

SERVICES SPECIAL COMMITTEE

AGENDA

6.30pm, Monday 10 September 2012

Council Chamber, 8 Inglesby Road, Camberwell.

Order of business

1. **Apologies**
2. **Adoption and confirmation of the minutes of the Services Special Committee meeting held on 13 August 2012**
3. **Declaration of conflict of interest of any councillor or council officer**
4. **Presentation of officer reports**
 1. Draft City of Boroondara Disability Access and Inclusion Plan 2013 - 17
 2. Boroondara Squash Review
 3. Review of Council's Model of Support of Boroondara's Shopping Centres
 4. 47 Talbot Avenue Balwyn - Proposed Sale
 5. Letters of Appreciation Under Seal
 6. Contract No 12/062 Annual Supply - Drainage Construction and Associated Works
 7. Contract No 12/064 Annual Supply - Concrete, Bluestone and Associated Construction Works
5. **General business**
6. **Urgent business**
7. **Confidential business**
 - C1. Expression of Interest No. 12/076, Lease and Operation of Community Facilities

Close of meeting

30 August 2012
(Date of Issue)

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4. Presentation of officer reports

SC1 Draft City of Boroondara Disability Access and Inclusion Plan 2013 - 17

Abstract

The draft City of Boroondara Disability Access and Inclusion Plan 2013-17 (DAIP) (**Attachment 1**) has been developed through a whole-of-Council and community stakeholder engagement process. The DAIP is Council's practical commitment to reduce barriers to access, and facilitate inclusion and participation across the built, economic, social and natural environments of Boroondara from 2013-17. The DAIP addresses Council's obligations under the *Disability Act 2006* to prepare a disability plan. This report seeks Council's approval of the draft DAIP, including the draft Key Policy Statement, Action Plan for public exhibition and community consultation in November 2012.

Officers' recommendation

That Council resolve to approve the draft Disability Access and Inclusion Plan 2013-17 (as provided in Attachment 1 and annexed to the minutes) for community consultation in November 2012.

**Responsible director: Carolyn McClean
Community Development**

1. Purpose

The purpose of this report is to inform Councillors of the development process and direction of the draft City of Boroondara Disability Access and Inclusion Plan 2013-17 (DAIP), and to seek Council's approval of the draft plan for community consultation in November 2012.

2. Policy implications and relevance to council plan

The vision and mission statements of the Council Plan June 2012 articulate Council's overarching commitment to the wellbeing and connectedness of all community members.

The DAIP is strategically situated under the key direction of 'strengthening communities' in the Council Plan, which aims to foster a 'cohesive, healthy and connected community' through monitoring and planning for the 'community's changing needs, aspirations and opportunities to contribute to community life.'

Improving access and inclusion for people with a disability across the social, built, economic and natural environments of Boroondara is also relevant to the other three key directions in the Council Plan, including:

- Enhancing the environment: We will improve our natural and urban environment in a sustainable way.
- Ensuring liveability and amenity: We will protect and improve the character of our neighbourhoods for current and future generations.
- Providing facilities and assets: We will proactively manage the ongoing maintenance and development of Council's assets and facilities to meet our community's current and future needs.

The Boroondara Public Health and Wellbeing Plan 2009-13 (BPHWP) is the overarching Council strategy under which the DAIP sits. The BPHWP is a four-year strategy for enhancing the health, wellbeing and safety of the Boroondara community. In 2013, the BPHWP will be reviewed and a 2013-17 plan developed with reference to the disability access and inclusion actions and commitments in the DAIP.

3. Background

The Disability Access and Inclusion Plan 2008-12 will conclude at the end of 2012 and be replaced by the DAIP 2013-17. This is Council's fourth disability plan, and it builds on the achievements and progress made in disability access and inclusion by the City of Boroondara over the past 14 years since the adoption of the first Community Disability Access Policy in 1998.

The *Disability Act 2006* requires Victorian public sector bodies to prepare a disability plan for the purposes of:

- Reducing barriers to people with a disability accessing goods, services and facilities.
- Reducing barriers to people with a disability obtaining and maintaining employment.
- Promoting inclusion and participation in the community of people with a disability.
- Achieving tangible changes in attitudes and practices which discriminate against people with a disability.

The DAIP outlines how Council will meet these obligations. It maps and provides an accountable framework for work conducted across Council by multiple departments in relation to the accessibility of Council programs, facilities, neighbourhoods, amenity and services for people with a disability.

4. Outline of key issues/options

Using data from the 2009 Australian Bureau of Statistics Survey of Disability, Ageing and Carers, it is estimated that 32,200 Boroondara residents (19.0%) have a disability that falls into one or more of the following categories:

- 10,900 residents (6.4%) have profound or severe limitations to communication, mobility and/or self-care activities
 - 13,600 residents (8.0%) have moderate or mild limitations to communication, mobility or self-care activities
 - 13,100 residents (7.7%) have schooling or employment limitations
- In addition to this, 22,100 residents (13.0%) provide informal assistance (on an ongoing basis) to persons who are elderly or have a disability.

The Boroondara community is continuing to grow, diversify and age. From 2013-2023, the Boroondara population over 65 years is forecast to grow by 18.4% and this will lead to an increase of residents with a disability. These factors present both challenges and opportunities for the delivery of Council services, programs and amenity and the work of other Boroondara based community agencies.

