



# **KNOX CITY COUNCIL**

# **MINUTES**

Ordinary Meeting of Council

Held at the  
Civic Centre

511 Burwood Highway

Wantirna South

On

Monday 25 June 2018

**KNOX CITY COUNCIL**

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

**ON  
MONDAY 25 JUNE 2018 AT 7.00 P.M.**

**PRESENT:**

<i>Cr J Mortimore (Mayor)</i>	<i>Chandler Ward</i>
<i>Cr P Lockwood</i>	<i>Baird Ward</i>
<i>Cr A Gill (arrived at 7.10pm)</i>	<i>Dinsdale Ward</i>
<i>Cr T Holland</i>	<i>Friberg 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>Mr T Doyle</i>	<i>Chief Executive Officer</i>
<i>Dr I Bell</i>	<i>Director – Engineering &amp; Infrastructure</i>
<i>Ms J Oxley</i>	<i>Director - City Development</i>
<i>Mr D Monk</i>	<i>Acting Director – Corporate Services</i>
<i>Ms K Stubbings</i>	<i>Director – Community Services</i>
<i>Mr R Anania</i>	<i>Governance Advisor</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**

*Councillors Taylor and Keogh have previously been granted Leave of Absence for this meeting.*

**2. DECLARATIONS OF CONFLICT OF INTEREST**

*Nil.*

**3. CONFIRMATION OF MINUTES****COUNCIL RESOLUTION**

**MOVED: CR. PEARCE**  
**SECONDED: CR. LOCKWOOD**

Confirmation of Minutes of Ordinary Meeting of Council held on Monday 28 May 2018.

**CARRIED**

**COUNCIL RESOLUTION**

**MOVED: CR. LOCKWOOD**  
**SECONDED: CR. COOPER**

Confirmation of Minutes of Committee of Council – Local Law Submissions held on Wednesday 30 May 2018.

**CARRIED**

**COUNCIL RESOLUTION**

**MOVED: CR. PEARCE**  
**SECONDED: CR. COOPER**

Confirmation of Minutes of Committee of Council – 2018-2019 Budget Submissions held on Monday 4 June 2018.

**CARRIED**

**4. PETITIONS AND MEMORIALS****4.1 CONDOLENCE MOTION – MARY RADISICH****MOVED: CR. LOCKWOOD****SECONDED: CR. SEYMOUR**

That Council:

1. Record a motion of condolence on the passing of former City of Knox Councillor Mary Radisich;
2. Acknowledge Mary's lifelong passion and commitment to the Knox community and her service as Councillor for the Bayswater – Wantirna Ward between 1988 and 1994;
3. Extend its deepest sympathies to Mary's family upon her passing.

**CARRIED****4.2 CONDOLENCE MOTION – JOHN MCLEOD AFSM****MOVED: CR. MORTIMORE****SECONDED: CR. PEARCE**

That Council:

1. Record a motion of condolence on the passing of John McLeod AFSM;
2. Recognise John's extensive service to the Boronia Fire Brigade and the Victorian Urban Fire Brigade Association where he was heavily involved in firefighting, training of firefighting personnel and overseeing fire-fighting championships throughout Victoria;
3. Extend its deepest sympathies to John's wife, trish, and family upon his passing.

**CARRIED****5. REPORTS BY COUNCILLORS**

- |     |                                   |           |
|-----|-----------------------------------|-----------|
| 5.1 | <i>Committees &amp; Delegates</i> | <b>1.</b> |
| 5.2 | <i>Ward Issues</i>                | <b>1.</b> |

**13. SUPPLEMENTARY ITEMS** 4.

- Dinsdale Ward**
- 13.1 *Bayswater Football Club* 4.

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

- All Wards**
- 6.1 *Report Of Planning Applications Decided Under Delegation (160/1/06)* 27.
- All Wards**
- 6.2 *Knox Planning Scheme Review* 35.
- All Wards**
- 6.3 *Heritage Progressions Within Knox* 45.
- Chandler Ward**
- 6.4 *Proposed Planning Scheme Amendment C171 – Rezoning of 30 Dorrigo Drive, Boronia (Millers Homestead)* 60.

**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). 105.

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

- Tirhatuan and Collier Wards**
- 9.1 *Management of Rowville Recreation Reserve and Wantirna Recreation Reserve* 108.
- All Wards**
- 9.2 *Early Years Advisory Committee – Renewed Term, Appointment of Members and Revised Terms of Reference* 114.
- All Wards**
- 9.3 *Acknowledgement of Traditional Custodians Policy* 137.
- Dinsdale Ward**
- 9.4 *Lease for Tenancy 26, Mountain High Shopping Centre, High Street, Bayswater (Bayswater Library)* 151.
- Friberg, Dobson, Taylor & Tirhatuan Wards**
- 9.5 *Response To Call Up Item - What Is Required To Undertake A Place Based Analysis Of Sporting Facilities And Active Reserves In The Rowville And Lysterfield Area* 155.

- All Wards**
- 9.6      *Response To Call Up Item - What Is Required To Undertake A Sports Demand Analysis For The City Of Knox Across All Sporting Codes*      **159.**

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

- Dobson Ward**
- 10.1      *Proposed Sale of 2A Francis Crescent, Ferntree Gully*      **164.**
- Chandler Ward**
- 10.2      *Naming of Unnamed Reserve at 23 Stewart Street, Boronia as 'Ramon Cowling Bushland Reserve*      **171.**
- All Wards**
- 10.3      *Fraud and Corruption Control Framework 2018*      **176.**
- All Wards**
- 10.4      *Meeting Procedure and Use of Common Seal Local Law 2018*      **192.**
- All Wards**
- 10.5      *Minor Grants Program Applications*      **235.**
- Dobson Ward**
- 10.6      *Lease – 72 Francis Crescent, Ferntree Gully (Illoura House)*      **242.**
- All Wards**
- 10.7      *Annual Budget 2018-19*      **262.**
- All Wards**
- 10.8      *ICT Strategy – Risk Analysis*      **268.**

**11.      ITEMS FOR INFORMATION**

- All Wards**
- 11.1      *Works Report (as at 5 June 2018)*      **281.**
- All Wards**
- 11.2      *Assemblies of Councillors*      **308.**

**12.      MOTIONS FOR WHICH NOTICE HAS PREVIOUSLY BEEN GIVEN**      **313.**

**13.      SUPPLEMENTARY ITEMS**      **313.**

- All Wards**
- 13.2      *Contract No. 2357 – Pruning and General Arboricultural Services*      **313.**

**14. URGENT BUSINESS** **336.**14.1 *Urgent Business* **336.**14.2 *Call Up Items* **336.****15. QUESTIONS WITHOUT NOTICE** **336.****8. CONSIDERING AND ORDERING UPON OFFICERS' REPORTS WITHIN THE ENGINEERING & INFRASTRUCTURE GROUP**

8.1 *Contract No. 2359 – Maintenance of Main Roads, Outer Separators and Other Areas* **337.**

**All Wards**

8.2 *Contract No. 2362 – Maintenance of Reserves, Road Closures and Other Areas* **337.**

**All Wards**

TONY DOYLE  
CHIEF EXECUTIVE OFFICER

Official Minutes of Enniscorthy City Council

**COUNCILLOR GILL ENTERED THE MEETING AT 7.10PM PRIOR TO ITEM 5.1****5. REPORTS BY COUNCILLORS****5.1 Committees & Delegates****5.1.1 COUNCILLOR PETER LOCKWOOD**

Councillor Lockwood attended the following Meetings

- State Basketball Stadium Extension Meeting with State Ministers
- CEO's Performance Evaluation Committee,
- Eastern Affordable Housing Alliance,
- Eastern Regional Libraries Corporation,
- Eastern Transport Coalition,
- Eastern Metro Partnerships Forum
- Refugee Welcome Dinner (Coonara House)
- Meetings with Shadow Ministers
- Tour of Baird Ward with 2 Directors
- World Environment Day, Mint St Wetlands
- Inspiring Women

**5.1.2 COUNCILLOR NICOLE SEYMOUR**

Councillor Seymour attended the following Meetings

- Knox Disability Advisory Committee
- Knox Active Ageing Advisory Committee

**5.1.3 COUNCILLOR DARREN PEARCE**

Councillor Pearce attended the following Meetings

- Submissions Hearing – Annual Budget
- ICT Governance Committee
- Audit Committee
- CEO Performance Evaluation Committee
- Lysterfield Primary School – Special Assembly and Presentation of Award in Memory of Dierdre Loveless, recipient of 2018 Environmentalist of the Year Award
- Taylor Ward tour

**5.1.4 COUNCILLOR JOHN MORTIMORE**

Councillor Mortimore attended the following Meetings

- Leader and Community Newspapers Briefing
- Eastern Region Mayors and Minister for Suburban Development, The Hon. Lily D'Ambrosio MP
- Knox Active Ageing Expo
- Submissions Hearing – Meeting Procedure Local Law
- World Environment Day – Community Planting
- Knox Italian Community Club 30th Anniversary Dinner Dance

- Enabling Women Graduation
- Submissions Hearing – Annual Budget
- Parking Bayswater
- Radio Eastern FM Mayoral Interview
- ICT Governance Committee
- Community Development Fund Evaluation Committee
- Knox Sport and Leisure Awards 2018 presentation
- MAV Metropolitan Eastern Region Meeting
- Bayswater Football Club Representatives
- The Hon. Alan Tudge MP re Henderson Road Bridge
- CEO Performance Evaluation Committee
- Eastern Metropolitan Partnership Annual Assembly
- Community Safety, Health and Wellbeing Advisory Committee
- World Elder Abuse Awareness Day Morning Tea
- The Hon. James Merlino MP, Deputy Premier of Victoria
- Knox Little Athletics Cross Country and Colour Run 2018
- ALGA National General Assembly
- Senator Gavin Marshall
- Stephen Jones MP, Shadow Minister Regional Services, Territories and Local Government
- Senator Don Farrell re Knox Regional Sports Park
- The Basin CFA New Fire Station
- Knox Women's Football
- Chinese Association of Victoria Mid-Year Dinner

## 5.2 Ward Issues

### 5.2.1 COUNCILLOR NICOLE SEYMOUR (TIRHATUAN WARD)

- Councillor Seymour acknowledged the achievement of Lisa Walsh, who played her 200<sup>th</sup> game with the Knox Falcons Football club over the weekend. Cr Seymour stated that she has watched Lisa blossom as a leader over the past 6.5 years and that, when Lisa first started, it was tough for the team to get use of the grounds at Carrington Park. Cr Seymour commended the passion and commitment that Lisa has for the sport and noted that she is an inspirational role for women's football in Knox.
- Councillor Seymour advised that she MC'd the Enabling Women in Leadership Graduation Ceremony. The leadership program is open to women with disabilities who live, work or play in the local area. Cr Seymour noted that it was a very humbling event where she was able to hear the stories of 14 women with physical or mental disabilities. Cr Seymour stated that she was really proud of Council's role in this program and how it was enabling and encouraging such women to take small steps forward and providing hope. Cr Seymour concluded by stating that the Disability Advisory Committee will be recommending more of these courses be supported by Council in the next coming years.

- Councillor Seymour notified the gallery of the upcoming 2018 Rowville Lakes Free Family Fishing Day hosted by the Knox Boat Fishing Club. Cr Seymour noted that this is a hugely popular event supporting responsible angling. Knox Boat Fishing club members are available on the day to educate people on how to fish and provide all the required equipment.

#### **5.2.2 COUNCILLOR PETER LOCKWOOD (BAIRD WARD)**

- Councillor Lockwood noted he had been contacted by numerous residents regarding a piece of unkept Council owned land near the Boronia railway station and requested that officers investigate and take appropriate maintenance works.
- Councillor Lockwood discussed the honour boards located in the foyer of the Civic Centre and noted the presence of female Councillors. The previous Shire of Ferntree Gully had one of the first women elected councillors, Councillor Violet Lambert, who went on to represent her community for 28 years. Further, Cr Lambert helped found the Australian Local Government Women's Association. Cr Lockwood noted that, although slightly sparse, the municipality has a good history of having strong women represented on Council.

#### **5.2.3 COUNCILLOR JOHN MORTIMORE (CHANDLER WARD)**

- Councillor Mortimore discussed his recent inspection of the new purpose- built Basin Community House facility with The Honourable James Merlino, Councillor Lockwood and the principal of the Basin Primary School. Cr Mortimore concluded that it was wonderful to see a project come together so rapidly and efficiently with numerous stakeholders working together.

**PROCEDURAL MOTION**

MOVED: CR. PEARCE

SECONDED: CR. GILL

That the meeting now consider Council report No. 13.1 as the first Council report, before reverting to the listed agenda.

CARRIED

**DINSDALE WARD****13.1 BAYSWATER FOOTBALL CLUB**

**SUMMARY:** *Manager – Youth, Leisure & Cultural Services (Peter Gore)*

*This report provides information on a social event hosted by the Bayswater Football Club on Saturday, 19 May 2018. It recommends actions aimed at improving Club culture, player conduct and reinforcing Council's Community & Council Plan objectives, policy and the terms of Council's Seasonal Tenancy Agreement.*

*The recommendations have been developed to ensure sporting clubs understand and meet their responsibility as tenants of Council facilities including ensuring that club members' conduct and behaviour is consistent with Council and community expectations.*

**RECOMMENDATION**

That Council:

1. Write to the Bayswater Football Club and advise them of the following:
  - 1.1 Council's disappointment and dissatisfaction with the social event involving a female entertainer at the Bayswater Football Club on Saturday, 19 May 2018 and requests that the President, Committee members and Senior Club Captain make a formal apology to the full Council and Knox community at an Ordinary Meeting of Council.
  - 1.2 That the Club accept a two week home game suspension at Bayswater Oval as a sanction with dates to be agreed to with Council officers.
  - 1.3 That the Club notes Council's resolute commitment to gender equity and respect for women and requires the Bayswater Football Club to:
    - Have a new Gender Equity Audit (see Appendix A) undertaken by an independent expert with Council agreement;

- Develop an action plan based on the independent audit outlining the Club's approach to promoting respect and equality;
  - Present the audit review and action plan prior to the end of the 2018 season.
- 1.4 That Council requires the Club to undertake the following:
- Host an event for younger children to introduce the concepts of respect, equality, gender stereotypes and harmful definitions of masculinity;
  - Develop an internal communications policy to promote principles of good governance, transparency and accountability; and
  - Develop a social media policy that governs appropriate usage and content – the Policy is to reflect principles of good governance, and ensures content is consistent with responsible consumption of alcohol and best practice in gender equality.
- 1.5 Informs the Club that failure to accept all of the above actions will result in refusal of seasonal tenancy to Bayswater Football Club for the 2019 Winter season.
- 1.6 Requests the Club to offer mental health and wellbeing support to officials or players who may be emotionally affected in the aftermath of this issue.
- 1.7 That Council will support genuine efforts by the Club to improve its culture.
2. Write to the Eastern Football League expressing disappointment in the lack of communication with Council on the unacceptable social event delivered by Bayswater Football Club on Saturday 19 May 2018 and request that a memorandum of understanding be jointly developed which details future expectations, roles and responsibilities between the Eastern Football League and Knox City Council as it relates to football competition in the Knox municipality.
3. Resolves that all Knox Sporting Clubs be required to undertake mandatory gender equity and Child Safe Training from a suitably qualified service provider prior to the commencement of the 2018-19 season and that this will be required as a condition of Council's revised Seasonal Tenancy Agreement.
4. Request the Chief Executive Officer to:
- 4.1 Impose Level 3 of the Breach of Tenancy Agreement for Sporting Clubs Policy (see Appendix B) on Bayswater Football Club.

- 4.2 Review and amend the seasonal tenancy agreement for Knox sport and leisure groups to incorporate a cancellation clause and to clearly articulate expected roles and responsibility of clubs on standards of behaviour for respect for women, responsible serving of alcohol and social behaviour of members, and conduct a review of the Breach of Tenancy Agreement for Sporting Clubs Policy to strengthen expectations on conduct in these areas.
- 4.3 Include provision for a once-off allocation of a \$33,000 to support a temporary 0.4 EFT in the 2018-2019 Budget to undertake the policy and licence reviews as outlined above.
- 4.4 Write to all Knox seasonal sport and leisure groups to advise them of the changes within future Seasonal Tenancy Agreements and the adopted changes to the Breach of Tenancy Agreement for Sporting Clubs Policy.

## **1. INTRODUCTION**

Knox City Council provides facilities to AFL Clubs for use of Council owned or managed facilities through seasonal tenancy agreements.

Knox City Council has a seasonal tenancy agreement with the Bayswater Football Club for use of the Bayswater Oval for the Winter 2018 season. The Club have used this facility for over 100 years.

### **1.1 The Event**

At a meeting held between senior Bayswater Club officials, the Knox City Council Mayor and senior Council officers on Thursday 7 June 2018 it was established that:

- A social event involving a female entertainer was held by the Bayswater Football Club on Saturday, 19 May 2018.
- The event was organised by senior players of the Club and included a celebration of a 200 milestone game.
- Up to 40 senior Club members and under 19 players were in attendance, the youngest player in attendance was 17 years of age.
- The decision to hire a female entertainer was made by the players on the night. The entertainer was paid for by the players who contributed money.
- Two Committee members were present during the evening.
- The event involved significant consumption of alcohol.
- Entertainment on the night resulted in the objectification of female performers for the enjoyment of others.
- The President found out about the event via a phone call from the Eastern Football League (EFL) on Friday 25 May 2018.

- The Club executive convened a meeting on Monday 28 May 2018.
- Club executive members met with the EFL Board on Monday 4 June 2018.
- This event did not involve members of the Bayswater Junior Football Club or Bayswater Women's Football Club.

The Club's role in the event is at variance with:

- Key goals of the Community and Council Plan 2017-2021, particularly as they relate to promoting health, wellbeing, equity and safety - see section 7 below.
- The recommendations of the recent 'Our Codes Our Clubs' project - 'Changing the story to promote gender equity together' – a joint research project with Knox City Council, Maroondah Council and Yarra Ranges Council identifying the practical actions sporting clubs can undertake to promote and normalise gender equality within their clubs.
- Recommendations from the Royal Commission into Family Violence.
- Council's newly funded Leading Teams program which aims to strengthen the ability of junior and senior sporting clubs to foster a culture where positive social behaviours and norms are modelled.

## **2. DISCUSSION**

### **2.1 Knox Breach of Tenancy Agreement for Sporting Clubs Policy**

The Breach of Tenancy Agreement for Sporting Clubs Policy was introduced in 2013 as a response to issues arising from seasonal sporting clubs.

The policy was designed to ensure a fair and transparent system with regard to breaches of tenancy agreements and act as a deterrent to poor relations between occupants of Council's facilities and nearby residents and to reduce alcohol and poor behavioural conduct by user groups.

Council officers have referred to the Breach of Tenancy Agreement for Sporting Clubs Policy and classified the breach as a Level 3. As this is the Club's first breach this year three points are applied which result in no penalty. Penalties are applied from five points and above. A loss of tenancy is considered when a club has 20 plus points.

The Bayswater Football Club has had four Policy breaches since the Policy's introduction in 2013:

- August 2013 – inappropriate storage at a Council facility.
- May 2014 – noise concerns raised by nearby residents.
- April 2015 – inappropriate signage on display (in breach of Council's signage policy).

- July 2015 – unauthorised usage of a Council facility (exceeding hours of tenancy).

The event of 19 May 2018 is more serious in nature and requires a considered and commensurate mix of interventions to promote a strong organisational culture encompassing values and behaviours consistent with Council and community expectations.

Council's Breach of Tenancy Policy in this instance fails to adequately respond to community expectations and standards and this will be revised in a review of the Policy scheduled for 2018-19.

## **2.2 Legal Advice**

Legal advice regarding this matter was obtained and is provided as Confidential Appendix C.

## **2.3 Reporting Requirements**

Council has an obligation to provide notification on issues such as this and respond to legislative requirements. In this case, the standards include Victoria's Legislative Child Safe Standards and the Crimes Act.

### **Victoria's Legislated Child Safe Standards ('the Standards')**

The Standards are legal obligations introduced in 2016 which apply to football clubs and many other organisations, including Councils. The legislation covers children from 0-18 years of age.

Under the Standards, concerns about football clubs should be reported to the Commission for Children & Young People ('the Commission'). In relation to this matter, a report in the form of a public notification should be made to the Commission. The Commission can request information and use a range of enforcement powers. See: <https://ccyp.vic.gov.au/child-safety/being-a-child-safe-organisation/the-child-safe-standards/our-powers/>. Council officers have made a report on this incident as a public notification in accordance with its legislative requirements.

## **2.4 Club Actions**

In the wake of this event hosted by the Bayswater Football Club the President and Committee on behalf of the Club have:

- Issued a statement regretting the fact that under age children were present.
- Altered Club policy for future events to accommodate a strict over 18 policy, unless in the company of a parent or guardian.
- Met with the U19 player group on 5 June 2018 to discuss the EFL proposed sanctions.

- Agreed to undertake training on the prevention of violence against women in partnership with the Eastern Domestic Violence Service (EDVOS).
- Have all senior players purchase a pink jumper for a recent game at \$80.00 which will be donated to a charity (supporting the Cancer Council's Pink Ribbon initiative).
- Have all senior players volunteer time with the Junior Football Club.

The EFL on 5 June 2018 sent a letter to the Bayswater Football Club (see Appendix D) stating that the 'conduct of the players falls under the category of bringing your club, the game and league into disrepute' and holds the player group responsible. The EFL suggested that the Bayswater Football Club Committee impose four key penalties on the player group:

- A fine paid by the playing group out of match payments of a minimum \$3,500. This fine is to be donated to a charity of the Club's choice, but recommend EDVOS, a family violence service for women and children based in Melbourne's East.
- A suspension or some other form of appropriate penalty (volunteer at junior club, community charity work, etc) for the players who went expressly against the Committee's wishes and organised the entertainment.
- The senior playing group to have an education session on Respect and Equality to be run by SALT (Sport & Life Training), at cost to the players.
- An apology from the players to the Bayswater JFC for the effect this decision will have on them after the huge amount of work they have done in building the junior Club's reputation over the last few years, of which this association will now impact.

Bayswater Football Club has advised that it has agreed to execute these sanctions, other than the suspension of players.

## **2.5 Club Development Program**

Council's funded Club Development Program can provide support to clubs to develop their operations and culture. The Program can be used to support clubs to undertake their own training programs for players and officials in the critical areas of gender equity and Child Safe Standards. It is strongly recommended that clubs use independent and suitably qualified service providers to undertake such training (e.g. EACH or Women's Health East). Such training will be an additional requirement for clubs as part of next year's seasonal tenancy agreements with Council.

It is important also to note that strong positive cultures in clubs are required and should support a diverse range of community members (eg. CALD, disability).

Council is in the final stages of piloting an In Club Education Program (SALT) consisting of workshops delivered directly to members of three sporting clubs within the Knox community. The pilot has been conducted over this year to address a range of social issues including (but not limited to) drug and alcohol abuse, gender equity, mental health and inclusion. Due to the success of the pilot program to date, the In Club Education Program will be considered for continuation with an opportunity for all Knox clubs to participate.

## **2.6 Social Media**

A review of the Club's social media platforms (e.g. website, Facebook) identified some poor messaging which is not consistent with gender respect and best practice. It has been noted that some event posts have focused on promoting alcohol consumption and/or avoiding random breath testing facilities. This is not consistent with a club promoting a strong culture of acceptable social behaviour consistent with Council and community expectations. It is noted that the Club has since removed the inappropriate social media posts. It is recommended that the Club review its social media policy and content.

## **3. CONSULTATION**

The Mayor, CEO and senior Council officers met with the President, Mr Garry Galvin, Secretary, Mr Sean Brady, and Senior Club Captain, Mr Joel Galvin, on 7 June 2018. The Club tabled documents supportive of the culture at the Club (see Confidential Appendix E).

Council staff contacted the President of the EFL, Mr Phil Murton, on 5 June 2018 to discuss this matter and the EFL's advice to the Club in their letter dated 5 June 2018.

In discussions on Thursday, 14 June 2018 with EFL, it was agreed that an offer of the AFL chaplaincy service would be provided to support the Club players and officials.

The report content has been reviewed by Council's Manager Governance and officer input sought from Council's Community Wellbeing, City Safety and Health and Property Management departments.

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

There are no environmental implications associated with this report.

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

In order to implement recommendations contained within this report, particularly the urgent review of all Council's Leases and Licences for Knox sporting and leisure clubs. Additional resourcing is required. It is estimated that 0.4EFT is required for a three month period (this is approximately \$32,877). It is also recommended that this work be aligned with a review of the Breach of Tenancy Agreement of Sporting Clubs Policy.

## **6. SOCIAL IMPLICATIONS**

The 2015 national framework 'Change the Story: A shared framework for the primary prevention of violence against women and their children in Australia' provides an evidence-based approach and conceptual model for action for the primary prevention of violence against women. The framework articulates the link between gendered violence and gender inequality.

The link between men's violence against women and gender inequality is formidable and evidence based, requiring fundamental changes to the social contexts and cultures that enable the gendered drivers of inequality and violence against women to thrive.

A focus on gender equality will:

- Prevent violence against women and girls.
- Provide economic and social benefits.
- Reduce the costs of gender inequality for individuals, communities and businesses.
- Provide a fairer system and uphold human rights.
- Increase organisational/club performance.
- Enhance the ability to attract and retain employees, members, players.
- Enhance an organisations/clubs reputation.

Knox City Council supports gender equity in the workplace and is a Member of the Municipal Association of Victoria's Prevention of Violence against Women and Gender Equity Network and Action Plan 2017-2020, a member of Women's Health East and the Eastern Metropolitan Region's Regional Family Violence Partnership (EMR RFVP) and the 'Together for Equality and Respect' (TFER) project.

Knox City Council is in a position to influence the community through policy and action. As custodians of community facilities Council has an obligation to ensure all users provide equal access, inclusion and opportunities and treat people with respect and dignity.

## **7. RELEVANCE TO KNOX COMMUNITY AND COUNCIL PLAN 2017-2021**

The Community and Council Plan 2017-2021 includes three goals particularly pertinent:

- Goal 4 – We are safe and secure.
- Goal 6 – We are healthy, happy and well.
- Goal 7 – We are inclusive, feel a sense of belonging and value our identity.

Other relevant plans include the Community Access and Equity Implementation Plan (2017-2022) which makes explicit statements of commitment regarding Council's role in the recognition of diversity and the redress of discrimination and disadvantage.

## **8. CONFLICT OF INTEREST**

Under section 80c of the Local Government Act 1989 officers providing advice to Council must disclose any interests, including the type of interest.

Officer Responsible – (Peter Gore, Manager Youth Leisure & Cultural Services)  
- In providing this advice as the Officer Responsible, I have no disclosable interests in this report.

Author – (Kerry Irwin) - In providing this advice as the Author, I have no disclosable interests in this report.

## **9. CONCLUSION**

A comprehensive mix of interventions are recommended to ensure the Bayswater Football Club is held accountable for the events of 19 May 2018. It is proposed that the focus on education will build understanding of gender equity and prevention of violence against women to ensure the long term ongoing success of the Club, players, members, Council and the community.

## **10. CONFIDENTIALITY**

Appendices A, C and E are declared confidential as a matter which may prejudice the Council or any other person.

### **COUNCIL RESOLUTION**

**MOVED: CR. GILL**  
**SECONDED: CR. PEARCE**

**That Council:**

- 1. Write to the Bayswater Football Club and advise them of the following:**
  - 1.1 Council's disappointment and dissatisfaction with the social event involving a female entertainer at the Bayswater Football Club on Saturday, 19 May 2018 and requests that the President, Committee members and Senior Club Captain make a formal apology to the full Council and Knox community at an Ordinary Meeting of Council.**
  - 1.2 That the Club accept a two week home game suspension at Bayswater Oval as a sanction with dates to be agreed to with Council officers or the senior players forfeit two (2) weeks match payments and the proceeds to be handed over to an appropriate charity by the Senior**

**Captain at the Civic Centre at an agreed time; and the club will choose which sanction is to apply.**

- 1.3 That the Club notes Council's resolute commitment to gender equity and respect for women and requires the Bayswater Football Club to:**
- **Have a new Gender Equity Audit (see Appendix A) undertaken by an independent expert with Council agreement;**
  - **Develop an action plan based on the independent audit outlining the Club's approach to promoting respect and equality;**
  - **Present the audit review and action plan prior to the end of the 2018 season.**
- 1.4 That Council requires the Club to undertake the following:**
- **Host an event for younger children to introduce the concepts of respect, equality, gender stereotypes and harmful definitions of masculinity;**
  - **Develop an internal communications policy to promote principles of good governance, transparency and accountability; and**
  - **Develop a social media policy that governs appropriate usage and content – the Policy is to reflect principles of good governance, and ensures content is consistent with responsible consumption of alcohol and best practice in gender equality.**
- 1.5 Informs the Club that failure to accept all of the above actions will result in refusal of seasonal tenancy to Bayswater Football Club for the 2019 Winter season.**
- 1.6 Requests the Club to offer mental health and wellbeing support to officials or players who may be emotionally affected in the aftermath of this issue.**
- 1.7 That Council will support genuine efforts by the Club to improve its culture.**
- 2. Write to the Eastern Football League expressing disappointment in the lack of communication with Council on the unacceptable social event delivered by Bayswater Football Club on Saturday 19 May 2018 and request that a memorandum of understanding be jointly developed which details future expectations, roles and responsibilities between**

the Eastern Football League and Knox City Council as it relates to football competition in the Knox municipality.

3. Resolves that all Knox Sporting Clubs be required to undertake mandatory gender equity and Child Safe Training from a suitably qualified service provider prior to the commencement of the 2018-19 season and that this will be required as a condition of Council's revised Seasonal Tenancy Agreement.
4. Request the Chief Executive Officer to:
  - 4.1 Impose Level 3 of the Breach of Tenancy Agreement for Sporting Clubs Policy (see Appendix B) on Bayswater Football Club.
  - 4.2 Review and amend the seasonal tenancy agreement for Knox sport and leisure groups to incorporate a cancellation clause and to clearly articulate expected roles and responsibility of clubs on standards of behaviour for respect for women, responsible serving of alcohol and social behaviour of members, and conduct a review of the Breach of Tenancy Agreement for Sporting Clubs Policy to strengthen expectations on conduct in these areas.
  - 4.3 Include provision for a once-off allocation of a \$33,000 to support a temporary 0.4 EFT in the 2018-2019 Budget to undertake the policy and licence reviews as outlined above.
  - 4.4 Write to all Knox seasonal sport and leisure groups to advise them of the changes within future Seasonal Tenancy Agreements and the adopted changes to the Breach of Tenancy Agreement for Sporting Clubs Policy.

**CARRIED**

**13.1 BAYSWATER FOOTBALL CLUB**

**Confidential Appendix A – Gender Equity Audit has been circulated under separate cover**

Official Minutes of Knox City Council

# KNOX POLICY



## BREACH OF TENANCY AGREEMENT FOR SPORTING CLUBS

<b>Policy Number:</b>	2012/29	<b>Directorate:</b>	Community Services
<b>Approval by:</b>	Council	<b>Responsible Officer:</b>	Team Leader Leisure Development
<b>Approval Date:</b>	23 June 2015	<b>Version Number:</b>	2
<b>Review Date:</b>	2018/19		

### 1. PURPOSE

This policy provides a clear and consistent process for Council to ensure sporting clubs understand and meet their responsibilities as tenants of Council sporting facilities, whilst assisting with the management of sporting clubs that breach their seasonal/annual tenancy agreement. It will also help assist in limiting the impact these breaches have on both Council, its officers and its residents. The types of matters covered by this policy include, but are not limited to, public disturbances, damage to Council property and additional costs incurred by Council.

In addition, this policy will help ensure all sporting clubs behave in a manner consistent with Council's Good Neighbour Guidelines and the Good Sports Program.

### 2. CONTEXT

Historically Council officers have issued a breach of tenancy notification to a sporting club when a breach of its seasonal/annual tenancy agreement has occurred. This notification, in the form of a letter, requires the sporting club to respond in writing within seven days, highlighting how it plans to address the breach, as well as highlighting the measures put in place to ensure the breach doesn't occur in the future.

### 3. SCOPE

This policy applies to all sporting clubs within the City of Knox which are placed on seasonal/annual tenancy agreements when utilising Council's assets. This includes, but is not limited to, sports fields, sports pavilions, tennis courts and netball courts.

This policy will not apply to sporting clubs and associations placed on long-term lease and license agreements.

## 4. REFERENCES

### 4.1 **Council Plan 2013 to 2017**

- Healthy, Connected Communities
- Culturally Rich and Active Communities
- Democratic and Engaged Communities

### 4.2 **Relevant Legislation**

- Liquor Control Reform Act 1998
- Local Government Act 1989 – Conflict and Interest Provisions

### 4.3 **Charter of Human Rights**

- This policy has been assessed against and complies with the charter of Human Rights.

### 4.4 **Related Council Policies**

- Advertising, Sponsorship and Promotional Signs on Council Land
- Sporting Reserve Facility Usage
- Sporting Reserve & Facility Development Guidelines
- Casual Use of Active Reserve

### 4.5 **Related Council Documents**

- Seasonal/Annual Tenancy Agreement
- Seasonal Changeover Guidelines
- Fees & Charges

### 4.6 **Related Council Plans**

- Knox Leisure Plan 2014-19
- Community Safety Plan 2013-17
- Knox Community Health & Wellbeing Strategy 2013-17
- Open Space Asset Management Plan
- Open Space Plan 2012-22

## 5. DEFINITIONS

<b>Breach of Tenancy</b>	An action executed by the sporting club which is in breach of its seasonal/annual tenancy agreement.
<b>Community Group</b>	A legal entity that provides services, support or activities to the Knox community under a sub-let arrangement with a sporting club.
<b>Council</b>	Knox City Council, whether constituted before or after the commencement of this Policy.
<b>Council's Leisure Facilities</b>	Facilities managed by Knox City Council, including sports fields, courts and pavilions.
<b>Good Neighbour Guidelines</b>	The guidelines developed to encourage good relations between occupants of Council facilities and nearby residents.

<b>Good Sports Program</b>	An initiative by the Australian Drug Foundation to develop safer and healthier communities. The program helps sporting clubs manage alcohol responsibly and reduce alcohol related problems.
<b>Seasonal/Annual Tenancy Agreement</b>	An agreement which outlines the roles and responsibilities of each respective sporting club which utilises a Council facility.
<b>Seasonal/Annual Tenancy Fee</b>	Is a figure charged by Council on a seasonal/annual basis to cover costs associated with maintenance works. The total figure consists of three elements – sportsfield fees, pavilion fees and team fees.
<b>Sporting Club</b>	Any sporting club which enters into a Seasonal/Annual Tenancy Agreement with Council.

## 6. COUNCIL POLICY

### 6.1 Process

To ensure a fair and transparent system with regard to potential breaches of tenancy agreements, the following process will be implemented when a potential breach of a Seasonal/Annual Tenancy Agreement has occurred;

1. Council's Leisure Services Officer will assess the claimed breach using the matrix shown at Section 6.2 of this Policy. A breach level will be established where appropriate.
2. Upon the assessment being completed by the Leisure Services Officer, Council's Coordinator Leisure Services will review this prior to notifying the club.
3. The club will be notified in writing of the assessment outcome and given an opportunity to respond in writing within seven days.
4. If the club wishes to appeal the breach level decision made by the Leisure Services Officer, a review panel consisting of three Council Officers will be assembled to review and re-assess the breach. This panel will be chaired by the either Director Community Services or Manager – Youth, Leisure & Cultural Services, will include a minimum of one other Director or Manager and will not include any officers who were involved in the original decision making process. All matters associated with potential apprehended bias must be considered in forming any review panel.
5. The club will have an opportunity to send a nominated Club Executive Committee Member to present to the review panel, in order to provide the club's version of events.
6. The club will be notified of the outcome of the appeal.

### 6.2 Classifying the Breach

If a sporting club, in accordance with the process outlined at Section 6.1, is found to have breached its seasonal/annual tenancy agreement, the breach will be classified into a category which reflects the level of severity of the breach. These levels will range from minor breaches (Level 1) to severe breaches (Level 5).

Examples of actions which can be classified as a breach, and their corresponding levels, can be found in Attachment 1.

These potential breaches have been allocated their corresponding level by using a matrix which factors in two key elements:

- The impact on Knox City Council and its residents (i.e. disturbances, reputation etc).
- The financial cost to Knox City Council (i.e. cost to rectify the impact of the breach).

		Impact on Council & Residents		
		Low	Medium	High
Financial cost to Council	Low	Level 1	Level 2	Level 3
	Medium	Level 2	Level 3	Level 4
	High	Level 3	Level 4	Level 5

### 6.3 Points System

Once the breach has been categorised, points will be allocated by using a matrix which factors in two key elements:

- The number of breaches during the previous 12 months.
- The level of breach as assessed under clause 6.2.

		Breach Level				
		1	2	3	4	5
Breach Number over the preceding 12 month period	1	1 Point	2 Points	3 Points	4 Points	5 Points
	2	2 Points	4 Points	6 Points	8 Points	10 Points
	3	3 Points	6 Points	9 Points	12 Points	15 Points
	4	4 Points	8 Points	12 Points	16 Points	20 Points
	5	5 Points	10 Points	15 Points	20 Points	25 Points

The points for each separate breach will be recorded and a cumulative rolling total will be kept. The points attributed to each separate breach will expire after 12 months and the cumulative rolling total will be adjusted accordingly. For example;

- 02/12/2014 Breach (2 points, expires in 12 months)
- 14/01/2015 Breach (2 points, expires in 12 months – 4 points cumulative)
- 09/03/2015 Breach (3 points, expires in 12 months – 7 points cumulative)
- 02/12/2015 Points adjusted (5 points cumulative)
- 14/01/2015 Points adjusted (3 points cumulative)
- 09/03/2015 Points adjusted (0 points cumulative)

This practice ensures that clubs which improve their behaviour as a result of a change in committee members, for example, will not continue to be penalised for prior mistakes beyond their control.

Examples of how breaches are classified and the points attributed to the breach are set out at Attachment 2 of this policy.

## 6.4 Penalties

The table below provides the penalties to be applied should a sporting club accumulate the following points:

<b>Points System</b>	
5 Points - 9 Points	Meeting with the club and requirement of a bond totalling 10% of their seasonal tenancy fees issued by Council. This bond will be returned to the club at the time in which its cumulative points total drops below five points. The club's respective Ward Councillor will also be invited to attend.
10 Points - 14 Points	Loss of bond and reported to the club's respective governing body and various other sport and recreation bodies (i.e. AFL Victoria, Good Sports, Liquor Licensing Victoria, VicSport etc).
15 Points - 19 Points	Ineligible for funding opportunities through Council for the next 12 month period (i.e. Sport & Recreation Victoria, Minor Grants, Community Grants etc).
20 Points or Greater	Review of Seasonal/Annual Tenancy – This may include one or more of the conditions outlined in Section 6.4.2 of this Policy.

\* Note: Should a club progress into a new penalty category, the penalties applied at all previous levels will still remain.

### 6.4.1 Bond Figure

Council acknowledges that the bond figure would affect each separate club in a unique way, with some larger clubs being able to cover a nominated amount much easier than a smaller club would be able to. As such, the bond figure applied will represent 10% of the offending club's seasonal/annual tenancy fee (excluding fees associated with turf wickets). For example:

- Club A, a large football club with in excess of 400 members, has a seasonal tenancy fee of \$8,500. Should it be required, the bond figure applied would be \$850.
- Club B, a small netball club with less than 50 members, has a seasonal tenancy fee of \$1,200. Should it be required, the bond figure applied would be \$120.

Should this formula result in an amount below \$100, a minimum bond amount of \$100 will be applied.

#### **6.4.2 Review of Seasonal/Annual Tenancy**

A review of a club's seasonal/annual tenancy will consist of the introduction of one or more of the following conditions:

- An additional bond of \$1,500 being required.
- Usage of Council facilities being restricted to only match and training needs, therefore excluding facility use for social functions.
- Removal of access to Council facilities for pre-season training.
- Introduction of a good behaviour contract for the following tenancy period, where any breach may evoke a loss of bond or see the club ineligible for funding opportunities for an additional 24 months. Should the bond be revoked due to a breach involving damage to a Council facility, the bond will not act as a club contribution towards the costs to rectify the issue.
- Loss of tenancy and loss of access to all Council facilities.

## ATTACHMENT 1

### Breach of Seasonal/Annual Tenancy Agreement Examples

- Late submission of Seasonal/Annual Tenancy Application
- Late submission of Seasonal Changeover Checklist
- Gambling within Council facilities
- Smoking within Council facilities
- Breach of Liquor Licence Agreement
- Sub-letting Council facilities without Council approval
- Failure to 'Test & Tag' electrical equipment
- Failure to adequately clean Council facilities
- Inappropriate storage of equipment within Council facilities
- Unapproved usage of Council facilities
- Displaying of non-conforming signage
- Exceeding pavilion hours of use
- Excessive litter surrounding Council facilities
- Late payment of seasonal/annual tenancy fees
- Unapproved works to a Council facility
- Changing locks within a Council facility without prior approval

## ATTACHMENT 2

### Examples – Breach of Seasonal/Annual Tenancy Agreement

#### First Breach

*Incident:* Club A has applied to Council, requesting to hold an exhibition match which falls outside their allocated reserve usage times. The request is denied due to the fact a different sporting club (Club B) has been allocated use of the reserve at this time. Despite Club A's request being denied they proceed to hold the exhibition match, which severely interrupts Club B's usage of the reserve.

*Classification:* A breach has occurred on the grounds of unapproved usage of Council facilities. The breach is deemed to have a low financial cost to Council and a medium impact on residents due to the amount of players affected from Club B. After referring to the matrix outlined in Section 6.2 of the Policy, this incident is deemed to be a Level 2 breach.

*Penalty:* 2 Points – Level 2 / First Breach

*Action:* A breach of tenancy notification is sent to Club A. The club is informed of the two penalty points associated with this breach and are reminded of their responsibilities as tenants under their tenancy agreement. The club is also advised of the processes in place should further points be accumulated.

#### Second Breach

*Incident:* Numerous residents contact Council on a Monday morning, expressing their concern that a sporting club is still partying after their Grand Final on the weekend prior. The club members are partaking in activities which are disturbing local residents and the police have been called to attend. Following an investigation, the claims are found to be correct and involve Club A.

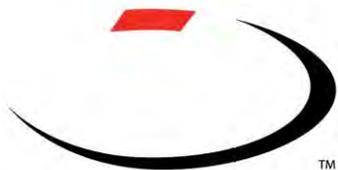
*Classification:* A breach has occurred on the grounds of exceeding pavilion hours of use. The breach is deemed to have a low financial cost to Council and a high impact on residents due to the amount of residents affected. After referring to the matrix outlined in Section 6.2 of the policy, this incident is deemed to be a Level 3 breach.

*Penalty:* 6 Points – Level 3 / Second Breach

*Action:* A breach of tenancy notification is sent to Club A. The club is informed of the six penalty points associated with this breach and are reminded of their responsibilities as tenants under their tenancy agreement. The club is informed that they now have a cumulative total of eight points, consisting of two points and six points from each respective breach. As such, they are required to pay a bond which is consistent with the figure as determined in Section 6.4.1 of this policy. The club is again advised of the processes in place should further points be accumulated.

**13.1 BAYSWATER FOOTBALL CLUB****Confidential Appendix C – Legal Advice has been circulated under separate cover**

Official Minutes of Knox City Council



EASTERN FOOTBALL LEAGUE INC

A.B.N.: 30 466 151 731  
256 Scoresby Road  
Boronia Victoria 3155  
Tel: (03) 9762 5766  
Fax: (03) 9761 1315  
Web: [www.efl.org.au](http://www.efl.org.au)

Tuesday 5<sup>th</sup> June 2018

Gary Galvin  
President  
Bayswater FC  
c/- [bayswater@efl.org.au](mailto:bayswater@efl.org.au)

Dear Gary,

The circumstances surrounding the incident that took place at the Bayswater Football Club on Saturday May 19 were discussed at the Board Meeting of Monday June 4, 2018.

The conduct of the players falls under the category of bringing your club, the game and league into disrepute. The players need to be made fully aware of the damage their actions have caused and the strain it has put on key relationships of your club including the junior club, sponsors, members, your women's football team, the league and Council.

As such, a range of penalties is appropriate in this instance. Given the players acted against the express wishes of the Committee, the Board expect the committee to impose a range of penalties commensurate with the distress which this has caused. The expectation of the Board is that the penalties should include:

1. A fine paid by the playing group out of match payments of a minimum \$3,500. This fine is to be donated to a charity of the club's choice, but we'd recommend EDVOS, a family violence service for women and children based in Melbourne's East.
2. A suspension or some other form of appropriate penalty (volunteer at junior club, community charity work, etc) for the players who went expressly against the Committee's wishes and organised the entertainment.
3. The senior playing group to have an education session on Respect and Equality to be run by SALT (Sport & Life Training), at cost to the players.
4. An apology from the players to the Bayswater JFC for the effect this decision will have on them after the huge amount of work they have done in building the junior club's reputation over the last few years, of which this association will now impact.

We understand you are meeting the playing group tonight to outline the penalties involved. Please update us on the final decision of the club's in regard to these penalties.

Please call should you have any questions

Regards,

Phil Murton  
Chief Executive Officer

**13.1 BAYSWATER FOOTBALL CLUB**

**Confidential Appendix E – Correspondence from the Club has been circulated under separate cover**

Official Minutes of Knox City Council

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

**SUMMARY:** *Manager – City Planning & Building (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 May to 31 May 2018) be noted.

**REPORT**

Details of planning applications decided under delegation from 1 May to 31 May 2018 are attached. The applications are summarised as follows:

<b>Application Type</b>	<b>No</b>
Building & Works: Residential	5
Other	5
Subdivision	19
Units	35
Tree Removal/Pruning	12
Change of Use	1
Single Dwelling	1
Childcare Centre	1
Mixed Use Development	1
Signage	1
Liquor Licence	1
<b>TOTAL</b>	<b>82</b>

**COUNCIL RESOLUTION**

**MOVED: CR. PEARCE**

**SECONDED: CR. LOCKWOOD**

That the planning applications decided under delegation report (between 1 May to 31 May 2018) be noted.

**CARRIED**

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

1 May 2018 – 31 May 2018

<b>Ward</b>	<b>No/Type</b>	<b>Address</b>	<b>Description</b>	<b>Decision</b>
Baird	20186075	1 Cindy Court FERNTREE GULLY VIC 3156	Development of the land for two (2) double storey dwellings	01/05/2018 Approved
Baird	20186048	9 Edelmaier Street BAYSWATER VIC 3153	Development of the land for a new factory to the rear of existing factory and dispensation of car parking	02/05/2018 Approved
Baird	20186214	251 Boronia Road BORONIA VIC 3155	Two lot subdivision (Approved Unit Site)	03/05/2018 Approved
Baird	20189063	4/16 Malvern Street BAYSWATER VIC 3153	Extend mezzanine floor	04/05/2018 Approved
Baird	20176751	11-13 Gibbs Road FERNTREE GULLY VIC 3156	The construction of eight (8) double storey dwellings and two (2) single storey dwellings (total 10 dwellings)	04/05/2018 Refused
Baird	20176781	117 Dorset Road BORONIA VIC 3155	Development of the land for three (3) double storey and one (1) single storey dwellings and alteration of access to a Road Zone Category 1	08/05/2018 Approved
Baird	20176429	9-13 Commercial Road FERNTREE GULLY VIC 3156	Development of land for twenty six (26) double storey dwellings and two (2) single storey dwellings (Total 28 dwellings)	14/05/2018 Refused
Baird	20176322	6 Stonehaven Avenue BORONIA VIC 3155	The construction of six (6) townhouses (four (4) triple storey and two (2) double storey)	16/05/2018 Refused
Baird	20176804	32 Devenish Road BORONIA VIC 3155	Development of the land for two (2) double storey dwellings and one (1) single storey dwelling	17/05/2018 Notice of Decision
Baird	20166929	139-141 Boronia Road BORONIA VIC 3155	Use and development of the land for a restaurant and 20 dwellings within a four storey building, basement carpark and waivering of carpark requirements	29/05/2018 Notice of Decision

<b>Ward</b>	<b>No/Type</b>	<b>Address</b>	<b>Description</b>	<b>Decision</b>
Baird	20176805	15 Park Boulevard FERNTREE GULLY VIC 3156	The construction of two (2) double storey dwellings on the land	30/05/2018 Notice of Decision
Baird	20176597	6 Henry Street BORONIA VIC 3155	Development of the land for seven (7) double storey dwellings and the waiver of one (1) visitor parking space	30/05/2018 Refused
Chandler	20176104	39 Chandler Road BORONIA VIC 3155	The construction of eight (8) double storey dwellings and the removal of vegetation	1/05/2018 Notice of Decision
Chandler	20166726	11 Stuart Street THE BASIN VIC 3154	Development of a single storey dwelling to the rear of the existing dwelling	4/05/2018 Refused
Chandler	20189064	6 Bambury Street BORONIA VIC 3155	Remove one tree	4/05/2018 Approved
Chandler	20186219	4 Carmel Avenue FERNTREE GULLY VIC 3156	Removal of 1 Eucalyptus obliqua and the pruning of one Eucalyptus obliqua tree	8/05/2018 Approved
Chandler	20189066	245 Forest Road BORONIA VIC 3155	Deck attached to existing dwelling	8/05/2018 Approved
Chandler	20189071	58 Albert Avenue BORONIA VIC 3155	Two lot subdivision (Approved Unit Site)	11/05/2018 Approved
Chandler	20189068	2/13 Camelia Crescent THE BASIN VIC 3154	Removal of one Quercus palustris (Pin Oak)	15/05/2018 Approved
Chandler	20189073	4/362 Dorset Road BORONIA VIC 3155	Remove Cupressocyparis x leylandii (Leyland Cypress cv) from property	16/05/2018 Approved
Chandler	20186246	6-8 Marland Road BORONIA VIC 3155	Two lot subdivision (Approved Unit Site)	18/05/2018 Approved
Chandler	20186023	28 Conyers Street THE BASIN VIC 3154	The construction of a single storey dwelling to the rear of the existing, additions to the existing dwelling, and vegetation removal	18/05/2018 Approved
Chandler	20186184	1 Chandler Road BORONIA VIC 3155	12 Lot Subdivision (Approved Unit Site)	22/05/2018 Approved

Ward	No/Type	Address	Description	Decision
Chandler	20176564	45-47 Chandler Road BORONIA VIC 3155	Use and development of the land for a child care centre, associated parking, tree removal and business identification signage	22/05/2018 Notice of Decision
Chandler	20189072	22 Moncoe Street BORONIA VIC 3155	Removal of one Ulmus minor 'Argenteo-Variegata'	23/05/2018 Refused
Chandler	20186244	1/31 Timewell Crescent BORONIA VIC 3155	Remove one (1) Corymbia maculata	25/05/2018 Approved
Chandler	20189078	1/13 Camelia Crescent, THE BASIN VIC 3154	Pruning of one Fraxinus angustifolia ssp. oxycarpa (Claret Ash) tree	31/05/2018 Approved
Collier	20176508	329 Wantirna Road WANTIRNA VIC 3152	Construction of five (5) three storey dwellings	1/05/2018 Refused
Collier	20186145	323 Wantirna Road WANTIRNA VIC 3152	7 lot subdivision (Approved Unit Site)	3/05/2018 Approved
Collier	20176603	9 Cassia Court WANTIRNA VIC 3152	Development of the land for two (2) additional double storey dwellings to the rear of the existing dwelling (Total 3 dwellings)	4/05/2018 Notice of Decision
Collier	20186163	28 Clarence Road WANTIRNA VIC 3152	3 lot subdivision (Approved Unit Site)	10/05/2018 Approved
Collier	20176820	15 Mint Street WANTIRNA VIC 3152	The construction of two (2) double storey dwellings on the land	14/05/2018 Approved
Dinsdale	20176712	51 Dixon Court BORONIA VIC 3155	Development of the land for a double storey dwelling to the side of the existing dwelling	1/05/2018 Notice of Decision
Dinsdale	20176694	37 Orange Grove BAYSWATER VIC 3153	Development of property for double storey dwelling to the rear of the existing dwelling	2/05/2018 Notice of Decision
Dinsdale	20176666	45 Arbroath Road WANTIRNA SOUTH VIC 3152	Development of the land for three (3) double storey dwellings	2/05/2018 Notice of Decision
Dinsdale	20186018	32 Larne Avenue BAYSWATER VIC 3153	The construction of two (2) double storey dwellings on the land	4/05/2018 Notice of Decision
Dinsdale	20186126	684 Mountain Highway BAYSWATER VIC 3153	Use of the site for a Liquor licence	10/05/2018 Approved

<b>Ward</b>	<b>No/Type</b>	<b>Address</b>	<b>Description</b>	<b>Decision</b>
Dinsdale	20176768	6 Victoria Road BAYSWATER VIC 3153	Development of the land for two (2) double storey dwellings	16/05/2018 Notice of Decision
Dinsdale	20186165	639 Mountain Highway BAYSWATER VIC 3153	19 Lot Subdivision (Approved Apartment Building)	16/05/2018 Approved
Dinsdale	20176584	14 Highmoor Avenue BAYSWATER VIC 3153	Development of the land for four (4) three storey dwellings and three (3) double storey dwellings	21/05/2018 Refused
Dinsdale	20186209	2/40 Orchard Road BAYSWATER VIC 3153	Buildings and Works (Carport and verandah)	28/05/2018 Approved
Dinsdale	20176428	640 Mountain Highway BAYSWATER VIC 3153	Construction of 11 dwellings, refurbishment of existing shop, reduction in car parking requirement and alteration of access to a Road Zone Category 1	24/05/2018 Notice of Decision
Dinsdale	20176192	2 James Street BAYSWATER VIC 3153	Development of the land for five (5) three storey dwellings and one (1) two storey dwelling (total six (6) dwellings)	28/05/2018 Approved
Dinsdale	20186201	28 Armstrong Road BAYSWATER VIC 3153	Two lot subdivision (Approved Unit Site)	31/05/2018 Approved
Dobson	20186026	1 Myrtle Crescent FERNTREE GULLY VIC 3156	Buildings and works (dwelling addition and carport) and vegetation removal	1/05/2018 Approved
Dobson	20176795	99 Forest Road FERNTREE GULLY VIC 3156	Development of the land for two (2) single storey dwellings	2/05/2018 Notice of Decision
Dobson	20189065	1038 Burwood Highway FERNTREE GULLY VIC 3156	Remove one tree	9/05/2018 Approved
Dobson	20186198	34A The Avenue FERNTREE GULLY VIC 3156	Buildings and Works (Alterations and additions to existing dwelling)	11/05/2018 Approved
Dobson	20189070	15 Francis Crescent FERNTREE GULLY VIC 3156	Removal of Quercus robur (English Oak) Tree	15/05/2018 Approved
Dobson	20186140	124 Forest Road FERNTREE GULLY VIC 3156	Construction of a two storey dwelling	18/05/2018 Approved
Dobson	20189075	52 Old Belgrave Road UPPER FERNTREE GULLY VIC 3156	Habitat Pruning of one (1) Eucalyptus melliodora	23/05/2018 Approved

<b>Ward</b>	<b>No/Type</b>	<b>Address</b>	<b>Description</b>	<b>Decision</b>
Dobson	20189076	6 Acacia Road UPPER FERNTREE GULLY VIC 3156	Remove one (1) Syzygium paniculatum (Lilly Pilly)	25/05/2018 Approved
Dobson	20189077	14A Hilltop Road UPPER FERNTREE GULLY VIC 3156	Buildings and Works (construction of a steel garage)	29/05/2018 Approved
Friberg	20176526	68 Bryden Drive FERNTREE GULLY VIC 3156	Construction of a two storey dwelling to the rear of the existing dwelling	1/05/2018 Refused
Friberg	20189062	38 Renwick Road FERNTREE GULLY VIC 3156	2 lot subdivision (Approved Unit Site)	3/05/2018 Approved
Friberg	20176561	34 Norma Crescent South KNOXFIELD VIC 3180	Development of the land for 1 three storey dwelling, 1 double storey dwelling and 1 single storey dwelling	8/05/2018 Refused
Friberg	20186167	1 Kirby Court FERNTREE GULLY VIC 3156	3 lot subdivision (Approved Unit Site)	15/05/2018 Approved
Friberg	20176705	54 Conn Street FERNTREE GULLY VIC 3156	Development of the land for three (3) double storey dwellings and one (1) single storey dwelling (total four (4) dwellings)	17/05/2018 Approved
Friberg	20186186	50 Adele Avenue FERNTREE GULLY VIC 3156	4 lot subdivision (Approved Unit Site)	18/05/2018 Approved
Friberg	20189074	4/46 Gilbert Park Drive KNOXFIELD VIC 3180	Buildings and Works for a Mezzanine and Reduction in Car Parking	18/05/2018 Approved
Friberg	20186178	49 Conn Street FERNTREE GULLY VIC 3156	Four lot subdivision (Approved Unit Site)	21/05/2018 Approved
Friberg	20186261	19 Janden Close KNOXFIELD VIC 3180	Two lot subdivision (Approved Unit Site)	29/05/2018 Approved
Scott	20186213	2 Azalea Court KNOXFIELD VIC 3180	Two lot subdivision (Approved Unit Site)	3/05/2018 Approved
Scott	20186159	1324 High Street Road WANTIRNA SOUTH VIC 3152	Internally illuminated promotion electronic sign (Bus stop No 15413)	7/05/2018 Approved
Scott	20176686	35 Sylphide Way WANTIRNA SOUTH VIC 3152	Development of the land for two (2) double storey dwellings	17/05/2018 Approved

<b>Ward</b>	<b>No/Type</b>	<b>Address</b>	<b>Description</b>	<b>Decision</b>
Taylor	20186127	2 Taylors Lane ROWVILLE VIC 3178	Buildings and works (Relocation of existing portable buildings and construction of new verandah and carpark)	11/05/2018 Approved
Taylor	20176755	1 Magdalena Place ROWVILLE VIC 3178	Development of the land for four (4) double storey dwellings and one (1) single storey dwelling (total five dwellings)	25/05/2018 Notice of Decision
Tirhatuan	20176478	627-629 Stud Road SCORESBY VIC 3179	Development of the land for five (5) three storey dwellings, five (5) two storey dwellings, reduction of a visitor car parking space and altering access to a Category 1 Road	1/05/2018 Notice of Decision
Tirhatuan	20176651	10 Berrabri Drive SCORESBY VIC 3179	Development of the land for two (2) double storey dwellings	3/05/2018 Approved
Tirhatuan	20189067	24 Avalon Road ROWVILLE VIC 3178	Two lot subdivision (Approved Unit Site)	9/05/2018 Approved
Tirhatuan	20186153	6 Enterprise Drive ROWVILLE VIC 3178	5 lot subdivision (Industrial Development)	9/05/2018 Approved
Tirhatuan	20189069	79/1470 Ferntree Gully Road KNOXFIELD VIC 3180	Buildings and Works (Mezzanine)	14/05/2018 Approved
Tirhatuan	20176699	15 Hillview Avenue ROWVILLE VIC 3178	Development of the land for four (4) double storey dwellings	15/05/2018 Approved
Tirhatuan	20186065	11 Roma Street SCORESBY VIC 3179	Development of the land for two (2) double storey dwellings	15/05/2018 Notice of Decision
Tirhatuan	20186233	647 Stud Road SCORESBY VIC 3179	2 lot subdivision (Approved unit site)	16/05/2018 Approved
Tirhatuan	20176717	26 Avalon Road ROWVILLE VIC 3178	Development of the land for three double storey dwellings	18/05/2018 Approved
Tirhatuan	20186054	679 Stud Road SCORESBY VIC 3179	Development of the land for six (6) double storey dwellings and alteration of access to a road zone category 1	21/05/2018 Notice of Decision
Tirhatuan	20186012	3 Fifth Avenue ROWVILLE VIC 3178	The construction of two (2) double storey dwellings on the land	22/05/2018 Notice of Decision
Tirhatuan	20186206	16 Orson Street SCORESBY VIC 3179	Three lot subdivision (Approved Unit Site)	22/05/2018 Approved

<b>Ward</b>	<b>No/Type</b>	<b>Address</b>	<b>Description</b>	<b>Decision</b>
Tirhatuan	20186241	2 Illawarra Avenue ROWVILLE VIC 3178	Removal of one (1) Eucalyptus cephalocarpa and pruning of Eucalyptus cephalocarpa	25/05/2018 Approved
Tirhatuan	20186170	6/9 Hi-Tech Place ROWVILLE VIC 3178	Change of use (micro distillery)	25/05/2018 Approved
Tirhatuan	20189079	99 George Street SCORESBY VIC 3179	Two lot subdivision (Approved Unit Site)	31/05/2018 Approved

**Total: 82**

Official Minutes of Knox City Council

**ALL WARDS****6.2 KNOX PLANNING SCHEME REVIEW**

**SUMMARY:** *Manager – City Futures (Tanya Clark)*

*The Knox Planning Scheme must be reviewed every four (4) years to ensure that community, Council and State Government expectations are being met.*

*The Knox Planning Scheme Review 2018 has concluded that the scheme is currently in a state of transition, with significant strategic content changes implemented in December 2017 and further transformation occurring through State Government reforms.*

*The review has recommended 35 actions, a number of which are the outstanding actions from the 2015 Planning Scheme Review report and further initiatives identified in the Community and Council Plan.*

**RECOMMENDATION**

That Council

1. Endorse the Knox Planning Scheme Review Report 2018 (Appendix A) and forward the report to the Minister for Planning as required under the *Planning & Environment Act 1987*; and
2. Note that the strategic priorities identified in the Knox Planning Scheme Review Report 2018 will now inform Council's strategic planning work program for the next four years (or until the next planning scheme review is completed).

**1. INTRODUCTION**

The Knox Planning Scheme is the key statutory document that informs, guides and regulates land use and development within the City of Knox. It is the framework by which Council makes decisions on planning permit applications and requests for planning scheme amendments. An up to date planning scheme provides Council, the development industry, State Government and the community with direction and clarity when preparing, assessing and making decisions on planning proposals within Knox.

Under the statutory requirements of the *Planning & Environment Act 1987* (the Act), Council is required to regularly review the Knox Planning Scheme in order to:

- Enhance the efficiency and effectiveness of the scheme in achieving the objectives of planning in Victoria and the objectives of the planning framework established by the Act;
- Ensure that the planning scheme is consistent in form and content with Ministerial Directions or guidelines issued by the Minister for Planning (the Minister) under Section 7 of the Act; and

- Ensure that the planning scheme makes effective use of the State provisions and local provisions, to give effect to State and local planning policy objectives.

In addition to meeting its statutory obligations under the Act, the 2018 Knox Planning Scheme Review aims to:

- Ensure that the goals and actions of the Knox Community and Council Plan are appropriately addressed and considered in the Planning Scheme Review, and identify what other Council strategies, plans and policies are not addressed in the scheme;
- Identify what further actions are outstanding from the Planning Scheme Review Report 2015;
- Review the strategic performance of the Knox Planning Scheme, including a review of recent and relevant VCAT and Planning Panel Directions and their impacts on the policy direction of the scheme;
- Identify and prioritise improvements to the scheme that will provide opportunities to update, streamline or achieve greater clarity of the Knox Planning Scheme's local content;
- Identify strategic planning work/planning scheme amendments that are required to deal with recent State Government planning reform and other key influences;
- Identify and prioritise other strategic planning work and/or planning scheme amendments arising from the review that will need Council consideration for future business cases and/or are not time critical; and
- Produce a written report addressing all of the above which will inform the necessary reporting requirements to Council and the Minister for Planning, including any future planning scheme amendments.

A Council Planning Scheme Review must focus on the local content of the Planning Scheme, which includes the Municipal Strategic Statement (MSS), local policies, zone and overlay schedules and other particular provisions with local schedules.

The Act requires the planning scheme review to be completed no later than one year after the date by which Council is required to approve its Council Plan, or a longer period as determined by the Minister.

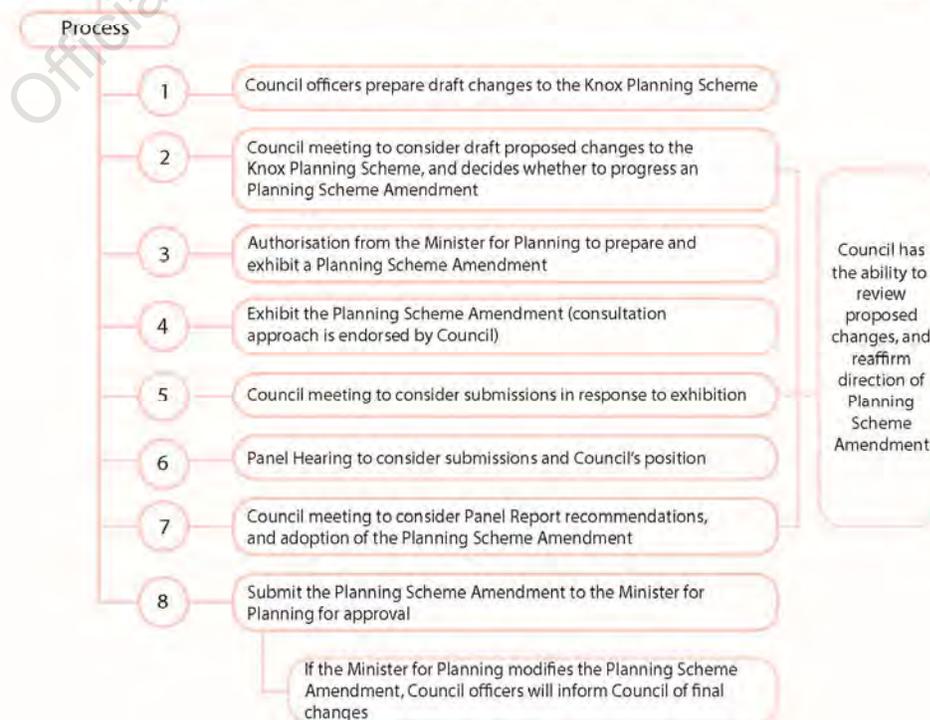
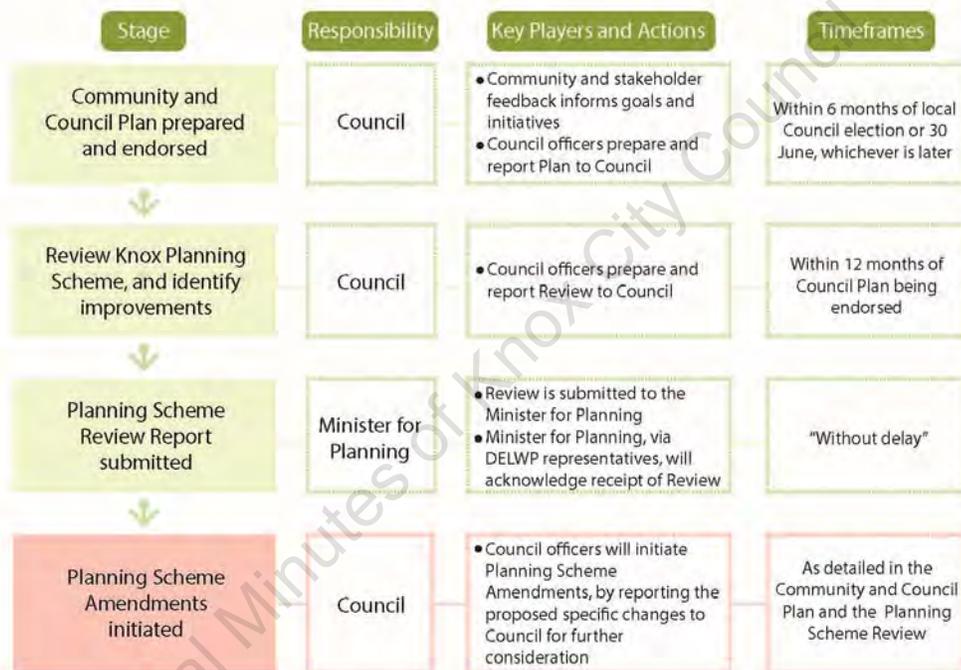
Given Council approved the Community and Council Plan on 26 June 2017, the Planning Scheme Review is to be completed by 26 June 2018, and forwarded to the Minister for Planning.

Following endorsement of the Community and Council Plan, it takes a period of time before the Community and Council Plan objectives and initiatives are realised in the Knox Planning Scheme. This is due to the one year timeframe for completion of the Planning Scheme Review, as well as the time it takes to progressively undertake planning scheme amendments to implement the recommendations of the Planning Scheme Review.

Despite this, officers continue to consider the Community and Council Plan objectives in decision making to ensure that planning outcomes are in accordance with community goals.

It is important to note that following completion of a Planning Scheme Review, recommendations are implemented via a number of successive planning scheme amendments. Each planning scheme amendment is reported to Council between 2-3 times, to confirm if Council is satisfied with the proposed changes. If the Minister for Planning has made modifications that contradict Council's position at the end of the planning scheme amendment process, Council will be informed of these modifications.

This process is demonstrated in the diagram below:



## **2. DISCUSSION**

### **2.1 Strategic assessment of the Scheme**

The conclusion of the Knox Planning Scheme Review Report 2018 (Appendix A) makes the following summary assessment of the overall strategic performance of the Knox Planning Scheme:

*“The Knox Planning Scheme is in a state of transition. The current strategic base and structure was only implemented in December 2017, and will be further transformed through reforms to the structure of the Planning Policy Framework and other changes as a result of the State Government initiated Smart Planning program”.*

The review undertaken noted that significant strategic work has occurred since the completion of the 2015 review, and that current strategic work at a state and local level will have some bearing on land use and development decisions in Knox and future planning scheme policy content.

Most notably, the following have, or will impact on land use and development decisions:

- *Amendment C150 – Planning Scheme Review 2015 and Planning Scheme Rewrite;*
- *Amendment C131 – Knox Housing Strategy and residential zones implementation;*
- *Amendment C149 – Knox Central Structure Plan 2017;*
- *Amendment C164 – Land for Business Directions Plan;*
- *Boronia Renewal Project; and*
- *Structure Plans for The Basin, Alchester Village and Upper Gully Activity Centres.*

Substantial change is proposed to the Victorian Planning System, and planning schemes in particular through the State Government’s Smart Planning Program and the new Planning Policy Framework (PPF). The new PPF will restructure State, regional and local planning policy under specific themes, with a smaller simplified ‘municipal context and vision’ section, rather than the existing MSS. It also proposed to restructure and reform the particular provisions and further integrate VicSmart into the scheme including new code-based assessment provisions for simple proposals to support small business, industry and homeowners.

It is anticipated that the implementation of this new structure by the Department of Environment, Land, Water and Planning (DELWP) will begin after the completion of this review and will have a significant impact on the local policy direction of the Knox Planning Scheme.

Other strategic gaps identified in the review relate to local strategic policies which are either incomplete, in need of review, or in some cases completely lacking within the scheme, and identified in the 2015 review or in the Community and Council Plan.

