

AGENDA SUMMARY



Ordinary Meeting of Council

To be held via Zoom

On

Monday 21 September 2020 at 7:00 pm

Order of Business

| | | |
|------|--|----|
| 1 | Apologies And Requests For Leave Of Absence..... | 4 |
| 2 | Declarations Of Conflict Of Interest..... | 4 |
| 3 | Confirmation Of Minutes | 4 |
| 4 | Petitions And Memorials | 4 |
| 5 | Reports By Councillors | 5 |
| 5.1 | Committees and Delegates | 5 |
| 5.2 | Ward Issues..... | 5 |
| 6 | City Development and Governance Officers' Reports For Consideration | 6 |
| 6.1 | Report of Planning Applications Decided Under Delegation 1 August to 31 August 2020 ... | 6 |
| 6.2 | Knox Municipal Development Contributions Plan Report..... | 7 |
| 6.3 | 13 Edward Street, Upper Ferntree Gully | 9 |
| 6.4 | Ferntree Gully Cemetery Trust Annual Report for the Year Ended 30 June 2020 | 10 |
| 6.5 | Revised 2020 Council and Committee Meeting Schedule | 11 |
| 7 | Public Question Time | 12 |
| 8 | Engineering & Infrastructure Officers' Reports For Consideration | 13 |
| 8.1 | Wantirna Parking Management Plan..... | 13 |
| 8.2 | Capital Works Ranking Criteria Report | 14 |
| 8.3 | Contract 2652 – Provision of General Maintenance and Minor Works - Builders..... | 15 |
| 9 | Community Services Officers' Reports For Consideration..... | 16 |
| 9.1 | COVID-19 Community and Business Support Package | 16 |
| 9.2 | COVID-19 Household Survey..... | 17 |
| 9.3 | Bayswater Multipurpose Community Hub Needs Analysis Review 2020 | 18 |
| 9.4 | Funded Kindergarten Policy Report..... | 19 |
| 9.5 | Knox Electronic Gaming Policy Update..... | 20 |
| 9.6 | Community Development Fund Grants Panel Recommendations 2020..... | 21 |
| 9.7 | Minor Grants Program 2020-21 Monthly Report | 22 |
| 10 | Chief Executive's Office - Officers' Reports For Consideration..... | 24 |
| 10.1 | Proposal to Sell Council Property - 27 Tyner Road, Wantirna South..... | 24 |
| 10.2 | Proposed Discontinuance and Sale of Part Service Road - Adjacent to 622 Burwood Highway, Knoxfield..... | 25 |
| 10.3 | Proposal to Sell Council Property - 276 Wantirna Road, Wantirna | 26 |

| | |
|---|----|
| 10.4 Proposal to Sell Council Property - 2A Francis Crescent, Ferntree Gully..... | 27 |
| 10.5 Loan Borrowings | 28 |
| 11 Items For Information | 29 |
| 11.1 ICT Capital Works Report | 29 |
| 11.2 Assemblies of Councillors | 30 |
| 12 Motions For Which Notice Has Previously Been Given | 31 |
| 12.1 Notice of Motion No 109 – Activity Centre Building Design Quality | 31 |
| 12.2 Notice of Motion No 110 – Knox Landfill Solar Farm Business Case | 31 |
| 13 Supplementary Items..... | 32 |
| 13.1 State Basketball Centre – Memorandum of Understanding (Confidential) | 32 |
| 13.2 State Basketball Centre – Funding Agreement (Confidential)..... | 32 |
| 13.3 Additional Applications - Minor Grants Program 2020-21 | 33 |
| 14 Urgent Business | 34 |
| 14.1 Urgent Business | 34 |
| 14.2 Call Up Items | 34 |
| 15 Questions Without Notice | 34 |
| 16 Confidential Items..... | 34 |
| 16.1 Knox Leisureworks Update | 34 |
| 16.2 Digital Customer Channels Transformation – Website Build Stream Procurement Report | 34 |
| 16.3 Sale of Council Property – Set Reserve for 1221 Mountain Highway, The Basin | 34 |
| 16.4 Chief Executive Officer June 2020 Performance Review and Key Performance Indicators 2020-21 | 34 |
| 16.5 Chief Executive Officer Remuneration Review 2020..... | 34 |

