsidy recommended by CEO</b>
Knox Senior Football Club, Knox Junior Football Club and Knox Gardens Cricket Club	Purchase of commercial gas hotplates for clubhouse kitchen; to be utilised by all three sporting clubs to allow them to sell food.	\$3,850	\$1,000	\$2,000
Carrington All Stars – Carrington Primary School	Purchase new uniforms for the 17 more uniforms for new members.	\$1,000	\$1,000	N/A
NG Haynes Rostered Activity Playgroup	Purchase new art and craft supplies, books, educational toys and outdoor play equipment.	\$800.00	\$800.00	N/A
Hungarian Community Co-Op Associated Ltd	Financial assistance to contribute to running costs of the 60 <sup>th</sup> Anniversary of the 1956 Hungarian Uprising.	\$2,000.00	\$1,000.00	\$1,000
Knox Italian Community Club Inc	Funds to bring 2 Bocce courts up to Special Olympics Australia specifications and replacement of light globes for better lighting at night.	\$1,000.00	\$1,000.00	N/A
Waterford Park Retirement Village – Men's Shed	Purchase of a new woodturning lathe.	\$1,000	\$1,000	N/A

<b>Applicant Name</b>	<b>Project Title</b>	<b>Amount Requested</b>	<b>Amount Recommended</b>	<b>Transitional Subsidy recommended by CEO</b>
Taylor's Lane Playgroup Rowville	Purchase and installation of ZipTrack (patio) blinds for the concrete outside play area	\$1,000	\$1,000	N/A
Bridges Connecting Communities	Provide an outing for Carers to the movies and lunch.	\$375.00	\$375.00 (approved under delegation)	N/A
		Grand Total	\$7,175.00	\$3,000.00

**10.5 Incidental Community Grants Program Applications (cont'd)**

**Confidential Appendix B is circulated under separate cover.**



**ALL WARDS****11.1 WORKS REPORT AS AT 10 MAY 2016**

**SUMMARY:** *Coordinator – Capital Works (Gene Chiron)*

*The Works Report shows projects on Council's Capital Works Program and indicates the status of each project as at 10 May 2016.*

**RECOMMENDATION**

That the works report, as at 10 May 2016, be received and noted.

**1. INTRODUCTION**

This report summarises Council's Capital Works Program for the 2015/2016 financial year. The aim of this report is to provide a regular and succinct status summary of each project over the last month. The Capital Works Report, as of 10 May 2016, is attached as Appendix A.

**COUNCIL RESOLUTION**

MOVED: CR. ORPEN

SECONDED: CR. SEYMOUR

That the works report, as at 10 May 2016, be received and noted.

CARRIED

## Knox City Council Project Status Report

Project Number	Project Name	Approved Budget	Total
1	<b>Bridges Renewal Program</b> Current programmed works in Koolunga Reserve, Hazelwood Road and Collier Reserve were all delayed due to issues with decking supply. All have now been resolved and all projects are now in progress. Confirmation on our approach to the Forest Road overpass rehabilitation works has now been approved. Quotations for the works are closing this week and works are schedule to be completed within this financial year.		\$280,000
4	<b>High Risk Road Failures</b> Glenfern Road rehabilitation works have now been completed. Scheduled works in Rushdale Street and Jaydee Court to be completed by the end of the financial year.		\$250,000
7	<b>Road Surface Renewal Program</b> Road Resurfacing Program has now been completed.		\$3,859,000
8	<b>Drainage Pit and Pipe Renewal Program</b> Program is progressing on schedule. Recently completed works Ferntree Gully Service Lane, Newcomb Court and Adel Avenue. Works currently in progress in Zeizing Court, and Tilba Place. Works programmed to commence in May are Pach Road and Longstaff Road.		\$2,781,000
9	<b>Footpath Renewal Program</b> Program is progressing on schedule.		\$1,875,000
10	<b>Bicycle / Shared Path Renewal Program</b> Works programmed on Mountain Hwy shared path before the end of May.		\$475,000
11	<b>Information System Plan Implementation</b> Available funding has been expended.		\$120,000
16	<b>Building Renewal Program</b> Program is approximately 85% committed/expended as of end of April. Works scheduled to commence in May include Talaskia Pavilion - external painting, Tormore Pavilion - kitchen refit, Rowville Library- internal painting, Ferntree Gully Library - internal painting.		\$2,411,200
17	<b>Playground Renewal Program</b> Benedikt Reserve Playground construction complete. Arcadia Reserve and Row Reserve Playgrounds pricing received and evaluation being finalized. Ronald, Icarus, Streeton, Pine Hill, Kings Park and Ashbrook Reserves playgrounds tenders received and being evaluated.		\$1,023,409
22	<b>Fire Hydrant Replacement Program</b> First payment to South East Water made in September.		\$119,000
24	<b>Carpark Renewal</b> Preparation works in Scoresby Village and Mountain Gate Shopping Centre have now been completed. Asphalt works to be completed by the beginning of May. Works at HV Jones have been completed.		\$542,000
25	<b>Plant &amp; Machinery Replacement Program</b> Renewal program underway, 65% of funds committed and 48% of funds expended.		\$2,548,273

## Knox City Council Project Status Report

Project Number	Project Name	Approved Budget	Total
26	<b>Street Tree Replacement Program</b> Survey result notifications mailed to residents. All 2016 removals (stumps inclusive) complete and planting locations determined for replacement trees. 94% of funds expended/committed and set for works delivery on time and within budget.		\$620,000
31	<b>Stamford Park Redevelopment</b> Design and tender documentation has been received for the Homestead stabilisation project. Tenders will be called in May.		\$818,415
43	<b>Shade Sails for Family and Children's Services Facilities</b> 50/50 shade sail budget on track.		\$30,000
104	<b>Roadside Furniture Renewal Program</b> Heath Avenue retaining wall is currently in progress.		\$100,000
147	<b>Energy &amp; Greenhouse Program for Council Facilities</b> All projects have been completed.		\$28,000
229	<b>Building Code Australia Compliance</b> Program is approximately 50% committed/expended with further works to be undertaken May/June to complete the program		\$100,000
248	<b>Boronia Park Landscaping Implementation Stage 3</b> Remaining scope of works, being the Library and Basketball Stadium forecourts, is on hold pending resolution of library design.		\$759,803
289	<b>CSR Quarry Reserve - Implementation Stage 4</b> Contract has been packaged with the sealing of Quarry Road. Contractor has been appointed and pre-construction meeting has occurred. Possession of Site provided and works about to commence.		\$824,767
345	<b>Asbestos Removal</b> Program is approximately 70% committed/expended. Program of works expected to be completed by late May.		\$100,000
347	<b>Miscellaneous Industrial Roads - Pavement Rehabilitation</b> Glenfern Road rehabilitation works have now been completed. Scheduled works in Rushdale Street and Jaydee Court to be completed by the end of the financial year.		\$500,000
353	<b>Avalon/Stamford/Stud Road Intersection Modification</b> Project completed.		\$90,000
369	<b>Carrington Park Sports Room Upgrade</b> Design documentation complete. Tender documentation commenced with a view to have contractor appointed by end of June.		\$35,889
409	<b>Parks Furniture Renewal</b> All furniture has been allocated and installations complete.		\$40,000
410	<b>Parks Signage Renewal</b> Purchase order raised and all funds allocated. Installations to be finalised by 20 June 2016.		\$30,000

