

MINUTES

Meeting of Council

Held at the

Civic Centre

511 Burwood Highway

Wantirna South

On

Monday 26 September 2022



The Agenda for the Meeting of Council, Monday 26 September 2022, forms part of these Minutes and is attached in full at the end of the Minutes.

These Minutes are considered draft until adopted and confirmed at the next Meeting of Council.

The meeting commenced at 7:05pm.

PRESENT:

Cr S Laukens (Mayor) Friberg Ward

Cr J Dwight Chandler Ward

Cr M Timmers-Leitch Collier Ward

Cr S Grasso Dinsdale Ward

Cr M Baker Dobson Ward

Cr D Pearce (Via Taylor Ward

Zoom)

*Cr N Seymour
(Deputy Mayor) Tirhatuan Ward*

Mr B Dobson Chief Executive Officer

Mr A Barr Acting Director – Infrastructure

Mr M Kelleher Director - City Liveability

Ms J Chalkley Acting Director – Connected Communities

Mr G Curcio Director - Customer and Performance

Ms K Siega Chief People Officer - People, Culture & Development

Ms N Lorkin Chief Financial Officer

Mr A Dowling Manager, Governance

Ms S Weerheim Acting Coordinator, Governance

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.”

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1 Apologies and Requests for Leave of Absence

Apologies were received from Councillor Allred and Councillor Cooper.

2 Declarations of Conflict of Interest

Nil.

3 Confirmation of Minutes

The Chairperson, Councillor Laukens invited Councillors to raise any opposition to the Minutes of the Meeting of Council held on Monday 29 August 2022. There being none, the Chairperson declared the Minutes be confirmed.

4 Presentations, Petitions and Memorials

Councillor Baker presented a petition with 24 signatories as at 26 September 2022 requesting that Knox City Council take action under Section 172 of the Environmental Protection Act 2017 to address multiple ongoing noise complaints regarding noise from a property in Ferntree Gully, noting:

- In submitting the petition, the lead petitioner argued that the noise emanating from the property is causing harm to nearby residents under Section 4(1) of the Environment Protection Act 2017 due to the unreasonable volume, intensity and character of the noise.*
- Details of the property or parties concerned could not be disclosed as doing so could result in disclosure of confidential information under the Local Government Act 2020, as it would amount to the unreasonable disclosure of information about a resident's personal affairs.*
- The petition has been circulated to all Councillors for their information, and that Cr Baker had made enquiries with officers behalf of the resident.*
- Council officers had advised that monitoring to date of the noise emanating from the property concerned found that the noise levels did not meet the necessary threshold for Council to initiate further action, however the issue would be followed up with the relevant Director to ensure that the residents have the best information available about how Council can assist with complaints regarding unreasonable noise and their best options for pursuing a resolution of their complaint, and will continue to monitor the progress of this matter.*

Councillor Baker noted the matter had been referred to the Director City Liveability for consideration and a response will be provided to the lead petitioner.

MEMORIAL

Councillor Dwight recognised the passing of Leigh Colin Chandler, son of Edna and Fergus Chandler and great grandson of William and Kate Chandler after whom Chandler Ward was named.

Councillor Dwight noted that Mr Chandler and his wife Carolyn were still residing in The Basin at the time of his passing.

Councillor Dwight provided the following account of the service for Mr Chandler held at The Basin Theatre Group's Theatrette on Monday 19 September 2022:

- For Leigh Chandler, The Basin was always home, attending primary school there and Ferntree Gully Tech nearby. As many would know, Leigh's mother, Edna Chandler was the driving force behind The Basin Theatre Group's official formation in 1957 and its growth over many decades. The theatre itself was officially opened in 1973, built on land donated by Edna and Fergus Chandler. It was the first amateur theatre in the Commonwealth to build its own theatre without the aid of government funding.
- The first play on that new stage was Peter Shaffer's 1964 play 'The Royal Hunt of the Sun' in which Leigh is remembered for his iconic performance as Atahualpa, the king of the Incas. It was on that same stage that many recalled performing alongside him in their offering of final goodbyes. He'd performed on stage on many occasions but used his many talents off stage as well with innovative and practical ideas.
- Leigh made mud bricks to renovate a cabin that his dad, Fergus Chandler, had built decades earlier, and the bricks are still standing down on Sheffield Road. At Bear Gully in South Gippsland, he built Wirrega; a seven-bedroom mud brick tourist facility through which he made many friends.
- Leigh Chandler will long be remembered as kind, compassionate, hardworking, intelligent, creative, artistic and a larrikin at heart but most of all, an inspiration to all who met him. As one speaker commented, "When an old man dies, a library burns to the ground."

Councillor Dwight noted Mr Chandler passed away on Sunday 28 August at age 69 and will be deeply missed, his legacy no doubt living on in the hearts, minds and lives of all those whose lives he powerfully touched.

5 Reports by Councillors

5.1.1 Councillor Baker

Councillor Baker reported attending the following meetings:

- Lysterfield Football Club End of Season Gala including Life Membership Inductions
- Mountain District Netball Centre Strategic Planning Meeting- discussed opinions and viewpoints on their new structure plan at the Regional Netball Centre in Ferntree Gully
- Birdwatching Tour at Gilmour Reserve in Ferntree Gully as part of Biodiversity Month.
- Upper Ferntree Gully Football Club Presentation Night (Dobson Ward Award- awarded to Darian Hay).
- Knox Historical Society Annual General Meeting- meeting volunteer community members
- Knox Historical Society Meeting at Ambleside Resource Centre
- City of Knox ARAP Scout Meeting- welcomed new State Commissioner Alan Richmond
- Knox Active Ageing Advisory Committee Meeting

Councillor Baker also:

- Noted concerns from a community group regarding the retail activation strategy in Ferntree Gully which has been relayed to Council officers.
- Discussed recent playground concerns raised from residents in Lysterfield and the ageing of playgrounds in Ferntree Gully which will be discussed with officers in the future.