Tony Doyle

Chief Executive Officer

1 Apologies and Requests for Leave of Absence

2 Declarations of Conflict of Interest

3 Confirmation of Minutes

Confirmation of Minutes of Ordinary Meeting of Council held on Monday 24 August 2020

Confirmation of Minutes of Special Meeting of Council held on Monday 31 August 2020

4 Petitions and Memorials

5 Reports by Councillors

5.1 Committees and Delegates

5.2 Ward Issues

6 City Development and Governance Officers' Reports for consideration

6.1 Report of Planning Applications Decided Under Delegation 1 August to 31 August 2020

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 to 31 August 2020) be noted

6.2 Knox Municipal Development Contributions Plan Report

SUMMARY: Senior Strategic Planner, City Futures, Jo Liu

The Development Contributions Plan (DCP) is a mechanism within the Planning and Environment Act 1987 that enables councils to collect levies from new development towards the cost of infrastructure. The Knox Municipal Development Contributions Plan has been prepared in accordance with the Planning and Environment Act 1987, the Victorian Government's Development Contribution Guidelines 2007 and Ministerial Directions on the Preparation and Content of DCPs (11 October 2016).

An amendment to the Knox Planning Scheme is required to implement the DCP. The proposed Planning Scheme Amendment C186knox will seek to apply Victorian Planning Provision Clause 45.06 - Development Contributions Plan Overlay (DCPO) to all land within the municipality, with exemptions where appropriate, and include the DCP as an Incorporated Document within the Knox Planning Scheme.

Subject to Ministerial authorisation, Amendment C186knox and the associated supporting documents will be placed on public exhibition in accordance with the requirements of Section 19 of the Planning and Environment Act 1987. The community and relevant stakeholders will have an opportunity to make a submission to the amendment.

Following public exhibition, Council can consider the exhibition outcomes, including submissions and determine whether to make any changes to the amendment and the Knox Municipal DCP in response to submissions, refer submissions to an independent Planning Panel, or abandon the amendment.

RECOMMENDATION

That Council:

1. Adopt the Knox Municipal Development Contributions Plan (Attachment 1) and endorse the draft Amendment C186knox documents (Attachment 3), for the purpose of seeking Ministerial authorisation to prepare and exhibit the amendment to implement the Knox Municipal DCP.
 2. Adopt the Knox Municipal DCP Background Report (Attachment 2) for the purpose of public exhibition.
 3. Request authorisation from the Minister for Planning to prepare and exhibit Amendment C186knox to the Knox Planning Scheme in accordance with Section 8A of the Planning and Environment Act 1987.
 4. Authorise the Director City Development - Interim Finance and Governance to:
 - a. make adjustments to the Knox Municipal DCP, associated Background Report and amendment documents to reflect Council's position on the Bayswater and/or Boronia Multi-purpose Community Facility project(s) prior to exhibiting the amendment.
 - b. make any further minor editorial changes to the Knox Municipal DCP, associated Background Report and the amendment documents, where the changes do not alter the intent of the amendment.
-

5. Subject to receiving authorisation from the Minister for Planning, place Amendment C186knox and the associated supporting documents for public exhibition in accordance with Section 19 of the Planning and Environment Act 1987. Note that the supporting documents include:
 - a. Council's Capital Works Program 2019-23 and Long Term Financial Forecast 2019-28 (Attachment 4);
 - b. justification documents as listed in the Knox Municipal DCP; and
 - c. other documents as requested by the Minister for Planning.

6.3 13 Edward Street, Upper Ferntree Gully

SUMMARY: Senior Planning Officer, Merette Shenouda

Planning Application P/2019/7512 for the use and development of the land for a retirement village, and the removal of vegetation at 13 Edward Street, Upper Ferntree Gully.

RECOMMENDATION (SUMMARY)

That Council issue a Notice of Refusal for the use and development of the land for a retirement village and vegetation removal at 13 Edward Street, Upper Ferntree Gully subject to the grounds of refusal detailed in the full recommendation in section 10 below.