## Knox City Council Project Status Report

Project Number	Project Name	Approved Budget	Total
412	<b>Water Sensitive Urban Design Renewal</b> Project packaged with Project 441 - Tim Neville Arboretum Masterplan Implementation and Project 751 - TNA Lakes Upgrade & Wetland system and Project 529 - Dobson Park Stormwater Harvesting. All projects are packaged to deliver an overall integrated harvesting scheme to service both reserves. Construction is currently well underway with completion anticipated mid June (weather permitting).		\$186,618
441	<b>Tim Neville Arboretum Masterplan Implementation</b> Project packaged with project 412 - WSUD renewal and 751 - Tim Neville Arboretum lake structure upgrade. Contract works approximately 65% complete. Anticipate completion around late June 2016 (weather permitting).		\$463,934
443	<b>Reserves Paths Renewal</b> Works completed.		\$50,000
455	<b>Parks Crescent, Cypress Avenue, Boronia - Drainage Upgrade</b> Detailed design of flood paths upstream and downstream of the Boronia retarding basin progressing.		\$180,763
459	<b>Ferntree Gully Road (No. 1825) - Drainage Upgrade</b> Detailed design completed. Tender to be advertised mid May.		\$449,445
490	<b>DDA Footpath Modifications</b> Minor projects being completed in conjunction with the Footpath Renewal Program.		\$100,000
492	<b>Compliance to Food Act - Various Buildings</b> Funds have been committed. Works expected to be completed by end of May		\$25,000
494	<b>Cathies Lane - Landfill Rehabilitation Works</b> Tonkin & Taylor undertaking landfill gas monitoring. Landfill Rehabilitation Plan, Aftercare Management Plan and Hydrogeological Assessment submitted to EPA on 1 October to address PAN requirements. Environmental Audit report submitted 30 October. Capping rehabilitation works commenced February 2016, includes overhauling existing landfill gas system. Recommendation from consultant's investigations is that there is no requirement at the moment to lower leachate at the site. There is the need to improve efficiency of existing gas extraction system before considering the need for additional wells. EPA have issued a draft Post Closure Pollution Abatement Notice which will govern the management of the site.		\$187,500
495	<b>Fencing Replacement in Early Years Facilities - Scope and Implementation</b> Program is 100% complete		\$24,000
497	<b>Coonara Stone Cottage - Structural Failure Rectification</b> Works progressing and 40% complete.		\$400,000
516	<b>Rumann and Benedikt Reserves - Open Space Upgrade</b> Contract works completed.		\$174,451
520	<b>Mountain Gate Major Activity Centre - Streetscape Works</b> Works complete and Practical Completion certificate issued. Addressing defects with contractor along with reconciliation of variations. Separate bus bay upgrade works completed.		\$921,989
525	<b>Cardiff / Herbert Streets - Drainage Design</b> Council provided the consultant with the comments on the existing flood modelling report. Consultant to incorporate the Council's comment and work on mitigation options.		\$50,000

## Knox City Council Project Status Report

Project Number	Project Name	Approved Budget	Total
529	<b>Dobson Park - Stormwater Harvesting</b> Construction underway (65% complete). Works scheduled to be completed in June (weather permitting).		\$751,367
532	<b>Sheffield and Basin Olinda Roads, The Basin - Water Sensitive Urban Design</b> Project completed.		\$112,180
536	<b>Parkland Asset Renewal</b> Scoping for works nearing completion, works to be completed by 30 June 2016.		\$70,000
537	<b>Bush Boulevard</b> Funds all allocated and program complete.		\$41,000
543	<b>Llewellyn Park - Landfill Rehabilitation Works</b> Tonkin & Taylor undertaking landfill gas monitoring. Completed Landfill Rehabilitation Plan, Aftercare Management Plan and Hydrogeological Assessment and submitted to EPA on 31 August 2015 to meet PAN requirements. Annual environment audit submitted to EPA. Capping rehabilitation works scheduled to commence May 2016. Determined that a landfill gas extraction system is required. Consultant has recommended a preferred option for landfill gas extraction which has been considered by the auditor. A more detailed design is now required to respond to the auditor's comments.		\$187,500
550	<b>Golden Grove, The Basin - Rehabilitation</b> All works completed.		\$169,343
564	<b>Knox Park Reserve Renovation</b> Surface finalisation works now completed at Knox Park and site handed over to Club for use.		\$0
566	<b>Artwork Renewal</b> Total funding expended.		\$20,000
572	<b>Tennis Plan Implementation Program</b> Minor works underway at various public courts.		\$22,000
576	<b>Early Years Facility Emergency Warning System</b> Works 100% completed		\$50,000
584	<b>Tormore Reserve - Masterplan Development</b> Stage one path works and new carpark area complete. Hydroseeding for lawn areas to be undertaken in May.		\$127,843
585	<b>Llewellyn Reserve - Masterplan Development</b> Path connection to Coppelia Street complete. Remainder of works being undertaken following landfill cap rectification works.		\$151,172
587	<b>Upper Ferntree Gully Neighbourhood Activity Centre - Design</b> Project planning nearing completion prior to further community engagement.		\$103,153
589	<b>Knox Early Years (KEYs) Online</b> Post Implementation Review being developed, some bedding down issues to be rectified.		\$96,373
593	<b>Marie Wallace Park - Masterplan Development</b> Stage One works commenced. Anticipate completion in late June.		\$489,881