To live a physically, mentally and socially healthy life, all people need access to the social, economic, built and natural environments of their community. These four environments of health are embedded in the state-wide Municipal Public Health Planning Framework and have been adopted in the BPHWP and the DAIP.

The objectives of the DAIP are to:

- Facilitate civic participation and inclusive consultation: We will work to ensure that people with a disability can exercise their rights as equal citizens.
- Systematically improve the accessibility of buildings, planning and infrastructure in Boroondara: We will progressively improve the accessibility of Council buildings, neighbourhoods and infrastructure and lead the community in developing more accessible housing, shops, recreation and service sites.
- Inclusive communication and information approaches: We will progressively improve the accessibility of Council's communication and information approaches and systems.

- Accessible and inclusive services for all: We will continue to make Council services, programs and events more accessible and inclusive so that people with a disability can participate equally alongside other members of the community.
- Person-centred disability support services: We will continue to provide high quality, person-centred services to address the specific needs of people with a disability.
- Strategic use of statutory and regulatory roles: We will use Council statutory and regulatory roles to lead and influence improved inclusion, participation and accessibility for all members of the community.
- Improve employment opportunities: We will work to enhance local employment opportunities for people with a disability in Council and the community.
- Engage with the community to influence attitudes and perceptions and build knowledge on local access and inclusion needs: We will exercise leadership in the community in understanding the needs of people with a disability and promote the importance of inclusion for all, addressing discriminatory attitudes, and supporting inclusive practices.
- Exercise leadership in advocating to other organisations: We will advocate in collaboration with community members to promote inclusion of people with a disability.
- Foster partnership and collaboration: We will work in partnership with other levels of government, business and the community to improve access and inclusion for people with a disability.

The current title of the DAIP includes the word 'Disability' in line with previous Council plans and Victorian and Australian Government policy documents and legislation. Initial scoping of this title conducted with the Community Disability Advisory Committee and relevant Council officers has indicated mixed views on the inclusion of 'Disability' in the title. Some believe that removing the word 'disability' is preferable as this does not label those with a disability as separate from the whole community. Others believe that removing the word 'disability' will confuse the community and take the focus away from the specific needs of people with a disability, which is the key purpose of the plan. The question of the title therefore requires further investigation by benchmarking with other government and industry bodies and through community consultation.

5. Consultation/communication

Consultation for the draft DAIP has been undertaken across-Council and with key external stakeholders between January and June 2012.

Whole-of-Council approach

This engagement process mapped plans, projects and programs relevant to people with a disability through interviews with managers, coordinators and officers in 20 departments. Thirty-four semi-structured interviews were conducted with Council officers and teams. A planning workshop was then held with representatives from these departments to discuss collaboration opportunities. This process identified new internal stakeholders and participating departments, and generated a broad reaching set of actions which address community needs and opportunities across a range of Council services, programs and facilities.

Community consultation: stage one

Since the adoption of the Disability Access and Inclusion Plan 2008-12, Council has consulted extensively with the community on the needs, issues, barriers and opportunities for people with a disability, older people with limited mobility, and people with mental health concerns in Boroondara. The consultation for the draft DAIP drew on the consultation findings of the following reports and projects. A total of 869 people participated in these consultations:

- Creating an Age Friendly Boroondara : A Review of Issues and Opportunities 2009
- Report on Respite Options for People with a Disability in Boroondara 2009
- The MetroAccess Community Building Direction Report 2011
- Innovation and Development of Disability Services Project 2011
- Promoting Mental Health in Boroondara 2011
- Co-design Community Engagement, Older Australians in the City of Boroondara 2011
- Housing Needs of Older Adults and People with Disabilities Report 2011
- Walk Rest Talk Project focus groups 2012
- Council's Advisory Committees joint community issues workshop 2012

A targeted consultation process was then designed to supplement and verify the findings of these consultations. It included the following:

- A scoping workshop attended by 14 representatives from local organisations and groups in the disability, mental health, community and health sectors. This was held to:
 - identify needs, barriers and opportunities for people with a disability across the four environments of health in Boroondara
 - gather practical ideas for actions in the DAIP
 - seek advice on engagement methods for stage two of the community consultation
- Five focus groups with 25 people with a disability and carers who were under-represented in previous consultations was held to seek feedback on themes and objectives. Members of the following target groups participated in this consultation:
 - youth with a disability
 - employed or job-seeking people with a disability
 - parents with a child with a disability
 - tertiary students with a disability
 - Chinese community members with a disability and carers
- Three consultation meetings were also held with members of the Community Disability Advisory Committee (CDAC) on the aims, objectives and draft actions.

Proposed community consultation: stage two

Stage two of the community consultation will follow Council's approval of the current draft; the consultation plan is outlined below. The methods proposed for the stage two consultation were recommended by CDAC and community service providers during the drafting stage. It is proposed that stage two will seek community feedback on the draft DAIP for four weeks during November 2012 through the following methods:

- Several formats of consultation material including:
 - in-person surveys
 - social media
 - printed materials
 - Council's website
 - community presentations
 - on-location focus groups with disability support clients
 - incentivised participation in surveys and focus groups for people with a disability and carers as required
- The consultation will focus on including people with a disability and their carers who participate in the activities and services of:
 - sporting groups
 - community groups
 - disability support and advocacy groups
 - school/kindergartens
 - neighbourhood houses
 - leisure centres
- In addition to feedback on the DAIP, the consultation will address the title of the DAIP in regards to the use of the word 'Disability.'