10. RECOMMENDATION

That Council issue a Notice of Refusal for the use and development of the land for a retirement village and removal of vegetation at 13 Edward Street, Upper Ferntree Gully based on the following refusal grounds:

1. The proposal is inconsistent with the purpose and decision guidelines of the Neighbourhood Residential Zone – Schedule 1 (Clause 32.09).
2. The proposal's scale and intensity is inconsistent with the State and Local Policy considerations, including:
 - a. Clause 15 (Built Environment and Heritage);
 - b. Clause 21.03 (Environmental and Landscape Values);
 - c. Clause 21.05 (Built Environment and Heritage); and
 - d. Clause 21.10 (Local Areas).
3. The proposed area covered by buildings exceeds the mandatory maximum of 40% required by the Design and Development Overlay – Schedule 1 (Clause 43.02) and the proposal is inconsistent with the design objectives of the Design and Development Overlay – Schedule 1 (Clause 43.02).
4. The proposal's positioning, height, bulk, materials, extent of vegetation removal and landscape outcomes is inconsistent with the objectives and guidelines of the Significant Landscape Overlay - Schedule 2 (Clause 42.03).

6.4 Ferntree Gully Cemetery Trust Annual Report for the Year Ended 30 June 2020

SUMMARY: Coordinator Governance, Andrew Dowling

This report presents the Knox City Council, as Trustee for the Ferntree Gully Cemetery, relevant statutory documentation pertaining to the 2019-20 financial year of operations for consideration and adoption, prior to submission to the Department of Health and Human Services.

RECOMMENDATION

That Council as the Trustee for the Ferntree Gully Cemetery Trust:

1. Receive and note the audited financial statements for the Ferntree Gully Cemetery Trust for the year ended 30 June 2020 (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 2019-20 financial year (Attachment 3) and authorise Councillors _____ , _____ and _____ to sign the accounts on behalf of the Trust for submission to the Department of Health and Human Services.

6.5 Revised 2020 Council and Committee Meeting Schedule

SUMMARY: Manager Governance, Phil McQue

Council previously adopted its 2020 meeting schedule in October 2019. The Victorian Electoral Commission has since advised that the declaration of the polls as part of the upcoming Local Government elections could be as late as 13 November 2020. This will require Council to revise the meeting schedule for November 2020 and December 2020.

RECOMMENDATION

That Council adopt the revised meeting schedule as follows:

- Tuesday 17 November 2020 – Council Meeting (for the Election of Mayor and Committee Appointments – with no public question time);
- Monday 30 November 2020 – Council Meeting;
- Monday 14 December 2020 – Strategic Planning Committee; and
- Monday 21 December 2020 – Council Meeting.

7 Public Question Time

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

8 Engineering & Infrastructure Officers' Reports for consideration

8.1 Wantirna Parking Management Plan

SUMMARY: Senior Traffic Engineer, Deborah Wilding

A draft Wantirna Parking Management Plan for Wantirna Mall and the surrounding Health Precinct was developed after consultation in August 2019. The draft plan was presented to the public in June 2020. The draft Wantirna Parking Management Plan has been refined in response to the consultation and is now presented for adoption.

This report also seeks approval for the delegated officer to be able to make minor administrative changes to the plan as required.

RECOMMENDATION

That Council:

1. Adopt the Wantirna Parking Management Plan as presented in Attachment 1; and
2. Authorise the Chief Executive Officer (or such person as the Chief Executive Officer nominates) to make minor administrative changes (changes affecting one or two spaces or a single property) to Parking Management Plans, to adapt to changing needs or unforeseen issues. The relevant ward Councillor will be advised of any minor administrative changes implemented under this resolution.

8.2 Capital Works Ranking Criteria Report

SUMMARY: Coordinator – Capital Works (Gene Chiron)

This report presents the ranking criteria proposed to be used to priorities New/Upgrade projects within individual 2021-2025 Capital Works Programs. The criteria consider Council's Community Facilities Planning Policy and Climate Change Response Plan where appropriate and are presented for Council's consideration.