## Knox City Council Project Status Report

<b>Project Number</b>	<b>Project Name</b>	<b>Approved Budget</b>	<b>Total</b>
602	<b>Park Ridge Reserve Floodlighting Upgrade</b> Complete.		\$19,000
605	<b>Illawarra Avenue, Rowville</b> Contract works completed with Practical Completion inspection held on 27 April 2016.		\$280,000
606	<b>Station Street, FTG</b> Contract works essentially complete apart from asphalt at tip of splitter island affected by relocation of pole. Awaiting Ausnet to relocate public lighting pole which will be delayed due to long lead-time for supply of pole. Decision received from Planning that remaining footpath work (adjacent to old service station site) is to be carried out by developer as a result of outcome of permit inspections for 44 Station Street.		\$240,000
607	<b>Ashton Road, FTG</b> Have packaged contract with Kingston Street & Mountain Gate Drive projects. Tenders have closed 22 March 2016 and are currently in the process of being evaluated.		\$460,000
608	<b>Kingston Street, FTG</b> Have packaged contract with Ashton Road and Mountain Gate Drive projects. Tenders have closed 22 March 2016 and are currently in the process of being evaluated.		\$400,000
609	<b>Mountain Gate Drive, FTG</b> Have packaged contract with Kingston Street & Ashton Road projects. Tenders have closed 22 March 2016 and are currently in the process of being evaluated.		\$550,000
610	<b>Elm Street, Bayswater</b> Construction contract packaged with Maple Street and Orange Grove. Contractor appointed. Pre-construction documentation received and approved and now anticipate construction commencing in May 2016.		\$390,000
611	<b>Orange Grove, Bayswater</b> Construction contract packaged with Maple Street and Elm Street. Contractor appointed. Pre-construction documentation received and approved and now anticipate construction commencing in May 2016.		\$405,000
612	<b>Maple Street, Bayswater</b> Construction contract packaged with Elm Street and Orange Grove. Contractor appointed. Pre-construction documentation received and approved and now anticipate construction commencing in May 2016.		\$270,000
613	<b>HV Jones Reserve Oval - Renewal</b> Practical Completion inspection undertaken with temporary fencing removed and handover to club completed.		\$150,695
617	<b>The Basin Preschool Toilets and Storage Upgrade</b> Construction stage complete.		\$40,000
618	<b>Child Care Centres Removal of Rubber Rock</b> Works completed		\$60,000
619	<b>Scoresby Road/Blind Creek underpass - Widen shared path at western approach</b> All works completed.		\$30,000

## Knox City Council Project Status Report

Project Number	Project Name	Approved Budget	Total
620	<b>High Street Road/Blind Creek shared path underpass - Install Lighting</b> Works have been committed with Contractor appointed. Works expected to be completed late May/early June.		\$48,485
622	<b>Walker Reserve (Multi-purpose facility) Wantirna South</b> Works nearing completion with matting layed and structure and netting erected. Demolition of old practice wickets is complete with tidy-up and top-soiling expected to be completed by early May 2016 ready for formal opening.		\$248,181
624	<b>Lakesfield Reserve Floodlight Upgrade</b> Awaiting Ausnet to complete the power upgrade.		\$258,490
627	<b>Ferntree Gully Library Scope and Concept</b> Concept Plans completed.		\$39,090
628	<b>Boronia Library - Scope and Concept</b> Concept plans completed.		\$104,720
629	<b>Preschool Major Office Upgrades - Detailed Designs</b> All works completed.		\$26,000
630	<b>Early Years Hubs - Bayswater</b> Design Development progressing.		\$518,288
647	<b>Stud Park Reserve, Rowville - Masterplan</b> The final Draft Masterplan is to be presented to Council for consideration in May 2016. Stage one path works will start immediately after should the masterplan be endorsed.		\$131,745
649	<b>Scoresby (Exner) Reserve - Masterplan</b> Stage One path works complete.		\$131,965
655	<b>Entry Signage - Scope and Concept</b> Signage installed. Project Complete.		\$17,000
656	<b>Margot Street (29), FTG - Drainage Upgrade</b> Project complete.		\$47,737
657	<b>Salmon Road, Boronia - Drainage Upgrade</b> Project complete.		\$88,200
659	<b>Waldheim Road (26), Bayswater - Drainage Upgrade</b> Completed. Flood Mitigation works completed. Water quality (WSUD) design solutions now form part of Project 773. Progress subject to Melbourne Water partnering under the "Enhancing Our Dandenong Creek" initiative.		\$111,780
660	<b>Mountain Highway (No. 598), Bayswater - Drainage Upgrade</b> Detailed Design on progress.		\$20,118
661	<b>Boronia Road (223), Boronia - Drainage Upgrade</b> The stage 2 construction works has commenced. The stage 3 detailed design completed and in process of getting quotes.		\$258,628
663	<b>Fairpark Reserve Toilet - Installation</b> Project completed.		\$190,000

## Knox City Council Project Status Report

Project Number	Project Name	Approved Budget	Total
664	<b>Storm Water Harvesting - Concept Designs</b> Draft report received by Council and feedback provided to consultant by officers. Awaiting final consultant report.		\$48,961
665	<b>Templeton Reserve - Storm Water Harvesting Design</b> Project has been deferred and funds transferred to Tim Neville Arboretum Masterplan, as per Council Resolution.		\$50,000
667	<b>Inverness Avenue - Water Sensitive Urban Design System</b> Detailed designs have been completed. The funding for this project has been provided by Melbourne Water for water quality projects within the Dobsons Creek catchment. Currently awaiting Melbourne Water feedback on the designs. Furthermore, Melbourne Water, University of Melb and Council are currently working together to analyse the overall impact of the completed WSUD works within the Dobsons Creek catchment to find optimal water quality treatment sites for the construction of additional WSUD projects under this budget.		\$220,000
668	<b>Knox Active Aging Management System (KAAMS)</b> Project moving well, planned go live set at July - August, demonstration to users conducted this week		\$360,987
675	<b>Public Art Project</b> Public art installations under this Capital Works program are on hold pending completion of a Public Art Strategy to be finalized late 2016.		\$79,658
676	<b>Lakesfield Reserve Oval Renewal</b> Works completed.		\$233,745
677	<b>Liberty Reserve Oval Renewal</b> Works have been completed with Practical Completion provided 14 April 2016 and oval handed over to club for use.		\$0
678	<b>Scoresby Shopping Village - Public Lighting</b> Still waiting on United Energy to complete the power upgrade. Council's contractor is pursuing United Energy to obtain a firm date.		\$150,000
679	<b>Eildon Park Tennis Court Upgrade</b> Works completed mid-January 2016.		\$64,000
687	<b>Lewis / Tilba Road Drainage Works</b> Project complete.		\$80,000
689	<b>Lewis Park Oval 1 Renewal</b> Discussions with Parks around scope of works have commenced. Design to commence later this financial year. Construction planned to be deferred to 2017/18. User Group consulted.		\$400,000
690	<b>Rehabilitation of sporting reserves warm season grass conversion</b> Temporary fences at Bayswater Oval No.2 have been relocated to allow pedestrians footpath access. Grass is establishing well.		\$100,000
691	<b>Designs for oval renovations</b> Design drawings are progressing on schedule for Templeton Reserve, Knox Gardens No.2 and Park Ridge Reserve.		\$20,000