6. Financial and resource implications

The implementation of the DAIP will have budget and resource implications for Council. Many actions will be funded through departmental operational budgets and some actions will require additional funding through Council's annual budget process.

7. Governance issues

The implications of this report have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities. None of the implications of this report have the potential to contravene the rights outlined in the Charter.

The implementation this DAIP addresses the City of Boroondara's obligations under the Commonwealth Disability Discrimination Act 1992, the Victorian Charter of Human Rights and Responsibilities Act 2006, as well as supporting the principles of the United Nations' Convention on the Rights of Persons with Disabilities.

8. Social and environmental issues

The DAIP will have a positive social impact on people with a disability and their carers through planning and implementing actions that will make Boroondara a more inclusive, accessible and age-friendly community for all.

Improving access and inclusion for people with a disability is relevant to the whole community because a significant number of Boroondara community members will be a person with a disability or provide care for a person with a disability during their lifetime.

9. Evaluation and review

The DAIP will be redeveloped in four years time with the review and redevelopment process beginning in 2017, the final year of the plan. The DAIP will be monitored annually to ensure that the actions are implemented.

The implementation of the actions is the responsibility of departments across Council, as specified in the action plan; however, responsibility for the overall management, implementation and evaluation of this DAIP lies with the Community Planning and Development Department.

10. Conclusion

Pending Council approval for community consultation in November 2012, Officers will incorporate community consultation feedback into the final draft of the DAIP to be presented to Council for adoption in early 2013.

Manager: Helen Molnar, Community Planning and Development

Report officer: Elyse Rider, Access and Diversity Officer, Community Planning and Development

SC2 Boroondara Squash Review

Abstract

As an outcome of a report to Council on 17 December 2009 regarding the Hawthorn Aquatic and Leisure Centre (HALC) and Kew Recreation Centre (KRC), Council resolved to:

Investigate the provision of squash courts at another location within the municipality. If this provision is by way of Council facilities, the development is to be integrated with existing venues.

In accordance with the Council resolution, 17 December 2009, Council officers have undertaken extensive investigations into the provision of squash in Boroondara. This has included the exploration of numerous options for potential redevelopment and identification of alternative facilities for squash players.

Since this time the redevelopment of the Hawthorn Aquatic and Leisure Centre has commenced and relocation of former squash users of the facility has occurred. The largest and most regular HALC squash user groups (structured groups) have relocated. Casual users and schools have generally responded well to the relocation and the recent monitoring of these groups indicates that the majority are satisfied to seek alternative options.

The information collected by Council officers indicates there are members of the community who highly value the opportunity to participate in squash. However, the current capacity of facilities for squash is adequate to accommodate community participation. There is insufficient evidence at this stage to support an investment by Council in the development of additional squash courts in Boroondara and there is no provision in Council's Long Term Financial Strategy for such investment.

A decision by Council to invest in the development of squash courts in the future would require evidence-based data that clearly identifies a gap between the community's participation requirements and the supply of participation opportunities. Council officers have developed a methodology to monitor and analyse squash court provision and access for the community on an ongoing basis that will inform Council's deliberations in the future if a need is identified.

If ongoing monitoring identifies sufficient community demand to warrant an investment by Council and external funds become available for the development of a new facility, a report will be submitted to Council for consideration. Based on the site assessments undertaken as part of the investigations, officers recommend that if this was to occur further consideration would be given to the development of squash courts at the Boroondara Sports Complex or the Grace Park Lawn Tennis Club site.

Officers' recommendation

That Council resolve to:

1. Note the outcomes of Officer investigations into the provision of squash courts in Boroondara;
2. Direct Officers to continue to monitor and analyse squash court availability at the identified alternate squash sites over the next 12 months; and
3. Consider options for the development of squash courts in the future if it is identified that current provision of courts is not sufficient to meet participation trends and external funding is identified to support a development.

**Responsible director: Carolyn McClean
Community Development**

1. Purpose

The purpose of this report is to provide the outcome of investigations into squash court provision in accordance with the Council resolution of December 2009 and recommended methodology to continue to monitor the availability of squash courts for use by the local community.

2. Policy implications and relevance to council plan

Council's commitment to sustainability and maximising access to leisure facilities is reflected in the following 2012 Council Plan key directions:

Enhancing the environment

7. Living sustainably community outcome: "A sustainable future for our community".

Ensuring liveability and amenity

9. Land use, planning and building community outcome: "Strategic and sound planning to protect and enhance our community's liveability and environment".

Providing facilities and assets

13. Sporting facilities community outcome: "High quality leisure and sports facilities for everybody to enjoy".

The report also relates to Council's Sustainable Buildings Policy.

A report to Council on 17 December 2009 regarding the Hawthorn Aquatic and Leisure Centre (HALC) and Kew Recreation Centre (KRC) redevelopments detailed a range of project related actions and sought to confirm the HALC redevelopment scope of works. Due to the limited site footprint and a desire for more flexible and functional program spaces, the scope of works for the HALC redevelopment did not include squash courts. As an outcome of this report, Council resolved to:

Investigate the provision of squash courts at another location within the municipality. If this provision is by way of Council facilities, the development is to be integrated with existing venues.