RECOMMENDATION

That Council:

1. Adopt the revised Capital Works Program ranking criteria for New/Upgrade Programs as shown in Attachment 1; and
2. Note that the revised Capital Works Program ranking criteria will be utilised for the development of the Draft 2021-2025 Capital Works Program.

8.3 Contract 2652 – Provision of General Maintenance and Minor Works - Builders

SUMMARY: Coordinator Facilities, Brett Anderson

This report considers and recommends the appointment of six (6) tenderers for the Provision of General Building Maintenance and Minor Works – Builders.

RECOMMENDATION

That Council:

1. Accept the tenders submitted by:
 - Building Impressions Pty Ltd
 - DQ Construction Pty Ltd
 - Circon Constructions Pty Ltd
 - DBS Construction Group Pty Ltd
 - Build Technics Pty Ltd
 - Ecobuilt Vic Pty Ltd

For the schedule of rates prices as provided, for a period of three (3) years from 1 October 2020 to 30 September 2023 for Contract 2652 – Provision of General Maintenance and Minor Works – Builders;

2. Authorise the Chief Executive Officer to formalize and sign the necessary contract documentation; and
3. Advise all tenderers accordingly.

9 Community Services Officers' Reports for consideration

9.1 COVID-19 Community and Business Support Package

SUMMARY: Manager Pandemic Response and Recovery, Angela Morcos

In response to the COVID-19 Pandemic, Council approved its first Community and Business Support package on 30 March 2020, and the second on 25 May 2020. This report recommends initiatives for a third package of support.

RECOMMENDATION

That Council:

1. Note the continued positive impact that Council's support initiatives have had so far on the Knox community.
2. Approves the following initiatives for inclusion in the third Community and Business Support Package:
 - a. Waive all not-for profit community organisation hire agreement, license and lease fees for the period 1 October 2020 to 31 March 2021, with any advance pro-rata payments to be refunded;
 - b. Refund existing trading permits relating to outdoor dining, display of goods and business A-frame signage with a pro-rata refund applied for permit fees paid for the period 1 January 2021 to 31 March 2021;
 - c. Waive new trading permits fees relating to outdoor dining, display of goods and business A-frame signage received between 1 January 2021 to 31 March 2021 on the basis that the application fee will be waived and only an adjusted pro-rata permit fee to cover the period of 1 April 2021 to 31 August 2021 (the remainder of the 2020/21 permit period) will be applied;
 - d. Waive new trading permits relating to outdoor dining, display of goods and business A-frame signage received after 31 March 2021 on the basis that the application fee will be waived and a pro-rata permit fee will be applied (adjusted monthly) until the end of the 2020/21 permit period (31 August 2021);
 - e. Provide financial assistance to Knox Basketball Incorporated as outlined in Section 2.3;
 - f. Provide 100% fee relief in the 2021 calendar year for health and food premises as listed in Table 1;
 - g. Provide funding to the value of \$85,000 to respond to some impacts of the Pandemic identified from the results of the COVID-19 Household Survey; and
 - h. Provide funding to the value of \$40,000 for a community campaign.
3. Funds the above initiatives with the balance from previously allocated funding and review any additional funding required through the mid-year budget process.

9.2 COVID-19 Household Survey

SUMMARY: Project Manager – Community Wellbeing, Raini Nailer

The COVID-19 Pandemic is resulting in significant economic and social upheaval. The situations being faced by our community are unprecedented and whilst we have anecdotal information about the types of challenges being faced in our community, we have little understanding of the prevalence of these experiences. As part of Council's Community and Business Support Package, which aims to assist the community through and out of the current Pandemic, a household survey (refer Attachment 1) was commissioned to inform future action. The results of this survey (refer Attachment 2) will inform strategic service planning and longer-term relief and recovery planning across Council.

RECOMMENDATION

That Council note the COVID-19 Household Survey report and use the data collected to inform upcoming projects and initiatives to support community need, relief and recovery.

9.3 Bayswater Multipurpose Community Hub Needs Analysis Review 2020

SUMMARY: Coordinator Social and Community Infrastructure, Linda Merlino

In 2010, Knox City Council undertook a study of the existing and required community services in the Bayswater area. The needs analysis undertaken identified the potential opportunity for the creation of a high-quality, multipurpose community hub in the Bayswater Activity Centre.