5.1.2 Councillor Timmers-Leitch

Councillor Timmers-Leitch reported attending the following meetings:

- Arts and Culture Committee Knox Factor Heats at Knox Community Arts Centre- commented on the talent of young singers, noting the Grand Final will be held at the Knox Carols by Candlelight Event in December 2022.
- Eastern Regional Libraries Special Meeting for Financial Reports
- Eastern Regional Libraries Equity Discussion and Board Briefing Session
- CAV Future Development Plan
- Health and Wellbeing Chat at Templeton Primary School
- Better Breathing Event at Orana Neighbourhood House
- Reader Pen Launch
- Briefing- Chinese Association of Victoria Site- Future Development Plan
- CAV Cultural Food Festival
- Wantirna College Gala Concert
- Knox Historical Society Annual General Meeting

Councillor Timmers-Leitch also:

- Thanked those who attended the pop-up event from the Waste Management team at Wantirna Mall noting the positive sentiment expressed towards the new food and organic service and that feedback and concerns on the roll-out of the program along with the education process relating to the program had been taken on board.

- Highlighted an innovation at Knox's Libraries which were making available a portable reader pen at each site to enable people to trial the product free of charge; advising the pens convert text to voice which can assist those with a learning disability while also improving language comprehension by 60% by enabling people to see and hear words together.

5.1.3 Councillor Grasso

- Commented on the construction of the new Knox Library as part of the Westfield Knox Re-development noting
 - The detailed designs included a garden area, computer room, meeting rooms, desk booths, study booths, children's area and reading area with the facility double the size of the old Knox Library.
 - The new Knox Library is more than about books as it will provide a convenient and contemporary space for the community to study and relax with extended opening hours and offers a sizeable collection of books to borrow.
 - The State Government had contributed \$450,000 to the new library as part of the 'Living Libraries' infrastructure program.
 - The Knox Youth Information Centre will also relocate into the new library facility once the construction project is complete.
 - The temporary library at Knox City Shopping Centre still has a sizeable collection of books available.
- Noted that she met with Knox City Tennis Club regarding the need for lighting to facilitate for local users who cannot attend the facility during the day.
- Acknowledged the receipt of resident enquires relating to picnic amenities, waste management, the proposed development at 621 Burwood Highway in Knoxfield and the cat curfew.

5.1.4 Councillor Seymour

- Praised the recent Knox Citizenship Ceremony at the Rowville Community Centre acknowledging the new format included an new acknowledgement of country and a performance from a singer who previously participated in the Knox Factor competition.
- Noted complaints surrounding minor bird infestations in Rowville and the condition of roads relating to potholes.
- Shared positive feedback from children relating to the new pump track at Perigrene Reserve in Rowville and noted that a rubbish bin at the site has been requested by residents.

5.1.5 Councillor Dwight

Councillor Dwight reported attending the following meetings:

- Clean Energy Business Event at EVO Power
- Meeting at Miller's Homestead
- Cultural Curiosity Session- Update on the Knox Reconciliation Action Plan
- Meeting with Dr Matthew Bach MP

5.1.6 Councillor Pearce

- Congratulated the men's senior Rowville Football Club team for making the Premier Division Grand Final in the Eastern Football Netball League despite their loss to Noble Park.
- Congratulated the Rowville Women's Team for winning the Premiership this season.

5.1.7 Councillor Laukens

Councillor Laukens reported attending the following meetings:

- Meeting with The Hon Jacinta Allan MP to highlight Council's advocacy on traffic and transport which has resulted in good advocacy outcomes, including recent announcements relating to Eastern Health.
- Met with Jackson Taylor MP at the construction site for the new library at Knox City Shopping Centre and recognised that many local businesses have been employed for this construction project while using Australian materials.
- MAV Child Safe Standards- What CEO's, Councillors and Council Staff Should Know
- VLGGC Statewide Information Session
- Presentation of Toy Library Supporters Award from Toy Libraries Australia
- Planning Consultation Committee Meeting- 621 Burwood Highway, Knoxfield
- Talk to Year 3 and Year 4 Primary School Students at Bayswater Primary School regarding Local Government
- Knox Environment Society 40th Anniversary Celebration
- Grand Reopening- Here and There Makers on Boronia Road, Boronia
- Speech at Boronia Bowls Club Opening Day
- NBL1 South Championship Day
- Meeting with Brooke Cross, Principal at Bayswater Primary School
- Knox City Council Staff Corporate Induction
- Mayoral Monthly Interview at Radio Eastern 98.1FM
- Meeting with Nick Wakeling MP and Knox City Council CEO Bruce Dobson
- Meeting with Major Rosemary Massey at The Salvation Army
- National Citizenship Ceremony Day Dress Rehearsal
- Friends of Blind Creek Billabong 21st Anniversary Celebration
- Guest Speaker at Rotary Club of Ferntree Gully
- Meeting with Minister Melissa Horne MP- Eastern Regional Group of Councils
- Boronia Revitalisation Board Meeting
- Knox Community Gardens Committee Meeting
- Chinese Association of Victoria Cultural Food Festival Speech
- Eastern Region Division 2 Victoria Police 2022 Medal Presentation Ceremony
- MAV Special State Council Meeting
- Knox Churches Soccer Club- Presentation of Trophies to Junior Kickstarters
- Community Basketball Match- Koorie Academy Allstars v Treaty (First People's Assembly)
- City of Knox Scout District Annual Report and Presentation Night
- SKLPSV Navratri Festival at Fairhills High School