While the review in itself will not result in any changes to the planning scheme, the recommendations primarily relate to further strategic work and actions which are likely to result in further local policies and strategies being developed and their implementation into the planning scheme via the planning scheme amendment process.

## **2.2 Major Strategic Issues**

City Futures Officers undertook a review of recent and relevant VCAT and Planning Panel Directions and their impacts on the policy direction of the scheme and facilitated two consultation sessions with the main users of the scheme (being Council's Statutory Planners).

Council's Statutory Planners advised that the Knox Planning Scheme is performing well, however it is considered premature to assess the full impact of the scheme given that the new structure was only introduced in December 2017 through Amendment C150.

Notwithstanding this, Officers identified the following as areas where the scheme could be improved:

- The need to address infill residential development controls and the impacts of Ministerial changes to the General Residential and Neighbourhood Residential Zone Schedules (particularly private open space and building heights);
- Non-employment generation uses (such as gyms, churches, dance schools and other similar uses) in significant business locations; and
- Strengthened biodiversity controls.

Similarly to the comments from Council's Statutory Planners, the issues identified through VCAT decisions relate to:

- Infill residential development, and the requirements of the relevant zone and overlay schedules;
- Development in activity centres;
- Non-residential uses in residential areas; and
- Advertising signs.

As evidenced by the feedback from Council Officers and VCAT decisions above, there is a need to further review and refine the residential development provisions of the scheme. These specific residential development concerns should be addressed and further refined through a separate review including the wider development community.

### **2.3 Review Recommendations**

The review has provided 35 prioritised recommendations relating to all aspects of the operation of the Planning Scheme.

These are recommended to be actioned within the next 3-4 year period and relate to:

- Residential development provisions;
- Strengthening Council's environmental controls;
- Protecting business and employment land;
- Progressing planning for Knox's activity centres and strategic investigation sites;
- Increasing social and affordable housing; and
- Progressing the preparation of the Knox rural land strategy.

### **3. CONSULTATION**

Given the extensive community consultation which had already been undertaken as part of Knox@50, the Community and Council Plan, and the exhibition and panel processes for Amendment C150, community consultation was not directly undertaken as part of the 2018 review.

Two sessions were held with Council's Statutory Planners in April and May 2018.

The review does not in itself change any policies or controls currently contained in the Knox Planning Scheme, it is simply making recommendations about where such changes should be made or further investigated.

Any planning scheme amendment proposed as part of the implementation of the outcomes of the review will be subject to community consultation as part of the amendment process.

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

The Knox Planning Scheme provides a framework for the management, control and direction of future land use and development within Knox. It sets out Council's direction on many sustainability and amenity issues that have land use implications such as transport, vegetation protection, environmental values, infrastructure provision, sustainable built form and protection and enhancement of local amenity.

Many of the recommendations of the review include projects which will impact on environmental and amenity outcomes, with the potential to result in significant environmental and amenity benefits for the community.

Some of these initiatives relating to environmental/amenity outcomes outlined in the report include:

- *R7 – Conserve, protect and enhance sites of biological significance and increase connectivity between current sites, review vegetation controls, net gain requirements and implementation tools including the development of a native vegetation local policy and other changes to the VPO Schedules;*
- *R16 – Continue to advocate for all priority transport projects, including the Knox Tram, Rowville Rail, improved bus services, and the Dorset Road extension*
- *R18 – Progress the preparation of Rural Land Strategy and a Green Wedge Management Plan, which could be aligned within the one document;*
- *R25 – Complete Flood Mapping and Modelling Study of stormwater sub catchments across the municipality and prepare a planning scheme amendment to revise/ introduce the Land Subject to Inundation Overlay and/ or Special Building Overlay; and*
- *R33 – Continue to implement initiatives to achieve resource efficiency, reduction in water and energy use including monitoring and evaluating the efficacy of Clause 22.04 (Environmentally Sustainable Development Policy), and if required, make improvements.*

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

This project was completed within existing budget and staff resources. A number of the smaller more discrete recommendations outlined in the report can be carried out in-house within existing budget resources.

## **6. SOCIAL IMPLICATIONS**

The *Planning and Environment Act 1987* requires that social policies be integrated into the land use and development planning and policies in Planning Schemes.

Many of the recommendations of the Review Report include projects which impact on Council's social and community wellbeing policies and therefore may have significant social benefits for the community.

These include:

- *R8 – Progress the amendment to introduce a packaged liquor local policy into the Knox Planning Scheme;*
- *R19 – Review how to increase the provision of social housing in Knox through planning scheme provisions; and*
- *R20 – Implement the Affordable Housing Action Plan including advocacy for an increase for the supply of social and affordable housing at key strategic sites and across the municipality.*

## **7. RELEVANCE TO KNOX COMMUNITY AND COUNCIL PLAN 2017-2021**

The local content of the Knox Planning Scheme, including the Municipal Strategic Statement (MSS) and other local policies, articulates the strategic vision for land use and development in Knox.

The Review report has reinforced that it is important that the planning scheme reflects the current aspirations of the community as expressed within the Community and Council Plan and other key Council plans and strategies.

The implementation of many land use and development objectives contained within these key Council strategic documents is facilitated primarily via the planning scheme. The Knox Planning Scheme Review Report 2018 has included a number of relevant initiatives from the Community and Council Plan.

## **8. CONFLICT OF INTEREST**

Under section 80c of the Local Government Act 1989 officers providing advice to Council must disclose any interests, including the type of interest.

Officer Responsible – Tanya Clark, Manager City Futures. In providing this advice as the Officer Responsible, I have no disclosable interests in this report.

Author – Anthony Petherbridge, Coordinator City Strategy and Planning. In providing this advice as the Author, I have no disclosable interests in this report.

Author – Rachel Reed, Senior Project Manager Strategic Projects. In providing this advice as the Author, I have no disclosable interests in this report.

## **9. CONCLUSION**

The Knox Planning Scheme Review 2018 has met Council's statutory obligations under the *Planning & Environment Act 1987* which requires Council to review their planning scheme regularly to ensure it is consistent with the Council Plan and any new strategic directions resulting from a strategic study. The review will also be used to critically inform Council's strategic planning priorities for the next four years.

The review found that whilst the scheme is in a state of transition, there is scope for minor improvement in relation to residential development provisions and through the implementation of the 35 recommendations contained in the Review Report.

## **10. CONFIDENTIALITY**

There are no confidential issues associated with this report.

**COUNCIL RESOLUTION****MOVED: CR. PEARCE****SECONDED: CR. COOPER****That Council**

- 1. Endorse the Knox Planning Scheme Review Report 2018 (Appendix A) and forward the report to the Minister for Planning as required under the *Planning & Environment Act 1987*; and**
- 2. Note that the strategic priorities identified in the Knox Planning Scheme Review Report 2018 will now inform Council's strategic planning work program for the next four years (or until the next planning scheme review is completed).**

**CARRIED**

Official Minutes of Knox City Council

Appendix A – Knox Planning Scheme Review Report 2018 is circulated under separate cover.

Official Minutes of Knox City Council

**ALL WARDS****6.3 HERITAGE PROGRESSION WITHIN KNOX**

**SUMMARY:** *Strategic Planner – City Futures (David Cameron)  
Manager – City Futures (Tanya Clark)*

*The purpose of this report is to respond to initiatives from the Community and Council Plan 2017-2021, specifically initiatives 7.1.1 (to determine the most effective role for Council in the protection and maintenance of heritage assets in Knox) and initiative 7.1.2 (to develop a plan for the ongoing protection and management of indigenous and post European settlement heritage resources related to Knox). The report outlines the current state of heritage protection and maintenance within the City of Knox and discusses what options are available to ensure an effective role for Council in the protection and maintenance of heritage assets.*

*The current document that guides heritage protection within Knox is the 1993 Knox Heritage Study. Most recently within the 2015 Knox Planning Scheme Review Report, it was recommended that the existing heritage study be reviewed, and Aboriginal cultural heritage be included. To date a review has not been undertaken. Updated heritage progression within Knox would allow for up to date analysis of heritage significance and continued protection of heritage assets within the municipality.*

**RECOMMENDATION**

That Council

1. Note the report – Heritage Progression within Knox.
2. Support the preparation of a business case in the 2018/2019 financial year for a review of the 1993 Knox Heritage Study, that would include Aboriginal cultural heritage and post European built form heritage.
3. Receive and consider the business case prior to commencement of any heritage review.

**1. INTRODUCTION**

The report provides Council with information relating to heritage, and discusses the most effective role for Council in the protection and maintenance of heritage assets in the municipality. The report also considers the state of existing heritage documentation as it relates to built form, vegetation and Aboriginal cultural heritage places, and then discusses options for future projects and studies relating to heritage.

This report seeks support from Council for the advancement of a business case for the protection and maintenance of heritage assets within the City of Knox, in its role as a planning authority.

## 1.1 Background

### 1.1.1 Broader heritage context

Heritage is considered and addressed at a much broader level than the state or local level. A summary of this is provided below:

#### International

- The World Heritage Convention, of which Australia is a member, was established in 1972 by the United Nations Educational, Scientific and Cultural Organization (UNESCO). The Convention details that there is a duty of ensuring the identification, protection, conservation, presentation and transmission to future generations of the cultural and natural heritage.
- The Australian Heritage Strategy (2015) provides high level direction on national heritage. The document primarily addresses the maintenance of Australia's World Heritage sites, and the ongoing operation of the National Heritage List. Further outcomes of the strategy are to facilitate partnerships across all levels of government to improve heritage policy, and provide best practice guidance for heritage management.
- The International Council on Monuments and Sites (ICOMOS) is an international non-governmental organisation of professionals, dedicated to promoting the application of theory, methodology, and scientific techniques to the conservation of the architectural and archaeological heritage.

#### Australia

- The Australian Heritage Council is a body of heritage experts established by the *Australian Heritage Council Act 2003*. The Council assesses nominations for the National Heritage List and the Commonwealth Heritage List and is the principal adviser to the Australian Government on heritage matters.
- The Australian World Heritage Advisory Committee (AWHAC) was established in 2008 and advises Australia's Commonwealth, State and Territory governments on issues that affect Australia's World Heritage properties.

#### Victoria

- Heritage Victoria is the Victorian State Government's principal cultural (non-Aboriginal) heritage agency. Heritage Victoria administers the *Heritage Act 2017* and the Victorian Heritage Register and identifies, protects and interprets Victoria's most significant cultural heritage resources.
- The Heritage Council of Victoria recognises, protects and celebrates Victoria's cultural heritage, by advising the State government and others on how to conserve and protect historically important objects and places.

- Aboriginal Victoria is also responsible for the implementation of the *Aboriginal Heritage Act 2006* and one of its key responsibilities is to deliver cultural heritage protection and management.
- The National Trust of Australia (Victoria) is the state's largest community-based heritage advocacy organisation and it actively works towards conserving and protecting heritage for future generations.

### 1.1.2 Local heritage context

The Knox Heritage Study 1993 (KHS) was developed as a holistic heritage study of the municipality when compiled in 1993, covering heritage significant built form and vegetation. The document contains a thematic history of the municipality, with the corresponding citations for historic buildings and landscapes.

The KHS has been incorporated into the Knox Planning Scheme with the application of a Heritage Overlay on applicable sites.

Multiple reviews of the Knox Planning Scheme have recommended a review of the KHS, given the time that has lapsed since its preparation. A review has not progressed due to higher priorities being identified as part of several budget processes. An action from the Knox Planning Scheme Review Report (2010) was to '*review the Heritage Study and incorporate the outcomes into the planning scheme*'. This action was not undertaken.

Additionally, Action 11 of the following Knox Planning Scheme Review Report in 2015, noted to undertake a '*review of the Heritage Study, including a broader assessment of Aboriginal cultural heritage*'. This action was also not undertaken at that time.

Failure to review the KHS and associated planning scheme controls remains a strategic gap in the guidance provided by the Knox Planning Scheme. Limited action, other than as part of structure plan preparation, has been taken to further the understanding of heritage within Knox beyond the 1993 study.

The Knox Planning Scheme, under clause 21.05-8 (Built Form and Heritage), notes that a new Heritage Study is required for the municipality '*to provide a comprehensive record of historic, social and cultural significant places and areas in Knox, including Aboriginal cultural heritage, and to implement its recommendations into the Planning Scheme*'.

Under current Victorian legislation and other State government direction, there is overarching support for the protection and management of heritage assets.

These include:

- The *Heritage Act 2017* covers the protection of heritage assets with a purpose '*to provide for the protection and conservation of the cultural heritage of the State*'.

- The *Planning & Environment Act 1987*, under Objective (section 4(1)(d)) seeks ‘*To conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value*’.
- Further guidance is also provided by the Department of Environment, Land, Water and Planning through Planning Practice Note 1 on the application of the Heritage Overlay, providing the most up to date direction of determining local heritage significance.
- The *Aboriginal Heritage Act 2006* and Aboriginal Heritage Regulations (2007) govern and provide for the protection of areas of cultural heritage sensitivity in Victoria. As mentioned, the need for a record of Aboriginal cultural heritage is identified under further strategic work within clause 21.05 of the Knox Planning Scheme.

## **2. DISCUSSION**

### **2.1 Heritage framework**

#### **2.1.1 Overview**

An indicative diagram of a common approach to heritage within local municipalities is shown in figure 1 below. An overarching heritage strategy is typically developed to guide its strategic direction through such aspects as heritage protections, interpretation and celebration. The strategy lays out the requirements for heritage studies, which determine the heritage significance of sites and their related historical context. Those studies then inform planning scheme controls (e.g. the Heritage Overlay) which provides for consideration of heritage significance within an application for a planning permit.

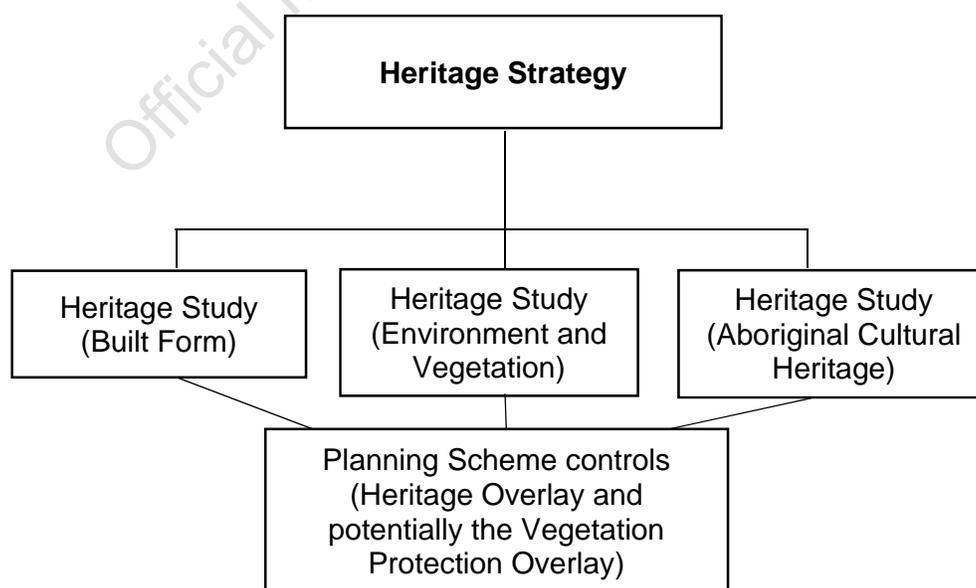


Figure 1. Heritage Framework plan

### **2.1.2 Heritage Strategy**

In context of other municipalities, a standard practice involves the preparation of an overarching Heritage Strategy. A Heritage Strategy will guide the strategic direction related to all cultural, built form and natural heritage within the Council area.

Broadly, the underlying principles of a Heritage Strategy informs and shapes the way heritage is identified and documented, through the provision of heritage studies and heritage reviews. It also guides policy development related to heritage, and its potential placement within a Planning Scheme.

A Heritage Strategy supports the retention of heritage assets within the municipality (potentially including financial and/or advisory support for heritage assets in private possession), along with guidance for the management of Council owned heritage assets. The Heritage Strategy also supports the promotion and celebration of heritage throughout the municipality through such measures as community engagement to raise awareness of heritage, heritage events, and interpretive programs.

### **2.1.3 Heritage Study (Built form)**

An accompaniment to a Heritage Strategy, is a municipal Heritage Study (or review) of built form, with some municipalities conducting multiple studies dependant on the prevalence and complexity of heritage sites. The study is an assessment of heritage significance of buildings, sites, precincts and vegetation, and it identifies if some form of heritage protection is warranted. Studies normally contain recommendations towards changes to the planning scheme, in the form of application of a Heritage Overlay, or revisions to existing planning scheme protections.

Heritage reviews of existing heritage places are also commonly conducted to ensure existing heritage controls meet best practice, and align with current legislative requirements. This is also done to ensure that proper and accurate advice can be provided to both heritage property owners, the community, and to ensure that Council officer's guidance is accurate in decision making.

### **2.1.4 Heritage Study (Aboriginal cultural heritage)**

A study of Aboriginal cultural heritage within the municipality assists in the recognition, celebration, and protection of culturally significant sites and artefacts. The study is prepared in consultation with the local Aboriginal communities in order to provide appropriate scope to the study. The preparation of this study allows for greater guidance on sites of significance when decisions are made by Council officers, and in following relevant legislation.

### **2.1.5 Heritage Study (Environment and vegetation)**

In this type of study the heritage significance of environmental and vegetation features within the municipality. This item can be commonly prepared within a built form heritage study, as the majority of heritage vegetation is tied to a specific place and its relationship towards built form.

The recognition of heritage trees remains separate to the protection of native vegetation, and specific protection for heritage significant trees is afforded under the Heritage Overlay.

### **2.1.6 Heritage Overlay**

Information in the Knox Planning Scheme should be kept up-to-date whenever possible, including the Heritage Overlay. An updated heritage study that has been prepared in accordance with the most recent guidance related to identification of heritage significance would ensure the Heritage Overlay is accurate, and would assist with decision making by Council. It is important to note that the processes and parameters for determining heritage significance have substantially changed considerably since 1993, and Planning Practice Note 1 provides up-to-date guidance on the application of the Heritage Overlay.

### **2.1.7 Vegetation Protection Overlay 2**

While not extensively addressed in this report, the Vegetation Protection Overlay (Schedule 2) has a direct link to the Heritage Overlay, as it provides protection under the Knox Planning Scheme for '*Significant Exotic and Non-indigenous native trees*'. As mentioned, the Heritage Overlay also allows for the application of tree controls based on heritage significance (which may also be exotic and non-indigenous vegetation).

As a result of the controls affording similar protections, vegetation is placed under the protection of both overlays. A review of the existing planning controls and an updated municipal wide Heritage Study would help to identify where any overlap between the two planning controls exist.

### **2.1.8 Council's role in the heritage framework**

In responding to initiative 7.1.1 of the Community and Council Plan, the most effective role for Council can be determined having regard to the heritage framework shown in Figure 1.

Council's roles in relation to heritage matters are as follows:

- Advocate – Council has the ability to advocate to national and state agencies, as well as developers and the community, for the continued preservation and management of heritage places. This role is more clearly detailed in a Heritage Strategy.
- Custodian – As a landowner of heritage places, Council can ensure that the heritage significance of these places is maintained and enhanced. This role is also typically defined within a Heritage Strategy.
- Planning authority – This is an important role for Council, as it enables Council to prepare and implement a heritage framework through the Knox Planning Scheme, and influence outcomes through planning permit application processes.

Council's role as a planning authority is considered to be the most effective way to ensure the protection, enhancement and management of local heritage places. More specifically, as a planning authority, Council can ensure that the community is completely aware of the places that are significant, why they are significant and what Council's expectations are for these places.

## 2.2 Current heritage context

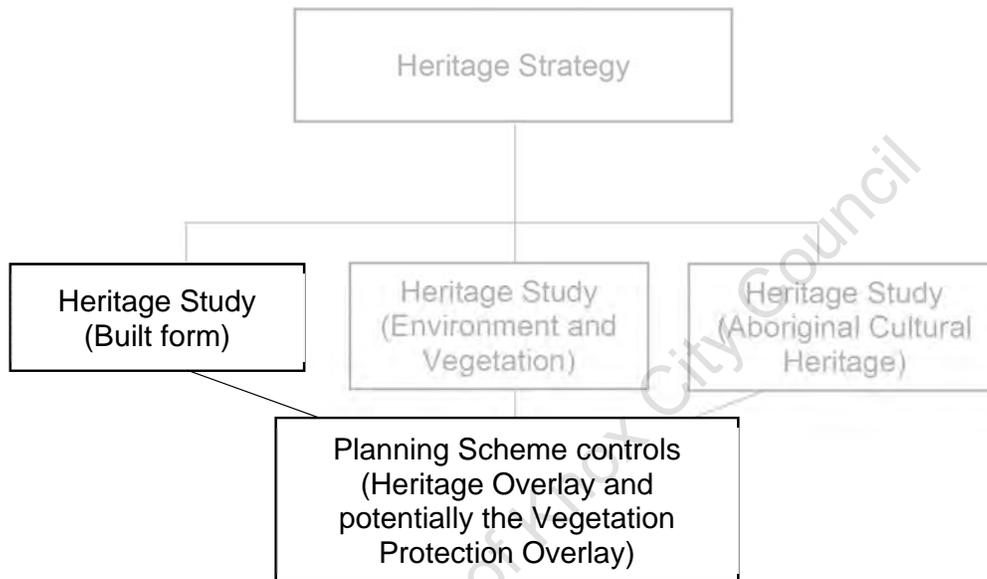


Figure 2. Knox's current heritage context

The current document which informs the protection and maintenance of heritage assets and identifies heritage significance within the municipality is the KHS. This study has not been reviewed since its publication. The findings of the KHS from 1993 has also informed the current Heritage Overlay, and the 55 sites within the Knox Planning Scheme that retain local heritage controls.

This document was prepared prior to the development of the current practice note concerning application of a Heritage Overlay, and the existing study is considered outdated given the time that has lapsed since it was prepared. It is important to note that a municipal wide heritage study would likely require additions and removals to the schedule of the Heritage Overlay.

As noted earlier, the 2015 Knox Planning Scheme Review Report includes an action for a broader assessment of Aboriginal cultural heritage is required within Knox to give the most accurate information to Council, land owners and community members on heritage sites. Council Officers would be greatly assisted by a review that will catalogue existing and newly identified heritage places, allowing for the further protection of these sites.

### **2.3 Benefits of revisiting heritage within Knox**

Adhering to the previously mentioned legislative requirements, and having a more informed understanding of heritage within the municipality, would assist with:

- Being compliant with State government direction notices and current best practice.
- Protection of previously unidentified heritage assets within the municipality, and re-evaluation of the existing heritage fabric within Knox.
- Prevention of loss of heritage fabric within the municipality that has valued social, aesthetic and historic value.
- Guiding future development concerning the heritage, with recognition of significant heritage features.

A greater understanding of Aboriginal cultural heritage within Knox, and identification of Aboriginal heritage sites will assist in:

- Managing the significant elements of these sites.
- Complying with legislation regarding Aboriginal cultural heritage within Knox.
- Further acknowledging and respecting the indigenous community and their heritage.

### **2.4 Business case for a Heritage Study (Built form and Aboriginal cultural heritage)**

This report has discussed a typical municipal wide heritage framework as well as Knox City Council's current heritage framework. It will also discuss options for the effective role for the protection and maintenance of heritage assets in Knox.

As a result of this discussion, the preparation of a business case is recommended that will further scope a potential municipal wide heritage study.

The business case would also provide more specific detail to Council regarding potential costs, timing, resourcing and a range of other implications, to ensure Council is fully informed with respect to its role as a planning authority.

It is also recommended that the business case be reported back to Council for further consideration of this matter, as part of future budget deliberations.

### **2.5 Options for the effective protection and maintenance of heritage assets in Knox**

The following is a list of available options to provide for the effective protection and maintenance of heritage assets in Knox. A summary table of options (refer Table 1) is included for reference:

**Table 1: Options for heritage protection and maintenance within Knox**

Option	Action required	Recommendation	Risks
<b>No Action</b>	None. Retains status quo and use of 1993 Knox Heritage Strategy for identification, assessment and maintenance of heritage sites in Knox.	<b>Not recommended.</b> The existing study out of dated and not in line with current guidance. Previous recommendations have noted the need for a review of heritage within the municipality and to address Aboriginal heritage.	Loss of valued heritage assets, and continued gap in understanding heritage applied to both European and pre/post contact Aboriginal heritage within the municipality.
<b>Site by site investigation</b>	Attempt to identify heritage significance as sites arise. This option requires background research on heritage sites in order for interim controls to be viable through the planning and building permit process, when applications are submitted for alterations to potentially heritage significance sites.	<b>Not recommended.</b> The use of interim heritage controls (a heritage overlay) remains difficult to obtain. As no background research has been conducted since the 1993 Heritage Study, this would likely place additional strain on Council departments attempting to identify and assess heritage significance during an aligning process. This approach is unlikely to achieve timely recognition of significant heritage sites, or be supported by the Minister of Planning.	This approach is unlikely to yield the result of retention of valued heritage significance, and would likely result in negligible further protection of sites of heritage importance.
<b>Heritage investigation by area</b>	In alignment with Council's work program, specific areas would need to be included for assessment of heritage significance (in conjunction with local area plans and structure plans). This option could, over time, cover a broad range of areas for heritage investigation.	<b>Not recommended.</b> This option is likely to continue to leave significant gaps in heritage investigation, as the reviewed areas will most likely be limited to activity centres. Indigenous heritage will also most likely be difficult to study through this approach, as it is anticipated a large portion of Aboriginal heritage will be likely located outside designated activity centres.	Investigation by area presents difficulties in identifying municipal wide heritage significance. This approach would likely result in continued gaps in heritage understanding within Knox.

Option	Action required	Recommendation	Risks
<b>Review of existing Heritage Study</b>	A review of the 1993 Knox Heritage Study would require assessment of existing identified heritage properties within for continued significance, along with further assessment of municipal wide heritage significance based on current best practice. A review could encompass European built form heritage, post/pre contact Aboriginal heritage, and would provide a snapshot of heritage across the municipality aligning with current heritage practice as it stands.	<b>Recommended.</b> A review of the Heritage Study would provide effective advice and direction for Council, developers, interest groups and the community, as to where heritage significance is identified, and provide expectations as to its future retention and maintenance. This approach could be tailored to include Aboriginal heritage, European heritage, or both. Given the date of the existing study, this option would provide the most effective and short term approach to determining heritage significance across the municipality.	This approach has limited risk, as it is a standard approach in identifying heritage significance, and builds upon the existing 1993 Knox Heritage Study. This is the only option considered where both European and Aboriginal heritage can be adequately considered and addressed in line with current guidance.
<b>Preparation of a full Heritage Strategy</b>	Overarching Heritage Strategy required. This would address the strategic direction of heritage within the municipality, and Councils responsibilities towards identification, protection and celebration of heritage. Requires extensive consultation, involvement of heritage groups, the broader community, and is a lengthy process (after which, heritage studies would still be required for further guidance).	<b>Not recommended.</b> Whilst a Heritage Study is identified as best practice, and an action that aligns with best practice for heritage management, at this point in time more basic gaps in heritage identification exist that can be rectified efficiently in a shorter timeframe. In future a full heritage strategy is anticipated to guide heritage direction in the municipality as a potential second stage heritage project.	While not recommended in the immediate term, the lack of a heritage strategy limits Councils strategic direction regarding the identification, maintenance and celebration, of Knox's valuable heritage features beyond the protection of individual heritage sites.

Table 1: Options for heritage maintenance and protection within Knox.

### 2.5.1 No action

If it is decided that no action be taken on updating the 1993 Heritage Study, potential risks include previously identified (and never investigated), or currently unidentified heritage assets within the municipality, might be irretrievably lost through demolition. This has the potential result of removing significant heritage features and socially significant heritage fabric across the municipality, which could otherwise be enjoyed by current and future generations.

In addition, this direction is **not** encouraged for the following reasons:

- The length of time and multiple recommendations that have called for a renewed heritage study;
- The substantial strategic gap that exists regarding up to date heritage controls within the Knox Planning Scheme; and
- The gap in understanding of Aboriginal cultural heritage sites within Knox.

### 2.5.2 Heritage investigation on a site-by-site basis

When a planning permit application is lodged for a specific site that does not have a Heritage Overlay, Council officers might identify potential heritage significance. In this situation, Council officers could apply to the Minister for Planning for an 'interim' Heritage Overlay, to provide guidance and interim protection from demolition.

While this method may appear advantageous towards preventing demolition of heritage fabric as applications arise, interim Heritage Overlays still require significant strategic justification (in the form of a prior heritage investigation) to gain approval from the Minister of Planning. As this has not been undertaken, the likelihood of gaining interim heritage controls from the Minister of Planning on sites thought to contain unprotected heritage significance is not considered likely. It is understood that the Minister for Planning is not favourable toward interim heritage controls.

There is an opportunity through the building permit process, under section 29 of the *Building Act 1993*, to postpone demolition while seeking an interim Heritage Overlay. It is unlikely that interim Heritage Overlays would be supported by the Minister for Planning and demolition would be able to proceed.

In addition, this direction is not encouraged for the following reasons:

- Impacts to sites of Aboriginal cultural significance would also not be able to be addressed through this option, as no prior investigation has occurred;
- The workload for Council officers would increase as they would need to spend a significant amount of time undertaking research, preparing numerous applications for interim Heritage Overlays, and trying to gather some form of evidence and justification for the interim Heritage Overlays; and

- This approach could also cause concern amongst the Knox heritage community and the development community alike. The heritage community may be concerned because of the time taken to be involved in reducing unnecessary demolitions. Developers would likely be concerned because heritage protection (through an interim Heritage Overlay) would be imposed on them without their prior knowledge.

Council has previously dedicated resources to this approach, which has applied to such projects as:

- Stamford Park: Extensive heritage and archaeological investigation occurred to consider both European and Aboriginal heritage, and retain the existing homestead and consideration of future development.
- Henderson Road Bridge: Preparation of documentation investigating Aboriginal Cultural Heritage and the impact of potential bridgeworks.
- Mint Street Wetlands: Development of documentation related to Aboriginal Cultural Heritage related to the construction of wetlands alongside Dandenong Creek.
- Royal Hotel, Upper Ferntree Gully: The Royal Hotel is covered by the Heritage Overlay, but has required (when making modifications that require a planning permit) additional heritage investigation, to ascertain the current heritage significance of the site and respond to proposed design changes.

Given the above considerations, protecting heritage sites on a site-by-site basis is **not recommended**.

### 2.5.3 Heritage investigation by area

Heritage investigation by area refers to a small area or precinct being investigated for significant heritage sites (such as within an activity centre). For this to occur, Council's work program would need to include the preparation of a structure plan or local area plan, and the timing and budget for those plans would need to allow for heritage investigation of that particular area.

The issues with this approach include:

- Defining heritage in a precinct area may continue to leave significant gaps in heritage investigations across the municipality.
- A large amount of heritage fabric is also expected to be found outside typically study areas for structure and local area plans.
- Indigenous heritage may not be easily captured through studies and strategies covering densely settled urban areas.

This action is **not recommended** due to the piecemeal approach of investigations which would take substantial time to cover the municipality to update existing heritage controls. This may continue to leave gaps in heritage identification across Knox.

#### **2.5.4 Review of the existing Heritage Study (Built form and Aboriginal cultural heritage)**

A review of the KHS from 1993 would allow for both the existing heritage controls to be reviewed and allow for any existing heritage gaps to be revisited across the municipality. It would allow for a comprehensive understanding of heritage within Knox as it currently stands, and provide up to date advice for the community, developers and Councils officers, as to the expectation of protection and maintenance of heritage significance. It is anticipated that new sites would be identified for heritage significance through this approach, as current heritage knowledge is incomplete in the municipality. Conversely, it is also likely that existing sites in the Heritage Overlay will be removed as a result of a revised municipal study.

A review of the heritage study would also give the opportunity to include Aboriginal cultural heritage sites (in consultation with local Aboriginal communities) and provide an additional layer of heritage understanding that is currently vacant in the existing study.

Having regard to initiative 7.1.1 of the Community and Council Plan, the most effective role for Council in protecting and maintaining heritage assets in Knox is in its role as planning authority. For Council to be effective in this role, however, a review of the 1993 Heritage Study will be required to ensure that the most up-to-date information is provided.

In response to initiative 7.1.2 of the Community and Council Plan, the **officer recommended option** for progression of heritage within Knox is to complete a review of the 1993 Heritage Study, which is consistent with previous strategic findings. The overall cost of a full review of the 1993 study, is considered to be substantially less should the study area be otherwise split and done at different time periods. This approach would allow for a complete snapshot of heritage, aligned with current direction for identification of heritage significance.

#### **2.5.5 Heritage Strategy**

A desirable outcome would be for both the development of a Heritage Strategy and a municipality review of the Knox Heritage Study (1993) to be completed and guide heritage in the municipality. As discussed, the Heritage Strategy would also confirm and detail Council's roles as an advocate, a custodian, and as a planning authority.

The progression of a full Heritage Strategy would require substantial community consultation and resourcing and is not encouraged in the immediate period, given the gaps that exist on a more basic level of heritage identification that can be rectified in a shorter timeframe. While the preparation of a Heritage Strategy is desirable towards best practice in heritage management (and foreseen at a future date), this action is **not recommended**, but can be foreseen as a potential second stage towards heritage investigation within the municipality.

## **2.6 Planning scheme amendment**

It is important to note that following a review of heritage significance and with any update to existing heritage controls, a planning scheme amendment would be required to alter the Schedule to the Heritage Overlay in the Knox Planning Scheme, however this would be subject to Council approval.

## **3. CONSULTATION**

It is anticipated that extensive stakeholder and community consultation will be undertaken as part of a revised heritage study. Consultation outcomes and implications will be reviewed and documented in the business case for a municipal wide heritage study that will be further presented to Council.

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

Reviewed heritage controls would assist in protecting vegetation with identifiable heritage significance. Additionally, protection of valued heritage assets would protect the amenity of valued community assets and streetscapes.

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

Preparation of the business case proposal will be undertaken within existing budget and staff resources. Preparation of the business case will be timed to inform budget allocations for the 2019/2020 financial year. The cost of the study will be investigated and documented as part of the business case proposal. Staging and grant opportunities will also be investigated as part of the business case proposal.

## **6. SOCIAL IMPLICATIONS**

No direct social implications are associated with this report. However, up to date information used in protecting existing and newly identified places would have the effect of ensuring these valued community assets are able to be enjoyed by current and future generations.

## **7. RELEVANCE TO KNOX COMMUNITY AND COUNCIL PLAN 2017-2021**

This report relates to the following goals and strategies within the Knox Community and Council Plan 2017-2021 as outlined below:

### **Goal 7 We are inclusive, feel a sense of belonging and value our identity**

*Strategy 7.1 – Protect and preserve our local cultural heritage.*

- This is related to both the conservation of post-European heritage and Indigenous cultural heritage.

*Council initiative 7.1.1 – Determine the most effective role for Council in the protection and maintenance of heritage assets in Knox.*

- This report has specifically been prepared to respond to this initiative which seeks to further investigate heritage protection and maintenance within the municipality.

*Council initiative 7.1.2 – Develop a plan for the ongoing protection and management of indigenous and post European settlement heritage resources related to Knox.*

- This initiative is being addressed within this report, by requesting the preparation of a business plan to scope a Heritage Study within the municipality.

**Goal 8 We have confidence in decision making**

*Strategy 8.1 – Build, strengthen and promote good governance practice across government and community organisations.*

As mentioned previously, up-to-date heritage information would assist Council officers with future decision making.

**8. CONFLICT OF INTEREST**

Under section 80c of the *Local Government Act 1989* officers providing advice to Council must disclose any interests, including the type of interest.

Officer Responsible – Tanya Clark, Manager City Futures - In providing this advice as the Officer Responsible, I have no disclosable interests in this report.

Author – David Cameron, Strategic Planner, City Futures - In providing this advice as the Author, I have no disclosable interests in this report.

**9. CONCLUSION**

The importance of heritage is highlighted through the noted actions within the Knox Community and Council Plan 2017-2021 and acknowledgement of the strategic gap that exists within this space through multiple planning scheme reviews highlighting this issue. The preparation of a business plan towards the investigation of heritage will allow for scoping and feasibility of a heritage project for further consideration by Council.

**10. CONFIDENTIALITY**

There are no items of a confidential nature listed in this report.

**COUNCIL RESOLUTION**

**MOVED: CR. PEARCE**

**SECONDED: CR. COOPER**

**That Council**

1. **Note the report – Heritage Progression within Knox.**
2. **Support the preparation of a business case in the 2018/2019 financial year for a review of the 1993 Knox Heritage Study, that would include Aboriginal cultural heritage and post European built form heritage.**
3. **Receive and consider the business case prior to commencement of any heritage review.**

**CARRIED**

**CHANDLER WARD****6.4 PROPOSED PLANNING SCHEME AMENDMENT C171 – REZONING OF 30 DORRIGO DRIVE, BORONIA (MILLERS HOMESTEAD)**

**SUMMARY:**        *Manager – City Futures (Tanya Clark)*

*This report proposes rezoning the portion of 30 Dorrigo Drive, Boronia (Millers Homestead) zoned Public Park and Recreation Zone (PPRZ) to a Neighbourhood Residential Zone – Schedule 1 (NRZ1) to facilitate the disposal of this asset. It is recommended that Council seek authorisation from the Minister for Planning to prepare and exhibit Amendment C171 and to rezone this land.*

*The sale process can commence if Ministerial approval for the rezoning is granted.*

*It is recommended that at the time of sale, Council prepare a Section 173 Agreement to be registered on the title to provide further protection of the heritage values of the site.*

**RECOMMENDATION**

That Council:

1. Declare 30 Dorrigo Drive, Boronia (Millers Homestead) surplus to Council's requirements.
2. Endorse Appendix B – “Proposed Amendment C171 to the Knox Planning Scheme documentation” for the purpose of public exhibition.
3. Seek authorisation from the Minister for Planning to prepare and exhibit Planning Scheme Amendment C171, as shown in Appendix B to this report.
4. Subject to receiving authorisation from the Minister for Planning, place Amendment C171 on public exhibition for a period of at least one month.
5. Authorise the Director – City Development to make minor changes to Amendment C171, where the changes do not affect the purpose or intent of the Amendment.
6. Support a Section 173 Agreement being placed on the title at time of sale, to restrict future subdivision, restrict future land use to a single dwelling, ensure retention of the external façade of the dwelling, facilitate maintenance of the heritage values of the dwelling and gardens by future land owners.

**1. INTRODUCTION**

The subject land is owned by Knox City Council and is located at 30 Dorrigo Drive, Boronia on the south-east corner of Dorrigo Drive and Melrose Court. It has an area of 5,668m<sup>2</sup> (refer Appendix A).

The land is on one title which comprises all the land contained in Plan of Consolidation CP 1630215. The Plan of Consolidation was registered in 1986, which combined two separate Council owned titles into one title.

The site contains a heritage listed homestead, known as “Millers Homestead”, as well as a small gazebo, an outbuilding and an established garden.

In the eastern corner of the site, abutting Dorrigo Drive, is an electricity substation occupying an area of approximately 50m<sup>2</sup>.

## **2. DISCUSSION**

### **2.1 Current Usage of Millers Homestead**

The property is currently used for Council staff functions/meetings; wedding ceremonies; wedding photos; storage of Council’s art collection; Australian Jazz Museum (office) Ferntree Gully Arts Society (storage of art); and Treefern Potters (Plinths).

Council records indicate that staff usage of Millers over the previous five years has reduced from 39 bookings in 2013/2014 to 26 in 2017/2018. The decrease in usage may be due to the added meeting rooms within the Civic Centre precinct. There has also been a reduction in the number of external bookings (e.g. weddings or visiting the gardens) from seven bookings in 2013/14 to no external bookings in 2017/2018. It is believed that this reduction may be due to other facilities offering a one stop approach to weddings e.g. ceremony, photos and reception.

The property requires extensive maintenance and significant funds to be allocated to increase usage and to maintain its heritage values.

### **2.2 Land Sale Process**

One of Council’s core responsibilities is to manage its assets in order to optimise their value to the community. Part of this responsibility involves evaluating any unused or redundant assets and releasing the funds tied up in these assets in order to acquire, develop or improve other assets. The subject land is an example of resources tied up in an asset which Council can deploy in other areas of priority. The usage of the facility is considered to be no longer viable and the property has no identified strategic plans or resourcing needs into the future.

Council’s Sale of Land and Buildings Policy outlines the process in considering any proposed sale of Council land. Specifically, prior to the sale of any property, it is to be appropriately zoned in order that the ultimate use of the land is determined by the zone and the highest possible sale price is achieved.

A report will be presented to Council to prepare the sale of this asset following the completion of this rezoning process.

### 2.3 Existing Zones and Overlays

The subject land currently has two zones under the Knox Planning Scheme. The main part of the site, containing the homestead and main garden area, is in a Public Park and Recreation Zone (PPRZ). The south-western part of the site is within a Neighbourhood Residential Zone Schedule 1 (NRZ1).

The following overlay controls that apply to the site are not impacted by whether the land is in public or private ownership:

- Environmental Significant Overlay Schedule 3 (ESO3).
- Significant Landscape Overlay Schedule 3 (SLO3).
- Design and Development Overlay Schedule 2 (DDO2).
- Heritage Overlay Schedule 25 (HO25) (applies only to that portion of the site in the PPRZ).

Under the DDO2, the minimum subdivision size for the site is 500m<sup>2</sup>. With a site area of 5,668m<sup>2</sup>, the site therefore technically has subdivision potential. However, any application for subdivision would need to be balanced with the requirements of the Heritage Overlay, which requires consideration of the heritage values of the property.

### 2.4 Heritage

The application of a Heritage Overlay to a site provides the best available protection within the planning scheme, as it requires consideration of those heritage values as part of future planning application processes.

The HO25 applies to the main part of the site, which contains the homestead and garden areas (refer Appendix A). The extent of HO25 correlates to the land currently zoned PPRZ. HO25 does not prevent the homestead from being altered and/or demolished, however it does trigger the need for a planning permit to be obtained prior to any demolition, prior to buildings or works or prior to the removal or lopping of some of the trees. The trees currently nominated within the schedule as requiring a permit to lop/remove include an ironbark tree, numerous camellias and poplars.

The HO25 schedule also specifies that external paint controls and interior controls apply to the property, and therefore a planning permit would also be needed for this type of activity.

A Heritage Report has recently been prepared for Council by a Heritage Consultant to review the existing heritage citation and review the heritage controls which apply to the site (refer Appendix C). This report makes the following comments:

- The house is in excellent condition and the garden is well maintained.
- The *1993 Knox Heritage Study* provides a relatively comprehensive history of the house and garden, which provides a good historic overview of the site. However, there is a separate citation for the camellias, which is not contained within the main citation for the house.

- The current 0.5ha lot represents a fraction of the original 77 acre lot which surrounded the original homestead. The mature garden now provides an important setting that contributes to the significance of the place.
- The existing heritage description of the house has some inconsistencies with the description of the house and not all of the design detail has been reflected.
- There are some inconsistencies between the significant trees and plants identified in the *1993 Knox Heritage Study* and those listed in the Heritage Overlay Schedule. Some of the listed trees no longer exist, some were incorrectly identified and some significant vegetation (ie camellias) were not specifically identified.
- The existing HO25 refers to ‘numerous camellias’ without specifically identifying those that are of primary significance.

A new heritage description and Statement of Significance was prepared to reflect an assessment of the property against current Criteria for Assessment of Cultural Heritage Significance (HERCON). This includes an expanded description of the house, including both its interior and exterior features and identification of significant and non-significant features. It also includes an expanded description of the garden, which more clearly defines the significant and non-significant trees, plants and features.

The Heritage Report recommends that minor amendments be made to the HO25 schedule to:

- Clarify that the interior controls only apply to the homestead (as the interior of the outbuilding is not significant);
- Specifically refer to those trees which are significant; and
- More accurately refer to the property’s address.

Council officers recommend that the Heritage Overlay continue to remain on the property, regardless of its ownership status, in order to maximise opportunities for the heritage values of the building and the landscape to be protected and maintained into the future.

The retention of heritage properties in public ownership may be seen by the community as the preferred way of preserving heritage assets for future generations, however this is not the only guarantee of future heritage protection. Public ownership may be seen as providing a greater level of certainty that the heritage asset will not be redeveloped and the heritage values potentially diminished and/or lost however this is not always the case. Public ownership does not always guarantee that the property is maintained appropriately, or is utilised for a legitimate or viable purpose.

The private sector can often be better placed financially to invest resources into maintaining and preserving heritage properties, particularly where that heritage asset has a legitimate use and can offer lifestyle benefits to the owner.

It is well recognised by heritage experts that both the public and private sector play a role in preserving heritage values within the community.

Millers Homestead is now only sporadically used by Council for any substantive purpose and this creates a financial burden without any form of income. Previous use of the homestead for Council functions has often resulted in local residents raising concerns with noise and parking issues. The site is also remote from an activity centre or main road. This creates the dilemma that other potential uses of the homestead that could potentially provide an income stream for Council (ie function centre, community centre, art gallery etc), are not necessarily in an ideal location or will be in the interests of maintaining residential amenity.

In addition to impact on local amenity, the use of the building for uses other than residential is also likely to require substantial upgrade to services and facilities on site, including building amenities, car parking, waste collection etc, which may in turn impact on heritage values.

If the property remains in Council ownership in the longer term, the likelihood is that Council will need to investigate other non-residential uses on the site, in order to justify and support its ongoing maintenance obligations.

The proposed rezoning and sale of the land will therefore allow for its retention in the longer term for residential purposes and allow for a future land owner to live in and maintain the property. This will see the property with a viable use as a residential dwelling (returning it to its original use and purpose), which in turn provides opportunity for the heritage values of the property to be preserved and maintained into the future.

## **2.5 Section 173 Agreement**

Should the property transfer to private ownership, the future heritage protection of the property cannot be guaranteed. Even though a Heritage Overlay will continue to apply to the land, landowners can apply for a planning permit to demolish the heritage building or make modifications to the house and/or garden. Even if Council refuses an application, a landowner can appeal to the Victorian Civil and Administrative Tribunal (VCAT) and the decision could be overturned.

As the landowner, Council does have the ability to impose other heritage protection outside of the planning scheme controls, prior to the sale of the land. One method that may provide some additional protection is to impose restrictions through a Section 173 Agreement registered on the title. This would require the purchaser to enter into a Section 173 Agreement under the *Planning & Environment Act 1987* as a condition of a contract of sale for the land, and would be binding on all future land owners. Examples of matters which could be considered for inclusion in the Agreement to strengthen the protection of the heritage values of the land could be to restrict future subdivision, restrict future land use to a single dwelling, ensure retention of the external façade of the dwelling, and to facilitate maintenance of the heritage values of the dwelling and garden by future land owners.

A Section 173 Agreement is considered to be the most effective and legally binding option available to Council (as the landowner) to impose additional protection on the future use and development of this property, over and above the planning scheme controls.

Should Council wish to pursue this Section 173 Agreement process, it would not form part of the rezoning process, but would form part of the land sale process. The details of the particular conditions to be imposed on an Agreement would need to be addressed prior to the commencement of the land sale process.

## 2.6 Proposed Amendment

Should Council resolve that the land is surplus to its needs and is to be offered for sale, it is the view of Council officers that the land should be rezoned prior to the sale and that the HO25 should continue to apply.

It is recommended that the planning scheme amendment should:

- Rezone that part of the land zoned PPRZ, from PPRZ to NRZ1;
- Retain the HO25 with minor modifications to the Schedule provisions in accordance with the recommendations of the Heritage Report; and
- Include the amended heritage citation and Statement of Significance contained within the Heritage Report with the rezoning proposal, to form part of the community consultation process.

The proposed amendment documentation is included in Appendix B.

## 2.7 Consistency with State Planning Policy

The proposed amendment is consistent with the following objectives or strategies of the State Planning Policy:

- 11.02-1 **Supply of urban land** by ensuring a supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.
- 11.05-2 **Distinctive areas of state significance** by protecting and enhancing the valued attributes of the distinctive areas of the Yarra Valley and Dandenong Ranges, including protection of the identified valued characteristics of the land.
- 11.06-5 **Neighbourhoods** by assisting to create a city of inclusive, vibrant and healthy neighbourhoods that promote strong communities, healthy lifestyles and good access to local services and jobs.
- 12.01-1 **Protection of biodiversity** by the continued application of the ESO3 and SLO3 that will assist the protection and conservation of Victoria's biodiversity.

- 12.04-2 **Landscapes** by protecting landscapes and significant open spaces that contribute to character, identity and sustainable environment of the Dandenong Foothills.
- 15.03-1 **Heritage conservation** by continuing the application of Heritage Overlay to valued features of heritage significance.
- 16.01 **Residential development** by promoting a housing market that meets community needs and locating new housing in or close to activity centres and in urban renewal precincts that offer good access to jobs, services and transport.

## 2.8 Consistency with Local Planning Policy

The amendment is consistent with and supports the direction of Knox's Local Planning Policy Framework. The following sections of the Knox Municipal Strategic Statement support the retention of the HO25 on the land and support having a viable use on the land, which will be respectful of the heritage values and character of the place:

### Clause 21.05-6 Heritage

This clause states:

*Local heritage is an integral part of the evolution of land use in Knox and contributes to the diverse cultural heritage and identity of the City.*

*Land use and development approval processes for places of historic and cultural significance must acknowledge their importance and consider potential impacts on their heritage value. Appropriate uses need to be identified or retained to help preserve these places and their heritage values into the future.*

### Objective 9

*To identify, protect and enhance places and areas of historic, cultural and social significance.*

### Strategies:

- 9.1 *Promote the identification and assessment of all places and areas of historic, cultural and social significance.*
- 9.2 *Promote the protection, enhancement and management of all places and areas of historic, cultural and social significance.*
- 9.3 *Facilitate land use and development that is respectful of the heritage values and character of the place and surrounding area, and does not adversely affect the significance of the place.*
- 9.4 *Support viable uses which recognise the importance of identified places of heritage significance and their adaptive re-use.*

### Clause 21.06 Housing

This clause supports a diversity of housing choice in appropriate locations. The rezoning of the subject land to the Neighbourhood Residential Zone and retention of existing overlays will protect the environmental and biological qualities that make this bush suburban area distinct.

**Clause 21.10-1 Dandenong Foothills**

This clause supports retaining the SLO3 to ensure that the landscape characteristics of the Foothills will be protected.

**3. CONSULTATION**

Council will undertake public consultation on the Planning Scheme Amendment to fulfil its statutory obligations under the *Planning & Environment Act 1987*.

Key elements of the proposed exhibition process include amendment notices to be sent to adjoining owners and occupiers and specific State Government departments and authorities. Notices will also be published in the Government Gazette and Knox Leader. Targeted notification will be addressed to relevant local groups along with notification on Council's website.

Subsequent sale of land processes will include a further public consultation process in accordance with Section 189 of the *Local Government Act 1989*.

**4. ENVIRONMENTAL/AMENITY ISSUES**

The protection of the significant trees and plants within the garden will be improved with the revised Heritage Overlay controls. The Amendment will seek to specifically nominate which vegetation is significant as part of the heritage context of the site, and a planning permit will be required to remove/lop this vegetation.

The sale of the property and its return to residential use in private ownership, combined with the proposed Section 173 Agreement on the title, could provide some certainty to the local residents in terms of the future of this facility. This can be achieved by strengthening the heritage protection and protecting amenity of the surrounding residential area from future intrusion of a non-residential use.

**5. FINANCIAL & ECONOMIC IMPLICATIONS**

The cost of maintaining Millers Homestead over five years has been assessed as \$50,000 (outdoor areas) and \$95,000 (house and gazebo).

The identification of 30 Dorrigo Drive, Boronia as surplus to Council's needs is in accordance with the Sale of Land and Buildings Policy. Rezoning and the proposed future sale of the property will support Council's responsible financial management practice. A further report outlining the financial considerations of any future sale of this property will be prepared at the conclusion of the rezoning process.

The proposed Planning Scheme Amendment processes can be managed within existing Council budget.

## **6. SOCIAL IMPLICATIONS**

The social implications of the rezoning and sale of 30 Dorrigo Drive, Boronia will include the loss of this property for public use, with the public no longer having access to the property or enjoyment of the facility and grounds, including appreciation of the heritage value of the property from within the property itself. It is noted though that, public use of the site currently is low.

The heritage significance of the property will remain the same and heritage value of the property is to be retained as the Heritage Overlay is proposed to remain.

A proposed Section 173 Agreement on the title will assist in ensuring heritage values are retained.

## **7. RELEVANCE TO KNOX COMMUNITY AND COUNCIL PLAN 2017-2021**

This report relates to the following goals and strategies within the Knox Community and Council Plan 2017-2021 as outlined below:

### **Goal 1 We value our natural and built environment**

*Strategy 1.3 Ensure the Knox local character is protected and enhanced through the design and location of urban development and infrastructure.*

### **Goal 7 We are inclusive, feel a sense of belonging and value our identity**

*Strategy 7.1 Protect and preserve our local cultural heritage.*

### **Goal 8 We have confidence in decision making**

*Strategy 8.1 Build, strengthen and promote good governance practice across government and community organisations.*

## **8. CONFLICT OF INTEREST**

Under section 80c of the *Local Government Act 1989* officers providing advice to Council must disclose any interests, including the type of interest.

Officer Responsible – Tanya Clark, Manager City Futures - In providing this advice as the Officer Responsible, I have no disclosable interests in this report.

Officer Responsible – Dale Monk, Manager Business and Financial Services - In providing this advice as the Officer Responsible, I have no disclosable interests in this report

Author – Anthony Petherbridge, Coordinator – City Strategy and Planning - In providing this advice as the Author, I have no disclosable interests in this report.

Author – Angela Mitchell, Coordinator – Property Management - In providing this advice as the Officer Responsible, I have no disclosable interests in this report.

## **9. CONCLUSION**

It is recommended that Council determine 30 Dorrigo Drive, Boronia (Millers Homestead) as surplus. It is also recommended that Council seek authorisation from the Minister for Planning to prepare and exhibit Amendment C171 and, upon this being approved, a further report be presented to commence the sale of this property.

It is also recommended that when the land is put up for sale an appropriate agreement by way of a Section 173 Agreement is put in place to ensure no further subdivision, that the site is only used for residential purposes, and that future owners maintain the heritage values of the site.

## **10. CONFIDENTIALITY**

There are no confidential issues associated with this report.

### **COUNCIL RESOLUTION**

**MOVED: CR. MORTIMORE**

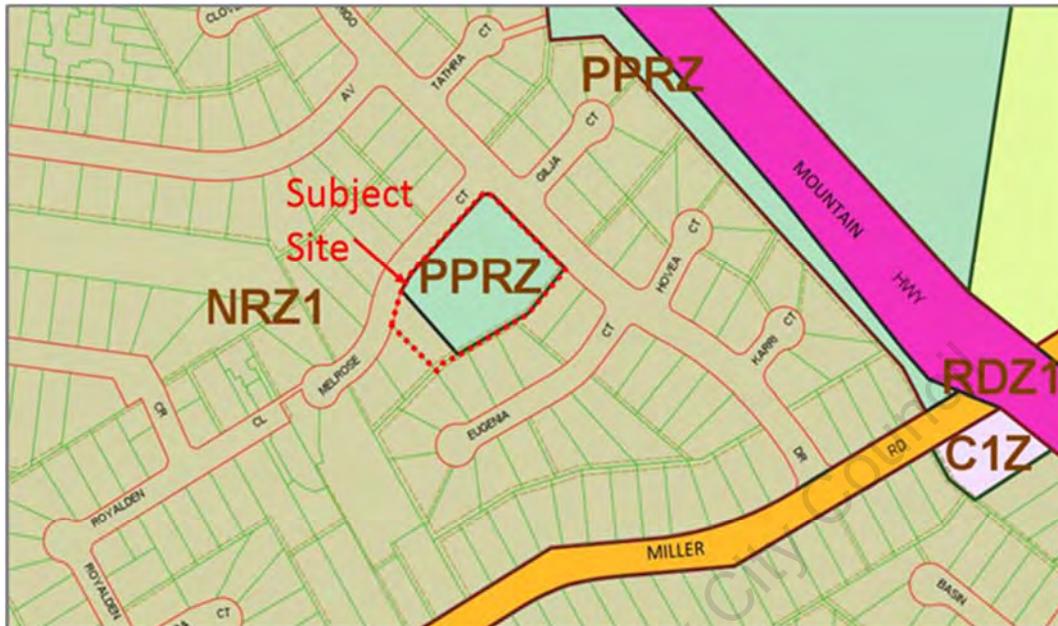
**SECONDED: CR. LOCKWOOD**

**That Council:**

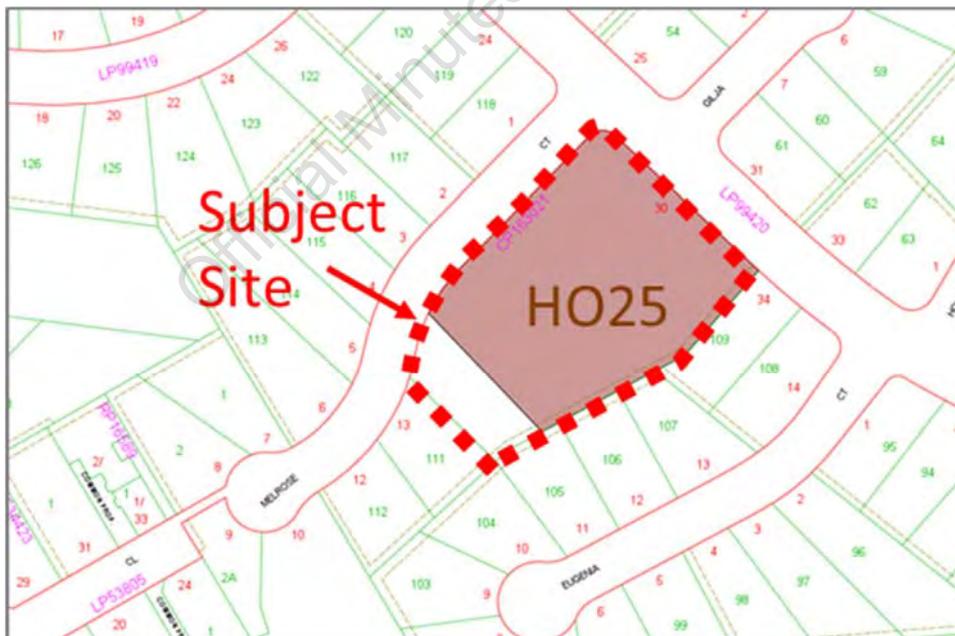
- 1. Declare 30 Dorrigo Drive, Boronia (Millers Homestead) surplus to Council's requirements.**
- 2. Endorse Appendix B – "Proposed Amendment C171 to the Knox Planning Scheme documentation" for the purpose of public exhibition.**
- 3. Seek authorisation from the Minister for Planning to prepare and exhibit Planning Scheme Amendment C171, as shown in Appendix B to this report.**
- 4. Subject to receiving authorisation from the Minister for Planning, place Amendment C171 on public exhibition for a period of at least one month.**
- 5. Authorise the Director – City Development to make minor changes to Amendment C171, where the changes do not affect the purpose or intent of the Amendment.**
- 6. Support a Section 173 Agreement being placed on the title at time of sale, to restrict future subdivision, restrict future land use to a single dwelling, ensure retention of the external façade of the dwelling, facilitate maintenance of the heritage values of the dwelling and gardens by future land owners.**

**CARRIED**

## APPENDIX A – Map of Subject Site



- PPRZ** Public Park & Recreation Zone
- NRZ1** Neighbourhood Residential Zone - Schedule 1



- HO25** Heritage Overlay Schedule 25

## APPENDIX B – Proposed Amendment C171 Documentation

*Planning and Environment Act 1987*

### KNOX PLANNING SCHEME

#### AMENDMENT C171

#### EXPLANATORY REPORT

##### Who is the planning authority?

This amendment has been prepared by the Knox City Council which is the planning authority for this amendment.

The proponent for this Amendment is Knox City Council.

##### Land affected by the Amendment

The Amendment applies to part of the land at 30 Dorrigo Drive, Boronia (Volume 9700 Folio 864, more particularly described as land in Plan of Consolidation 163021J). The land has two zones under the Knox Planning Scheme: Public Park Recreation Zone and Neighbourhood Residential Zone – Schedule 1 (refer map).



The land is currently occupied by 'Millers Homestead' and associated out buildings and gardens. There is an electricity substation on the eastern corner abutting Dorrigo Drive.

##### What the amendment does

Amendment C171 proposes to:

- Rezone that part of the land currently in a Public Park and Recreation Zone (PPRZ) to Neighbourhood Residential Zone Schedule 1 (NRZ1).
- Amend the schedule to the Heritage Overlay (HO25) which applies to part of the land to:
  - Amend the property description;
  - Specifically refer to the vegetation which is significant; and,
  - Clarify that the interior controls only apply to the dwelling.

## **Strategic assessment of the Amendment**

### **Why is the Amendment required?**

The land is surplus to Council's requirements and it is proposed to be sold. In order to dispose of the land, it is appropriate that the land be rezoned from the PPRZ to the NRZ1 to reflect its future private ownership.

Council's *Sale of Land and Buildings Policy (2018)* provides that prior to the sale of any property it is to be appropriately zoned in order that the ultimate use of the land is determined by that zone.

It is therefore proposed to rezone that portion of the land affected by PPRZ to NRZ1 to be consistent with the zoning of the adjoining residential land. All surrounding properties are located in NRZ1.

It is proposed to retain the existing Environmental Significance Overlay Schedule 3 (ESO3), Significant Landscape Overlay Schedule (SLO3) and the Design and Development Overlay Schedule 2 (DDO2) with no changes.

It is proposed to retain the existing HO25 which applies to part of the land and to make minor modifications to the schedule to the HO25 in order to more accurately reflect the heritage values of the land.

### **How does the Amendment implement the objectives of planning in Victoria?**

The amendment implements the objectives of planning in Victoria by ensuring that the Knox Planning Scheme is able to facilitate appropriate development and use in accordance with Section 4(1) of the *Planning and Environment Act 1987* in particular:

- 4(1)(a) To provide for the fair, orderly, economic & sustainable use and development of land;
- 4(1)(d) To conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;
- 4(1)(g) To balance the present and future interests of all Victorians by protecting valued heritage assets of the community.

### **How does the Amendment address any environmental, social and economic effects?**

With no changes to the existing Environmental Significance Overlay or Significant Landscape Overlay, the planning controls applying to this site will continue to reflect and support the environment and landscape objectives for this area, including important habitat for Victoria's flora and fauna and other strategically valuable biodiversity sites. The heritage values of the significant vegetation for the site will be improved with the proposed changes to the HO25, which seeks to specifically nominate which vegetation is significant as part of the heritage context. A planning permit would be required to remove/lop this nominated vegetation.

The heritage significance will therefore protect the historic values of the property, as the Heritage Overlay is proposed to remain in place, with only minor changes to the HO25 schedule to better reflect the heritage context of the site.

The proposed rezoning of the land zoned PPRZ to a NRZ1 is appropriate as it reflects the surplus nature of this Council owned land.

### **Does the Amendment address relevant bushfire risk?**

The subject land is not located within the Bushfire Management Overlay (BMO). The application of the Neighbourhood Residential Zone is appropriate given the surrounding residential densities and bushfire requirements, and is consistent with zoning of all surrounding land.

### **Does the Amendment comply with the requirements of any Minister's Direction applicable to the amendment?**

The amendment complies with the Ministerial Direction on the Form and Content of Planning Scheme under section 7(5) of the Act. The rezoning of the land to NRZ1 is appropriate because public use zones should only be applied to land in public ownership.

The Amendment is consistent with Minister's Direction No.9 – Metropolitan Strategy (as amended 30 May 2014) pursuant to Section 12 of the Planning and Environment Act 1987 – that requires planning authorities to have regard to the Metropolitan Planning Strategy (Plan Melbourne 2017-2050).

It is considered that the amendment is consistent with and supports the following policies and by providing for the rezoning and sale of Council owned land, retention of its heritage controls:

- Direction 2.5 Provide greater choice and diversity of housing
- Direction 4.4 Respect Melbourne's heritage as we build for the future

### **How does the Amendment support or implement the State Planning Policy Framework and any adopted State policy?**

The State Planning Policy Framework (SPPF) seeks to ensure the objectives of planning in Victoria, as set out in the Planning and Environment Act 1987, are fostered through appropriate planning policies and practices that integrate relevant environmental, social and economic factors in the interest of net community benefit and sustainable development.

The amendment supports the following objectives and strategies of the SPPF:

11.02-1 **Supply of urban land** by ensuring a supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.

11.05-2 **Distinctive areas of state significance** by protecting and enhancing the valued attributes of the distinctive areas of the Yarra Valley and Dandenong Ranges, including protection of the identified valued characteristics of the land.

11.06-2 **Housing choice** by providing housing choice close to jobs and services.

11.06-5 **Neighbourhoods** by assisting to create a city of inclusive, vibrant and healthy neighbourhoods that promote strong communities, healthy lifestyles and good access to local services and jobs.

12.01-1 **Protection of biodiversity** by the continued application of the ESO3 and SLO3 that will assist the protection and conservation of Victoria's biodiversity.

12.04-2 **Landscapes** by protecting landscapes and significant open spaces that contribute to character, identity and sustainable environment of the Dandenong Foothills.

15.03-1 **Heritage conservation** by continuing the application of Heritage Overlay to ensure valued features of heritage significance are retained.

16.01 **Residential development** by promoting a housing market that meets community needs and locating new housing in or close to activity centres and in urban renewal precincts and sites that offer good access to jobs, services and transport.

### **How does the Amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?**

The amendment is consistent with and supports the direction of Knox's Local Planning Policy Framework, and specifically the following objectives and strategies of the Municipal Strategic Statement.

- Clause 21.05-6 **Heritage** which seeks to identify, protect and enhance places and areas of historic, cultural and social significance, facilitate land use that is respectful to the heritage character and to support viable uses which recognise heritage significance.
- Clause 21.06 **Housing** which seeks to support a diversity of housing choices and styles to cater for the community's needs.

- Clause 21.10-1 **Dandenong Foothills** which seeks to retain the SLO3 to ensure that the landscape characteristics of the Foothills will be protected.

### **Does the Amendment make proper use of the Victoria Planning Provisions?**

The amendment makes proper use of the Victoria Planning Provisions by appropriately proposing to apply the NRZ1 to land that is proposed to be sold by Council and will be privately owned. The NRZ1 is the most appropriate zone, being consistent with the surrounding residential area.

### **How does the Amendment address the views of any relevant agency?**

The views of the relevant agencies will be formally sought as part of the exhibition of the amendment.

### **Does the Amendment address relevant requirements of the Transport Integration Act 2010?**

The amendment will not have a significant impact on the transport system.

### **Resource and administrative costs**

#### **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

The rezoning of the land will not have significant impact on the resources and administration cost of Knox City Council.

The proposed zoning and future sale of the property will support Council's responsible financial management practice.

### **Where you may inspect this Amendment**

The Amendment is available for public inspection, free of charge, during office hours at the following places:

Council's Customer Service Building and Planning counter at the Knox Council Civic Centre, 511 Burwood Highway, Wantirna South, on weekdays from 8:30am to 5:00pm.

The Amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at [www.delwp.vic.gov.au/public-inspection](http://www.delwp.vic.gov.au/public-inspection).

### **Submissions**

Any person who may be affected by the Amendment may make a submission to the planning authority about the amendment. Submissions must be made in writing giving the submitter's name and contact address, clearly stating the grounds on which the amendment is supported or opposed and indicating what changes (if any) the submitter wishes to make.

Name and contact details of submitters are required for Council to consider submissions and to notify such persons of the opportunity to attend council meetings and public hearings held to consider submissions. The closing date for submissions is **(insert submissions due date)**.

A submission must be sent to Knox City Council via:

Email (or)  
psamendments@knox.vic.gov.au

Post (no stamp required)  
Attention: Submission to Amendment C171  
City Futures, Knox City Council  
Reply Paid 70243  
WANTIRNA SOUTH VIC 3152

*Planning and Environment Act 1987***KNOX PLANNING SCHEME****AMENDMENT C171****INSTRUCTION SHEET**

The planning authority for this amendment is the Knox City Council.

The Knox Planning Scheme is amended as follows:

**Planning Scheme Maps**

The Planning Scheme Maps are amended by a total of 1 attached map sheet.

**Zoning Maps**

1. Amend Planning Scheme Map No 3 in the manner shown on the attached map marked "Knox Planning Scheme, Amendment C171".

**Planning Scheme Ordinance**

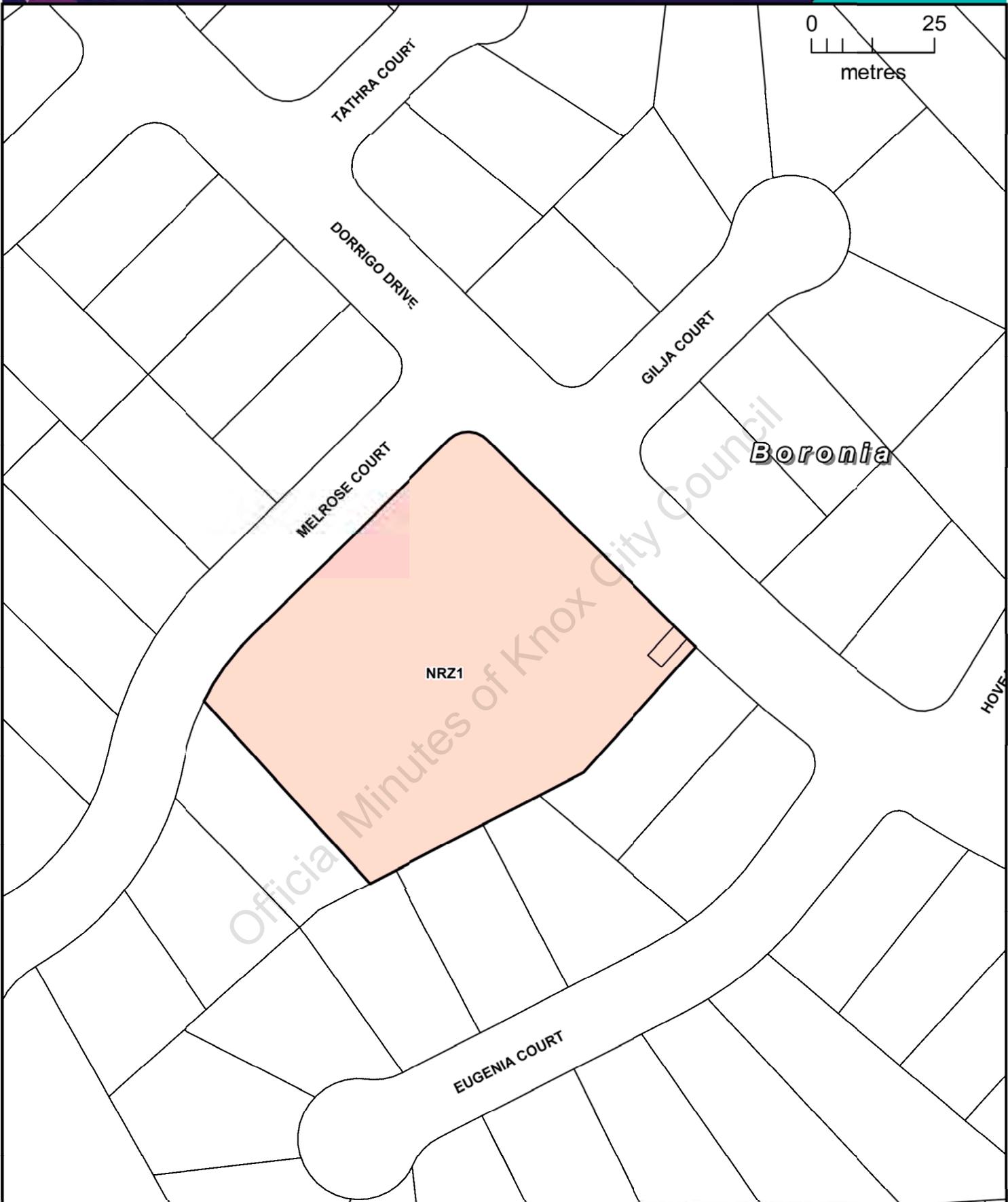
2. In Overlays – Clause 43.01, replace the schedule with a new schedule in the form of the attached document.