In accordance with the Council resolution, 17 December 2009, Council Officers have undertaken extensive investigations into the provision of squash in Boroondara. This includes the exploration of numerous options for potential development and identification of alternative facilities for squash players.

Officers engaged industry consultant, SGL Group, to review squash court utilisation at HALC, industry trends for current and future squash use and potential sites for alternative courts if required. The outcomes of this work and further investigations by officers are provided within the report.

3. Outline of key issues/options

Potential Court Development Options

A review of potential squash facility development options within existing Council owned facilities and at non-Council owned sites was conducted. These sites included:

- Balwyn Leisure Centre
- Boroondara Sports Complex
- Grace Park Lawn Tennis Club
- Club Hawthorn
- School site (public and private)

Attachment 1 provides details on the site options review and assessment undertaken.

Based on eleven site assessment criteria, the Boroondara Sports Complex and Grace Park Lawn Tennis Club are respectively the first and second highest ranking sites for potential squash court development. Although both sites pose significant challenges for any such development they also provide some opportunities.

Officer investigations identified a number of constraints and limitations with each of the locations for potential development of squash courts within Boroondara. Notwithstanding the identified limitations and constraints, including the negative impact on the scope of its scheduled redevelopment, the Boroondara Sports Complex is the highest rating site option should Council wish to consider the development of squash courts at an existing facility.

As part of the investigation, indicative preliminary cost estimates were developed. Construction of 1-2 squash courts is estimated between \$550,000 and \$750,000 (in 2011 dollars). These are base costs only and do not include fit-out, management, contingency, or design and escalation. Dependent on site specific requirements these costs could be significantly higher.

It is recognised that there are members of the community who highly value the opportunity to participate in squash. The investigations of the issues and options for squash court provision included the following key considerations:

A) Profile of HALC Squash Users

In support of the squash facility investigations, a broad range of information on former HALC squash user's patterns of utilisation was identified prior to its closure. This has assisted the relocation process to other squash courts. This includes:

- There were two categories of HALC squash players: structured groups and casual users/school bookings.
- Casual squash users comprised approximately 50% Boroondara residents and 50% non Boroondara residents.(see **Attachment 2**)

B) HALC Squash Participation and Income review

The HALC squash courts were used approximately 24% of available time for squash (combined peak & off peak time average). The following occupancy data breakdown was obtained:

- Peak use times were 6-10pm Monday-Thursday with court usage (5) operating at approximately 48% capacity.
- Weekends operated at approximately 40% capacity.
- Utilisation during off peak (week days) was significantly lower at 8.5%.

An illustrated snapshot of court occupancy is provided in **Attachment 3**.

Squash attendances and income at HALC declined over the final three financial years of operation (see **Attachment 4**). The following trends were identified:

- Squash attendances were down from 21,928 visits in 2008-09 to 16,959 visits in 2010-11.
- Squash income was down from \$76,974 in 2008-09 to \$66,208 in 2010-11.

The limited HALC occupancy (24% of combined peak & off peak average usage) and declining attendances and income over the last three financial years indicate a reduction in the demand for squash courts in Boroondara.

C) Local and State Squash Participation Trends

Further to the HALC squash participation trends it was identified that state squash participation trends are decreasing; particularly at the competition level. This is supported by Squash Victoria in their 2008 and 2009 Annual Reports, reporting ongoing decreases in squash participation. The 2009 Annual Report confirmed pennant competition is declining, especially in women's competition, while the 2010 Annual report identified a number of metropolitan squash courts closing or being sold. There was no mention of squash participation trends in the 2011 Annual Report.

Recent feedback from other squash facilities in and around Boroondara indicates a declining trend in squash participation. Only 3 of the 14 surveyed squash facilities (Melbourne University, Malvern and Club Hawthorn) identified an increase in squash participation citing the closure of other courts as the likely cause for growth. Others noted a drop off, including the modification of one court into a gymnasium at the Bounce Squash and Fitness centre (Burwood) due to the decline in their squash participation. All courts confirmed the predominant use by middle to senior aged men at mid week peak times.

D) Alternative Facilities for Squash Participation

Officers have identified the provision of alternative squash facilities within a 12 km radius of HALC. The rationale underpinning the decision to identify squash courts both locally and beyond the municipal boundaries of Boroondara was informed by the profile of existing squash users being both Boroondara and non-Boroondara residents. Based on information collected by officers (see **Attachment 5**), it has been identified that:

- A total of 62 squash courts at 14 facilities exist within 12km of HALC. Of these, 41 courts are within 9km of HALC.
- Four of these courts are located approximately 500m from HALC and comprise Club Hawthorn (3) and Grace Park Lawn Tennis Club (1).
- Both facilities have significant off peak availability, however, peak time availability is limited due to existing pennant and in-house competitions.
- Squash courts were also identified at two local private schools - Scotch College and Methodist Ladies College (MLC). Three squash courts exist at Scotch College and one court exists at MLC. MLC has indicated that there is no opportunity to use the school courts due to existing use and bookings. Scotch College has provided in principle support for public use of the school's courts after hours subject to the development of a suitable management plan involving Council administration.