Investigation at the time identified the need for a variety of safe, accessible community meeting spaces, in particular those that service youth and older people, with the opportunity of co-locating with other services such as Early Years and the Bayswater Library.

Currently Bayswater is an identified Major Activity Area in Plan Melbourne 2017-2050. This, in conjunction with the need for updated demographic information and considerations regarding the introduction of three year old kindergarten in Victoria, has created the opportunity to review the original needs analysis study to update the data and previous recommendations.

The 2020 review has confirmed that there is the demonstrated need for a Multipurpose Community Hub in Bayswater.

RECOMMENDATION

That Council endorse the Bayswater Multipurpose Community Hub Needs Analysis 2020 Review Report, shown at Attachment 1.

9.4 Funded Kindergarten Policy Report

SUMMARY: Manager Family and Children's Services, Janine Brown

Council's current Funded Kindergarten Policy is due to sunset in 2020. The introduction of funded 3-year-old kindergarten is fundamentally changing kindergarten in Victoria to two years of universal access to kindergarten with implementation scheduled to commence in the Knox municipality in 2022. Recent Council resolutions have made it necessary to update the Funded Kindergarten policy and procedure to reflect those decisions and to prepare for the implementation of two years of universal access to kindergarten.

RECOMMENDATION

That Council:

1. Adopt the draft Funded Kindergarten Policy as outlined in Attachment 1;
2. Note the draft Funded Kindergarten Registration and Enrolment Procedure as outlined in Attachment 2; and
3. Note that the reforms to registration and enrolment will have an impact on children registered and enrolled for 2022 and beyond.

9.5 Knox Electronic Gaming Policy Update

SUMMARY: Senior Social Planner, Sharon Barker

Knox City Council's particular responsibility in relation to gambling arises through its role in determining planning permits for gaming venues and electronic gaming machines (EGMs) in Knox. Council also has a role in minimising harm arising in the community from the use of EGMs.

A project was undertaken by the Municipal Strategic Social Planning Team in May and June 2020 to update Council's Electronic Gaming Machine Policy (the Policy) with the support of a Project team.

Consultation, which included a survey, was conducted with key stakeholders comprising venue operators, members of the Knox Community Health, Safety and Wellbeing Committee and Council's business units of Youth Leisure and Cultural Services, Strategic Planning, Community Access, Equity & Safety, and Municipal Strategic Social Planning. The City Planning & Building Department was also supplied with draft documents.

The proposed changes to the Policy will strengthen provisions to inform Council's statutory decision-making responsibilities, support its harm minimisation approach into the future, and align the format and language used in the document with current best practice standards. The update does not involve major restructuring of the document, as it remains drafted in accordance with Council's standard policy format.

RECOMMENDATION

That Council endorse the updated Electronic Gaming Machine Policy, shown at attachment 2.

9.6 Community Development Fund Grants Panel Recommendations 2020

SUMMARY: Community Partnerships Officer – Deb Robert

This report presents the recommendations of the Community Development Fund (CDF) Evaluation Panel for Council's 2020-21 CDF grants allocation to not-for-profit community groups operating within Knox.

RECOMMENDATION

That Council:

1. Approve the recommendations of 2020-21 Community Development Fund (CDF) Evaluation Panel to allocate 77 grants totaling \$456,745.21 as detailed in Attachment 2 of this report.;
2. Approve the reallocation, under delegation, of any CDF funds returned to Council from approved projects/events/activities impacted by COVID restrictions into 2021 to approved projects, as ranked by the Panel that did not receive the full amount requested; and
3. Note that an on-line grants announcement will be scheduled in November 2020 to showcase the 2020-21 approved projects and a networking event for grant recipients will be held in 2021 to launch the next year's grants program.

9.7 Minor Grants Program 2020-21 Monthly Report

SUMMARY: Coordinator Community Partnerships, Saskia Weerheim

This report summarises the grant applications recommended for approval in September 2020 for the 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, which has been the current limit since the commencement of the 2020-2021 financial year.