5.1.8 Councillor Allred

Councillor Allred reported attending the following meetings:

- Clean Energy Business Event at EVO Power
- Planning Consultation Committee Meeting- 621 Burwood Highway, Knoxfield
- Knox Environment Society 40th Anniversary Celebration
- Cultural Curiosity Session- Update on the Knox Reconciliation Action Plan
- Friends of Blind Creek 21st Anniversary Celebration
- Eastern Regional Libraries Board Briefing Session
- Australian Citizenship Day Ceremony at Rowville Community Centre

6 Planning Matters

6.1 Report of Planning Applications Decided Under Delegation 1 August 2022 to 31 August 2022

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 reports (between 1 August and 31 August 2022) be noted.

RESOLUTION

MOVED: Councillor Baker

SECONDED: Councillor Dwight

That the planning applications decided under delegation reports (between 1 August and 31 August 2022) be noted.

CARRIED

6.2 17 Allora Avenue, Ferntree Gully

SUMMARY: Major Projects Subdivision Planner, Christopher Seow

This report considers Planning Application P/2021/6496 for a fifteen (15) lot subdivision and removal of vegetation at 17 Allora Avenue, Ferntree Gully. An application for review of Council's failure to determine within the prescribed timeframes of the *Planning and Environment Act 1987* has been lodged with VCAT.

RECOMMENDATION (SUMMARY)

That Council resolve :

- A. To advise the Victorian Civil and Administrative Tribunal (VCAT) that if Council were in a position to make a decision in the prescribed timeframes of the *Planning and Environment Act 1987*, it would have issued a Notice of Decision to Refuse to Grant a Planning Permit for a fifteen (15) lot subdivision and the removal of vegetation at 17 Allora Avenue, Ferntree Gully, subject to the grounds of refusal detailed in the full recommendation in Section 10 below.
- B. To notify all referral authorities and parties to the relevant appeal lodged with VCAT of the above position.

10. RECOMMENDATION

PART A:

That if Council were in a position to make a decision in the prescribed timeframes of the *Planning and Environment Act 1987*, it would have issued a Notice of Decision to Refuse to Grant a Planning Permit for a Fifteen (15) lot subdivision and the removal of vegetation at 17 Allora Avenue, Ferntree Gully, on the following grounds:

1. The proposal fails to satisfy the relevant Planning Policy Framework strategies and objectives, particularly in relation to Clause 12 (Environmental and Landscape Values), Clause 15.01-5 (Neighbourhood Character), and Clause 16 (Housing).
2. The proposal fails to comply with the Local Planning Policy Framework, in particular Clause 21.03 (Environmental and Landscape Values), Clause 21.05 (Built Environment and Heritage), and Clause 21.06 (Housing).
3. The proposed subdivision is inconsistent with the Neighbourhood Residential Zone – Schedule 1 as it does not respect the identified neighbourhood character, environmental or landscape characteristics of the area.
4. The proposal is inconsistent with the Design and Development Overlay (Schedule 2 – Dandenong Foothills: Lower Slope and Valley Area) in that it does provide a lot layout that is reflective of the existing subdivision character of the area not provide lots that are able to accommodate development while providing substantial areas for planting and revegetation to occur to protect environmental values and minimise the visual dominance of development.
5. The proposal is inconsistent with the purpose of the Significant Landscape Overlay (Schedule 3) as the proposal does not ensure the protection, retention and establishment of significant

- vegetation on the site or provide lots that are sensitive to the natural characteristics of the land including slope, terrain and any remnant vegetation, and responds to bushfire risk.
6. The proposal does not avoid the removal, destruction or lopping of native vegetation and is inconsistent with the purpose of Clause 52.17.
 7. The proposal does not satisfy the objectives of Clause 56 of the Knox Planning Scheme, in particular:
 - a) Clause 56.03-5 – Neighbourhood Character
 - b) Clause 56.04-1 - Lot Diversity and Distribution
 - c) Clause 56.04-2 – Lot Area and Building Envelopes
 - d) Clause 56.05-1 - Integrated Urban Landscape
 - e) Clause 56.05-2 - Public Open Space Provision
 - f) Clause 56.06-2 - Walking and Cycling Network
 8. The proposal will not provide an appropriate balance between the need for additional housing while respecting and positively responding to the site and its local context within the Dandenong Foothills that protect and enhance the defining high environmental significance of the location.
 9. The proposed subdivision and vegetation removal is contrary to orderly and proper planning for the area.

PART B:

That Council notify all referral authorities, parties to the appeal and VCAT of the above position.