End of document

PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-3	Included on the Victorian Heritage Register under the Heritage Act 1995?	Prohibited uses may be permitted?	Name of Incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
HO22	Scoresby State School	No	No	No	No	No	No	None specified	No
HO23	Bayswater Wine Cafe, corner of Bayswater Road and Mountain Highway, Bayswater and Cypress Pine ( <i>Cupressus</i> sp.), and Oaks ( <i>Quercus robur</i> )	No	No	Yes – only to those specifically identified under Heritage Place	No	No	No	None specified	No
HO24	Stamford Park, Stud Road, Rowville. Stamford Park House and Elms ( <i>Ulmus procera</i> ), Incense Cedar ( <i>Calocedrus decurrens</i> ), Moreton Bay Fig ( <i>Ficus macrophylla</i> )	Yes	No	Yes	No	No	Yes	None specified	No
HO25	<del>Millers Homestead, corner of Melrose Court and Dorrigo Drive, Boronia and one large Ironbark (<i>Eucalyptus sideroxylon</i>), numerous Camellias of horticultural &amp; historical significance, and Poplars (<i>Populus</i> sp.)</del> <u>Miller's Homestead (former 'Melrose'), 30 Dorrigo Drive, Boronia.</u>	Yes	Yes – <u>homestead</u>	Yes – only to those specifically identified under Heritage Place	No	No	No	None specified	No

PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-3	Included on the Victorian Heritage Register under the Heritage Act 1995?	Prohibited uses may be permitted?	Name of Incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
	<p><u>The heritage place includes the homestead, outbuilding and garden setting including the following significant trees and shrubs, all situated to the east or north east of the homestead:</u></p> <p><u>Poplar (Populus x Canadensis), Weeping Lily Pilly (Pin Oak Quercus palustris), Weeping Lilly Pilly (Syzygium floribunda), Strawberry Tree (Arbutus enedo) and Ironbark (E. sideroxylon), as well as Camellia japonica cultivars Alba Plena, Lady Loch and William Bull within the camellia walk.</u></p>								
HO26	Lomond, 45 Orange Grove, Bayswater and Cypress Pines (Cupressus sp.), and original Fruit trees	No	No	Yes – only to those specifically identified under Heritage Place	No	No	No	None specified	No
HO27	Highmoor, 6 Highmoor Avenue, Bayswater	No	No	No	No	No	No	None specified	No
HO28	Blackwood Park, 11 Bales Street, Ferntree Gully and large Cypress Pine (Cupressus sp.)	No	No	Yes – only to those specifically identified under Heritage Place	No	No	No	None specified	No

# KNOX PLANNING SCHEME



## LEGEND

NRZ1 NEIGHBOURHOOD RESIDENTIAL ZONE - SCHEDULE 1

Part of Planning Scheme Map 3

# AMENDMENT C171





Official Minutes

## **Heritage Advice**

### **H025 Miller's homestead and garden**

### **30 Dorrigo Drive, Boronia**

Prepared for Knox City Council

Official Minutes of Knox City Council

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**Prepared by:** DAVID HELMS, HERITAGE CONSULTANT

**Final v.2 – 12 March 2018**

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# 1 Introduction

## 1.1 Purpose

This report has been prepared for Knox City Council (the Council) in relation to HO25, the former Miller's homestead and garden at 30 Dorrigo Drive, Boronia (the subject site). Council is exploring options for the subject site, which may include subdivision or change of use, and requires a review of the heritage significance and controls that apply to guide future management. The purpose of this report is to provide independent heritage advice, as follows:

- ▶ A review of the existing heritage citation and preparation of an updated citation including new statement of significance, as required;
- ▶ A review of existing heritage controls and recommendations for changes to the controls, if appropriate; and
- ▶ Preliminary advice in relation to the potential heritage impacts of subdivision.

This report sets out the methodology, findings and recommendations.

## 1.2 Approach and methodology

This report has been prepared in accordance with the Australia ICOMOS *Charter for Place of Cultural Significance*, 2013 (the Burra Charter) and its guidelines using the Hercon criteria (refer Appendix A). All terminology is consistent with the Burra Charter.

Specifically, the tasks have included:

- ▶ A review of information about the subject site in the original citations prepared by Margaret McInnes for the *City of Knox Heritage Study 1993* (the 1993 Study). The 1993 study contains two citations: one for the homestead and garden and one specifically for the Camellias within the garden;
- ▶ Limited additional research including examination of titles and Parish Plans to confirm some of the details of the ownership of this property up until the time of acquisition by Council; and
- ▶ An internal and external inspection of the house, and the surrounding garden.

## 1.3 Existing heritage listings and zoning

The subject site is included within a site-specific heritage overlay HO25, which applies to the house and land at 30 Dorrigo Drive, Boronia. Tree controls apply to the following trees specified in the HO schedule:

- ▶ One large Ironbark (*Eucalyptus sideroxylon*);
- ▶ 'Numerous Camellias'; and
- ▶ Poplars.

In addition, external paint controls and interior controls apply to the property.

The subject site is not included on the Victorian Heritage Register or any other statutory heritage list.

As shown on Figure 1.1, the subject site is contained in two zones:

## HERITAGE ADVICE

- ▶ The Public Park & Recreation Zone, which applies to most of the site including the whole of the homestead building (this applies to the area originally set as a 'Reserve for municipal purposes' in 1976 when the current residential subdivision was created – see the New History in Appendix B); and
- ▶ The Neighbourhood Residential Zone, which applies to the original allotment 110 in the subdivision, which Council acquired in 1978 (see New History in Appendix B).

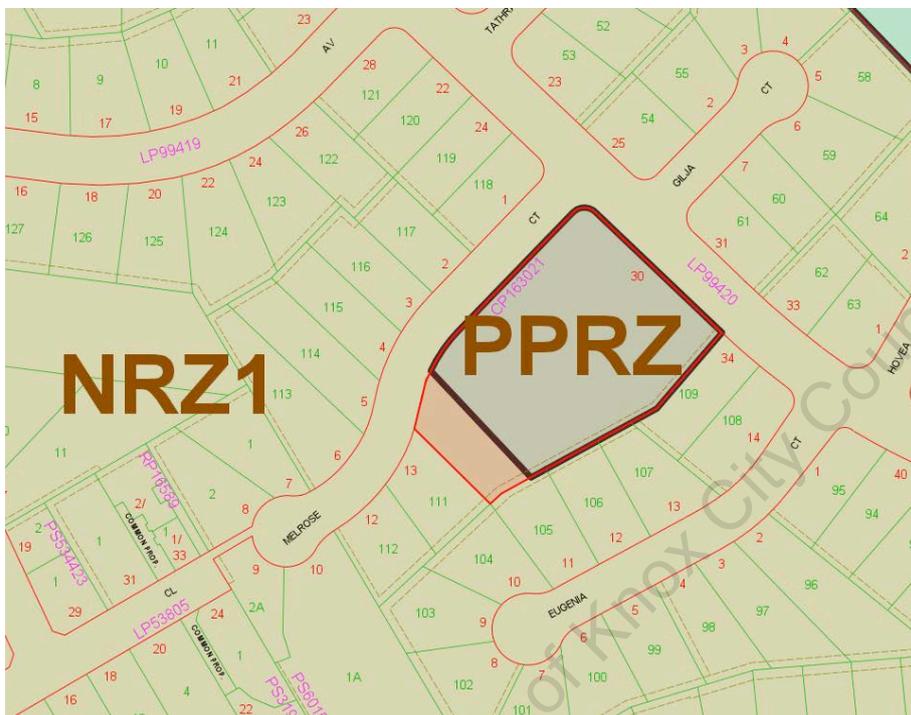


Figure 1.1 – Current zoning. The subject site comprises the PPRZ land and the adjoining allotment 110, zoned NRZ1, shaded pink.

## 2 Review of significance and HO controls

### 2.1 History

The 1993 Study provides a comprehensive history of the house and garden. In summary:

- ▶ The house was built in 1888 for J.J. Miller and was originally situated on 77 acres of land that formed part of Miller's holdings of over 400 acres within this area. Miller was a successful businessman, who was prominent in local affairs. After constructing this house he established a stud farm and horse training facility on his property and set about publicising the district and encouraging tourism. When the new Shire of Ferntree Gully was formed in 1889 he became the first President;
- ▶ An extensive garden was established around the house, and it was known as one the 'showplaces' of the district. Early plantings included Camellias and other cool-climate plants, reputedly supplied by Como Nursery at The Basin, established by William Chandler in 1876;
- ▶ Miller ran into financial difficulties following the economic depression of the early 1890s and the London Chartered Bank foreclosed his mortgage in 1899 and assumed the title to the property;
- ▶ Over the years the land surrounding the house was reduced by subdivision to the present 0.5 hectare. In the 1970s the Council acquired the property and in the 1980s undertook a major restoration of the house and garden. The restored house and garden was opened in 1989;
- ▶ The garden was restored and rejuvenated based on remnant plants (which included some early camellias) and historic evidence including early photos; and
- ▶ Today, the house and garden remains in the ownership of the Council.

#### **Review of history**

The histories in both citations are relatively comprehensive and provide a good historic overview of the development of the subject site. However, the separate citation for the camellias has additional historic information not contained in the main citation. Because of this, a combined history has been prepared, which is in Appendix B. Consistent with current practice, this includes:

- ▶ The thematic context (relevant historic themes from the 1993 Study);
- ▶ History of the place, including a sub-section for J.J. Miller and the development of the garden; and
- ▶ Additional historic information about the ownership history leading to the acquisition by the Council of the house and its subsequent restoration.

### 2.2 Description

The 1993 Study provides the following description of the house and garden:

*The original property is reduced from 400 acres to .5 hectares. The house is situated on a comer of rising ground and commands a view of the mountain from the front verandah. It is surrounded by urban development.*

*A typical Victorian bungalow design with a passage through the centre and verandah around three sides, the front rooms are large enough for receptions. The kitchen and*

cellar have been restored, as well as toilets modernised, although old fittings retained where possible. There are several rooms leading off the passage to the back entrance, but it is difficult to know which were bedrooms. The outhouses including a garden shed are of solid construction.

The garden has been restored from a study of components of planting, surfacing materials, structure and other elements which were typical of gardens designed in the area. Additional information was provided by photographs and written material.

It is considered the camellias are of horticultural and historical significance due to the age (about 100 years) and the development of camellias from Camden NSW to nurseries in Victoria in the 1880's (Sangster Taylor, Guilfoyle and others). The garden illustrates the composition of Victorian gardens of the late 19th Century in the gardenesque manner.

Large trees still existing include peppercorn, New Zealand pirparea, engeni vinli, phonix palem, anzutiuseneds, poplar, oak, hawthorn. The garden beds were bordered with locally quarried rock and built up to verandah height with acanthis, and succulent cacti. The entrance steps have planted aloe (circa 1917). The rear garden has a pergola once covered with wisteria.

Miller's Homestead has been faithfully restored from evidence available. Although not a Victorian house in the very grand manner, it nevertheless represents a very important period in the development of the area and is indicative of the boom and bust of the 1880's, the owner having to give up the property in the 1890's. The house is architecturally sound and used for specific purposes by Knox Council.

It is now seen to be the only significant building of the era in Boronia.

### **Review of description**

The site inspection has confirmed that the house is in excellent condition. However, the following issues have been identified with the existing description:

- ▶ It describes the house as a Victorian 'bungalow' when the more correct term is Italianate villa. It also does not identify some unusual elements of the design including the use of French doors to all the principal rooms, including the bay windows, and the way the polygonal roofs above the bays merge into the main roof ridge;
- ▶ It does not identify the elements of the interior that are significant and refers, for example, to the kitchen being 'restored' when in fact a modern kitchen has been installed, presumably at the time of the 1985 restoration works; and
- ▶ It refers to 'outhouses', but there is only one today.

The garden is also well maintained. However, there are inconsistencies between the significant trees and plants identified in the 1993 Study and those listed in the HO schedule. Specifically:

- ▶ Several of the trees and plants identified in the 1993 Study are no longer extant (peppercorn, oak, hawthorn, and the aloe and succulent cacti) or were incorrectly identified, including some names that are incorrect or no longer in common use (e.g., the trees/plants referred to as 'New Zealand pirparea, engeni vinli, phonix palem, anzutiuseneds' could not be found online or in reference books); and
- ▶ The HO schedule correctly identifies the significant Ironbark at the front of the house. However, it also refers to 'numerous Camellias' without specifically identifying the examples that are of primary significance (a list of three Camellia is provided in the history), and refers to 'Poplars', when there is only one mature Poplar of significance. This is the Canadian Poplar (*Populus x canadensis*) to the north east of the house.

Due to the time of year, the Camellias were not in flower and so it was impossible to positively identify the significant varieties identified in 1993 Study, which are all *Camellia japonica* including *Alba Plena* (white, formal double), *William Bull* (rose pink, light in the centre, formal double) and *Lady Loch* (light pink veined deeper pink and edged with white). However, the description of a 'camellia walk' suggests these are in the line of camellias just to the north east of the homestead (although these do not appear to be very old and it appears they may be replacements propagated from the original plants at the time of the garden restoration c.1986). There is also a group of camellias within a circular bed directly in front of the homestead, as well as several around the gazebo in the rear garden. The latter group is likely to contain more recent plantings (possibly taken as cuttings from the original shrubs).

The site inspection has also identified three significant mature trees not specifically mentioned in either the 1993 Study or the HO schedule: A large Pin Oak (*Quercus palustris*), Weeping Lilly Pilly (*Syzygium floribunda*) and a Strawberry Tree (*Arbutus enedo*).

As shown in Figure 2.1, all the significant trees and camellias are located to the east or north east of the homestead.

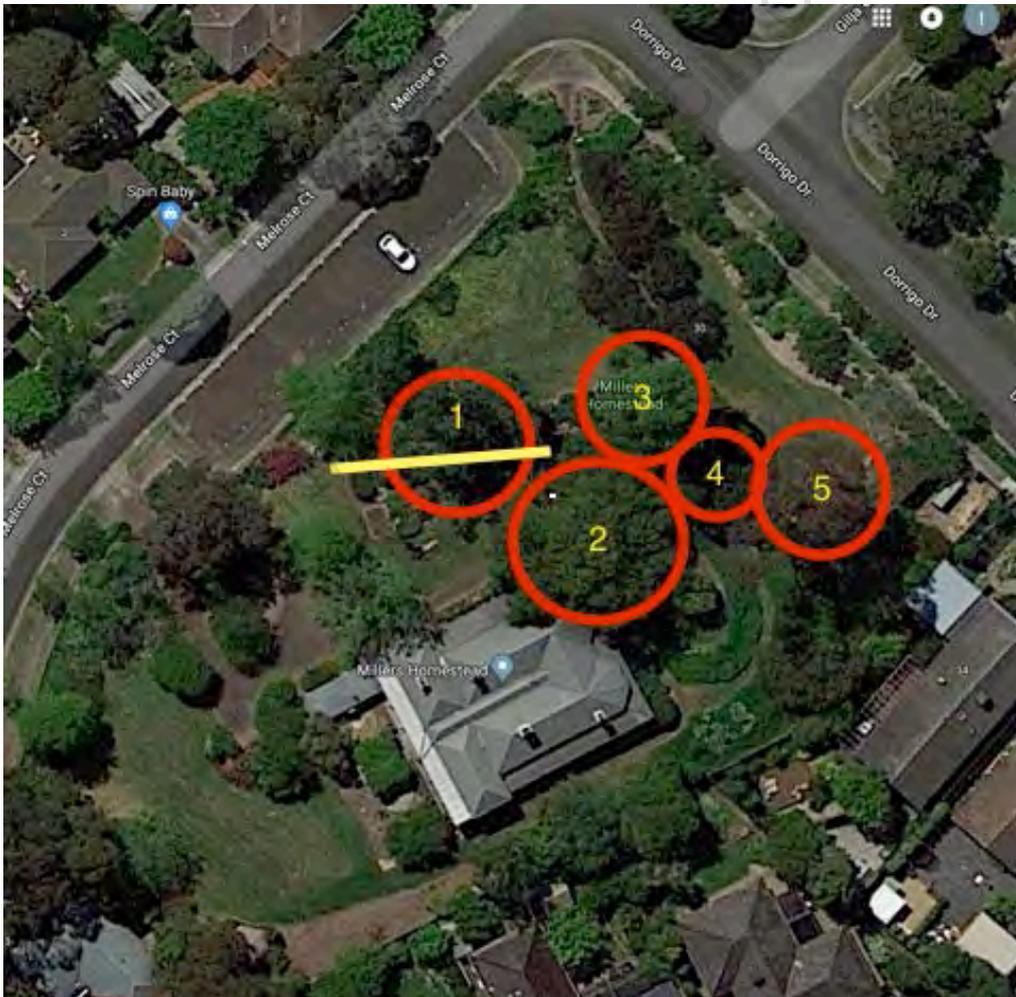


Figure 2.1. Significant trees: 1 – Poplar x Canadensis, 2 – Weeping Lilly Pilly, 3 – Pin Oak, 4 – Strawberry Tree, 5 – Ironbark. The yellow line indicates the approximate location of the 'camellia walk'.

## HERITAGE ADVICE

Accordingly, a new description has been prepared, which is in Appendix B. This includes:

- ▶ An expanded description of the house, including both its interior and exterior features, and identification of significant and non-significant features. Reference is also made to the outbuilding.
- ▶ An expanded description of the garden, which more clearly defines the significant and non-significant trees, plants and features.

### 2.3 Significance

The statement of significance for the subject site in the 1985 Study is as follows:

*This single storey Victorian residence was the home of James John Miller, the first President of Ferntree Gully Shire (1889). Stables and training facilities were established on the original property of 400 acres, developed out of wilderness and scrub.*

*The building is the best example of the Victorian style boom era of the 1880's in the City of Knox, and has been restored faithfully. The garden has also been landscaped as far as possible to the original design with propagation of remnants of vegetation including a camellia walkway dating from the 1890's.*

On the basis, Table 2.1 provides an analysis against the Hercon criteria at the local level.

**Table 2.1 – Assessment against Hercon criteria**

<b>Criterion</b>	<b>1993 study</b>	<b>Comments</b>
Criterion A	<p><i>This single storey Victorian residence was the home of James John Miller, the first President of Ferntree Gully Shire (1889). Stables and training facilities were established on the original property of 400 acres, developed out of wilderness and scrub.</i></p> <p><i>The Camellia reached a peak of popularity in the boom 1880s and was a component of the overall high Victorian design of house and Gardenesque landscape characteristic of the era in Victoria but which had largely gone out of fashion in England</i></p>	Satisfies Criterion A. The house is also significant as one of the oldest surviving houses in Knox and for its association with the post-contact settlement of the area in the late nineteenth century.
Criterion B	Not cited.	Satisfies Criterion B. This is rare surviving example within the City of Knox of a late nineteenth century house and garden.
Criterion D	<p><i>The building is the best example of the Victorian style boom era of the 1880's in the City of Knox, and has been restored faithfully. The garden has also been landscaped as far as possible to the original design with propagation of remnants of vegetation including a camellia walkway dating from the 1890's.</i></p>	Satisfies Criterion D. Of note are the unusual details being the use of French doors to the principal rooms, including within the canted bays, and the way the polygonal roofs above the bays merge into the main roof ridge.

Criterion	1993 study	Comments
Criterion E	<i>The building is the best example of the Victorian style boom era of the 1880's in the City of Knox, and has been restored faithfully. The garden has also been landscaped as far as possible to the original design with propagation of remnants of vegetation including a camellia walkway dating from the 1890's.</i>	Satisfies Criterion E. The house is a landmark within the local area. The use of French doors and the unusual roof form are distinctive and the setting of the house is enhanced and complemented by the elevated siting and the mature garden.
Criterion F	Not cited.	Not applicable.
Criterion G	Not cited.	Not applicable.
Criterion H	<i>This single storey Victorian residence was the home of James John Miller, the first President of Ferntree Gully Shire (1889).</i>	Satisfies Criterion H. James John Miller was one of the first settlers in this area and was prominent in local affairs.

### Comments on significance

The homestead and garden clearly satisfy the threshold of local significance. A new statement of significance in the current format is in Appendix B.

## 2.4 Review of HO controls

As previously noted, external paint and interior controls apply, as well as tree controls to the trees specified in the schedule.

The application of external paint and interior controls is warranted given the intactness of the homestead both inside and out, and the revised statement of significance now provides more specific guidance about exactly what is significant about the interior to guide future management.

The following changes are recommended:

- ▶ The interior control should be amended to say 'Yes – homestead' only, as the interior of the outbuilding is not significant.
- ▶ The description of the place in the HO schedule should be changed to refer specifically to the significant trees identified in section 2.2 and include the correct address, as follows:

*Miller's Homestead (former 'Melrose'), 30 Dorrigo Drive, Boronia*

*The heritage place includes the homestead, outbuilding and garden setting including the following significant trees and shrubs, all situated to the east or north east of the homestead:*

*Poplar (Populus x Canadensis), Weeping Lilly Pilly (Pin Oak (Quercus palustris), Weeping Lilly Pilly (Syzygium floribunda), Strawberry Tree (Arbutus enedo) and Ironbark (E. sideroxylon), as well as Camellia japonica cultivars Alba Plena, Lady Loch and William Bull within the camellia walk.*

### 3 Management

#### Current use

Miller's Homestead is one of three historic houses currently owned by the Council. The others are:

- ▶ Ambleside Park Homestead, Ferntree Gully (HO16). The homestead is now the home of the Knox Historical Society, and the garden is available for hire for weddings, by arrangement; and
- ▶ Stamford Park Homestead and garden, Rowville (HO24). In accordance with the Stamford Park Masterplan (2017), land surrounding the homestead is being developed for commercial and residential uses and parkland, while the restored homestead and gardens will form part of an historic precinct. The homestead itself will be adaptively re-used to provide a restaurant and function space.

The Council currently uses Miller's homestead as meeting rooms and storage. It also appears to be used by at least one local music society. According to the brochure on Council's website, Council also permits 'limited community use' of the grounds, which are available for hire for garden weddings and other special events, by arrangement (City of Knox Miller's Homestead brochure).

#### Subdivision

As noted in the history, the current 0.5 hectare allotment represents a fraction of the original 77 acre allotment that once surrounded the homestead. The mature garden now provides an important related setting that contributes to the significance of the place and provides an understanding of the much greater land holding that once existed. The size of the property also supports its viability as a venue for weddings and other functions. For example, the (non-original) 'period gazebo' in the rear yard is promoted on Council's website as a venue for 'garden weddings and other special events by arrangement' (Miller's homestead brochure).

The subdivision of the rear section of the yard containing the lawn area behind the outbuilding (approximately comprising the section currently zoned NRZ1) would not adversely impact upon the setting or significance of the place, as it does not contain any significant features (buildings or trees) and a carefully designed and sited building would not impact upon any significant views to or from the homestead.

However, reducing the size of the allotment may affect the viability of the current use (by reducing the land available for weddings and functions) and may reduce options for potential future uses.

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Official Minutes of Knox City Council

## APPENDIX A – Criteria for the Assessment of Cultural Heritage Significance (HERCON)

In reviewing the heritage significance of this place, the common criteria which were adopted at the 1998 Conference on Heritage (HERCON) and which are based on the longstanding, and much used, Australian Heritage Commission criteria for the Register of the National Estate have been used.

**Criterion A:**

Importance to the course, or pattern, of our cultural or natural history.

**Criterion B:**

Possession of uncommon, rare or endangered aspects of our cultural or natural history.

**Criterion C:**

Potential to yield information that will contribute to an understanding of our cultural or natural history.

**Criterion D:**

Importance in demonstrating the principal characteristics of a class of cultural or natural places or environments.

**Criterion E:**

Importance in exhibiting particular aesthetic characteristics.

**Criterion F:**

Importance in demonstrating a high degree of creative or technical achievement at a particular period.

**Criterion G:**

Strong or special association with a particular community or cultural group for social, cultural or spiritual reasons. This includes the significance of a place to Indigenous peoples as part of their continuing and developing cultural traditions.

**Criterion H:**

Special association with the life or works of a person, or group of persons, of importance in our history.

## APPENDIX B – Changes to citation

### New History

#### **Thematic context**

This place is associated with the following themes in the *City of Knox Heritage Study* 1993:

- Theme 2: Settlers and agriculture – The first division of Crown allotments, Farms, orchards and market gardens
- Theme 3: The impact of the railways – Tourism, a desirable place to live

#### **Place history**

Miller's Homestead, also known as 'Melrose' (it is not known for certain that the house was called 'Melrose' by Miller or by later owners), now situated at 30 Dorrigo Drive, Boronia was constructed in 1888 for James John Miller (McInnes 1993:121, NT). Reputedly, the house was designed by English architect, Thomas Hunter and replaced an earlier house constructed in the 1870s (NT).

The house is situated on Crown Allotment 64 (CA64). This is a triangular shaped allotment containing just over 77 acres, bounded by the present-day Albert Avenue, Mountain Highway, and Millers Road. Miller, acting as administrator for the estate of Frederick Richard Miller, obtained the Crown Grant for CA64 in 1881. In 1889 Miller transferred the property into his name and took out a mortgage to the London Chartered Bank, presumably to finance the construction of the homestead (LV).

This property was part of over 400 acres acquired by Miller in this area from the late 1870s to early 1880s, which included the land extending to the south of Millers Road beyond Forest Road. Miller obtained the Crown Grant to CA71 (205 acres) in September 1877, which was followed by CA24 (114 acres, now the site of The Basin town centre) in April of 1879 (Scoresby Parish Plan).



Extract of Scoresby Parish Plan showing the three Crown allotments forming J.J. Miller's landholding in the late nineteenth century

Here Miller indulged his interest in horse breeding, spending much time and money in his endeavour to build a successful stud farm. His first home at The Basin, called 'Bayswater House' after his birthplace, was built in 1878 on CA24. It was demolished in the late twentieth century (McInnes 1993:121).

However, it was this homestead on CA64 that would become one of the 'showplaces' of The Basin together with 'Ferndale' (home of the Griffiths tea family) and the 'Doongalla' Estate (bought by Sir Matthew Davies in 1891). During the 1890s many people visited Miller's property to see the house and gardens, farm, stables, training facilities, and horses. In the book *Visitor's Guide to the Upper Yarra and Ferntree Gully Districts* (published c.1889 by A.H. Massina) the property is described as being:

*... about five miles from Ringwood by road, halfway to Ferntree Gully. The house is briefly described as being situated on the crown of rising ground, and commands from the verandah a magnificent view of the mountain and forest scenery around. On the right is the densely green timber-covered mount known as Schneider's Hill, and beyond, forming the skyline, is the bold line of the Dandenong spurs. Immediately in front is the giant Corhanwarrabul, rising timber ridges, seeming to act as its buttresses. Away to the left, Mount Juliet and the whole group of the Yarra and the Plenty Ranges stretch clean away to the north, range rising over range till dimly melting into the horizon, each chain tinged with a distinct glow of various shades of colour as the period of sunshine changes.*

...

*Of the house itself, it maybe truly said to be quite up to the requirements of anyone possessing a cultivated taste for beauty, convenience, snugness, and true sanitary conditions. It is of brick, of chaste design, and replete with every appliance which in these times are deemed essential to health and that ample means can supply.*

Bayswater farm, as it was called then:

*... was quite up to the modern standard of agriculture. The land has miles of underground drains, is well fenced into paddocks, and these fences are supplemented with well-grown and well managed quick or whitethorn hedgerows.*

However, Miller got into financial difficulty in the 1890s (see below) and in 1899 the London Chartered Bank foreclosed on his mortgage over CA64, ending his association with the property (LV).

#### *Ownership changes in the twentieth century*

The Bank assumed ownership of CA64 and held the property for several years before selling to John Yeadon of Bayswater, a farmer, in 1907. He did not own the property for long and forfeited ownership in similar circumstances to Miller. After taking out a mortgage to the Royal Bank of Australia in 1911, Yeadon's name was replaced by the Bank on the title just one year later. Over the next few years the Royal Bank sold off about half of CA64 on the west side and north end, which was subdivided into smaller allotments, and a small allotment on the east side, which was sold to the Shire of Ferntree Gully. The balance of the land containing the homestead block was finally sold in 1918 to John Henderson, a farmer, of Bayswater (LV).

When Henderson died in 1926, probate was granted to his widow Serena, who is recorded on the title as living at 'Melrose', The Basin, near Bayswater indicating it may have been this family that bestowed this name on the house. By 1944 ownership had transferred to Ronald Finger, an orchardist, and his wife, Bessie, also recorded as living

at 'Melrose'. Three years earlier they had purchased the small allotment sold to the Shire of Ferntree Gully (LV).

In 1959 the Churchill Estates Proprietary Limited of 287 Collins Street, Melbourne became the owner of both allotments owned by the Fingers. They also purchased some of the other parts of CA64 that had been subdivided off in the 1910s and consolidated the land into one title, comprising just over 37 acres, in 1973.

#### *Acquisition and restoration by Knox City Council*

By the early 1970s the historical significance of 'Melrose' had been recognized. In 1972 an article in the *Knox-Sherbrooke Gazette* suggested that the old homestead would become a museum, and by 1974 the *Herald* reported that the City of Knox planned a 'full restoration' of the building (McInnes, 1993:123 cites the 19 September 1972 edition of the *Gazette* and 24 July 1974 edition of the *Herald*).

Accordingly, when Churchill Estates subdivided the land into suburban allotments in 1976 'Melrose' and part of its original garden was set aside as a 'Reserve for Municipal Purposes'. The land was officially transferred to the City of Knox on 20 February 1976. Two years later, the Council purchased the adjoining allotment 110, immediately to the south, for \$18,000, and consolidated the lots.

However, having purchased 'Melrose' it would be almost a decade before the restoration of the homestead and garden would be complete. The restoration was carried out with the financial assistance from the City of Knox, the Commonwealth Employment Program and the Victorian Ministry of the Arts with the intention of using the building as a 'community gallery, performance venue and training and seminar centre'. The restored homestead and garden was officially opened as part of the centenary celebrations of the Shire of Ferntree Gully on Friday, 17 November 1989 by the Mayor of the City of Knox, Cr. Hurtle Lupton, O.A.M., J.P. with assistance from the descendants of J.J. Miller (Historic plaques at 'Melrose').

Today, the homestead remains in the ownership of the City of Knox.

#### ***Development of the garden***

Although not in the grand manner of forty or fifty gardens developed at Mt. Macedon in the 1870s and 1880s by Guilfoyle, Taylor and Sangster, the garden at 'Melrose' was one of several fine examples established in the foothills of the Dandenongs during the late nineteenth century. Others included 'Doongalla' and 'Ferndale'. Miller's was chiefly known for the fine agricultural and grazing land, and racing tracks.

The main source of plants, trees and shrubs for these gardens was the Como Nursery, at The Basin owned by William Chandler and dating from 1876 (11). The Como Nursery specialized in such cool-climate plants as rhododendrons, azaleas, and camellias (12). Chandler supplied 'Doongalla' with camellias and John Chandler (grandson of William) remembers his father (Bert), telling stories of how the plants were delivered to the big gardens and how he accompanied his father (13).

Camellias were first sent from England to Australia in February 1831 and planted by the Macarthur family at 'Camden Park' near Sydney, where some have survived to this day. William Macarthur (1800-1882) horticulturalist and agriculturist, fifth son of Captain John Macarthur, named 69 of the seedlings he raised from the first six that were shipped from England.

*Alba plena* was among the six camellias imported by Macarthur and from these he raised hundreds of seedlings. It is thought the plants were first supplied to Melbourne from Michael Guilfoyle, a well-known nurseryman at Double Bay, Sydney, and father of William Guilfoyle, a landscape gardener and later Director of the Melbourne Botanical Gardens. William Guilfoyle succeeded Ferdinand von Mueller in 1873, bringing with him fresh ideas and became a proponent of the 'Gardenesque' style, which reached a peak in Victoria in the last half of the nineteenth Century. Between 1873-75 Guilfoyle brought into Victoria 85 varieties of camellias, 98 dahlias and fuchsias, chrysanthemums, and pelargoniums (7).

Although the most popular and widely cultivated species in Australia are *C. japonica*, *C. sasanqua* and *C. reticulata*, the genus has over 90 species. Most of these are indigenous to South East Asia and islands of the China Sea. *C. japonica* was all the rage until the late 1880s when people became tired of the same type. The Victorian preoccupation with things oriental was also seen in the names of properties at Mt. Macedon and the planting of the large estates with camellias, rhododendrons, and azaleas (6).

The earliest photograph held by the Knox Historical Society shows the house in 1888 but the garden was not laid out. Scrub had been cleared and there were indigenous trees in the background. However, a description of the garden and surrounds dating from 1889 describes it as follows:

*... with richly swarded cultivation paddocks, looking like well kept lawns, surrounded by hedge rows of whitethorn, and an excellently planted garden of fruit trees, flowering plants, and shrubs. At the foot of the garden, some four acres in extent, was the pretty, one-time residence of the family, with its garden of choice, well developed trees of the apple, pear, walnut, chestnut, cherry, peach, fig, plum, filbert, and the smaller fruit - Yielding shrubs or bushes. There is a grove of lemon trees, marking the fitness of the soil and climate and the filbert and chestnut grow surprisingly well. Mr. Miller planted trees very extensively, in the new large garden formed this season, all the main walks having, near their margins, plants of the Lisbon Lemon, interspersed with filberts, cobnuts, and the usual fruit-yielding trees. (Massina)*

Little is known about the development of the garden after Miller's ownership ended in 1899 when the Bank foreclosed.

When the City of Knox acquired the property in the 1970s remnants of original planting were found and the garden was restored 'as faithfully as possible' in 1985-86. This included study of components of planting, surfacing materials, structure and other elements, which were typical of gardens designed in the area. Additional information was provided by photographs and written material (McInnes 1993:122, 126-7). The remnant early plantings surviving at the time included three early camellias: *Alba Plena*, as well as *Lady Loch* and *William Bull*, part of a 'camellia walk' established c.1890s. It is understood that the current camellias were propagated from the original plantings (McInnes 1993:120).

Dating from prior to 1792, *Alba Plena* is one of the oldest camellias in cultivation. Very slow in growth, *Alba Plena* is recognisable in Chinese manuscripts as far back as the Sung Dynasty, when it was known as *Ta Pai* (Great White). It gained its present name in 1792, when it was imported by a Captain Connor of the British East India Company, and thus became the first double camellia seen in the West. The bloom to which all other doubles are compared, it is a medium sized double flower of porcelain white, with a hundred or more petals, and blooms very early. Few camellias are so widely grown.

*Lady Loch* was first listed in 1889 in Victoria by Taylor & Sangster, which had nurseries in St. Kilda Road and Mt. Macedon. It was named after the wife of Sir Henry Loch (Governor of Victoria 1884-89) and listed by Cremorne Nursery in 1898, 1900, and 1905. The two oldest plants in the variety in Melbourne are to be found in East Melbourne and Carlton (8). *Lady Loch* is a sport of *Aspasia Macathur*, which itself has been described as 'one of the great sport camellias'. Australia Cultivar *Aspasia* first bloomed in the garden of 'Camden Park' in the 1840s, where it was named by William Macarthur. The original plant is still to be seen there, and its scions bloom right around the world, though in the USA under the name *Paeoniaeflora*. *Aspasia* itself is a fine camellia, although its principal claim to fame may well be an inherent genetic instability. At least half a dozen other superior camellias (of similar form but different coloration) have appeared as sports on plants of its descendants (see Margaret Davis). The original *Aspasia* is a medium-sized informal double camellia of peony form, and the ruffled petals are creamy white with the odd streak or line of carmine pink. An earlier red camellia named *Aspasia* appears in old catalogues (McInnes 1993:127).

The other early camellia used in the garden is *William Bull*, which is attributed to Michael Guilfoyle and named after a gardener at the Guilfoyle Nursery. It is listed in Taylor and Sangster's catalogue in 1887 as *Wrightii* (9).

### **James John Miller**

James John Miller was born at Bayswater, England, in 1832 and came to Victoria when 18 years old in 1849. Soon after this, like many others at the time, he went looking for gold at the Forest Creek gold diggings near Castlemaine. He struck gold, came to Melbourne and bought the Bull & Mouth Hotel in Bourke Street. This very soon became a gathering place for the sporting fraternity. As a bookmaker in the firm of Miller, Jones and O'Brien, he laid the biggest individual amount in one bet in Australia for those days (McInnes 1993:121).

In 1868, Miller purchased his first horse (Blue Jacket) from Mr. Tozer of Warrnambool. His colours as an owner were a white and purple sash and cap. Trotting was also of great interest and Miller imported well-bred trotters from America (McInnes 1993:121).

In 1875, he took over a printery in Williams Lane, Melbourne and the firm of J.J. Miller and company became very well known in Melbourne. Theatrical printing was catered for and 'Millers Sporting Annual' and 'Millers Australian Diaries' were successful ventures. At Miller's death, the 'Sporting Annual' had been going for 47 years (McInnes 1993:121).

The most famous achievements of Miller were the sweepstakes originating at the Bull and Mouth Hotel in Bourke Street, where the tickets cost one pound. At that time, he became quite prosperous and lived at Royal Terrace, Rathdowne Street, opposite the Exhibition Gardens (McInnes 1993:121)

Following his purchase of land at The Basin in 1871, Miller became prominent in the local affairs of that area and ran a private coach service from Forest Road to Bayswater Station to encourage summer tourists. He also secured a wine licence at his home. This was in 1880 and the first in the area. His effort to publicise the district included a gigantic firework's display each Christmas. When the new Shire of Ferntree Gully was formed in 1889 Miller became the first President, an honour he carried for the next three years. Of course, it was his honour to design the Shire emblem with the centerpiece: a Sherbrooke Lyrebird (McInnes 1993:121).

Despite blindness, which overcame him in the 1890s, he could still hold his own at the Council table. He became a familiar sight around the Shire whilst being driven in a horse and buggy by his son Frederick Miller (McInnes 1993:121).

Miller faced financial ruin in the 1890s when the sweepstakes were declared illegal and he had to give up his property at The Basin after the Bank foreclosed on his mortgage over the land. The venture just before this with H.J.A. Panton in buying pastoral land in Western Australia was not successful and helped to cause his retirement from the active life he led for so many years, with so many interests. John James Miller's death was reported in the *Sporting Globe* of December 1922, in his 91st year (McInnes 1993:121).

(McInnes acknowledges the source of this biography as an article by Mr. R. Curlewis, a copy of which is held by the Knox Historical Society and also in the Herald Library).

### Sources

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12. *Souvenir issue of Nurseryman and Seedsmen's Association of Victoria Inc. of the Pioneers of Horticulture in Victoria*, 1940, p.31 (cited in McInnes 1993 as 'Kindly loaned by Mr. John Chandler')

13. J. Chandler, Personal communication to Margaret McInnes (1993)

14. Stirling Macaboy, *The Colour Dictionary of Camellias*, Lansdowne Press, 1981

Organisations consulted by McInnes:

- Knox Historical Society.
- Carringbush Library (Local History Department) 'Cremorne Gardens'
- Australian Camellia Research Society
- La Trobe Library, State Library Victoria.

People consulted by McInnes:

- Mr. John Chandler (formerly Como Nursery, The Basin) Leongatha
- Manager, Camellia Lodge, Bakers Road

### New Description

The former Miller's Homestead and garden is situated at the south corner of Dorrigo Drive and Melrose Court in Boronia. The house is situated on rising ground and commands a view of Corhanwarrabul from the front verandah. It is surrounded by urban development.

#### *The homestead and outbuilding*

The homestead is a Victorian Italianate masonry villa with a symmetrical façade comprising canted bay windows on either side of a central door with ruby glass sidelights and toplights. The convex profile verandah, which returns on both sides and terminates at the projecting hipped roof rear wings, is supported by timber posts and has a cast iron frieze. The principal rooms all have French doors leading on to the verandah, including within the canted bay. Other windows are double timber sash. The walls to the principal elevations have ruled render to imitate ashlar, while the rear wall is overpainted brick. A verandah extends along the whole of the rear elevation. There are several rendered chimneys with cornices.

Internally, the house has a typical layout with the central hallway extending the full length of the house with the entry area defined by an archway. To the left on entering are the two main reception rooms, which are connected by an opening in the adjoining wall. All the principal rooms and hallway have what appear to be the original (or sympathetically reconstructed) deep plaster cornices and elaborate ceiling roses, and timber skirting boards, architraves and four panel doors. The front rooms with the canted bay windows have original marble fireplaces with what appear to be the original cream and red diamond pattern hearth tiles. Other rooms have timber fireplace surrounds. None of the light fittings are original.

A doorway with sidelights and highlights toward the end of the hallway marks the transition from the main house to the service areas within the hipped roof wings at the rear. Stepping through this doorway is a small vestibule with the rear entrance door with sidelights and highlights directly ahead and, to the right through an arched opening, a branch hallway leading to the kitchen and another entrance on the north side.

The service areas at the rear of the house are much plainer. Original features include built-in cupboards in the vestibule, and in the room beside the kitchen, which retains an altered fireplace with non-original hearth tiles. The kitchen appears to date from the 1980s, when the house was restored. Other rooms contain modern toilet facilities. Another door off the vestibule, immediately to the left of the rear entry, leads to the brick-lined cellar.

Behind the house near the northwest corner is a small timber outbuilding. This has square edged weatherboards and small square multi-paned windows. The exact date is unknown, but it could date to the early 1900s.

#### *The garden*

The house is set within a mature garden, which is believed to include some remnants of the garden established by Miller in the 1890s. Mature trees, which could date to the Miller occupation or from the early 1900s, are all situated to the east or north-east of the homestead and include a Poplar (*Populus x canadensis*), Pin Oak (*Quercus palustris*), Weeping Lilly Pilly (*Syzygium floribunda*), Strawberry Tree (*Arbutus enedo*) and Ironbark (*E. sideroxylon*). Another significant feature of the garden is the camellia walk, which is believed to contain Camellia japonica cultivars *Alba Plena*, *Lady Loch* and *William Bull*, which have been propagated from the original camellias planted here in the late nineteenth century.

Other significant or early features include the locally quarried rock used as retaining walls to the garden beds adjacent to the verandah. According to McInnes (1993) these beds were originally planted with acanthus, and succulent cacti, with aloe adjacent to the entry steps, but there is no trace of these today (although some of these plants have been used elsewhere in the garden).

At the rear of the house is reconstructed pergola that is now covered in wisteria. According to McInnes (1993) this did not exist when the house was restored in 1985-86. Other plantings also appear to date from the 1980s restoration and are not significant. Other non-significant features include the period style gazebo in the rear garden, 'crazy paving' behind the house beneath and adjacent to the wisteria pergola, the metal windmill adjacent to a small pond to the north of the house, the driveway and pathways, and all fencing including the metal palisade fence on a bluestone base to the two frontages.

### **New statement of significance**

The statement of significance is replaced with the following.

#### ***What is significant?***

Miller's Homestead and garden, also known as 'Melrose', at 30 Dorrigo Drive, Boronia is significant. The following buildings and features contribute to the significance of the place:

- The homestead, as constructed in 1888, including the interior.
- The outbuilding to the rear of the homestead.
- The elevated siting of the homestead, with clear views from the front verandah towards Corhanwarrabul (Mt Dandenong).
- The mature garden setting including the following significant trees: Poplar (*Populus x Canadensis*), Pin Oak (*Quercus palustris*), Weeping Lilly Pilly (*Syzygium floribunda*),

Strawberry Tree (*Arbutus enedo*) and Ironbark (*E. sideroxylon*), as well as Camellia japonica cultivars *Alba Plena*, *Lady Loch* and *William Bull* within the camellia walk.

- The low retaining walls of locally quarried stone to the beds adjacent to the verandah.

Non-original alterations and additions, including the kitchen fit out and toilets and bathrooms within the homestead, the interior of the outbuilding, the gazebo and windmill, all pathways, driveways and fencing, and plantings dating from 1985 onwards (except for the camellia walk) are not significant.

### **How is it significant?**

Miller's Homestead ('Melrose') is of local historic, architectural and aesthetic significance to the City of Knox.

### **Why is it significant?**

It is of historical significance as one of oldest surviving houses in the City of Knox and demonstrates the early development of the area following the opening of the land for selection in the 1870s. It is representative of the country estates established by wealthy citizens on the fringes of Melbourne in the late nineteenth century and its significance is enhanced by its rarity values as one of the few remaining examples in the municipality. It has associations with James John Miller, who was prominent in local affairs, promoted tourism, and was the first President of Ferntree Gully Shire. (Criteria A, B, D & H)

The house has representative significance as an intact example of an Italianate villa, with typical form and detailing including the symmetrical plan with canted bays windows on either side of a central entrance, and the return cast-iron verandah. Internally, the principal rooms retain original details including deep cornices, elaborate ceiling roses and marble or timber fireplaces. There is also an original brick lined cellar under the rear of the house. Of note are unusual details such as the use of French doors to all principal rooms, including within the canted bays, and the way the polygonal roofs above the bays merge into the main roof ridge. (Criterion D)

It has aesthetic significance as a fine and well-detailed Victorian Italianate house in a mature garden setting. The aesthetic qualities of the house are enhanced by its elevated siting and several mature trees including the Pin Oak, Poplar, Ironbark, Weeping Lilly Pilly and Strawberry trees that are landmark plantings within the local area. Views from the homestead to Corhanwarrabul also contribute to its aesthetic qualities. (Criterion E)

The camellia walk is of historical and horticultural significance as a remnant of the original garden layout and demonstrates of the popularity of the camellia in the nineteenth century. (Criteria A & D)

## APPENDIX C – Photographic survey



*View of the front of the homestead. Note French doors and roof profile, steps and rocks to garden bed*



*View of verandah (Note: recent verandah floor)*



*Front door*



*View of room on left of hall showing original fireplace and typical cornice, skirting and architrave detail*



*View of front room on left with canted bay. Note marble fireplace with original cream and red tiled hearth (a matching fireplace is in the roof directly opposite)*



*A typical four panel door*

**HERITAGE ADVICE**

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*Mature trees within the front garden: part of Ironbark in top left corner, Strawberry Tree centre and Pin Oak at right*



*View of Corhanwarrabul from the front garden*



*Non-significant gazebo in rear yard*



*Typical driveway pathway paving throughout site, presumably installed in the 1980s*



*Rear verandah of homestead*

## COUNCILLOR GILL LEFT THE MEETING AT 8.05PM DURING PUBLIC QUESTION TIME

### 7. PUBLIC QUESTION TIME

Following the completion of business relating to Item 7, City Development, the business before the Council Meeting was deferred to consider questions submitted by the public.

Question Time commenced at 7.52pm.

The following questions were raised with Council:

<b>Question 1</b>	Recently it was decided not to have a budget adjustment for digitisation of the Council area's historical local newspapers. Does Knox City Council have interest in digitising its historical local newspapers on Trove Australia?
<b>Answer</b>	The Acting Director Corporate Service, Mr Dale Monk, responded that Council did receive and consider the questioners budget submission. Council does have an interest in preserving local history however further investigation of options to make this a possibility is required. Pending the resolution of Council's Budget 2018-19, Council officers will be in contact to discuss the project further.
<b>Question 2</b>	Regarding the Knox Community Gardens Boronia site. In recent weeks the Leader Newspaper has had the previous vineyard tenant canvassing support for a cellar door and cider house. I would like to know if this commercial or any commercial business (i.e. café) is successful, would this require the land currently gazette as Crown Land Preserved Open/Recreation be rezoned as commercial/industrial. Is there any plan for changing the current zoning?
<b>Answer</b>	The Director Engineering & Infrastructure, Dr Ian Bell, responded that the three masterplan options for the community gardens are currently out on public consultation. Of the three proposed options, at least two provide for a café on the site. Dr Bell acknowledged that the Leader Newspaper did include the suggestions of a community member for other possible uses. Dr Bell noted that a large operation wasn't part of the masterplan scenarios but Council will need to consider all submissions received in response to the public consultation before it considers what to do going forward. As for zoning, there are opportunities to run a café under the sites current zoning. It is important to note that at this stage Council is simply providing possibilities on what could be on the site and has not considered how they would operate. Councillor Gill added that it is through the Council's public consultation process that people should have their say and that to date, the community member has not contacted the Councillors about this matter.

<b>Question 3</b>	Would Council consider naming 254 Scoresby Road to its original name of Dinsdale Reserve?
<b>Answer</b>	Councillor Gill responded that he believes there is already a Dinsdale Reserve within the municipality. If this is the case the name will not be able to be changed as it will cause confusion. Council officers will investigate and contact the questioner in due course.
<b>Question 4</b>	A media report states that a Knox Councillor has stated that Councillors will meet to investigate whether to impose further penalties on the Bayswater Football Club regarding an incident that occurred at the club. Under what law does this councillor make such a statement and under the Local Government Act it seems that no law has been broken. What law has the Bayswater Football Club broken?
<b>Answer</b>	The Chief Executive Officer, Mr Tony Doyle, responded that Council is the landlord and is therefore entitled to set expectations on the reasonable behaviour of the tenants. Council has tenancy agreements with all clubs who use Council facilities and it is through these agreements that Council can hold clubs to account. Councillor Cooper advised that there are particular provisions within the Crimes Act 1985 which would apply to the incident. Councillor Seymour concluded that the Local Government Act is not the relevant piece of legislation in this matter and that Council is able to apply sanctions as they are the custodians of the facility where the incident took place.
<b>Question 5</b>	When was the last time Council advertised Miller Homestead for ratepayers use?
<b>Answer</b>	The Mayor, Councillor John Mortimore, responded that the agenda item discussed earlier this evening was to commence the public exhibition process so that members of the community can have their say on this matter.
<b>Question 6</b>	When will Council actively start policing illegal parking on nature strips and do the Council have enough resources in local laws to cope with this? The Council could employ senior citizens to do this.
<b>Answer</b>	The Director City Development, Ms Julia Oxley, responded that council officers are currently working on a parking compliance plan and a review of how we undertake parking compliance. Parking on nature strips would be included in this piece of work. It is expected that this plan will be presented to Council later in the year. There are currently 2 officers employed in the parking compliance area. Councillor Holland noted that there have been a number of issues with parking on nature strips reported around the Ferntree Gully railway station. Consequently, Community Laws officers have been actively patrolling this area and consistently booking cars when required.

Question Time concluded at 8.10 pm

**PROCEDURAL MOTION****COUNCIL RESOLUTION**

MOVED: CR. PEARCE  
SECONDED: CR. SEYMOUR

That the meeting defer consideration of Council report Nos 8.1 and 8.2 to the end of the listed agenda, following item 15 – Questions Without Notice.

CARRIED

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**TAYLOR AND COLLIER WARDS****9.1 MANAGEMENT OF ROWVILLE RECREATION RESERVE AND WANTIRNA RECREATION RESERVE**

**SUMMARY:** *Acting Coordinator Leisure Services (Kerry Irwin)*

*This report recommends Council become Committee of Management (CoM) for the Rowville Recreation Reserve (RRR) and Wantirna Recreation Reserve (WRR) and authorise the Chief Executive Officer to finalise administrative procedures relating to the transfer of responsibilities from Parks Victoria (PV).*

**RECOMMENDATION**

That Council

1. Authorise the Chief Executive Officer to request the transfer of responsibility as Committee of Management for Rowville Recreation Reserve and Wantirna Recreation Reserve from Parks Victoria to Council.
2. Authorise the Chief Executive Officer to notify the Department of Environment, Land, Water and Planning of this action and authorise Council as Committee of Management for both reserves.
3. Authorise the Chief Executive Officer to finalise administrative procedures relating to the transfer of Committee of Management.

**1. INTRODUCTION****1.1 Rowville Recreation Reserve**

Rowville Recreation Reserve is part of the Dandenong Police Paddocks Reserve and is Crown Land currently managed by Parks Victoria (Committee of Management). Council has occupied the site for several decades without any formal agreement since Parks Victoria took over as Committee of Management in 1997. Council has made significant capital improvements to the Reserve and has plans pending for additional improvements with the relocation of Rowville Men's Shed.

The Rowville Recreation Reserve (RRR) encompasses two sports fields, Cricket practice nets, six tennis courts, two pavilions which supports the operations of the sporting clubs, playground, carpark (part sealed and unsealed), Rowville Neighbourhood Learning Centre, two disused netball courts (proposed for the Rowville Men's Shed relocation) and passive open space (see Appendix A).

RRR includes the Rowville Football Club, Rowville Cricket Club, Rowville Tennis Club, Rowville Neighbourhood Learning Centre and proposed Rowville Men's Shed (pending CoM approval). Parks Victoria previously has expressed concerns that there is no formal agreement in place.

Council had requested appointment of Committee of Management for the Rowville Recreation Reserve in 2010, but was directed by Parks Victoria that the most appropriate occupancy arrangement would be to enter into a Lease agreement. This arrangement did not progress and it is now Parks Victoria's position to have KCC become the Committee of Management (CoM) over the site.

Formalising the management arrangements at Rowville Recreation Reserves will allow KCC to approve any future infrastructure development including the relocation of the Men's Shed from Stamford Park, Rowville. Parks Victoria have indicated that until there is a formal agreement in place no capital works will be approved on site.

PV has requested a letter from KCC formalising the request to be the delegated CoM for RRR and suggested Council also include Wantirna Recreation Reserve (WRR) in this request.

## **1.2 Wantirna Recreation Reserve**

Wantirna Recreation Reserve was under lease from Parks Victoria to KCC until May 2017. PV has not offered a new lease to KCC as their preferred option is now for KCC to become the Committee of Management. Wantirna Recreation Reserve is a large and important parcel of land due to its provision of sport, recreation and social opportunities for the Knox community. Wantirna Recreation Reserve includes: sports field, sports courts, pavilions, parking, walking tracks and other open space and is used by: Wantirna Tennis Club, Wantirna Cricket Club, Wantirna Scout Group, Wantirna South Junior Football Club and the general public.

Council is currently undertaking a masterplan of this site and before the plan is finalised and presented to Council for endorsement it is recommended that a formal management arrangement is executed.

The masterplanning process has identified an area to the north of the historical lease which is large parcel of open space boarded by the shared walking trail, car park and roadway which was not included in the original lease. It is proposed that this parcel of land become part of the CoM area and managed by KCC to assist unmet identified community needs (see Appendix A – site map).

## **2. DISCUSSION**

Knox City Council currently maintains, plans, develops and has tenancy arrangements with user groups at Rowville Recreation Reserve and Wantirna Recreation Reserve.

Knox City Council currently has no formal occupancy arrangement for the usage of Rowville Recreation Reserve and Wantirna Recreation Reserve and no authorisation to:

- enter into tenancy arrangements with user groups;
- approve strategic site planning; and

- undertake capital works/improvements of existing assets or build new assets.

The lack of occupancy arrangements presents risks and barriers to the longer term access and any development of this site for Council and community.

## **2.1 Committee of Management**

Becoming a Committee of Management of the site gives Council the greatest level of autonomy and secures the site for the long term benefit of the Knox community. Other benefits of a CoM include removal of administrative requirements, no annual fees, minimal reporting and approval requirements, full autonomy over the land management (with the exception of land sales) as well as reduced risk exposure to changes in government policy.

DELWP as the 'land owner', has advised that the administrative procedure to facilitate KCC becoming a Committee of Management will be expedited. Parks Victoria has advised that at its Board meeting on the 28 February 2018 support for KCC to become CoM was endorsed.

## **3. CONSULTATION**

### **3.1 Parks Victoria and DELWP**

Correspondence between Parks Victoria and Knox City Council on management arrangements at Rowville Recreation Reserve dates back to the 1990's.

Recent correspondence from Parks Victoria and DELWP has supported changes to the existing land management arrangements.

### **3.2 Internal departments**

Discussion has occurred with the Community Wellbeing and City Futures Departments in relation to the relocation of the Men's Shed from Stamford Park to the Rowville Recreation Reserve.

Advice and guidance has been provided by the Property Management and Governance teams on the site management history and governance models and Council administrative process.

Discussion has occurred with the Open Space Team regarding Wantirna Recreation Reserve masterplanning process and the need for additional land and land management arrangements to be finalised before presenting the masterplan to Council for approval.

### **3.3 Community**

A community consultation process for a Wantirna Recreation Reserve masterplan has recently occurred. The plan is now in draft pending finalisation of land management arrangements.

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

The proposed change in land management arrangements will have no impact on the environment or amenity.

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

Council currently facilitates community access and provides grounds and building maintenance at the Rowville Recreation Reserve and Wantirna Recreation Reserve to ensure the site is safe, compliant and meets community needs. This level of service will continue under a Committee of Management.

There will be a slight increase in maintenance requirements at the Wantirna Recreation Reserve due to additional land management, however the benefits of the additional space for active or passive activation are considered significant.

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

Provision of community infrastructure provides a significant benefit to communities including supporting active, healthy lifestyles and creates opportunities for skill development and social connections. Rowville Recreation Reserve and Wantirna Recreation Reserve are multi-sport and community facilities that are highly utilised and valued by permanent users and visitors.

#### **7. RELEVANCE TO KNOX COMMUNITY AND COUNCIL PLAN 2017-2021**

This report is consistent with the following goals listed within the Knox Community and Council Plan 2017-21:

**Goal 1: We value our natural and built environment**

**Goal 6: We are healthy, happy and well**

**Goal 7: We are inclusive, feel a sense of belonging and value our identity.**

#### **8. CONFLICT OF INTEREST**

Under section 80c of the Local Government Act 1989 officers providing advice to Council must disclose any interests, including the type of interest.

Officer Responsible – (Peter Gore, Manager Youth Leisure & Cultural Services)  
- In providing this advice as the Officer Responsible, I have no disclosable interests in this report.

Author – (Kerry Irwin, Acting Coordinator Leisure Services) - In providing this advice as the Author, I have no disclosable interests in this report.

## **9. CONCLUSION**

The appointment of Knox City Council as the Committee of Management for the Rowville Recreation Reserve and Wantirna Recreation Reserve establishes an effective and efficient governance and management structure and will ensure ongoing access and availability of the site for the Knox community. It is proposed that a transfer of responsibilities from Parks Victoria and Knox City Council will enable this outcome.

## **10. CONFIDENTIALITY**

There are no confidentiality issues within this report.

### **COUNCIL RESOLUTION**

**MOVED: CR. PEARCE**

**SECONDED: CR. COOPER**

**That Council**

- 1. Authorise the Chief Executive Officer to request the transfer of responsibility as Committee of Management for Rowville Recreation Reserve and Wantirna Recreation Reserve from Parks Victoria to Council.**
- 2. Authorise the Chief Executive Officer to notify the Department of Environment, Land, Water and Planning of this action and authorise Council as Committee of Management for both reserves.**
- 3. Authorise the Chief Executive Officer to finalise administrative procedures relating to the transfer of Committee of Management.**

**CARRIED**

**Appendix A - Proposed Management Land Areas**

**Rowville Recreation Reserve – Proposed Management Area**



**Wantirna Recreation Reserve – Proposed Management Area**



**COUNCILLOR PEARCE LEFT THE MEETING AT 8.15PM PRIOR TO THE VOTE ON ITEM 9.2**

**ALL WARDS**

**9.2 EARLY YEARS ADVISORY COMMITTEE – RENEWED TERM, APPOINTMENT OF MEMBERS AND REVISED TERMS OF REFERENCE**

**SUMMARY:** *Manager – Family and Children’s Services  
Janine Brown*

*The role of the Early Years Advisory Committee (EYAC) is to provide advice to Council on early year’s issues and to promote greater awareness and understanding in the local community of early years services within the Knox community through the lens of Council’s Key Life Stage Plan 2017-2021.*

*The current two (2) year term of the (EYAC) concludes at the end of June 2018 and this report seeks Council’s approval for a further three (3) year term. An administrative review has been conducted of the current Terms of Reference (TOR) in order to align with Council’s 2017 Advisory Committee Review and the approved Committee’s Policy 2018 – 2021 Appendix A and B.*

*The membership term for all current members of the Early Years Advisory Committee is also due to sunset in June 2018. An Expression of Interest process was conducted in accordance with the Knox City Council Committees Policy in April – May 2018. Should Council approve a further three (3) year term for the EYAC, this report also seeks Council’s approval to appoint the recommended Committee Members as outlined in the confidential Appendix C.*

**RECOMMENDATION**

That Council:

1. Approve the continuation of the Early Years Advisory Committee for a further three (3) year term from 1 July 2018 to 30 June 2021.
2. Approve the revised Early Years Advisory Committee TOR until 30 June 2021 attached as Appendix A and B.
3. Thank outgoing Committee members for their contributions over the last two (2) years.
4. Appoint the following applicants to the Early Years Advisory Committee for the period July 2018 – June 2021:

Name:	Category:
1.	Community Representative
2.	Community Representative
3.	Community Representative
4.	Community Representative

5.	Community Representative
6.	Professional Representative
7.	Professional Representative
8.	Professional Representative
9.	Professional Representative

## **1. INTRODUCTION**

The role of the Early Years Advisory Committee (EYAC) is to provide advice to Council on early year's issues and to promote greater awareness and understanding in the local community of early years services within the Knox community. Council approved a fourth term of the EYAC on 12 July 2016, concluding on 30 June 2018. This report recommends the continuation of EYAC for a further three (3) year period, until June 2021.

The Knox Community and Council Plan sets the vision for the City of Knox through eight community and council goals and includes the needs of children and families as an important focus.

In addition, Council has approved the Key Life Stages Plan 2017-2021 that brings together Council's previous Municipal Early Years Plan, Strategic Youth and Active Ageing Plans. This plan focuses on the key life stages of early childhood, youth and older age and recognises that intervention during these key life stages has the greatest benefit for individuals, families and the community.

Council commenced a review of all Council Committees including advisory committees in 2017. The purpose of this review was to provide a consistent approach to the establishment and functioning of Council committees on which there is Councillor representation. As an outcome of this review, the EYAC will continue to meet as a committee on a bi-monthly basis, as per the current Terms of Reference.

The newly established Life Stages Group will now encompass the Early Years Advisory Committee, Youth Advisory Committee and the Active Ageing Advisory Committee. This group is proposed to meet together to consider common themes and issues on a six monthly basis. Further, larger groups of Committees including the Life Stages, Sustainable Development, Inclusive, Active and Creative Communities and the Grants Evaluation Advisory Committees will meet on an annual basis.

As part of this same review, Council's Committee Policy including Terms of Reference templates was reviewed and endorsed in May 2018.

The current EYAC TOR outlines that the Committee will sunset in June 2018 unless Council approves the continuation for a further term. If a further term is approved, the current TOR be reviewed by June 2019. In consideration of the recent Council review and the new Council Committee Policy, it was determined to complete an administrative review incorporating all governance changes, in April 2018 and that a more comprehensive review of the TOR would occur once new committee members have been appointed in line with the original June

2019 review date. This administrative review has been completed and is detailed in Appendix A and B.

## **2. DISCUSSION**

### **2.1 Role of the Committee**

The current objectives of the EYAC are to:

1. Provide advice and recommendations to Council on the implementation of the Key Life Stages (early years) focus areas as incorporated in the Key Life Stages Plan 2017-2021;
2. The advice and recommendations in relation to this plan will include:
  - a. Agreed priorities; and
  - b. The ongoing outcomes and achievements of the Key Life Stages Plan (early years) focus areas.
  - c. Effective communication and consultation strategies to facilitate engagement with the community and other key stakeholders on the development and implementation of the Key Life Stages Plan (early years) focus areas.
3. Provide advice to Council on emerging issues affecting families and children and the related services within the Knox Community.
4. Identify emerging key research, policy and legislative issues that might impact on the implementation of the Key Life Stages Plan 2017-2021.
5. Consider advice and information and/or issues made available through other Council advisory and community consultation processes related to families and children and/or local early years services.

Council receives an annual report on the key discussion topics and achievements of the EYAC.

### **2.2 Continuation of Committee**

Given that the current EYAC members feedback in their role on the EYAC is still relevant, it is recommended that the EYAC continue for a further three (3) year term.

In addition, feedback from Council officers involved in key projects and community engagement activities who have met with or sent information to the EYAC, indicates that the EYAC is a valuable and important Committee in supporting Councils strategic directions in the context of the early years.

The Committee's continuation will provide valuable input into the implementation and objectives of the Key Life Stages Plan 2017 – 2021. The Key Life Stages plan was endorsed in 2017 and brings together the previous MEYP, Youth Strategic and Active Ageing Plans, promoting intergenerational connections and opportunities.

### **2.3 Review of the Terms of Reference**

In June 2019, the EYAC Terms of Reference are due for review. Due to Council's Committee Review in 2017, an administrative review with the inclusion of changes to governance sections only. This review was concluded in May 2018 in accordance with the endorsed Council's *Committee Policy 2018-2022*. It is proposed that a further, more comprehensive review that includes the purpose and objectives of the EYAC be undertaken in conjunction with the newly appointed Committee before the original TOR review date of June 2019 with a subsequent report to Council once this has been completed.

### **2.4 Recruitment of Committee Members**

The Early Years Advisory Committee is comprised of six (6) community and four (4) professional members and in accordance with the Terms of Reference. In October 2017, the Council agreed to extend three (3) members of the Committee and continue with only nine (9) members until the finalisation of the Council Committee Review.

This meant the Committee was to operate with five (5) community members and four (4) professional members, until all members sunsetted in June 2018. Since that time, there has been another resignation from the Committee comprising of one (1) professional member, whose term concludes in June 2018. Additionally, there are five (5) community members and three (3) professional members, sunsetting on June 2018.

This has created ten (10) vacancies due to resignations and sunsetting periods. As a result, Council approved the commencement of an Expression of Interest (EOI) process to recruit Committee members.

Expressions of Interest for the Community and Professional member positions were open for a three week period from 26 March until 15 April 2018. Information was made available on the Knox Council website, through social media and passed onto local networks.

Following public advertising that occurred during March and April 2018, five EOI's were received in total – three (3) nominations for the Community member's positions, and two (2) for the Professional member's positions.

A selection panel comprising, Cr. Lisa Cooper as chair and two Council officers was conducted between 17 April and the 20 April 2018. The following criteria were used when interviewing applicants:

- Reside / work in Knox.
- Personal experience and knowledge of early years issues.
- Effective communication and consultation within the community and with other stakeholders.
- Ability to identify issues and solutions and provide advice to Council.
- Ability to work collaboratively.

All four applicants were recommended by the selection panel for a two year appointment to EYAC (Confidential Appendix C).

In addition, five (5) existing members indicated their interest in continuing for another term as members of the EYAC. Details of all applicants can be found in the (Confidential Appendix C).

Should Council approve the nomination for nine (9) Committee members, it is anticipated that an induction process for the additional Committee members will take place in August 2018.

A late interview process for a further one (1) potential Committee member is scheduled for mid-June 2018. Should this interview result in a nomination to become a Committee member, a subsequent report will be presented to Council.

### **3. CONSULTATION**

Members of the EYAC bring a range of viewpoints and advice to the Committee. Outgoing Committee members have had opportunity to contribute to a number of community engagement activities undertaken during the Committee term. These include the report on Council Municipal Early Years Plan, Community Health and Wellbeing Strategy 2013-2017, Open Space Plan and the Access and Equity Implementation Plan 2017 – 2022, Key Life Stages Plan 2017 – 2021.

Expressions of Interest for the Community and Professional member positions were open for a three week period from 26 March until 15 April 2018. Information was made available on the Knox Council website, through social media and passed onto local networks.

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

The Early Years Advisory Committee continues to play a key role considering issues and advising Council in terms of child friendly spaces, which promote the health and wellbeing of Knox children and families into the future.

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

The Family and Children's Services Department supports the administration of Councils EYAC. Officer time of approximately ten hours each month is included within Council's operational budget in addition to an annual catering and supplies allowance of \$2600.

### **6. SOCIAL IMPLICATIONS**

Research clearly states that when a community places the child as a central concern in the context of the family, community and its culture then significant and lifelong benefits will result for the community.

Children between the ages of 0-11years represented 14% of the municipality's population, and this equates to 21,634 children according to data. (Census 2016).

The Key Life Stages Plan will continue to build on the opportunities to strengthen further partnerships with non-Council service providers and community organisations. These partnerships will provide a benefit for all children and families across Knox, irrespective of the early years services they access within the community.

The establishment and continuation of the EYAC has been a positive step towards achieving greater engagement and a maintenance of respect for Knox's long and proud history of pioneering the way in supporting and providing early years services for its community.

## **7. RELEVANCE TO KNOX COMMUNITY AND COUNCIL PLAN 2017-2021**

The *Knox Community and Council Plan 2017 – 2021* identifies the key goals and strategic objectives to achieve desired health and wellbeing outcomes for the Knox community.

The goal of particular relevance to the EYAC is "Goal 8: We have confidence in decision making". EYAC works across the additional seven Knox Community and Council Plan goals to provide input and feedback to achieve outcomes from an early years perspective.

## **8. CONFLICT OF INTEREST**

Under section 80c of the Local Government Act 1989 Officers providing advice to Council must disclose any interests, including the type of interest.

Janine Brown- Manager – Family and Children's Services - In providing this advice as the Officer Responsible, I have no disclosable interests in this report.

Vicki Kindilien – Senior Coordinator Specialist Support, Learning and Policy- In providing this advice as the Author, I have no disclosable interests in this report.

## **9. CONCLUSION**

The continuing work of the EYAC plays a key role in contributing to the objectives of Councils overarching plan for families and children living in Knox.

An administrative review has been conducted for the current TOR in order to align with Council's 2017 Advisory Committee review and the approved Committee Policy 2018-2021.

Between March and April 2018, Cr. Lisa Cooper and two Council officers conducted a recruitment process for nine new members to EYAC. Recommendations from this process are outlined in Confidential Appendix C.

The work of EYAC will further be enhanced with new membership on a regular basis as outlined in the EYAC Terms of Reference.

**10. CONFIDENTIALITY**

In the interests of personal privacy, names and details of applicants in Appendix C and D are treated as confidential.