## Knox City Council Project Status Report

<b>Project Number</b>	<b>Project Name</b>	<b>Approved Budget</b>	<b>Total</b>
692	<b>Boronia Road footpath</b> Project completed.		\$50,000
693	<b>Albert Street footpath</b> Project completed.		\$65,000
694	<b>Mountain Highway footpath</b> Major development is currently underway at 1122 Mountain Highway. Unable to commence path work until the completion of this development.		\$60,000
695	<b>Montana Avenue footpath</b> Project has been cancelled due to resident objections. Funds to be used on another priority project.		\$45,000
696	<b>Murray &amp; Raymond Reserve footpath</b> Project completed.		\$27,000
697	<b>Bergins Road - footpath 2</b> Project completed.		\$16,500
698	<b>Taylor's Lane footpath</b> Project completed.		\$52,500
699	<b>Miller Road/Dorrigo Drive Traffic Treatment</b> Contractor appointed and linemarking to be installed in the coming 4-6 weeks.		\$6,000
700	<b>Anthony Drive Traffic Treatment</b> Resident survey results being assessed.		\$10,000
701	<b>Ferny Creek Trail shared path</b> Project completed.		\$33,000
702	<b>Stud Road footpath connection</b> In progress.		\$15,000
703	<b>Francis Crescent footpath connection</b> Works complete.		\$25,000
704	<b>Mountain Highway footpath connection 4</b> This project will be held over until 2016/17 due to adjacent development works at 841 Mountain highway.		\$80,000
705	<b>Wellington Road footpath connection</b> Works have now been programmed for mid May.		\$20,000
706	<b>Cathies Lane footpath connection</b> Project Completed.		\$20,000
707	<b>Renewal of sports reserve assets / tennis courts / netball</b> Works on Ferntree Gully Regional Netball Courts are completed and further work is being considered with remaining funds.		\$160,000
708	<b>Renovation of cricket run ups and goal squares</b> Turf works are waiting for the synthetic surface to be installed on practice net area. Turf work will commence as soon as the net works are complete.		\$33,000

## Knox City Council Project Status Report

<b>Project Number</b>	<b>Project Name</b>	<b>Approved Budget</b>	<b>Total</b>
709	<b>Cricket Practice wicket renewals</b> Works at Kings Park Completed.		<b>\$90,000</b>
710	<b>Colchester Reserve Rugby Pitches</b> Tenders for twin rugby pitches closed on 4 April 2016 with tender evaluation completed and recommendation for tender appointment made. CEO approval, under delegation, has been given.		<b>\$610,000</b>
711	<b>Irrigation enhancements at sporting reserves</b> Project Complete		<b>\$100,000</b>
712	<b>Tennis Court Renewals</b> Rita Mathews TC: Funding for Stage 1 scope of works is confirmed and contractor appointed. Awaiting pre-construction documentation to be submitted and approved - Works are anticipated to commence around mid-May 2016.		<b>\$230,000</b>
713	<b>Renewal of sports facility lighting</b> Program is approximately 90% committed/expended with three projects underway - Stud Park Tennis, Knox BMX Park and HV Jones.		<b>\$50,000</b>
714	<b>Family and Children Services Softfall Program</b> Complete.		<b>\$30,000</b>
716	<b>Early Years Hubs - Wantirna South</b> Design Development progressing.		<b>\$500,000</b>
717	<b>Knox Central Land Acquisition</b> Prospective sites being investigated. Funding likely to be carried forward into 2016/17.		<b>\$3,600,000</b>
718	<b>Bulk Replacement of Street Lights with LED</b> Installation is scheduled to commence in the Collier Ward on 17 May.		<b>\$4,750,000</b>
720	<b>Exner Reserve Floodlight Upgrade</b> Contractor has been appointed and funds committed. Works expected to be completed early June.		<b>\$80,000</b>
721	<b>Eildon Park Reserve (Pavillion upgrade), Rowville - Design</b> Detailed design nearing completion.		<b>\$50,000</b>
722	<b>Knox Skate &amp; BMX Park Storage/Shade Structure</b> Works currently being undertaken. Works expected to be completed by mid May.		<b>\$42,873</b>
723	<b>Knoxfield Tennis Club</b> Consultation has occurred through Leisure Services with Tennis Victoria, the Ward Councillor and the club. It is proposed that the project is scoped in more detail during 2015/16, before being reconsidered for delivery in a future budget.		<b>\$34,000</b>
724	<b>Knox Library - Design</b> Project on hold pending finalisation of lease. This project will require carrying over into 2016/17.		<b>\$80,000</b>
725	<b>Placemakers Site - Design</b> Consultation with the Knox Woodworkers is complete and architect has delivered revised concepts. Presentation to Council to follow.		<b>\$15,000</b>