RECOMMENDATION

That Council:

1. Approve ten applications for a total of \$24,727.26 as detailed below:

| Applicant Name | Project Title | Amount Requested | Amount Recommended |
|--|---|--------------------|--------------------|
| Billoo Park MCHC Playgroup | Purchase of play and climbing equipment for outdoors | \$2,229.26 | \$2,229.26 |
| Rowville Neighbourhood Learning Centre | Mental health and wellbeing for children and adults | \$2,900.00 | \$2,900.00 |
| Scoresby Wantirna South Tennis Club | Vending machine and shade sails | \$3,000.00 | \$3,000.00 |
| Waterford Park Retirement Village – Men’s Shed | Men’s Shed equipment upgrade | \$1,600.00 | \$1,600.00 |
| St Paul’s Anglican Church Boronia | Microwave purchase and freezer installation for community meals | \$2,101.00 | \$2,101.00 |
| Footscape Inc. | Foot care kits for homeless people, Aboriginal people and asylum seekers in Knox | \$1,000.00 | \$1,000.00 |
| Templeton Tennis Club | Windbreaks for Courts 1-3 | \$3,000.00 | \$3,000.00 |
| The Basin Community House | COVID related expenses for hall management | \$3,000.00 | \$3,000.00 |
| The Basin Football and Netball Club | Point of sale software | \$2,897.00 | \$2,897.00 |
| Reaching Out Because We Can Inc. | ROBWC truck hire to transport furniture and goods to assist people who are escaping family violence or homelessness | \$3,000.00 | \$3,000.00 |
| TOTAL | | \$24,727.26 | \$24,727.26 |

2. Refuse one ineligible Minor Grants Program applications requesting a total of \$3000 as detailed below:

| Applicant Name | Project Title | Amount Requested | Reason for Refusal |
|--------------------------|--------------------------------|------------------|--|
| Knox Environment Society | Community fights for Lake Knox | \$3,000.00 | Procedural fairness (as detailed in the discussion section of this report) |
| TOTAL | | \$3,000.00 | |

3. Note that inclusive of the above recommended grants, which total \$24,727.26, a total of \$73,617.25 has been awarded to date under the 2020-2021 Minor Grants Program to support 35 community-based organisations and their programs.

10 Chief Executive's Office - Officers' Reports for consideration

10.1 Proposal to Sell Council Property - 27 Tyner Road, Wantirna South

SUMMARY: Acting Senior Property Officer, Paige Kennett

Following a strategic review of some of Council's early years facilities, 27 Tyner Rd, Wantirna South was resolved by Council in November 2018 to be retained for a long-term commercial lease, which was subsequently declined. The subject property has since been re-assessed against Council's Policy assessment criteria and deemed it to be surplus to Council requirements.

This paper is being reported for Council's determination on the matter.

RECOMMENDATION

That Council:

1. Note that Council's offer to lease 27 Tyner Road, Wantirna South to the Victorian School Building Authority was declined.
2. Note an initial policy assessment indicates that 27 Tyner Road, Wantirna South, as shown in Attachment 1, identified within Lot 51 on Plan of Subdivision 050544, Certificate of Title Volume 08406 Folio 988 is not required and consequently resolve:
 - a. To commence the statutory process, under Section 189 of the Local Government Act 1989, to sell the subject land through a public process, for no less than market value (plus GST);
 - b. Pursuant to Section 223 of the Local Government Act 1989, give notice of the proposed sale in a newspaper circulating in the municipality.
3. Note a further report will be presented to a Council or Strategic Planning Committee Meeting to enable consideration of any submissions and the final determination of the matter.

10.2 Proposed Discontinuance and Sale of Part Service Road - Adjacent to 622 Burwood Highway, Knoxfield

SUMMARY: Acting Senior Property Officer, Paige Kennett

This report is presented to Council following the completion of the statutory process regarding the proposed discontinuance and sale of road adjacent to 622 Burwood Highway, Knoxfield.