E) Relocation of HALC users

The relocation of HALC squash users was facilitated prior to the closure of the centre. A comprehensive communications program was undertaken resulting in the three identified structured groups (Hawthorn Recreation Centre Squash Club - pennant competition, Mid-week Social Competition and Trinity Grammar School) securing bookings at alternative facilities. The summary of the relocations are as follows:

- Mid-week social competition (approx.16 players) relocated to Club Hawthorn in Glenferrie Road;
- Hawthorn Recreation Squash Club (approx.13 members) disbanded after some members joined the Club Hawthorn pennant competition*; and
- The Trinity Grammar School squash program relocated to Melbourne University and Westerfolds Sports Centre in Templestowe.

* Note - the club's membership had declined over a number of years prior to the HALC closure and relocation to Club Hawthorn.

Information on alternative venues was provided to casual users and schools well before the closure to enable them to manage their casual usage. These groups comprised of 13 local schools that had previously booked HALC courts and 49 individual users who had a squash booking of some description at HALC between April and October 2011.

Key Stakeholder Feedback

Since the closure of HALC, Council officers and the YMCA have contacted the relocated structured groups, schools and casual users to canvass the ongoing participation and satisfaction of squash players at the relocated facilities.

The structured group representatives were asked how their alternative facilities were working out for them and if there were any issues or concerns that they wanted to raise. The schools and casual users were asked if their needs had been accommodated since the HALC closure.

Feedback from the structured groups, casual users and schools contacted indicates a variety of participation and satisfaction levels. The structured groups have indicated that they are continuing to participate elsewhere, however it has been noted that their facility preference would be the former HALC.

Up to 16 people play in the mid-week social competition on Tuesday at Club Hawthorn. As the facility only comprises 3 courts, when more than 12 people attend, one team (4 people) must wait for a game to finish before they can access a court.

Approximately 10 team members play in the evening pennant competition at Club Hawthorn on Tuesday and Thursday. Match times vary between 6 and 10.30pm.

The majority of responses from casual users indicated they are still participating or have provided a neutral response including, they have not yet made the time to play elsewhere, have decided not to continue playing or have decided to participate in another activity to meet their health and fitness needs. A smaller percentage of casual users have indicated that they have had some difficulty with alternative court access.

Consultation with schools that previously utilised HALC revealed that some are participating elsewhere while others are either undecided about future participation or have no current interest in the sport.

A summary of the consultation results is provided in **Attachment 6**.

Proposed Future Directions

A decision to invest in the development of squash courts in the future would require evidence-based data that clearly identifies a gap between the community's participation requirements and the supply of participation opportunities. Based on information collated by Council officers, evidence collected indicates that the current capacity of facilities for squash is adequate to accommodate community participation.

Council officers and the YMCA have liaised with the identified users of the former HALC squash facilities. Based on the responses received and relocation of the three structured groups, school and casual users, officers conclude that at this point in time there are alternative options for the community to continue to participate in squash. There is insufficient evidence at this stage to support an investment by Council in the development of additional squash courts in Boroondara.

Ongoing monitoring and analysis of the provision and accessibility of squash courts for structured and casual community access will continue on a six monthly basis, based on the methodology outlined in **Attachment 7**. The outcomes of this assessment will be provided to Council in a February 2013 update (12 months after the closure of HALC).

Participation in squash is highly valued by a proportion of the Boroondara community. While funding provision for squash court development is not in Council's Long Term Financial Strategy, if external funds were to become available to cover development costs, Council could consider the provision of land to support this. Funding sources may include Squash Victoria, Sport and Recreation Victoria (SRV) and other external parties. It is recommended that consideration of any such proposal would be undertaken at the time it was identified. Officers would seek to provide assistance to such proposals wherever possible. The outcomes of the recommended monitoring regime on the provision and access to squash courts by the community could inform Council's deliberations on any such proposal.

4. Consultation/communication

Consultation has been undertaken with the following groups and individuals throughout the Officer and consultant investigations:

- Centre Manager Hawthorn Aquatic and Leisure Centre
- Hawthorn Recreation Centre Squash Club
- Regular Social Squash Players of HALC
- Schools that use the HALC squash facilities
- Victorian Secondary Schools Sports Association (VSSSA) – Inner East District
- Club Hawthorn
- Grace Park Lawn Tennis Club
- Squash Vic
- Sport and Recreation Victoria

Communication with the following groups and individuals will inform the monitoring and analysis by officers:

- Known former HALC squash players (groups and individuals)
- YMCA Victoria
- Grace Park Lawn Tennis Club
- Club Hawthorn
- Squash facility managers (outside Boroondara)
- Squash Vic
- Sport and Recreation Victoria

5. Financial and resource implications

There are no financial and resource implications at this stage.

The proposed data collection and consultation with providers and participants of squash will be undertaken within the parameters of the 2012/13 operational budget.

There is no provision for an investment in squash courts by Council in its Long Term Financial Strategy. If external funds were to become available to cover development costs, Council could consider the provision of land to support this.

6. Governance issues

The implications of this report have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

The officers responsible for this report have no direct or indirect interests requiring disclosure.

7. Social and environmental issues

There are a range of social benefits emanating from squash participation including connectedness with other community members and improvement of physical wellbeing and cardiovascular health.

Manager: Kylie Mussared, Family, Youth and Leisure Services

Report officer: David Cashmere, Coordinator Leisure Facilities

SC3 Review of Council's Model of Support of Boroondara's Shopping Centres

Abstract

The City of Boroondara is benefited by a diverse range of shopping centres that perform a central role within the communities that support them. The strategic role of shopping centres is well documented in a range of recently completed Council strategies, including the *Activity Centre Strategy*, *Our Boroondara* and the *Economic Development Strategy*.