**COUNCIL RESOLUTION****MOVED: CR. COOPER****SECONDED: CR. SEYMOUR**

That Council:

1. Approve the continuation of the Early Years Advisory Committee for a further three (3) year term from 1 July 2018 to 30 June 2021.
2. Approve the revised Early Years Advisory Committee TOR until 30 June 2021 attached as Appendix A and B.
3. Thank outgoing Committee members for their contributions over the last two (2) years.
4. Appoint the following applicants to the Early Years Advisory Committee for the period July 2018 – June 2021:

<b>Name:</b>	<b>Category:</b>
1. Ann-Maree Baker	Community Representative
2. Kim Coveney	Community Representative
3. Sheela Edwards	Community Representative
4. Diana Roggenbucke	Community Representative
5. Tracey Collins	Community Representative
6. Shirley Lane	Professional Representative
7. Cassie King	Professional Representative
8. Catherine Delaney	Professional Representative
9. Karen Grubb	Professional Representative

**CARRIED**

## Appendix A – TRACK CHANGES VERSION

**ADVISORY COMMITTEE TERMS OF REFERENCE****EARLY YEARS ADVISORY COMMITTEE**

<b>Directorate</b>	<b>Community Services</b>
<b>Responsible Officer</b>	<b>Manager Family and Children's Services</b>
<b>Committee Group</b>	<b>Advisory</b>
<b>Approval Date:</b>	<b>25 June 2018</b>
<b>Review Date:</b>	<b>30 June 2021</b>

**1. PURPOSE**

The purpose of the Early Years Advisory Committee (EYAC) is to provide advice to Council on the implementation of the [Integrated City Strategy Key Life Stages Plan 2017-2021](#) and emerging issues affecting families and young children within the Knox municipality throughout the appointed term of the Committee.

**2. OBJECTIVES**

The objectives of the Committee will be to:

1. Provide advice and recommendations to Council on the implementation of the [Key Life Stages \(early years\) focus objectives areas of the early years life stage plan](#) as incorporated in the [Integrated City Plan Key Life Stages Plan 2017-2021](#).
2. The advice and recommendations in relation to ~~these~~ plans will include:
  - a. Agreed priorities; and
  - b. The ongoing outcomes and achievements of the [Integrated City Plan Key Life Stages \(early years\) focus areas early years key objectives](#).
  - c. Effective communication and consultation strategies to facilitate engagement with the community and other key stakeholders on the development and implementation of the [Key Life Stages \(early years\) focus areas](#).
3. Provide advice to Council on emerging issues affecting families and children and the related services within the Knox community;
4. Identify emerging key research, policy and legislative issues that might impact on the implementation of the [Key Life Stages Plan 2017-2021 MEYP 2011-2015](#).

5. Consider advice and information made available through other Council advisory and community consultation processes related to families and children and/or local early year's services.

Many of the eight Provide details of relevant goals within the Knox Community & Council Plan that apply to the Committee. Community and Council goals are life stage-related and have informed the implementation plan. In particular Goals 6 and 7 – *We are happy, healthy and well* and *We are inclusive, feel a sense of belonging and value our identity* – respectively, are particularly relevant to key life stages cohorts and have strongly influenced the Implementation Plan.

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Advisory Committees when established under this policy will be aligned to one of the following groups:

- Life Stages Group
- Sustainable Development Group
- Inclusive, Active and Creative Community Groups
- Grants Evaluation Group

Whilst the individual committees will meet at the designated times within its terms of reference each 'group' will meet once annually, this will generally be between October to December each year. A designated Directorate will be responsible for coordinating group meetings. The purpose of these meetings will be to:

- Provide feedback to group on priorities for individual committees;
- Update group of progress of key issues; and
- Identify synergies between groups and links to progressing the Community and Council Plan.

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In addition to group meetings, all committees will be provided with an opportunity to meet together annually. The 'annual advisory committee' sessions will generally be held between April or May each year and will be co-ordinated by the Governance team. The purpose of these meetings will be to:

- Report on progress by Council against Community and Council Plan;
- Provide overview of industry trends and Council priorities for the upcoming year;
- Consider synergies and opportunities for sharing information and collaboration; and
- Deliver training to support to committees.

### 3. MEMBERSHIP, PERIOD OF MEMBERSHIP AND METHOD OF APPOINTMENT

The Early Years Advisory Committee shall comprise the following:

- A maximum of six (6) community members (please add any specialist requirements) representing diverse perspectives and experience.
- A maximum of four (4) industry members (including any relevant government/community agency representatives)
- Two (2) Councillors, appointed annually by Council.

#### 3.1 Selection and Recruitment of Community and Professional Industry Representative Members

The process to appoint community and professional members will involve a comprehensive campaign including an advertisement in local newspapers, advertisement on Council's internet site and information distribution through local networks and other established committees. Applicants must complete an application via an expression of interest process.

Eligible community members may include individual residents and/or representatives of Knox focused organisations who have an interest in, and understanding of issues impacting families and children and are not directly employed by Knox City Council.

Eligible professional members would include people with specialist knowledge and experience of the early years' service system, other levels of government and professional practice and/or research, who can represent a Knox focused organisation who have an interest in, and understand the issues impacting families and children and who are not directly employed by Knox City Council, will have an interest in and good working knowledge of

The approach and method for appointing representatives will include the following:

- Community and professional/ industry members will be selected by a panel comprising a Councillor and 2 Council Officers from the relevant service unit;
- The method of appointment will be via an expression of interest process;
- Members will be appointed for a two year term;
- All members will be eligible to re-apply for appointment, however continuous membership for longer than four years will not be considered;

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- Council will be responsible for appointing all Councillor, community and professional/industry representative members; and
- Casual vacancies which occur due to community members being unable to complete the full term of their appointments may be filled by co-opting suitable candidates from a previous selection process for the remainder of the previous incumbents' terms. The selection panel will make a recommendation to the CEO, who will have the authority to appoint the recommended candidate to the committee for the remainder of the previous incumbent's term.

Professional/industry representatives unable to attend a committee meeting are able to nominate a proxy or alternate member from the organisation they represent. Any proxy attendance should be notified to Council's nominated officer at least 24 hours prior to the meeting. It is expected the appointed professional/industry representative will provide an appropriate briefing of the committee purpose and objectives and relevant meeting notes to enable active participation and contribution of the proxy representation to the meeting.

The committee may invite observers to meetings from time to time. This is at the discretion of the committee.

Guests may also be invited to attend and participate at meetings, this would generally be for a specific purpose and/or specified period of time. This is at the discretion of the committee.

#### Commitment from Members

- To provide consistent representation.
- To attend meetings as required.
- To carry out specified tasks as designated.

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### 3.2 Councillors

Council will appoint Councillor representation annually.

Unless otherwise appointed to the committee by Council, the Mayor is, by virtue of the Office, an ex officio member of the Committee. It is important that whilst the Mayor may not chair these meetings, appropriate recognition should be given to the presence of the Mayor if in attendance.

The role of Councillors is to participate in the meetings, listen to community and stakeholder views and keep the Council informed, through reports on committees by Councillors at Council meetings, on issues of community interest being considered at meetings.

### 3.3 Council Officers

Council officers will be nominated to support the committee by the CEO as required to provide advice and administrative support to the committee.

## 4. DELEGATED AUTHORITY AND DECISION MAKING

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

## 5. MEETING PROCEDURES

The Early Years Advisory Committee will meet on a monthly/~~bi-monthly/quarterly~~ basis and an annual schedule of meetings will be agreed upon at the first meeting of the committee in each year. The committee will also participate in the 6 monthly Group Meetings and the annual advisory committee Forum.

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

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At the commencement of each financial year the committee will develop a work plan for the upcoming year. This will generally be aligned with the Community and Council Plan. The committee may also highlight any emerging issues which will also be documented. For efficiency purposes the business of the committee throughout the ensuing year should align with the work plan and list of emerging issues.

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

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

## 6. CHAIR

The position of Chairperson shall be held by a Councillor and shall be reviewed annually immediately following Councillor appointments to committees. The position of Chairperson is to be agreed upon between Councillors. When this cannot be achieved, the Mayor of the day shall determine the Chair.

If the Chairperson is not present at a meeting, any other Councillor who has been appointed to the Committee shall be appointed Chairperson. In the absence of any other Councillor representative/s, a staff member appointed by the relevant Director may Chair the meeting.

## 7. AGENDAS AND MEETING NOTES

Agendas and meeting notes must be prepared for each meeting.

The Agenda must be provided to members of the committee not less than 4 days before the time fixed for the holding of the meeting.

The Chairperson must arrange for meeting notes of each meeting of the committee to be kept.

The meeting notes of a Council Committee must:

- (a) contain details of the proceedings and recommendations made;
- (b) be clearly expressed;
- (c) be self-explanatory; and
- (d) incorporate relevant reports or a summary of the relevant reports considered by the Committee.

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Draft meeting notes must be:

- (a) submitted to the Committee Chairperson for confirmation within 7 days of the meeting;
- (b) distributed to all Committee Members following confirmation from the Chairperson and within 14 days of the meeting; and
- (c) submitted to the next meeting of the Committee for information.

Agendas and notes from meetings are not required to be made available to the public.

## **8. VOTING**

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

## **9. CONFLICT AND INTEREST PROVISIONS**

In performing the role of [the Early Years](#) Advisory Committee member, a person must:

- Act with integrity;
- Impartially exercise his or her responsibilities in the interests 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.

Meetings of the Advisory Committee may potentially form an Assembly of Councillors. Councillors and officers are required to comply with the conflict of interest provisions as set down in the Act.

Where a meeting is identified as an Assembly of Councillors, staff must follow the designated procedure.

Where a community member has a Conflict of Interest or perceived conflict of interest in relation to a matter before the committee, the community member must disclose the matter to the group before the matter is considered or discussed. Disclosure must include the nature of the interest and be recorded in the meeting notes. It will be at the discretion of the Chairperson if the community member remains or leaves the room whilst the matter is discussed, and this must also be recorded in the notes of the meeting.

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All members of the [Early Years](#) Advisory Committee shall participate in training on the Conduct and Interest provisions which will be run a minimum of annually by the Governance team.

#### **10. REPORTING**

The [Committee](#) will prepare a formal report on an annual basis in line with their stated objectives. The report must be adopted by the committee and should directly reflect the objectives and the performance measures of the committee as set out in the Terms of Reference. Once adopted by the committee the report will be presented to Council.

#### **11. ADMINISTRATION SUPPORT**

Administration support will be provided by the [Community Services](#) Directorate.

#### **12. CONTACT WITH THE MEDIA**

Contact with the Media by Advisory Committee members will be conducted in accordance with the Councillor and Staff Media Policies. Community members should defer any media enquiries to the Chairperson in the first instance and should take care not to respond as a representative of the Committee.

#### **13. REVIEW DATE**

The [Early Years Advisory Committee](#) will sunset after [34](#) years. If the committee continues to have a relevant function, a report must be presented to Council prior to this date that includes a review of the committee's Terms of Reference and seeking endorsement from Council to continue act in an advisory capacity.

#### **14. MEAL**

The provision of refreshments during the course of a committee meeting will be provided in accordance with the Meals and Beverages for Council Committees Policy.

## ADVISORY COMMITTEE TERMS OF REFERENCE



### EARLY YEARS ADVISORY COMMITTEE

<b>Directorate</b>	<b>Community Services</b>
<b>Responsible Officer</b>	<b>Manager Family and Children's Services</b>
<b>Committee Group</b>	<b>Advisory</b>
<b>Approval Date:</b>	<b>25 June 2018</b>
<b>Review Date:</b>	<b>30 June 2021</b>

#### 1. PURPOSE

The purpose of the Early Years Advisory Committee (EYAC) is to provide advice to Council on the implementation of the Key Life Stages Plan 2017-2021 and emerging issues affecting families and young children within the Knox municipality throughout the appointed term of the Committee.

#### 2. OBJECTIVES

The objectives of the Committee will be to:

1. Provide advice and recommendations to Council on the implementation of the Key Life Stages (early years) focus areas as incorporated in the Key Life Stages Plan 2017-2021.
2. The advice and recommendations in relation to this plan will include:
  - a. Agreed priorities; and
  - b. The ongoing outcomes and achievements of the Key Life Stages Plan (early years) focus areas.
  - c. Effective communication and consultation strategies to facilitate engagement with the community and other key stakeholders on the development and implementation of the Key Life Stages Plan (early years) focus areas.
3. Provide advice to Council on emerging issues affecting families and children and the related services within the Knox community;
4. Identify emerging key research, policy and legislative issues that might impact on the implementation of the Key Life Stages Plan 2017-2021.
5. Consider advice and information made available through other Council advisory and community consultation processes related to families and children and/or local early year's services.

Many of the eight Community and Council goals are life stage-related and have informed the implementation plan. In particular Goals 6 and 7 – ‘*We are happy, healthy and well*’ and ‘*We are inclusive, feel a sense of belonging and value our identity*’ – respectively, are particularly relevant to key life stages cohorts and have strongly influenced the Implementation Plan.

Advisory Committees when established under this policy will be aligned to one of the following groups:

- Life Stages Group
- Sustainable Development Group
- Inclusive, Active and Creative Community Groups
- Grants Evaluation Group

Whilst the individual committees will meet at the designated times within its terms of reference each ‘group’ will meet once annually, this will generally be between October to December each year. A designated Directorate will be responsible for coordinating group meetings. The purpose of these meetings will be to:

- Provide feedback to group on priorities for individual committees;
- Update group of progress of key issues; and
- Identify synergies between groups and links to progressing the Community and Council Plan.

In addition to group meetings, all committees will be provided with an opportunity to meet together annually. The ‘annual advisory committee’ sessions will generally be held between April or May each year and will be co-ordinated by the Governance team. The purpose of these meetings will be to:

- Report on progress by Council against Community and Council Plan;
- Provide overview of industry trends and Council priorities for the upcoming year;
- Consider synergies and opportunities for sharing information and collaboration; and
- Deliver training to support committees.

### **3. MEMBERSHIP, PERIOD OF MEMBERSHIP AND METHOD OF APPOINTMENT**

The Early Years Advisory Committee shall comprise the following:

- Two (2) Councillors, appointed annually by Council.
- A maximum of six (6) community members representing diverse perspectives and experience.
- A maximum of four (4) industry members (including any relevant government/community agency representatives)

#### **3.1 Selection and Recruitment of Community and Professional Industry Representative Members**

The process to appoint community and professional members will involve a comprehensive campaign including an advertisement in local newspapers, advertisement on Council’s internet site and information distribution through local networks and other established committees. Applicants must complete an application via an expression of interest process.

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Eligible community members may include individual residents and/or representatives of Knox focused organisations who have an interest in, and understanding of issues impacting families and children and are not directly employed by Knox City Council.

Eligible professional members would include people with specialist knowledge and experience of the early years' service system, other levels of government and professional practice and/or research, who can represent a Knox focused organisation who have an interest in, and understand the issues impacting families and children and who are not directly employed by Knox City Council.

The approach and method for appointing representatives will include the following:

- Community and professional/ industry members will be selected by a panel comprising a Councillor and 2 Council Officers from the relevant service unit;
- The method of appointment will be via an expression of interest process;
- Members will be appointed for a two year term;
- All members will be eligible to re-apply for appointment, however continuous membership for longer than four years will not be considered;
- Council will be responsible for appointing all Councillor, community and professional/industry representative members; and
- Casual vacancies which occur due to community members being unable to complete the full term of their appointments may be filled by co-opting suitable candidates from a previous selection process for the remainder of the previous incumbents' terms. The selection panel will make a recommendation to the CEO, who will have the authority to appoint the recommended candidate to the committee for the remainder of the previous incumbent's term.

Professional/industry representatives unable to attend a committee meeting are able to nominate a proxy or alternate member from the organisation they represent. Any proxy attendance should be notified to Council's nominated officer at least 24 hours prior to the meeting. It is expected the appointed professional/industry representative will provide an appropriate briefing of the committee purpose and objectives and relevant meeting notes to enable active participation and contribution of the proxy representation to the meeting.

The committee may invite observers to meetings from time to time. This is at the discretion of the committee.

Guests may also be invited to attend and participate at meetings, this would generally be for a specific purpose and/or specified period of time. This is at the discretion of the committee.

### **Commitment from Members**

- To provide consistent representation.
  - To attend meetings as required.
  - To carry out specified tasks as designated.
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### **3.2 Councillors**

Council will appoint Councillor representation annually.

Unless otherwise appointed to the committee by Council, the Mayor is, by virtue of the Office, an ex officio member of the Committee. It is important that whilst the Mayor may not chair these meetings, appropriate recognition should be given to the presence of the Mayor if in attendance.

The role of Councillors is to participate in the meetings, listen to community and stakeholder views and keep the Council informed, through reports on committees by Councillors at Council meetings, on issues of community interest being considered at meetings.

### **3.3 Council Officers**

Council officers will be nominated to support the committee by the CEO as required to provide advice and administrative support to the committee.

## **4. DELEGATED AUTHORITY AND DECISION MAKING**

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

## **5. MEETING PROCEDURES**

The Early Years Advisory Committee will meet on a bi-monthly basis and an annual schedule of meetings will be agreed upon at the first meeting of the committee in each year. The committee will also participate in the 6 monthly Group Meetings and the annual advisory committee forum.

The committee is not required to give public notice of its meetings and its meetings are not open to the public. At the commencement of each financial year the committee will develop a work plan for the upcoming year. This will generally be aligned with the Community and Council Plan. The committee may also highlight any emerging issues which will also be documented. For efficiency purposes the business of the committee throughout the ensuing year should align with the work plan and list of emerging issues.

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

- Commence on time and conclude by the stated completion time;
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- Encourage fair and reasonable discussion, participation and respect for each other's views;
- Focus on the relevant issues at hand; and
- Provide advice to Council as far as possible on a consensus basis.

## **6. CHAIR**

The position of Chairperson shall be held by a Councillor and shall be reviewed annually immediately following Councillor appointments to committees. The position of Chairperson is to be agreed upon between Councillors. When this cannot be achieved, the Mayor of the day shall determine the Chair.

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If the Chairperson is not present at a meeting, any other Councillor who has been appointed to the Committee shall be appointed Chairperson. In the absence of any other Councillor representative/s, a staff member appointed by the relevant Director may Chair the meeting.

## **7. AGENDAS AND MEETING NOTES**

Agendas and meeting notes must be prepared for each meeting.

The Agenda must be provided to members of the committee not less than 4 days before the time fixed for the holding of the meeting.

The Chairperson must arrange for meeting notes of each meeting of the committee to be kept.

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- (c) submitted to the next meeting of the Committee for information.

Agendas and notes from meetings are not required to be made available to the public.

## **8. VOTING**

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

## **9. CONFLICT AND INTEREST PROVISIONS**

In performing the role of the Early Years Advisory Committee member, a person must:

- Act with integrity;
  - Impartially exercise his or her responsibilities in the interests 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.

Meetings of the Advisory Committee may potentially form an Assembly of Councillors. Councillors and officers are required to comply with the conflict of interest provisions as set down in the Act.

Where a meeting is identified as an Assembly of Councillors, staff must follow the designated procedure.

Where a community member has a conflict of interest or perceived conflict of interest in relation to a matter before the committee, the community member must disclose the matter to the group before the matter is considered or discussed. Disclosure must include the nature of the interest and be recorded in the meeting notes. It will be at the discretion of the Chairperson if the community member remains or leaves the room whilst the matter is discussed, and this must also be recorded in the notes of the meeting.

All members of the Early Years Advisory Committee shall participate in training on the Conduct and Interest provisions which will be run a minimum of annually by the Governance team.

## **10. REPORTING**

The Committee will prepare a formal report on an annual basis in line with their stated objectives. The report must be adopted by the committee and should directly reflect the objectives and the performance measures of the committee as set out in the Terms of Reference. Once adopted by the committee the report will be presented to Council.

## **11. ADMINISTRATION SUPPORT**

Administration support will be provided by the Community Services Directorate.

## **12. CONTACT WITH THE MEDIA**

Contact with the Media by Advisory Committee members will be conducted in accordance with the Councillor and Staff Media Policies. Community members should defer any media enquiries to the Chairperson in the first instance and should take care not to respond as a representative of the Committee.

## **13. REVIEW DATE**

The Early Years Advisory Committee will sunset after 3 years. If the committee continues to have a relevant function, a report must be presented to Council prior to this date that includes a review of the committee's Terms of Reference and seeking endorsement from Council to continue act in an advisory capacity.

## **14. MEAL**

The provision of refreshments during the course of a committee meeting will be provided in accordance with the Meals and Beverages for Council Committees Policy.

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Confidential Appendix C - Early Years Advisory Committee List and  
Confidential Appendix D - Applications Of Committee Members are circulated  
under separate cover

Official Minutes of Knox City Council

**ALL WARDS****9.3 ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS POLICY**

**SUMMARY:** *Community Development Officer - Access and Inclusion (Felicity Smith)*

*The Acknowledgement of Traditional Land Owners Policy (The Policy) was first developed and endorsed by Council in 2004 and sunsetted on the 30 November 2017.*

*A review of the Policy was conducted in April 2018 that focused on options to broaden the use of the acknowledgment statement in important Council documents, at Council Committees and Council and Civic events.*

*This report presents the updated Policy for Council approval.*

**RECOMMENDATION**

That Council approve its revised Acknowledgement of Traditional Custodians Policy, provided as Appendix A.

**1. INTRODUCTION**

In 2004, Knox City Council endorsed the development of the first Acknowledgment of Traditional Land Owners Policy as part of a broader reconciliation program with the traditional custodians of the land, the Wurundjeri and Bunurong people, and the wider Knox community.

The purpose of the Policy is to provide direction for the acknowledgement of traditional owners at Council meetings, Civic Events and in specified Council documents. An 'Acknowledgement of Traditional Custodians Statement' recognises Knox's Aboriginal history and land stewardship stretching back many thousands of years. It is a practice of cultural respect, which promotes greater community awareness and demonstrates Council's ongoing commitment to reconciliation and recognition, as well as acknowledgement of Knox's current Aboriginal community.

In April 2018, a review of the current Policy was conducted to explore opportunities to broaden the use of the acknowledgement statement and align with contemporary practice.

Outcomes of the review were:

- A recommendation to amend the title of the Policy from 'owners' to 'custodians';
- A recommendation to expand the use of the Policy to include additional Council and Civic events, Council Committees, Council documents and digital assets;

- To include scope for Council staff and Councillors to make an acknowledgment of traditional custodians at their own discretion; and
- To consider two options for the future acknowledgement statement:
  - maintain the current acknowledgement statement, or;
  - change to a general acknowledgment statement without identifying a particular group.

At the May Issues Briefing, Councillors proposed that the acknowledgment statement be included on plaques at new and upgraded Council facilities. This has been included in the revised Policy.

The following information provides a summary of the recommendations to broaden the use of the current Policy.

## **2. DISCUSSION**

### **2.1 Aboriginal People in Knox**

Knox has the second largest population of Aboriginal and Torres Strait Islander people in the EMR behind the Yarra Ranges. The 2016 Census identified a 38.6% increase in the population from 544 people in 2011 to 754, with a median age of 22 years, which is significantly younger than the Knox population generally (39 years). As the Aboriginal population in Knox grows, it is imperative for Council to acknowledge their presence, their culture, as well as pay respect to Knox's heritage.

### **2.2 Current Council Reconciliation and Recognition Activities**

Acknowledgment of traditional custodians represents just one of a number of actions undertaken by Council to progress reconciliation and recognition. Council continues to focus its work on three key areas:

- **Culture and Heritage**
  - Annual Sorry Day Flag Raising Ceremony - 26 May;
  - NAIDOC (National Aborigines and Islanders Day Observance Committee) week celebration – held first week of July;
  - Public Art initiatives, e.g. Perspectives on Place - Bunjil Way and Connecting to Place, and Connecting People – Bayswater level crossing removal community art mural; and
  - Website development on Knox's Aboriginal history.
- **Service Improvements and Partnership Coordination**
  - Annual Aboriginal Cultural Competency Training for Council staff;
  - Participation in Victoria's Local Aboriginal Network (LAN);
  - Collaboration and partnership with TR@K (Towards Reconciliation at Knox);
  - Community member referrals to relevant Aboriginal and Torres Strait Islander services and agencies; and

- Facilitation of connection between community organisations focused on advancing reconciliation.
- **Community Connections**
  - Supporter of the Bush Tucker Program that was delivered at Ferntree Gully Community Arts Centre;
  - Supporter of the Annual Eastern Metro Region (EMR) NAIDOC Ball and Awards Night, that recognises the achievements of individuals within the Aboriginal community in the EMR; and
  - Partner with Outer EMR Councils and Aboriginal health services and agencies in the development of an Integrated Aboriginal Health Service Plan for the EMR.

### 2.3 Registered Aboriginal Party (RAP)

The Department of Premier and Cabinet (Victoria Aboriginal Heritage Council) (the Department) make decisions on RAP applications. RAP's are organisations that hold decision-making responsibilities under the Aboriginal Heritage Act 2006 for protecting Aboriginal cultural heritage in a specified geographical area.

Council officers have regularly sought advice from the Department in relation to the RAP status for Knox. The RAP area for Knox is currently contested by Bunurong Land Council and Wurundjeri Tribe Land Compensation and Cultural Heritage Council. The Department has advised that it is unlikely that a resolution will be made in the near future.

### 2.4 Current Policy

The Acknowledgement of Traditional Land Owners Policy currently specifies a representative to read the following statement at the commencement of Ordinary Council Meetings and Civic events:

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

In addition, the Policy includes a requirement for Council to include the following statement in identified Council documents:

*“Knox City Council acknowledges the traditional custodians of the City of Knox, the Wurundjeri and Bunurong people of the Kulin Nation.”*

Through the policy review process the following changes were proposed to ensure the acknowledgment statement language and use were aligned with contemporary practice and respectful to traditional custodians.

## **2.5 Revised Policy Recommendations**

### **2.5.1 Acknowledgement Statement**

It is recommended that Council maintain the current acknowledgement statement by acknowledging both Wurundjeri and Bunurong as the traditional custodians and moderately expand the use of the Policy, given it is unlikely that a resolution in respect to a Registered Aboriginal Party (RAP) for the Knox area will be made in the near future. See 2.3 for more details.

### **2.5.2 Title of the Policy**

It is recommended to change the name of the Policy to 'Custodians' rather than 'Land Owners'. Previous discussions with Aboriginal elders has advised that the term 'Custodians' more clearly represents the role of caring and protecting of the land rather than having possession or ownership of the land.

### **2.5.3 Use of Acknowledgement Statement**

Expanding the use of the Policy strategically aligns with Council's goals and initiatives identified in the Community and Council Plan 2017-2021, as well as initiatives in Council's Community Access and Equity Implementation Plan 2017-2022. The Community Access and Equity Implementation Plan 2017 -20 22 states that 'Knox City Council is committed to working in partnership with our local Indigenous community and traditional custodians to continue to progress reconciliation, recognition and future partnership opportunities in Knox'.

### **2.5.4 Policy Amendments**

Administration updates have been made to the amended Policy (Appendix A) to bring it in line with Council's new visual identity, current Council and Civic events and Council documents.

Please refer to Appendix A revised Policy.

The key recommended amendments and inclusions are as follows:

- Inclusion of Council Committees as defined in Council's Committees Policy.
- Council and Civic Events to include:
  - Sorry Day Flag raising Ceremony;
  - Pets in the Park;
  - Events covered in the Civic and Mayoral Reception Policy; and
  - Official opening ceremonies.
- Inclusion of the acknowledgement statement on plaques at new and upgraded Council facilities as per Council's Plaque Inscription Policy.
- Inclusion of additional Corporate Council documents that have been separated into Tier 1 and Tier 2 documents:

**Tier 1:**

- State of Knox

**Tier 2:**

- Community and Council Implementation Plans
  - Knox City Council digital assets – website homepage and social media (Our story) where appropriate
  - Knox News
  - Major Festivals and Events Programs
  - Council e-newsletter templates
- Inclusion of the following statement under Section 3, Scope of the Policy:
 

*“Council staff and Councillors are encouraged and can use at their own discretion an acknowledgement of traditional custodians at meetings and events that fall outside this policy”.*

**3. CONSULTATION**

A comprehensive review of the Policy was conducted in 2014, which included a desktop review, engagement with key internal Council departments and officers, Councillors, Aboriginal elders and State Government. The findings of this review have informed the recommendations of this report.

The 2018 review of the Policy included consultation with a range of stakeholders:

- Aboriginal Victoria (Department of Premier and Cabinet);
- Towards Reconciliation at Knox (TR@K). TR@K was supportive of the recommendations;
- Council’s Governance and Communications Departments, who have the responsibility in revising and implementing the Policy;
- Ongoing conversations with Council staff has highlighted that the acknowledgement statement is currently used beyond the current Policy guidelines; and
- Council officers from Manningham, Maroondah and Yarra Ranges Councils. All three do not have a specific Acknowledgement of Traditional Custodians Policy, but rather a guideline or initiatives that sit within their broader Reconciliation Action Plan’s. The recommendations in this report will align Knox with these three Council’s in the level of acknowledging traditional custodians.

**4. ENVIRONMENTAL/AMENITY ISSUES**

There are no direct environmental issues associated with this report.

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

Council's Aboriginal portfolio sits with the Community Development Officer - Access & Inclusion role within the Community Wellbeing Department, 0.4 EFT. This position is also responsible for delivering broader access and equity initiatives identified in the Community Access and Equity Implementation Plan 2017 - 2022.

The annual program budget for Indigenous Community Development is currently \$6,060. This budget supports activities such as Council's Annual Sorry Day Flag Raising Ceremony, NAIDOC week activities, delivery of Aboriginal Cultural Competency Training for Council staff and other reconciliation and recognition initiatives.

## **6. SOCIAL IMPLICATIONS**

As the Aboriginal population in Knox grows, it is important for Council to continue to acknowledge their presence and pay respect to Knox's heritage. The Acknowledgment of Traditional Custodians Policy is a practice of cultural respect, promotes greater community awareness and directs action to continue to progress reconciliation and recognition in a practical and symbolic way.

## **7. RELEVANCE TO KNOX COMMUNITY AND COUNCIL PLAN 2017-2021**

This Policy is relevant to a number of Goals, Strategies and Council Initiatives in the Knox Community and Council Plan 2017 – 2021 including:

- Goal 1 - We value our natural and built environment.
- Goal 6 - We are healthy, happy and well
  - Strategy 6.2 - Support the community to enable positive physical and mental health.
- Goal 7 - We are inclusive, feel a sense of belonging and value our identity
  - Strategy 7.1 - Protect and preserve our local cultural heritage.
  - Council Initiative 7.1.2 - Develop a plan for the ongoing protection and management of Indigenous and post European settlement heritage resources related to Knox.
  - Strategy 7.2 - Celebrate our diverse community.
- Goal 8 - We have confidence in decision making.

**8. CONFLICT OF INTEREST**

Under section 80c of the Local Government Act 1989 officers providing advice to Council must disclose any interests, including the type of interest.

Officer Responsible – Lisette Pine, Acting Manager Community Wellbeing - In providing this advice as the Officer Responsible, I have no disclosable interests in this report.

Author – Felicity Smith, Community Development Officer – Access and Inclusion - In providing this advice as the Author, I have no disclosable interests in this report.

**9. CONCLUSION**

The revised recommendations to broaden the use of the Acknowledgement of Traditional Custodians Policy will build on Council's commitment to recognise and pay respect to Knox's aboriginal history, as well as acknowledge the presence of Knox's growing Aboriginal population.

Acknowledging traditional custodians is a practice of cultural respect, which promotes greater community awareness and will assist in progressing Knox's reconciliation and recognition activities in a practical and symbolic way.

The recommended Policy is presented in Appendix A.

**10. CONFIDENTIALITY**

There are no confidentiality issues related to this report.

**COUNCIL RESOLUTION**

**MOVED: CR. LOCKWOOD**

**SECONDED: CR. SEYMOUR**

**That Council approve its revised Acknowledgement of Traditional Custodians Policy, provided as Appendix A.**

**CARRIED**

# Acknowledgement of Traditional Custodians ~~Owners~~ Policy

Policy Number:	2005/17	Directorate:	Community Services
Approval by:	Council	Responsible Officer:	Manager, Community Wellbeing
Approval Date:	TBC	Version Number:	5
Review Date:	3 Years from Meeting Date		

## 1. Purpose

The purpose of this policy is to provide ~~guidelines~~ direction to Council and Council staff for the acknowledgement of traditional ~~land owners custodians~~ at Council meetings, Council Committees, Council and Civic Events, ~~in Corporate Council documents and establishment of plaques on Council facilities.~~ and in important Council documents.

## 2. Context

The aim of this policy is to promote greater community awareness ~~about regarding~~ our Aboriginal ~~Indigenous~~ history and to demonstrate leadership by formally acknowledging this ~~our Indigenous~~ history at Council meetings, Council Committees, Council and Civic Events, in ~~in important Corporate~~ Council documents, and on plaques for new and upgraded Council facilities, in the spirit of reconciliation.

## 3. Scope

This Policy applies to staff and Councillors involved in Council meetings, Council Committees, Council and Civic Events and in the development of Corporate Council documents and plaques for new and upgraded Council facilities as described in Section 5 (Definitions) of this Policy.

Council staff and Councillors are encouraged and can use at their own discretion an acknowledgement of traditional custodians at meetings and events that fall outside of this Policy.

## 4. References

### 4.1 Community & Council Plan 2017-2021

- Goal 1. We value our natural and built environment
- Goal 6. We are healthy, happy and well
- Goal 7. We are inclusive, feel a sense of belonging and value our identity
- Goal 8. We have confidence in decision making

### 4.2 Relevant Legislation

- Local Government Act 1989 – Conflict and Interest Provisions

#### 4.3 Charter of Human Rights

- This policy has been assessed against and complies with the charter of Human Rights as well as builds a culture of human rights in the community.

#### 4.4 Related Council Policies

- [Council Committees Policy](#)
- [Civic and Mayoral Receptions Policy](#)
- [Council Meeting Structure Policy](#)
- [Plaque Inscription Policy](#)

#### 4.5 Related Council Procedures

- Nil

## 5. Definitions

Detail any definitions within the policy.

Council	Means Knox City Council, whether constituted before or after the commencement of this Policy.
Council staff	Means staff that are employed by Knox City Council
Council Meeting	Ordinary Meetings of Council
<a href="#">Council Committees</a>	<p><u>As defined in the Council Committees Policy and includes:</u></p> <ul style="list-style-type: none"> <li>• <a href="#">Advisory Committees</a></li> <li>• <a href="#">Special Committees – as formally appointed under section 86 of the Local Government Act. Council currently has one Special Committee, the Strategic Planning Committee</a></li> <li>• <a href="#">Specific Purpose Committees</a></li> <li>• <a href="#">Working Groups</a></li> </ul>
Council and Civic Events	<p><u>Major events, festivals and openings hosted by Council, as follows:</u></p> <ul style="list-style-type: none"> <li>• <u>Major Festivals and events including:</u> <ul style="list-style-type: none"> <li>- <a href="#">Knox Local Australia Day Awards</a></li> <li>- <a href="#">Citizenship Ceremonies</a></li> <li>- <a href="#">Knox Festival</a></li> <li>- <a href="#">Stringybark Festival</a></li> <li>- <a href="#">Carols by Candlelight</a></li> <li>- <a href="#">Sorry Day Flag Raising Ceremony</a></li> <li>- <a href="#">Pets in the Park</a></li> <li>- <a href="#">Events Covered in the Civic and Mayoral Receptions Policy</a></li> </ul> </li> <li>• <a href="#">Official Opening Ceremonies of municipal-wide facilities</a></li> </ul>
Corporate Council documents	<p><u>Important council documents pertaining to land on which the City of Knox lies, corporate branded documents and digital assets, which includes:</u></p> <p><u>Tier 1:</u></p> <ul style="list-style-type: none"> <li>• <a href="#">Municipal Strategic Statement</a></li> </ul>

- [Community and Council Plan 2017- 2021](#)
- [Knox Vision: Our City Our Future?](#)
- [Council's Annual Report](#)
- [Vision 2025](#)
- [State of Knox](#)
- [Structure Plans](#)

**Tier 2:**

- [Knox City Council Digital Assets – Website home page and Social Media where appropriate](#)
- [Knox News](#)
- [Council Implementation Plans](#)
- [Major Festivals and Events Programs](#)
- [Council E-newsletter templates](#)

**Plaques**

[Meaning pPlaques developed for that are prepared for unveiling at the opening of new and/or upgraded- Council facilities](#)

## 6. Council Policy

- 6.1 Council will read the following statement at the commencement of Ordinary Council meetings, [Council Committee meetings](#), ~~Strategic Planning Committee meetings, Councillor Appointed Committee meetings~~ and [Council and](#) Civic Events:

*“Knox City Council acknowledges that we are on the traditional land of the Wurundjeri and Bunurong people [of the Kulin Nation](#) and pay our respects to elders both past and present.”*

- 6.2 Council will include the following statement in corporate [Council](#) documents, as a stand alone statement ~~and on plaques of new and upgraded Council facilities, separate from the main document text (e.g. inside front cover):~~

*“Knox City Council acknowledges the traditional custodians of the ~~c~~City of Knox, the Wurundjeri and Bunurong people of the Kulin Nation.”*

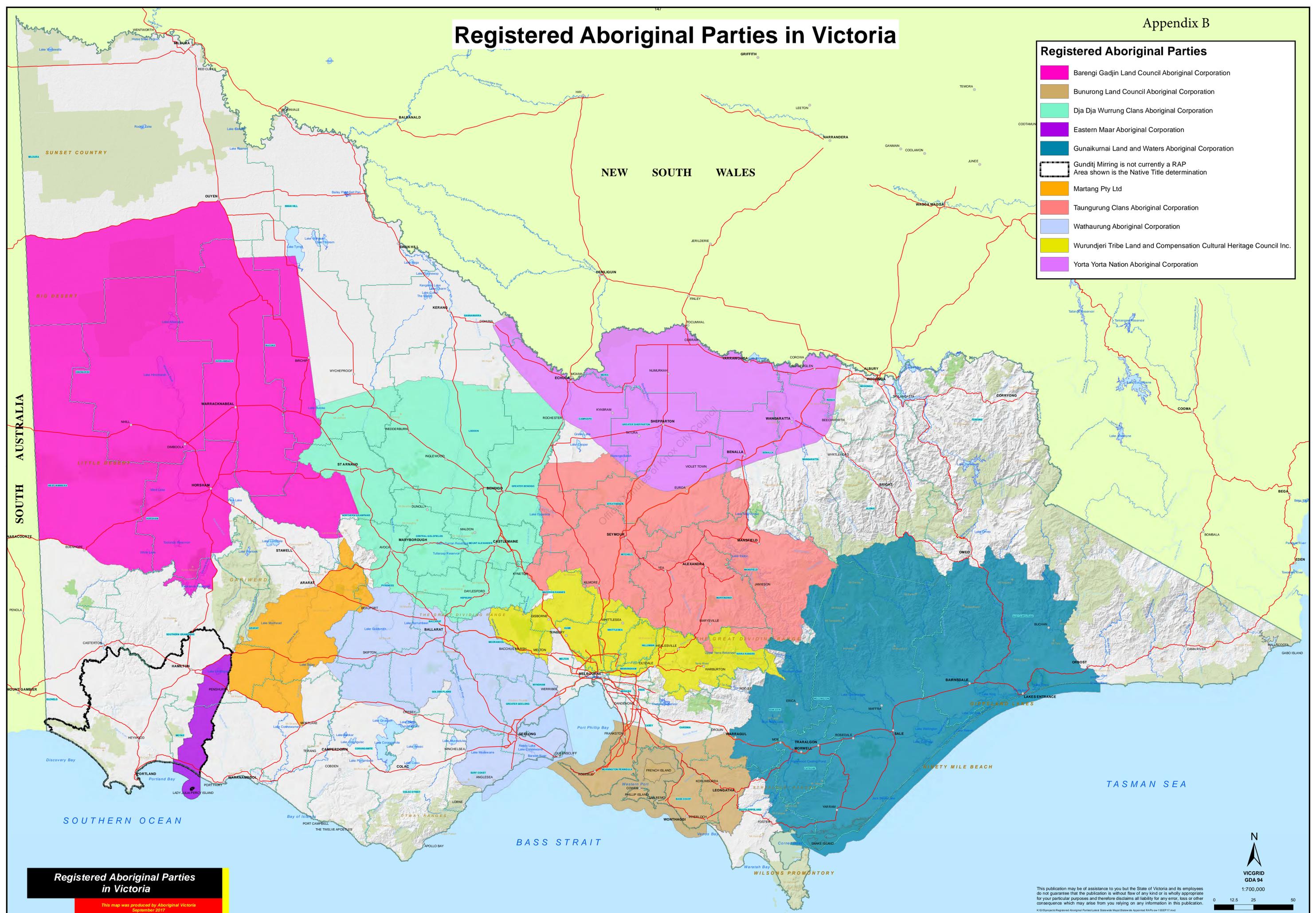
## 7. Administrative Updates

From time to time, circumstances may change leading to the need for minor administrative changes to this policy. Where an update does not materially alter this policy, such a change may be made administratively. Examples of minor administrative changes include changes to names of Council departments or positions, change to names of Federal or State Government departments or a minor amendment to legislation that does not have material impact. Where any change or update may materially change the intent of this policy, it must be considered by Council.

# Registered Aboriginal Parties in Victoria

**Registered Aboriginal Parties**

- Barengi Gadjin Land Council Aboriginal Corporation
- Bunurong Land Council Aboriginal Corporation
- Dja Dja Wurrung Clans Aboriginal Corporation
- Eastern Maar Aboriginal Corporation
- Gunaikurnai Land and Waters Aboriginal Corporation
- Gunditj Mirring is not currently a RAP  
Area shown is the Native Title determination
- Martang Pty Ltd
- Taungurung Clans Aboriginal Corporation
- Wathaurung Aboriginal Corporation
- Wurundjeri Tribe Land and Compensation Cultural Heritage Council Inc.
- Yorta Yorta Nation Aboriginal Corporation

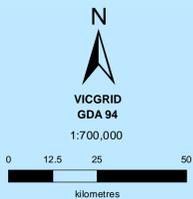


**Registered Aboriginal Parties in Victoria**

This map was produced by Aboriginal Victoria  
September 2017

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# Acknowledgement of Traditional Custodians Policy

**knox**  
your city



## Appendix C

# Acknowledgement of Traditional Custodians Policy

Policy Number:	2005/17	Directorate:	Community Services
Approval by:	Council	Responsible Officer:	Manager, Community Wellbeing
Approval Date:	TBC	Version Number:	5
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## 1. Purpose

The purpose of this policy is to provide direction to Council and Council staff for the acknowledgement of traditional custodians at Council meetings, Council Committees, Council and Civic Events, Corporate Council documents and establishment of plaques on Council facilities.

## 2. Context

The aim of this policy is to promote greater community awareness about our Aboriginal history and to demonstrate leadership by formally acknowledging this history at Council meetings, Council Committees, Council and Civic Events, in Corporate Council documents, and on plaques for new and upgraded Council facilities in the spirit of reconciliation.

## 3. Scope

This Policy applies to staff and Councillors involved in Council meetings, Council Committees, Council and Civic Events and in the development of Corporate Council documents and plaques for new and upgraded Council facilities as described in Section 5 (Definitions) of this Policy.

Council staff and Councillors are encouraged and can use at their own discretion an acknowledgement of traditional custodians at meetings and events that fall outside of this Policy.

## 4. References

### 4.1 Community & Council Plan 2017-2021

- Goal 1. We value our natural and built environment
- Goal 6. We are healthy, happy and well
- Goal 7. We are inclusive, feel a sense of belonging and value our identity
- Goal 8. We have confidence in decision making

#### 4.2 Relevant Legislation

- Local Government Act 1989 – Conflict and Interest Provisions

#### 4.3 Charter of Human Rights

- This policy has been assessed against and complies with the charter of Human Rights as well as builds a culture of human rights in the community.

#### 4.4 Related Council Policies

- Council Committees Policy
- Civic and Mayoral Receptions Policy
- Council Meeting Structure Policy
- Plaque Inscription Policy

#### 4.5 Related Council Procedures

- Nil

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Corporate Council documents	Important council documents and digital assets, which includes: <p>Tier 1:</p> <ul style="list-style-type: none"> <li>• Municipal Strategic Statement</li> </ul>

- Community and Council Plan 2017- 2021
- Council’s Annual Report
- Vision 2025
- State of Knox
- Structure Plans

## Tier 2:

- Knox City Council Digital Assets – Website home page and Social Media where appropriate
- Knox News
- Council Implementation Plans
- Major Festivals and Events Programs
- Council E-newsletter templates

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 Plaques

Plaques developed for new and upgraded Council facilities

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## 6. Council Policy

- 6.1 Council will read the following statement at the commencement of Ordinary Council meetings, Council Committee meetings and Council and Civic Events:

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

- 6.2 Council will include the following statement in corporate Council documents, as a stand alone statement and on plaques of new and upgraded Council facilities:

*“Knox City Council acknowledges the traditional custodians of the city of Knox, the Wurundjeri and Bunurong people of the Kulin Nation.”*

## 7. Administrative Updates

From time to time, circumstances may change leading to the need for minor administrative changes to this policy. Where an update does not materially alter this policy, such a change may be made administratively. Examples of minor administrative changes include changes to names of Council departments or positions, change to names of Federal or State Government departments or a minor amendment to legislation that does not have material impact. Where any change or update may materially change the intent of this policy, it must be considered by Council.

**COUNCILLOR GILL RETURNED TO THE MEETING AT 8.17PM PRIOR TO DISCUSSION ON ITEM 9.4****COUNCILLOR PEARCE RETURNED TO THE MEETING AT 8.17PM PRIOR TO DISCUSSION ON ITEM 9.4****DINSDALE WARD****9.4 LEASE FOR TENANCY 26, MOUNTAIN HIGH SHOPPING CENTRE, HIGH STREET, BAYSWATER (BAYSWATER LIBRARY)**

**SUMMARY:** *Manager Youth Leisure & Cultural Services (Peter Gore)*

*This report seeks approval from Council to enter into a Lease Agreement for Tenancy 26, Lower Level, Mountain High Shopping Centre, High Street, Bayswater (Bayswater Library). The Lease is between Knox City Council and Mountain High SC Pty Ltd as trustees for the Mountain High SC Unit Trust.*

**RECOMMENDATION**

That Council:

1. Enter into a Lease with Mountain High SC Pty Ltd as trustees for the Mountain High SC Unit Trust for Tenancy 26 Mountain High Shopping Centre, High Street Bayswater (Bayswater Library) with the following terms:
  - a) Tenancy of seven years (3+2+2 years); and
  - b) Rental of \$166,320 (plus GST) increasing annually by CPI with the lease commencing 1 July 2018.
2. Authorise the Chief Executive Officer to sign and seal the Lease for premises at Tenancy 26, Lower Level, Mountain High Shopping Centre, High Street, Bayswater (Bayswater Library) between Knox City Council and Mountain High SC Pty Ltd ACN 601 743864 as trustee for the Mountain High SC Unit Trust ABN 50 304 954 104.

**1. INTRODUCTION**

At the Strategic Planning Committee meeting on 11 September 2012 Council resolved in part that 'that the CEO enter into a Heads of Agreement and all related subsequent documents to lease Tenancy 26, Lower Level, Mountain High Shopping Centre, High Street, Bayswater for a period of five years plus a further term of five years for the purposes of establishing a library service'.

The Bayswater Library is situated at Shop 26 in the Mountain High Shopping Centre. A lease was entered into on 15 January 2013 with the previous property owners, with the initial term expiring on 14 January 2018. Negotiations with the managing agent have been occurring over the previous six months whilst the current tenancy has been in overholding.

The new lease is for a term of seven years composed of 3 years with two further terms of 2 years. The option on whether to take up the further terms are at Councils discretion.

## **2. DISCUSSION**

Since the Bayswater library was opened in 2013, it has established itself as a very important community asset within the Bayswater Activity Centre.

This year, 72,000 visits have generated to date over 84,000 loans, this is up from 75,000 in 2016-17. In addition, the library branch team have assisted the community with almost 7,700 queries.

With a strong focus on families, over 2,900 children accompanied by 2,600 adults have attended storytime and other children's activities.

The library provides nearly 8,000 hours of public pc access and 19,000 WiFi Sessions free of charge with 200 adults (approximately) having one-on-one elearning sessions assisting them to bridge the 'digital divide'.

Recently extended opening hours to cover Monday and Thursday mornings have seen visitations grow by over 1,500 per month, further proof of the importance of the library to the local community.

A seven year lease (with options) enables Council to achieve flexibility and potential for Council to shorten or extend its occupancy in the shopping centre as long term community facility planning is completed for the Bayswater area.

While a 3+2 (5 years) lease was also considered, it was determined that this option might not provide the strongest recourse sufficient tenure to maximise Council's interest when longer term planning is being implemented.

## **3. CONSULTATION**

Consultation has been undertaken with the Chief Executive Officer of Eastern Regional Library Corporation (ERLC), Dinsdale Ward Councillor, Cr Adam Gill, Council's Property Management team and the managing agent of the Mountain High Shopping Centre property.

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

Council's library services contribute to the development of attractive and accessible places in the City of Knox.

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

Benchmarking was undertaken which compared similar sized tenancies and rental rates within the Mountain High Shopping Centre. Discussions were also held with Council's Property Management team and valuers. The rental being proposed is in accordance with current market rental and is considered satisfactory.

The annual rent proposed is \$166,320 (plus GST), which is an increase of \$38,195.40 per annum (plus GST) from the annual rent in 2017. The increase is triggered by a market review.

The completion of the first term and any extension to the previous Lease also triggered a market review clause, where annual rent will be determined by consideration of market rates achieved in the Centre. In this scenario, recommended (3+2+2 years) the landlord has slightly less security over its longer term cash flow as there is no certainty that Council will stay the entire period and therefore a higher fee is expected.

The rental is incorporated into the 2018-19 draft Budget.

## **6. SOCIAL IMPLICATIONS**

Public libraries play a vital contribution to the wellbeing of our residents and to the education and economic development of communities. This outcome has underpinned the commitment of Council and ERLC to the provision of high quality public library services.

## **7. RELEVANCE TO KNOX COMMUNITY AND COUNCIL PLAN 2017-2021**

**Goal 7: We are inclusive, feel a sense of belonging and value our identity**

Strategy 7.3 Strengthen Community Connections

## **8. CONFLICT OF INTEREST**

Under section 80c of the Local Government Act 1989 officers providing advice to Council must disclose any interests, including the type of interest.

Officer Responsible – Peter Gore, Manager Youth Leisure & Cultural Services - In providing this advice as the Officer Responsible, I have no disclosable interests in this report.

Author – Peter Gore, Manager Youth Leisure & Cultural Services - In providing this advice as the Author, I have no disclosable interests in this report.

## **9. CONCLUSION**

The lease for Tenancy 26 at Mountain High Shopping Centre expired on 14 January 2018. Agreement has now been reached with the lessor to enter into a new lease commencing on 1 July 2018. The proposed lease between Council and Mountain High SC Pty Ltd as trustee for the Mountain High SC Unit Trust is for seven years (3+2+2) with the rental being \$166,320 (plus GST) increasing annually by CPI and reviewed at the execution of each option. This arrangement provides Council with flexibility for future precinct planning.

## **10. CONFIDENTIALITY**

There are no confidential issues associated with this report.

**COUNCIL RESOLUTION****MOVED: CR. GILL****SECONDED: CR. LOCKWOOD****That Council:**

1. Enter into a Lease with Mountain High SC Pty Ltd as trustees for the Mountain High SC Unit Trust for Tenancy 26 Mountain High Shopping Centre, High Street Bayswater (Bayswater Library) with the following terms:
  - a) Tenancy of seven years (3+2+2 years); and
  - b) Rental of \$166,320 (plus GST) increasing annually by CPI with the lease commencing 1 July 2018.
2. Authorise the Chief Executive Officer to sign and seal the Lease for premises at Tenancy 26, Lower Level, Mountain High Shopping Centre, High Street, Bayswater (Bayswater Library) between Knox City Council and Mountain High SC Pty Ltd ACN 601 743864 as trustee for the Mountain High SC Unit Trust ABN 50 304 954 104.

**CARRIED**

Official Minutes of Knox City Council

**FRIBERG, DOBSON, TAYLOR & TIRHATUAN WARDS****9.5 RESPONSE TO CALL UP ITEM - WHAT IS REQUIRED TO UNDERTAKE A PLACE BASED ANALYSIS OF SPORTING FACILITIES AND ACTIVE RESERVES IN THE ROWVILLE AND LYSTERFIELD AREA**

**SUMMARY:** *Acting Coordinator Leisure Services (Kerry Irwin)*

*This report responds to a call up item from the 27 March 2018 Council meeting requesting an outline of what is required to undertake a place based analysis of sporting facilities and active reserves in the Rowville and Lysterfield suburbs.*

**RECOMMENDATION**

That Council receive and note the report.

**1. INTRODUCTION**

This report responds to a Call Up item from the 27 March 2018 Council meeting which requested information on the requirements to undertake a place based analysis of sporting facilities and active reserves in the Rowville and Lysterfield suburbs.

A local needs analysis will guide improvement, upgrade or renewal of council's sport facility assets and provide information on the future demand for improved or new sporting facilities and infrastructure to meet the needs of the local community.

**2. DISCUSSION****2.1 Background**

It's been identified that Rowville and Lysterfield suburbs have potentially less active and passive open space, sports fields and courts and therefore overall participation rates are less than other suburbs in the municipality with similar populations e.g. Wantirna/Wantirna south.

**2.2 Undertaking a place based analysis**

A Rowville and Lysterfield place based future facilities plan would require a sports demand analysis that identifies:

- population growth and demographic profiling;
- the quantum and type of services and facilities needed over the next 10 years; and
- the most appropriate location and provider - both public and private sites.

A sports demand analysis for the whole of Knox is also the subject of a separate Call Up item to Council.

### **2.3 Key Activities (Rowville and Lysterfield area only)**

The key activities required to undertake a sports demand analysis include:

- Undertake a service needs assessment;
- Investigates current participation and trends across all sports;
- Identifies new and emerging sports and the impact on Knox including:
  - reviewing the current sports facility provision;
  - reviewing Council's Leisure Services plans and the recommendations for future provision;
  - engaging with key stakeholders internally and externally to understand needs, ideas and opportunities; and
  - identifying the future sports demand and facility needs.
- Explore the feasibility and future development of existing leisure sites to include additional participation options i.e. unstructured usage, new sports fields and courts or different use of sites.
- Integrate planning to ensure any new land/residential developments cater appropriately for sport and recreation and address identified gaps
- Investigate opportunities to obtain new sites for the provision of additional sports reserves through state government authorities, privately owned land, etc.
- Investigate service levels and facility standards across different sports for Capital Works consideration using existing policies and plans such as the Knox Sporting Reserve and Facility Development Guidelines.
- Prepare a report that articulates how council might address identified gaps, the priority of need and resources necessary to achieve goals and guide future advocacy, infrastructure investment and grant seeking to meet the demonstrated sport and recreation needs of Knox.

### **3. CONSULTATION**

Community consultation was not required for this report, however would be incorporated into the project plan to undertake a place based analysis of sporting facilities and active reserves in Rowville and Lysterfield.

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

There are no environmental or amenity issues.

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

A place based analysis of sporting facilities and active reserves in the Rowville and Lysterfield suburbs would require the appointment of an external consultant with relevant expertise with a cost estimate of approximately \$60,000. An internal resource would be required to manage the project over a 3-6 month period for around a half day per week which can be funded through an existing operational budget.

An application can be made to SRV for a 2019-20 planning grant and in the event the SRV funding application for 2019-20 is unsuccessful this project could be referred to Council's 2019-20 budget for consideration.

## **6. SOCIAL IMPLICATIONS**

A placed based plan for Rowville and Lysterfield could impact positively on the community through:

- Improved access to quality sport and recreation opportunities;
- Greater connectivity for individuals to engage within community based activities; and
- Maximise the use of community and Council facilities.

## **7. RELEVANCE TO KNOX COMMUNITY AND COUNCIL PLAN 2017-2021**

This report is consistent with the following goal of the Knox Community and Council Plan 2017-2021:

- Goal 1: We value our natural and built environment
- Goal 6: We are healthy, happy and well
- Goal 7: We are inclusive, feel a sense of belonging and value our identity

## **8. CONFLICT OF INTEREST**

Under section 80c of the Local Government Act 1989 officers providing advice to Council must disclose any interests, including the type of interest.

Officer Responsible – (Peter Gore, Manager Youth Leisure & Cultural Services) - In providing this advice as the Officer Responsible, I have no disclosable interests in this report.

Author – (Kerry Irwin, Acting Coordinator Leisure Services) - In providing this advice as the Author, I have no disclosable interests in this report.

**9. CONCLUSION**

It is expected that the place based analysis of sporting facilities and active reserves in Rowville and Lysterfield will be informed through the proposed Demand Analysis of all sporting codes across the City of Knox. The focus of a local place based sports facilities needs analysis will be to understand the needs of existing and emerging sporting clubs and organisations and to deliver a facility improvement plan for Council owned and managed sporting infrastructure.

An external resource is required to undertake the task. This resource is currently not allowed for within the 2018/19 proposed operational budget. It is proposed that an application can be made to Sports Recreation Victoria for a 2019/20 planning grant.

**10. CONFIDENTIALITY**

There are no issues of confidentiality associated with this report.

**COUNCIL RESOLUTION**

**MOVED: CR. SEYMOUR**

**SECONDED: CR. PEARCE**

**That Council receive and note the report.**

**CARRIED**

**ALL WARDS****9.6 RESPONSE TO CALL UP ITEM - WHAT IS REQUIRED TO UNDERTAKE A SPORTS DEMAND ANALYSIS FOR THE CITY OF KNOX ACROSS ALL SPORTING CODES**

**SUMMARY:** *Acting Coordinator Leisure Services (Kerry Irwin)*

*This report responds to a call up item from the 27 March 2018 Council meeting requesting an outline of requirements to undertake a sports demand analysis for the City of Knox across all sporting codes.*

**RECOMMENDATION**

That Council receive and note the report.

**1. INTRODUCTION**

This report responds to a Call Up item from the March 2018 Council meeting which requested information on the requirements to undertake a sports demand analysis for the City of Knox across all sporting codes.

Knox City Council is an active sporting community and offers a range of formal and casual sporting opportunities for its residents and visitors. The City encourages residents to engage in recreational activities to improve their health and wellbeing.

A local needs analysis will guide improvement, upgrade or renewal of Council's sport facility assets and provide information on the future demand for improved or new sporting facilities and infrastructure to meet the needs of the local community.

**2. DISCUSSION****2.1 Undertaking a sports demand analysis**

A Knox municipal wide sports demand analysis would include consideration of the 24 key sports in the municipality (see Appendix A) and investigate participation trends, required changes and development opportunities across the municipality.

Consideration of emerging needs such as female participation and current sports analysis work (i.e. work undertaken for the Knox Regional Sports Park, plus specific sport plans), Knox population growth and demographic profiling on service and facility planning work underway or recently completed, including BAMP and Strategic Asset Investment Strategy.

**2.2 The key activities required to undertake the sports demand analysis include:**

The key activities required to undertake a sports demand analysis include:

- Undertake a service needs assessment;

- Investigates current participation and trends across all sports;
- Identifies new and emerging sports and the impact on Knox including:
  - reviewing the current sports facility provision;
  - reviewing current sports specific plans and the recommendations for future provision;
  - engaging with key stakeholders internally and externally to understand needs, ideas and opportunities; and
  - identifying the full future sports demand and facility needs.
- Explore the feasibility and future development of existing leisure sites to include additional participation options i.e. unstructured usage, new sports fields and courts or different use of sites.
- Integrate planning to ensure any new land/residential developments cater appropriately for sport and recreation and address identified gaps
- Investigate opportunities to obtain new sites for the provision of additional sports reserves through state government authorities, privately owned land, etc.
- Investigate service levels and facility standards across different sports for Capital Works consideration using existing policies and plans such as the Knox Sporting Reserve and Facility Development Guidelines.
- Prepare a report that articulates how council might address identified gaps, the priority of need and resources necessary to achieve goals and guide future advocacy, infrastructure investment and grant seeking to meet the demonstrated sport and recreation needs of Knox.

### **3. CONSULTATION**

Discussions have occurred with Sport & Recreation Victoria (SRV) on the potential to reallocate unspent funds from the previously approved 2017-18 planning grant for Council's Pavilion Plan. Part of this project including the associated building audits have now been completed by the Assets team along with a student placement from Deakin University working on participation data.

Officers have now been advised that SRV funding can be reallocated and used to offset costs associated with the Knox Sports Demand Analysis Project, which would complement the facility assessments.

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

There are no environmental or amenity issues.

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

A Knox sports demand analysis would require the appointment of an external consultant with relevant expertise and cost approximately \$60,000. Fifty per cent of this cost would be subsidised by the reallocated grant from SRV. An internal resource would be required to manage the project over a 12 month period for around one half day per week.

As the Leisure Team currently has a high work load, and an external resource would be required to deliver this initiative, an operational budget bid would be required.

## **6. SOCIAL IMPLICATIONS**

A Knox sports demand analysis is foundation work that would underpin infrastructure planning and contribute to a healthy active community. In the future such work could:

- Improved access to quality sport and recreation opportunities;
- Promote greater connectivity for individuals to engage within community based activities; and
- Maximise the use of community and Council facilities.

## **7. RELEVANCE TO KNOX COMMUNITY AND COUNCIL PLAN 2017-2021**

This report is consistent with the following goal of the Knox Community and Council Plan 2017-2021:

- Goal 1: We value our natural and built environment
- Goal 6: We are healthy, happy and well
- Goal 7: We are inclusive, feel a sense of belonging and value our identity

## **8. CONFLICT OF INTEREST**

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Officer Responsible – (Peter Gore, Manager Youth Leisure & Cultural Services) - In providing this advice as the Officer Responsible, I have no disclosable interests in this report.

Author – (Kerry Irwin, Acting Coordinator Leisure Services) - In providing this advice as the Author, I have no disclosable interests in this report.

## **9. CONCLUSION**

A sports demand analysis will provide important data to assist with strategic planning of Council's active recreation reserves and associated sports infrastructure.

This report outlines the key activities required to develop the sports analysis and the expected resources required.

**10. CONFIDENTIALITY**

There are no issues of confidentiality associated with this report.

**COUNCIL RESOLUTION****MOVED: CR. SEYMOUR****SECONDED: CR. HOLLAND**

**That Council receive and note the report.**

**CARRIED**

Official Minutes of Knox City Council

**APPENDIX A – List of sports and demand analysis status**

Sport	Status
Regional sports	Completed
Netball	Completed
Basketball	Completed
Gymnastics	Completed
Squash	Completed
Tennis	Completed
AFL	Underway
Aquatics	Underway
Hockey	Underway
Football (soccer)	Not commenced
Skate/BMX	Out of date
Golf	Not commenced
Cricket	Not commenced
Equestrian	Not commenced
Rugby	Not commenced
Bowls/Croquet	Not commenced
Cycling	Not commenced
Baseball/Softball	Not commenced
Badminton	Not commenced
Volleyball	Not commenced
Table tennis	Not commenced
Athletics	Not commenced
Canoeing	Not commenced

**DOBSON WARD****10.1 PROPOSED SALE OF 2A FRANCIS CRESCENT, FERNTREE GULLY**

**SUMMARY:** *Coordinator Property Management (Angela Mitchell)*

*Council has been approached by the property owner of 2 Francis Crescent, Ferntree Gully to acquire the area of Council land to the south of this property. This area is identified as 2A Francis Crescent, Ferntree Gully which has been assessed as surplus to Council's requirements in accordance with Council's Sale of Land and Buildings Policy. This report recommends that Council gives notice of its intention to commence the statutory process to sell 2A Francis Crescent, Ferntree Gully by private treaty.*

**RECOMMENDATION**

That Council, being of the opinion that 2A Francis Crescent, Ferntree Gully, as shown in Appendix A, identified as Lot 1 on TP 92088IU within Certificate of Title Volume 8892 Folio 173, is surplus to Council's requirements:

1. Commence the statutory process, under Section 189 of the Local Government Act 1989, to sell the subject land to the owner of 2 Francis Crescent, Ferntree Gully by private treaty for \$200,000 (plus GST), plus Council's costs in relation to this sale.
2. Under Section 223 of the Local Government Act 1989, give public notice of the proposed sale of the subject land in the Knox Leader newspaper.
3. Hear submissions in accordance with Section 223(1)(b) of the Local Government Act 1989 and appoint the following Committee of Council comprising Cr \_\_\_\_\_, Cr \_\_\_\_\_ and Cr \_\_\_\_\_ to consider submissions at 5.00pm on 7 August 2018.
4. That a further report be presented to Council following the conclusion of the statutory process.

**1. INTRODUCTION**

2A Francis Crescent, Ferntree Gully is a small triangular shaped allotment (213m<sup>2</sup> approximately) situated between a larger parcel at 2 Francis Crescent and the Francis Crescent roadway.

The land is identified as Lot 1 on TP 92088IU within Certificate of Title Volume 8892 Folio 173. This land is included within General Residential Zone Schedule 6 and is affected by the following overlays:

- Design and Development Overlay (DDO8)
- Vegetation Protection Overlay (VPO3)
- Environmental Audit Overlay (EAO)

One of Council's core responsibilities is to manage its assets in order to optimise their value to the community. Part of this responsibility involves evaluating any unused or redundant assets and releasing the funds tied up in these assets in order to acquire, develop or improve other assets. The subject land is an example of resources tied up in an asset considered to be surplus to Council's needs which Council can deploy in other areas of priority.

## **2. DISCUSSION**

2A Francis Crescent, Ferntree Gully is vacant land and abuts 2 Francis Crescent, Ferntree Gully. The property is currently occupied by the owner of 2 Francis Crescent, Ferntree Gully for access and car parking.

It is recommended to sell 2A Francis Crescent, Ferntree Gully by private treaty to the abutting property owner due to the following:

- The size and shape of site makes it difficult to develop as an individual site.
- The zoning of the land is the same as 2 Francis Crescent, Ferntree Gully.
- The only other abutting property is VicTrack land which is zoned PUZ4.

### **2.1 Assessment Against Criteria for Sale of Land and Buildings**

In accordance with Council's Sale of Land and Buildings Policy, consideration will be given to a number of criteria in order to ensure that the proposed disposal of this property is in the community's best interests prior to resolving to proceed.

An assessment of these criteria follows:

#### **ECONOMIC**

<b>Principle:</b>	Council evaluation of surplus property will consider the value the land as well as the cost of retaining the land; ongoing maintenance, utilities and any foregone revenue; as well as any potential return available from use for alternative purposes.
<b>Assessment:</b>	There has been no expenditure on this land nor has there been any income. Any maintenance has been undertaken by the abutting property owner.

#### **ENVIRONMENT**

<b>Principle:</b>	Council will sell surplus land where retention will not enhance or protect its environmental value.
<b>Assessment:</b>	The land is vacant with no vegetation, however a native canopy tree is located nearby on the VicTrack land.

#### **PHYSICAL WORKS**

<b>Principle:</b>	Council will sell surplus land where it is not required in the foreseeable future for the development of new assets or the improvements of existing assets.
<b>Assessment:</b>	There is no requirement to retain this land for physical work.

#### **RECREATION**

<b>Principle:</b>	Council will sell surplus land where it is not required in the foreseeable future for recreational purposes.
<b>Assessment:</b>	There is no requirement to retain this land for recreational purposes.

**LAND USE PLANNING**

<b>Principle:</b>	Council will sell surplus land where there are not compelling land use planning grounds for retention.
<b>Assessment:</b>	There are no planning grounds to retain this land, however there is a current planning application for this and the abutting property (2 Francis Crescent) for the development of 15 double storey dwellings (P/2018/6090).

**SOCIAL**

<b>Principle:</b>	Council will sell surplus land where alternative social uses have not been identified.
<b>Assessment:</b>	There are no identified social uses for this site.

**3. CONSULTATION**

Council will undertake a public consultation program in order to fulfil both its statutory and community engagement obligations.

The consultative process covers the following measures:

- Pursuant to section 189 of the Local Government Act 1989, Council will place a public notice in a newspaper which is generally circulating within the municipality.
- The public notice will invite submissions on the proposal to sell the land.
- Submissions will be considered by Council pursuant to section 223 of the Local Government Act 1989.
- Submitters have the opportunity to be heard, in person, in support of any written submission they make should they desire to do so.
- Following consideration of the Committee's report, Council will then decide whether to proceed with its proposal to sell the land.

It is also proposed to send a copy of the public notice to residents immediately surrounding the property.

**4. ENVIRONMENTAL/AMENITY ISSUES**

These are addressed in the assessment criteria in section 2 above.

**5. FINANCIAL & ECONOMIC IMPLICATIONS**

The proposed sale of 2A Francis Crescent, Ferntree Gully will meet Council's financial objectives. The land will be sold at market value with the purchaser required to meet Council's costs apportioned to the sale of this land. These costs include legal, valuation and lodgement fees and are estimated to be between \$6,000 and \$8,000.

A valuation dated 28 September 2017 is attached as confidential Appendix B.

## **6. SOCIAL IMPLICATIONS**

These are addressed in the assessment criteria in section 2 above.

## **7. RELEVANCE TO KNOX COMMUNITY AND COUNCIL PLAN 2017-2021**

This report relates to the following goals and strategies within the Knox Community and Council Plan 2017-2021 as outlined below:

**Goal 7 We are inclusive, feel a sense of belonging and value our identity**  
Strategy 7.3 – Strengthen community connections.

**Goal 8 We have confidence in decision making**  
Strategy 8.1 – Build, strengthen and promote good governance practices across government and community organisations.

## **8. CONFLICT OF INTEREST**

Under section 80c of the Local Government Act 1989 officers providing advice to Council must disclose any interests, including the type of interest.

Officer Responsible – Dale Monk, Manager Business and Financial Services - In providing this advice as the Officer Responsible, I have no disclosable interests in this report.

Author – Angela Mitchell, Coordinator Property Management - In providing this advice as the Author, I have no disclosable interests in this report.

## **9. CONCLUSION**

2A Francis Crescent, Ferntree Gully has been occupied for some years by the previous and current owners of 2 Francis Crescent, Ferntree Gully. It has been identified as surplus to Council's requirements and it is therefore recommended that Council gives notice of its intention to commence the statutory process to sell 2A Francis Crescent, Ferntree Gully by private treaty.

## **10. CONFIDENTIALITY**

A confidential valuation is attached as Appendix B to this report.

**COUNCIL RESOLUTION****MOVED: CR. PEARCE****SECONDED: CR. HOLLAND**

That Council, being of the opinion that 2A Francis Crescent, Ferntree Gully, as shown in Appendix A, identified as Lot 1 on TP 92088IU within Certificate of Title Volume 8892 Folio 173, is surplus to Council's requirements:

1. Commence the statutory process, under Section 189 of the Local Government Act 1989, to sell the subject land to the owner of 2 Francis Crescent, Ferntree Gully by private treaty for \$200,000 (plus GST), plus Council's costs in relation to this sale.
2. Under Section 223 of the Local Government Act 1989, give public notice of the proposed sale of the subject land in the Knox Leader newspaper.
3. Hear submissions in accordance with Section 223(1)(b) of the Local Government Act 1989 and appoint the following Committee of Council comprising Cr Keogh, Cr Holland and Cr Lockwood to consider submissions at 5.00pm on 7 August 2018.
4. That a further report be presented to Council following the conclusion of the statutory process.