## Knox City Council Project Status Report

<b>Project Number</b>	<b>Project Name</b>	<b>Approved Budget</b>	<b>Total</b>
726	<b>Ambleside Resource Centre Project - Design</b> Awaiting scoping details.		\$20,000
727	<b>Knox Community Arts Centre - Design</b> Construction works expected to be completed in May.		\$12,000
728	<b>Knox Regional Netball Centre</b> Works required building permit and structural documentation. Works expected to commence late May.		\$50,000
729	<b>Knox Leisureworks UV for Leisure Pool</b> Works will be committed by Mid May with a view to commence early June.		\$48,000
730	<b>Scoresby West Pre School</b> Completed.		\$130,000
732	<b>Outdoor Blinds for Child Care Centres</b> Works nearing completion with remaining project at Talaskia Child Care Centre to be completed in May.		\$36,000
733	<b>Preschool Office/Storage - Minor Works</b> Works complete.		\$30,000
734	<b>Riddell Road Children and Family Centre</b> This project no longer required and funds transferred to Project 629.		\$15,000
735	<b>Family &amp; Children Services Buildings Door Jamb Protectors</b> Works completed.		\$25,000
736	<b>Flamingo Preschool upgrades (3 year old)</b> Works complete.		\$60,000
737	<b>Meals on Wheels site reconfiguration - Stage 1</b> Works currently being undertaken and expected to be completed by mid May.		\$20,000
738	<b>The Basin Progress Hall - Stage 4 of 4</b> Planning Permit received. Demolition works underway, awaiting revised Building Permit.		\$254,000
739	<b>Bergins Road - footpath 3 - Design</b> Design finalised and presented for review.		\$6,250
740	<b>Mountain Hwy footpath 2 feasibility study</b> Design and estimate has been prepared.		\$15,000
741	<b>Cathies Lane, Wantirna South - Footpath Design</b> Project completed.		\$3,500
742	<b>Myrtle Street Footpath</b> Project completed.		\$30,000
743	<b>Quarry Road, Upper Ferntree Gully</b> Contract has been packaged with the CSR Quarry Masterplan project. Contractor has been appointed and pre-construction meeting has occurred. Possession of Site provided and works about to commence.		\$150,000

## Knox City Council Project Status Report

Project Number	Project Name	Approved Budget	Total
744	<b>Ferntree Gully Road shared path 1, Knoxfield - Design</b> Concept design complete. Property boundary issues are now being investigated by Council's Property Team.		\$3,000
745	<b>Old Orchard Drive Solar Light Installation</b> Solar light has been installed and the project is now complete.		\$10,000
746	<b>Revegetation Plan</b> Sites at Lakewood Reserve and Dandenong Creek prepared and planting to commence in May.		\$100,000
747	<b>Chandler Park, Boronia - Masterplan Implementation</b> Detail design for multi purpose activity area and play space complete for tendering in May 2016.		\$100,000
749	<b>Fairpark Reserve, FTG - Masterplan Implementation</b> Detail design for stage one works being finalised for tendering in May. Stage one works consist of picnic area with shelter between playground and netball courts and adjacent to new public toilets.		\$100,000
750	<b>Basin Triangle Reserve, The Basin - Masterplan Implementation</b> Design work on track with a view to construct upon completion of Progress Hall works in July.		\$100,000
751	<b>Tim Neville Arboretum - Lake Structure Upgrade</b> Project packaged with project 412 - WSUD renewal and 751 - Tim Neville Arboretum Masterplan Upgrade. Contract works approximately 65% complete. Anticipate completion around late June 2016 (weather permitting).		\$200,000
752	<b>Mountain Gate Shopping Centre Reserve - Design</b> First stage community consultation complete. Concept design being prepared based on community feedback.		\$20,000
753	<b>Picketts Reserve, Ferntree Gully - Design</b> First stage community consultation complete. Concept design being prepared for further consideration by the community in late May 2016.		\$30,000
754	<b>Templeton Reserve, Wantirna - Design</b> First stage community consultation complete. Concept design being prepared for further consideration by the community in late May 2016.		\$40,000
755	<b>Talaskia Reserve, Upper Ferntree Gully - Design</b> First stage community consultation completed. Draft Masterplan is being prepared based on community feedback.		\$30,000
756	<b>Heany Park, Rowville</b> Quotes for bird-hide and boardwalk have been evaluated and contract awarded.		\$160,000
757	<b>Carrington Park, Knoxfield - Masterplan</b> Stage one path construction works complete.		\$150,000
758	<b>Jenola Parade Masterplan Implementation</b> Plan being finalised for implementation in late Autumn 2016.		\$50,000
759	<b>Alchester Village - Masterplan Implementation</b> Further community consultation being undertaken. Expect to complete design and commence construction in Winter 2016.		\$100,000

## Knox City Council Project Status Report

Project Number	Project Name	Approved Budget	Total
760	<b>Alchester Village Park Masterplan</b> Further community consultation being undertaken. Expect to complete design and commence construction in Winter 2016.		\$60,000
761	<b>Dandenong Creek Gateways - Revegetation of Strategic Road Corridors - Concept Design</b> Consultants to be engaged to prepare concept design.		\$50,000
762	<b>Dobsons-Clyde Street Flood Retarding System - Design</b> Scope of works changed based on further investigations. Modelling underway to resolve for flooding issues further upstream.		\$50,000
763	<b>Boronia Road Overland Flowpath - Design</b> Project is being delivered in conjunction with Project No. 455 (Park Crescent, Cypress Avenue - Drainage Upgrade). Refer to No. 455 for comments on progress.		\$30,000
764	<b>Knox Leisureworks Flood Retarding System - Design</b> This project is being delivered as a full catchment based package under project #525. This site now has a completed flood model to inform future flood mitigation works at this location.		\$25,000
765	<b>Alchester Village Shopping Centre - new toilet block</b> Location of new toilet not yet confirmed. Further consultation to be undertaken.		\$180,000
766	<b>Bayswater Park - replace toilet block</b> Works progressing well - structure completed, fitout commenced.		\$180,000
767	<b>Studfield Shopping Centre Toilets</b> Works completed, awaiting power connection by Ausnet Services.		\$190,000
768	<b>Wantirna Mall Toilets</b> Works have commenced.		\$190,000
769	<b>Mint Street, Wantirna – Dandenong Creek Wetland Design</b> Final design plans under review by stakeholders, comments to be provided to consultant mid May. Design plans to be completed June 2016.		\$17,000
770	<b>Olivebank Road, FTG - Water Sensitive Urban Design (WSUD) - Design</b> Final designs provided by Consultant. Council to provide final comments before approval in May.		\$17,000
771	<b>Colchester Road, Boronia – Wetland Design</b> Functional detailed concept design finalised and passed onto Project Delivery to finalise detailed design. Design works scheduled to be completed end of May 2016.		\$17,000
772	<b>Old Belgrave Road Raingarden - Design</b> Project closed. Initial investigations have concluded that water quality works will be ineffective and most likely unnecessary until Victrack drainage issues upstream are resolved. The remaining funding transferred to extend design works for Project No.769 Mint Street, Wantirna to include Cash Fues Place, Wantirna.		\$15,000
773	<b>Waldheim Street wetland and swale system</b> Project behind schedule due to Melbourne Water consideration under the 'Enhancing Our Dandenong Creek' project. Council will now be delivering this initiative. Catchment analysis completed. Survey completed. Functional concept design completed. Detailed functional design completed. Detailed design out for quotes. Design scheduled to be completed by mid June 2016.		\$10,000