RESOLUTION

MOVED: Councillor Baker

SECONDED: Councillor Seymour

PART A:

That if Council were in a position to make a decision in the prescribed timeframes of the *Planning and Environment Act 1987*, it would have issued a Notice of Decision to Refuse to Grant a Planning Permit for a Fifteen (15) lot subdivision and the removal of vegetation at 17 Allora Avenue, Ferntree Gully, on the following grounds:

- 1. The proposal fails to satisfy the relevant Planning Policy Framework strategies and objectives, particularly in relation to Clause 12 (Environmental and Landscape Values), Clause 15.01-5 (Neighbourhood Character), and Clause 16 (Housing).**
- 2. The proposal fails to comply with the Local Planning Policy Framework, in particular Clause 21.03 (Environmental and Landscape Values), Clause 21.05 (Built Environment and Heritage), and Clause 21.06 (Housing).**

3. The proposed subdivision is inconsistent with the Neighbourhood Residential Zone – Schedule 1 as it does not respect the identified neighbourhood character, environmental or landscape characteristics of the area.
4. The proposal is inconsistent with the Design and Development Overlay (Schedule 2 – Dandenong Foothills: Lower Slope and Valley Area) in that it does provide a lot layout that is reflective of the existing subdivision character of the area not provide lots that are able to accommodate development while providing substantial areas for planting and revegetation to occur to protect environmental values and minimise the visual dominance of development.
5. The proposal is inconsistent with the purpose of the Significant Landscape Overlay (Schedule 3) as the proposal does not ensure the protection, retention and establishment of significant vegetation on the site or provide lots that are sensitive to the natural characteristics of the land including slope, terrain and any remnant vegetation, and responds to bushfire risk.
6. The proposal does not avoid the removal, destruction or lopping of native vegetation and is inconsistent with the purpose of Clause 52.17.
7. The proposal does not satisfy the objectives of Clause 56 of the Knox Planning Scheme, in particular:
 - a) Clause 56.03-5 – Neighbourhood Character
 - b) Clause 56.04-1 - Lot Diversity and Distribution
 - c) Clause 56.04-2 – Lot Area and Building Envelopes
 - d) Clause 56.05-1 - Integrated Urban Landscape
 - e) Clause 56.05-2 - Public Open Space Provision
 - f) Clause 56.06-2 - Walking and Cycling Network
8. The proposal will not provide an appropriate balance between the need for additional housing while respecting and positively responding to the site and its local context within the Dandenong Foothills that protect and enhance the defining high environmental significance of the location.
9. The proposed subdivision and vegetation removal is contrary to orderly and proper planning for the area.

PART B:

That Council notify all referral authorities, parties to the appeal and VCAT of the above position.

CARRIED

7 Public Question Time

Question Time commenced at 7:36pm.

Councillor Pearce left the meeting at 7:38pm during the discussion on item 7.

The following questions were raised with Council:

Question One- Darren Wallace

In relation to the 621 Burwood Highway Lake Knox Development Application- will Council consider permit conditions such as a 10 year site maintenance to the proposed habitat wetlands and request that the existing lake removal occur only after the endangered blue billed ducks are successfully breeding on the new habitat wetlands?

The Director City Liveability, Matt Kelleher responded:

- A Planning Consultative Committee Meeting for the two applications was held with objectors and the applicant in early September.
- Officers are working through their assessment of both applications before presenting both applications to Council for a decision potentially before the end of the year.
- Officers will be turning their minds to maintenance requirements and ecological considerations should the permit conditions be recommended.
- If officers are recommending that the applications will be refused, conditions will not be looked at, however draft conditions will be issued if the matter goes before VCAT.

Question Two- Darren Wallace

Why does Council rely on a 24 year old document (VPO2, 1998) to identify significant exotic and non-indigenous native trees within the planning scheme?

The Director City Liveability, Matt Kelleher responded:

- A response is currently being prepared to one of Mr Wallace's questions from last month in relation to a similar matter and Council apologises for the delay in providing that response.
- The response to this current question will be taken on notice will be merged together with the delayed response to the question from the August Council Meeting.

Question Time Concluded at 7:43pm.

Councillor Pearce returned to the meeting at 7:43pm as Item 7- Public Question Time concluded.

8 Officer Reports

8.1 Climate Response Plan Annual Report

SUMMARY: Senior Project Manager – Climate Response, Tracie Armstrong

This report provides the inaugural annual report on the implementation of the Climate Response Plan 2021 – 2031 (CRP) which was adopted at the 27 September 2021 Ordinary Council Meeting. The report also presents Council’s corporate emissions data.

RECOMMENDATION

That Council:

1. Note this inaugural Climate Response Plan (CRP) annual report which is reflective of implementation within the 2021/22 financial year;
2. Note the progress made by Council towards the net zero corporate emissions target for 2030; and
3. Note that future CRP annual reports will be presented to Council in September of each year to align with the adoption of the CRP and the availability of annual emissions data.

RESOLUTION

MOVED: Councillor Dwight

SECONDED: Councillor Timmers-Leitch

That Council:

1. **Notes this inaugural Climate Response Plan (CRP) annual report which is reflective of implementation within the 2021/22 financial year;**
2. **Notes the progress made by Council towards the net zero corporate emissions target for 2030;**
3. **Notes that future CRP annual reports will be presented to Council in September of each year to align with the adoption of the CRP and the availability of annual emissions data; and**
4. **Receives a report no later than January 2023 (or a later date as required, in consultation with the Mayor) to align with and inform the annual budget process that:**
 - a) **Provides a high level assessment of the CRP actions against the Local Government Climate Emergency Toolkit (lgcet.com) and the Council and Community Action in the Climate Emergency (CACE) Mobilisation Plan, including advice as to whether there is added merit in light of Knox Council’s Climate Emergency declaration in undertaking a full assessment to identify any gaps or additional recommended areas for action as part of the CRP;**
 - b) **Advises of the potential options available to Council for expanding the CRP, potentially via its Implementation Plan currently under development, to achieve an Emergency Mobilisation Plan and its potential scope; and**

- c) Provides advice on the resourcing requirements and timing of the above points, including any implications for the timing or prioritisation of existing CRP actions to accommodate additional actions.**

CARRIED

8.2 Minor Grants Program 2022-23 Monthly Report

SUMMARY: Deb Robert – Acting Coordinator Community Partnerships

This report summarises the grant applications recommended for approval in September for the 2022-2023 Minor Grants Program. All applications have been assessed against the criteria set out in the Minor Grants Program Policy.