**CARRIED**

APPENDIX A



Confidential Appendix B is circulated under separate cover.

Official Minutes of Knox City Council

**CHANDLER WARD****10.2 NAMING OF UNNAMED RESERVE AT 23 STEWART STREET, BORONIA AS 'RAMON COWLING BUSHLAND RESERVE'**

**SUMMARY:** *Coordinator Property Management (Angela Mitchell)*

*This report seeks to finalise the process to name the unnamed reserve at 23 Stewart Street, Boronia to 'Ramon Cowling Bushland Reserve' in recognition of the bequeathing of 23 Stewart Street, Boronia by the late Mr Ramon Cowling. All administrative processes have been completed and Council is now in a position to consider and resolve on this matter.*

**RECOMMENDATION**

That Council, having undertaken consultation to the proposal to name the unnamed reserve at 23 Stewart Street, Boronia:

1. Name the unnamed reserve at 23 Stewart Street, Boronia as 'Ramon Cowling Bushland Reserve' in recognition of the bequeathing of this property by the late Mr Ramon Cowling.
2. Advise the late Mr Cowling's family of Council's decision.
3. Advise the Office of Geographic Names of the naming of this reserve.
4. Advise all statutory authorities of the name of this reserve.
5. Erect appropriate signage indicating the name of the reserve as 'Ramon Cowling Bushland Reserve' following the name being published by Office of Geographic Names in the Victoria Government Gazette.

**1. INTRODUCTION**

Council, at its meeting on 26 February 2018, resolved to undertake consultation on the proposed naming of the unnamed reserve at 23 Stewart Street, Boronia to 'Ramon Cowling Bushland Reserve' in recognition of the bequeathing of this property by the late Mr Ramon Cowling to the people of Knox.

**2. DISCUSSION**

The late Mr Ramon Cowling was an active member of the Gardens for Wildlife Program, Knox Environment Society, Friends of Old Joes Creek and Friends of Chandler Hill.

He was committed to the protection and conservation of the local native vegetation on his property, which abuts Old Joes Creek Reserve and provides significant vegetation and habitat for local fauna.

Mr Cowling and Council signed a Section 173 Agreement on 12 June 2012, which identified a number of obligations for Council, upon the gifting of 23 Stewart Street, Boronia (the subject land).

In discussion with Council staff, Mr Cowling's family requested that there be formal recognition of Mr Cowling by Council with one consideration being the possibility of naming the reserve 'Ramon Cowling Bushland Reserve'.

The naming of the reserve accords with the Naming and Renaming of Council Owned Facilities Policy section 6, in particular 6.2. It is intended that facilities would be named or renamed only in exceptional circumstances and that such naming would recognise a substantial contribution made to the community by an individual.

In addition to the above, the naming of the land to 'Ramon Cowling Bushland Reserve' meets the naming principles of the Office of Geographic Names, who have also provided in principle agreement to the naming subject to consultation.

Following the resolution of 26 February 2018, the following was undertaken:

- Correspondence to emergency services.
- Public notice in Knox Leader on 17 April 2018 seeking feedback to the proposal.

At the close of the feedback period no submissions were received.

### **3. CONSULTATION**

Correspondence was forwarded to emergency services and through a public notice in the Knox Leader on 17 April 2018. At the close of the submission period no responses were received.

If Council resolves to proceed with the proposed naming, consultation will continue through the Office of Geographic Names.

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

Council values indigenous vegetation and 23 Stewart Street, Boronia contains significant remnant vegetation, which has been identified as a Site of Biological Significance and supports Old Joes Creek.

It is of note that the site contains one of the only known white star bush plants (*Asterolasia asteriscophora*) in Knox.

By the act of Mr Cowling bequeathing this property to Council, natural amenity and important habitat have been secured in perpetuity for generations to experience and enjoy.

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

The financial costs associated with this naming of the land are minor, including costs for correspondence, consultation and signage.

These costs can be met from existing budget allocations.

## **6. SOCIAL IMPLICATIONS**

Public access to the property will provide an opportunity for residents to directly access Old Joes Creek Reserve from Stewart Street, Boronia.

After finalisation of the naming of the reserve and completion of a path that links Stewart Street to Old Joes Creek Reserve, Council will arrange for a small function within in the reserve to launch the reserve as public open space.

## **7. RELEVANCE TO KNOX COMMUNITY AND COUNCIL PLAN 2017-2021**

This report relates to the following goals and strategies within the Knox Community and Council Plan 2017-2021 as outlined below:

### **Goal 1 We value our natural and built environment**

*Strategy 1.1 Protect and enhance our natural environment.*

*Strategy 1.2 Create a greener city with more large trees, indigenous flora and fauna.*

*Strategy 1.3 Ensure the Knox local character is protected and enhanced through the design and location of urban development and infrastructure.*

### **Goal 8 We have confidence in decision making**

*Strategy 8.1 Build, strengthen and promote good governance practice across government and community organisations.*

## **8. CONFLICT OF INTEREST**

Under section 80c of the Local Government Act 1989 officers providing advice to Council must disclose any interests, including the type of interest.

Officer Responsible – Dale Monk, Manager Business and Financial Services - In providing this advice as the Officer Responsible, I have no disclosable interests in this report.

Author – Angela Mitchell, Coordinator Property Management - In providing this advice as the Author, I have no disclosable interests in this report.

## **9. CONCLUSION**

The bequeathing of his property by the late Mr Ramon Cowling is a significant contribution to the community by an individual and should be formally acknowledged with the naming of the unnamed reserve at 23 Stewart Street Boronia to 'Ramon Cowling Bushland Reserve'.

**10. CONFIDENTIALITY**

There are no confidentiality matters associated with this report.

**COUNCIL RESOLUTION**

**MOVED: CR. MORTIMORE**

**SECONDED: CR. LOCKWOOD**

That Council, having undertaken consultation to the proposal to name the unnamed reserve at 23 Stewart Street, Boronia:

1. Name the unnamed reserve at 23 Stewart Street, Boronia as 'Ramon Cowling Bushland Reserve' in recognition of the bequeathing of this property by the late Mr Ramon Cowling.
2. Advise the late Mr Cowling's family of Council's decision.
3. Advise the Office of Geographic Names of the naming of this reserve.
4. Advise all statutory authorities of the name of this reserve.
5. Erect appropriate signage indicating the name of the reserve as 'Ramon Cowling Bushland Reserve' following the name being published by Office of Geographic Names in the Victoria Government Gazette.

**CARRIED**



Property Proposed to be Named Ramon Cowling Bushland Reserve

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 in respect to inaccuracy, errors, and omissions or for actions based on this information.

**COUNCILLOR HOLLAND LEFT THE MEETING AT 8.25PM PRIOR TO THE VOTE ON ITEM 10.3****ALL WARDS****10.3 FRAUD AND CORRUPTION CONTROL FRAMEWORK 2018****SUMMARY: Governance Advisor (Rodney McKail)**

***A recommendation in a 2016 Internal Audit on Fraud Management sought the review of the Fraud Policy and Fraud Control Plan with a view to combining the two documents as well as including a definition of corruption. This work has now been completed and endorsed by the Audit Committee, and a revised Framework is now presented for consideration.***

**RECOMMENDATION**

That Council adopt the Fraud and Corruption Control Framework 2018.

**1. INTRODUCTION**

Council is the custodian of significant public funds and assets, therefore it is important that the community has assurance that these are adequately protected from fraud and corruption.

A revised Fraud and Corruption Control Framework (and associated Procedure) has been developed (refer Appendix A). The approach is quite a shift in structure to the previous policy and plan in that it is now aligned with the Australian Standard (AS 8001-2008) Fraud and Corruption Control. The revised document addresses all of the issues raised in the 2016 Internal Audit.

The revised Framework forms part of Council's risk management program and seeks to limit exposure to the potential opportunity for fraud and corruption to occur. It applies to Councillors, employees, contractors, sub-contractors, consultants, temporary employees, persons employed by a third party agency and volunteers of Knox City Council.

The original plan was developed in 2002 and has been through a number of iterations, the current policy sunsetted in March 2018. It is timely for a comprehensive review to be undertaken to ensure there is an alignment with current Australian Standards and conventional thinking.

**2. DISCUSSION**

The revised Framework appended to this report, is supported by a detailed procedural document. The Framework clearly states that Council has zero tolerance for corrupt conduct or fraudulent activities. The document clearly outlines Council's approach to controlling fraud and corruption at both strategic and operational levels. The primary objective is to eliminate the possibility of fraud and corruption throughout Council's operations.

The document provides a clear definition for both fraud and corruption and covers the various components of a strong approach to the associated risks of fraud and corruption under the following headings:

- Resourcing;
- Prevention;
- Detection; and
- Response to claims.

In addition to this review, Council is participating in the ‘*Whistling While They Work*’, *Integrity@WERQ* survey, which is an important research project on how organisations handle integrity issues, and especially how we should respond when staff raise concerns about wrongdoing in the organisation.

This is an independent research project, funded by the Australian Research Council and led by Griffith University, with support from 23 public integrity, regulatory and governance agencies across Australia and New Zealand. Councillors have been invited to participate in this survey. This study provides a unique opportunity to inform better laws, practices and processes in all organisations, including Knox. The survey is currently under way and the findings will be reported back to Council in late 2018. Any outcomes from the research will be assessed against the Framework. This will provide an opportunity for further refinement of Council’s processes if deemed necessary.

### **3. CONSULTATION**

Both the Executive Management Team and the Audit Committee have provided input throughout the development of the new approach. As previously indicated, the structure of the Framework is now aligned with the Australian Standard for fraud and corruption. It has also been benchmarked with a number of Councils and State Government bodies.

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

There are no direct environmental or amenity issues associated with this report.

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

The cost for training and awareness of this issue forms part of Council's existing induction and ongoing training program, they will need to be modified slightly to address the new approach.

Funds are already provided for ongoing oversight through the Audit Committee and the ongoing internal audit program.

The Fraud and Corruption Control Framework is designed to provide Council, as the custodian of significant public funds and assets, and the community with assurance that there are adequate protections in place to prevent, detect and respond to fraud and corruption across the organisation.

### **6. SOCIAL IMPLICATIONS**

There are no direct social implications associated with this report.

## **7. RELEVANCE TO KNOX COMMUNITY AND COUNCIL PLAN 2017-2021**

The establishment of a robust and comprehensive approach to fraud and corruption control is a fundamental governance responsibility and supports community confidence in Council making informed, transparent, accountable and evidence-based decisions.

## **8. CONFLICT OF INTEREST**

Under section 80c of the Local Government Act 1989 officers providing advice to Council must disclose any interests, including the type of interest.

Officer Responsible – Michael Fromberg, Director Corporate Services - In providing this advice as the Officer Responsible, I have no disclosable interests in this report.

Author – Rodney McKail, Governance Advisor - In providing this advice as the Author, I have no disclosable interests in this report.

## **9. CONCLUSION**

The revised Framework has been through an extensive process of review and is now presented to Council for formal adoption. Once adopted the Framework and associated procedure will be implemented across Council.

## **10. CONFIDENTIALITY**

There are no matters of confidentiality associated with this report.

### **COUNCIL RESOLUTION**

**MOVED: CR. PEARCE**

**SECONDED: CR. GILL**

**That Council adopt the Fraud and Corruption Control Framework 2018.**

**CARRIED**

# FRAUD & CORRUPTION CONTROL FRAMEWORK 2018



<b>Policy Number:</b>	To be issued by Governance	<b>Directorate:</b>	Governance
<b>Approval by:</b>	Council	<b>Responsible Officer:</b>	Manager Governance & Strategy
<b>Approval Date:</b>	25 June 2018	<b>Version Number:</b>	1
<b>Review Date:</b>	3 Years from Meeting Date		
<b>SHORT DESCRIPTION:</b>	This Framework documents the approach to controlling fraud and corruption		
<b>RELEVANT TO:</b>	All Workers and Councillors		
<b>RELATED DOCUMENTS:</b>	Knox City Council Fraud and Corruption Control Procedure Employee Code of Conduct Councillor Code of Conduct Risk Management Framework Procurement Policy Disciplinary Policy & Procedure Selection for Excellence Policy Protected Disclosure Procedures Australian Standard AS 8001-2008 Fraud and Corruption Control		
<b>RELATED LEGISLATION:</b>	Local Government Act 1989 Protected Disclosure Act 2012		

## *Knox City Council - Fraud & Corruption Control Framework*

### **1. Executive Summary**

- 1.1. Introduction
- 1.2. Definition of fraud and corruption
- 1.3. Code of conduct
- 1.4. Related policies and procedures
- 1.5. Related legislation and guidelines

### **2. Framework and resourcing**

- 2.1. Program for fraud and corruption control framework and review
- 2.2. Fraud control resources and external assistance
- 2.3. Internal audit activity in fraud and corruption control

### **3. Fraud and corruption prevention**

- 3.1. Implementing and maintaining our integrity framework
- 3.2. Line Managers commitment to controlling the risk of fraud and corruption
- 3.3. Fraud and corruption risk assessment
- 3.4. Maintaining strong internal control systems and internal control culture
- 3.5. Communication and awareness of fraud and corruption
- 3.6. Employment screening
- 3.7. Job rotation and excess annual leave
- 3.8. Supplier vetting

### **4. Fraud and corruption detection**

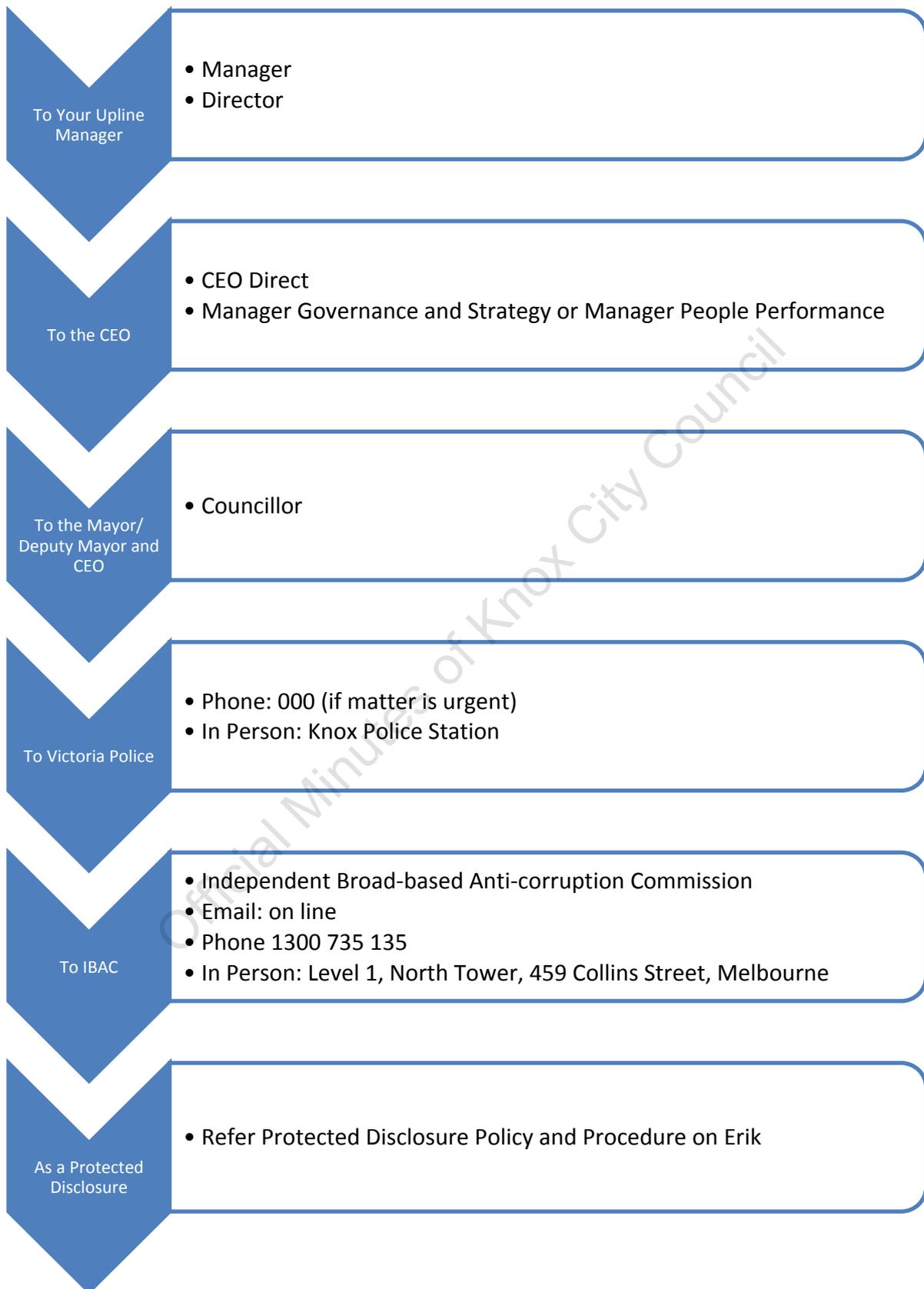
- 4.1. Fraud and corruption detection program
- 4.2. External auditor's role in the detection of fraud
- 4.3. Mechanisms for reporting suspected fraud and corruption
- 4.4. Implementing a protected disclosure program

### **5. Responding to detected fraud and corruption incidents**

- 5.1. Procedures of the investigation of detected or suspected incidents
- 5.2. Internal reporting
- 5.3. Disciplinary policy
- 5.4. External reporting (Local Government Investigations and Compliance Inspectorate, IBAC)
- 5.5. Policy for civil proceeding to recover the proceeds of fraud and corruption
- 5.6. Internal control review following discovery of fraud
- 5.7. Maintaining and monitoring adequacy of Commercial Crime insurance and other insurance related policies dealing with fraudulent or improper conduct

### **6. Commonly asked questions**

## How to report fraud and corruption



## 1. *Executive Summary*

Knox City Council has zero tolerance for corrupt conduct or fraudulent activities. Council is committed to preventing, deterring and detecting fraudulent and corrupt behaviour in the performance of Council activities.

This Fraud & Corruption Control Framework clearly documents Council's approach to controlling fraud and corruption at both strategic and operational levels and is to be read in conjunction with the Knox Fraud and Corruption Control Procedure, Risk Management Strategy and relevant legislation.

### **1.1. Introduction**

Council is the custodian of significant public funds and assets therefore it is important that the community has assurance that these are adequately protected from fraud and corruption. Council has developed a structured framework and approach to the implementation and review of fraud and corruption prevention, detection, monitoring and reporting. This Framework is based on the Australian Standard for Fraud and Corruption Control (AS8001-2008) and has been endorsed by EMT and the 'Audit Committee'.

The desired outcome of this commitment is the elimination of fraud and corruption throughout Council operations both internally and externally. Council will prosecute people identified as committing fraud or undertaking corrupt behaviour. Employees may also face disciplinary action under the Disciplinary Policy and restitution of money or property lost through fraudulent activity will be pursued through legislative means.

Fraud and corruption control forms part of Council's risk management framework. It is a risk that Council actively seeks to identify and limit its exposure to, by reducing the potential opportunity (risk likelihood) for fraud and corruption to occur.

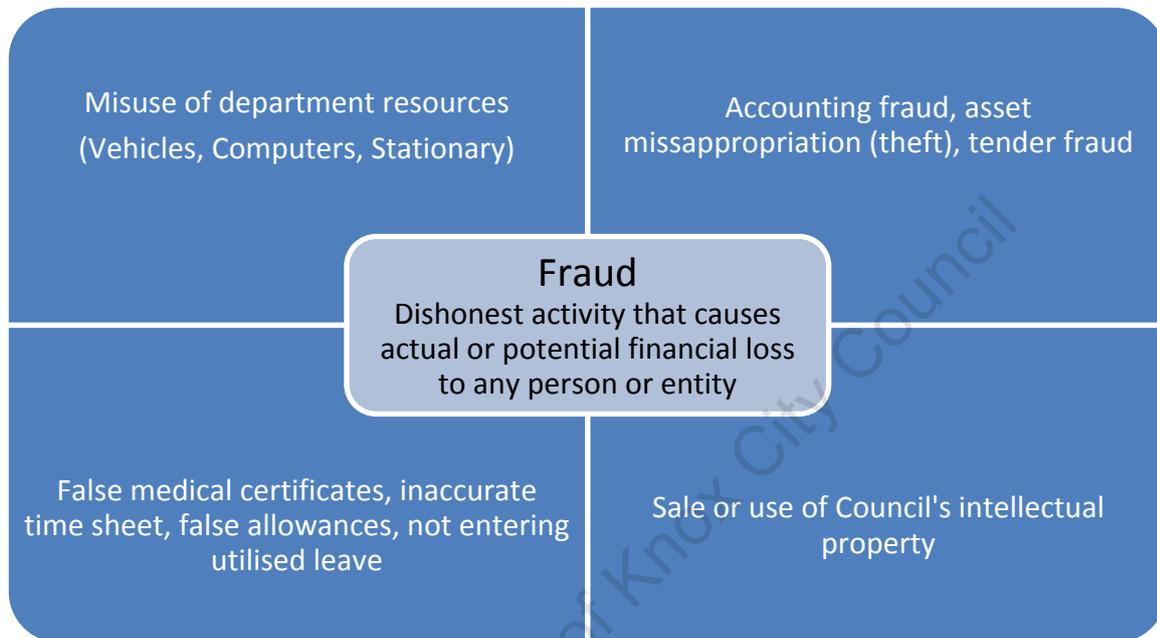
This Framework applies to Councillors, employees, contractors, sub-contractors, consultants, temporary staff, persons employed through a third party agency and volunteers of Knox City Council.

## 1.2. Definition of fraud and corruption

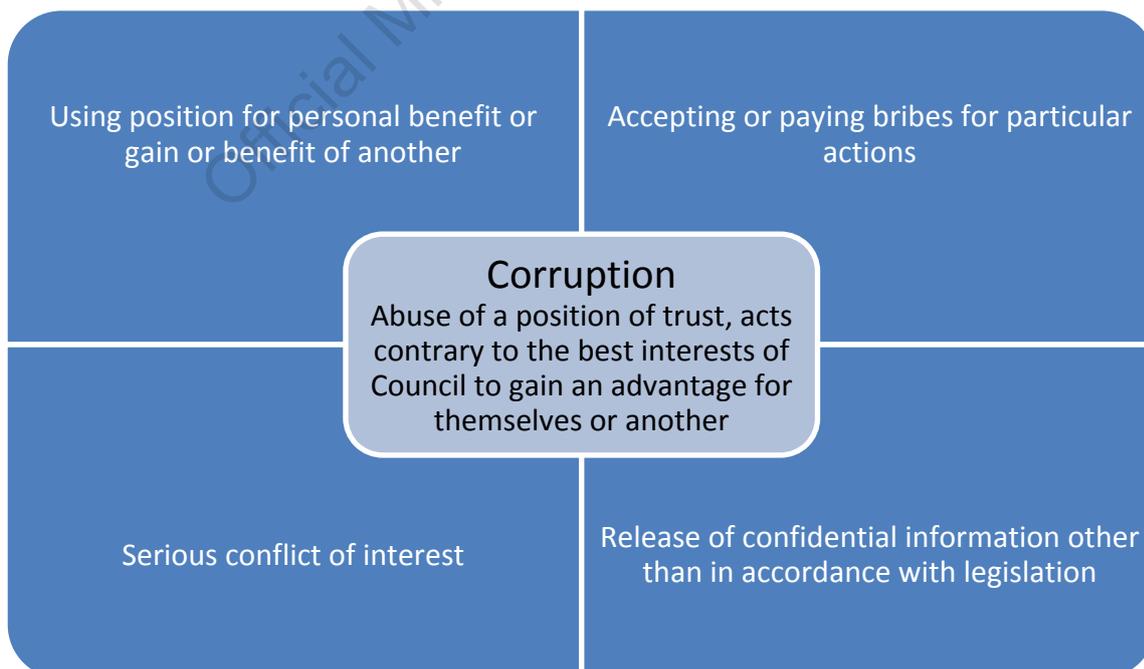
AS 8001-2008 Fraud and Corruption Control defines fraud and corruption as:

**Fraud** is dishonest activity causing actual or potential loss to the Council (including theft of money or other property) and where deception is used at the time, immediately before or following the activity.

This also includes the deliberate falsification, concealment, destruction or use of (or intention to use) falsified documentation and the improper use of information or position for personal financial benefit.



**Corruption** is dishonest activity in which a person to whom the Policy applies acts contrary to the interests of Council and abuses their position of trust in order to achieve some personal gain or advantage for themselves or for another person or entity or to disadvantage Council.



### 1.3. Code of conduct

Council's Fraud & Corruption Control Framework, Fraud and Corruption Control Procedure, Employee Code of Conduct and Councillor Code of Conduct are important documents for clearly articulating Council's objectives and expected outcomes in managing fraud and corruption. The Fraud & Corruption Control Framework and Fraud and Corruption Control Procedure establishes Council's attitude and approach to fraud and corruption control, while the Employee Code of Conduct and the Councillor Code of Conduct set out the high standards of ethical behaviour required in delivery of Council's commitment to these outcomes.

### 1.4. Related policies and procedures

The policies and procedures listed on the cover page set out expected practices and behaviours and should be read in conjunction with this Framework.

### 1.5. Related legislation and guidelines

The Local Government Act 1989 requires Council to develop and maintain adequate internal control systems, and to establish codes of conduct and an Audit Committee.

The Protected Disclosure Act 2012 requires Council to establish written procedures for handling of any protected disclosures.

This Fraud Control Framework operates within an existing legislative and strategic framework. The diagram below shows the interdependency of a good Framework with complimentary programs and processes.



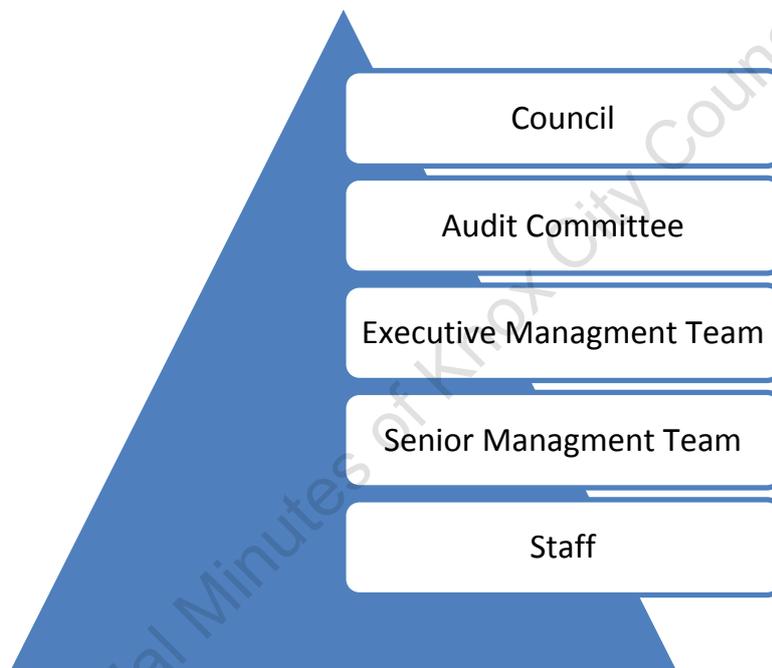
This Framework is consistent with the following legislation and standards:

- The Local Government Act 1989
- The Protected Disclosure Act
- AS 8001:2008 Fraud and Corruption Control
- AS/NZS ISO 31000:2009 Risk Management

## 2. Framework and resourcing

### 2.1 Program for fraud and corruption control framework and review

Council operates under a distributed assurance model in accordance with the Risk Management Framework. This model provides that the following groups are all involved in effective risk management.



### 2.2 Fraud control resources and external assistance

The Manager Governance and Strategy with the assistance of the Manager People Performance has overall responsibility for implementing and overseeing the fraud and corruption control program.

Where specialised skills are required, such as forensic accounting, computer forensic analysis, data analytics, and/or complete investigations, an external party may be enlisted to assist. Costs associated with engaging external service providers are borne by the Directorate where the work is necessary to be undertaken.

### 2.3 Internal audit activity in fraud and corruption control

Under this Framework the primary responsibility for the identification of fraud and corruption rests with management, however, it is also recognised that internal audit activity can also be an effective part of the overall control environment to identify fraud and corruption.

The Internal Audit program is a key independent governance tool that oversees and conducts a series of reviews, which incorporates the detection and prevention of fraud and corruption throughout the organisation. Internal Audit operates under the International Professional Practices Framework (IPPF) issued by the Institute of Internal Auditors in Australia.

Internal Audit is obligated to look out for and consider potential fraud risks to Council and the adequacy of Council's fraud risk controls. If an internal auditor locates a fraud or identifies a potential fraud risk, they will report this to the CEO or delegate or the Audit Committee Chair.

If deemed necessary Council will utilise the role of the internal auditor in the investigation and reporting of any suspected fraud or corrupt activity.

### *3. Fraud and corruption prevention*

#### **3.1 Implementing and maintaining our integrity framework**

The Codes of Conduct are key enablers in delivering the sound and ethical culture required in the prevention of fraud and corruption throughout the organisation.

Line Managers shall set the example in regards to exercising and demonstrating high levels of integrity in the execution of their roles and functions by regularly reminding employees of the importance of complying with Council's Employee Code of Conduct and the Fraud & Corruption Control Framework.

Councillors' responsibilities are articulated in the Local Government Act and the Councillors Code of Conduct.

#### **3.2 Line Managers commitment to controlling the risk of fraud and corruption**

Management will not be complacent and will treat fraud and corruption risks as a serious threat to the organisation

EMT and Managers will regularly be briefed on the following:

- Council's current fraud and corruption control framework;
- Information on the program and robustness of the internal control environment in regards to preventing and detecting fraud;
- The types of fraud and corruption common with the sector;
- Incidence of fraud and corruption generally in Australia;
- Information on the types of fraud and corruption that have been detected at Council over the previous five years; and
- Information of new or emerging trends in this area.

#### **3.3 Fraud and corruption risk assessment**

Risk assessments will be undertaken for all identified fraud and corruption risks in accordance with Council's current Risk Management approach.

As a minimum, the following risks will be assessed:

- Theft of cash
- Theft/misuse of assets
- Misuse of confidential corporate information

- Conflict of Interest
- Accounts payable
- Payroll practices
- Procurement
- IT and information security
- Recruitment
- Misuse of credit cards

Additional risks will be identified through normal business unit operations and through the regular review of the risk register in accordance with the Risk Management Framework.

### ***3.4 Maintaining strong internal control systems and internal control culture***

Knox has an existing culture of continuous improvement. The implementation of effective systems of internal control is an integral part of this program, particularly for activities assessed as having a high predisposition to the risk of fraud and corruption.

Well planned and documented internal controls will be a major defence for avoiding fraud and corruption. When undertaking projects or reviewing existing practices into the future, consideration will be given to appropriate fraud and corruption controls in the development of outcomes.

Internal controls will be:

- Appropriately documented
- Accessible
- Reviewed and amended regularly
- Communicated effectively
- Subject to review of adherence
- Reported to Knox Audit Committee

### ***3.5 Communication and awareness of fraud and corruption***

It is important that fraud and corruption is identified and reported at an early stage and that workers and Councillors have understanding and confidence in the system.

Workers will be provided with information on the Fraud & Corruption Control Framework so that they have confidence in knowing how to respond if this type of activity is detected or suspected.

The awareness of Council's risk of fraud and corruption controls will be made available through the following:

- Copy of the Employee Code of Conduct and Fraud & Corruption Control Framework will be included in packs for all new staff;
- A dedicated page will be maintained on the Council intranet in regards to fraud and corruption, this will include links to all relevant documents in particular the process for reporting allegations;
- Fraud and Corruption awareness training will be conducted in accordance with frequency identified through a risk assessment by way of the Learning and Development Program;
- Fraud and Corruption awareness will be conducted with Councillors at the beginning of their term with a refresher annually; and
- Any substantive changes in the framework or procedure will be communicated to all workers and Councillors.

### **3.6 Employment screening**

Employment screening will be undertaken for all new positions. This screening process will reduce the risk of a potential security breach and will provide a high level of assurance as to the integrity, identity and credentials of prospective employees.

The following screening shall be undertaken with the express consent of the individual concerned for all prospective employees:

- Verification of identity requiring at least two forms of identity (passport, birth certificate, drivers licence, rate certificate, at least one must include photo identification);
- Police criminal history check for relevant positions;
- Working with children check – relevant identified positions;
- Reference checks with two most recent employers;
- Consideration of any gaps on employment history and the reasons for the gaps; and
- Verification of formal qualifications claimed where required for the position.

### **3.7 Job rotation and excess annual leave**

Individual Service Units will regularly consider job rotation for positions where there are multiple officers undertaking the same or similar functions and the position is deemed a high risk from a fraud or corruption perspective, local law enforcement, parking enforcement, planning officers, contract management, cash handling, for example.

Excess annual leave will be monitored on a quarterly basis to ensure excess leave is managed.

### **3.8 Supplier vetting**

Council will continue to undertake supplier vetting for new and ongoing suppliers in accordance with existing practices. Financial and/or Performance assessments are to be undertaken where the contract poses a key financial risk to Council or where it is a new contractor that has never been used by Council before and the risk of poor performance or financial collapse is likely to adversely affect Council. Financial and Performance assessment checks may also be undertaken where Council wishes to understand the financial and previous contract performance of the contractor or if no security is in place.

## **4. Fraud and corruption detection**

### **4.1. Fraud and corruption detection program**

Council's detection program includes the annual internal audit plan, annual financial statement, external audit, Audit Committee oversight, annual compliance plan, review of risk strategies and various reporting avenues. Other detection programs may also include:

- Post transactional reviews - a review of transactions after they have been processed. This option may identify or uncover altered documents or missing documentation, falsified or altered authorisations or inadequate documentary support.
- Data mining - the application of sophisticated (and sometimes unsophisticated) software applications and techniques where a series of suspect transactions can be identified and then investigated which can identify anomalies at an early stage.

- Analysis of management accounting reports - using relatively straight forward techniques in analysing management accounting reports, trends can be examined and investigated which may be indicative of fraudulent or corrupt conduct.

## **4.2. External auditor's role in the detection of fraud**

As required under the Audit Act 1994 and the Local Government Act 1989, the Victorian Auditor-General's Office (VAGO) is local government's external auditor. VAGO is required to consider the risk of material misstatement in Council's financial statements, due to fraud when performing their audit (via appointed agent). The Audit Committee take an active role in considering VAGO's Closing Report and Management Letter. VAGO ultimately issue their findings in an Independent Auditor's Report, published in Council's annual report.

## **4.3. Procedures for reporting suspected fraud and corruption**

The Knox Fraud and Corruption Control Procedure is to provide clear direction in regards to the procedure for staff and other relevant parties to report suspicious or known illegal or unethical conduct.

## **4.4. Implementing a protected disclosure program**

Council is committed to encouraging staff, customers and community to report suspicious activity at the first available opportunity, to an appropriate reporting point within the Council or where necessary to an outside authority.

Protected Disclosure Act 2012 protects persons who report improper conduct by public officers against reprisals. To support this process, Council has adopted Protected Disclosure Procedures. These procedures can be found on the Council's website.

# *5. Responding to detected fraud and corruption incidents*

## **5.1. Procedures of the investigation of detected or suspected incidents**

The Knox Fraud and Corruption Control Procedure provides direction in regards to the procedures for dealing with suspected fraud or corruption. The procedure provides:

- Appropriate measures for the comprehensive investigation of such matters based on the principles of independence, objectivity and fair due process (rules of natural justice);
- Systems for internal reporting of all detected incidents;
- Process for reporting the matters of suspected fraud and corruption to the appropriate enforcement agency; and
- For the recovery of stolen funds or property.

The procedure will be reviewed biennially to ensure that it continues to meet these objectives.

## **5.2. Internal reporting**

The Manager Governance and Strategy is the custodial owner of the Incident and Near Miss Register and ensures all incidents or near misses are recorded in the register. Incident and Near Miss Summary Reports for high or above rated fraud and corruption related incidents will be tabled at an Executive Management Team meeting.

### **5.3. Disciplinary policy**

Council's disciplinary policy outlines the potential disciplinary outcomes that apply in regards to the application of this Framework and associated policy.

### **5.4. External reporting**

The Knox Fraud and Corruption Control Procedure provides direction in regards to reporting any suspected fraudulent or corrupt conduct to any external enforcement agencies including:

- Independent Broad-based Anti-corruption Commission (IBAC) 1300 735 135
- Victoria Police 000

### **5.5. Policy for civil proceeding to recover the proceeds of fraud and corruption**

Council will pursue recovery of any losses due to fraud or corruption where there is clear evidence of fraud and corruption and where the likely benefits of such recovery will exceed the funds and resources required to be invested in the recovery action.

### **5.6. Internal control review following discovery of fraud**

Where fraud or corruption is detected, the relevant service unit Manager with Director will be responsible to assess the adequacy of the relevant internal control environment and provide a report to the Executive Management Team on any recommended improvements identified.

Service unit managers will also be responsible for ensuring that recommendations arising out of the assessment are to be clearly allocated in the report with an associated time frame.

### **5.7. Maintaining and monitoring adequacy of Commercial Crime insurance and other insurance related policies dealing with fraudulent or improper conduct**

Council will maintain a Commercial Crime insurance policy that insures the risk of loss arising from internal fraudulent conduct. The level of the policy will be determined as part of Council's annual insurance renewal program. This will be reported annually to the Executive Management Team alongside Council's other insurance policies.

Insurance for external fraud and corruption, in particular theft of Council property, will also be maintained and reviewed annually by staff in conjunction with the normal annual reassessment of insurance policy cover and limits.

## 6. Commonly asked questions

### Questions and answers



**ALL WARDS****10.4 MEETING PROCEDURE AND USE OF COMMON SEAL LOCAL LAW 2018**

**SUMMARY:** *Acting Manager Governance & Strategy (Ralph Anania)*

*Council's current Meeting Procedure and Use of Common Seal Local Law 2008, is due to expire on 10 July 2018. In anticipation of this, Council at its meeting on 27 March 2018 resolved to commence the statutory process to make a new local law. After having undertaken the statutory process, this report is now presented for Council to make a decision on whether to make its Meeting Procedure and Use of Common Seal Local Law 2018.*

**RECOMMENDATION**

That Council:

1. Having complied with the requirements of Section 119(2) of the Local Government Act 1989 ("the Act") and having received submissions under Section 223 of the Act, resolves to make the Meeting Procedure and Use of Common Seal Local Law 2018, provided as Appendix A.
2. Affix the Common Seal to the Meeting Procedure and Use of Common Seal Local Law 2018.
3. Give notice of the making of the Meeting Procedure and Use of Common Seal Local Law 2018 in the Victoria Government Gazette and a public notice in the Knox Leader newspaper in accordance with Section 119(3) of the Act.
4. Request that a copy of the Meeting Procedure and Use of Common Seal Local Law 2018 be sent to the Minister for Local Government, in accordance with Section 119(4) of the Act.
5. Request that all persons who made a submission, be advised in terms of Council's decision.

**1. INTRODUCTION**

Council's current Meeting Procedure and Use of Common Seal Local Law 2008 will expire on 10 July 2018.

In anticipation of this, Council at its meeting on 27 March 2018, resolved to commence the statutory process to make a new Meeting Procedure and Use of Common Seal Local Law.

As required by Section 119(2) of the Act, a notice advising of Council's intention to make its Meeting Procedure and Use of Common Seal Local Law 2018 and inviting submissions was placed in the Victoria Government Gazette on 29 March 2018.

A similar notice was placed in the Knox Leader newspaper on 3 April 2018, inviting submissions via post, email or online at Council's website.

At the end of the submission period (ie 5pm on Tuesday 5 May 2018), Council had received 16 written submissions.

Council's appointed Committee of Council (Councillors: Lockwood, Mortimore and Keogh) met on Wednesday 30 May 2018 to formally receive the submissions. A copy of the Minutes for this meeting and a copy of all submissions received, is provided as **Appendix B**.

## **2. DISCUSSION**

### ***Endorsed Consultation Document***

Council at its meeting on 27 March 2018, endorsed a draft document to commence the statutory process, and invite submissions on its proposal to make a new Meeting Procedure and Use of Common Seal Local Law 2018.

The endorsed document was based on the current local law, with a focus to:

- a) ensure compliance with the Local Government Act, but with a view to the Act being re-made later this year;
- b) improve the structure, clarity or readability of the local law;
- c) improve, simplify or clarify procedural matters;
- d) reflect changes of current practice and business norms; and
- e) correct incidental formatting, numbering or grammatical issues.

Specific notable changes included:

1. Removal of references to advisory committee meetings. (Council may still regulate the conduct of such committees by reference to the Meeting Procedure and Use of Common Seal Local Law 2018 through for example, Council policy or committee terms of reference.)
2. Formalisation of Council's decision to appoint a Deputy Mayor.
3. A requirement that notices of motion be submitted 2 working days prior to the meeting to allow more time for Councillors to consider such motions to and facilitate greater public transparency.
4. Introduction of a requirement that notices of rescission or amendment be supported by a mover and seconder before they can be lodged. Additional clarification has also been provided regarding the type of decisions which may not be the subject of such notices, and circumstances in which a decision is taken to have been "acted upon".
5. Clarification of the minimum timelines for circulating agendas, and the inclusion of digital delivery as a means of distribution.
6. Inclusion of new provisions regarding supplementary reports to draw a clear distinction between supplementary reports and urgent business.
7. Clarification of provisions regarding Reports by Councillors to reflect current custom and practice.
8. Provisions regarding recording of proceedings have been amended to:
  - a) Ensure broadcasting meetings is also regulated, in addition to recording;
  - b) Enable staff to record proceedings for the purposes of preparing the Minutes or keeping a record of the meeting; and

- c) Clarify that recording and or broadcasting of proceedings may be authorised by the Mayor / Chairperson; or by resolution of Council.
9. Inclusion of a new provision formalising the process for determining “leave of the meeting” as required by certain provisions of the local law.

### ***Further review of Draft Document***

Officers have again reviewed the document to take account of issues raised in the submissions received by Council and also take a final review to correct potential inconsistencies or other issues.

Of the 16 submissions received, 13 submissions were solely and two submissions in part, raised the need to live stream Council meetings. It is important to note that the proposed local law does not prevent or require live streaming. Further, the provision of live streaming would require a resolution of Council.

The second issue raised in the submissions, was a request to remove clause 64(1)(a) which relates to persons having to seek the consent of the Chair or Mayor for the use of recording or broadcasting devices at Council meetings. As the Chairperson or Mayor is responsible for the conduct of a meeting, it is accepted practice that permission is sought.

The third issue raised in the submissions, was to move Public Question Time earlier in the agenda before all decisions were made, as a lot of questions refer to planning issues. Public Question Time is an important component of Ordinary Council meetings. In some instances however, it may be difficult for the Mayor, Councillor or Officer to provide a respond to a question where it is still subject to a Council decision, that night or at a later date.

The final issue raised in the submissions, was a view that the information presented in the draft document, was not clear. It is noted that Officers take a high level of care to ensure that language, sentence structure and content is clear and easy to understand.

Further, Officers have now completed a final review of the document, and the following two amendments have been identified for inclusion in the final attached document:

1. That a definition of a Foreshadowed Motion be inserted in the definitions, to enhance clarity and understanding.
2. That a definition of a Call Up Item be inserted in the definitions, together with relevant provision in the document, to enhance clarity, understanding and process.

The final attached document provided as Appendix A, contains the above recommended amendments.

### ***Commencement***

Subject to Council approval, the new Local Law will take affect from 10 July 2018.

Further, should the current Local Government Bill 2018 receive Royal Assent during this term of government, Governance Rules will replace Meeting Procedure Local Laws in use, by 1 January 2020.

### **3. CONSULTATION**

This report has not required any consultation in the preparation of this report.

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

This report does not have any environmental or amenity implications.

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

This report does not have any financial or economic implications.

### **6. SOCIAL IMPLICATIONS**

It remains important that the Knox community has the fullest confidence in its elected Council and administration, in its decision-making and the application of good governance practices.

### **7. RELEVANCE TO KNOX COMMUNITY AND COUNCIL PLAN 2017-2021**

The making of Council's Meeting Procedure and Use of Common Seal Local Law 2018 supports attainment of Goal 8 - We have confidence in decision-making.

### **8. CONFLICT OF INTEREST**

Under section 80c of the Local Government Act 1989 officers providing advice to Council must disclose any interests, including the type of interest.

Officer Responsible – Michael Fromberg, Director Corporate Services - In providing this advice as the Officer Responsible, I have no disclosable interests in this report.

Author – Ralph Anania, Acting Manager Governance & Strategy - In providing this advice as the Author, I have no disclosable interests in this report.

### **9. CONCLUSION**

After having undertaken the statutory process, it is considered appropriate that Council give favourable consideration to now formally resolve to make its Meeting Procedure and Use of Common Seal Local Law 2018.

The new Local Law 2018, is responsive to the needs of Council and takes account of some expected legislative changes and therefore provides this Council with an enhanced platform, in which to promote good governance practices.

**10. CONFIDENTIALITY**

This report does not have any confidentiality implications.

**COUNCIL RESOLUTION****MOVED: CR. PEARCE****SECONDED: CR. COOPER**

That Council:

1. Having complied with the requirements of Section 119(2) of the Local Government Act 1989 (“the Act”) and having received submissions under Section 223 of the Act, resolves to make the Meeting Procedure and Use of Common Seal Local Law 2018, provided as Appendix A.
2. Affix the Common Seal to the Meeting Procedure and Use of Common Seal Local Law 2018.
3. Give notice of the making of the Meeting Procedure and Use of Common Seal Local Law 2018 in the Victoria Government Gazette and a public notice in the Knox Leader newspaper in accordance with Section 119(3) of the Act.
4. Request that a copy of the Meeting Procedure and Use of Common Seal Local Law 2018 be sent to the Minister for Local Government, in accordance with Section 119(4) of the Act.
5. Request that all persons who made a submission, be advised in terms of Council’s decision.

**CARRIED**



**Meeting Procedure and  
Use of Common Seal  
Local Law  
2018**

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## PART 1 - INTRODUCTION

### 1. Title

This Local Law is known as the **Meeting** Procedure and Use of **Common Seal** Local Law of 2018.

### 2. Period of Operation

This Local Law commences to operate on 10 July 2018 and ceases to operate on 9 July 2028 unless revoked earlier. Upon its commencement, the **Meeting** Procedure and Use of **Common Seal** Local Law 2008 is revoked.

### 3. Purpose

The purposes of this Local Law are to:

- (a) Revoke the **Meeting** Procedure and Use of **Common Seal** Local Law 2008;
- (b) Regulate the use and control of the **Council's common seal**;
- (c) Prohibit unauthorised use of the **common seal** or any device resembling the **common seal**;
- (d) Regulate the proceedings for the election of the **Mayor**;
- (e) Regulate proceedings of Ordinary and **Special meetings** of **Council** and **Meetings** of **Special Committees**;
- (f) Provide penalties for non observance of the provisions of this Local Law;
- (h) Generally maintain the peace, order and good government of the municipal district.

### 4. Authorising Provisions

This Local Law is made by the Knox City **Council** under the provisions of Sections 91 and 111 and Schedule 8 to the **Act**.

### 5. Area of Operation

This Local Law operates throughout the whole of the municipal district.

## 6. Definitions

Unless inconsistent with the subject matter, the following words and phrases in this Local Law have the meaning indicated:

<b>WORD(S)</b>	<b>MEANING</b>
Act	The Local Government Act 1989 or its successor.
Agenda	The notice of a <b>Meeting</b> setting out the business to be transacted at the <b>Meeting</b> .
Amendment	A minor alteration to a motion designed to improve the motion without altering its intent or material impact.
Authorised Signatory	Includes any <b>Director</b> , the Manager Governance & Strategy and any <b>Councillor</b> .
Call Up Item	Means a <b>Councillor</b> request seeking a <b>Council</b> resolution that a report on a specific matter is presented to Council.
Chairperson	The <b>Chairperson</b> of the <b>Meeting</b> and includes an acting, temporary or substitute <b>Chairperson</b> .
Chief Executive Officer	The <b>Chief Executive Officer</b> of <b>Council</b> .
Common Seal	The <b>common seal</b> of <b>Council</b> .
Communicate Electronically	In respect of communication to and from councillors includes an email sent to the email account that is provided by the <b>Council</b> or the provision of documents transmitted via a secure software application to a digital device.
Council	Means Knox City <b>Council</b> .
Council Meeting (or 'Meeting')	Any <b>Ordinary Meeting</b> or <b>Special Meeting</b> of <b>Council</b> .
Councillor	A Councillor of <b>Council</b> .
Director	A member of staff occupying a second-level position in the core part of the organisational structure of <b>Council</b> .
Deputy Mayor	The <b>Deputy Mayor</b> of <b>Council</b> , elected by <b>Council</b> whether in accordance with the Act, this Local Law or otherwise.
Foreshadowed Motion	A <b>foreshadowed motion</b> is an alternative, prefaced by a <b>Councillor</b> with a statement that in the event of a motion before the Chair being lost, a <b>Councillor</b> intends to move an alternative motion.
Mayor	The <b>Mayor</b> of <b>Council</b> .
Meeting	An <b>Ordinary Meeting</b> or a <b>Special Meeting</b> of <b>Council</b> or a <b>Special Committee meeting</b> .
Minutes	The collective record of proceedings of <b>Council Meetings</b> .
Notice of Motion	A notice setting out the text of a motion which is proposed to be moved at the next relevant <b>Meeting</b> .
Offence	A wilful act or default contrary to the Local Law.
Officer	A person employed on <b>Council</b> staff.
Ordinary Meeting	Has the same meaning as in Local Government <b>Act</b> 1989.
Penalty Unit	Has the same meaning as in the Sentencing Act 1991.
Point of Order	A procedural point, not involving the substance of a matter before a <b>Meeting</b> .
Procedural Motion	A motion set out in Schedule 1.
Reasonable Notice	Generally includes, but is not limited to, a notice in a newspaper circulating in the municipal district; or a notice board accessible to the public at <b>Council's</b> offices; or a notice on <b>Council's</b> website.
Recording or Broadcasting Device	means any device which is being used to: <ul style="list-style-type: none"> <li>• photograph or otherwise record visual images;</li> <li>• to make an audio recording;</li> <li>• to broadcast photographs or visual images; and or</li> <li>• to make an audio broadcast.</li> </ul>
Special Committee	A committee with delegated powers established pursuant to the <b>Act</b> .

<b>WORD(S)</b>	<b>MEANING</b>
Special Meeting	Has the same meaning as in Local Government Act 1989.
Statutory Meeting	<p>A <b>Special Meeting</b> held for the election of <b>Mayor</b>, and which may also include (but is not limited to):</p> <ul style="list-style-type: none"> <li>• the election of a <b>Deputy Mayor</b>;</li> <li>• appointment of Councillors to various <b>Council</b> and external Committees; and</li> <li>• taking the Oath of Office.</li> </ul>
Supplementary Report	A report circulated by the <b>Chief Executive Officer</b> in relation to matters that have arisen since the publication of the <b>Agenda</b> .

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## PART 2 - THE COUNCIL'S COMMON SEAL

### 7. Form and Use of the Common Seal

- (1) The **common seal** must have in it the words "Knox City **Council**".
- (2) The **common seal** must be used only on the authority of **Council** or the **Chief Executive Officer** and every document to which the common seal is affixed must be signed by the **Chief Executive Officer** and an **Authorised Signatory** of **Council**.

### 8. Authority for Use of Common Seal

The **common seal** must be affixed to a document:

- (a) on the authority of **Council**, a **Special Committee**, or the **Chief Executive Officer**; and
- (b) for the purpose of giving effect to a decision which has been made by:
  - (i) resolution of an Ordinary or Special **Council Meeting**;
  - (ii) resolution of a **Special Committee** to which power to use the **common seal** has been delegated; or
  - (iii) the **Chief Executive Officer** or a **Director** under delegation.

### 9. Keeping of the Common Seal

The **Chief Executive Officer** must keep the **common seal** in safe custody.

### 10. Unauthorised Use of the Common Seal

Any person who uses the **common seal** or any device resembling the **common seal** other than in accordance with **clause 8** is guilty of an **offence**.

**PENALTY: 10 Penalty Units**

## PART 3 - ELECTION OF MAYOR AND DEPUTY MAYOR

### 11. Procedure for Election of Mayor

- (1) The **Mayor** must be elected at a **Statutory Meeting** specifically convened for the purpose and held:
  - (a) annually, or otherwise in accordance with the **Act**; or
  - (b) as soon as possible after there occurs any vacancy in the office of **Mayor**.
- (2) The **Chief Executive Officer** must prepare the **Agenda** for the **Statutory Meeting** in time to give each **Councillor** not later than 5pm on the working day prior to the day fixed for the holding of the **Statutory Meeting**.
- (3) Only the business specified in the **Statutory Meeting Agenda** can be transacted at the **Statutory Meeting**.
- (4) The **Chief Executive Officer** must open the **Statutory Meeting** and preside over the **meeting** until a **Mayor** is elected.
- (5) Any **Councillor** is eligible for election or re-election to the office of **Mayor**.
- (6) In determining the election of **Mayor** the following will apply:
  - (a) The **Chief Executive Officer** must invite nominations for the office of **Mayor**. If there is only one nomination (which must be seconded), the candidate nominated must be deemed to have been duly elected.
  - (b) If there is more than one nomination (each of which must be seconded), the **Councillors** present at the **Meeting** must vote for one of the candidates by a show of hands.
  - (c) In the event of a candidate receiving an absolute majority of the votes, that candidate must be declared to have been duly elected.
  - (d) In the event of no candidate receiving an absolute majority of the votes the candidate with the fewest number of votes must be declared to be a defeated candidate. If because of an equality of votes no candidate can be declared to be a defeated candidate a second vote will be taken. If after the second vote there is still an equality of votes and no candidate can be declared to be a defeated candidate, the defeated candidate will be determined by lot. In conducting the lot the names of all candidates that have the least number of votes must be placed in a container. The first name drawn will be deemed to be the defeated candidate.

No further nominations must be accepted and the **Councillors** present at the **Meeting** must then vote for one of the remaining candidates by a show of hands.
  - (e) If one (1) of the remaining candidates receives an absolute majority of the votes, he or she must be declared to have been duly elected. If none of the remaining candidates receives an absolute majority of the votes, the process of declaring the candidates with the fewest number of votes a defeated candidate and voting for the remaining candidates by a show of hands must be repeated until one (1) of the candidates receives an absolute majority of the votes. That candidate must be declared to have been duly elected.
  - (f) In the event of two (2) remaining candidates having an equality of votes and one (1) of them having to be declared duly elected, the result will be determined by lot. In conducting the lot, the names of the remaining candidates, having an equality of votes, will be placed in a container. The first name drawn will be deemed to have been duly elected.

- (g) The **Chief Executive Officer** will conduct the lot.

*Note: "An equality of votes" takes place when all votes cast are evenly distributed between two or more nominees.*

*This would not be so where for example there were four votes for one nominee, four votes for another and one vote for a third candidate. In such case, resort would be had to the process in clause 11(7)(d) whereby the candidate with the fewest votes (1) would be eliminated.*

*Where for example, the distribution of votes was three votes for each of three nominees, resort would be had to the process in clause 11(7)(d) whereby if, after a second vote, there remains an equality of votes, the a lot shall be conducted to determined the defeated candidate.*

## 12. Election of Deputy Mayor, Chairpersons and Committee Members

- (1) **Council** may elect a **Deputy Mayor** for a period of time specified by the **Council** or otherwise in accordance with the **Act**;
- (2) The procedure used for the election of **Mayor** shall, as nearly as is practicable, be used for:
  - (a) The election of **Deputy Mayor**;
  - (b) The election of a temporary **chairperson** for an ordinary **Council meeting**, **Special Council Meeting** or **Special Committee**; and
  - (c) The appointment of **Councillors** to positions on **Council** Committees and external committee where the number of candidates exceeds the number of vacant positions;
- (3) Where there is an equality of votes between candidates under this clause the **Chairperson** has a second vote.
- (4) The **Mayor** (if present) will preside over an election of the **Deputy Mayor**.

## 13. Chairperson

- (1) After the election of the **Mayor** is determined at the **Statutory Meeting**, the **Mayor** must assume the position of **Chairperson**.
- (2) The **Mayor** must chair all **Council Meetings** at which he or she is present.
- (3) Unless **Council** resolves otherwise, the **Mayor** must chair all **Special Committee Meetings** at which he or she is present.
- (4) If the **Mayor** is unable to attend ~~absent from~~ or remain at a **Council Meeting** for any reason; is not present within 15 minutes of the scheduled commencement time of a **Council meeting**, or is required to declare a conflict of interest:
  - (a) The **Deputy Mayor** will act as **Chairperson**; or if not present
  - (b) A **Councillor** who was the immediate past **Mayor** will act as **Chairperson**; or if not present
  - (c) A temporary **Chairperson** is to be elected.

## PART 4 - MEETING PROCEDURES

### Division 1 - Council and Special Meetings

#### 14. General

- (1) In all cases not otherwise provided for herein, the rules, forms and usages of the Victorian Parliament are to apply, so far as they are applicable, to the proceedings of **Council**.
- (2) Where a circumstance has not been provided for in this Local Law, or it is unclear how it should be dealt with, **Council** may determine the matter by resolution.
- (3) **Council** may, by resolution, adopt policies which complement this Part and which facilitate the conduct of **Meetings** or the conduct and actions of **Councillors** in the proper and appropriate fulfilment of their role and function in the public office of **Councillor**.

#### 15. Date, Time and Place of Meetings

- (1) The dates, times and places of **Meetings** are within the discretion of **Council**.
- (2) **Council** may, by resolution, at an **Ordinary Meeting** or, where permissible, a **Special Meeting** fix the day and time upon which any **Ordinary Meeting** or **Special Committee meeting** must be held.
- (3) **Council** may change the date, time and place of any **Council Meeting** which has been fixed and must provide **reasonable notice** of the change to the public.

#### 16. Notice of Meeting

The **Chief Executive Officer** must give **reasonable notice** to the public of any **Council Meeting**.

#### 17. Agendas

- (1) The **Chief Executive Officer** must, subject to Clause 17(2), send (whether personally, by mail, or otherwise) or **communicate electronically** to every Councillor the **Agenda** for an **Ordinary Meeting** not later than 5pm on the working day prior to the day fixed for the holding of the **Meeting**.
- (2) Subject to any resolution of **Council**, the **Chief Executive Officer** will consult with individual **Councillors** to determine the method of delivery to be used under clause 17(1).
  - (3) An **Agenda** need not be delivered to a **Councillor** who has been granted leave of absence unless the **Councillor** has, in writing, requested the **Chief Executive Officer** to continue to provide **Agendas** for **Meetings** held during the period of leave.
  - (4) The **Chief Executive Officer** may include any matter on an **Agenda** which he or she thinks should be considered by **Council** at the **Ordinary Meeting** to which the **Agenda** relates.
  - (5) The **Chief Executive Officer** may, after distribution of the **Agenda** pursuant to Clause 17(1) prepare a **supplementary report** for inclusion in the **Agenda**. A **supplementary report** sent to **Councillors** less than 1 working day before the time fixed for holding the **Meeting** shall be considered under **Urgent Business** pursuant to Clause 22.

## 18. Order of Business

- (1) Unless otherwise provided in this Local Law, no business may be conducted at an **Ordinary Meeting** unless it is business notice of which has been given either by inclusion in the **Agenda** or any report accompanying the **Agenda** or in a **Notice of Motion** or **Notice of Amendment or Rescission**.
- (2) Unless **Council** resolves otherwise but subject to clause 19(3), the business of an **Ordinary Meeting** must be conducted in the following order:
  - (a) Opening;
  - (b) Apologies and requests for leave of absence;
  - (c) Disclosures of interest or conflict of interest of any **Councillor**;
  - (d) Confirmation of **Minutes**;
  - (e) Presentations of petitions and memorials;
  - (f) Reports by **Councillors**:
    - (i) Committees, delegates, professional development and conferences; and
    - (ii) Ward Issues.
  - (g) Consideration of reports by **Officers**;
  - (h) Matters deferred or continued from previous **Meetings**;
  - (i) Motions for which notice has previously been given;
  - (j) **Supplementary reports**;
  - (k) Urgent business;
  - (l) **Call up items**;
  - (m) Questions without notice; and
  - (n) Confidential business where the **Meeting** is closed to the public in accordance with the **Act**.
- (3) Public Question Time will be held following the completion of business on the **Agenda** relating to planning matters unless determined otherwise by resolution of **Council**.

## 19. Notices of Motion

- (1) A **Councillor** may, up to the close of business two working days prior to a **Meeting**, lodge any **Notice of Motion** on any item that they wish to move at the **Meeting**, and:
  - (a) if lodged must be lodged in writing with the **Chief Executive Officer**;
  - (b) if received in time for inclusion on the **Agenda** for the **Meeting**, the **Chief Executive Officer** must include the Notice of Motion in that **Agenda**;
  - (c) if not received in sufficient time for inclusion on the **Agenda**, the **Chief Executive Officer** must distribute a copy of the **Notice of Motion** to all **Councillors** and publish the **Notice of Motion** on the **Council** website as soon as is practicable.

- (2) If a **Notice of Motion** is lodged other than in accordance with Clause 19(1) it must, unless withdrawn, be included in the **Agenda** for the following **Meeting**.
- (3) If a **Councillor** who has lodged a **Notice of Motion** is absent from the **Meeting** or fails to move the motion when called upon by the **Chairperson**, any other **Councillor** may himself or herself move the motion.
- (4) If a **Notice of Motion** is not moved in accordance with clause 19(3) the **Notice of Motion** shall be deemed to have lapsed for want of a mover.
- (5) A **Notice of Motion** may be withdrawn by a request in writing lodged with the **Chief Executive Officer** at any time prior to the publication of the notice in an **Agenda** or on **Council's** website. Otherwise, the item must be dealt with at a **Meeting**.

## 20. Notice of Amendment or Rescission

- (1) Subject to Clause 20(2), two or more **Councillors** may propose a motion to amend or rescind a decision of **Council** provided:
  - (a) a notice is delivered to the **Chief Executive Officer** not later than the close of business on the working day following the **Meeting** at which the decision was made outlining:
    - (i) the decision proposed to be amended or rescinded; and
    - (ii) the **Meeting** and date when the decision was made; and
  - (b) the previous motion has not been acted upon.
- (2) Rescission or **amendment** motions are not permissible in respect of planning permit resolutions, planning scheme **amendment** resolutions or contract / tender acceptance resolutions.
- (3) A Notice of **Amendment** or Rescission will be considered and managed as a **Notice of Motion** under this Local Law except as provided in this Clause.
- (4) For the purposes of clause 20(1)(b) the grounds on which a motion will be deemed to have been acted upon include, but are not limited to:
  - a) the contents or substance of a motion have been formally communicated to a person whose interests are materially affected by it; or
  - b) a statutory process has been commenced.
- (5) No action or further action must be taken to implement a resolution of which a **Notice of Amendment or Rescission** has been given.
- (6) The **Chief Executive Officer** must:
  - (a) Advise all **Councillors** of any **Notice of Amendment or Rescission** delivered under this clause within 24 hours of receiving it.
  - (b) List any such **Notice of Amendment or Rescission** on the **Agenda** of the next **Ordinary Meeting** under the heading of **Notices of Motion** for consideration and debate.
- (7) A rescission or **amendment** of a previous motion must be passed by a majority of the elected **Councillors**.
- (8) A second or subsequent **Notice of Amendment or Rescission** must not be considered by **Council** until a period of three (3) months has elapsed after the date of the **Meeting** at which the first or last **Notice of Amendment or Rescission** was dealt with.

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- (9) A **Notice of Motion** cannot be considered in relation to a matter that is subject of a rescission motion within three calendar months of the rescission having been dealt with, unless a notice signed by a majority of elected **Councillors** is submitted to the **Chief Executive Officer**.

## 21. Reports by Councillors

- (1) A report of a **Councillor** may include advice regarding:
- (a) meetings of any committees on which a **Councillor** represents **Council** that have been held since the last **Council Meeting**;
  - (b) other meetings the **Councillor** has attended, or actions undertaken since the last **Council Meeting**;
  - (b) any professional development activity undertaken or conference attended in association with his or her role as a **Councillor**; and
  - (d) an update of up to four minutes on Ward issues of note.
- (2) **Councillors** may report to **Council** in a written or verbal form.

## 22. Urgent Business

- (1) Business must not be admitted as urgent business unless it:
- (a) relates to or arises out of a matter which has arisen since distribution of the **Agenda**; and
  - (b) cannot safely or conveniently be deferred until the next **Ordinary Meeting**.
- (2) **Council** may resolve by a majority of those present to admit (without the required notice) an item considered to be urgent business.
- (3) The process for raising urgent business will be as follows:
- (a) a **Councillor** will indicate to the **Chairperson** his or her intention to request consideration of an item of urgent business.
  - (b) when called upon by the **Chairperson**, the **Councillor** must state the nature of the business and the nature of urgency, also explaining why it could not have been incorporated on the initial **Agenda** or reasonably deferred to a subsequent **Council Meeting**, and why it cannot be considered as a "Call Up" item.
  - (c) after this brief explanation by the **Councillor**, the **Chairperson** will call on the **Councillor** to move that the item be considered in accordance with Clause 34. In doing so **Council** will be aware of the provisions of clause 22(1).
  - (d) once an urgent item has been admitted, the **Councillor** must first move the motion in its entirety in accordance with Clause 34.
  - (e) if requested by the **Chairperson**, the motion must be written and presented to the **Chairperson** when moved and seconded.
  - (f) if the motion to admit the item of urgent business is not carried, no further discussion can occur.

## 23. Call Up Items

- (1) A **Councillor** may, up to 12pm (noon) on a **Meeting Day**, lodge a request for a **Call Up Item** with the **Chief Executive Officer**.

- (2) A **Councillor** intending to raise a **Call Up item** should seek to discuss the matter with the relevant **Director** in advance, to determine the resource requirements and implications of the **Call Up Item**, including timeframes for responding.
- (3) A **Councillor** should not use a **Call Up Item**, where:
  - (a) It may alter the **Council's** strategic direction, as adopted in its **Council** and Community Plan;
  - (b) The matter will require more than 3 person days or \$5,000 in costs and as such, must be referred to the next budget deliberations with a supporting case, for funding;
  - (c) It involves an operational **Council** matter;
  - (d) It involves a contractual matter;
  - (e) It involves a personnel and/or industrial matter;
  - (f) It involves a confidential matter;
  - (g) It relates to a matter affecting the relationships of **Councillors** or **Councillors** and staff;
  - (h) It relates to a matter that may adversely affect the personal interests of a resident or ratepayer.
- (4) This provision for **Call Up Items** at **Council Meetings**, does not relate to Planning Delegation provisions that may operate.

#### 24. Questions without Notice

- (1) Any **Councillor** may ask a question without notice.
- (2) The question must be directed to the **Chairperson** but may require an answer from the **Chairperson**, a **Councillor** or an **Officer**.
- (3) The **Chairperson** or **Councillor** may respond if he or she deems it appropriate, however the **Chairperson**, **Councillor** or **Officer** may take the question on notice and provide written advice within 5 working days.

#### 25. Suspension of Standing Orders

- (1) Subject to clause 19, the provisions of this Local Law may be suspended for a particular purpose by resolution of **Council**.
- (2) The suspension of such provisions (standing orders) may only be used to enable full discussion of any issue without the constraints of formal **Meeting** procedure.
- (3) The purpose of such suspension is to enable the formalities of **Meeting** procedure to be temporarily suspended while an issue is discussed.
- (4) Such suspension should not be used purely to dispense with the processes and protocol of the government of **Council**.
- (5) Once the discussion has taken place and before any motions can be put, standing orders must be resumed.

#### 26. No Motions may be Accepted during Suspension of Standing Orders

No motion may be accepted by the Chair or be lawfully dealt with during any suspension of standing orders.

## 27. Special Meetings

- (1) The **Mayor** or at least three **Councillors** may by a written notice to the **Chief Executive Officer** call a **Special Meeting** of the **Council**.
- (2) The notice necessary to call a **Special Meeting** must be delivered to the **Chief Executive Officer** in sufficient time to enable **reasonable notice** to be given to **Councillors** and members of the public.
- (3) In giving such notice, **Councillors** should have regard to any need for preparatory investigations to enable the business to be undertaken.
- (4) The notice referred to in clause 25(1) must specify the date and time of the **Special Meeting** and the business to be transacted.
- (5) The **Chief Executive Officer** must call the **Special Meeting** as specified in the notice.
- (6) Unless all **Councillors** are present and unanimously agree to deal with another matter, only the business specified in the notice may be transacted.

## 28. Minutes

The **Minutes** must record the business of the **Meeting** and in particular:

- (1) The name of the **Councillors**:
  - (a) who were present and a record of their attendance relative to items considered during the entire **Meeting**; and
  - (b) who submitted apologies or have been granted leave of absence;
- (2) The names of Executive **Officers** in attendance and their organisational titles;
- (3) Any disclosures of interest or conflicts of interest;
- (4) Arrivals and departures (including temporary departures) of **Councillors** during the course of the **Meeting**;
- (5) Each motion and **amendment** moved (including motions and **amendments** that lapse for want of a seconder) and motions and **amendments** withdrawn by resolution or by leave of the **Meeting**;
- (6) Whether motions or **amendments** were carried or lost;
- (7) The vote cast by each **Councillor** upon a division, either FOR or AGAINST or any **Councillor** who has abstained and the declaration of the result of the division on the motion or **amendment**;
- (8) The failure of a quorum;
- (9) Closure of the **Meeting** to members of the public in accordance with the provisions of the **Act**;
- (10) When specifically requested by a **Councillor**, a record of his or her support or opposition for any motion; and
- (11) Any other matter which the **Chief Executive Officer** thinks should be recorded to clarify the intention of the **Meeting** or the reading of the **Minutes**.

## 29. Confirmation of Minutes

- (1) At every **Council Meeting**, the **Minutes** of the preceding **Meeting** must be dealt with as follows:

- (a) if the **Minutes** have been delivered to each **Councillor** at least 48 hours before the **Meeting**, a motion can be passed for confirmation of the **Minutes**; or
  - (b) if the **Minutes** have not been so delivered, a motion may be proposed to allow any adjournment to allow time for the **Minutes** to be read after which a motion can be passed for confirmation of the **Minutes**.
- (2) No discussion is permitted on the **Minutes** except as to their accuracy as a record of proceedings.
  - (3) If a **Councillor** is dissatisfied with the accuracy of the **Minutes**, then the **Councillor** must:
    - (a) state the item or items with which he or she is dissatisfied; and
    - (b) propose a motion clearly outlining the alternative wording to amend the **Minutes**.
  - (4) Once the **Minutes** are confirmed, the last page must be certified by the **Chairperson**.