RECOMMENDATION

PART A

That Council, acting under section 17(4) of the *Road Management Act 2004* resolves that the road adjoining 622 Burwood Highway, Knoxfield, shown as lot 1 on the plan attached as Attachment 1 to this report (Road) and being part of the land contained in certificate of title volume 6097 folio 315, be removed from Council's register of public roads on the basis that the Road is no longer reasonably required for general public use for the reasons set out in this report.

PART B

That Council, having resolved Part A of this resolution and having completed the statutory process under sections 207A and 223 of the *Local Government Act 1989* ("Act"), and acting under clause 3 of Schedule 10 of the Act, and having received no submissions in response to the public notice regarding Council's proposal to discontinue and sell the Road to the adjoining owner of 622 Burwood Highway, Knoxfield:

1. is of the opinion that the Road is no longer reasonably required for general public use;
2. resolves to discontinue the Road and sell the land to the adjoining owner of the property at 622 Burwood Highway, Knoxfield;
3. directs that a gazettal notice of the road discontinuance be published in the *Victoria Government Gazette* under clause 3(a) of Schedule 10 of the Act;
4. authorises the sale of the Road to the property owner at 622 Burwood Highway, Knoxfield for \$460,000 plus GST (being market value) plus all of Council's costs in relation to the discontinuance and sale;
5. includes as a condition of sale the requirement for the property owner of 622 Burwood Highway, Knoxfield to, within 12 months from the date of transfer of the Road:
 - a. consolidate the titles to the Road and 622 Burwood Highway, Knoxfield; and
 - b. carry out landscaping works to protect the large indigenous tree located on the far east side of the road at 622 Burwood Highway, Knoxfield; and
6. authorises the Chief Executive Officer to sign and seal all necessary documentation associated with the discontinuance and sale of the Road.

10.3 Proposal to Sell Council Property - 276 Wantirna Road, Wantirna

SUMMARY: Acting Senior Property Officer, Paige Kennett

Following Council's resolution in November 2018, the Council property located at 276 Wantirna Road, Wantirna was declared surplus and the reservation status subsequently removed. The property is now ready for Council to resolve to commence the statutory process to sell the property.

RECOMMENDATION

That Council:

1. Note that the reservation status on the property located at 276 Wantirna Road, Wantirna, identified within Certificate of Title Volume 08767 Folio 922 has been successfully removed.
2. Note Council's November 2018 resolution declaring the subject site as surplus to Council's requirements and therefore resolve to:
 - a. Commence the statutory process, under Section 189 of the Local Government Act 1989, to sell the subject property through a public process, for no less than market value (plus GST);
 - b. Pursuant to Section 223 of the Local Government Act 1989, give notice of the proposed sale in a newspaper circulating within the municipality.
3. Note that a further report will be presented to a Council or Strategic Planning Committee meeting to enable consideration of the submissions and the final determination of the matter.

10.4 Proposal to Sell Council Property - 2A Francis Crescent, Ferntree Gully

SUMMARY: Acting Senior Property Officer, Paige Kennett

This report is presented to Council following the completion of the statutory process and now recommends for sale, Council land located at 2A Francis Crescent, Ferntree Gully.

RECOMMENDATION

That Council, having completed the statutory process in accordance with the Local Government Act 1989:

1. Proceed with the sale of 2A Francis Crescent, Ferntree Gully, identified as Lot 1 on Title Plan 92088IU within Certificate of Title Volume 8892 Folio 173;
2. Commence the process to sell 2A Francis Crescent, Ferntree Gully to Think Childcare for market value (As per Confidential Attachment 1) with a settlement period of a date agreed between the parties that is no later than 6 months after the date of sale; and
3. Authorise the Chief Executive Officer to finalise the negotiations and sale of this property and sign and seal all documents pertaining to this sale.

10.5 Loan Borrowings

SUMMARY: Acting Manager, Business and Financial Services, Dennis Bastas

The purpose of this report is to recommend that Council exercise its powers to borrow up to \$40.906 million to enable funding of the 2020-21 capital works program, and to authorise the Chief Executive Officer to sign and seal documents with approved lending institutions to execute the borrowings.

RECOMMENDATION

That Council:

1. Authorise the Chief Executive Officer to procure borrowings of \$40.906 million via a suitable procurement process; and
2. Authorise the Chief Executive Officer to sign and seal all relevant documents necessary to give effect to the above resolution.