Applications under the Minor Grants Policy are limited to a maximum of \$3,000 within the current financial year.

RECOMMENDATION

That Council:

1. Approve 6 applications for a total of \$11,327.80 as detailed below:

Applicant Name	Project Title	Amount Requested	Amount Recommended
Anchor Inc.	Pizza in the Park	\$1,000.00	\$1,000.00
Polish Eastern Districts Association (Melb)	Christmas Fair - Gazebos	\$3,000.00	\$3,000.00
Templeton Netball Club	Digital Record-Keeping	\$2,599.80	\$2,599.80
Templeton Tennis Club	Competition Balls – Adult and Junior	\$960.00	\$800.00
Upwey Ferntree Gully Baseball Club	Junior Baseball Club Scoring Platforms	\$2,996.00	\$2,000.00
Melbourne 7-Melody Notes	Chinese Horse Racing Festival Event	\$2,488.00	\$2,488.00
TOTAL		\$13,043.80	\$11,887.80

2. Refuse one application requesting a total of \$3,000.00 as detailed below:

Applicant Name	Project Title	Amount Requested	Reason for ineligibility
Shishukunj Melbourne Inc.	Diwali Cultural Festival and Fete	\$3,000.00	Have received \$5,000 allocation in previous 2 financial years

3. Note that inclusive of the above recommended grants, totalling \$11,887.80, a total of \$62,046.16 has been awarded to date under the 2022-2023 Minor Grants Program, supporting 31 community-based organisations and their programs in Knox.

RESOLUTION

MOVED: Councillor Baker

SECONDED: Councillor Dwight

That Council:

- 1. Approve 6 applications for a total of \$11,327.80 as detailed below:**

Applicant Name	Project Title	Amount Requested	Amount Recommended
Anchor Inc.	Pizza in the Park	\$1,000.00	\$1,000.00
Polish Eastern Districts Association (Melb)	Christmas Fair - Gazebos	\$3,000.00	\$3,000.00
Templeton Netball Club	Digital Record-Keeping	\$2,599.80	\$2,599.80
Templeton Tennis Club	Competition Balls – Adult and Junior	\$960.00	\$800.00
Upwey Ferntree Gully Baseball Club	Junior Baseball Club Scoring Platforms	\$2,996.00	\$2,000.00
Melbourne 7-Melody Notes	Chinese Horse Racing Festival Event	\$2,488.00	\$2,488.00
TOTAL		\$13,043.80	\$11,887.80

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Shishukunj Melbourne Inc.	Diwali Cultural Festival and Fete	\$3,000.00	Have received \$5,000 allocation in previous 2 financial years

- 3. Note that inclusive of the above recommended grants, totalling \$11,887.80, a total of \$62,046.16 has been awarded to date under the 2022-2023 Minor Grants Program, supporting 31 community-based organisations and their programs in Knox.**

CARRIED

8.3 Knox Community Access and Equity Plan 2017-2022 Review and Draft 2022-2027 New Plan

SUMMARY: Social Policy and Projects Lead, Kylie Wilmot

The current Knox Community Access and Equity Implementation Plan 2017-2022 is due to expire this year and has been evaluated to identify key achievements and learnings that will inform future work. Based on this review and consultation with community members (including Council Advisory Committees), an updated strategy has been developed. Knox CARES (Connection, Access, Respect, Equality and Safety) is a five-year strategy, based on the themes of Connection, Access, Respect, Equality and Safety (CARES). The draft Strategy applies a social justice lens and liveability framework, to outline Council's role in building safer, fairer and more inclusive communities. The Strategy brings together a range of previously discrete action plans, as well as reflecting various legislative responsibilities for Council including the requirement to have a Disability Action Plan.

RECOMMENDATION

That Council:

1. Note the achievements of the Knox Community Access and Equity Implementation Plan 2017-2022; and
2. Approve the draft Knox CARES Strategy 2022-2027 set out in Attachment 2 to the Officers' report.

RESOLUTION

MOVED: Councillor Seymour

SECONDED: Councillor Baker

That Council:

1. **Note the achievements of the Knox Community Access and Equity Implementation Plan 2017-2022; and**
2. **Approve the draft Knox CARES Strategy 2022-2027 set out in Attachment 2 to the Officers' report subject to:**
 - a) **An amendment to include the term 'First Nations' in the glossary.**
 - b) **The Strategy being named the "Knox Connection, Access, Respect, Equality and Safety Strategy (2022-2027) and consequential amendments being made throughout to reflect the name change.**

CARRIED

A Division was called by Councillor Seymour

For the motion: Councillor Baker, Councillor Timmers-Leitch, Councillor Grasso, Councillor Seymour and Councillor Laukens.

Against the motion: Councillor Dwight.

Abstention: Councillor Pearce.

CARRIED 5:1:1

8.4 Council Committees Policy

SUMMARY: Acting Coordinator Governance, Saskia Weerheim

The Council Committees Policy provides for a consistent approach to the establishment of Council Committees on which there is Councillor representation. This Policy governs the operation of Advisory Committees, Specific Purpose Committees, Strategic Project Committees and Working Groups and provides support and direction in the formation and operation of Council Committees, whilst defining the roles and responsibilities of different Committee types on which there is Councillor representation.