### 30. Quorum and Adjournment

- (1) A quorum is a majority of the number of **Councillors** within the whole of **Council** as constituted or members of a **Special Committee** which the whole **Special Committee** as constituted comprises, present at the **Meeting**.
- (2) Business must not be conducted at any **Council Meeting** or a **Special Committee Meeting** unless a quorum is present.
- (3) The **Councillors** present at any **Council Meeting** may from time to time adjourn the **Meeting**.
- (4) No discussion is allowed on any motion for adjournment of the **Meeting**, but if on being put the motion is defeated, the subject then under consideration or the next on the **Agenda** must be discussed before any subsequent motion for adjournment is moved.

### 31. Failure to Raise a Quorum

- (1) If a quorum is not present within 30 minutes of the time appointed for the commencement of a **Council Meeting**:
  - (a) the **Meeting** lapses;
  - (b) the **Chairperson** or in his/her absence the **Chief Executive Officer** must convene another **Council Meeting** to be held within 14 days of the adjourned **Meeting** and ensure that the **Agenda** for it is identical to the **Agenda** for the **Meeting** which has lapsed; and
  - (c) the **Chief Executive Officer** must give all **Councillors** notice of the reconvened **Meeting**.
- (2) Notice pursuant to 30(1)(c), is not required in respect of any **Councillor** who has been granted leave of absence pursuant to the **Act** and who has not requested the **Chief Executive Officer**, in writing, to continue to give notice of **Meetings** to be held during the period of leave of absence.

### 32. Failure to Maintain a Quorum

- (1) If a quorum cannot be maintained after a **Council Meeting** has commenced the **Chairperson** must adjourn the **Meeting**, and then reconvene the **Meeting** within 30 minutes after it was adjourned, in which case:
  - (a) if a quorum is then present the **Meeting** must resume; or

- (b) if a quorum is not then present and if, after using his or her best endeavours to restore a quorum, the **Chairperson** is unsuccessful, the **Chairperson** must announce that the **Meeting** has lapsed, whereupon the **Meeting** lapses.
- (2) If a **Meeting** lapses under clause 30(1)(b), the undisposed business must, unless it has already been disposed of at a **Special Meeting**, be included in the **Agenda** for the next **Ordinary Meeting**.
- (3) Despite the loss of a quorum in the circumstances set out in this clause, the business transacted at the **Meeting** to that point will remain valid and be capable of being acted upon.

### 33. Time Limit for Meetings

- (1) A **Council Meeting** must not continue after 10.30 pm unless a majority of **Councillors** present at the **Meeting** votes in favour of its continuance.
- (2) In the absence of such continuance resolution, the **Meeting** must stand adjourned to a time, date and place to be determined by the **Chairperson**.
- (3) Where practicable, the **Chairperson** will determine, and advise all **Councillors** present of, the adjourned time, date and place of **meeting**, prior to closing the **Meeting**.
- (4) In the event that it is impracticable to comply with clause 31(3) the **Chief Executive Officer** must give **reasonable notice** to each **Councillor** and the public of the date, time and place to which the **Meeting** stands adjourned and of the business remaining to be considered.
- (5) Notice pursuant to clause 31(4), is not required in respect of any **Councillor** who has been granted leave of absence pursuant to the **Act** and who has not requested the **Chief Executive Officer**, in writing, to continue to give notice of **Meetings** to be held during the period of leave of absence.

### 34. Addressing Meetings

- (1) Once acknowledged by the **Chairperson** as being the next speaker on an item, the **Councillor** has the floor and may stand when addressing the **Meeting** and must not be interrupted unless called to order or time has expired.
- (2) Except for the **Chairperson**, any **Councillor** or person who addresses the **Meeting** must direct all remarks through the Chair.

### 35. Motions and Amendments

- (1) Motions and **amendments** must relate to the powers or functions of **Council**, be clear and unambiguous and not be defamatory or objectionable in language or nature. Except in the case of urgent business, a motion or **amendment** must be relevant to an item of business on the **Agenda**.
- (2) The **Chairperson** may require any motion or **amendment** to be put in writing before it is considered.
- (3) The **Chairperson** may refuse to accept any motion or **amendment** which contravenes this or any other clause.

### 36. Procedure for Moving a Motion

- (1) The mover must state the motion without speaking to it.
- (2) The **Chairperson** must call for a seconder unless the motion is a call to enforce a **point of order**.
- (3) If there is no seconder, the motion lapses.

- (4) If there is a seconder, the **Chairperson** must call on the mover to address the **Meeting**. The mover may, without speaking to the motion, reserve his or her address until later in debate.
- (5) After the mover has addressed the **Meeting** (or reserved his or her right to speak), the seconder may address the **Meeting**.
- (6) After the seconder has addressed the **Meeting** (or after the mover has addressed the **Meeting** if the seconder does not address the **Meeting**), the **Chairperson** may call for speakers in alternate sequence speaking against or for the motion.
- (7) A **Councillor** may speak once on the motion except for the mover of the original motion who has the right of reply after which the motion must be put to the **Meeting** for decision. The mover may not exercise the right of reply when he or she is the only speaker to the motion, or the last person to speak having reserved the right to speak later in the debate.
- (8) A **Councillor** may be permitted by the **Chairperson** to speak more than once to a motion to make a personal explanation.
- (9) A **Councillor** calling the attention of the **Chairperson** to a **point of order** is not regarded as speaking to the motion.
- (10) No motion may be altered or withdrawn without the consent of the seconder.
- (11) The mover and seconder of a motion may propose a variation to the motion if leave of the **Meeting** is granted.
- (12) If leave is granted to vary a motion in accordance with clause 34(11) a **Councillor** who has spoken to motion prior to the variation being permitted, may be permitted by the **Chairperson** to speak more than once to the motion.
- (13) The mover of a motion must not introduce new material when exercising any right of reply.

### 37. Procedure for Moving an Amendment

- (1) Any **Councillor** except the mover or seconder of the original motion may move or second an **amendment**.
- (2) The mover must state the **amendment** without speaking to it.
- (3) The **Chairperson** must call for a seconder. If there is no seconder, the motion lapses.
- (4) If there is a seconder, the **Chairperson**:
  - (a) may ask "Is the **amendment** opposed?"; and
  - (b) must call on the mover to address the **Meeting**. The mover may, without speaking to the **amendment**, reserve his or her address until later in debate.
- (5) After the mover has addressed the **Meeting** (or reserved his or her right to speak), the seconder may address the **Meeting**.
- (6) After the seconder has addressed the **Meeting** (or after the mover has addressed the **Meeting** if the seconder does not address the **Meeting**), the **Chairperson** may call for speakers in alternate sequence speaking against or for the motion.
- (7) Any **Councillor** may speak once on any **amendment**. No right of reply is available to an **amendment**.
- (8) A **Councillor** calling the attention of the **Chairperson** to a point of order is not regarded as speaking to the **amendment**.

- (9) No **amendment** may be altered or withdrawn without the consent of the seconder.
- (10) The mover and seconder of an **amendment** motion may propose a variation to the **amendment** if leave of the **Meeting** is granted.
- (11) An **amendment** must be relevant to the motion upon which it is moved and not negate the original motion.
- (12) **Amendments** must be dealt with one at a time. A subsequent **amendment** must not be considered until any previous amendment is decided upon but subsequent **amendments** may be foreshadowed.
- (13) If an **amendment** is carried it becomes the substantive motion. The mover and seconder of the **amendment** become the mover and seconder of the substantive motion. Debate commences as for a new motion.

### 38. Foreshadowing Motions

- (1) At any time during debate, a **Councillor** may foreshadow a motion to inform **Council** of his or her intention to move a motion at a later stage in the **Meeting**, but this does not extend any special right to the **foreshadowed motion**.
- (2) A motion foreshadowed may be prefaced with a statement that, in the event that a particular motion before the Chair is resolved in a certain way, a **Councillor** intends to move an alternative or additional motion.
- (3) A motion foreshadowed has no procedural standing and is merely a means to assist the flow of the **Meeting**.
- (4) The **Chief Executive Officer** is not required to have **foreshadowed motions** recorded in the **Minutes** until the **foreshadowed motion** is formally moved.

### 39. Withdrawal of Motions

Subject to clauses 35(10) and 36(9) before any motion is put to the vote, it may be withdrawn with leave of the **Meeting**.

### 40. Separation of Motions

- (1) The **Chairperson** may decide to put any motion to the vote in several parts.
- (2) Where a motion contains more than one part, a **Councillor** may request the **Chairperson** to put the motion to the vote in separate parts.

### 41. Debate

A **Councillor** may speak only when called by the **Chairperson**:

- (a) to speak in debate;
- (b) to ask or answer a question;
- (c) on a **point of order**; or
- (d) to make a personal explanation.

### 42. Order of Speaking

If two or more **Councillors** wish to speak at the same time, the **Chairperson** will determine the order of speakers.

#### 43. Chairperson May Speak

The **Chairperson** may address a **Meeting** upon any matter under discussion, and is not deemed to have left the Chair on such occasions. However, such address should only take place after all other **Councillors** have had the opportunity to address the **Meeting**.

#### 44. Speaking to Subject Matter

A **Councillor** must not digress from the subject matter of the motion, **amendment** or business under discussion.

#### 45. Points of Order

- (1) The **Chairperson** is the final arbiter of all points of order.
- (2) The **point of order** may be taken on the ground that a matter is:
  - (a) contrary to this Local Law;
  - (b) defamatory;
  - (c) irrelevant;
  - (d) outside **Council's** functions or powers;
  - (e) improper; or
  - (f) frivolous or vexatious.
- (3) The ruling of the **Chairperson** upon any **point of order** is not open to any discussion and will be final and conclusive.
- (4) The **Chairperson** may take a **point of order**.

#### 46. Interruptions, Interjections and Relevance

- (1) A **Councillor** must not be interrupted except by the **Chairperson** or upon a **point of order**.
- (2) If a **Councillor** is interrupted by the **Chairperson** or upon a **point of order**, he or she must remain silent until the **Chairperson** has ceased speaking, or the **point of order** has been determined.

#### 47. Resumption of Adjourned Debate

If a debate is adjourned by motion, the **Councillor** moving the adjournment has the right to be the first speaker upon the resumption of debate unless he or she has already spoken to the motion or **amendment**.

#### 48. Disorderly Expressions

If a **Councillor** or an **Officer** uses any expression that is disorderly or offensive to any other **Councillor** or **Officer**, the **Chairperson** must require the offending **Councillor** or **Officer** to withdraw the expression and make a satisfactory apology to the **Meeting**. A **Councillor** or **Officer** required to withdraw a remark must do so immediately without qualification or explanation.

#### 49. Personal Explanation

- (1) A **Councillor** or an **Officer** may, at any **Council Meeting** and at a time decided by the **Chairperson**, make a personal explanation for a period not exceeding two (2) minutes on any statement made (whether made at a **Council Meeting** or not) affecting that **Councillor** or **Officer**.
- (2) A personal explanation must not be debated or made for the purpose of furthering debate.

**50. Time Limits**

- (1) A **Councillor** must not speak longer than the time set out below unless granted an extension by the **Meeting**:
- the mover of a motion or **amendment** - 5 minutes
  - the mover of a motion exercising a right of reply - 2 minutes
  - any Reports by **Councillors** under Clause 21 - 4 minutes
  - any other **Councillor** on any other matter - 3 minutes
- (2) A motion for the extension of time will, if carried, allow a **Councillor** a further two minutes to speak but further extensions must not be permitted.

**51. Gallery to be Silent**

Any person in the Public Gallery must not, during a **Council Meeting**, interject or take part in the debate and must preserve silence at all times other than where people are permitted to address the **Meeting** as provided elsewhere in this Local Law.

**52. Removal of Disorderly Visitors**

If a person in the Public Gallery is called to order by the **Chairperson** and thereafter again acts in breach of this Local Law, the **Chairperson** may order him or her to leave, failing which the **Chairperson** may order him or her to be removed from the Public Gallery.

**53. Chairperson May Adjourn Disorderly Meeting**

If the **Chairperson** is of the opinion that disorder in the vicinity of the **Meeting** makes it desirable to adjourn the **Meeting**, he or she may adjourn the **Meeting** to a later time on the same day or to some later day as he or she thinks proper.

**54. Suspensions**

**Council** by resolution may suspend from a **Meeting**, and for the balance of the **Meeting**, any **Councillor** whose actions have disrupted the business of **Council**, and have impeded its orderly conduct.

**55. Removal from the Meeting**

The **Chairperson**, or **Council** in the case of a suspension, may ask any **Authorised Officer** or member of the Police Force to remove from the **Meeting** any person who acts in breach of this Local Law or whom the **Chairperson** has ordered to be removed from the Public Gallery under the provisions of this Local Law.

**56. Procedural Motions**

Unless otherwise prohibited, **procedural motions** may be moved at any time and must be dealt with in accordance with Schedule 1 to this Local Law.

**57. Voting**

- (1) When called upon by the **Chairperson**, the **Councillors** present must vote by a show of hands or as **Council** otherwise determines.
- (2) For the purposes of voting at a **Council Meeting**, the **Chairperson** must put the motion or **amendment** first in the affirmative, then in the negative.
- (3) The **Chairperson** may require that the vote be re-counted as often as may be necessary for him or her to satisfy himself or herself of the result.

**58. Vote to be Taken in Silence**

Except that a **Councillor** may call a division, **Councillors** must remain seated in silence while a vote is being taken.

**59. Casting Vote**

- (1) In the event of an equality of votes, subject to the **Act** and this Local Law, the **Chairperson** has a second vote.
- (2) Clause 58(1) does not apply in the event of an equality of votes in respect of the election of the **Mayor**, or in cases where the **Act** or this Local Law provides that a matter is to be determined by lot.

**60. Divisions**

- (1) Immediately after any question is put to a **meeting** and before the next item of business has commenced, a **Councillor** may call for a division.
- (2) When a division is called for, the vote already taken must be treated as a nullity and the division shall decide the question, motion or **amendment**.
  - (a) As a division is a separate and distinct vote, no **Councillor** is prevented from changing his or her original vote at the voting on the division.
- (3) If a division is called for, the **Chairperson** must:
  - (a) first ask each **Councillor** wishing to vote in the affirmative to rise, or raise a hand (as directed by the **Chairperson**) and must then state the names of those **Councillors** voting in the affirmative; and
  - (b) then ask each **Councillor** wishing to vote in the negative to rise, or raise a hand (as directed by the **Chairperson**) and must then state the names of those **Councillors** voting in the negative; and
  - (c) if required, then ask each **Councillor** wishing to abstain from voting to rise, or raise a hand (as directed by the **Chairperson**) and must then state the names of those **Councillors** abstaining from voting; and
  - (d) declare the result of the division.

**61. Leave of the Meeting**

- (1) Where an action or decision under this Local Law is dependent upon obtaining leave of the **meeting**, the **Chairperson** shall, before taking the action or making the decision:
  - (a) outline the action or decision that is proposed to be taken or made to the **meeting**;
  - (b) ask any **Councillor** present to indicate if they oppose the proposed action or decision; and
  - (c) if no **Councillor** indicates opposition, leave of the **meeting** shall be taken to have been granted.

**62. Public Question Time**

- (1) Members of the public are permitted to prepare and submit to an **Ordinary Meeting** up to two (2) questions on any **Council** matter.
  - (a) All questions to be asked must be registered by completion of the appropriate form which must be lodged:

- (i) online via **Council's** website by close of business on the day fixed for the **Ordinary Meeting**; or
  - (ii) in person at the Civic Centre, 511 Burwood Highway, Wantirna South during normal office hours prior to or on the day fixed for the **Meeting**; or
  - (iii) in the question box provided at the place of the **Meeting** prior to the commencement of the public question time at the **Meeting**.
- (b) The presentation and answering of questions from persons present in the Public Gallery will occur in accordance with clause 18(3).
  - (c) Questions will be directed to the **Chairperson** who will read the question and ascertain whether the questioner is present in the Public Gallery.
  - (d) If present in the Public Gallery, the questioner will have the right to make a brief introductory statement. The time allowed for such statement and question will be up to two (2) minutes.
  - (e) Where a meaningful response to the question cannot be provided at the **Meeting** by the **Chairperson, Councillors** or staff, or a detailed or researched response is required, the question may be taken on notice, in which case an answer must be provided in writing to the questioner within five (5) working days.
  - (f) Any **Councillor** wishing to provide a personal response to a question will be permitted to do so after the **Chairperson** has had the opportunity to respond.
  - (g) If the questioner is not present in the Public Gallery, the question will not be read; or included in the minutes of the **meeting**, except at the discretion of the **Chairperson**. response must be supplied in writing.
  - (h) Where the **Chairperson** deems appropriate, a response must be supplied in writing.
  - (i) Questions and answers should be as brief as possible and no discussion will be allowed on any question except for the introductory statement as provided in paragraph (e).
  - (j) The number of questions that may be asked during a **Meeting** on any one (1) issue will be limited to two. It is at the total discretion of the **Chairperson** which two (2) questions will be asked where there are more than two (2) submitted.
  - (k) The **Chairperson** will have the right to refuse to receive or answer any question, or to take the question on notice.
  - (l) A time limit of 30 minutes will apply to Public Question Time but may be extended by resolution of **Council**.
  - (m) **Meeting** procedures as detailed in this Local Law apply during Public Question Time.

### 63. Addressing the Council

Except as provided for in clause 61(1)(d) a person other than a **Councillor** or **Officer** must not address the **Council Meeting** except:

- (a) where a resolution approving such has been carried by a majority of **Councillors** present at the **Meeting**.
- (b) With the approval of the **Chairperson** and leave of the **meeting**.

**64. Production of Documents**

- (1) A **Councillor** may, at a **Council Meeting**, require the production of any documents kept in the municipal offices that are directly relevant to the business being considered at the **Meeting**.
- (2) The **Chief Executive Officer** must use his or her best endeavours to produce the documents at the **Meeting** or, if this is not feasible, as soon as practicable after that time.

**65. Recording and Broadcasting Proceedings**

- (1) A person must not operate any **recording or broadcasting device** at any **Council Meeting** or **Special Committee Meeting** without first obtaining:
  - (a) The consent of the **Mayor** or **Chairperson** (as the case may be); or
  - (b) Consent of **Council** by resolution of the meeting.
- (2) Consent granted under Clause 64(1)(a) or Clause 64(1)(b) may be revoked at any time during the course of a **Council Meeting** or **Special Committee Meeting** by resolution of **Council** or the **Special Committee**.
- (3) Nothing in clause 64(1) applies to any member of **Council** staff operating any device for the purpose of production of the minutes of the **meeting** or keeping a record of the **Council Meeting** or **Special Committee Meeting**.
- (4) Where a **Council Meeting** or **Special Committee Meeting** is to be recorded pursuant to this clause the **Chairperson** must as soon as practicable after the opening of the **meeting** advise those who are in attendance that their images and/or voices are likely to be recorded during the course of the **meeting**.

**66. Petitions**

- (1) A petition:
  - (a) must be in a legible and permanent form of writing, typing or printing;
  - (b) must not be defamatory, indecent, abusive or objectionable in language or substance; and
  - (c) must not relate to a matter beyond the powers of **Council**.
- (2) Every page of a petition must bear the wording of the whole of the petition or request.
- (3) Any signature appearing on a page of a petition which does not bear the wording of the whole of the petition or request must not be considered by **Council**.
- (4) Every page of a petition must be a single piece of paper and must not be affixed to any piece of paper other than another page of the petition.
- (5) No motion may be made on any petition until the next **Ordinary Meeting**, except if the matter or issue is already listed for consideration of **Council** on the **Agenda** for the **Meeting** at which it is presented in accordance with this Local Law, or if **Council** determines by a majority of those present that the matter is urgent and should be dealt with at the **Meeting** at which it is presented or by a **Special Committee**.
- (6) A **Councillor** presenting a petition must state the number of signatures attached to it and the subject matter. The **Councillor** may also speak to the petition.

- (7) A **Councillor** may, when presenting a petition, refer the specific request to an **Officer** for referral to a specific program. An example of the intent of this clause would be to refer a request for playground equipment to the following year's capital work program. If any action would require unallocated expenditure or would change an adopted program within the current financial year, it must be referred back to **Council**. Should a referral occur, there is no requirement for the matter or issue to be considered at the next **Ordinary Meeting** in accordance with clause 65(5).
- (8) After a petition is tabled, the head petitioner must be advised of progress of the particular issue.

## 67. Offences

It is an **offence**:

- (a) for a **Councillor** to not withdraw an expression considered by the **Chairperson** to be offensive or disorderly, and to not satisfactorily apologise when called upon twice by the **Chairperson** to do so.

**PENALTY: 20 Penalty Units**

- (b) for any person, not being a **Councillor**, who is guilty of any improper or disorderly conduct to not leave the **Council** Chamber when requested by the **Chairperson** to do so.

**PENALTY: 20 Penalty Units**

- (c) for any person to fail to obey a direction of the **Chairperson** in relation to the conduct of the **Meeting** and the maintenance of order.

**PENALTY: 20 Penalty Units**

- (d) for any person to append to a petition or joint letter a signature purporting to be that of any other person or in the name of any other person.

**PENALTY: 10 Penalty Units**

- (e) for a **Councillor** to fail or refuse to leave the **Council** Chamber after being suspended from a **Meeting**.

**PENALTY: 20 Penalty Units**

## Division 2 - Provisions Applying only to Special Committee Meetings

### 68. Purpose

The purpose of this Division is to regulate:

- (a) proceedings at **Meetings** of **Special Committees** composed solely of **Councillors**; and
- (b) notice to be given of **Meetings** of **Special Committees** composed solely of **Councillors**.

### 69. Application Generally

- (1) Except as provided in this Part, if **Council** establishes a **Special Committee** composed solely of **Councillors**, Part 4, Division 1 of this Local Law applies with any necessary modifications.

- (2) For the purposes of sub-clause (1), a reference in Part 4, Division 1 to:
- (a) a **Council Meeting** is to be read as a reference to a **Meeting** of the **Special Committee**;
  - (b) a **Councillor** is to be read as a reference to a member of the **Special Committee**; and
  - (c) the **Mayor** is to be read as a reference to the **Chairperson** of the **Special Committee**.

#### 70. Quorum

The quorum for a **Meeting** of a **Special Committee** composed solely of **Councillors** is the number specified in the most recent instrument of delegation, or, if no number has been specified in an instrument of delegation, a majority of the number of members which the whole **Special Committee** as constituted comprises.

#### 71. Notice of Meetings

The requirements for notice to the public of any **Council Meeting** also apply to any **Meeting** of a **Special Committee** composed solely of **Councillors** to which powers have been delegated.

#### 72. Public Submissions

- (1) A **Special Committee** must, at such time as is allocated by it or by **Council**, hear any person wishing to be heard in respect of his or her submissions to **Council** under Section 223 of the Local Government Act 1989.
- (2) **Special Committee** members may, through the Chair, question any submitter in relation to his or her submission.

#### 73. Application Specifically

If **Council** establishes a **Special Committee** composed solely of **Councillors**:

- (a) **Council** may; or
- (b) that **Special Committee** may, with the approval of **Council**

resolve that a provision of Part 4, Division 1 does not apply, whereupon that provision will cease to apply to the **Special Committee**.

#### 74. "Call-Up" Requests by Other Councillors

- (1) If **Council** establishes a **Special Committee** to which powers have been delegated, the **Chief Executive Officer** must ensure that all **Agendas** for **Meetings** of that **Special Committee** are provided to all **Councillors** (whether or not members of the **Special Committee**).
- (2) A **Councillor** who is not a member of a **Special Committee** to which powers have been delegated may give written notice to the **Chairperson** of that **Special Committee** that an item on the **Agenda** is to be "called-up" for consideration by **Council**.
- (3) If a **Chairperson** receives notice that an item is to be "called-up" the **Special Committee** may consider that item and make a recommendation to **Council** about it, but must not exercise a delegated power in relation to it.

### Division 3 - Other Committees

#### 75. Purpose

The purpose of this Division is to regulate proceedings at **Meetings** of **Special Committees** (other than those composed solely of **Councillors**).

#### 76. Application Generally

- (1) If **Council** establishes a **Special Committee** Part 4, Division 1 of this Local Law applies with any necessary modifications.
- (2) For the purposes of sub-clause (1), a reference in Part 4, Division 1 to:
  - (a) a **Council Meeting** is to be read as a reference to a **Meeting** of the **Special Committee** (as appropriate).
  - (b) a **Councillor** is to be read as a reference to a member of the **Special Committee** (as appropriate); and
  - (c) the **Mayor** is to be read as a reference to the **Chairperson** of the **Special Committee** (as appropriate).

#### 77. Application Specifically

If **Council** establishes a **Special Committee** then:

- (i) **Council** may; or
- (ii) that **Special Committee** (as appropriate) may, with the approval of **Council**,

resolve that a provision of Part 4, Division 1 does not apply, whereupon that provision will cease to apply to the **Special Committee**.

Resolution for making this Local Law was agreed to by the Knox City **Council** on \_\_\_\_\_ and

THE COMMON SEAL of the )  
 KNOX CITY COUNCIL was )  
 hereunto affixed in the presence of: )  
 ..... )  
**Chief Executive Officer** )  
 ..... )  
**Mayor** )  
 ..... )  
**Councillor** )

"I certify that this is a true copy of the **Meeting** Procedure and Use of **Common Seal** Local Law 2018 made by the Knox City **Council** on \_\_\_\_\_ in accordance with the requirements of the Local Government Act 1989.

The notices required to be given by the **Act** appeared in Government Gazette on \_\_\_\_\_ and in the <details of newspaper advertising>.

A copy of the Local Law was sent to the Minister for Local Government in a letter dated \_\_\_\_\_.

The Local Law commenced operation on \_\_\_\_\_ and will expire on \_\_\_\_\_ unless revoked earlier."

\_\_\_\_\_  
**Chief Executive Officer**

Official Minutes of Knox City Council

**Schedule 1****PROCEDURAL MOTIONS  
PROCEDURE AND EFFECT**

<b>PROCEDURAL MOTION</b>	<b>FORM</b>	<b>WHO CAN MOVE OR SECOND</b>	<b>IS A SECONDER REQUIRED?</b>	<b>MATTER IN RESPECT OF WHICH MOTION MAY BE MOVED</b>	<b>WHEN MOTION PROHIBITED</b>	<b>EFFECT IF CARRIED</b>	<b>EFFECT IF LOST</b>
Adjournment of debate to later hour/date	That this matter be adjourned until .....	Any <b>Councillor</b>	Yes	Any matter	(a) During the election of the <b>Chairperson</b>  (b) When another <b>Councillor</b> is speaking	Motion and <b>amendments</b> postponed to the stated time/date	Debate continues unaffected
Adjournment of debate indefinitely	That this matter be adjourned until further notice	Any <b>Councillor</b>	Yes	Any matter	(a) During the election of the <b>Chairperson</b>  (b) When another <b>Councillor</b> is speaking  (c) When the matter is one in respect of which a call of <b>Council</b> has been made	Motion and <b>amendments</b> postponed but may be resumed:  (a) At the same <b>meeting</b> upon motion to resume  (b) At any later <b>Meeting</b> if on the <b>Agenda</b>	Debate continues unaffected
Adjournment of <b>meeting</b> to later hour/date	That the <b>meeting</b> be adjourned until .....	Any <b>Councillor</b>	Yes	Any <b>meeting</b>	(a) During the election of the <b>Chairperson</b>  (b) When another <b>Councillor</b> is speaking	<b>Meeting</b> adjourns immediately until the stated time (or date)	Debate continues unaffected

PROCEDURAL MOTION	FORM	WHO CAN MOVE OR SECOND	IS A SECONDER REQUIRED?	MATTER IN RESPECT OF WHICH MOTION MAY BE MOVED	WHEN MOTION PROHIBITED	EFFECT IF CARRIED	EFFECT IF LOST
Adjournment of <b>Meeting</b> indefinitely	That this <b>Meeting</b> be adjourned until further notice	Any <b>Councillor</b>	Yes	Any matter	(a) During the election of the <b>Chairperson</b>  (b) When another <b>Councillor</b> is speaking  (c) During a <b>meeting</b> which is a call of the <b>Council</b>	<b>Meeting</b> adjourns until further notice	Debate continues unaffected
The Closure	That the question be now put	A <b>Councillor</b> who has not moved, seconded or spoken to the motion or any <b>amendment</b> of it	No	Any matter	During nominations for <b>Chairperson</b> (NB A closure motion shall not be accepted by the <b>Chairperson</b> unless the <b>Chairperson</b> considers there has been sufficient debate for and against the original motion or <b>amendment</b> )	Motion or <b>amendment</b> in respect of which the closure carried is put to the vote immediately	Debate continues unaffected

PROCEDURAL MOTION	FORM	WHO CAN MOVE OR SECOND	IS A SECONDER REQUIRED?	MATTER IN RESPECT OF WHICH MOTION MAY BE MOVED	WHEN MOTION PROHIBITED	EFFECT IF CARRIED	EFFECT IF LOST
Laying the question on the table	That the matter lie on the table	A <b>Councillor</b> who has not moved, seconded or spoken to the motion or any <b>amendment</b> of it	Yes	Any matter	(a) During the election of the <b>Chairperson</b>  (b) During a <b>Meeting</b> which is a call of the <b>Council</b>	Motion and <b>amendments</b> not further discussed or voted on until:  (a) <b>Council</b> resolves to take the question from the table at the same <b>Meeting</b>  (b) Matter is placed on an <b>Agenda</b> and the <b>Council</b> resolves to take the question from the table	Debate continues unaffected
Proceeding to the Next Business	That the <b>Meeting</b> proceed to the next business	A <b>Councillor</b> who has not moved, seconded or spoken to the matter which the motion relates	Yes	Any matter	(a) During the election of the <b>Chairperson</b>  (b) During a <b>Meeting</b> which is a call of the <b>Council</b>	(a) If carried in respect to a <b>procedural motion</b> , its effect is to remove that motion from consideration  (b) If carried in respect to an <b>amendment</b> , its effect is to dispose of the <b>amendment</b> and debate resumes upon the substantive motion	Debate resumed at point of interruption

## MINUTES

### Committee of Council Meeting

### (To receive submissions on the Proposed Meeting Procedure and Use of Common Seal Local Law 2018)

Held Wednesday 30<sup>th</sup> May at 7.01pm at Knox Civic Centre

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#### Present

##### Members

Cr John Mortimore  
Cr Jake Keogh  
Cr Peter Lockwood

##### Other Attendees

Cr Tony Holland (Attended as observer)  
Mr Tony Doyle, Chief Executive Officer  
Mr Michael Fromberg, Director, Corporate Services  
Mr Ralph Anania, Acting Manager, Governance & Strategy  
Ms Paige Kennett, Acting Coordinator, Governance

#### 1. Appointment of Chairperson

The Chief Executive Officer, Mr Doyle informed the meeting, as there was no appointed Chairperson, the first task for the Committee members, will be to appoint a Chairperson.

Mr Doyle then sought nominations for the role as Chairperson.

Cr Keogh nominated Cr Lockwood to be Chairperson.

There being no other nominations, Mr Doyle declared that Cr Lockwood was duly elected Chairperson.

Cr Lockwood assumed the Chair.

## 2. Apologies

Nil.

## 3. Declaration of Conflict of Interest

Nil.

## 4. Reception of written submissions on the draft Meeting Procedure and Use of Common Seal Local Law 2018

Five submitters had requested to be heard in support of their written submissions. One submitter confirmed attendance at the meeting but was unable to attend due to illness. No submitters were in attendance at the meeting.

### **COMMITTEE RESOLUTION**

**MOVED: CR. MORTIMORE**

**SECONDED: CR. KEOGH**

That the Committee of Council:

1. Receive and note all the submissions received on the proposed Meeting Procedure and Use of Common Seal Local Law 2018.
2. Refer this matter to the Ordinary Meeting of Council, to be held on 25 June 2018.

**CARRIED**

## 5. Close

Meeting closed at 7.04pm

**Cr Peter Lockwood**  
Chairperson

## APPENDIX A – Submissions received on the proposed Meeting Procedure and Use of Common Seal Local Law 2018

Written Submissions have been received from the following persons:

1. Meagan Baker
2. Joline Day
3. Ken Gregson
4. Natalie Hutchinson
5. Monique
6. Wendy Belli
7. Keith Baker
8. Patricia Kirk
9. Michael Walker
10. Bruce W. Goodall
11. Stephen Mead
12. Ian Hutchinson
13. Pam Hutchinson
14. Kirrily Whatman
15. Karen Coulson
16. Zoe

### Submitters who have requested to be heard:

Submitter's Name	Submission details
Meagan Baker	<p>As a resident I would like you to raise with council in moving with the times of live streaming the meetings. I'm of the understanding that currently there's no statutory requirement to record meetings, I am hoping that the current review of the local government legislation reviews this process, having said that other municipalities have already taken action in this and currently live-streaming meetings as outlined below. A report by the ombudsman (Deborah Glass), I have provided the link below and it's certainly an interesting read, but from my understanding of the report it was identified that councils in general that Victoria is inconsistent and below other standards in transparency compared to other states and who have stronger transparency standards compared to Victoria.</p> <p>I would find as a resident, the benefits of live streaming meetings useful for:</p> <ul style="list-style-type: none"> <li>-confirming the accuracy of minutes if concerns/questions are raised by the community providing accurate and detailed recordings of meetings for later reference</li> <li>-encourages inclusion of all Knox residents unable to attend chambers for meetings and improve community involvement with council. Some residents circumstances may not allow them to attend such meetings, such as travel distance, caring for a young family, residents who use internet as a form of keeping informed and coming to council meetings is not able to be done for various reasons, work/family commitments and health conditions for example that preclude them from attending meetings at council</li> <li>-improved clarity, explanatory and transparency for when, why and how decisions are made by councillors on behalf of residents that councillors represent keeping the greater community informed and which councillor voted for and against decisions and their rationale for doing so, enabling the community to better understand councillors stance on situations (ie local law, state laws etc-explanations) for decision outcomes</li> <li>-greater awareness of public question time and responses, many residents in our community would find standing up in front of councillors to ask questions rather daunting, many questions</li> </ul>

Submitter's Name	Submission details
	<p>that maybe asked at meetings may alleviate some community concerns provide improved transparency and accountability</p> <ul style="list-style-type: none"> <li>-accuracy of local news reporting within the community</li> <li>-not many minutes are printed on paper when I arrive, but they usually are thick and having live streaming may reduce the need for printing off copies of minutes, saving money on printing costs</li> <li>-minutes are on online and the community, if able to live stream, can access the online minutes to refer to for the meeting</li> <li>-potentially increase quality of debating decisions for Knox Community knowing that the community have convenient access to public meetings</li> <li>-Improved community and council engagement and moving forward with technology and live streaming</li> </ul> <p>Here is the link from the ombudsman (Ms Deborah Glass) and I found this report useful and informative in relation to council meetings live streaming that I believe may assist in council in developing live streaming and providing transparency to Knox residents.  <a href="https://www.ombudsman.vic.gov.au/getattachment/195a77c8-ed15-4a1d-9967-404474e1b4a6">https://www.ombudsman.vic.gov.au/getattachment/195a77c8-ed15-4a1d-9967-404474e1b4a6</a>          Interesting enough on pg148, recommendation 2, dot point 9 it states "audio recording wherever practicable of both open and closed council meetings, and posting of audio recordings of open meetings on council websites". Now in my opinion if staff members are permitted to record meetings for purposes of minute taking according to the draft (if the proposed meeting procedure and use of common seal local law 2018) then why can't this recording be posted onto an already existent council internet page or facebook while technological requirements are investigated for live streaming? Currently Knox City Council use facebook as a form of social media and facebook do have a live video function that is easy to use and cost effective and able to be saved as videos as an interim to gaining improved and updated equipment. Many councils are already in trialling or are live streaming to their local residents and I believe this is a form of moving with technology of today and good measure of transparency and accountability of council decisions for residents to view. Councillors are elected officials by the residents and they receive allowances for representing the community and deciding on residence behalf and it is now time for the community to see their elected officials in action where it may not have been previously possible. I believe if councillors and council staff (ie CEO and directors) are acting within the laws, ethics, councillors' code of conduct then live streaming shouldn't be any different to those residents who attend face to face and watch the action first hand and live streaming should be no different. As your council page also states: "Serving You Well- Knox City Council aims to achieve service excellence across all areas, for every customer. We recognise that all members of our community expect us to provide personalised, responsive service. We work to meet those expectations by: &gt; Listening to you. &gt; Making sure our services are easy for you to access and use. &gt; Responding appropriately to your needs and maintaining a continual focus on improving our service standards." and I am following councils suggestion and believe live streaming will improve and enable residents to stay connected with council matters. As a resident I would like to see transparency, accountability, informed decisions, accuracy of minutes and how and why decisions are made on behalf of the resident and for live streaming to occur of all Knox City Council Meetings and by improving services to the community. Thankyou          Regards Meagan Baker</p>
Joline Day	YES council meetings must be broadcast. It is not safe these days for seniors (nor disabled) to go out at night.

Submitter's Name	Submission details
Ken Gregson	Making meeting more open to public scrutiny can only be good for local government. The perception that all is sometimes not totally above board can be so easily addressed through open process and broadcasting meeting can only be a step in the right direction

**Submitters who have requested to be heard, but have not provided contact details:**

Submitter's Name	Submission details
Natalie Hutchinson	Live stream the meetings like other council's do!
Monique	Live streaming would enable broadcasting of important community issues to more of the community. I know I am certainly keen to attend these meetings but the time/date does not always suit so it would be great to have live stream available to both mobile and PC devices

**Submitters that do not want to be heard:**

Submitter's Name	Submission details
Wendy Belli	I would very much appreciate council meetings to be live streamed so as to show transparency. This will mean Knox will 'catch up' with a lot of other councils and make it possible for a larger number of the community to be involved in the meetings as currently those who work evenings, the elderly and those who have disabilities and social issues are unable to be part of the process. In the year 2018, when smaller country councils have implemented live streaming, I would be confident with a small capital outlay from council this would not pose to much of an issue.
Keith Baker	I do not need to be "heard" to support my position, my position itself is exceptionally clear. Recording of meetings is integral to the continued enhancement of transparency in Local Government as it provides a factual copy of the actual proceedings of a meeting, including the behaviours of individuals, the comments they have made either in support of or against a proposal. Live streaming, as identified by the LGA Ombudsman, has far more positive connotations than potential detractors, it enables a far broader segment of the interested community to witness how and why decisions are made that have the very real potential to affect their lives. What I object to in the proposed Local Law is that the requirement to present with the utmost transparency in local government is not enshrined by requirement. The manner in which the section covering recording and broadcasting of meeting is written still provides for the mayor in their own right and councillors as a body to vote to hide their meetings and proceedings from public scrutiny. This clause should be removed with meeting recording and broadcasting made mandatory with the exception of "closed" sections (due only to commercial sensitivity) being removed from live broadcast (these should still be recorded and stored with accessibility considered once the commercial confidence has lapsed).
Patricia Kirk	I would like to see the introduction of live streaming of all Council meetings, so that the community can be kept informed when unable to attend in person
Michael Walker	I believe that all public meetings of council should be live streamed/broadcast online to encourage greater interaction with the community. Recordings should also remain available online after the meeting for 6-12 months to enable people to refer to them on a historical basis

Submitter's Name	Submission details
Bruce W. Goodall	I am in support of the introduction of Broadcasting (Live Streaming) of Knox City Council Meetings, to allow for "greater transparency" and overall accountability to the wider community. The older residents, of which we have many, who would like to attend but due to various circumstances, would be able to be informed directly in the comfort of their homes. The Councillors who are "representing" their electorates would have to be more genuine /informed in the way that they conduct themselves and truly represent the views of those who voted for them. In particular their comments regarding the Planning issues in our once "green and leafy" lovely city. It would also be a record of their reasons why a particular planning proposal recommendation should be accepted or rejected. Currently, the KCC Meeting Minutes do not reflect this. Live streaming would provide a record of "possible" breaches of Conflict of Interest" in any matters to be decided by Knox City Councillors. It would also highlight the "many" great (positive things) projects and initiatives that the Council are involved in. Finally, as stated at the Knox Council Meeting dated 23.4.2018, there is a need for an overhaul of its technology.
Stephen Mead	I have no idea what this means. It's legal gobbledey-gook. How about an explanation - in English - not Legalese
Ian Hutchinson	I would like live streaming of meetings
Pam Hutchinson	<ol style="list-style-type: none"> <li>1. I feel it would make more sense to and for the gallery if Public Question time happened earlier in the agenda before all decisions were made as a lot of questions refer to planning issues.</li> <li>2. Live streaming of meetings is essential to becoming a more inclusive and transparent Council and is long overdue.</li> </ol>
Kirrily Whatman	Please live stream your meetings so that those interested in their municipality but are unable to attend, especially now they have been moved to Mondays, are still able to exercise their right to better inform themselves about the workings of Council and observe the (public) discussions councillors enter into before reaching the decisions they make at ordinary council meetings. Many of these decisions affect all of us, some adversely, and how they are reached should therefore not be closed off to those unable to be there to witness in person.
Karen Coulson	Please consider live streaming of General Council Meetings and SPC meetings. This will enable the community to link in and be informed, and therefore involved in what happens at council level. Many local councils are currently using technology to do just this. Many residents would like to attend meetings but are unable to. Many residents would see value in this service. It will enable residents not only to understand the processes (and hard work) that lead to decisions that affect them, but also to have the opportunity to see who they have voted in to represent them.
Zoe	I would like to see greater transparency of the decision making processes in council. This can be achieved via web streaming of council meetings. This practice will promote inclusivity of those who are unable to attend council meetings live due to a variety of circumstances (ie. disability, ageing population, work, parents caring for children).

**COUNCILLOR GILL LEFT THE MEETING AT 8.26PM PRIOR TO THE VOTE ON ITEM 10.5**

**ALL WARDS**

**10.5 MINOR GRANTS PROGRAM APPLICATIONS**

**SUMMARY: Governance Officer - (Kirstin Ritchie)**

*This report summarises the recommended grants from the Minor Grants Program. All applications have been assessed against the criteria as set out in the Minor Grants Program Policy.*

**RECOMMENDATION**

That Council:

1. Approve the three (3) recommended Minor Grants Program application for a total of \$5,050.50 as detailed below:

Applicant Name	Project Title	Amount Requested	Amount Recommended
The Basin Primary School Parents and Friends Association	Funding to purchase outdoor recycled seating for the school grounds to be used by students on their breaks and parents during drop off and pickup of their children.	\$3,000.00	\$3,000.00
Citylife Community Care	Funding to upskill volunteers and staff in food handling procedures for the running and overseeing of their community meal programs	\$1,285.50	\$1,285.50
Ferntree Gully Eagles Junior Football Club	Funds to purchase 2 portable heavy duty benches and replace 24 drink bottles and carriers for the clubs All Abilities Teams.	\$765.00	\$765.00
	TOTAL	\$5,050.50	\$5,050.50

2. Note the one (1) Minor Grants Program application approved and paid under delegated authority for a total of \$452.10 as detailed below:

Applicant Name	Project Title	Amount Requested	Amount Recommended
Knox Historical Society	Funding for the printing of Knox Historical Society brochures for museum exhibits outside the grounds including the grounds of Ambleside Park Homestead.	\$452.10	\$452.10
	TOTAL	\$452.10	\$452.10

3. Note that inclusive of the above grants, a total of \$126,607.68 has been awarded under the Minor Grants Program in 2017-18 in support of a variety of community based organisations and their programs.

## **1. INTRODUCTION**

At the Strategic Planning Committee meeting held on 10 July 2017 the Committee endorsed the Minor Grants Program Policy, effective from 25 July 2017.

Minor Grant applications must be for the purposes of meeting requests for small, incidental funding requests from eligible organisations within Knox and not exceed \$3,000.00.

Under the Minor Grants Program Policy an eligible organisation must:

- provide services, projects and programs that directly benefit residents of the City of Knox;
- be a not for profit legal entity that provides services, support or activities to the Knox community. This expressly excludes educational institutions and State and Federal government departments and agencies; but does not exclude related not for profit organisations, including school councils/auxiliaries/parent groups who otherwise qualify under the Policy;
- be incorporated or be auspiced by an incorporated body (for grants over \$500 only);
- have an Australian Business Number or complete a Statement by Supplier form;
- have a Committee of Management or similar governing body that accepts responsibility for the administration of the Grant (for grants over \$500 only);
- hold adequate public liability insurance appropriate to the activity outlined in the application;
- be able to supply permits and plans appropriate to the funded activity where requested by Council;
- have provided evidence to Council's satisfaction of the expenditure of any previous grant provided by Council.

This report presents to Council recommended grant applications in accordance with the Minor Grants Program Policy.

## **2. DISCUSSION**

Council established the Minor Grants Program to ensure that funding may be provided to community groups who request ad hoc, incidental, community based, one-off grants.

The Minor Grants Program Policy (the Policy) sets out an open and transparent grant program that meets the principles of good governance and is compliant with the requirements of the *Local Government Act 1989*.

In accordance with the Policy, applications for funding up to \$500 are assessed and determined under delegation by the Chief Executive Officer, or delegate. Applications for funding between \$501 and \$3,000 have been assessed by the Chief Executive Officer, or delegate, for Council's approval.

All recipients of Minor Grants must provide proof of expenditure or purchase. In addition, Minor Grants over \$1,000.00 must meet all funding agreement requirements.

This report outlines the grant applications received since the 28 May 2018 Ordinary Council meeting. It recommends three grants for Council's approval and notes one grant that have been approved and paid under delegated authority.

## **3. CONSULTATION**

No consultation has been undertaken in relation to the grant applications detailed in this report as the policy specifies assessment can occur by the Chief Executive Officer, or delegate, and make recommendation for Council's determination.

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

There are no environmental or amenity issues associated with this report.

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

The approval of minor grants is managed within Council's adopted budget.

## **6. SOCIAL IMPLICATIONS**

The Minor Grants program allows Council the flexibility to respond to requests from community groups within Knox at a municipal level. These grants provide applicants the opportunity to participate and support a variety of community based programs.

## **7. RELEVANCE TO KNOX COMMUNITY AND COUNCIL PLAN 2017-2021**

Provision of the Minor Grants program assists Council in meeting the following objectives under the Knox Community and Council Plan.

Goal 6. We are healthy, happy and well

- Strategy 6.2- Support the community to enable positive physical and mental health.

Goal 7. We are inclusive, feel a sense of belonging and value our identity

- Strategy 7.3 - Strengthen community connections.

Goal 8. We have confidence in decision making

- Strategy 8.1 – Build, strengthen and promote good governance practices across government and community organisations.

## **8. CONFLICT OF INTEREST**

Under section 80c of the Local Government Act 1989 officers providing advice to Council must disclose any interests, including the type of interest.

Officer Responsible – Michael Fromberg, Director Corporate Development - In providing this advice as the Officer Responsible, I have no disclosable interests in this report.

Author – Kirstin Ritchie, Governance Officer - In providing this advice as the Author, I have no disclosable interests in this report

## **9. CONCLUSION**

This report contains the recommendation for funding though the Minor Grants program.

## **10. CONFIDENTIALITY**

Confidential Appendix A contains each of the individual grant applications for Council's consideration.

**COUNCIL RESOLUTION****MOVED: CR. SEYMOUR****SECONDED: CR. COOPER**

That Council:

1. Approve the three (3) recommended Minor Grants Program application for a total of \$5,050.50 as detailed below:

Applicant Name	Project Title	Amount Requested	Amount Recommended
The Basin Primary School Parents and Friends Association	Funding to purchase outdoor recycled seating for the school grounds to be used by students on their breaks and parents during drop off and pickup of their children.	\$3,000.00	\$3,000.00
Citylife Community Care	Funding to upskill volunteers and staff in food handling procedures for the running and overseeing of their community meal programs	\$1,285.50	\$1,285.50
Ferntree Gully Eagles Junior Football Club	Funds to purchase 2 portable heavy duty benches and replace 24 drink bottles and carriers for the clubs All Abilities Teams.	\$765.00	\$765.00
	<b>TOTAL</b>	<b>\$5,050.50</b>	<b>\$5,050.50</b>

2. Note the one (1) Minor Grants Program application approved and paid under delegated authority for a total of \$452.10 as detailed below:

Applicant Name	Project Title	Amount Requested	Amount Recommended
Knox Historical Society	Funding for the printing of Knox Historical Society brochures for museum exhibits outside the grounds including the grounds of Ambleside Park Homestead.	\$452.10	\$452.10
	<b>TOTAL</b>	<b>\$452.10</b>	<b>\$452.10</b>

3. **Note that inclusive of the above grants, a total of \$126,607.68 has been awarded under the Minor Grants Program in 2017-18 in support of a variety of community based organisations and their programs.**

**CARRIED**

Official Minutes of Knox City Council

Confidential Appendix A is circulated under separate cover.

Official Minutes of Knox City Council

**COUNCILLOR HOLLAND RETURNED TO THE MEETING AT 8.27PM PRIOR TO THE VOTE ON ITEM 10.6**

**COUNCILLOR GILL RETURNED TO THE MEETING AT 8.29PM PRIOR TO THE VOTE ON ITEM 10.6**

**DOBSON WARD**

**10.6 LEASE – 72 FRANCIS CRESCENT, FERNTREE GULLY (ILLOURA HOUSE)**

**SUMMARY:** *Coordinator Property Management (Angela Mitchell)*

*This report is presented to Council to endorse the Expression of Interest and Evaluation Criteria document for the lease of 72 Francis Crescent, Ferntree Gully (Illoura House).*

**RECOMMENDATION**

That Council endorse the Expression of Interest and Evaluation Criteria document attached as Appendix A to this report.

**1. INTRODUCTION**

Council, at its meeting on 27 March 2018, resolved:

“That Council, having undertaken the statutory procedures in accordance with the Local Government Act 1989, resolves to:

1. Not enter into a lease with Interchange Outer East for the occupancy of the Council facility at 72 Francis Crescent, Ferntree Gully known as Illoura House, having regard to a change in outcomes by Council following the consideration of public submissions.
2. Terminate the Expression of Interest process in respect of the lease of 72 Francis Crescent, Ferntree Gully known as Illoura House.
3. Receive a further report on a new procurement process and associated evaluation criteria to lease 72 Francis Crescent, Ferntree Gully.
4. Advise each of the submitters of Council’s decision, the reason for its decision and thank them for their submission.
5. Advise all the organisations who submitted an Expression of Interest to lease 72 Francis Crescent, Ferntree Gully of Council’s decision.”

This report is presented in response to point three (3) of the above resolution.

**2. DISCUSSION**

Council determined to close the Illoura Early Childhood Intervention Service (ECIS) at 72 Francis Crescent, Ferntree Gully on 24 February 2017 due to changes in the disability service system associated with the impending National Disability Insurance Scheme (NDIS) roll out.

Following this decision, Council undertook an Expression of Interest (EOI) process to lease 72 Francis Crescent, Ferntree Gully to an NDIS service provider to support children, families, carers and people with disabilities ensuring the continuing availability of support services to the Knox community.

An EOI process was undertaken and Council resolved on 27 November 2017 to commence the statutory process of its Intention to Lease to Interchange Outer East. Following the statutory advertisement in relation to the proposed lease of the facility, two submissions were received and heard by a Committee of Council on 22 January 2018.

The Committee of Council requested further advice and clarification on the EOI process and evaluation criteria and reconvened on 13 March 2018.

Following this meeting the Committee of Council recommended to Council that a new procurement process be engaged and revised documentation to reflect an early years' focus of children aged 0-6 years for the Knox community be prepared.

Council at its meeting on 27 March 2018 resolved in part, *'That Council receive a further report on a new procurement process and associated evaluation criteria to lease 72 Francis Crescent, Ferntree Gully.'*

Officers have now developed a revised EOI document and evaluation criteria to ensure that any applicant to the new EOI process must be an NDIS Service Provider that has the ability to deliver Early Childhood Supports and be included in the registration group of Early Intervention Support for Early Childhood Supports. In addition to this, the tenant will provide services for children, families, carers and people with disabilities across the lifespan to ensure the continuing availability of support services in the Knox community. The revised EOI and Evaluation Criteria document is attached as Appendix A.

The EOI document also proposes a timeline should Council endorse the process at this meeting. The timeline allows for advertising and a period for submissions to be heard if received. If no submissions are received the timing of the process may be brought forward.

### **3. CONSULTATION**

Throughout the development of the EOI documentation, consultation has occurred internally and with Council's lawyers to ensure good governance practices and legal requirements are met.

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

Illoura House is one of 264 community facilities owned by Council on behalf of the Knox community. As described in the Community Facilities Planning Policy, it is important that these facilities be utilised and adapted to meet current and future community need.

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

Council allocated funds in the 2016/17 financial year to transition out of ECIS and lease Illoura House at a commercial rate. The rental has been assessed at \$45,000 per annum, increasing annually by CPI for a term of ten years. (It should be noted that the previous EOI document indicated a term of 9 years (3x3x3) with no rental increase during the entire term.)

A proportion of the rental income will be used to offset resourcing required for Council to manage the tenancy into the future.

## **6. SOCIAL IMPLICATIONS**

The NDIS is a new way of providing individualised support for eligible people with disabilities. It intends to provide an all of life approach for people with disabilities where they can make decisions on the support they need to enable them to participate in their community and achieve their goals.

Illoura ECIS provided an early years' service from this property for approximately 30 years. The addition of the clause under Criteria one within the EOI document '*NDIS Service Provider that has the ability to deliver Early Childhood Supports and be included in the registration group of Early Intervention Support for Early Childhood Supports*' will ensure that these service types continue from this facility.

## **7. RELEVANCE TO KNOX COMMUNITY AND COUNCIL PLAN 2017-2021**

This report relates to the following goals and strategies within the Knox Community and Council Plan 2017-2021 as outlined below:

**Goal 7 We are inclusive, feel a sense of belonging and value our identity**  
*Strategy 7.3 - Strengthen community connections.*

**Goal 8 We have confidence in decision making**  
*Strategy 8.1 - Build, strengthen and promote good governance practices across government and community organisations.*

## **8. CONFLICT OF INTEREST**

Under section 80c of the Local Government Act 1989 officers providing advice to Council must disclose any interests, including the type of interest.

Officer Responsible – Dale Monk, Manager Business and Financial Services - In providing this advice as the Officer Responsible, I have no disclosable interests in this report.

Author – Angela Mitchell, Coordinator Property Management - In providing this advice as the Author, I have no disclosable interests in this report.

## **9. CONCLUSION**

A revised EOI and Evaluation Criteria document has been prepared indicating that any proposed applicant must be an NDIS Service Provider that has the ability to deliver Early Childhood Supports and be included in the registration group of Early Intervention Support for Early Childhood Supports.

It is therefore recommended that the EOI and evaluation criteria document attached as Appendix A be endorsed by Council.

## **10. CONFIDENTIALITY**

There are confidentiality issues associated with this report.

### **COUNCIL RESOLUTION**

**MOVED: CR. PEARCE**

**SECONDED: CR. SEYMOUR**

**That Council:**

- 1. Endorse the Expression of Interest and Evaluation Criteria document attached as Appendix A to this report for the lease of 72 Francis Crescent, Ferntree Gully;**
- 2. Commence an open public Expression of Interest process for the lease of 72 Francis Crescent, Ferntree Gully subject to the statutory processes of the Local Government Act 1989; and**
- 3. Note that a further report will be presented to Council on the completion of the statutory processes.**

**CARRIED**

# Expression of Interest

## Lease of Facility

### Illoura House

72 Francis Crescent, Ferntree Gully

## 1. Introduction

This document provides information about Illoura House at 72 Francis Crescent, Ferntree Gully and invites Expressions of Interest (EOI) from eligible service providers to lease the facility.

Council's Illoura Early Childhood Intervention Service (ECIS) closed on 24 February 2017, due to changes in the service system associated with the implementation of the National Disability Insurance Scheme (NDIS) and Knox City Council's decision to not be a NDIS Service Provider.

In light of this closure, Council resolved in June 2016 to explore opportunities for the future use of Illoura House as a disability focused centre supporting children, families, carers, and people with disabilities in Knox.

Prior to its closure, a community-based organisation, Illoura ECIS Inc. supported the Council service. Their work included holding fundraising events, playgroups, social events, and parent support activities. This group owns substantial furniture, equipment, educational resources and materials that are currently stored at Illoura House.

Knox City Council is seeking Expressions of Interest for the lease of this Council facility for a 10 year term to a current NDIS Service Provider. Further information regarding this facility is provided in Appendix Two.

Having reviewed this document, should you require further information please contact:

Angela Mitchell  
 Coordinator Property Management  
 Knox City Council  
 (03) 9298 8000  
 Email: [angela.mitchell@knox.vic.gov.au](mailto:angela.mitchell@knox.vic.gov.au)

## 2. Summary

Building:	Illoura House
Location:	72 Francis Crescent Ferntree Gully Forms part of existing title for Tim Neville Arboretum
Facility details:	Building comprising 16 separate rooms, kitchen, 2 out buildings and separate toilet, wash and laundry facilities Approximately 320 square metres floor area Approximately 110 square metres veranda
Car parking:	10 parking spaces are available at the facility. Additional parking is available in close proximity at Francis Crescent adjacent to Tim Neville Arboretum
Services:	Utility services connected to the property include Power, Water (separate meter to be installed), Sewerage, Gas and Telecoms
Lease Term:	Ten (10) years
Rental	\$45,000 per annum (plus GST), increasing annually by CPI
Expressions of interest open:	9.00am Monday 2 July 2018
Expressions of interest close:	2.00pm Wednesday 18 July 2018

This document provides information about Illoura House and invites Expressions of Interest (EOI) from eligible service providers to lease the facility.

### 3. Sub Lease Arrangements

Sub leasing is permitted and is required to meet service delivery requirements as articulated in the Evaluation Criteria in Section 5.

### 4. Eligibility

Expressions of interest are invited from registered NDIS providers that currently deliver Early Childhood Supports that are compliant with NDIS requirements and be included in the registration group of Early Intervention Supports for Early Childhood Supports. For further clarification, please refer to National Disability Insurance Scheme (Provider Registration and Practice Standards) Rules 2018.

### 5. Evaluation Criteria

Proposals will be assessed according to the criteria outlined below.

<b>Criterion 1</b> <b>Focus on children 0-6 years with disabilities and/or developmental delay</b>	<b>Weighting</b>
<b>Please address each of the below points individually</b>	
Services to be provided from the facility will meet demonstrated community needs relating to the wellbeing and support of children aged 0-6 years with disabilities and/or developmental delay.	50%
Provide a response to each of the below points individually:	
<ol style="list-style-type: none"> <li>1. Provide evidence that you are a registered NDIS provider to deliver Early Childhood Supports and be included in the registration group of Early Intervention Supports for Early Childhood Supports;</li> <li>2. Provide evidence of a track record in the provision of quality and best practice early childhood disability services to children 0-6 years with developmental delay and/or disability to achieve their goals and aspirations and long-term outcomes, regardless of diagnosis;</li> <li>3. Specify/list the range and scope of services to be provided from the facility with a primary focus of providing early childhood intervention within the universal service system and where families engage in the community;</li> <li>4. Provide evidence on how the services to be provided respond to demonstrated community needs for children 0-6 years with developmental delay and/or disability;</li> <li>5. Provide evidence of a history of collaboration and successful links within Knox and Eastern Metropolitan Region; and</li> <li>6. Demonstrate how you will deliver contemporary and best practice early childhood disability services for children 0-6 years with developmental delay and/or disability.</li> </ol>	

<b>Criterion 2</b> <b>Focus on family support for children aged 0-6 years with disabilities and/or developmental delay</b>  <b>Please address each of the below points individually</b>	<b>Weighting</b>
<p>Services to be provided from the facility will meet demonstrated community needs relating to the wellbeing and support of siblings, parents and carers of children aged 0-6 years with disabilities and/or developmental delay. Provide a response to addressing the following criteria:</p> <ol style="list-style-type: none"> <li>1. Are a registered NDIS provider;</li> <li>2. Provide evidence of the provision of information, support and/or programs for the siblings, parents and carers of children 0-6 years with developmental delay and/or disability;</li> <li>3. Provide evidence on how the services to be provided respond to demonstrated community needs; and</li> <li>4. Provide evidence of a history of collaboration and successful links within Knox and Eastern Metropolitan Region.</li> </ol>	20%
<b>Criterion 3</b> <b>Focus on people with disabilities, their parents and carers across the life-span</b>  <b>Please address each of the below points individually</b>	<b>Weighting</b>
<p>Services to be provided from the facility will meet demonstrated community needs relating to the wellbeing and support of people with disabilities and their parents and carers. Provide a response to addressing the following criteria:</p> <ol style="list-style-type: none"> <li>1. Are a registered NDIS provider;</li> <li>2. Provide evidence of the provision of information, support and/or programs that support people with disabilities across the life span including older children, young people and adults; and</li> <li>3. Provide evidence of the provision of information, support and/or programs that support parents and carers of people with disabilities.</li> </ol>	20%
<b>Criterion 4</b> <b>Focus on service provider governance and compliance</b>  <b>Please address each of the below points individually</b>	<b>Weighting</b>
<p>The respondent is financially sustainable and has a demonstrated track record of good governance evidenced by. Provide a response to addressing the following criteria:</p> <ol style="list-style-type: none"> <li>1. Are a registered NDIS provider;</li> <li>2. Provide evidence of governance structure and practices including the</li> </ol>	10%

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management of infrastructure/facilities;

3. Financial performance for 2016-17 and 2017-18, including annual reports and financial statements for last two years;
  4. Do you propose to make any modifications to the facility? If so, please provide evidence of your capacity to fund facility renovations/capital upgrades if required to meet service needs; and
  5. Provide evidence of how your service adheres to NDIS Quality and Safeguarding Framework to ensure high quality supports and safe environments for all NDIS participants.
- 

## 6. Submission Process

EOI's are to include:

- Completed Expression of Interest form (final page of this EOI document);
- Response to addressing the Evaluation Criteria outlined in Section (5) of this document; and
- Most recent annual reports including financial statements.

Completed Expression of Interest are to be submitted via the Knox City Council eTender Portal:

**On or before: 2.00pm Wednesday 18 July 2018**

All costs incurred by a respondent to the invitation to express interest in the property will be borne entirely by the respondent.

Late submissions will not be considered.

## 7. Evaluation Process

An evaluation panel will be formed to review and score each EOI Proposal in accordance with the Evaluation Criteria as outlined in Section 5.

Respondents should ensure that sufficient information is included in its Proposal to facilitate a detailed evaluation.

Respondents must not approach, or request any other person to approach, any member of the Council staff; or a Councillor of the Council, to solicit support for its Proposal or otherwise seek to influence the outcome of the Expression of Interest process.

Following evaluation of proposals, Council will advertise its intent to lease to a preferred service provider in line with the requirements of the Local Government Act 1989. Once this process has been completed, Council will make a final decision.

Council reserves the right to request further information at any stage of the evaluation process.

## 8. Timeframe

The expression of interest process is currently planned to proceed as outlined below. Council reserves the right to amend these timeframes if necessary.

2 July 2018	Expressions of Interest period opens
18 July 2018	Expressions of Interest period closes
July/August 2018	Evaluation of Proposals
September 2018	Recommendations of preferred lessee presented to Council
October 2018	Advertising intent to lease to a preferred service provider
November 2018	Submission period
December 2018	Council decision reached and lease documents prepared

## 9. Property Description

### General

Illoura House was purchased by Council in 1988. The building supported the delivery of early childhood intervention services between that time and prior to the closure of the service on 24 February 2017 as a result of the implementation of the NDIS.

The building is constructed on the existing title of the Tim Neville Arboretum, which is owned by Council. Illoura House consists of 16 separate rooms, kitchen, two out buildings and separate toilet, wash and laundry facilities. There is also a shed and multi-purpose room situated on the north-eastern corner of the building. A floor plan of the facility is provided in Section (8).

This Expression of Interest is for the entire facility. Sub lease arrangements are permitted within the scope of this Expression of Interest to ensure responders are able to meet service delivery requirements as articulated in the Evaluation Criteria. Any sub leasing arrangements must be documented within the Expression of Interest.

Utility services connected to Illoura House include the following:

- Gas
- Water (currently does not have its own meter, this will be installed as part of any occupancy agreement)
- Electricity supply and switchboard
- Sewerage and trade waste
- Fire protection
- Communications connection.

### Car Parking & Access

Ten on site car parking spaces are available at the facility. Additional parking is also available in close proximity at Francis Crescent adjacent to Tim Neville Arboretum.

### Garden & Play Area

The facility has an open front garden and a secured garden and play area at the rear of the property. Council will continue to maintain the front garden and car park area. The rear area can be subject to negotiation if the premises were to be made available to a single tenant. Alternatively, this area could continue to be maintained by Council.

### Inspection of Facility

Inspection of the facility can be arranged by contacting Brett Anderson, Facilities Coordinator, on 9298 8000 or email: [Brett.Anderson@knox.vic.gov.au](mailto:Brett.Anderson@knox.vic.gov.au).

### Zoning

The facility is located within the Public Park and Recreation Zone (shown as PPRZ on planning scheme maps).

### Overlays

The following overlays apply to the property:

- > Significant Landscape Overlay (SLO#) which triggers permits for the removal of larger trees.
- > Design development overlay (DDO2) which primarily relates to residential development and includes a minimum of 500m<sup>2</sup> subdivision control within a residential zone.
- > Special Building Overlay (SBO) applies to a small portion of the site along the western boundary. This control relates to areas subject to flooding from overland flow paths.
- > The lease/licence of these premises by Council for the purposes specified is a permitted use of the site under the Knox Planning Scheme.

More information in regards to the Knox Planning Scheme is available upon request or can be accessed from Council's web page [www.knox.vic.gov.au/planning](http://www.knox.vic.gov.au/planning).



## Appendix Two – Equipment, Resources owned by Illoura ECIS Inc.

Currently furniture, equipment, educational resources and materials owned by Illoura ECIS Inc. are stored at Illoura House. These items were used to support the provision of Council's Illoura Early Childhood Intervention Service, which has now closed.

Illoura ECIS Inc. has indicated a willingness to be approached regarding the purchase of these items. Further information including a detailed inventory will be provided to the preferred service provider once the evaluation process is complete.

This advice is provided for information only. Whether or not an arrangement is made to purchase some or all of the furniture, equipment, educational resources and materials currently stored at Illoura House has no bearing on, or connection with, this Expression of Interest process.

Any such purchase will be considered a private arrangement between the purchasing organisation and Illoura ECIS Inc.

If an arrangement is not entered into, the furniture, equipment, educational resources and materials will be removed prior to the commencement of any future tenancy.