Council works to support the City's many and varied shopping centres, via services provided through Council departments representing a range of disciplines. To date the primary focus of this support has been for nine shopping centres that have established trader associations. In recognition of the important role that Council plays in delivering a range of support services to these shopping centres, Council commissioned a specialist consultant, SGS Economics and Planning Pty Ltd (SGS), to undertake a strategic review of Council's current model of support, in particular the effectiveness of the business and marketing funds operating in nine of the shopping centres.

Prior to commencement of the review and improvement project, Council officers had already initiated a range of enhanced support programs, including assisting the trader associations prepare five year strategic business plans; development of a trader association tool kit aimed at assisting the associations achieve good governance; specialist consultant advice for each trader association tailored to meet their specific needs; and the Public Realm Action Group (PRAG) which is focused on a more proactive approach to infrastructure and associated streetscape maintenance.

The review highlighted that Council's approach to supporting its shopping centres is for the most part functioning effectively, and that there is no obvious alternative model that presents a superior approach.

This report provides a summary of the key findings emanating from the review undertaken by SGS, and makes recommendations regarding improvement opportunities to Council's model of support provided to the City's shopping centres, both immediate and in the longer term, within the context of Council's commitment to continuous improvement and excellence in customer service. Of particular note are the recommendations relating to immediate improvements to the governance arrangements of the trader associations. Similarly, the review makes a series of medium to long term recommendations regarding creation of a centralised approach to place-making and trader association administration functions within Council.

Officers' recommendation

That Council resolve to direct Council officers to continue to work with and support the City of Boroondara's shopping centres, to foster their continued economic health.

**Responsible director: John Luppino
City Planning**

1. Purpose

To report to Council on the outcome of a strategic review undertaken of Council's current model of support provided to its shopping centres, and to recommend opportunities for improvements, both in the immediate and longer term.

2. Policy implications and relevance to council plan

"Strengthening Local Business and Shopping Centres" is a key direction of Council with the intention of creating a strong Boroondara economy supported by a positive business and community spirit. It is considered the improvements to the current model of support of the City's shopping centres supports this key direction.

3. Background

The City of Boroondara has shopping centres representing the full spectrum of the shopping centre hierarchy, including a Principal Activity Centre through to Local Activity Centres and Enterprise Corridors.

The City has ten trader associations which includes Camberwell Junction, Glenferrie Road (Hawthorn), Kew Junction, Balwyn, Ashburton, Burwood Village, Maling Road, North Balwyn, Greythorn and Hartwell Village. With the exception of Hartwell Village (which has only recently established itself as a trader association), each trader association is funded through a special rate and charge scheme which is administered by Council in line with regular reporting requirements as set out in legal agreements between Council and the trader associations. At the time of preparing this report, the total pool of funds across the nine trader associations is \$1,132,958 in 2011-2012.

The approach to supporting the shopping centres has been employed by some shopping centres for nearly 20 years. The schemes' typical duration is 5 years, with the rate/charge collected once a year as part of the general rates process, and dispersed by Council back to the trader associations, in two equal instalments.

In addition, to the trader associations, there are six unincorporated trader groups representing the following shopping centres: Hawthorn West, Auburn Village, Upper Glen Iris, Through Road, Camberwell Sunday Market and the Camberwell Fresh Food Market. Council continues to support these groups through collaborative projects and initiatives.

In the event that Council is approached by a group of traders seeking to establish themselves as a trader association, Council officers are able to provide guidance with regard to the relevant legislative requirements that need to be met. It is however important to note, that even in the absence of a trader association, some trader groups have demonstrated an ability to develop and implement effective marketing and promotions initiatives.

The primary source of support for these shopping centres is through Council's Economic Development department.

Support provided to the City's shopping centres is particularly resource intensive, with assistance provided in the following areas:

- collaboration with the trader associations to renew their special rate and charge schemes;
- overseeing the receipt and approval of regular reporting from the nine trader associations in order to release their special rate and charge funds;
- operations meetings/workshops with the trader associations' marketing and promotions co-ordinators';
- quarterly trader associations' presidents and co-ordinators meetings;
- development and implementation of a suite of training and networking activities for the trader associations;
- development and implementation of the retail research program; and
- development, implementation and promotion of the City's buy local program, which includes www.itsyourplace.com.au .

Attachment 1 provides an overview of Council's current support model.

In addition to supporting the City's shopping centres, the department is also responsible for:

- management of the Business Boroondara Network which includes planning and implementing a training and support program for the City's business community;
- management of the Boroondara Farmers Market and the Hawthorn Craft Market;
- management of two Council Advisory Committees: Business Boroondara Network Committee and the Marketplace Development Fund Committee; and
- a range of tourism related projects.

Over the last 3 years, Council has experienced increased pressure from other shopping centres seeking support from Council to establish themselves as trader associations, or seeking specific assistance, such as development of marketing and promotions activities or addressing infrastructure maintenance issues.

In the pursuit of continuous improvement, the Economic Development department commissioned SGS Economics and Planning Pty Ltd (SGS) to undertake a strategic review of Council's current model of support of its shopping centres.