The Policy has been reviewed with a number of proposed amendments suggested to meet the needs and practices of our current Committees, whilst providing clear guidance for new Committees Council may establish during the life of the Policy.

Changes to the Policy also make the Meals and Beverages for Council Committees Policy redundant and consequently it is recommended this policy be rescinded.

RECOMMENDATION

That Council:

1. Adopt the Council Committees Policy as set out in Attachment 1 of the officer's report.
2. Rescind the Meals and Beverages for Council Committees Policy.

RESOLUTION

MOVED: Councillor Timmers-Leitch

SECONDED: Councillor Seymour

That Council:

1. Adopt the Council Committees Policy as set out in Attachment 1 of the officer's report.
2. Rescind the Meals and Beverages for Council Committees Policy.

CARRIED

8.5 Capital Works Program Annual Report 2021/22

SUMMARY: Coordinator – Capital Works (John Bixby)

This report informs Council of the delivery outcomes of the 2021/22 Capital Works Program (excluding Information and Communication Technology (ICT) related projects), as well as progress towards strategic objectives of asset renewal, sustainability initiatives, Economic and Environmentally Sustainable Development (EESD) initiatives and the Integrated Stormwater Solutions Program in 2021/22. Below are some program highlight achievements:

- 15 road reconstruction projects completed
- In excess of 100 streets re-surfaced
- Oval renewal works completed at Windermere Reserve
- Cricket net renewals at Eildon Park Reserve, Carrington Park and Miller Park
- Tennis court renewals at Glenfern Park, Ferntree Gully, Millers Reserve, The Basin and Eildon Park, Rowville
- Floodlighting upgrade at Gilbert Park Floodlighting Upgrade (Diamonds 1 and 2), Knoxfield
- New shared paths at Kelletts Road, Rowville, High Street Road, Wantirna South, Napoleon Road, Rowville, Burwood Highway, Knoxfield
- Rowville Children and Family Centre (Childcare) Refurbishment
- Knox Park Athletics – Changeroom Upgrade
- Modular Building Program – Lakesfield Reserve pavilion completed
- Community Toilet Replacement Program – Modular public toilets for Templeton, Scoresby, Tormore and Talaskia reserves completed
- Carrington Park Multi-Purpose Centre – Construction completed
- Knox Express Library facility completed
- 2,425 street trees planted

RECOMMENDATION

That Council receive and note this Capital Works delivery report for 2021/22.

RESOLUTION

MOVED: Councillor Dwight

SECONDED: Councillor Timmers-Leitch

That Council receive and note this Capital Works delivery report for 2021/22.

CARRIED

8.6 Ferntree Gully Cemetery Trust Annual Report for the Year Ended 30 June 2022

SUMMARY: Senior Governance Officer, Joyleen Mathias

This report presents to Knox City Council, as Trustee for the Ferntree Gully Cemetery, relevant statutory documentation pertaining to the 2021-2022 financial year of operations for consideration and adoption, prior to submission to the Department of Health.

RECOMMENDATION

That Council, as the Trustee for the Ferntree Gully Cemetery Trust, resolve to:

1. Receive and note the audited financial statements for the Ferntree Gully Cemetery Trust for the year ended 30 June 2022 (Attachment 1);
2. Receive and note the Independent Auditor's Report to the Trustees of the Ferntree Gully Cemetery Trust (Attachment 2); and
3. Adopt the Abstract of Accounts from the Trust Members of the Ferntree Gully Public Cemetery for the 2021-2022 financial year (Attachment 3) and authorise Councillors _____, _____ and _____ to sign the accounts on behalf of the Trust for submission to the Department of Health.

RESOLUTION

MOVED: Councillor Baker

SECONDED: Councillor Timmers-Leitch

That Council, as the Trustee for the Ferntree Gully Cemetery Trust, resolve to:

1. **Receive and note the audited financial statements for the Ferntree Gully Cemetery Trust for the year ended 30 June 2022 (Attachment 1);**
2. **Receive and note the Independent Auditor's Report to the Trustees of the Ferntree Gully Cemetery Trust (Attachment 2);**
3. **Adopt the Abstract of Accounts from the Trust Members of the Ferntree Gully Public Cemetery for the 2021-2022 financial year (Attachment 3) and authorise Councillors Baker, Laukens and Seymour to sign the accounts on behalf of the Trust for submission to the Department of Health; and**
4. **Receive information regarding investment income received for the Ferntree Gully Cemetery Trust as part of the Financial Performance Report for the Quarter ending 31 December, each year.**

CARRIED

8.7 Variation to Contract 1979 - Bin Based Waste Collection Services

SUMMARY: Project Lead Kerbside Reform, Lindsey Pettifer

In March 2020, the State Government released the *'Recycling Victoria - A new economy'* policy, aimed at reforming the waste management and recycling supply chain. Included within this policy for Knox City Council, is the required transition to a Food and Garden bin Service and alignment of bin lid colours. This report concerns necessary measures to support the implementation of the food and garden bin service and specifically the supply and delivery of required food and garden waste infrastructure including new bins, replacement bin lids (lime green), kitchen caddies and compostable bin liners. It is proposed that provision of this required service be addressed via a variation to contract 1979: Bin based waste collection services.