Official Minutes of Knox City Council

## Appendix Three – Maintenance Schedule

ITEM	COUNCIL RESPONSIBILITY	LICENSEE RESPONSIBILITY
<b>Building structure</b>	<ul style="list-style-type: none"> <li>Replacement and repair of load bearing structural members.</li> <li>Replacement of internal/external lining and cladding.</li> </ul>	<ul style="list-style-type: none"> <li>Repairs to linings (internal/external) damaged by Licensee.</li> </ul> <p>Investigate and service all maintenance items every six (6) months, repair all items as required.</p>
<b>Car parks</b>	<ul style="list-style-type: none"> <li>Maintenance of adjacent car parks.</li> </ul>	<ul style="list-style-type: none"> <li>None.</li> </ul>
<b>Ceiling fans</b>	<ul style="list-style-type: none"> <li>Replacement and maintenance.</li> </ul>	<ul style="list-style-type: none"> <li>Regular cleaning.</li> </ul>
<b>Ceiling finishes</b>	<ul style="list-style-type: none"> <li>Major repair and/or replacement due to structural faults, age, etc.</li> </ul>	<ul style="list-style-type: none"> <li>Minor repairs to suspended ceiling tiles, diffusers.</li> </ul> <p>Investigate every three (3) months and repair as required.</p>
<b>Ceilings</b>	<ul style="list-style-type: none"> <li>Major repair and/or replacement due to structural faults, age, etc.</li> </ul>	<ul style="list-style-type: none"> <li>Repairs due to misuse.</li> </ul>
<b>Clocks</b>	<ul style="list-style-type: none"> <li>None.</li> </ul>	<ul style="list-style-type: none"> <li>Maintenance and replacement.</li> </ul>
<b>Electrical and mechanical services including light fittings</b>	<ul style="list-style-type: none"> <li>Replacement when required of hot water/gas service.</li> <li>Gas supply, meters and distribution systems.</li> <li>Emergency lighting systems and signs.</li> <li>Electrical distribution systems including cable, switches, fuses, isolators, contactors and sockets.</li> </ul>	<ul style="list-style-type: none"> <li>Electrical appliances ie fridge/stove and light fittings/switches. Hot and cold water storage, circulation and distribution system, heat emitters and valves – check appliances yearly, repair as required. Service appliances as per manufacturer’s recommendations. Where appropriate provide service report with Annual Report.</li> <li>Light fittings (globe/lamp replacement) – check every week, replace/repair globes as required.</li> <li>‘Test and Tag’ all electrical equipment.</li> </ul>
<b>Exit signs</b>	<ul style="list-style-type: none"> <li>Replacement and maintenance.</li> </ul>	<ul style="list-style-type: none"> <li>Reporting of faults to Council.</li> </ul>
<b>External doors &amp; frames</b>	<ul style="list-style-type: none"> <li>Replacement due to age or structural fault.</li> <li>Repair of all external doors due to vandalism.</li> <li>Maintenance and replacement of all locks.</li> </ul>	<ul style="list-style-type: none"> <li>Ensure all emergency exit doors are clear of obstructions.</li> <li>Minor repairs including: <ul style="list-style-type: none"> <li>Ease and adjust doors</li> <li>Frames/sills</li> <li>Reglaze</li> <li>Putties/beads/clips</li> <li>Door furniture, draught stripping</li> <li>Reform mastic seal to walls</li> <li>Door stops/closers</li> <li>Hinges</li> </ul> </li> </ul> <p>Investigate and service all maintenance items every six (6) months, repair all items as required.</p>

ITEM	COUNCIL RESPONSIBILITY	LICENSEE RESPONSIBILITY
<b>External fences</b>	<ul style="list-style-type: none"> <li>Replacement of title boundary fencing.</li> </ul>	<ul style="list-style-type: none"> <li>None.</li> </ul>
<b>Fire services and alarms</b>	<ul style="list-style-type: none"> <li>None.</li> </ul>	<ul style="list-style-type: none"> <li>Maintenance and replacement in accordance with relevant Australian standards. Inspection reports to be included with Annual Report.</li> <li>Ensure clear access to extinguishers and hose.</li> </ul>
<b>Floor finishes</b>	<ul style="list-style-type: none"> <li>Replacement and maintenance of floor covering.</li> </ul>	<ul style="list-style-type: none"> <li>All floor finishes, tiles, pvc tiles/sheets, carpets/carpet tiles/parquetry, that were initially installed by Licensee - repair as required.</li> </ul>
<b>Floors</b>	<ul style="list-style-type: none"> <li>Replacement and repairs to sub floor structures.</li> </ul>	<ul style="list-style-type: none"> <li>None.</li> </ul>
<b>Fridge</b>	<ul style="list-style-type: none"> <li>None.</li> </ul>	<ul style="list-style-type: none"> <li>Cleaning, maintenance, repair and replacement.</li> </ul>
<b>Furniture fixtures &amp; fittings</b>	<ul style="list-style-type: none"> <li>Repair and replacement of any furniture, fixtures and fittings supplied and installed by the Licensor such as but not limited to the following: <ul style="list-style-type: none"> <li>- cupboards, shelves, counters</li> <li>- flywire screens, fixed seating and benches</li> <li>- cubicles, clothes hooks and rails</li> <li>- mirrors</li> <li>- hand dryers</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Regular cleaning and repair due to misuse of lockers, chairs, tables and other equipment.</li> <li>First aid and safety equipment – as per Council’s procedures (OH&amp;S 027).</li> <li>Curtains, blinds, and tracks, signs, notices and noticeboards (portable and fixed) - investigate and service all maintenance items every six (6) months, repairs all items as requested.</li> <li>All other internal furniture, fixtures and fittings - investigate and service all maintenance items every six (6) months, repairs all items as requested.</li> </ul>
<b>Grounds and surrounds within licensed area</b>	<ul style="list-style-type: none"> <li>None.</li> </ul>	<ul style="list-style-type: none"> <li>Removal of litter.</li> <li>All maintenance and repair.</li> </ul>
<b>Heating and cooling systems (plant and fixtures)</b>	<ul style="list-style-type: none"> <li>Replacement (where applicable).</li> </ul>	<ul style="list-style-type: none"> <li>Air conditioning cooling systems and controls – where applicable, check and service unit/control every six (6) months as per the manufacturer’s recommendations. Repair as required. Provide service report with Annual Report.</li> <li>Servicing and maintenance. Replacement due to misuse.</li> </ul>

ITEM	COUNCIL RESPONSIBILITY	LICENSEE RESPONSIBILITY
<b>Internal doors and linings</b>	<ul style="list-style-type: none"> <li>• Replacement due to age or structural fault.</li> <li>• Maintenance and replacement of all locks.</li> </ul>	<ul style="list-style-type: none"> <li>• Minor repairs including:               <ul style="list-style-type: none"> <li>- Ease and adjust doors and linings</li> <li>- Hardware/locks</li> <li>- Glazing/putties/beads/clips</li> <li>- Door furniture, draught stripping</li> <li>- Reform mastic seal to walls</li> <li>- Door stops/closers</li> <li>- Hinges</li> </ul> </li> </ul> <p>Investigate and service all maintenance items every six (6) months, repair all items as required.</p>
<b>Keys</b>	<ul style="list-style-type: none"> <li>• Purchase and maintenance of all locks.</li> </ul>	<ul style="list-style-type: none"> <li>• Establishing and maintaining a key register to be updated annually. Details to be included in Annual Report.</li> <li>• Responsibility for payment of all keys issued by Council.</li> <li>• No locks to be fitted or additional keys cut without Licensor's approval.</li> </ul>
<b>Kitchen and kitchen equipment, including (but not limited to) stoves, ovens, cook tops, boiling water units and range hoods</b>	<ul style="list-style-type: none"> <li>• Replacement of non commercial equipment (exceeds width of 600mm).</li> </ul>	<ul style="list-style-type: none"> <li>• Cleaning and maintenance. Replacement of commercial equipment (exceeds width of 600mm).</li> <li>• Compliance with the relevant Health Acts and maintenance as required under the Health Act.</li> </ul>
<b>Maintenance of facilities that have been added at Licensee's sole expense</b>	<ul style="list-style-type: none"> <li>• None.</li> </ul>	<ul style="list-style-type: none"> <li>• All maintenance, repair, replacement costs – as required.</li> </ul>
<b>Materials containing asbestos</b>	<ul style="list-style-type: none"> <li>• Maintain an accurate Asbestos Register for the building.</li> <li>• Removal of asbestos material as per Council's Asbestos Management Strategy.</li> </ul>	<ul style="list-style-type: none"> <li>• If it is intended to carry out any maintenance or alterations work and if there is any doubt or concern about possible asbestos content in any material, the Licensee must contact the Licensor for investigation and further advice before any works commence.</li> <li>• Materials containing asbestos must not be used in any repair or maintenance work without prior written approval of the Licensor.</li> </ul>

ITEM	COUNCIL RESPONSIBILITY	LICENSEE RESPONSIBILITY
<b>Minor building works/improvements</b>	<ul style="list-style-type: none"> <li>Any future statutory / by law requirements or changes that impact upon the Purpose of Use as stated with Item 9 will be the responsibility of the Licensor.</li> </ul>	<ul style="list-style-type: none"> <li>Prior to any minor building works commencing, the Licensor must be notified in writing and official approval given. Statutory requirements regarding OH&amp;S, Fire Regulations and Building Standards must be adhered to.</li> <li>The Licensee is to contact Council's Facilities Department for any further details regarding the above maintenance responsibilities.</li> </ul>
<b>Non permanent fixtures, including (but not limited to) tables and chairs, crockery, cutlery, drink fridge, dishwashers, toilet roll holders, mirrors, office equipment</b>	<ul style="list-style-type: none"> <li>None.</li> </ul>	<ul style="list-style-type: none"> <li>Maintenance and replacement.</li> </ul>
<b>Painting of ceilings, walls and other surfaces</b>	<ul style="list-style-type: none"> <li>Internal/external painting of the previously painted surfaces in accordance with Council's Facility Maintenance Strategy.</li> </ul>	<ul style="list-style-type: none"> <li>Regular cleaning and repair due to Licensee misuse in accordance with the following: <ul style="list-style-type: none"> <li>- all preparation, painting and maintenance of previously painted surfaces in accordance with Australian Standards 2311</li> <li>- painted surfaces require maintenance when displaying any cracking, flaking, peeling, blistering surfaces powdering, faded colour and/or uneven lustre</li> </ul> </li> </ul>
<b>Pest control</b>	<ul style="list-style-type: none"> <li>Eradication of white ant and termites.</li> </ul>	<ul style="list-style-type: none"> <li>Keep all areas of the facility free of rodents and pests in accordance with Council's Health Department guidelines – inspect yearly and eradicate if required.</li> </ul>

ITEM	COUNCIL RESPONSIBILITY	LICENSEE RESPONSIBILITY
<b>Plumbing and fixtures</b>	<ul style="list-style-type: none"> <li>• Replacement and repair to water supply.</li> <li>• Replacement and repair to storm water drains and underground sewer lines.</li> <li>• Replacement if due to fair wear &amp; tear:               <ul style="list-style-type: none"> <li>➢ WC pans and cisterns, wash basins and brackets, sinks and sink tops, urinal bowls and cisterns, WC seats/chains, cistern syphons, mechanisms, fittings (soap/towel/paper dispenser/holders, personal hygiene units, shower curtains/rails etc) overflow pipes and fittings, drinking fountains.</li> <li>- Shower heads/flexible hoses/sanitary fittings</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Re-washer/reseal/renew taps.</li> <li>• Re-washer/renew ball vales.</li> <li>• Mastic seal to fittings/wall.</li> <li>• Costs associated with additional fixtures not standard within facility.</li> <li>• Replacement if due to negligence or vandalism:               <ul style="list-style-type: none"> <li>➢ WC pans and cisterns, wash basins and brackets, sinks and sink tops, urinal bowls and cisterns, WC seats/chains, cistern syphons, mechanisms, fittings (soap/towel/paper dispenser/holders, personal hygiene units, shower curtains/rails etc) overflow pipes and fittings, drinking fountains.</li> <li>- Shower heads/flexible hoses/sanitary fittings</li> </ul> </li> </ul> <p>Investigate and service all maintenance items every six (6) months, repair all items as required.</p>
<b>Roof and associated fittings</b>	<ul style="list-style-type: none"> <li>• Clear blockages.</li> <li>• Clean out gutters/pipes/gullies.</li> <li>• Replacement and repair of roofing, spouting and downpipes.</li> </ul>	<ul style="list-style-type: none"> <li>• None.</li> </ul>
<b>Roof, including skylights and guttering</b>	<ul style="list-style-type: none"> <li>• Maintenance and repairs.</li> </ul>	<ul style="list-style-type: none"> <li>• None.</li> </ul>
<b>Rubbish collection</b>	<ul style="list-style-type: none"> <li>• Weekly emptying of external rubbish receptacles.</li> </ul>	<ul style="list-style-type: none"> <li>• Empty bins inside facility – weekly.</li> <li>• Keep facility and surrounds litter free – weekly.</li> <li>• All costs associated with additional bins.</li> </ul>
<b>Security lighting</b>	<ul style="list-style-type: none"> <li>• Installation, maintenance and replacement.</li> </ul>	<ul style="list-style-type: none"> <li>• None.</li> </ul>
<b>Security system</b>	<ul style="list-style-type: none"> <li>• None.</li> </ul>	<ul style="list-style-type: none"> <li>• Full responsibility, including purchase, installation, service, maintenance and replacement.</li> <li>• Key or PIN number must be supplied to Council.</li> </ul>

ITEM	COUNCIL RESPONSIBILITY	LICENSEE RESPONSIBILITY
<b>Signage</b>	<ul style="list-style-type: none"> <li>Repair and maintenance of standard Council reserve/ facility signage.</li> </ul>	<ul style="list-style-type: none"> <li>Repair and maintenance of all internal and exterior signs. Note: signs to be installed in accordance with Council's Sponsorship and Promotional Signs on Council Land Policy.</li> <li>Inspect yearly.</li> </ul>
<b>Telephones</b>	<ul style="list-style-type: none"> <li>None.</li> </ul>	<ul style="list-style-type: none"> <li>Internal and external (exchange line) telephone system - check appliances yearly, repair as required. Service appliances as per manufacturer's recommendations.</li> </ul>
<b>Toilets</b>	<ul style="list-style-type: none"> <li>Maintenance and repairs.</li> </ul>	<ul style="list-style-type: none"> <li>Cleaning and consumable costs.</li> </ul>
<b>Vandalism (external)</b>	<ul style="list-style-type: none"> <li>Repair as determined in agreement with Licensee.</li> </ul>	<ul style="list-style-type: none"> <li>Report to Council and Police.</li> </ul>
<b>Vandalism (internal)</b>	<ul style="list-style-type: none"> <li>None.</li> </ul>	<ul style="list-style-type: none"> <li>Report to Council and police.</li> <li>Repair and replacement where necessary.</li> </ul>
<b>Wall hangings</b>	<ul style="list-style-type: none"> <li>None.</li> </ul>	<ul style="list-style-type: none"> <li>Installation, cleaning, maintenance and replacement.</li> </ul>
<b>Walls (internal)</b>	<ul style="list-style-type: none"> <li>Structural maintenance.</li> </ul>	<ul style="list-style-type: none"> <li>Regular cleaning and repair if damaged through misuse.</li> </ul>
<b>Waste and soil pipes</b>	<ul style="list-style-type: none"> <li>Repair and renewal due to age or structural fault.</li> </ul>	<ul style="list-style-type: none"> <li>Clear blockages.</li> <li>Clean out silt/grease traps.</li> <li>All traps/waste/vents/pipes and fittings.</li> </ul>
<b>Windows including plate glass</b>	<ul style="list-style-type: none"> <li>Replacement when due or as a result of external vandalism.</li> </ul>	<p>Repair as required.</p> <ul style="list-style-type: none"> <li>Ease and adjust sashes/easements.</li> <li>Glazing/putties/beads/clips.</li> <li>Fasteners, stays/window guards (including internal guards).</li> </ul> <p>Investigate and service all maintenance items every six (6) months, repair all items as required.</p>

# Illoura House – EOI Cover Sheet

## Organisation Details:

Organisation Name:

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Website:

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## Contact Details

Name of Contact Person:

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Location Address:

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Email Address:

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Telephone (work):

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Telephone (mobile):

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## Important

- Please provide a brief summary of why you would like to lease Illoura House (below);
- Please provide a response to each of the criteria as outlined in Section 5; and
- Please also attached any supporting documentation, including two annual reports and financial statements.

**ALL WARDS****10.7 ANNUAL BUDGET 2018-19**

**SUMMARY:** *Manager – Business & Financial Services (Dale Monk)*

*In accordance with Sections 127 and 130 of the Local Government Act 1989 (the Act) and Sections 9-11 of the Local Government (Planning and Reporting) Regulations 2014, Council is required to prepare and adopt an annual budget by 30 June each year and submit it to the Minister within 28 days after adoption.*

*Key components of the Annual Budget 2018-19 include:*

- *\$94.999 million capital works program of which \$29.310 million is allocated to maintaining and renewing community assets. \$65.689 million is to be invested in new and upgraded community assets.*
- *The Budget includes a 2.25% increase in rates for 2018-19 in accordance with the rate cap requirements outlined in Sections 185A to 185G of the Act.*
- *Continuation of the \$100 rebate in relation to rates and charges for all eligible recipients.*

**RECOMMENDATION**

That Council:

1. Note the submissions received in response to the Proposed Annual Budget 2018-19, thank the submitters and provide a written response notifying submitters of the decision and the reason for the decision in accordance with Section 223(1)(d) of the *Local Government Act 1989*;
2. Adopt its Annual Budget 2018-19 provided in Appendix A;
3. Authorise the Chief Executive Officer to give public notice of this decision in accordance with Section 29 of the *Local Government Act 1989*;
4. Submit a copy of the Adopted Budget 2018-19 to the Minister for Local Government in accordance with Section 130(4) of the *Local Government Act 1989*;
5. Declare the Rates, Levies and Annual Service Charges for the 2018-19 financial year provided in Appendix B; and
6. Grant a rebate in relation to rates and charges to all Knox City Council residents eligible within the meaning of the *State Concessions Act 1986*. The maximum rebate is \$100.00.

## **1. INTRODUCTION**

At its Ordinary meeting of 23 April 2018, Council resolved to advertise its Proposed Annual Budget 2018-19, calling for submissions in accordance with Section 223 of the *Local Government Act 1989* (the Act). The public submission period opened 26 April 2018 and closed 23 May 2018.

Public comment was invited on the Proposed Annual Budget 2018-19 during the period of public consultation. In total, twelve submissions were received.

At its meeting held on 4 June 2018, a Committee comprising all Councillors heard submissions on the Proposed Annual Budget 2018-19. A copy of minutes of this meeting plus copies of all submissions received are provided as **Appendix C**. All submissions were tabled, with five submitters speaking to their submission.

The following amendments have been made to the Proposed Annual Budget 2018-19 as a result of recent submissions and feedback provided to Council subsequent to the development of the Proposed Annual Budget 2018-19:

- \$85,000 for the construction of a footpath in Montana Avenue, Boronia, for safety purposes as well as to improve disability access.
- \$51,000 for the construction of a footpath from 40 London Drive to Jersey Road, Bayswater, for safety purposes.
- \$160,000 per year for five years to secure an extended partnership promoting women in sport with the Melbourne Boomers Women's National Basketball League (WNBL) Club.
- \$160,000 for the establishment of child safe standards reporting obligations.
- Recent advice received from the Victorian Grants Commission (VGC) estimated the 2018-19 VGC funding to be \$6.399 million for General Purpose Grants (compared to the previously budgeted amount of \$6.243 million) and \$1.122 million for Local Roads Funding (compared to the previously budgeted amount of \$1.092 million). In addition, it was advised that 50% of this funding would be received before the end of June 2018. This has resulted in a decrease in the VGC operational funding of \$3.044 million in the 2018-19 Budget, and a decrease in the VGC local roads capital funding of \$0.531 million.
- All capital expenditure for the Knox Operations Centre Relocation was brought forward a year. Previously \$8.000 million was budgeted for this project in 2019-20. This has been brought forward to 2018-19, while the amount budgeted for 2020-21 (\$9.000 million) has been brought forward to 2019-20. This is in line with current expected timelines for this project.
- In line with timing delays in the 2017-18 Capital Works Program, the decision has been made to carry forward the forecast borrowings for the 2017-18 financial year of \$19.950 million to the 2018-19 financial year.

- Additional capital works projects totalling \$1.000 million relating to Batterham Reserve have been included in the Capital Works Program. This relates to the \$1.000 million donation received in May 2018 from George and Pat Hetrel.
- An additional \$2.000 million for enhancement works for the Henderson Road Bridge, with \$1.500 million being financed through additional grant funding.

## **2. DISCUSSION**

The Annual Budget 2018-19 seeks to balance the competing demands for Council services and infrastructure using prudential financial management principles to ensure long-term financial sustainability.

Significant investment in the capital works program of \$94.999 million provides an increase ability to fund asset renewal requirements and new capital works to support the delivery of the Community and Council Plan. Significant capital projects for 2018-19 include:

- The Knox Central Project (\$8.153 million);
- The Stamford Park Redevelopment (\$5.678 million);
- Building the Early Years Hub at Bayswater (\$7.601 million);
- Building the Early Years Hub at Wantirna South (\$4.388 million);
- Relocation of Council's Operations Centre (\$8.000 million);
- Continued investment in the local road network (\$8.753 million); and
- Continued investment in community open space (\$11.656 million).

The Annual Budget 2018-19 is premised on an increase in total general rates income of 2.25% in accordance with the rate cap requirements of the State Government as per Section 185A to 185G of the Act. The additional Council eligible pensioner rebate of \$100 will be maintained.

The Budget includes an increase in the Residential Garbage Charge from \$152 to \$183, a \$31 increase (20.39%). This charge has been set at an amount to ensure only full cost recovery inclusive of the State Government Landfill Levy. The recent collapse of the global recycling markets, particularly in China, has adversely impacted the cost of processing recyclable waste. It is estimated that the financial impact of this is an additional \$1.647 million per annum in recycling costs. Whilst it is acknowledged that this will impact all Councils, Knox City Council will continue to monitor both the contractor and waste costs in line with its long term financial forecast.

Council has implemented user fees and charges increases that are both manageable and sustainable for its community.

The Annual Budget 2018-19 comprises the Budgeted Financial Statements and the Fees and Charges Schedule for the financial year ending 30 June 2019 (refer **Appendix A**).

### **3. CONSULTATION**

In accordance with Section 129 of the Act, Council publicly advertised the Proposed Annual Budget 2018-19 inviting the community to make submissions. A public notice was placed in the Knox Leader newspaper.

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

The Annual Budget 2018-19 recognises the leadership role Council has within the community to actively address the impacts of sustainability and to facilitate other levels of government and the community to act in a similar vein.

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

The Annual Budget 2018-19 has been prepared in accordance with the Local Government Act 1989, the Local Government (Planning and Reporting) Regulations 2014 and relevant Australian Accounting Standards.

The Annual Budget 2018-19 accords with the financial frameworks established by Council in its Long Term Financial Forecast.

### **6. SOCIAL IMPLICATIONS**

The Annual Budget 2018-19 contains resourcing for a wide range of programs to deliver important community services to the Knox community.

### **7. RELEVANCE TO KNOX COMMUNITY AND COUNCIL PLAN 2017-2021**

The Annual Budget 2018-19 contains Council's Annual Plan for the 2018-19 financial year, which outlines the major activities and initiatives Council will undertake in 2018-19 to progress toward achievement of Knox's Community and Council Plan 2017-21. The Annual Plan demonstrates close links with the Community and Council Plan 2017-21, following the same theme structure. The focus this year has been on developing specific initiatives for 2018-19 to progress the community toward achievement of the objectives of the Community and Council Plan 2017-21.

### **8. CONFLICT OF INTEREST**

Under section 80c of the Local Government Act 1989 officers providing advice to Council must disclose any interests, including the type of interest.

Officer Responsible – Dale Monk, Manager Business & Financial Services - In providing this advice as the Officer Responsible, I have no disclosable interests in this report.

Author – James Morris, Coordinator Management Accounting - In providing this advice as the Author, I have no disclosable interests in this report.

## **9. CONCLUSION**

The Annual Budget 2018-19 forms an integral part of Council's overall strategic planning framework and endeavours to resource the directions that have been established in the Community and Council Plan 2017-21.

## **10. CONFIDENTIALITY**

This report does not contain any confidential information.

### **COUNCIL RESOLUTION**

**MOVED: CR. PEARCE**  
**SECONDED: CR. LOCKWOOD**

That Council:

1. Note the submissions received in response to the Proposed Annual Budget 2018-19, thank the submitters and provide a written response notifying submitters of the decision and the reason for the decision in accordance with Section 223(1)(d) of the *Local Government Act 1989*;
2. Adopt its Annual Budget 2018-19 provided in Appendix A with the addition of \$25,000 for the Alliance for Gambling Reform;
3. Authorise the Chief Executive Officer to give public notice of this decision in accordance with Section 29 of the *Local Government Act 1989*;
4. Submit a copy of the Adopted Budget 2018-19 to the Minister for Local Government in accordance with Section 130(4) of the *Local Government Act 1989*;
5. Declare the Rates, Levies and Annual Service Charges for the 2018-19 financial year provided in Appendix B; and
6. Grant a rebate in relation to rates and charges to all Knox City Council residents eligible within the meaning of the *State Concessions Act 1986*. The maximum rebate is \$100.00.

**CARRIED**

The following appendices are circulated under separate cover:

APPENDIX A – Annual Budget 2018-19

APPENDIX B – 2018-19 Declaration of Rates, Charges and Rebates

APPENDIX C – Minutes – Committee of Council Meeting – to receive submissions on the Proposed Budget 2018-19

Official Minutes of Knox City Council

**ALL WARDS****10.8 ICT STRATEGY – RISK ANALYSIS**

**SUMMARY:** *Manager – Information Technology (Ellen Lee)*

*This report responds to item five of a Notice of Motion on 8 May 2017 where Council requested that officers provide a risk analysis of the Knox ICT Strategy.*

*The ICT Strategy was developed to provide direction for future technology investment decisions that will align with Council's adopted Council and Community Plan 2017 - 2021 priorities, improve customer experience and support lean business processes.*

*This report identifies the risks associated with the ICT Strategy programme of works along with their associated mitigation strategies*

**RECOMMENDATION**

That Council:

1. Receive and note the risk analysis report and the associated identification and mitigation of potential risks associated with the Knox ICT Strategy programme of works.
2. Note that the completion of this report, triggers Council's intent to ensure that appropriate budget allocations are committed in the 2018-19 and planned long term forecast from 2019-20.
3. Request that a copy of the Risk Analysis report be provided to the ICT Governance Committee.

**1. INTRODUCTION**

On 8 May 2017, Council resolved:

1. That all ICT upgrade investments (identified as computers and telecommunications capital investment) as proposed in 2017-18 and forward years 2018-19 to 2020-21 be quarantined, until items 2-8 have been completed and reported back to Council.
2. The Knox Digital Strategy and ICT Roadmap be reported to Council identifying preliminary scoping and intended expenditure for proposed:
  - a. renewal of KCC's current ICT systems; and
  - b. the implementation and new investment required of the remainder of the ICT Strategy.
3. Scoping for 2(b) should include discussions with at least 2 other Councils, not necessarily in the eastern region group (ERG) on establishing standard platforms.
4. Provide a cost benefit analysis for the Knox Digital Strategy.

5. Provide a risk analysis for the Knox Digital Strategy that must be reviewed by the Audit Committee prior to consideration by Council.
6. Introduce a governance structure using Australian standard AS/NZS 8016:2013 Governance of IT enabled projects as a reference.
7. Provide business cases for the project components proposed for 2017/2018 identified in point (2) above.
8. That the outcome of the above be the subject of a report to Council at the appropriate 2017 Council Meeting and at this meeting Council consider the appropriate allocation of 2017/2018 and forward years 2018/19 to 2020/21 budget.

Reports were presented to Council on 28 August 2017 and 23 April 2018 that address all but item 5 of this resolution.

A comprehensive risk assessment was produced with the assistance of a cross section of Knox ICT Strategy stakeholders. Provided as Appendix A is the ICT Strategy – Risk Analysis and Appendix B, the ICT Strategy – Master Risk Register that were presented to Council's Audit Committee on 7 June.

The outcomes of the analysis and works completed to date have been utilised in resequencing the initiatives and cost profile associated with the Strategy.

## **2. DISCUSSION**

The Knox Integrated Risk Management Process was employed to manage the identification and evaluation of the ICT Strategy Risks.



### **Identify Risk**

Potential risks were sought from Knox ICT programme stakeholders and other local councils to better understand the breath of risks associated with the programme of works. The latter being of significant value as many councils have undertaken similar Digital Strategy programmes and their learnings are relevant to the Knox environment.

Contact was made with councils including Casey, Yarra, Cardinia, Whitehorse and Boroondara. Given a large number of Councils are looking to modernise and progress ICT strategies the intent is to continue regular contact to leverage the experiences of these Councils.

The consultation exercise identified 24 key project risks which were subsequently categorised into 4 business risk categories being; Organisational Change Management, Technical Change Management, Project Delivery Management and External & Other Risks.

Risk Category	Description
Organisational Change Management	The ability for the Council to adopt and adapt to process, people and technology changes introduced by the rollout of the ICT Strategy programme of works.
Technical Change Management	The risks associated with changes to existing, and the introduction of new technologies being rolled out by the programme of works
Project Delivery Management	The risks associated with Councils experience and capabilities in respect to the delivery of large ICT programmes of works.
External and Other	Councils changed exposure to risks associated with external stakeholders.

### Analyse Risk

Each individual risk was subsequently analysed and an assessment made as to the risks **probability** of occurring and impact (or **consequence**) should it occur.

A risk profile (diagram below) was prepared in order to visually quantify the degree of risk for the programme of works.

#### Risk Profile – Prior to Risk Mitigation planning

The numbers appearing in the grid below represent the count of risks identified for the associated risk probability and consequence. Critical risks being represented in the red quadrant and low priority risks represented in the green quadrants.

Consequence	Critical					
	Major			1	2	2
	Moderate			9	8	2
	Minor					
	Negligible					
		Rare	Unlikely	Possible	Likely	Almost Certain
	Probability					

**Prior to Risk Mitigation planning**

<b>Low</b>	0
<b>Medium</b>	19
<b>High</b>	5
<b>Total</b>	24

The risk profile above quantifies the severity of the risks identified by Strategy Stakeholders and highlights the existence of 5 high risks (in red) and 19 medium risks (in amber).

Having identified and quantified the most severe programme risks a subsequent Risk Planning exercise was conducted in order to establish plans to either “avoid/mitigate” the occurrence of the risk and/or to “minimise” the impact of the risk should it occur.

**Risk Planning**Risk Profile - After Risk Mitigation planning

Having identified and quantified the severity of risks, a subsequent formal planning exercise was conducted in order to establish mitigation plans targeted at avoiding (where possible) the risk occurring. Risk plans become critical in the avoidance and subsequent management of the risks.

Post the risk planning exercise, the ICT Strategy Risk profile reduced substantially with the removal of all critical “red” category risks and significant reduction of Moderate “amber” category risks.

This is a satisfactory outcome as it highlights that effective plans have been developed in order to avoid and/or minimise the impact of the risk should they arise.

Consequence	Critical					
	Major					
	Moderate		1	3		
	Minor		1	19		
	Negligible					
		Rare	Unlikely	Possible	Likely	Almost Certain
	Probability					

**After Risk Mitigation planning**

<b>Low</b>	20
<b>Medium</b>	4
<b>High</b>	0
<b>Total</b>	24

After mitigation the most significant risks are listed below:

<b>Risk ID</b>	<b>Risk title</b>	<b>Describe the risk</b>	<b>What actions are in place to control/reduce the risk?</b>
1	Organizational resistance to change	<b>IF</b> the acceptance and uptake of changes to processes, procedures and/or technology by staff is protracted or stalled <b>THEN</b> the benefits identified for the initiative will be either delayed or in the worst case not realised.	Formal Organisational Change Management planning and execution. Training in change leadership for people managers will ensure operational staff have a reference points to address questions and concerns. Consider engagement of an experienced Organisational Change Manager and skills.
3	Talent Challenge	<b>IF</b> gaps exist between the skills required and the skills available to manage and operate the new business processes and technologies <b>THEN</b> inefficiencies may be introduced that erode the benefits identified for the initiative.	Business skills matrix and gap analysis. Development of program contingency plan for business SMEs. ICT Program strategic resourcing and analysis with an endorsed plan for recruitment of key resources.

Risk ID	Risk title	Describe the risk	What actions are in place to control/reduce the risk?
8	Governance - Decision Making	<b>IF</b> formal Decision Making governance is not established prior to the commencement of transformational activities <b>THEN</b> the decision making process made be compromised resulting in uncertainty, rework and delays occurring during the project.	Conduct governance meetings at a frequency appropriate to the rate of change. Incorporate processes to communicate and seek decisions external to the formal meeting schedule.
18	Project Delivery	<b>IF</b> there exists a lack of internal staff capacity, capabilities and/or skills to execute and manage the program of works <b>THEN</b> absence of such capabilities and resource may adversely affect the achievement of the overall program objective.	Change plans by project. Engagement with HR to deliver business skills matrix and gap analysis. Staff training plan for all project deliverables. Project contingencies.

### Risk Monitoring

Medium and high profile risks will subsequently be recorded in the Knox Corporate Risk Manage system (Interplan) and will be actively managed in accordance with Knox Integrated Risk Management Process.

Risk Management is an iterative process and will continue throughout the duration of the programme of works.

The ICT Governance process ensures that risks are regularly and thoroughly reviewed and managed, this includes reporting of risks on project status reports and risk checkpoints to revisit and review identified risks and their associated plans.

### 3. CONSULTATION

Consultation was conducted with key stakeholders across Council to better understand the breath of risks associated with the programme of works. In addition, contact and visits were made to several Councils included Casey, Yarra, Cardinia, Whitehorse and Boroondara.

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

There are no direct environmental/amenity implications arising from this report.

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

The ICT – Cost Benefits Report presented to Council on 23 April 2018 addressed the strategic investment required for 2018-19 and planned long term forecast from 2019-20. This report doesn't result in changes to the budget or long term planning estimates.

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

The outcomes of the Strategy will provide the community with:

- Greater accessibility to council services via digital channels.
- Improved customer service by more efficient Council processes enabled by improved datasets and technologies.

#### **7. RELEVANCE TO KNOX COMMUNITY AND COUNCIL PLAN 2017-2021**

This report relates directly to Goal 8 “We have confidence in decision making”, and specifically Strategy 8.1, which seeks to “build, strengthen and promote good governance practices across government and community organisations”.

#### **8. CONFLICT OF INTEREST**

Under section 80c of the Local Government Act 1989 officers providing advice to Council must disclose any interests, including the type of interest.

Responsible Officer – Michael Fromberg, Director Corporate Services - In providing this advice as the Responsible Officer, I have no disclosable interests in this report.

Author – Ellen Lee, Manager Information Technology - In providing this advice as the Author, I have no disclosable interests in this report.

#### **9. CONCLUSION**

This report provides Council with a formal, systematic identification and assessment of risks relating to the implementation of the ICT Strategy Programmed of works.

The report also confirms the methodology and measures that will be utilised to ensure that medium and high profile risks are continually managed effectively.

It is therefore recommended that Council give this report favorable consideration.

**10. CONFIDENTIALITY**

There are no confidential matters associated with this report.

**COUNCIL RESOLUTION****MOVED: CR. LOCKWOOD****SECONDED: CR. PEARCE**

That Council:

1. **Note the risk analysis report and the associated identification and mitigation of potential risks associated with the Knox ICT Strategy programme of works.**
2. **Note that the consideration of this report by council, triggers Council's intent to ensure that appropriate budget allocations are committed in the 2018-19 and planned long forecast from 2019-20.**
3. **Request that a copy of the Risk Analysis report be provided to the ICT Governance Committee for its evaluation prior to adoption by council.**
4. **Request that the Digital Strategy be translated into plain language and tabled at a future Council meeting.**

**CARRIED**

## Appendix A

### 5.4 ICT Strategy – Risk Analysis

#### Background

This analysis responds to Notice of Motion on 8 May 2017 where Council requested that officers provide a risk analysis on the ICT Strategy (The Strategy) to Audit Committee before being considered by Council at a future meeting.

The Digital and ICT Strategies were developed to provide direction for future technology investment decisions that will align with Council's adopted Council and Community Plan 2017 - 2021 priorities, improve customer experience and support lean business processes.

This report identifies the risks associated with the ICT Strategy programme of works along with their associated mitigation strategies

#### Discussion

A detailed [ICT Risk Register](#) accompanies this summary and has been prepared with the assistance of both Business and IT stakeholders.

The identified ICT risks can broadly be categorised into four streams:

**Organisational Change Management** – The ability for the Council to adopt and adapt to process, people and technology changes introduced by the rollout of the ICT Strategy programme of works.

**Technical Change Management** – The risks associated with changes to existing, and the introduction of new technologies being rolled out by the programme of works

**Project Delivery Management** – The risks associated with Council's experience and capabilities in respect to the delivery of large ICT programmes of works.

**External and Other** – Council's changed exposure to risks associated with external stakeholders.

Organisational Change Management (OCM) encompasses all risks associated with the council's capacity to absorb and implement change. Mitigation of such risks requires careful consideration, planning and active monitoring and as such the recommendation is to engage the services of an experienced Organisational Change Manager to establish and oversee Change Management activities. The mitigation strategies identified in the attached ICT Risk Register include agreeing to the "pace" of change, upskilling and/or increasing resources,

recognition and reward planning, feedback loops and above all active management of Change activities through an Organisational Change Management Plan.

Technical Change Management takes into consideration the introduction of new technologies and equally the impact on existing technologies. The mitigation strategies identified in the attached ICT Risk Register include choosing “fit for purpose” technologies that complement one another and leveraging other businesses and other council’s experiences. Planning and managing the rate of technology change so as to not adversely affect existing services and engaging technology specialists in order to provide clear direction, guidance and control.

Project Delivery Change Management takes into consideration councils experience and capabilities in respect to delivering large ICT programmes of works. Mitigation of such risks starts with the establishment of Project Governance. Cost, time and quality checkpoints throughout the project lifecycle help identify risks before they become issues. Ensuring clarity of requirements and objectives reduce the risk of scope creep and overruns. Sourcing technologies through approved MAV/State Government panels will reduce vendor risk. Utilising Agile and Lean principles will ensure delivery teams remain focused on benefits realisation and the avoidance of waste and overhead. Bolstering IT and council support resources will ensure highly responsive support to system users during and immediately post transformational change.

External Stakeholder Change management takes into consideration our local and broader community. The mitigation strategies identified in the attached ICT Risk Register include active engagement with the community and effective communication and feedback loops. The establishment and management of a Communications Plan and the use of interest groups to assist with requirements and design of services.

## Recommendation

The Audit Committee note the risk analysis conducted on the ICT Strategy.

**Ellen Lee**  
**Manager Information Technology**

## Appendix B

## ICT Strategy - Master Risk Register

Risk ID	Category	Sub Category - leave blank if unsure.	Risk title	Describe the risk in terms of impact on achieving Corporate or Strategic objectives	The underlying risk rating is...	What action (treatments) (if any) are currently in place to control/reduce the risk?	The adjusted risk rating is...	If the adjusted risk rating is medium or higher, what further "risk treatments" if any, are required to further mitigate the risk?	Main officer (Manager) responsible for risk? (Manager)
1	People	Organisational Change Management	Organizational resistance to change	IF the acceptance and uptake of changes to processes, procedures and/or technology by staff is protracted or stalled THEN the benefits identified for the initiative will be either delayed or in the worst case not realised.	High	Formal Organisational Change Management planning and execution. Training in change leadership for people managers will ensure operational staff have a reference points to address questions and concerns. Consider engagement of an experienced Organisational Change Manager and skills.	Medium	Continual monitoring and supplementing if needed	Transformation Manager
2	People	Organisational Change Management	Married to legacy system and processes	IF the new processes, procedures and policies are not fully operationalised THEN staff may revert to familiar but undesired work practices resulting in delays or identified benefits not being realised.	Medium	Provide time for management and staff to become familiar with new systems, processes and policy. Role play scenarios using the new processes and systems. Establish system/process champions to support and encourage.	Low		Transformation Manager
3	People	Organisational Change Management	Talent Challenge	IF gaps exist between the skills required and the skills available to manage and operate the new business processes and technologies THEN inefficiencies may be introduced that erode the benefits identified for the initiative.	High	Business skills matrix and gap analysis. Development of program contingency plan for business SMEs. ICT Program strategic resourcing and analysis with an endorsed plan for recruitment of key resources.	Medium	Backfill and engaging skilled resources if needed	Transformation Manager
4	Technology	Organisational Change Management	Cultural Change - Council Staff	IF the current organisational culture that dictates "the way we do things at Knox" is not identified and aligned with "the new way we do things at Knox" THEN the newer digital work practices and systems may conflict with the prevailing work culture. E.g.: recognition that there are "informal" processes and a culture within the organisation that needs to be actively transformed along with operational change.	Medium	Recognition and subsequent planning and execution to ensure that cultural transformation is addressed along with operational transformation. Cultural change driven from the "top down" through clear vision statements, directives and visible examples of practice. This is the "way" we now do things now.	Low		Transformation Manager
5	Operational Performance	Organisational Change Management	Senior Management support	IF Senior Management is not aligned and fully supportive of the transformation THEN transformational change is unlikely to occur within the lower levels of the organisational structure .	Medium	Change will need to be driven from top down management through direction, and by example. Training, upskilling of Senior then Middle management to ensure operational staff have a reference points to address questions and concerns. A closed feedback loop where Senior Management receive direct feedback as to progress and escalated questions and concerns.	Low		Transformation Manager
6	Operational Performance	Organisational Change Management	Regular and continued process efficiency reviews	IF a strategy of regular and continued review and refinement of processes is not adopted THEN the full value of the projected process efficiencies and savings may not be realised. E.g.: Process review and refinement will occur during and continue well beyond the conclusion of the actual transformation project	Medium	Continued review and refinement of internal processes, policies and procedures during and post the transformation to ensure efficiency and value is being maximised Establishment of benchmarks and KPI's that align with new and changed process and/or system uptake	Low		Transformation Manager
7	Technology	Technical	Inflexible technology stack and development processes	IF the implemented technology components do not easily and effectively integrate with one another and with legacy systems THEN non value added complexity and resultant cost may be me introduced into the technology model	Medium	Look for platforms that natively support integrations with most of the existing business systems, but which also allow you to extend or create specific integrations. Make sure wrapper technologies have a framework and a promise that supports your integration efforts. Ensure your wrapper technology vendor is active, healthy and innovative.	Low		Manager Information Technology
8	Regulatory	Project Delivery	Governance - Decision Making	IF formal Decision Making governance is not established prior to the commencement of transformational activities THEN the decision making process made be compromised resulting in uncertainty, rework and delays occurring during the project	High	Conduct governance meetings at a frequency appropriate to the rate of change. Incorporate processes to communicate and seek decisions external to the formal meeting schedule.	Medium	Modify and adjust if necessary.	Manager Information Technology
9	Technology	Project Delivery	Governance - Risk Management	IF formal Risk Management procedures are not established prior to commencement of transformational activities THEN unidentified issues may adversely affect the project outcomes	Medium	Communicate to and seek guidance from the ICT steering committee for varying perspectives and experience on the delivery of the program.	Low		Manager Information Technology

10	Operational Performance	Project Delivery	Organisational maturity to AGILE project delivery	IF project stakeholders are not fully versed in iterative technical delivery (i.e. Website, CRM) are typically delivered using an AGILE methodology THEN stakeholders may either resist or not fully understand the process causing reductions in the velocity and/or quality of outcomes.	High	Incorporate awareness training and support of stakeholders involved in iterative (AGILE) development processes. Ensure stakeholders are aware of reasons and benefits for utilising AGILE, support them with appropriate resources prior to and during the change.	Low		Manager Information Technology
11	Operational Performance	Organisational Change Management	Lack of a clear vision for a digital customer journey	IF project stakeholders are unclear or uncertain as to the vision and objectives of the transformational activities (what success looks like) THEN obtaining the desired outcomes may be protracted resulting in time, cost and/or quality overruns. Not having a vision is like going on a road trip without a destination.	Medium	Ensure the ICT Strategy and Roadmap is widely communicated and regularly reinforced.	Low		Transformation Manager
12	Technology	Technical	Ineffective gathering and leveraging of corporate data	IF the quality and accessibility of customer and corporate data is not addressed prior to commencement of CRM development activities THEN the resultant information delivered by the CRM system will likely be unreliable and ineffective. The effectiveness of delivering a CRM and consolidated, external customer facing portals is extremely limited when not coupled with appropriate data management.	Medium	The ICT Strategy has clearly identified the need to identify, standardise, master and deliver quality customer data to the organisation prior to delivery of appropriate technical solutions. The sequencing and relationships of data related work packages will mitigate significant data risks by delivering data cleansing, mastering and integration works prior to platform dependent on this data.	Low		Manager Information Technology
13	Operational Performance	Project Delivery	Integration and pace of overarching programs of work	IF ICT Strategy program and project prioritises are not clearly established and communicated THEN competing Business As Usual (BAU) priorities may place undue pressure and/or distract internal and external resources resulting in delays and confusion. LEAN, ICT and IT Business As Usual (BAU) will all be drawing resource from the same resource pool.	Medium	An integrated schedule of works and business impacts to be developed to minimise business disruption, leverage work packages and maintain an appropriate rate of change. Clear and aligned objectives across all programs of work must be adhered to.	Low		Manager Information Technology
14	Operational Performance	Project Delivery	Intellectual Property Management	IF new and/or changed business processes and systems are implemented without the effective handover of ownership and supporting collateral THEN the ability of the organisation to support the new process / systems will be compromised resulting in likely inefficiencies and costs.	Medium	Develop contracts and agreements ensuring any customised or Knox specific collateral has direct ownership or appropriate rights usage to fulfil the organisations operational and strategic requirements.	Low		Manager Information Technology
15	Regulatory	Project Delivery	Legislative Change	IF the Local Government Act and/or other bodies mandate requirements that adversely impact the ICT scope of works THEN the unforeseen demands on resources by additional work packages may result in project time and/or cost overruns.	Medium	Monitor legislative changes that may or will significantly impact the organisation, communicate with stakeholders and reschedule or increase resources to meet ICT related demands.	Low		Manager Information Technology
16	Regulatory	Other	Political	IF requests from Councillors and/or Residents that place pressure on the organisation to change the sequence or cost of delivery are not appropriately managed THEN the overall delivery of the program of works may be adversely impacted resulting in out of sequence or removing critical elements. Significant negative impact on time, cost and quality outcomes may result.	Medium	Clear and concise communication of the programs benefits, outcomes and dependencies must be performed to Councillors and potentially residents to ensure understanding of the program and its structure.	Low		Manager Information Technology
17	Operational Performance	Other	Organisational reputation	IF changes to internal and external services are not managed and communicated effectively THEN some changes may negatively impact customer experience by design or error. The organisations reputation may be negatively impacted if these instances have high impact or gain traction in the media.	Medium	Clear and concise communication to both internal and external stakeholders of significant changes need to be delivered on an ongoing basis. Stakeholders are typically more tolerant of errors where they are aware of 'new' processes being implemented in an attempt to improve overall service.	Low		Transformation Manager
18	People	Project Delivery	Internal Resource capabilities	IF there exists a lack of internal staff capacity, capabilities and/or skills to execute and manage the program of works THEN absence of such capabilities and resource may adversely affect the achievement of the overall program objective.	High	Change plans by project Engagement with HR to deliver business skills matrix and gap analysis Staff training plan for all project deliverables Project contingencies.	Medium		Manager Information Technology
19	Operational Performance	Project Delivery	Benefits realisation	IF the realisation of benefits cannot be fully tracked and quantified THEN stakeholders and management buy-in and commitment may reduce and resistance to change may emerge. Budget diversion and/or resource reallocation away from the program may subsequently result in cost and time overruns.	Medium	Gateway review of consolidated benefits from ICT Strategy Gateway review planning/co-ordination Benefits management plan for each project (incl. KPI management and reporting plans)	Low		Manager Information Technology
20	Technology	Project Delivery	Program deliverables	IF program and/or project specifications and designs are incomplete or inaccurate THEN the resultant process and system outcomes may be inappropriate or unusable resulting in time and cost overruns.	Medium	Program Committee sign off of prioritisation approach. Project Initiation Document (PID) per project incl. change request and escalation processes Business requirements signed off by Business Sponsor for each stream. Whole of ICT Strategy implementation plan developed to map engagement and change impacts across departments.	Low		Manager Information Technology

21	Operational Performance	Project Delivery	Program control and management	IF program governance and project delivery methodologies are not formally implemented prior to commencement of program activities THEN resultant time, cost and quality outcomes may be negatively impacted	Medium	PID required for each project Gateway review planning/co-ordination Budget management plan Benefits management plan (incl. management and reporting plans) Performance management and reporting plan, incl. detailed KPIs Risk management plan	Low		Manager Information Technology
22	Operational Performance	Project Delivery	Vendor selection and procurement	IF the vendor selection process is sub-optimal THEN resultant time, cost and quality outcomes may be negatively impacted	Medium	Sourcing vendors from MAV/State Govt panels where available Management of vendor contracts during program duration Include vendor performance requirements, escalation process and deliverables in supply contracts Manage ongoing supply contracts Include ICT Strategy requirements in the procurement process	Low		Manager Information Technology
23	Technology	Technical	Business disruption	IF disruption to business as usual web services occur as a result of the new/changed processes and system THEN council may be exposed to adverse reputation and or financial implications	Medium	Build in back up BAU resources to manage ongoing business requirements Manage internal staff stakeholder expectations regarding prioritisation and capacity limits Ensure a freeze on content changes on legacy website in the lead up to go live of new web presence	Low		Manager Information Technology
24	Technology	Other	Privacy	IF breaches in data privacy and security result from the implementation of new or changed processes and systems THEN council may be exposed to legislative compliance implications	Medium	Include privacy and security requirements and controls in new project specifications Projects to adhere to Council's privacy guidelines	Low		Manager Information Technology

**ALL WARDS****11.1 WORKS REPORT AS AT 5 JUNE 2018**

**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 5 June 2018.*

**RECOMMENDATION**

That Council receive and note the Works Report, as at 5 June 2018.

**1. INTRODUCTION**

This report summarises Council's Capital Works Program for the 2017/2018 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 5 June 2018, is attached as Appendix A.

Highlights of the Works Report as at 5 June 2018 include:

- Early Years Hub – Wantirna South – Works progressing with steel works, internal framing electrical and plumbing rough-ins well advanced.
- Alma Avenue, Winwood Drive, Helene Court Reconstruction – Contract completion.
- Bergins Road, Rowville Right Turn Lane – Works complete.
- Templeton Reserve, Wantirna – Masterplan Implementation – Contract works complete.
- Knox Family & Children's Services Buildings & Facilities – Alice Johnson Preschool bathroom upgrade – works complete.
- Kings Park Reserve – Drainage Renewal Works Oval #1 – Works complete.

**COUNCIL RESOLUTION**

**MOVED: CR. PEARCE**

**SECONDED: CR. LOOKWOOD**

**That Council receive and note the Works Report, as at 5 June 2018.**

**CARRIED**

# Knox City Council Project Status Report

05-Jun-2018

Project Number	Project Name	Total Approved Budget
<b>1</b>	<b>Bridges Renewal Program</b>	<b>\$599,093</b>
All Wards	The Burwood Highway-Ferntree Gully Community Arts and Library bridge investigation is Complete. The best value option is to retain the abutments and steel girders and replace the timber deck with a composite concrete/steel deck. A quote is being obtained for the design.  The Blind Creek bridge that was destroyed by the Knox Transfer Station fire is being designed.	
<b>4</b>	<b>High Risk Road Failures</b>	<b>\$500,000</b>
All Wards	Reactive works to be undertaken to complete this program.	
<b>7</b>	<b>Road Surface Renewal Program</b>	<b>\$4,000,000</b>
All Wards	Program progressing with 81% of works undertaken and 67 streets completed. Focus on industrial roads and residential roads to recommence shortly.	
<b>8</b>	<b>Drainage Pit and Pipe Renewal Program</b>	<b>\$2,000,000</b>
All Wards	Station Street drainage improvements have been completed, along with drainage at the Ferntree Gully Bowls Club and Army Road, Boronia.  Drainage works are in progress at Myrtle Street, Ferntree Gully, Mercia Avenue, The Basin and Cadle Court, Bayswater.	
<b>9</b>	<b>Footpath Renewal Program</b>	<b>\$1,900,000</b>
All Wards	Additional renewal works to be undertaken to ensure paths are maintained.	
<b>10</b>	<b>Bicycle / Shared Path Renewal Program</b>	<b>\$500,000</b>
All Wards	Renewal works continuing on shared paths with Karoo Road and Dandelion Drive being completed and Underwood Road being scoped. Burwood Highway path preliminary works to be undertaken shortly.	
<b>16</b>	<b>Building Renewal Program</b>	<b>\$6,094,500</b>
All Wards	Program is 75% committed/expended. Works nearing completion/commencing over June include Knox LeisureWorks - pool plant renewal works, State Basketball Centre - air-conditioning renewal works, Bayswater Oval Pavilion - kitchen refit, Knox Community Arts Centre - renewal of stage rigging, Electronic Locking Systems to various sites, Stud Park Toilet Block - demolition, Kevin Avenue Factory- roof plumbing renewal, door/roller door replacement.	
<b>17</b>	<b>Playground Renewal Program</b>	<b>\$1,434,367</b>
All Wards	2016/17 program, playgrounds are currently having plants installed.  Knox Playspace Renewal 2017/18 program, tender received and under evaluation for Ainsdale, Segarta, Agora and Templeton Reserves. Tender documentation package is out for tender this week for Tabilk, Army, Westburn and Philipdale Reserves.	

# Knox City Council Project Status Report

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Project Number	Project Name	Total Approved Budget
<b>22</b>	<b>Fire Hydrant Replacement Program</b>	<b>\$250,000</b>
All Wards	Final Payment to be made in June.	
<b>24</b>	<b>Car Park Renewal</b>	<b>\$550,000</b>
All Wards	Frances Crescent, Ferntree Gully beside Tim Neville Arboretum to be resurfaced in early June, which will complete the program.	
<b>25</b>	<b>Plant &amp; Machinery Replacement Program</b>	<b>\$2,985,330</b>
All Wards	Fleet Renewal Program 78% of funding committed.	
<b>26</b>	<b>Street Tree Replacement Program</b>	<b>\$755,000</b>
All Wards	Tree planting works are in progress.	
<b>31</b>	<b>Stamford Park Redevelopment</b>	<b>\$9,256,618</b>
Tirhatuan	Homestead – services (sewer, fire, heating/cooling) complete, internal flooring and wall repairs complete, internal painting complete, verandah and ramps complete. Aiming to complete accessible toilet and kitchen extension in June. Works in accordance with heritage conservation report.  Homestead Gardens - tender has closed and currently awaiting Council approval.  Parklands - progressing with design works and have commenced planning process.	
<b>43</b>	<b>Shade Sails &amp; Play Structure Maintenance</b>	<b>\$3,193</b>
All Wards	Project completed.	
<b>104</b>	<b>Roadside Furniture Renewal Program</b>	<b>\$100,000</b>
All Wards	Budget 32% expended. Road furniture program focusing on reactive based works referrals. Funding being expended throughout the year as required.	
<b>147</b>	<b>Energy &amp; Greenhouse Program for Council Facilities</b>	<b>\$70,000</b>
All Wards	Lighting over the Knox LeisureWorks toddler pool area will be replaced with long life LED to improve lighting levels and will be completed in early June.	
<b>229</b>	<b>Building Code Australia Compliance</b>	<b>\$100,000</b>
All Wards	Program is 75% planned/expended. Remaining projects to be rolled out over June including Carrington Park Leisure Centre and Knox Community Arts Centre.	
<b>345</b>	<b>Asbestos Removal</b>	<b>\$100,000</b>
All Wards	Remaining projects to be undertaken by end of June.	

Project Number	Project Name	Total Approved Budget
<b>347</b>	<b>Miscellaneous Industrial Roads - Pavement Rehabilitation</b>	<b>\$250,000</b>
All Wards	Resurfacing works completed at Rocco Drive, Corporate Avenue and Wigan Road, which will complete the program.	
<b>409</b>	<b>Parks Furniture Renewal</b>	<b>\$50,000</b>
All Wards	All furniture purchased has been allocated and installations are in progress. Program on track to be completed by June.	
<b>410</b>	<b>Parks Signage Renewal</b>	<b>\$20,000</b>
All Wards	Installation of replacement signs continue to occur on schedule.	
<b>412</b>	<b>Water Sensitive Urban Design Renewal</b>	<b>\$366,061</b>
All Wards	A water depthing survey of the lakes at the Waterford Valley Golf Course is currently underway. This is required to continue with the design of the solution for the site.	
<b>441</b>	<b>Tim Neville Arboretum Renewal</b>	<b>\$280,000</b>
Dobson	Footings have been poured. Fabrication of shelter in progress.	
<b>443</b>	<b>Reserves Paths Renewal</b>	<b>\$60,000</b>
All Wards	The reserve path renewal works will be completed by June.	
<b>459</b>	<b>Dobson Street Reserve Retarding Basin</b>	<b>\$738,692</b>
Friberg	Contract works completed. Planting coordinated separately by Open Space & Landscape, to be arranged by mid-late June.	
<b>492</b>	<b>Food Act Compliance - Kitchen Retrofitting</b>	<b>\$50,000</b>
All Wards	Funds committed with pavilion kitchen refits and other minor works associated with kitchen refits at sporting pavilions.	
<b>494</b>	<b>Cathies Lane - Landfill Rehabilitation Works</b>	<b>\$175,000</b>
Scott	<p>Reinstatement of inadequate capping around gas wells exposed in cells 1 and 2 and also topsoiling of exposed areas of capping and depressions completed in February.</p> <p>Recommendation from consultant's investigations is that there is no current requirement to lower leachate at the site. Investigations underway on stability of embankment near leachate pond. Installed drains at top and toe of embankment and undertaking periodic surveys over twelve months to ascertain if the embankment is moving.</p> <p>Investigation underway to determine if high carbon dioxide levels in landfill gas monitoring bores are from the landfill or other sources. EPA have issued a Post Closure Pollution Abatement Notice which will govern the management of the site.</p>	

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Project Number	Project Name	Total Approved Budget
<b>516</b>	<b>Rumann and Benedikt Reserves - Open Space Upgrade</b>	<b>\$176,094</b>
Tirhatuan	Design plans completed and tenders assessed. Funding variation approval necessary due to tender pricing. Anticipate construction to commence in June.	
<b>536</b>	<b>Parkland Asset Renewal</b>	<b>\$64,000</b>
All Wards	Due to access restrictions resulting from weather, Suffern Reserve planting preparation works will be postponed until mid-Spring 2018, with planting to follow in July 2019.  Funds to be utilised for large scale mulching and garden bed renewals within reserves. These works will be completed by end of June.	
<b>537</b>	<b>Bush Boulevard Renewal</b>	<b>\$30,000</b>
All Wards	Renewal works currently underway with completion anticipated prior to the end of June.	
<b>543</b>	<b>Llewellyn Park - Landfill Rehabilitation Works</b>	<b>\$175,000</b>
Scott	Drainage improvements on the site completed in December 2017. Investigation is being undertaken to determine if a landfill gas extraction system is required. This is being done by installing replacement monitoring bores further away from the landfill, where this is possible. The replacement bores on the south side were installed in November 2016 and are being monitored. This is not possible on the east side due to proximity of houses so alternative investigations are being undertaken for these bores.  Work to remove exposed waste in the south west and north west areas of the site was completed in December 2017. Investigation being undertaken on high carbon dioxide readings in monitoring bores to determine if this is from the landfill or background sources.	
<b>566</b>	<b>Artwork Renewal</b>	<b>\$30,463</b>
All Wards	Restoration of Placemakers Legacy artworks continues with original artist.  Minor works to be completed by end of this financial year, however some works remain incomplete, with a carry forward required.	
<b>576</b>	<b>Early Years Facility Emergency Warning System</b>	<b>\$50,000</b>
All Wards	Project completed.	
<b>587</b>	<b>Upper Ferntree Gully Neighbourhood Activity Centre - Design</b>	<b>\$472,867</b>
Dobson	Project on hold at Council request with funds to be carried forward to 2018/19. Awaiting further direction.	
<b>589</b>	<b>KEYS - Application Review and Solution Remediation</b>	<b>\$70,000</b>
All Wards	Part of the enhancements identified are scheduled to occur in 2018/19.	

# Knox City Council Project Status Report

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Project Number	Project Name	Total Approved Budget
<b>593</b>	<b>Marie Wallace Reserve - Masterplan Implementation</b>	<b>\$416,876</b>
Dinsdale	(1) Access road carpark - works completed.  (2) Pedestrian bridge - survey and concept plans completed with initial feedback received from Melbourne Water. Works to include renewal of existing shared use pedestrian bridge as well as design of new bridge between ovals. Design & construct documentation proposed to be tendered by June/July 2018.	
<b>607</b>	<b>Ashton Road, FTG - Reconstruction</b>	<b>\$350,000</b>
Friberg	Stage 2 of Ashton Road works packaged with Stage 2 of Kingston Street. Construction to commence along Ashton Road late May and anticipate construction to be completed by late June.	
<b>608</b>	<b>Kingston Street, FTG - Reconstruction</b>	<b>\$265,000</b>
Friberg	Stage 2 of Kingston Street road works packaged with Stage 2 of Ashton Road. Construction works well underway and around 40% complete with kerb and channel works nearing completion on one side and underway on the other and asphalt likely to be scheduled for early-mid June.	
<b>630</b>	<b>Early Years Hubs - Bayswater</b>	<b>\$5,925,571</b>
Dinsdale	(1) Works have been heavily impacted by weather conditions during the past week. Significant storm damage to slab pad and trenches, with rectification works being impeded by continuing bad weather.  (2) Hub carpark - Scope of works discussed with scoping clarification to follow. Survey and design included into project delivery program. Aim to complete design by December 2018 and commence construction early 2019.	
<b>649</b>	<b>Scoresby (Exner) Reserve - Masterplan Implementation</b>	<b>\$430,000</b>
Tirhatuan	Knox Construction appointed and car park works well underway. Kerb and channel works completed and crushed rock base nearing completion. Anticipate construction to reach completion by early June.	
<b>660</b>	<b>Mountain Highway (No. 598), Bayswater Drainage - Design</b>	<b>\$15,015</b>
Dinsdale	Project completed.	
<b>664</b>	<b>Stormwater Harvesting Program Development</b>	<b>\$92,961</b>
All Wards	Solutions for Fairpark Reserve and Knox Gardens have been obtained. Plans and specifications are currently underway for Fairpark Reserve and recommendations have been provided for Knox Gardens.  Work is currently underway to provide solutions for Eildon and Batterham Reserves.	
<b>667</b>	<b>Dobson Creek Catchment - Streetscape Water Sensitive Urban Design</b>	<b>\$186,587</b>
Chandler	Stage 2 - Wicks Road Water Sensitive Urban Design project works are underway.	

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<b>Project Number</b>	<b>Project Name</b>	<b>Total Approved Budget</b>
<b>668</b>	<b>Knox Active Aging Management System (KAAMS)</b>	<b>\$36,266</b>
All Wards	Scheduled to be restarted in 2018/19.	
<b>675</b>	<b>Public Art Project</b>	<b>\$160,858</b>
All Wards	No further public artworks will be delivered this financial year, with the remaining funds to be carried forward.	
<b>689</b>	<b>Lewis Park, Wantirna South Oval 1 Renewal</b>	<b>\$700,000</b>
Dinsdale	Fences and goalposts scheduled for installation in June/July. Grass is 100% covered.	
<b>708</b>	<b>Cricket run ups and goal squares</b>	<b>\$44,000</b>
All Wards	Project completed.	
<b>710</b>	<b>Colchester Reserve Rugby Pitches</b>	<b>\$17,160</b>
Chandler	Project completed.	
<b>716</b>	<b>Early Years Hubs - Wantirna South</b>	<b>\$13,511,821</b>
Scott	Works progressing despite bad weather conditions, with steelwork, internal framing, electrical and plumbing rough-ins well advanced.	
<b>717</b>	<b>Knox Central Package</b>	<b>\$8,085,000</b>
Dinsdale	Residual funding from the Operations Centre land acquisition to remain allocated to the project.	
<b>718</b>	<b>Bulk Replacement of Street Lights with LED</b>	<b>\$500,000</b>
All Wards	Project completed.	
<b>721</b>	<b>Eildon Park Reserve (Pavilion upgrade), Rowville</b>	<b>\$97,600</b>
Taylor	Project completed.	
<b>724</b>	<b>Knox (Interim) Library</b>	<b>\$674,215</b>
Dinsdale	Awaiting confirmed start date from Westfield.	
<b>725</b>	<b>Placemakers Site - Design</b>	<b>\$222,263</b>
Dobson	Project to be carried forward.	
<b>727</b>	<b>Knox Community Arts Centre - Outdoor Furniture</b>	<b>\$9,517</b>
Dinsdale	Project completed.	

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<b>Project Number</b>	<b>Project Name</b>	<b>Total Approved Budget</b>
<b>733</b>	<b>Preschool Office/Storage - Minor Works</b>	<b>\$50,000</b>
All Wards	Project completed.	
<b>735</b>	<b>Family &amp; Children Services Buildings Door Jamb Protectors</b>	<b>\$25,000</b>
All Wards	Project completed.	
<b>737</b>	<b>Meals on Wheels site reconfiguration - Stage 2</b>	<b>\$50,000</b>
Dinsdale	Strategic review of Meals on Wheels configuration is underway. Plan to be developed over the next six months. Funds to be carried forward.	
<b>746</b>	<b>Revegetation Plan</b>	<b>\$100,000</b>
All Wards	Site preparation has been completed. Mulch has been delivered to site and spread. Planting to be completed end of June.	
<b>747</b>	<b>Chandler Park, Boronia - Masterplan Implementation</b>	<b>\$57,128</b>
Chandler	Project completed for 2017/18 financial year.	
<b>751</b>	<b>Tim Neville Arboretum - Lake Structure Upgrade</b>	<b>\$141,750</b>
Dobson	Footings have been poured. Fabrication of shelter in progress.	
<b>752</b>	<b>Mountain Gate Shopping Centre Reserve - Implementation</b>	<b>\$154,425</b>
Friberg	Documents are out for quote with contractors.	
<b>755</b>	<b>Talaskia Reserve, Upper Ferntree Gully - Masterplan</b>	<b>\$300,000</b>
Dobson	Construction works out to tender.	
<b>757</b>	<b>Carrington Park, Knoxfield - Masterplan</b>	<b>\$88,644</b>
Friberg	Parks to install new seats in June.	
<b>761</b>	<b>Dandenong Creek Gateways - Strategic Road Corridors Revegetation</b>	<b>\$95,795</b>
All Wards	Open Space to prepare sketch plans for planting. Planting to commence in 2018/19 depending on weather conditions.	
<b>769</b>	<b>Mint Street Wetland System - Stage 2a</b>	<b>\$364,038</b>
Collier	Project completed.	
<b>771</b>	<b>Colchester Road, Boronia – Wetland and Raingarden</b>	<b>\$40,000</b>
Chandler	Project completed.	

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<b>Project Number</b>	<b>Project Name</b>	<b>Total Approved Budget</b>
<b>773</b>	<b>Suffern Avenue (Waldheim Street) Wetland</b>	<b>\$368,345</b>
Dinsdale	Project completed.	
<b>785</b>	<b>Printer Upgrade</b>	<b>\$43,000</b>
All Wards	Scheduled to be restarted in 2018/19.	
<b>786</b>	<b>Microsoft Office 365</b>	<b>\$200,000</b>
All Wards	Scheduled to be restarted in 2018/19.	
<b>787</b>	<b>Website Redevelopment</b>	<b>\$0</b>
All Wards	Initial planning has commenced with the objective of selecting an implementation partner by end of June.	
<b>788</b>	<b>Network Drive Migration</b>	<b>\$225,000</b>
All Wards	Scheduled to be restarted in 2018/19.	
<b>789</b>	<b>Facilities Booking Review/Upgrade</b>	<b>\$71,300</b>
All Wards	The project has been rescheduled to commence in 2018/19.	
<b>791</b>	<b>Computer Lease</b>	<b>\$120,000</b>
All Wards	Leased software and hardware expenses are incurred throughout the year.	
<b>792</b>	<b>PC/Device Rollout Lease</b>	<b>\$280,000</b>
All Wards	Leased software and hardware expenses are incurred throughout the year.	
<b>793</b>	<b>Non Leased Software and Hardware</b>	<b>\$120,000</b>
All Wards	Leased software and hardware expenses are incurred throughout the year. Some carry forward will be required.	
<b>794</b>	<b>Switch Replacement Program (Leased)</b>	<b>\$250,000</b>
All Wards	Leased software and hardware expenses are incurred throughout the year. Some carry forward will be required.	
<b>796</b>	<b>Park Crescent, Boronia - Reconstruction</b>	<b>\$383,040</b>
Baird	Project completed.	
<b>798</b>	<b>Woodvale Road, Boronia - Reconstruction</b>	<b>\$114,240</b>
Baird	Project completed.	

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Project Number	Project Name	Total Approved Budget
<b>799</b>	<b>Windermere Drive, Ferntree Gully - Reconstruction</b>	<b>\$305,446</b>
Friberg	Project completed.	
<b>800</b>	<b>Smithfield Square, Wantirna - Reconstruction</b>	<b>\$281,205</b>
Collier	Project completed.	
<b>801</b>	<b>Sasses Avenue, Bayswater - Reconstruction</b>	<b>\$344,202</b>
Dinsdale	Project completed.	
<b>802</b>	<b>Erica Avenue, Boronia - Reconstruction</b>	<b>\$70,725</b>
Baird	Project completed.	
<b>803</b>	<b>Macquarie Place, Boronia - Reconstruction</b>	<b>\$270,289</b>
Chandler	Project completed.	
<b>804</b>	<b>Dorset Road (169), Boronia - Flood Mitigation</b>	<b>\$97,000</b>
Baird	Project completed.	
<b>806</b>	<b>Cash Fues Place Wetland System - Design</b>	<b>\$60,765</b>
Collier	Project works are 99% complete. Practical completion will be scheduled end of May.	
<b>809</b>	<b>Bayswater Activity Centre Streetscape Improvements</b>	<b>\$1,620,411</b>
Dinsdale	Streetscape works are nearing completion. There are some minor rehabilitation works to be completed.  The works associated with the undergrounding of the powerlines is progressing well. It is expected power poles and overhead wires will be completely removed during the weekend of 28 July.  The 'Aeroplane Boy' sculpture has been installed.	
<b>812</b>	<b>Asset Management System</b>	<b>\$20,000</b>
All Wards	Project to be completed in 2018/19.	
<b>813</b>	<b>Information architecture design and planning</b>	<b>\$280,000</b>
All Wards	Work plans being developed for remaining datasets to be mapped and developed. Carry forward required into 2018/19 to complete remaining works.	
<b>814</b>	<b>Standard Operating Environment Upgrade</b>	<b>\$130,336</b>
All Wards	Scheduled to be restarted in 2018/19.	

<b>Project Number</b>	<b>Project Name</b>	<b>Total Approved Budget</b>
<b>815</b>	<b>Pathway Smartclient implementation</b>	<b>\$90,000</b>
All Wards	Item being reported under project 977.	
<b>816</b>	<b>ePathway Payment enhancements/extension</b>	<b>\$80,000</b>
All Wards	Item being reported under project 977.	
<b>817</b>	<b>WAN Network Enhancements</b>	<b>\$50,000</b>
All Wards	Project completed.	
<b>818</b>	<b>DRP Update and full test</b>	<b>\$0</b>
All Wards	Full disaster recovery test remaining to be conducted.	
<b>819</b>	<b>IT Security Audit (policies &amp; procedures)</b>	<b>\$50,000</b>
All Wards	Penetration testing scheduled for June. Carry forward required into 2018/19 to complete works.	
<b>820</b>	<b>Mobile phone refresh (iPhone)</b>	<b>\$20,000</b>
All Wards	Replacement program in progress. Carry forward into 2018/19 required to completed works.	
<b>821</b>	<b>Storage</b>	<b>\$60,000</b>
All Wards	Project completed.	
<b>822</b>	<b>Security, Email Filtering and Firewall</b>	<b>\$57,581</b>
All Wards	Project to be undertaken in 2018/19.	
<b>823</b>	<b>Computer Room AC &amp; UPS</b>	<b>\$200,000</b>
All Wards	Project to be carried forward into 2018/19.	
<b>825</b>	<b>Microsoft Licensing (True Up)</b>	<b>\$150,000</b>
All Wards	Project to be carried forward into 2018/19.	
<b>826</b>	<b>Microsoft SQL Licence</b>	<b>\$220,000</b>
All Wards	Project to be carried forward into 2018/19.	
<b>827</b>	<b>Intranet Update (2018/9)</b>	<b>\$615,000</b>
All Wards	Project to be undertaken in 2018/19.	

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Project Number	Project Name	Total Approved Budget
829	<b>Knox Community Art Centre, Bayswater</b>	<b>\$10,000</b>
Dinsdale	Project completed.	
830	<b>Park Ridge Reserve, Rowville - Oval Renewal</b>	<b>\$56,500</b>
Taylor	Project completed.	
831	<b>Templeton Reserve, Wantirna - Oval Renewal</b>	<b>\$38,000</b>
Collier	Project completed.	
832	<b>Knox Gardens Reserve, Wantirna South - Oval 2 Renewal</b>	<b>\$14,788</b>
Scott	Project completed.	
833	<b>Knox Gardens Reserve, Wantirna South - Tennis Court Renewal</b>	<b>\$294,000</b>
Scott	Leisure and club consulted on design. Design completed and contractor appointed. Anticipate construction commencement in July 2018 with surface works expected to be carried out in October/November 2018 subject to suitable ambient temperature.	
834	<b>Oversowing of Sports Fields</b>	<b>\$30,000</b>
All Wards	All grounds have been oversown and are progressing well.	
837	<b>Westfield (Permanent) Library - Design</b>	<b>\$200,000</b>
Dinsdale	Awaiting outcomes of discussions with Westfield.	
838	<b>Bayswater Community Hub - Scoping</b>	<b>\$120,000</b>
Dinsdale	EMT meeting 5 April discussed status of the current activities occurring with Bayswater Activity Centre and opportunities for enhanced coordination. Current activities related to this site include: - Capacity assessment of potential of four sites for Multipurpose Community Facility; - Community planning and engagement regarding Multipurpose Community Facility; - Public art installation; - Grade separation finalisation works; - Bayswater Business precinct transformation project. To be reported to Council in September 2018 for further direction.	
839	<b>Preschool Bathroom Upgrades - Bena Angliss Preschool</b>	<b>\$222,000</b>
All Wards	Project completed.	