11 Items for Information

11.1 ICT Capital Works Report

SUMMARY: Acting Manager Information and Communications Technology, Paul Barrett

The ICT Works Report shows projects on Council's ICT Capital Works Program and indicates the status of each project as at 10 September 2020.

RECOMMENDATION

That Council receive and note the ICT Capital Works Report, as at 10 September 2020.

11.2 Assemblies of Councillors

SUMMARY: Manager, Governance, Phil McQue

This report provides details of Assembly of Councillors 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; and
2. Incorporate the records of the Assemblies into the minutes of the meeting.

12 Motions for Which Notice has Previously Been Given

12.1 Notice of Motion No. 109 – Activity Centre Building Design Quality

RECOMMENDATION

That Council:

Acknowledge its investment over the years to improve building design in activity centres through preparing plans and strategies and the convening of the Knox Design and Development Excellence Awards; that a report be provided to the February 2021 Ordinary Meeting advising if it is possible to make it mandatory for apartment, townhouse and commercial developments within activity centre to be designed by a registered architect to help facilitate better design outcomes. If this is possible, the report should address how this may be achieved (for example via the planning scheme or any other mechanism) or if not possible, identify other options Council could consider to facilitate better design outcomes.

12.2 Notice of Motion No. 110 – Knox Landfill Solar Farm Business Case

RECOMMENDATION

That a report be provided to the February 2021 Ordinary Meeting providing an update on the development of a business case for the Knox Landfill Solar Farm proposal, as part of investigating the potential for a solar power generation on the former landfill site at 1180 High Street Road, Wantirna South.

13 Supplementary Items

13.1 State Basketball Centre – Memorandum of Understanding (Confidential)

This report is included in the confidential agenda, having been declared confidential information pursuant to Section 77(2)(c) of the Local Government Act 1989, as it relates to:

- Council business information, that could prejudice Council's position in negotiations with the Victorian Government and or other stakeholders in the Knox Regional Sports Park site.
- legal privileged information, being information from confidential communications between Council and its lawyer created for the dominant purpose of the lawyer providing legal advice to Council regarding the MOU.

13.2 State Basketball Centre – Funding Agreement (Confidential)

This report is included in the confidential agenda, having been declared confidential information pursuant to Section 77(2)(c) of the Local Government Act 1989, as it relates to:

- Council business information, that could prejudice Council's position in negotiations with the Victorian Government and or other stakeholders in relation to the Knox Regional Sports Park site and the State Basketball Centre Expansion Project.

13.3 Additional Applications - Minor Grants Program 2020-21

RECOMMENDATION

That Council:

1. Approve four applications for a total of \$9,232.91 as detailed below:

| Applicant Name | Project Title | Amount Requested | Amount Recommended |
|---|--|------------------|--------------------|
| Ferntree Gully Eagles Football Netball Club – Junior Division | Financial assistance with utilities | \$3,000.00 | \$3,000.00 |
| Rowville Cricket Club | Scoreboard processor and laptop | \$2,678.50 | \$2,678.50 |
| Ferntree Gully Girl Guides | Financial assistance with utilities | \$3,000.00 | \$3,000.00 |
| Rowville Lions Club | Renewal of insurance for club's general properties | \$554.41 | \$554.41 |
| TOTAL | | \$9,232.91 | \$9,232.91 |

2. Note that inclusive of the above recommended grants, which total \$9,232.91, a total of \$82,304.70 has been awarded to date under the 2020-2021 Minor Grants Program to support 39 community-based organisations and their programs.

14 Urgent Business

14.1 Urgent Business

14.2 Call Up Items

15 Questions Without Notice

16 Confidential Items

16.1 Knox Leisureworks Update

16.2 Digital Customer Channels Transformation – Website Build Stream
Procurement Report

16.3 Sale of Council Property – Set Reserve for 1221 Mountain Highway, The
Basin

16.4 Chief Executive Officer June 2020 Performance Review and Key
Performance Indicators 2020-21

16.5 Chief Executive Officer Remuneration Review