The introduction of the required Food and Garden Bin Service infrastructure will be funded by the Kerbside Reform – Transition Project budget. It is noted that further bin lid colour changes, required by state government policy, for garbage and recycling streams will be conducted in 2024 via a separate procurement process.

RECOMMENDATION

That Council:

1. Approve the variation to Contract 1979 – Bin Based Waste Collection Services submitted by JJ Richards & Sons Pty Ltd dated 01/07/2022, for the price of \$2,792,702 (incl. GST) to supply and deliver food and garden bin service infrastructure.
2. Authorise the Chief Executive Officer (or such person they nominate) to execute and finalise all requisite documentation required for the above variation and contracted service change.

RESOLUTION

MOVED: Councillor Dwight

SECONDED: Councillor Timmers-Leitch

That Council:

1. **Approve the variation to Contract 1979 – Bin Based Waste Collection Services submitted by JJ Richards & Sons Pty Ltd dated 01/07/2022, for the price of \$2,792,702 (incl. GST) to supply and deliver food and garden bin service infrastructure.**
2. **Authorise the Chief Executive Officer (or such person they nominate) to execute and finalise all requisite documentation required for the above variation and contracted service change.**

CARRIED

8.8 Contract 2992 - Road Resurfacing and Associated Services

SUMMARY: Project Manager, Darren von der Lippe

This report considers and recommends the appointment of a panel for Contract 2992 Road Resurfacing and Associated Services utilising their submitted schedule of rates.

RECOMMENDATION

That Council:

1. Accepts the tenders shown in table 1 for Contract 2992: Road Resurfacing and Associated Services, at their tendered schedule of rates for an initial contract term commencing 27 September 2022 and ending 1 July 2025, with the option of two extensions of 1 year each, allowing for a maximum contract term of 5 years. The recommended contractors and their respective categories can be seen in table 1 below. The list of categories can be seen in table 2 below.

Table 1: Recommended contractors and respective categories

Successful Tenderer / Bidder	Category awarded
BA Road Service Pty Ltd	3, 7, 8
Downer EDI Works Pty Ltd	3, 7, 8
Fulton Hogan Industries Pty Ltd	1, 2, 3, 4, 6, 7, 8, 9
Omnigrip Direct Pty Ltd	3
Prestige Paving Pty Ltd	3, 7, 8
RABS Paving Services Pty Ltd	1, 2, 3, 6, 7, 8, 9
The Trustee For SuperSealing Unit Trust (Trading As Supersealing)	3, 4, 7, 8
The Trustee For The Centofanti Unit Trust T/A Metro Asphalt Pty Ltd	1, 2, 3, 6, 7, 8, 9

Table 2: List of Categories

Category 1 – Asphalt Supply, Deliver and Lay	Category 6 – Plant and Labour
Category 2 - Profiling	Category 7 – Traffic Control;
Category 3 – Seal Treatments	Category 8 – Line Marking
Category 4 – Crack Sealing	Category 9 – Adjustment of Utility Covers
Category 5 – Asphalt Patching	

2. Note the estimated contract cost for the initial 3 years is estimated to be in the order of \$23,146,640 including GST (\$21,042,390 excluding GST). If the extension options are executed, then the total cost of the contract is expected to be in the order of \$43,175,051 including GST (\$39,250,046 excluding GST).
3. Note expenditure under this contract in 2022/23 is in accordance with Council's adopted budget and expenditure in future years will be in accordance with the approved budget allocations.
4. Authorise the Chief Executive Officer (or such person they nominate) to execute the contract agreements with the above contractors.
5. Authorise the Director, Infrastructure (or such person they nominate) to negotiate and execute extensions to Contract 2992 with the above contractors to the maximum 5-year contract term.

RESOLUTION

MOVED: Councillor Dwight

SECONDED: Councillor Timmers-Leitch

That Council:

1. **Accepts the tenders shown in table 1 for Contract 2992: Road Resurfacing and Associated Services, at their tendered schedule of rates for an initial contract term commencing 27 September 2022 and ending 1 July 2025, with the option of two extensions of 1 year each, allowing for a maximum contract term of 5 years. The recommended contractors and their respective categories can be seen in table 1 below. The list of categories can be seen in table 2 below.**

Table 1: Recommended contractors and respective categories

Successful Tenderer / Bidder	Category awarded
BA Road Service Pty Ltd	3, 7, 8
Downer EDI Works Pty Ltd	3, 7, 8
Fulton Hogan Industries Pty Ltd	1, 2, 3, 4, 6, 7, 8, 9
Omnigrip Direct Pty Ltd	3
Prestige Paving Pty Ltd	3, 7, 8
RABS Paving Services Pty Ltd	1, 2, 3, 6, 7, 8, 9
The Trustee For SuperSealing Unit Trust (Trading As Supersealing)	3, 4, 7, 8
The Trustee For The Centofanti Unit Trust T/A Metro Asphalt Pty Ltd	1, 2, 3, 6, 7, 8, 9

Table 2: List of Categories

Category 1 – Asphalt Supply, Deliver and Lay	Category 6 – Plant and Labour
Category 2 - Profiling	Category 7 – Traffic Control;
Category 3 – Seal Treatments	Category 8 – Line Marking
Category 4 – Crack Sealing	Category 9 – Adjustment of Utility Covers
Category 5 – Asphalt Patching	