# Knox City Council Project Status Report

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Project Number	Project Name	Total Approved Budget
<b>842</b>	<b>Knox Athletics - Hammer Throw Cage Upgrade</b>	<b>\$56,549</b>
Friberg	Detailed design finalised with scope and plans amended to suit reduced budget with Club in agreement. Additional funding required confirmed. Project to be packaged with discus cage. Contract awarded and awaiting pre-construction documentation to be submitted and approved.  Athletics Club have requested construction be delayed until the period 6 June to 20 July.	
<b>844</b>	<b>Score Boards - Design and Installation</b>	<b>\$390,000</b>
All Wards	Approved projects have been commenced and all but one are expected to be completed by the end of June.	
<b>845</b>	<b>Carrington Park Leisure Centre - Basketball Rings</b>	<b>\$35,000</b>
Friberg	Project completed.	
<b>846</b>	<b>Knox Gardens Reserve - Lower Oval Shelters</b>	<b>\$39,015</b>
Scott	Project completed.	
<b>847</b>	<b>Boronia Basketball Stadium - Safety Padding</b>	<b>\$36,000</b>
Baird	Project completed.	
<b>849</b>	<b>Repurposing Scoping of Facilities from Hub Projects.</b>	<b>\$93,550</b>
All Wards	Scoping the future use of Family and Children's Services Child Care Centres is tracking late with low impact due to other early years priorities. Once scoping is complete, information will go to Council for further advice mid-2018.	
<b>851</b>	<b>Senior Citizens Centres - Facilities Development Plan</b>	<b>\$60,000</b>
All Wards	Project completed.	
<b>853</b>	<b>Aimee Seebeck Hall, Amenities Design</b>	<b>\$20,000</b>
Taylor	Project completed.	
<b>854</b>	<b>Knox Community Gardens/Vineyard Pergola Upgrade</b>	<b>\$10,000</b>
Dinsdale	Knox Community Gardens Group informed Council officers that the upgrade to the pergola is no longer required.	
<b>860</b>	<b>Bergins Road, Rowville - Fowler Road to Kalimna Court Footpath</b>	<b>\$125,000</b>
Taylor	Project completed.	

# Knox City Council Project Status Report

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Project Number	Project Name	Total Approved Budget
<b>862</b>	<b>Burwood Highway Shared Path - Traydal Close to Knox School</b>	<b>\$137,900</b>
Collier	Concrete section of path has been constructed and mulching of area is being carried out. Fibreglass decking has passed its compliance testing and has been ordered. There is an eight week delivery time for decking.	
<b>866</b>	<b>Ferntree Gully Village Square - Masterplan Implementation</b>	<b>\$183,585</b>
Dobson	On hold. Design subject to future development plans at the site, following Council purchase of adjoining land.	
<b>867</b>	<b>Knox Regional Netball Centre, Ferntree Gully - Masterplan</b>	<b>\$131,872</b>
Dobson	Consultants have provided the updated report and officers are currently reviewing the edits.	
<b>868</b>	<b>H V Jones, Ferntree Gully Masterplan Implementation</b>	<b>\$143,000</b>
Friberg	Informal 'drop in' meeting was held 22 May, to discuss the comments raised during the consultation. Funds to be carried forward.	
<b>869</b>	<b>Gilbert Park, Knoxfield - Masterplan Review</b>	<b>\$177,000</b>
Friberg	Council Report is currently being prepared.	
<b>871</b>	<b>Energy Performance Audit for Community Buildings</b>	<b>\$418,636</b>
All Wards	A final draft of the Detailed Facility Study outlining the opportunities for energy savings across the seven sites is due in late June.	
<b>874</b>	<b>Fulham Road, Rowville Reconstruction</b>	<b>\$125,000</b>
Tirhatuan	Information boards have been provided on site advising of works to be undertaken. Concrete works have commenced on site and expected to take in the order of 4 weeks to complete, after which asphalt will be carried out. All works expected to be completed by 30 June.	
<b>875</b>	<b>Parkhurst Drive, Knoxfield Reconstruction</b>	<b>\$120,000</b>
Dinsdale	Detailed design completed. It is proposed to carry forward funding for this project to the 2018/19 financial year and be packaged with other road renewal projects as a single tender with options for either single appointment or multiple appointments - recommendation for appointment to be presented to July 2018 Council meeting. One or more contractors may be awarded depending on tender submissions.	
<b>876</b>	<b>Eastgate Court, Wantirna South Reconstruction</b>	<b>\$295,000</b>
Dinsdale	Contractor appointed and construction well underway with minor delay caused by service authority intervention. Contractor has returned to site and works back on track for mid-June completion.	

# Knox City Council Project Status Report

05-Jun-2018

Project Number	Project Name	Total Approved Budget
<b>877</b>	<b>Rosehill Street, Scoresby Reconstruction</b>	<b>\$530,000</b>
Tirhatuan	Contract works well underway with kerb and channel works complete on west side and now underway on east side. Works due for completion in June.	
<b>878</b>	<b>Alma Avenue, Ferntree Gully Reconstruction</b>	<b>\$330,000</b>
Dobson	Contract packaged with Winwood Drive and Helene Court projects. Contract works completed in Helene Court and Winwood Drive. Construction works have commenced in Alma Avenue with concrete works essentially completed and asphalt booked for early June.	
<b>879</b>	<b>Winwood Drive, Ferntree Gully Reconstruction</b>	<b>\$398,000</b>
Dobson	Contract packaged with Alma Avenue and Helene Court projects. Contract works completed in Helene Court and Winwood Drive. Works underway with Alma Avenue with contract expected to reach practical completion by mid-late June.	
<b>880</b>	<b>Helene Court, Boronia Reconstruction</b>	<b>\$337,000</b>
Chandler	Contract packaged with Alma Avenue and Winwood Drive projects. Contract works completed in Helene Court and Winwood Drive. Works underway with Alma Avenue with contract expected to reach practical completion by mid-late June.	
<b>884</b>	<b>Glenfern Road Footpath - Burwood Highway to Brenock Park Drive</b>	<b>\$36,961</b>
Dobson	Project completed.	
<b>886</b>	<b>Schultz Reserve - Internal Pavilion Upgrades (Female Friendly)</b>	<b>\$100,000</b>
Collier	Construction will be complete by mid-late June.	
<b>888</b>	<b>Batterham Reserve Floodlighting Upgrade</b>	<b>\$200,000</b>
Chandler	Works well underway with expected completion mid-late June.	
<b>889</b>	<b>Wally Tew Reserve Floodlighting Upgrade</b>	<b>\$200,000</b>
Dobson	Project completed.	
<b>891</b>	<b>Henderson Road Bridge - Preconstruction</b>	<b>\$545,900</b>
Friberg	(1) Bridge Works: Melbourne Water agreement to a concept design is still yet to be reached. (2) Valleyview Drive LATM: Concept being developed. Survey and detailed design to follow.	
<b>907</b>	<b>JW Manson Reserve WSUD - Construction</b>	<b>\$240,793</b>
Collier	Council is undertaking an internal process to acquire the land through the Planning Department. Once the process is completed the delivery of the project can proceed through the Stormwater Department.	

# Knox City Council Project Status Report

05-Jun-2018

Project Number	Project Name	Total Approved Budget
<b>923</b>	<b>679 Boronia Road - Service Road, Wantirna - Reconstruction</b>	<b>\$10,000</b>
Collier	Project deferred indefinitely to allow for scoping and complex title investigations.	
<b>924</b>	<b>Cherrington Square, Wantirna - Design</b>	<b>\$15,000</b>
Collier	Detailed design completed. It is proposed to package project with other road renewal projects as a single tender with options for either single appointment or multiple appointments - recommendation for appointment to be presented to July 2018 Council meeting. One or more contractors may be awarded depending on tender submissions.  Works to be carried out over the 2018/19 financial year.	
<b>925</b>	<b>1101 Burwood Hwy, Ferntree Gully - Design</b>	<b>\$5,000</b>
Dobson	Project completed (design).	
<b>926</b>	<b>Windermere Drive, Ferntree Gully - Design</b>	<b>\$25,000</b>
Friberg	Detailed design approximately 90% complete.	
<b>927</b>	<b>Selman Avenue, Ferntree Gully - Design</b>	<b>\$30,000</b>
Dobson	Detailed design completed and feedback provided by VicRoads. It is proposed to package this project with other road renewal projects as a single tender with options for either single appointment or multiple appointments - recommendation for appointment to be presented to July 2018 Council meeting. One or more contractors may be awarded depending on tender submissions.  Works to be carried out over the 2018/19 financial year.	
<b>928</b>	<b>Barmah Drive, Wantirna - Design</b>	<b>\$5,000</b>
Collier	Geotech and survey completed and design 90% complete.	
<b>929</b>	<b>Albert Avenue, Boronia - Design</b>	<b>\$55,000</b>
Chandler	Detailed design completed. It is proposed to package project with other road renewal projects as a single tender with options for either single appointment or multiple appointments - recommendation for appointment to be presented to July 2018 Council meeting. One or more contractors may be awarded depending on tender submissions.  Works to be carried out over the 2018/19 financial year.	
<b>930</b>	<b>Forest Road, Ferntree Gully - Design</b>	<b>\$40,000</b>
Dobson	Survey completed and detailed design 90% completed with review to follow.	

# Knox City Council Project Status Report

05-Jun-2018

Project Number	Project Name	Total Approved Budget
<b>931</b>	<b>Underwood Road, Ferntree Gully - Design</b>	<b>\$30,000</b>
Dobson	Detailed design completed. It is proposed to package this project with other road renewal projects as a single tender with options for either single appointment or multiple appointments - recommendation for appointment to be presented to July 2018 Council meeting. One or more contractors may be awarded depending on tender submissions.  Works to be carried out over the 2018/19 financial year.	
<b>932</b>	<b>Burwood Highway - service road, Ferntree Gully - Design (1)</b>	<b>\$10,000</b>
Dobson	Detailed design completed and design review underway.	
<b>933</b>	<b>Burwood Highway - service road, Ferntree Gully - Design (2)</b>	<b>\$5,000</b>
Dobson	Detailed design completed and design review underway.	
<b>934</b>	<b>Sheraton Cres, Ferntree Gully - Design</b>	<b>\$20,000</b>
Friberg	Detailed design complete and design review underway.	
<b>935</b>	<b>Scoresby (Exner) Reserve - Tennis Court Renewals</b>	<b>\$250,000</b>
Tirhatuan	Contractor appointed and works have commenced. Majority of works expected to be completed by mid-June with surfacing deferred to October 2018 when ambient temperatures are more suitable.	
<b>936</b>	<b>Carrington Park Reserve - Tennis Court Renewals</b>	<b>\$155,000</b>
Friberg	Survey and design completed. Quotes sought and submission being assessed with minor clarification on price being sought.	
<b>937</b>	<b>Kings Park Baseball Diamond - Safety Fencing</b>	<b>\$60,000</b>
Dobson	Works continue to be on hold while Club is considering the appropriate design for cages.	
<b>938</b>	<b>Kings Park Reserve - Drainage Renewal Works Oval #1</b>	<b>\$150,000</b>
Dobson	Project completed.	
<b>939</b>	<b>Millers Reserve - Oval Renewal - Design</b>	<b>\$15,000</b>
Chandler	Draft drawings have been received. Amendments will be considered prior to accepting final plans.	
<b>940</b>	<b>Wally Tew Reserve - Cricket net renewals - Design</b>	<b>\$10,000</b>
Dobson	Funding will be carried over into 2018/19 and combined with delivery funding.	

# Knox City Council Project Status Report

05-Jun-2018

<b>Project Number</b>	<b>Project Name</b>	<b>Total Approved Budget</b>
<b>941</b>	<b>Knox Regional Netball Centre - Court Renewals</b>	<b>\$20,000</b>
Dobson	Detailed design completed for the eastern most courts.	
<b>942</b>	<b>Tree Management</b>	<b>\$100,000</b>
All Wards	Works to be carried out as required.	
<b>943</b>	<b>Early Years Security Keypads</b>	<b>\$30,000</b>
All Wards	Project completed.	
<b>944</b>	<b>Knox Central (Operations Centre Relocation)</b>	<b>\$500,000</b>
Dinsdale	Planning permit being sought. Aiming for detailed design completion July in preparation for construction tender.  Remediation and assessment works (relating to contaminated soil at current Centre) are progressing on site in conjunction with an independent environmental auditor.	
<b>945</b>	<b>ICT - Website Redevelopment (Part of Project 787)</b>	<b>\$860,500</b>
All Wards	Approach to market by tender being re-evaluated. New approach being considered. Project to be carried forward into 2018/19.	
<b>946</b>	<b>Boronia Precinct Planning</b>	<b>\$390,000</b>
Baird	Transport study has been delayed and will run beyond the current financial year. Stage 1 has been completed and further resource cost will be incurred throughout stage 2 Strategy Development.	
<b>947</b>	<b>Knox Skate &amp; BMX Park - New Youth Pavilion</b>	<b>\$75,000</b>
Friberg	Concept design and cost plan is being prepared for 2018/19 SRV application.	
<b>948</b>	<b>Modular Building Program (Modern Construction Systems)</b>	<b>\$550,000</b>
All Wards	Contractor is progressing well with shop drawings/building permit application on track for October 2018 completion.	
<b>949</b>	<b>The Basin Neighbourhood House Redevelopment at The Basin Primary School</b>	<b>\$500,000</b>
Chandler	Priority list of fittings, furniture and equipment currently being quoted (up to \$150,000) with view to finalise by end of June.	
<b>950</b>	<b>Family &amp; Childrens Services Buildings &amp; Facilities</b>	<b>\$270,000</b>
All Wards	Project completed.	

# Knox City Council Project Status Report

05-Jun-2018

Project Number	Project Name	Total Approved Budget
951	<b>Community Toilet Replacement Program</b>	\$220,000
All Wards	Construction well underway with majority of works expected to be completed by late June. Some carry forward expected.	
952	<b>HV Jones Reserve Floodlighting Upgrade</b>	\$250,000
Friberg	Installation complete.	
953	<b>Schultz Reserve - New Floodlighting</b>	\$150,000
Collier	Construction is underway with completion expected by mid-late June.	
954	<b>Knox BMX Track - New Storage &amp; Start Gate Structure</b>	\$200,000
Friberg	Project to be carried forward.	
955	<b>Gilbert Park Skate Park Lighting</b>	\$25,000
Friberg	Project completed.	
956	<b>Knox Athletics Track - Discus Cage Upgrade</b>	\$75,000
Friberg	Detailed design finalised with scope and plans amended to suit reduced budget with Club in agreement. Additional funding required confirmed. Project to be packaged with Hammer-Throw cage. Contract awarded and awaiting pre-construction documentation to be submitted and approved.  Athletics Club have requested construction be delayed until the period 6 June to 20 July.	
957	<b>Kings Park - New Floodlighting (Oval 2) - Design</b>	\$2,000
Dobson	Project completed.	
958	<b>Liberty Avenue Reserve - New Floodlighting - Design</b>	\$2,000
Taylor	Project completed.	
959	<b>Rowville Community Centre - Lighting Upgrade</b>	\$50,000
Taylor	Project completed.	
960	<b>Knox Regional Netball Centre Improvements to Outdoor Amenities</b>	\$150,000
Dobson	Project completed.	
961	<b>Knox Regional Netball Centre Floodlight Outdoor Courts 5 to 8</b>	\$200,000
Dobson	The project is on hold. Waiting for revised masterplan from Leisure Services and Open Space & Landscape team.	

# Knox City Council Project Status Report

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<b>Project Number</b>	<b>Project Name</b>	<b>Total Approved Budget</b>
<b>962</b>	<b>Knox Regional Sports Park Signage</b>	<b>\$130,000</b>
Scott	Concept design is completed. New location has been confirmed. Awaiting authority consent (VicRoads) to proceed to request for quotation. Likely that project is to be carried forward.	
<b>963</b>	<b>Family &amp; Children Services - Site Master Plans - Stages 1 &amp; 2</b>	<b>\$50,000</b>
All Wards	Project completed.	
<b>964</b>	<b>Relocate Preschool Bag Lockers</b>	<b>\$32,000</b>
All Wards	Project underway with remaining works to be completed by end of June.	
<b>965</b>	<b>Billoo Park Preschool - Toilet and Storage Upgrade Design</b>	<b>\$10,000</b>
Collier	Project to be placed on hold until the childcare has relocated to the new Hub and then revisit the facility to scope works.	
<b>966</b>	<b>Alexander Magit Preschool - Verandah Replacement Design</b>	<b>\$10,000</b>
Friberg	Project completed.	
<b>967</b>	<b>Goodwin Estate Preschool - Verandah Replacement Design</b>	<b>\$10,000</b>
Chandler	Project completed.	
<b>968</b>	<b>Flamingo Preschool - Verandah Replacement Design</b>	<b>\$10,000</b>
Collier	Project completed.	
<b>969</b>	<b>Orana Neighbourhood House Kitchen Upgrade</b>	<b>\$5,000</b>
Dinsdale	Design expected to be completed by mid-late June.	
<b>970</b>	<b>Bayswater Scout Hall at Marie Wallace</b>	<b>\$150,000</b>
Dinsdale	Project implementation subject to provision of a State Government Grant.	
<b>971</b>	<b>Mountain Highway, The Basin Footpath (Basin Primary School)</b>	<b>\$10,000</b>
Chandler	Project completed.	
<b>972</b>	<b>Mountain Highway, The Basin Footpath (Dorrigo Drive)</b>	<b>\$40,000</b>
Chandler	Project completed.	
<b>973</b>	<b>Mountain Highway, The Basin Footpath (Wicks Road and Basin Shops)</b>	<b>\$340,000</b>
Chandler	Works completed. Practical completion inspection to follow.	

# Knox City Council Project Status Report

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05-Jun-2018

Project Number	Project Name	Total Approved Budget
974	<b>Bergins Road right turn lane</b> Taylor Project completed.	\$150,000
975	<b>AV Equipment for Function Rooms</b> All Wards Project to be carried forward into 2018/19 to complete remaining works.	\$150,000
976	<b>iChris - Chris21 Upgrade</b> All Wards Project to be carried forward into 2018/19.	\$117,400
977	<b>Pathway Online Applications / Permits / Registrations</b> All Wards Project to be carried forward into 2018/19 to complete remaining works.	\$127,000
978	<b>Microsoft Exchange Upgrade</b> All Wards Project to be undertaken in 2018/19.	\$150,000
979	<b>GIS Phase 3</b> All Wards Funds for LIDAR data to support 3D GIS development committed. Preparing scope/RFQ for VicMap data migration and scoping for 3D GIS Boronia Pilot expected to commence soon.	\$200,000
981	<b>Applications Support - Mobile Computing &amp; Information Integrity (EFT) (2018/19)</b> All Wards Project to be undertaken in 2018/19.	\$90,000
982	<b>Anne Road, Knoxfield LATM</b> Friberg Awaiting responses from consultation letter.	\$10,000
983	<b>Stewart Street LATM</b> Chandler Traffic devices along all three streets completed and threshold treatments at the intersections with Dorset Road about to start.	\$90,000
984	<b>Napoleon Road, Lysterfield Shared Path</b> Taylor VicRoads comments received and in discussion to meet their requirements and alterations.	\$200,000
985	<b>Napoleon Road, Lysterfield, Shared Path 4 - Design</b> Taylor Detailed design between Catalpa Close and bus-stop on Napoleon Road completed with design review to follow. Plans sent to Public Transport Victoria and bus companies and awaiting feedback.	\$10,000

# Knox City Council Project Status Report

05-Jun-2018

Project Number	Project Name	Total Approved Budget
986	<b>Boronia Road Activity Centre Bike Parking</b>	\$1,500
Baird	Project completed.	
987	<b>Wayfinding Signage for Cyclists</b>	\$5,000
All Wards	Waiting for further quotes for corrected size signs.	
988	<b>Marie Wallace Bicycle Repair Station</b>	\$3,000
Dinsdale	Project completed.	
989	<b>George Street, Scoresby Bicycle Improvements</b>	\$139,000
Scott	Final audit to be conducted on completed works.	
990	<b>Tyner Rd, Wantirna South New School Crossing</b>	\$28,000
Scott	Project completed.	
991	<b>Wellington Road, Rowville Footpath Connection</b>	\$40,000
Tirhatuan	Project completed.	
992	<b>Karoo Rd, Rowville Footpath Connection</b>	\$25,000
Friberg	Project completed.	
993	<b>Ferntree Gully Road, Scoresby Footpath Connection</b>	\$10,000
Tirhatuan	Design completed and title conflict identified. Awaiting feedback on design review.	
994	<b>Picketts Reserve, Ferntree Gully Masterplan Implementation</b>	\$100,000
Baird	Project completed.	
995	<b>Peregrine Reserve, Rowville - Masterplan Implementation</b>	\$45,000
Taylor	Council Report is currently being prepared.	
996	<b>Arcadia Reserve, Rowville - Masterplan Implementation</b>	\$100,000
Tirhatuan	Practical completion currently scheduled for early June.	
997	<b>Llewellyn Reserve, Wantirna South - Masterplan Implementation</b>	\$100,000
Scott	Indigenous planting to disturbed area north of site, embankment planting and entry planting to commence early 2018/19. Currently seeking quotes for new entry signage and relocation of fencing/gates.	

# Knox City Council Project Status Report

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Project Number	Project Name	Total Approved Budget
<b>998</b>	<b>Templeton Reserve, Wantirna - Masterplan Implementation</b>	<b>\$170,000</b>
Collier	Contract works completed. Verandah extension works completed and practical completion certificate achieved.	
<b>999</b>	<b>Lewis Park, Wantirna South - Masterplan</b>	<b>\$200,000</b>
Dinsdale	Consultants to develop the draft masterplan. Due to Council in early June.	
<b>1000</b>	<b>Stud Park Reserve, Rowville - Masterplan</b>	<b>\$40,000</b>
Tirhatuan	Currently seeking quotes from consultants to undertake detailed documentation. Consultant to be engaged by early June.	
<b>1001</b>	<b>Scoresby Village Reserve - Masterplan</b>	<b>\$20,000</b>
Tirhatuan	Currently seeking quotes from consultants to undertake detailed documentation. Consultant to be engaged by early June.	
<b>1002</b>	<b>RD Egan Lee Reserve, Knoxfield</b>	<b>\$45,000</b>
Scott	Currently seeking internal officer comments on the draft masterplan.	
<b>1003</b>	<b>Wantirna Reserve - Masterplan</b>	<b>\$50,000</b>
Collier	Awaiting confirmation of arrangement with Parks Victoria and consideration of possible design inclusions prior to finalising the draft masterplan.	
<b>1004</b>	<b>Knox Park, Knoxfield - Relocation of Playground</b>	<b>\$20,000</b>
Friberg	Project completed.	
<b>1005</b>	<b>Neighbourhood Green Streets</b>	<b>\$50,000</b>
All Wards	Open Space to prepare sketch plans for planting. Planting to commence in early 2018/19 depending on weather conditions.	
<b>1006</b>	<b>Bush Boulevards</b>	<b>\$50,000</b>
All Wards	Open Space to prepare sketch plans for planting. Planting to commence in early 2018/19 depending on weather conditions.	
<b>1007</b>	<b>Koolunga Reserve (Catchment 910) - Feasibility</b>	<b>\$50,000</b>
Dobson	Concept design has commenced and scheduled to be completed end of June. Detailed design is scheduled for 2018/19.	

Project Number	Project Name	Total Approved Budget
<b>1008</b>	<b>Mont Albert to Forest Roads (catchment 910) - Feasibility</b>	<b>\$20,000</b>
Dobson	The initial stakeholder meeting occurred on 14 May. Representatives from Melbourne Water, Parks Victoria, Yarra Ranges Council, the CFA, Ferntree Gully and Knox City Council were present. The feasibility of the project including the challenges to undertake the project were discussed. The project is dependent on Park Victoria's permission to use the land. Council is awaiting a response from Parks Victoria to assess if this project can proceed. A response is expected by early June.	
<b>1009</b>	<b>Talking Tanks Initiative - Flood Protection</b>	<b>\$30,000</b>
All Wards	Flood modelling to date is showing it is very difficult to mitigate flooding in this catchment without a combination of tanks on site, network upgrades, pumps and detention basins. Knox has many catchments similar to this one where traditional methods of flood mitigation is not possible. Flood risk will increase in these areas due to further infill development and climate change.  Stage 1 modelling is now complete. Stage 2 modelling of a combination of options is now underway in partnership with South East Water.	
<b>1010</b>	<b>Dam Condition Audit &amp; Concept Design Solutions</b>	<b>\$50,000</b>
All Wards	An internal review found that the additional retarding basins within the municipality do not meet the ANCOLD definition of a large dam and thus no dam condition audits are required at these sites.	
<b>1011</b>	<b>The Basin Triangle Public Toilet - Installation of Change Table</b>	<b>\$3,500</b>
Dobson	Project completed.	
<b>1013</b>	<b>Marie Wallace Bayswater Solar Panel Installation</b>	<b>\$40,910</b>
Dinsdale	Project completed.	
<b>1014</b>	<b>Batterham Reserve Solar Panel Installation</b>	<b>\$12,513</b>
Chandler	Project completed.	
<b>1015</b>	<b>Tormore Reserve Solar Panel Installation</b>	<b>\$40,910</b>
Baird	Project completed.	
<b>1016</b>	<b>Kings Park Solar Panel Installation</b>	<b>\$9,091</b>
Dobson	Awaiting on the club to complete verandah project before solar panels can be installed. It is unlikely verandah works will be completed this financial year. The solar panel works will need to be carried forward into 2018/19.	
<b>1024</b>	<b>ICT - Information architecture design and planning (Part of Project 813) (2018/9)</b>	<b>\$0</b>
All Wards	Project to be undertaken in 2018/19.	

<b>Project Number</b>	<b>Project Name</b>	<b>Total Approved Budget</b>
<b>1025</b>	<b>ICT - Pathway Smartclient implementation (Part of Project 815)</b>	<b>\$0</b>
All Wards	Funds migrated to project 815.	
<b>1026</b>	<b>ICT - DRP Update and full test (Part of Project 818)</b>	<b>\$140,000</b>
All Wards	Project to be carried forward into 2018/19 to complete remaining works.	
<b>1027</b>	<b>Integrated Agenda &amp; Minutes Management system</b>	<b>\$80,000</b>
All Wards	Project on schedule with Implementation Phase 1 - Initiation & Planning of integration to core business system KX and Office 365, process review of templates and change management in progress.	
<b>1028</b>	<b>ICT - Intranet Upgrade (Part of Project 827) (2018/9)</b>	<b>\$0</b>
All Wards	Project to be undertaken in 2018/19.	
<b>1029</b>	<b>ICT - iChris - Chris21 upgrade (Part of Project 976)</b>	<b>\$0</b>
All Wards	Project in initial scoping phase.	
<b>1030</b>	<b>ICT - Microsoft Exchange Upgrade (Part of Project 978)</b>	<b>\$0</b>
All Wards	Project completed.	
<b>1031</b>	<b>ICT - Data Integration - Spatial (2018/9)</b>	<b>\$70,000</b>
All Wards	Project to be undertaken in 2018/19.	
<b>1032</b>	<b>ICT - CRM Citizen Portal for Web</b>	<b>\$65,000</b>
All Wards	Awaiting prioritisation and scheduling. Project to be carried forward into 2018/19.	
<b>1033</b>	<b>ICT - CMS Integration and Portal (2018/9)</b>	<b>\$160,000</b>
All Wards	Project to be undertaken in 2018/19.	
<b>1034</b>	<b>ICT - CRM Pilot, Enterprise Solution</b>	<b>\$1,100,000</b>
All Wards	Awaiting prioritisation and scheduling. Project to be undertaken in 2018/19.	
<b>1035</b>	<b>ICT - Payment Gateway</b>	<b>\$150,000</b>
All Wards	Project to be carried forward into 2018/19.	
<b>1036</b>	<b>ICT - HR System Enhancements</b>	<b>\$300,000</b>
All Wards	Project to be carried forward into 2018/19.	

Project Number	Project Name	Total Approved Budget
<b>1037</b>	<b>ICT - Key Project Initiation Documentation</b>	<b>\$145,500</b>
All Wards	Project to be carried forward into 2018/19.	
<b>1038</b>	<b>ICT - Business Strategy and Benefits Identification</b>	<b>\$75,000</b>
All Wards	Project to be carried forward into 2018/19 to complete remaining works.	
<b>1039</b>	<b>ICT - IT Network Security Evaluation and Upgrade (2018/9)</b>	<b>\$554,000</b>
All Wards	Project to be undertaken in 2018/19.	
<b>1040</b>	<b>Dandenong Creek Amenity Improvements</b>	<b>\$50,000</b>
All Wards	Order has been placed for gym stations adjacent to Mint Street Wetlands. Currently seeking quote for installation of drinking fountain.	
<b>1041</b>	<b>11 Nathan Street, Ferntree Gully - Flood Mitigation</b>	<b>\$97,000</b>
Dobson	Design received by Construction and issued to the contractor who advised that they will be completed by end of June.	
<b>1045</b>	<b>Egan Lee Reserve - Pavilion Upgrades (Female Friendly)</b>	<b>\$3,000</b>
Scott	Application to SRV was successful. Council has secured \$100,000 for this project.	
<b>1046</b>	<b>Scoresby Recreation Reserve - Pavilion Lift Installation</b>	<b>\$34,460</b>
Tirhatuan	Project completed.	
<b>1047</b>	<b>Colchester Reserve Safety Fencing</b>	<b>\$5,800</b>
Chandler	Project completed.	
<b>1052</b>	<b>Coonara House Solar Panels</b>	<b>\$13,636</b>
Dobson	Project completed.	
<b>1053</b>	<b>Eildon Park - New Shade Structure</b>	<b>\$26,227</b>
	Project completed.	
<b>1054</b>	<b>Knox Regional Sports Park - Masterplan</b>	<b>\$150,000</b>
Scott	Draft masterplan out for community consultation.	
<b>1063</b>	<b>Sasses Reserve Safety Fencing</b>	<b>\$20,500</b>
Dinsdale	Project completed.	

# Knox City Council Project Status Report

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<b>Project Number</b>	<b>Project Name</b>	<b>Total Approved Budget</b>
<b>1068</b>	<b>Rowville Recreation Reserve - Multipurpose Community Workshop</b>	<b>\$350,000</b>
Taylor	We are currently obtaining quotes for the design and development of the multipurpose community workshop space and soil testing on site.	
<b>1071</b>	<b>Park Ridge Reserve Floodlighting Timer</b>	<b>\$940</b>
Taylor	Project completed.	
<b>1084</b>	<b>Goal Post Relocation Project</b>	<b>\$80,228</b>
All Wards	Work is progressing on schedule. Goal posts at Bayswater and Tormore Reserves to be installed in June.	
<b>1097</b>	<b>Wally Tew Reserve - Changing Places Facility</b>	<b>\$200,000</b>
Dobson	Exact location being finalised.	
<b>1098</b>	<b>Batterham Park, Oval 2 - Floodlighting Relocation</b>	<b>\$75,000</b>
Chandler	Quotations being sought.	
		<b>Total: \$92,698,102</b>

Official Minutes of Knox City Council

**ALL WARDS****11.2 ASSEMBLIES OF COUNCILLORS**

**SUMMARY:** *Acting Manager Governance and Strategy  
(Ralph Anania)*

*This report provides details of Assembly of Councillors for the period 14 May 2018 to 5 June 2018, as required under section 80A(2) of the Local Government 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.

**COUNCIL RESOLUTION**

**MOVED: CR. PEARCE**

**SECONDED: CR. LOCKWOOD**

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**

## Complete this Section

Date of Assembly: 14/5/2018

Name of Committee or Group (if applicable): Special Issues Briefing

Time Meeting Commenced: 7.15pm

## Name of Councillors Attending:

Cr John Mortimore, Mayor

Cr Tony Holland

Cr Jake Keogh, Deputy Mayor

Cr Lisa Cooper

Cr Peter Lockwood

Cr Darren Pearce

Cr Jackson Taylor

Cr Nicole Seymour

Cr Adam Gill

## Name of Members of Council Staff Attending:

Tony Doyle

Julia Oxley

Ian Bell

Ralph Anania

Michael Fromberg

Kathy Parton

## Matters Considered:

1. 2018 MAV State Council Meeting

## Any conflict of interest disclosures made by a Councillor attending: \*Nil

Name	Disclosure (refer front of form)	Relevant Matter	Left Assembly **
			Yes/No
			Yes/No
			Yes/No

Name of Person Completing Record: Paige Kennett

\* Note: A Councillor making a disclosure must (80A(3)) make a disclosure under s79 and complete a Disclosure of Conflict of Interest Form.

\*\* Councillor disclosing to an assembly that he or she has a conflict of interest must leave the assembly prior to the matter being discussed and not return until the item has been considered.

[Complete this Section](#)

**Date of Assembly:** 22/5/2018

**Name of Committee or Group (if applicable):** Youth Advisory Committee

**Time Meeting Commenced:** 6.15pm

**Name of Councillors Attending:**

Cr Jake Keogh, Deputy Mayor

Cr Jackson Taylor

**Name of Members of Council Staff Attending:**

Katie Scott

Roberta Styles-Wood

Tony Justice

Peter Gore

Tony Doyle

Thomas Meagher

**Matters Considered:**

Community Safety team undertook a consultation regarding midnight basketball.

**Any conflict of interest disclosures made by a Councillor attending: \*Nil**

Name	Disclosure (refer front of form)	Relevant Matter	Left Assembly **
			Yes/No
			Yes/No
			Yes/No

**Name of Person Completing Record:** Katie Scott

\* Note: A Councillor making a disclosure must (80A(3)) make a disclosure under s79 and complete a Disclosure of Conflict of Interest Form.

\*\* Councillor disclosing to an assembly that he or she has a conflict of interest must leave the assembly prior to the matter being discussed and not return until the item has been considered.

[Complete this Section](#)

**Date of Assembly:** 4/6/2018

**Name of Committee or Group (if applicable):** Issues Briefing

**Time Meeting Commenced:** 8.10pm

**Name of Councillors Attending:**

Cr John Mortimore, Mayor

Cr Tony Holland

Cr Peter Lockwood

Cr Lisa Cooper

Cr Jackson Taylor

Cr Darren Pearce

Cr Adam Gill

Cr Nicole Seymour

**Name of Members of Council Staff Attending:**

Tony Doyle

David Yeouart (Items 1 & 2)

Michael Fromberg

Andrea Szymanski (Items 1 & 2)

Ian Bell

Carlee Vandenberg (Item 3)

Julia Oxley

Gillian Shelley (Item 3)

Kathy Parton

Elissa Pachacz (Item 4)

Paige Kennett

Ralph Anania

**Matters Considered:**

1. People and Dogs in Parks
2. Quarry Reserve – Risk Management Review and Development
3. 2020 Central Enrolment Project
4. Immerse Service Model Review
5. Forward Report Schedule

**Any conflict of interest disclosures made by a Councillor attending: \* Nil**

Name	Disclosure (refer front of form)	Relevant Matter	Left Assembly **
			Yes/No
			Yes/No

**Name of Person Completing Record:** Paige Kennett

\* Note: A Councillor making a disclosure must (80A(3)) make a disclosure under s79 and complete a Disclosure of Conflict of Interest Form.

\*\* Councillor disclosing to an assembly that he or she has a conflict of interest must leave the assembly prior to the matter being discussed and not return until the item has been considered.

[Complete this Section](#)

**Date of Assembly:** 5/6/2018

**Name of Committee or Group (if applicable):** Knox Disability Advisory Committee

**Time Meeting Commenced:** 6.30pm

**Name of Councillors Attending:**

Cr Nicole Seymour

**Name of Members of Council Staff Attending:**

Amanda Wiggs

Peter Johnston

Joy Temple

**Matters Considered:**

1. NDIS Early Childhood Intervention Access Partner
2. Victorian Legal Aid
3. Agency Sharing of Information

**Any conflict of interest disclosures made by a Councillor attending: \* Nil**

Name	Disclosure (refer front of form)	Relevant Matter	Left Assembly **
			Yes/No
			Yes/No
			Yes/No

**Name of Person Completing Record:** Melissa Roche

\* Note: A Councillor making a disclosure must (80A(3)) make a disclosure under s79 and complete a Disclosure of Conflict of Interest Form.

\*\* Councillor disclosing to an assembly that he or she has a conflict of interest must leave the assembly prior to the matter being discussed and not return until the item has been considered.

**12. MOTIONS FOR WHICH NOTICE HAS PREVIOUSLY BEEN GIVEN**

Nil.

**13. SUPPLEMENTARY ITEMS**

**ALL WARDS**

**13.2 CONTRACT NO. 2357 – PRUNING AND GENERAL ARBORICULTURAL SERVICES**

**SUMMARY:** *Peter Carlos – Acting Coordinator – Active Open Space & Lara Wilson – Acting Project Officer – Trees*

*This report recommends the addition of a further tenderer to the panel as approved by Council at the Strategic Planning Committee Meeting of 12 June, 2018 for Contract No. 2357 – Pruning and General Arboricultural Services.*

**RECOMMENDATION**

That Council:

1. Accept the tender submitted by Vegetation Group Australia Pty Ltd for the following Schedule of Rates components of Contract No. 2357 for a contract term of two years from 1 July 2018 to 30 June 2020, with the option of two (2) x one (1) year extensions at Council's discretion;
  - Tree Pruning and Removal;
  - Tree Stump Removal;
  - Mulch Disposal;
2. Authorise the Chief Executive Officer to sign and seal the contracts on behalf of Council.
3. Advise all tenderers accordingly.

**1. INTRODUCTION**

Council received a report that considered and recommended the appointment of a panel of tenderers for Contract No. 2357 – Pruning and General Arboricultural Services at the Strategic Planning Committee (SPC) of Council on 12 June, 2018. The report recommendations were endorsed by Council. Refer Appendix A - SPC Report and Appendix B, Confidential Procurement Report as appended to the SPC report.

Subsequent to the report being presented to the Strategic Planning Committee, it was identified that two (2) tenders had been received that had not been included as a part of the tender evaluation process. This was due to an administrative anomaly associated with the on-line or electronic tender submission process. This anomaly has since been resolved. The tenders were from:

- Vegetation Group Australia Pty Ltd
- Jim's Trees

In consultation with Council's Strategic Procurements Department, it was determined that the two tenders would be assessed in accordance with the evaluation criteria and methodology that was applied to all tenderers for Contract No. 2357 – Pruning and General Arboricultural Services. Refer Appendix C – Revised Confidential Procurement Report.

This report provides an outline of that assessment process.

## **2. DISCUSSION**

### **2.1 Initial Assessment**

Following an initial assessment by the tender evaluation panel, it was determined that Jim's Trees was a non-compliant submission. The submission by Vegetation Group Australia Pty Ltd was deemed to be compliant and was to be assessed against the tender evaluation criteria.

### **2.2 Tenders**

An invitation to tender notice was placed in *The Age* and the *Leader Group* of newspapers, commencing 4 April 2018, and concluding on 2 May 2018.

#### **2.2.1 Lump Sum**

The following parties tendered for the Lump Sum (Proactive Zone Pruning) component of Contract No. 2357:

1. Active Tree Services Pty Ltd
2. Batt Brothers Pty Ltd
3. Citywide Service Solutions Pty Ltd
4. Falbury Pty Ltd as trustee for the KJ Wallace Discretionary Trust trading as ETS Vegetation Management (ETS)
5. R & J Stewart Pty Ltd
6. Vegetation Group Australia Pty Ltd

#### **2.2.2 Schedule of Rates**

The following parties tendered for the reactive (Schedule of Rates) component of Contract No. 2357:

1. Active Tree Services Pty Ltd
2. Arbor Co Pty Ltd
3. Arbor Spray Pty Ltd
4. Asplundh

5. Batt Brothers Pty Ltd
6. Citywide Service Solutions Pty Ltd
7. Falbury Pty Ltd as trustee for the KJ Wallace Discretionary Trust trading as ETS Vegetation Management (ETS)
8. ENSPEC Pty Ltd
9. Greenscape Tree Consulting Pty Ltd
10. Herbamac Pty Ltd
11. Heritage Trees Pty Ltd
12. Just Roots Pty Ltd
13. R & J Stewart Travel Tower Hire Pty Ltd
14. Roger Greenwood Consulting
15. Jim's Trees
16. Vegetation Group Australia Pty Ltd

### 2.2.3 Evaluation Panel

The Tender Evaluation Panel consisted of the following members:

Name	Title	Organisational Unit
Lara Wilson	Acting Project Officer Trees	Active Open Space
Phil Kearsley	Probity Advisor	Strategic Procurement
Peter Carlos	Acting Coordinator Active Open Space	Operations

Assisting the panel with matters of probity was Michele Colman – Acting Procurement Lead – Business and financial services.

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.

### 2.2.4 Evaluation Criteria

The evaluation criteria, as listed in the Conditions of Tender, were assigned the following weightings:

1. Project Delivery	30%
2. Price	30%
3. Relevant experience, past performance	20%
4. Equipment and human resources	10%
5. Quality Management	10%
<b>TOTAL</b>	<b>100%</b>

## 2.3 Tender Evaluation Results

As noted, there are two components to Contract No. 2357. The first component is the Lump Sum component, which relates to programmed tree inspection and maintenance. This relates to delivery of programmed tree inspections and maintenance works in accordance with Electrical Line Clearance Regulations (2015) and Council's Road Management Plan.

The works are delivered under a Lump Sum payment arrangement and completed over a two year (2) period.

The second component (Schedule of Rates) addresses reactive tree works arising from customer requests, internal asset inspection cycles and in house programs.

The evaluation and ranking of Vegetation Group Australia Pty Ltd determined that their tender provided by Vegetation Group Australia Pty Ltd meets the requirements of The Schedule of Rates component of the contract with regard to Tree Pruning and Removal, Stump Grinding and Mulch Disposal. It is considered that the inclusion of this contractor to the panel would provide a valuable additional resource for these works which would be of benefit to Council, particularly during extreme weather events.

The panel therefore recommends the inclusion of Vegetation Group Australia Pty Ltd to the panel of tenderers approved by the Strategic Planning Committee on 12th June for the Schedule of Rates component of Contract No. 2357 to engage the services over a two year period, with two (2) x one (1) year optional extensions for:

- tree removal and pruning;
- stump grinding;
- disposal of mulch.

### 2.3.1 Lump Sum Component

Type of Works	Recommended Tenderer
Lump sum tender	Active Tree Services Pty Ltd
Proactive zone pruning component to comply with Electrical Safety (Line Clearance 2015) and Council's Road Management Plan	

### 2.3.2 Schedule of Rates Components

Type of Works	Recommended Tenderer
Tree Pruning & Removal	R&J Stewart Travel Tower Hire Pty Ltd Citywide Service Solutions Pty Ltd Active Tree Services Pty Ltd Batt Brothers Pty Ltd Falbury Pty Ltd as trustee for the KJ Wallace Discretionary Trust trading as ETS Vegetation Management (ETS) Vegetation Group Australia Pty Ltd
Tree Stump Removal	Herbamac Pty Ltd R&J Stewart Travel Tower Hire Pty Ltd

*the majority of works are associated with tree removal undertaken by the Lump Sum and reactive tree removal service providers	Citywide Service Solutions Pty Ltd Active Tree Services Pty Ltd Batt Brothers Pty Ltd Falbury Pty Ltd as trustee for the KJ Wallace Discretionary Trust trading as ETS Vegetation Management (ETS) Vegetation Group Australia Pty Ltd
Pest Control (Elm Leaf Beetle)	Arborspray Pty Ltd
Tree Root Control	Just Roots Pty Ltd
Tree Report Writing/Inspections	ENSPEC Pty Ltd
Afterhours <i>*Is mandatory for the Lump Sum service provider</i>	Active Tree Services Pty Ltd R&J Stewart Travel Tower Hire Pty Ltd Citywide Service Solutions Pty Ltd Batt Brothers Pty Ltd Falbury Pty Ltd as trustee for the KJ Wallace Discretionary Trust trading as ETS Vegetation Management (ETS)
Disposal of Mulch	Active Tree Services Pty Ltd R&J Stewart Travel Tower Hire Pty Ltd Citywide Service Solutions Pty Ltd Batt Brothers Pty Ltd Falbury Pty Ltd as trustee for the KJ Wallace Discretionary Trust trading as ETS Vegetation Management (ETS) Vegetation Group Australia Pty Ltd

### **3. CONSULTATION**

Consultation has occurred with stakeholders during the phases of tender preparation and advertising. Consultation has also occurred with the current project officers and the wider Parks management team during the evaluation phase to ensure a successful tendering process was achieved.

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

Council currently manages approximately 66,000 street trees and 780 hectares of treed open space, which encapsulate the leafy green image of Knox. Electrical Line Clearance Regulations (2015) and Council's Road Management Plan require that all trees are managed to maintain specified clearances from infrastructure such as power lines, roads, footpath signage and lighting.

These works will benefit both the amenity and environmental components of Council's tree population through best practice management. Works within sites of biological significance are directed and overseen by Council's Bushland Management team and trees removals are off-set by Council's Street Tree Renewal and Infill Planting programs.

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

Lump sum works are within the projected budget forecast for 2019/20. A savings of \$47,889.67 is anticipated for Lump Sum works over the initial contract term (July 1st 2018-June 30 2020).

Further projected savings of approximately \$40,000 per year from the reactive tree budget are also anticipated, given that 47% of stump removal works are now included in the Lump Sum cost.

Reactive works are estimated to cost \$1,300,000 per year. This is however likely to vary year by year given the influence of climatic conditions on works. Over the full contract term, these works are estimated to cost approximately \$5,200,000.

Over the life of the contract the full cost is estimated at \$9,200,000 for proactive and reactive works. Given the unstable nature of reactive works and the anticipated cost increase for proactive and reactive works due to the inclusion of stump removal in the works, a round figure of \$10,000,000 will provide a safety net for the program over the life of the contract.

This accords with the budget provision.

## **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, providing the following benefits:

- By providing shade and cooling the air through transpiration, trees make our streets and homes cooler and help to combat the urban heat island effect, absorbing less heat than the built structures around them.
- The shade provided by trees reduces sun exposure and heat related illness.
- Trees reduce storm water flows and nutrient runoff that would otherwise end up in our waterways. Tree canopies absorb the impact of heavy rainfall and tree roots clean ground water, reducing the nitrogen, phosphorous and heavy metal content in our waterways.
- Trees clean the air, reducing pollutants through the process of photosynthesis, where harmful chemicals such as carbon dioxide, ozone and other greenhouse gasses are removed from the air and oxygen is released.

By reducing the need for air conditioning in warmer months, greenhouse gas emissions are further reduced by trees whilst cost of living is decreased.

- Street trees add natural character to our streets and create a sense of privacy and place, increasing aesthetic appeal and property values.
- Trees provide food, habitat and homes to a wide range of animals and indigenous trees are of particular benefit to local fauna.
- Street trees provide vital habitat corridors that allow animals to safely travel through our busy streets, keeping them safe from traffic and predators.

## **7. RELEVANCE TO KNOX COMMUNITY AND COUNCIL PLAN 2017-2021**

### **Goal 1.**

#### **We value our natural and built environment.**

Strategy 1.1 Protect and enhance our natural environment.

Strategy 1.2 Create a greener city with more large trees, indigenous flora and fauna.

### **Goal 6.**

#### **We are healthy, happy and well.**

Strategy 6.2 Support the community to enable positive physical and mental health.

## **8. CONFLICT OF INTEREST**

Under section 80c of the Local Government Act 1989 officers providing advice to Council must disclose any interests, including the type of interest.

Officer Responsible – Ian Bell, Director – Engineering & Infrastructure – In providing this advice as the Officer Responsible, I have no disclosable interests in this report.

Author – Peter Carlos, Acting Coordinator – Active Open Space – In providing this advice as the Author, I have no disclosable interests in this report.

Author – Lara Wilson, Acting Project Officer – Trees – In providing this advice as the Author, I have no disclosable interests in this report.

## **9. CONCLUSION**

Following the tender evaluation process, it is recommended that Vegetation Group Australia Pty Ltd be included on the panel of contractors as endorsed by Council at the Strategic Committee Meeting of 12 June 2018 to deliver reactive components for Tree Pruning and Removal, Tree Stump Grinding and Mulch Disposal of Contract No. 2357 and that Council accept their Schedule of Rates for these items.

Vegetation Group Australia Pty Ltd is adequately resourced and available to successfully undertake this contract within the constraints of quality and cost as detailed in the contract documentation.

**10. CONFIDENTIALITY**

The Procurement Report, including the tendered prices, evaluation matrix and completed Panel Evaluation Form is provided separately to this report.

**COUNCIL RESOLUTION****MOVED: CR. HOLLAND****SECONDED: CR. LOCKWOOD**

That Council:

1. **Accept the tender submitted by Vegetation Group Australia Pty Ltd for the following Schedule of Rates components of Contract No. 2357 for a contract term of two years from 1 July 2018 to 30 June 2020, with the option of two (2) x one (1) year extensions at Council's discretion;**
  - **Tree Pruning and Removal;**
  - **Tree Stump Removal;**
  - **Mulch Disposal;**
2. **Authorise the Chief Executive Officer to sign and seal the contracts on behalf of Council.**
3. **Advise all tenderers accordingly.**

**CARRIED**

CONTRACT NO. 2357 – PRUNING AND GENERAL ARBORICULTURAL SERVICES

**SUMMARY:** *Peter Carlos – Acting Coordinator – Active Open Space & Lara Wilson – Acting Project Officer – Trees*

*This report considers and recommends the appointment of a panel of tenderers for Contract No. 2357 – Pruning and General Arboricultural Services.*

#### RECOMMENDATION

**That Council:**

**1. Resolve to award Contract No. 2357 as follows:**

**1.1 Lump Sum Contract – Proactive Zone Pruning Program**

Accept the tender submitted by Active Tree Services Pty Ltd for a contract term of two years from 1 July 2018 to 30 June 2020, with the option of two (2) x one (1) year extensions at Council's discretion;

**1.2 Schedule of Rates – Tree Pruning and Removal**

Accept the tenders submitted by:

- R&J Stewart Travel Tower Hire Pty Ltd;
- Citywide Service Solutions Pty Ltd;
- Active Tree Services Pty Ltd;
- Batt Brothers Pty Ltd; and
- Falbury Pty Ltd as trustee for the KJ Wallace Discretionary Trust trading as ETS Vegetation Management (ETS);

for a contract term of two years from 1 July 2018 to 30 June 2020, with the option of two (2) x one (1) year extensions at Council's discretion;

**1.3 Schedule of Rates – Stump Removal**

Accept the tenders submitted by:

- Herbamac Pty Ltd;;
- R&J Stewart Travel Tower Hire Pty Ltd;
- Citywide Service Solutions Pty Ltd;
- Active Tree Services Pty Ltd;
- Batt Brothers Pty Ltd; and
- Falbury Pty Ltd as trustee for the KJ Wallace Discretionary Trust trading as ETS Vegetation Management (ETS);

for a contract term of two years from 1 July 2018 to 30 June 2020, with the option of two (2) x one (1) year extensions at Council's discretion;

#### **1.4. Schedule of Rates – Tree Root Control**

Accept the tender submitted by Just Roots Pty Ltd for the provision of Schedule of Rates tree root control for a contract term of two years from 1 July 2018 to 30 June 2020, with the option of two (2) x one (1) year extensions at Council's discretion.

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

Accept the tender submitted by Arborspray Pty Ltd for the provision of Schedule of Rates stump pest control (elm leaf beetle) for a contract term of two years from 1 July 2018 to 30 June 2020, with the option of two (2) x one (1) year extensions at Council's discretion.

#### **1.6 Schedule of Rates – Tree Report Writing**

Accept the tender submitted by ENSPEC Pty Ltd for the provision of Schedule of Rates tree report writing for a contract term of two years from 1 July 2018 to 30 June 2020, with the option of two (2) x one (1) year extensions at Council's discretion.

#### **1.7 Schedule of Rates – Afterhours**

Accept the tenders submitted by:

- Active Tree Services Pty Ltd;
- R&J Stewart Travel Tower Hire Pty Ltd;
- Citywide Service Solutions Pty Ltd;
- Batt Brothers Pty Ltd; and
- Falbury Pty Ltd as trustee for the KJ Wallace Discretionary Trust trading as ETS Vegetation Management (ETS);

for a contract term of two years from 1 July 2018 to 30 June 2020, with the option of two (2) x one (1) year extensions at Council's discretion.

#### **1.8 Schedule of Rates – Disposal of Mulch**

Accept the tenders submitted by:

- Active Tree Services Pty Ltd;
- R&J Stewart Travel Tower Hire Pty Ltd;
- Citywide Service Solutions Pty Ltd;
- Batt Brothers Pty Ltd; and
- Falbury Pty Ltd as trustee for the KJ Wallace Discretionary Trust trading as ETS Vegetation Management (ETS);

**for a contract term of two years from 1 July 2018 to 30 June 2020, with the option of two (2) x one (1) year extensions at Council's discretion.**

- 2. Authorise the Chief Executive Officer to sign and seal the contracts on behalf of Council.**
- 3. Advise all tenderers accordingly.**

## 1. INTRODUCTION

Contract No. 2357 is for the provision of arboricultural services to the community of Knox. Contract No. 2357 will replace Contract No. 2188 – Pruning and General Arboricultural Services, which will expire on 30 June 2018.

Council has not exercised the option of two (2) x (1) one year extensions available under the Conditions of Contract No. 2188 given that there is scope for significant service delivery improvements in a number of areas, and the need to appoint additional reactive resources to cope with extreme weather events.

Contact No. 2357 contains two major components – 'Lump Sum' and 'Schedule of Rates'.

The Lump Sum component is commonly referred to as the proactive zone pruning program, and relates to the pruning of Council maintained trees (street and reserve) from the relevant power authority's overhead distribution lines to the standard required by the Electrical Safety (Line Clearance) Regulations (2015). In addition, this contract ensures proactive pruning of trees to maintain clearance over footpaths, driveways, roads, in accordance with Council's Road Management Plan.

The Schedule of Rates component is commonly referred to as Council's Reactive Tree Program and includes the following services:

- tree removal and pruning;
- stump grinding;
- pest management (Elm Leaf Beetle);
- tree root management (root barriers);
- tree reports/inspections;
- after hours works; and
- disposal of mulch.

## 2. DISCUSSION

### **2.1 Proposed Works/Services**

This report considers and recommends the appointment of a sole tenderer for the delivery of programmed tree maintenance inspection and works, under a Lump Sum payment arrangement to be completed over a two (2) year period, with two (2) x one (1) year optional extensions in consideration of performance thereafter as below.

Contact Period	Dates
24 Months	1 July 2018 to 30 June 2020
12 Months	1 July 2020 to 30 June 2021
12 Months	1 July 2021 to 30 June 2022

The report also considers and recommends the appointment of a panel of tenderers for the Schedule of Rates component of Contract No. 2357 to engage the services over a two year period, with two (2) x one (1) year optional extensions in consideration of performance thereafter as below:

- tree removal and pruning;
- stump grinding;
- pest management (Elm Leaf Beetle);
- tree root management (root barriers);
- tree report writing/inspections;
- after hours; and
- disposal of mulch.

Contract No. 2357 will be for the following periods:

Contact Period	Dates
24 Months	1 July 2018 to 30 June 2020
12 Months	1 July 2020 to 30 June 2021
12 Months	1 July 2021 to 30 June 2022

### 2.1.1 Lump Sum Component

The Lump Sum component is commonly referred to as Council's Proactive Zone Pruning Program. The program ensures that all trees under power lines are inspected on an annual basis and that street trees are pruned on a two yearly cycle to ensure that Council is compliant with Electrical Safety (Line Clearance) Regulations (2015) and Council's Road Management Plan.

General Conditions of Contract No. 2357 require the tenderer to:

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

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

### 2.1.2 Schedule of Rates Component

The Schedule of Rates component applies to all Council owned or managed trees within the municipality. Services include 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. All contractors undertaking removal works must remove stumps within 4 weeks unless otherwise directed by Council. The Tenderer will be paid in accordance with the Schedule of Rates – Stump Grinding for the performance of this work.

- Pest Management

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.

- Root Management

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/Inspections

The tenderer shall undertake tree reports/inspections 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 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 for afterhours contact. The tenderer is expected to attend any tree related issues within an hour of the initial call for assistance.

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 – After Hours for the performance of this work.

Note: Tenderers delivering Schedule of Rates tree pruning services will also 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 dumping of mulch generated from Knox tree works anywhere within the municipality during the course of work 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 mulch debris illegally.

## 2.2 Tenders

An invitation to tender notice was placed in *The Age* and the *Leader Group* of newspapers, commencing 4 April 2018, and concluding on 2 May 2018. At the time of closing, a total of 14 tenders were received.

## 2.3 Tenders Received

### 2.3.1 Lump Sum

The following parties tendered for the Lump Sum (Proactive Zone Pruning) component of Contract No. 2357:

1. Active Tree Services Pty Ltd
2. Batt Brothers Pty Ltd
3. Citywide Service Solutions Pty Ltd
4. Falbury Pty Ltd as trustee for the KJ Wallace Discretionary Trust trading as ETS Vegetation Management (ETS)
5. R & J Stewart Pty Ltd

### 2.3.2 Schedule of rates

The following parties tendered for the reactive (Schedule of Rates) component:

1. Active Tree Services Pty Ltd
2. Arbor Co Pty Ltd
3. Arbor Spray Pty Ltd
4. Asplundh
5. Batt Brothers Pty Ltd
6. Citywide Service Solutions Pty Ltd
7. Falbury Pty Ltd as trustee for the KJ Wallace Discretionary Trust trading as ETS Vegetation Management (ETS)
8. ENSPEC Pty Ltd
9. Greenscape Tree Consulting Pty Ltd
10. Herbamac Pty Ltd
11. Heritage Trees Pty Ltd
12. Just Roots Pty Ltd
13. R & J Stewart Travel Tower Hire Pty Ltd
14. Roger Greenwood Consulting

### 2.3.3 Evaluation Panel

The Tender Evaluation Panel consisted of the following members:

Name	Title	Organisational Unit
Lara Wilson	Acting Project Officer Trees	Active Open Space
Ryan Ferguson	Acting Capital Project Delivery Officer Arborist	Active Open Space
Peter Carlos	Acting Coordinator Active Open Space	Active Open Space
Kai Yap	Executive Engineer	Operations

Assisting the panel with matters of probity was Michele Colman – Acting Procurement Lead – Business and financial services.

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.

### 2.3.4 Evaluation Criteria

The evaluation criteria, as listed in the Conditions of Tender, were assigned the following weightings:

1. Project Delivery	30%
2. Price	30%
3. Relevant experience, past performance	20%
4. Equipment and human resources	10%
5. Quality Management	10%
<b>TOTAL</b>	<b>100%</b>

## 2.4 Tender Evaluation Results

As noted, there are two components to Contract No. 2357. The first component is the Lump Sum component, which relates to programmed tree inspection and maintenance. The second component (Schedule of Rates) addresses reactive tree works arising from customer requests, internal asset inspection cycles and in house programs.

Outcomes of the evaluation for Contract No. 2357 are presented in the confidential attachment.

### 2.4.1 Lump Sum Component

This component relates to delivery of programmed tree inspections and maintenance works in accordance with Electrical Line Clearance Regulations (2015) and Council's Road Management Plan. The works are delivered under a Lump Sum payment arrangement and completed over a two year (2) period.

Type of Works	Recommended Tenderer
Lump sum tender	Active Tree Services Pty Ltd
Proactive zone pruning component to comply with Electrical Safety (Line Clearance 2015) and Council's Road Management Plan	

Active Tree Services Pty Ltd are known to Council and are a current provider of schedule of rate works under Contract No. 2188. Works are being delivered at a high standard. Active Tree Services Pty Ltd have 30 plus years of experience in delivering urban tree works in Victoria as well as other states. They have a number of large current arboriculture contracts with local councils and are performing to a satisfactory level according to referee checks.

### 2.4.2 Schedule of Rates Components

Type of Works	Recommended Tenderer
Tree Pruning & Removal	R&J Stewart Travel Tower Hire Pty Ltd Citywide Service Solutions Pty Ltd Active Tree Services Pty Ltd Batt Brothers Pty Ltd Falbury Pty Ltd as trustee for the KJ Wallace Discretionary Trust trading as ETS Vegetation Management (ETS)
Tree Stump Removal <i>*the majority of works are associated with tree removal undertaken by the Lump Sum and reactive tree removal service providers</i>	Herbamac Pty Ltd R&J Stewart Travel Tower Hire Pty Ltd Citywide Service Solutions Pty Ltd Active Tree Services Pty Ltd Batt Brothers Pty Ltd Falbury Pty Ltd as trustee for the KJ Wallace Discretionary Trust trading as ETS Vegetation Management (ETS)
Pest Control (Elm Leaf Beetle)	Arborspray Pty Ltd
Tree Root Control	Just Roots Pty Ltd
Tree Report Writing/Inspections	ENSPEC Pty Ltd
Afterhours <i>*Is mandatory for the Lump Sum service provider</i>	Active Tree Services Pty Ltd R&J Stewart Travel Tower Hire Pty Ltd Citywide Service Solutions Pty Ltd Batt Brothers Pty Ltd Falbury Pty Ltd as trustee for the KJ Wallace Discretionary Trust trading as ETS Vegetation Management (ETS)
Disposal of Mulch	Active Tree Services Pty Ltd R&J Stewart Travel Tower Hire Pty Ltd Citywide Service Solutions Pty Ltd Batt Brothers Pty Ltd Falbury Pty Ltd as trustee for the KJ Wallace Discretionary Trust trading as ETS Vegetation Management (ETS)

#### **2.4.2.1 Tree Pruning and Removal**

R&J Stewart Travel Tower Pty Ltd are a local business that have a long relationship with Council. They have carried out extensive tree services for a number of years and whilst not considered for the Lump Sum component due to a non-conforming tender, they are highly valued for their reactive services.

Active Tree Services Pty Ltd have been performing Schedule of Rates reactive tree works for Knox Council. Their performance has been of a high standard, and with the Lump Sum tender, will be more available for reactive works. They also have a number of large arboriculture contracts with neighbouring councils and are performing to a satisfactory level according to referee checks.

Citywide Service Solutions Pty Ltd are the incumbent contractor with Council and have delivered the service to a high standard in both the Lump Sum and Schedule of Rates components of the contract. They also have a number of large arboriculture contracts with neighbouring councils and are performing to a satisfactory level according to referee checks.

Batt Brothers Pty Ltd are based in the Gippsland region where they are highly considered by referees. They currently own land in Thomastown and are looking for land in Bayswater where they will hope to acquire local government contracts in the Melbourne areas. A family run company, their fleet and resources are impressive and should be in a more competitive space should they successfully relocate resources to Bayswater.

ETS are a large organisation with contracts in Victoria and New South Wales. Referee checks indicate that they are a professional well-equipped company delivering acceptable standards of work. ETS Pty Ltd were not successful for Lump Sum works, but are available for the Schedule of Rates components.

#### **2.4.2.2 Stumps**

The majority of stump removal works will be undertaken by Lump Sum and reactive tree removal service providers (see above), however, Council may require further stump grinding services for capital works and reactive works.

Herbamac Pty Ltd are currently engaged by Council performing ground maintenance activities. They have recently acquired Munch a Stump Pty Ltd, the incumbent preferred provider for stump grinding services. They have been under the supervision and guidance of Munch a Stump for the past 6 months and have performed to a satisfactory standard and can be utilised for any stumps not covered under the new contract arrangements.

#### **2.4.2.3 Pest Management**

Arborspray Pty Ltd are the incumbent contractor with Council and have delivered the service to a high standard in the Schedule of Rates components of the contract.

#### **2.4.2.4 Root Management**

Just Roots Pty Ltd are the incumbent contractor with Council and have delivered the service to a high standard in the Schedule of Rates components of the contract.

#### **2.4.2.5 Tree Reports/Inspections**

ENSPEC Pty Ltd are the incumbent contractor with Council and have delivered the service to a high standard in the Schedule of Rates components of the contract. They also have contracts with other Councils and are highly regarded in the arboriculture community.

#### **2.4.2.6 Afterhours and Mulch Removal**

These works are associated with the Lump Sum and reactive tree pruning and removal elements of Contract No. 2357 and were considered as part of tender evaluation for these components.

### 3. CONSULTATION

Consultation has occurred with stakeholders during the phases of tender preparation and advertising. Consultation has also occurred with the current project officers and the wider Parks management team during the evaluation phase to ensure a successful tendering process was achieved.

### 4. ENVIRONMENTAL/AMENITY ISSUES

Council currently manages approximately 66,000 street trees and 780 hectares of treed open space, which encapsulate the leafy green image of Knox. Electrical Line Clearance Regulations (2015) and Council's Road Management Plan require that all trees are managed to maintain specified clearances from infrastructure such as power lines, roads, footpath signage and lighting.

These works will benefit both the amenity and environmental components of Council's tree population through best practice management. Works within sites of biological significance are directed and overseen by Council's Bushland Management team and trees removals are off-set by Council's Street Tree Renewal and Infill Planting programs.

### 5. FINANCIAL & ECONOMIC IMPLICATIONS

Lump sum works are within the projected budget forecast for 2019/20. A savings of \$47,889.67 is anticipated for Lump Sum works over the initial contract term (July 1st 2018-June 30 2020).

Further projected savings of approximately \$40,000 per year from the reactive tree budget are also anticipated, given that 47% of stump removal works are now included in the Lump Sum cost.

Reactive works are estimated to cost \$1,300,000 per year. This is however likely to vary year by year given the influence of climatic conditions on works. Over the full contract term, these works are estimated to cost approximately \$5,200,000.

Over the life of the contract the full cost is estimated at \$9,200,000 for proactive and reactive works. Given the unstable nature of reactive works and the anticipated cost increase for proactive and reactive works due to the inclusion of stump removal in the works, a round figure of \$10,000,000 will provide a safety net for the program over the life of the contract.

This accords with the budget provision.

#### 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, providing the following benefits:

- By providing shade and cooling the air through transpiration, trees make our streets and homes cooler and help to combat the urban heat island effect, absorbing less heat than the built structures around them.
- The shade provided by trees reduces sun exposure and heat related illness.
- Trees reduce storm water flows and nutrient runoff that would otherwise end up in our waterways. Tree canopies absorb the impact of heavy rainfall and tree roots clean ground water, reducing the nitrogen, phosphorous and heavy metal content in our waterways.
- Trees clean the air, reducing pollutants through the process of photosynthesis, where harmful chemicals such as carbon dioxide, ozone and other greenhouse gasses are removed from the air and oxygen is released.

By reducing the need for air conditioning in warmer months, greenhouse gas emissions are further reduced by trees whilst cost of living is decreased.

- Street trees add natural character to our streets and create a sense of privacy and place, increasing aesthetic appeal and property values.
- Trees provide food, habitat and homes to a wide range of animals and indigenous trees are of particular benefit to local fauna.
- Street trees provide vital habitat corridors that allow animals to safely travel through our busy streets, keeping them safe from traffic and predators.

## 7. RELEVANCE TO KNOX COMMUNITY AND COUNCIL PLAN 2017-2021

### **Goal 1.**

#### **We value our natural and built environment.**

Strategy 1.1 Protect and enhance our natural environment.

Strategy 1.2 Create a greener city with more large trees, indigenous flora and fauna.

### **Goal 6.**

#### **We are healthy, happy and well.**

Strategy 6.2 Support the community to enable positive physical and mental health.

## 8. CONFLICT OF INTEREST

Under section 80c of the Local Government Act 1989 officers providing advice to Council must disclose any interests, including the type of interest.

Officer Responsible – Ian Bell, Director – Engineering & Infrastructure – In providing this advice as the Officer Responsible, I have no disclosable interests in this report.

Author – Peter Carlos, Acting Coordinator – Active Open Space – In providing this advice as the Author, I have no disclosable interests in this report.

Author – Lara Wilson, Acting Project Officer – Trees – In providing this advice as the Author, I have no disclosable interests in this report.

## 9. CONCLUSION

Following the tender evaluation process, Active Tree Services Pty Ltd achieved the highest evaluation rating to deliver the Lump Sum component of Contract No. 2357 – Pruning of Trees and General Arboricultural Services.

It is recommended that the tender submitted by Active Tree Services Pty Ltd for the Price of \$1,687,390.38 including GST (\$1,533,903.78 ex. GST) be accepted for Contract No. 2357 – Pruning and General Arboricultural Services.

Following the tender evaluation process, the following tenderers achieved the highest evaluation rating to deliver the reactive components Lump Sum component of Contract No. 2357 – pruning of trees and it is recommended that Council accept their Schedule of Rates for the following services:

### **Tree Pruning & Removal**

R&J Stewart Travel Tower Hire Pty Ltd  
Citywide Service Solutions Pty Ltd

Active Tree Services Pty Ltd  
 Batt Brothers Pty Ltd  
 ETS

### **Tree Stump Grinding**

*\*the majority of works are associated with tree removal undertaken by the Lump Sum and reactive tree removal service providers.*

Herbamac Pty Ltd  
 R&J Stewart Travel Tower Hire Pty Ltd  
 Citywide Service Solutions Pty Ltd  
 Active Tree Services Pty Ltd  
 Batt Brothers Pty Ltd  
 ETS

### **Pest Control (Elm Leaf Beetle)**

Arborspray Pty Ltd

### **Tree Root Control**

Just Roots Pty Ltd

### **Report Writing/Inspections**

ENSPEC Pty Ltd

### **Afterhours**

*\*is mandatory for Lump Sum service provider.*

Active Tree Services Pty Ltd  
 R&J Stewart Travel Tower Hire Pty Ltd  
 Citywide Service Solutions Pty Ltd  
 Batt Brothers Pty Ltd  
 ETS

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

## 10. CONFIDENTIALITY

The Procurement Report, including the tendered prices, evaluation matrix and completed Panel Evaluation Form is provided separately to this report.

**Report Prepared By: Peter Carlos – Acting Coordinator – Active Open Space**

**Lara Wilson – Acting Project Officer – Trees**

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

**13.2 CONTRACT NO. 2357 – PRUNING AND GENERAL ARBORICULTURAL SERVICES**

**Confidential Appendices B and C have been circulated under separate cover**

Official Minutes of Knox City Council

**14. URGENT BUSINESS****14.1 URGENT BUSINESS**

MOVED: CR. LOCKWOOD  
SECONDED: CR. COOPER

That Councillor Seymour be permitted to raise an issue of Urgent Business relating to Public Question Time.

CARRIED

After presenting her Motion, and obtaining a seconder and allowing debate to proceed, Cr Seymour subsequently decided to withdraw the Motion.

**14.2 CALL UP ITEMS**

Nil.

**15. QUESTIONS WITHOUT NOTICE**

Nil.

**PROCEDURAL MOTION****CLOSURE OF MEETING**MOVED: CR. PEARCESECONDED: CR. LOCKWOOD

That in accordance with Section 89 (2)(d) of the Local Government Act, 1989, that the Meeting be closed to members of the public to consider two reports that are of a contractual nature.

CARRIED**THE MEETING WAS CLOSED TO THE PUBLIC AT 9.00 PM****CONSIDERATION OF CONFIDENTIAL REPORTS**

8.1 **CONTRACT NO. 2359 – MAINTENANCE OF MAIN ROADS, OUTER SEPARATORS AND OTHER AREAS**

8.2 **CONTRACT NO. 2362 – MAINTENANCE OF RESERVES, ROAD CLOSURES AND OTHER AREAS**

**PROCEDURAL MOTION**MOVED: CR. HOLLANDSECONDED: CR. PEARCE

That the meeting be re-opened to the Public.

CARRIED**THE MEETING REOPENED TO THE PUBLIC AT 9.15PM****MEETING CLOSED AT 9.15PM**

Minutes of Meeting confirmed at the  
Ordinary Meeting of Council  
held on  
Monday, 23 July 2018

.....  
Chairperson