## Knox City Council Project Status Report

Project Number	Project Name	Approved Budget	Total
774	<b>Manson Reserve - Stormwater Treatment</b> Project Closed. Melbourne Water through its "Enhancing Our Dandenong Creek" Project was looking at this site to potentially provide funding for detailed design and construction. In January it was advised that Melbourne Water would not fund the project. Due to short time span this project was closed. Funding was redirected to Project No. 459.		\$50,000
775	<b>Alchester Village Lighting Project</b> Detailed design has been finalised as a result of community engagement in April. Quotations being sought.		\$100,000
784	<b>Glenfern Road footpath - Design</b> Survey completed - expect to commence design in May 2016.		\$20,000
785	<b>Printer Upgrade</b> Developing a FRQ process for this project, currently on track		\$40,000
786	<b>Micro Soft Office Upgrade</b> On Hold awaiting Phoenix implementation		\$100,000
787	<b>Website Development</b> Project on Hold due to conflicting priorities		\$50,000
788	<b>Electronic Record System Upgrade (Project Phoenix)</b> SPC meeting to award the successful tenderer, then implementation will be commenced		\$750,000
789	<b>Facilities Booking Review/Upgrade</b> Project has been awarded to successful tender, implementation to commence in June 2016		\$86,000
791	<b>Server Infrastructure</b> Decision to decide best option being undertaken this week,		\$170,000
792	<b>PC Rollout</b> Issues with screens has delayed the finalization of this project expect it to run into June2016		\$225,000
793	<b>Non Leased Software and Hardware</b> Evaluating expenditure to determine best model		\$120,000
794	<b>Switch Replacement Program (Leased)</b> Project plan for rollout to be implemented		\$28,000
796	<b>Park Crescent, Boronia - Reconstruction Design</b> Survey completed - design due to commence in May 2016.		\$20,000
797	<b>McMahons Road, Ferntree Gully - Reconstruction Design</b> Survey and geotech report completed. Detailed design is 50% complete.		\$30,000
798	<b>Woodvale Road, Boronia - Reconstruction Design</b> Survey and geotech report completed. Detailed design is 30% complete.		\$20,000
799	<b>Windermere Drive, Ferntree Gully - Reconstruction Design</b> Survey and geotech report completed. Detailed design is 50% complete.		\$35,000
800	<b>Smithfield Square, Wantirna - Reconstruction Design</b> Survey and geotech report completed. Detailed design underway and is 40% complete.		\$20,000

## Knox City Council Project Status Report

Project Number	Project Name	Approved Budget	Total
801	<b>Sasses Avenue, Bayswater - Reconstruction Design</b> Survey and geotech report completed. Detailed design due to commence in May 2016.		<b>\$20,000</b>
802	<b>Erica Avenue, Boronia - Reconstruction Design</b> Survey completed. Detailed design due to commence in May 2016.		<b>\$30,000</b>
803	<b>Macquarie Place, Boronia - Reconstruction Design</b> Survey and geotech report completed. Detailed design nearing completion - design review to follow.		<b>\$25,000</b>
804	<b>Dorset Road (169), Boronia - Flood Mitigation</b> Flood mitigation measures to be undertaken in the new financial year.		<b>\$77,000</b>
	<b>Total:</b>		<b>\$48,881,364</b>

**ALL WARDS****11.2 ASSEMBLIES OF COUNCILLORS**

**SUMMARY:** *Manager – Governance and Innovation  
(Fleur Cousins)*

*This report provides details of Assembly of Councillors established under section 80A of the Local Government Act as required under section 80A(2) of the Act.*

**RECOMMENDATION**

That Council

1. Note the written record of Assemblies of Councillors as attached to this report.
2. Incorporate the records of the Assemblies into the minutes of the meeting.

**1. INTRODUCTION**

Under section 80A(2) of the Local Government Act, the Chief Executive Officer must present a written record of an Assembly of Councillors to an ordinary meeting of Council as soon as practicable after an Assembly occurs. This written record is required to be incorporated into the minutes of the meeting.

Details of Assemblies of Councillors that have occurred between Monday 11 April 2016 and Sunday 8 May 2016 are attached to this report.

**COUNCIL RESOLUTION**

MOVED: CR. PEARCE  
SECONDED: CR. COSSARI

That Council

1. Note the written record of Assemblies of Councillors as attached to this report.
2. Incorporate the records of the Assemblies into the minutes of the meeting.

**CARRIED**



# RECORD OF ASSEMBLY OF COUNCILLORS



(Section 80A Local Government Act)

<b>Date of Assembly:</b> 11/4/2016	
<b>Name of Committee or Group (if applicable):</b> Knox Multicultural Advisory Committee	
<b>Time Meeting Commenced:</b> 6:30pm	
<b>Councillors in Attendance:</b>	
Cr Joe Cossari	
<b>Council Staff in Attendance:</b>	
Nicole Hunter	
Joan Pepi	
Suzi Hayes	
Jo Herbig	
<b>Matters Considered:</b>	
1. Racism, not in my Backyard Project	
2. Isomer Mosque Open Day	
3. Knox City Council Multicultural Strategic Plan 2012-2017	
4. Reports from Knox Multicultural Advisory Committee Members	

<b>Conflict of Interest Disclosures: Nil</b>		
<b>Councillor's Name</b>	<b>Type of Interest</b>	<b>Councillor Left Assembly While Matter Being Considered</b>

# RECORD OF ASSEMBLY OF COUNCILLORS



(Section 80A Local Government Act)

<b>Date of Assembly:</b> 12/4/2016	
<b>Name of Committee or Group (if applicable):</b> Submissions Hearing – Proposed Sale of 658 Mountain Highway, Bayswater	
<b>Time Meeting Commenced:</b> 5:00pm	
<b>Councillors in Attendance:</b>	
Cr Peter Lockwood	
Cr Karin Orpen	
<b>Council Staff in Attendance:</b>	
Angela Mitchell	
<b>Matters Considered:</b>	
Public submissions in relation to the proposed sale of 658 Mountain Highway, Bayswater	