2. **Note the estimated contract cost for the initial 3 years is estimated to be in the order of \$23,146,640 including GST (\$21,042,390 excluding GST). If the extension options are executed, then the total cost of the contract is expected to be in the order of \$43,175,051 including GST (\$39,250,046 excluding GST).**
3. **Note expenditure under this contract in 2022/23 is in accordance with Council's adopted budget and expenditure in future years will be in accordance with the approved budget allocations.**
4. **Authorise the Chief Executive Officer (or such person they nominate) to execute the contract agreements with the above contractors.**
5. **Authorise the Director, Infrastructure (or such person they nominate) to negotiate and execute extensions to Contract 2992 with the above contractors to the maximum 5-year contract term.**

CARRIED

8.9 Comensura Contract

SUMMARY: Carolyn Terry, Interim Chief People Officer

Council has engaged the services of Comensura Pty Limited (Comensura) for the supply of temporary labour hire over a number of years through a Municipal Association of Victoria (MAV) contract. The MAV contract expires on 8 November 2022 and is not being renewed. A similar contract is available to Council through Procurement Australia (PA). This report recommends that Council enter into a contract with Comensura through PA for an initial contract term from 9 November 2022 to 31 December 2023, with a possible extension of 1 + 1 years at Council's discretion.

RECOMMENDATION

That Council:

1. Award Contract number 3116 Managed Services Program (MSP) Providers for Contingent Labour (2312-0618-4) to Comensura Pty Limited under the Procurement Australasia contract for an initial contract term of 9 November 2022 to 31 December 2023.
2. Authorise the Chief Executive Officer (or such person nominated on their behalf) to execute the contract agreements with Comensura Pty Limited.
3. Authorise the Chief Executive Officer (or such person nominated on their behalf) to negotiate and execute contract extensions up to 31 December 2025 with Comensura Pty Limited.

RESOLUTION

MOVED: Councillor Laukens

SECONDED: Councillor Dwight

That Council:

1. **Award Contract number 3116 Managed Services Program (MSP) Providers for Contingent Labour (2312-0618-4) to Comensura Pty Limited under the Procurement Australasia contract for an initial contract term of 9 November 2022 to 31 December 2023.**
2. **Authorise the Chief Executive Officer (or such person nominated on their behalf) to execute the contract agreements with Comensura Pty Limited.**
3. **Authorise the Chief Executive Officer (or such person nominated on their behalf) to negotiate and execute contract extensions up to 31 December 2025 with Comensura Pty Limited.**

CARRIED

8.10 Governance Issues Associated with Councillor Campaigning

SUMMARY: Acting Coordinator Governance, Saskia Weerheim

As the State Election draws nearer, Council has requested a report that considers some of the issues associated with Councillors who are standing as candidates in State and Federal Elections as per the resolution of Council at its August 2022 meeting.

RECOMMENDATION

That Council note:

1. The information provided in this report regarding the governance issues associated with Councillors campaigning in State and Federal Elections with particular regard to decision-making, advocacy and Councillor allowances.
2. The Local Government Victoria Bulletin 45/2022, "State Election and Impact on Councils" and which includes information regarding relevant considerations for Councillors standing at the November 2022 State Election, set out in Attachment 1 of the officer's report.
3. The Municipal Association of Victoria's "Guidelines Councillors Standing for State or Federal Elections" dated November 2021 and set out in Attachment 2 of the officer's report.

RESOLUTION

MOVED: Councillor Dwight

SECONDED: Councillor Timmers-Leitch

That Council refer this Item to the Strategic Planning Committee Meeting on Monday 10 October 2022 for consideration.

PROCEDURAL MOTION

ADJOURNMENT

MOVED: Councillor Dwight

SECONDED: Councillor Timmers-Leitch

That the Council meeting be adjourned for a break.

LOST

The substantive motion was put and LOST

RESOLUTION

MOVED: Councillor Seymour

SECONDED: Councillor Grasso

That Council note:

- 1. The information provided in this report regarding the governance issues associated with Councillors campaigning in State and Federal Elections with particular regard to decisionmaking, advocacy and Councillor allowances;**
- 2. The Local Government Victoria Bulletin 45/2022, “State Election and Impact on Councils” and which includes information regarding relevant considerations for Councillors standing at the November 2022 State Election, set out in Attachment 1 of the officer’s report; and**
- 3. The Municipal Association of Victoria’s “Guidelines Councillors Standing for State or Federal Elections” dated November 2021 and set out in Attachment 2 of the officer’s report.**

CARRIED

9 Supplementary Items

Nil.

10 Notices of Motion

Nil.

11 Urgent Business

Nil.

12 Questions Through the Chair

Nil.

13 Confidential Items

PROCEDURAL MOTION

CLOSURE OF MEETING

MOVED: Councillor Timmers-Leitch

SECONDED: Councillor Pearce

That Council resolve to close the meeting in accordance with Section 66(2)(a) of the Local Government Act 2020 in order to consider:

Item 13.1 Knox Library Construction

As it contains confidential information pursuant to Council's Governance Rules and Section 66 of the Local Government Act 2020, as it relates to:

- 1. Private commercial information that, if released, would unreasonably expose tenderers to disadvantage because it would release financial information about the business that is not available to their competitors.**
- 2. Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released, because it includes commercial in confidence information including contract proposals and surveyor estimates that could be beneficial to third parties in future commercial negotiations with Council regarding the project.**

CARRIED

THE MEETING WAS CLOSED TO THE PUBLIC AT 9:26pm.

MEETING CLOSED AT 9:29pm.

Minutes of Meeting confirmed at the
Meeting of Council
held on Monday, 24 October 2022

.....
Chairperson

The Agenda for this meeting is attached in full at the end of the Minutes