The purpose of the review was '*to undertake a strategic review of Council's approach to supporting shopping centres and to identify opportunities for continuous improvement that reflects national and international best practice for Council's consideration.*'

As part of a three year review and improvement program spanning three financial years from 2010-2011 to 2012-2013, a total of \$145,000 Priority Project funding has been allocated by Council to undertake a review of Council's current model of support of Boroondara's shopping centres. The Priority Project funding is also aimed at implementing recommendations emanating from the review.

Consultation with key stakeholders formed a central aspect of the review. Key stakeholders consulted included a range of Council departments, trader association representatives and their employees (marketing and promotions co-ordinators). The consultation primarily took place through facilitated focus group workshops and one-to-one interviews and discussions.

4. Outline of key issues/options

In undertaking the review, Council officers considered it important to identify whether there are more effective models of support that may be adapted to suit the needs of the City's shopping centres.

Therefore case studies demonstrating best practice were investigated from international, national and local examples. The case studies highlighted that shopping centres can be supported through a diverse range of governance and funding models, each demonstrating their own strengths and weaknesses.

It is important to note that the international case studies, while valuable in providing an insight into alternative support models, function within a very different context to Boroondara. It is therefore difficult to make direct comparisons with the City's shopping centres and the case studies investigated. In comparison the international case studies differ for the following reasons:

- the centres typically cover a much larger geographic area;
- are focused around areas undergoing significant urban regeneration; and
- have significantly larger budgets.

Attachment 2 provides a summary of the alternative models of support (best practice analysis) that were reviewed.

While there are differences which effectively limit the ability to transfer international approaches to a local context, the review did suggest that the current approach employed by Council is effective in meeting the needs of the City's shopping centres. The review did highlight opportunities for immediate term improvements, which have been acted upon. Similarly, the review suggested a number of longer term options for improvement to the current model of support.

The longer term improvements identified the potential benefits of a more centralised approach to place-making within Council and the need for economies of scale (with regard to funding models) to ensure value for money outcomes for the shopping centres.

Five options were developed over the short, medium and longer term. These include:

- **Immediate term**
Option 1: Refinements to the existing model of Council support.
- **Medium term**
Option 2: Refinements to the existing model, with a centralised place-making.
Option 3: Refinements to the existing model, with a centralised administration role.
Option 4: Special rate and charge schemes covering larger centres only.
- **Long term**
Option 5: Centralised approach to shopping centre support.

Attachment 3 contains a detailed description of the options for improvement to Council's current model of support.

One of the immediate term improvement opportunities (Option 1) related to the need for the majority of trader associations to improve their governance procedures, so that they are compliant with their legal responsibilities as incorporated associations. With this in mind, Council officers have continued their program of support to the trader associations, which has included development of a trader association toolkit, complemented by the provision of one-to-one specialist business consultant support.

Council officers have analysed the five options, and consider that the immediate term option (Option 1) of refinements to the existing model of Council support is an imperative for implementation, particularly given the present exposure that the trader associations have in meeting their legal obligations and in view of the special rate and charge schemes that are being re-established in a number of centres.

Option 1 includes the following key elements:

- retains the current model of support, however it makes refinements to operational issues;
- seeks to better articulate the strategic basis for why Council supports its shopping centres by improving the program guidelines and refining program objectives based on the activities of the associations; and
- builds on the existing structure and retains the quantum of associations while accommodating new associations to be formed irrespective of their capacity to raise sufficient funds to deliver value for money through activities and initiatives.

The medium to longer term options (Options 2 to 5) generally propose centralisation of place-making and administration roles to within Council and only supporting special rate and charge schemes in excess of \$100,000.

Clearly these medium and long term options would have significant resource implications on Council, particularly in terms of staff resource requirements. Therefore, Council officers consider that it would be prudent for Council to focus on implementation of the immediate term improvements outlined in Option 1, and allow adequate time for the potential benefits of these immediate improvements to come to fruition. Through enabling the initiatives outlined in Option 1 to be implemented, Council officers will be better placed to gauge the future requirements of the trader associations, which will inform the nature of a centralised services approach (if required).

Council officers consider that it is important that the trader associations be given the opportunity to fully realise the potential benefits of a more rigorous approach to good governance, as outlined in Option 1. This is particularly relevant given the significant number of trader associations currently re-establishing their special rate and charge schemes, which in a number of cases has served to highlight to the trader associations the importance the traders place on their associations functioning effectively. In addition, all trader associations are mid-way through their five year business plans, which is the first time the trader associations have taken a more strategic approach to planning their activities.

Therefore Council officers are proposing that Council should continue with its current model of support for the next 5 years (this being the duration of each scheme). During this period, Council should continue to work with each trader association to build capacity into their structure, to enable them to function more effectively.

It is important to note that while Council seeks to implement a program of improvement initiatives to support the effectiveness of the trader associations, the success of this approach, is limited to the way each trader association chooses to carry out its functions.

5. Consultation/communication

There are a range of internal and external stakeholders relevant to the review. Key stakeholders were consulted through focus group workshops facilitated by the consultant and individual interviews and discussions.

Workshops included:

Workshop 1: Council department's currently providing support services to the City's shopping centres. These departments include:

- Economic Development,
- Strategic Planning,
- Statutory Planning,
- Building Services, Local Laws,
- Infrastructure Services,
- Arts and Culture,
- Engineering and Traffic,
- Parks and Gardens,
- Environment and Sustainable Living.