<b>Conflict of Interest Disclosures: Nil</b>		
<b>Councillor's Name</b>	<b>Type of Interest</b>	<b>Councillor Left Assembly While Matter Being Considered</b>

# RECORD OF ASSEMBLY OF COUNCILLORS



(Section 80A Local Government Act)

<b>Date of Assembly:</b> 12/4/2016	
<b>Name of Committee or Group (if applicable):</b>	
Confidential Issues Briefing	
<b>Time Meeting Commenced:</b> 7:17pm	
<b>Councillors in Attendance:</b>	Cr Adam Gill
Cr Tony Holland, Mayor	Cr Karin Orpen
Cr Peter Lockwood	Cr Lisa Cooper
Cr John Mortimore	Cr Darren Pearce
Cr Joe Cossari	Cr Nicole Seymour
<b>Council Staff in Attendance:</b>	Peter Gore (Item 1)
Joanne Truman	Marco D'Amico (Item 1)
Ian Bell	Janine Brown (Item 3)
Angelo Kourambas	Angela Morcos (Item 3)
Kerry Stubbings	Paul Gallagher (Item 3)
Mary-Anne Palatsides	Bill Boomsma (Item 4)
Fleur Cousins	Marianne Mateer (Item 5)
Kath Oakley (Items 1, 2 & 3)	
<b>Matters Considered:</b>	
1. Review of Council's Community Signage on Council Open Space Policy	
2. Sports Clubs and Community Groups Communications and Engagement Approach	
3. Early Years Hubs	
4. Differential Rates	
5. Visual Identity Review	
6. Councillor Media Policy	

<b>Conflict of Interest Disclosures: Nil</b>		
<b>Councillor's Name</b>	<b>Type of Interest</b>	<b>Councillor Left Assembly While Matter Being Considered</b>

# RECORD OF ASSEMBLY OF COUNCILLORS



(Section 80A Local Government Act)

<b>Date of Assembly:</b> 14/4/2016	
<b>Name of Committee or Group (if applicable):</b>	
Issues Briefing	
<b>Time Meeting Commenced:</b> 7:10pm	
<b>Councillors in Attendance:</b>	Cr Karin Orpen
Cr Tony Holland, Mayor	Cr Lisa Cooper
Cr Peter Lockwood	Cr Darren Pearce
Cr Joe Cossari	Cr Nicole Seymour
Cr Adam Gill	
<b>Council Staff in Attendance:</b>	
Joanne Truman	
Angelo Kourambas	
Matt Hanrahan	
Bill Boomsma	
<b>Matters Considered:</b>	
1. Differential Rates	
2. Draft Budget (scoreboards)	

<b>Conflict of Interest Disclosures: Nil</b>		
<b>Councillor's Name</b>	<b>Type of Interest</b>	<b>Councillor Left Assembly While Matter Being Considered</b>

# RECORD OF ASSEMBLY OF COUNCILLORS



(Section 80A Local Government Act)

<b>Date of Assembly:</b> 14/4/2016	
<b>Name of Committee or Group (if applicable):</b> Early Years Advisory Committee	
<b>Time Meeting Commenced:</b> 6:30pm	
<b>Councillors in Attendance:</b>	
Cr Lisa Cooper (from 8:30pm)	
Cr Nicole Seymour (from 8:30pm)	
<b>Council Staff in Attendance:</b>	
Janine Brown	
Angela Morcos	
Dianne Wilson	
<b>Matters Considered:</b>	
1. Update of Australian Early Development Census	
2. Summary of the Royal Commission into Family Violence	
3. Presentation on Child First	

<b>Conflict of Interest Disclosures: Nil</b>		
<b>Councillor's Name</b>	<b>Type of Interest</b>	<b>Councillor Left Assembly While Matter Being Considered</b>

# RECORD OF ASSEMBLY OF COUNCILLORS



(Section 80A Local Government Act)

<b>Date of Assembly:</b> 20/4/2016	
<b>Name of Committee or Group (if applicable):</b> Environment Advisory Committee	
<b>Time Meeting Commenced:</b> 6:30pm	
<b>Councillors in Attendance:</b>	
Cr John Mortimore	
<b>Council Staff in Attendance:</b>	
Angelo Kourambas	
Trish Winterling	
Nadine Gaskell	
Sam Sampanthar	
<b>Matters Considered:</b>	
1. Review of Native Vegetation Net Gain Policy	
2. Biodiversity 2036	
3. Sustainable Water Use Plan Review	
4. Updates from Regional Committee Meetings	
5. Stamford Park Greenstar Communities	
6. Waste Education and Engagement Plan Update	

<b>Conflict of Interest Disclosures: Nil</b>		
<b>Councillor's Name</b>	<b>Type of Interest</b>	<b>Councillor Left Assembly While Matter Being Considered</b>

# RECORD OF ASSEMBLY OF COUNCILLORS



(Section 80A Local Government Act)

<b>Date of Assembly:</b> 26/4/2016	
<b>Name of Committee or Group (if applicable):</b>	
Councillor Briefing	
<b>Time Meeting Commenced:</b> 6:20pm	
<b>Councillors in Attendance:</b>	
Cr Tony Holland, Mayor	Cr Karin Orpen
Cr Peter Lockwood	Cr Darren Pearce
Cr John Mortimore	Cr Nicole Seymour
Cr Adam Gill	
<b>Council Staff in Attendance:</b>	
Ian Bell	Kathy Parton
Angelo Kourambas	Fleur Cousins
Kerry Stubbings	Kath Oakley
Joanne Truman	
<b>Matters Considered:</b>	
1. Local Government (Electoral) Regulations	
2. Early Years Hubs	
3. NDIS Consultation	
4. Confidential Supplementary Item	

<b>Conflict of Interest Disclosures: Nil</b>		
<b>Councillor's Name</b>	<b>Type of Interest</b>	<b>Councillor Left Assembly While Matter Being Considered</b>

# RECORD OF ASSEMBLY OF COUNCILLORS



(Section 80A Local Government Act)

<b>Date of Assembly:</b> 28/4/2016	
<b>Name of Committee or Group (if applicable):</b> Knox Arts and Culture Advisory Committee	
<b>Time Meeting Commenced:</b> 6:30pm	
<b>Councillors in Attendance:</b>	
Cr Peter Lockwood	
<b>Council Staff in Attendance:</b>	
Peter Gore	
Sara Austin	
Susan Tickner	
Kate Dunlop	
<b>Matters Considered:</b>	
1. Topics for Committee Meetings	
2. Update of Bon Scott Event	
3. Artist in Residence Discussion	
4. SLAMs Presentation	
5. Committee Membership	
6. The Locker Room Presentation	

<b>Conflict of Interest Disclosures: Nil</b>		
<b>Councillor's Name</b>	<b>Type of Interest</b>	<b>Councillor Left Assembly While Matter Being Considered</b>



# RECORD OF ASSEMBLY OF COUNCILLORS



(Section 80A Local Government Act)

<b>Date of Assembly:</b> 2/5/2016	
<b>Name of Committee or Group (if applicable):</b> Knox Central Advisory Committee	
<b>Time Meeting Commenced:</b> 6:00pm	
<b>Councillors in Attendance:</b>	
Cr Tony Holland, Mayor	
Cr Peter Lockwood	
Cr Joe Cossari	
Cr Lisa Cooper	
Cr Darren Pearce	
<b>Council Staff in Attendance:</b>	
Ian Bell	
Angelo Kourambas	
Samantha Mazer	
Sarah Lane	
<b>Matters Considered:</b>	
1. Project Update	
2. Sequencing of Program of Work	
3. Knox Central Structure Plan	

<b>Conflict of Interest Disclosures: Nil</b>		
<b>Councillor's Name</b>	<b>Type of Interest</b>	<b>Councillor Left Assembly While Matter Being Considered</b>

# RECORD OF ASSEMBLY OF COUNCILLORS



(Section 80A Local Government Act)

<b>Date of Assembly:</b> 3/5/2016	
<b>Name of Committee or Group (if applicable):</b>	
Issues Briefing	
<b>Time Meeting Commenced:</b> 6:35pm	
<b>Councillors in Attendance:</b>	
Cr Tony Holland, Mayor	Cr Karin Orpen
Cr Peter Lockwood	Cr Lisa Cooper
Cr John Mortimore	Cr Darren Pearce
Cr Joe Cossari	Cr Nicole Seymour
Cr Adam Gill (from 7:52pm)	
<b>Council Staff in Attendance:</b>	
Kerry Stubbings	Tanya Clark (Item 2)
Ian Bell	Jocelyn Fuller (Item 2)
Angelo Kourambas	Nicole Hunter (Item 2)
Joanne Truman	Wendy Roberts (Item 2)
Kathy Parton	Peter Gore (Item 3 & 4)
Fleur Cousins	Marco D'Amico (Item 3 & 4)
Kim Rawlings (Item 1 & 6)	Dale Monk (Item 5)
Kath Oakley (Item 2)	Steve Dickson (Item 6)
Brett Miller (Item 2)	Rebecca Hutchinson (Item 6)
Janine Brown (Item 2)	Susan Thompson (Item 7)
<b>Matters Considered:</b>	
1. Knox Planning Scheme	
2. NDIS Project	
3. Knox Leisureworks – YMCA Contract	
4. Knox Regional Football Centre – Lease	
5. Quarterly Financial Report	
6. Service Planning Year 3 Service Analyses	
7. Community Facilities Planning Policy	

<b>Conflict of Interest Disclosures: Nil</b>		
<b>Councillor's Name</b>	<b>Type of Interest</b>	<b>Councillor Left Assembly While Matter Being Considered</b>

**12. MOTIONS FOR WHICH NOTICE HAS PREVIOUSLY BEEN GIVEN**

Nil.

**13. SUPPLEMENTARY ITEMS**

Nil.

**14. URGENT BUSINESS****14.1 URGENT BUSINESS**

The Victorian State Government through Infrastructure Victoria has released an Options Paper that outlines possible solutions to meet Victoria's infrastructure needs over the short, medium and long term. This includes major transport, education, health, resources and housing.

Infrastructure Victoria are inviting submissions from local government in regard to the Options Paper. Submissions close on Friday 17 June 2016. Given the relatively short timeframe required for submissions and the importance of this issue in regard to the community of Knox, I hereby seek the support of Council to raise a matter of Urgent Business in regard to a submission to Infrastructure Victoria on the Infrastructure Options Paper.

MOVED: CR. LOCKWOOD  
SECONDED: CR. COSSARI

That Cr Lockwood be permitted to raise a matter of Urgent Business in regard to Council making a submission to Infrastructure Victoria on the Infrastructure Options Paper as it cannot be reasonably held over to the next meeting.

CARRIED

**COUNCIL RESOLUTION**

MOVED: CR. LOCKWOOD  
SECONDED: CR. MORTIMORE

1. That Knox City Council makes a submission to Infrastructure Victoria on the Infrastructure Options Paper by the submission close date of Friday 17 June 2016.
2. Invite Infrastructure Victoria to Knox to discuss the methodology used in preparing the Options Paper with Knox and other surrounding Councils.

CARRIED

**14.2 CALL UP ITEMS****14.2.1 CURRENT AND POTENTIAL PLANNING AND BUILDING STANDARDS**

MOVED: CR. GILL  
SECONDED: CR. SEYMOUR

That a report be presented at the July Council Meeting outlining current and potential planning and building standards to promote accessible housing design and ageing in place

CARRIED

**15. QUESTIONS WITHOUT NOTICE**

Cr Lockwood asked the Director of Engineering and Infrastructure how many of the public toilets planned to be installed in the 2015-16 financial year have been completed and how many have had child friendly toilet seats installed?

Dr Ian Bell responded that Fairpark and Studfield have been completed and that Bayswater is underway. Alchester and Wantirna Mall are currently in the consultation phase. All completed and all proposed public toilets will include child friendly seats.

Cr Orpen noted that over the past 5-6 months there has been inconsistency with the amount of information being included around the financial implications of decisions. Cr Orpen asked that all reports are consistent so that Councillors can make an informed and transparent decision.

The Acting Chief Executive Officer, Ms Kerry Stubbings responded that this has been noted and she will endeavour to ensure that information provided to Councillors is more consistent.

**MEETING CLOSED AT 9.34PM**

Minutes of Meeting confirmed at the  
Ordinary Meeting of Council  
held on  
Tuesday 28 June 2016

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Chairperson