Workshop 2: Trader Associations' marketing and promotions co-ordinators representing the nine shopping centres with special rate and charge schemes.

Workshop 3: Trader Associations' executives, representing the nine shopping centres with special rate and charge scheme.

Attachment 4 provides a summary of the key feedback from the stakeholder consultation.

6. Financial and resource implications

The Council Budget 2012-2013 identifies a \$45,000 Priority Project budget to support implementation of recommendations identified by the review project. It should be noted that there are significant budget implications associated with the implementation of Options 2 to 5. Funding requirements associated with these options would be the subject of a detailed funding proposal prepared by Council officers for Council's consideration during its budget decision-making process.

7. Governance issues

The implications of this report have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities. The officers responsible for this report have no direct or indirect interests requiring disclosure.

The review has confirmed that a number of trader associations need to improve their governance procedures and make the necessary changes to ensure they are meeting their legal obligations.

8. Social and environmental issues

Shopping centres within the City play a critical role within our community, as both a retail, service and social resource. Any improvements to Council's model of support resulting in improvements in the function of City's trader associations, is anticipated to have positive benefits to the businesses and communities they support.

9. Conclusion

The review has clearly identified that Council's current model of support is functioning successfully in achieving positive outcomes for the City's shopping centres and the communities that support them. The benchmarking and associated best-practice case studies investigated did not highlight an alternative model that provides a superior approach to that employed by Council. The review did highlight opportunities for immediate, medium and longer term improvements to the model of support that potentially incorporates centralisation of the administration and place-making functions associated with supporting the centres.

Council officers are already responding to the immediate term improvements highlighted by the review, given the potential risks to Council and the trader associations. In terms of the longer term improvements, these clearly require further investigation, particularly with key internal and external stakeholders and appropriate modelling to fully understand the resource impacts a changed approach would have on Council.

Council officers consider that adequate time needs to be provided to allow the trader associations to fully benefit from the range of immediate improvements that are being implemented to support the associations, prior to significant changes being introduced to the current model of support.

Overall the enhancements to Council's current model of support will enable the City of Boroondara to be at the forefront of best practice in supporting the economic health of its shopping centres. It is important that whatever approach Council decides to take, it is a sustainable approach that is able to be resourced effectively by both Council and the trader associations and trader groups.

Manager and report officer: Fiona Banks, Economic Development

SC4 47 Talbot Avenue Balwyn - Proposed Sale

Abstract

The purpose of this report is to consider the sale of Council owned property at 47 Talbot Avenue, Balwyn after consideration of the written or verbal submissions received pursuant to the provisions of section 223 of the *Local Government Act 1989* (the Act).

This property was acquired in October 2006 and is adjacent to the Council owned site of the Balwyn Evergreen Centre and the Balwyn Senior Citizens Facility. The Council report at the time of acquisition noted the property offered the potential to be incorporated into any future redevelopment of the Senior Citizens Centre as well as possible inclusion into an integrated community services hub. These needs have now dissipated and a draft proposal by the Balwyn Evergreen Centre to build on the site was formally withdrawn in December 2011.

At the Council meeting of 18 June 2012 it was resolved to commence the statutory process under section 189 of the *Local Government Act 1989* ("the Act") to sell the property.

Public notice of the proposed sale was given in the Progress Leader newspaper in the week commencing 9 July 2012. The closing date for submissions was the 8 August 2012. Council received three submissions. Refer confidential **Attachment 1** for details of the three submissions received.

Confidential information is contained in **Attachment 1 and 2**, as circulated in the confidential section of the agenda attachments, in accordance with Section 89(2) of the *Local Government Act 1989*, as the information relates to contractual matters and premature disclosure of the information could be prejudicial to the interests of Council or other persons. This item has been included in the public agenda to facilitate transparency and accountability in Council's decision making.

If discussion of the confidential information in the attachments to this report is required in order for Council to make a decision, this item will be deferred to the confidential section of the agenda.

Officers' recommendation

That Council resolve to:

1. Having duly complied with the provisions of section 189 of the *Local Government Act 1989* ("the Act") and having considered the written and any verbal submissions received pursuant to the provisions of section 223 of the Act sell the land contained in certificate of title volume 10844, folio 084 and known as 47 Talbot Avenue, Balwyn.
2. Set a reserve price in accordance with confidential attachment 2 for the sale of the property.
3. Authorise the Chief Executive Officer, or his delegate, to negotiate a sale within 5% of the reserve price, in the event that the reserve price is not achieved during the sale process.
4. Authorise the Chief Executive Officer, or his delegate, to act on behalf of Council in the execution of all relevant documentation in relation to the sale of the property.
5. Note that when the Balwyn Evergreen Centre completes its five year strategic plan, officers will work with the Balwyn Evergreen Centre, to identify opportunities for Council to assist with the implementation of the plan as appropriate to Council's resources.

**Responsible acting director: David Thompson
Corporate Services**

1. Purpose

The purpose of this report is to consider the proposed sale of Council owned property located at 47 Talbot Avenue, Balwyn.

2. Policy implications and relevance to council plan

Council's adopted Financial Strategy Principles include the Property Holdings Principle which states: "Assets will only be considered for disposal where there is no clear Council or community need for that asset in the foreseeable future. All property considered for disposal will undergo a thorough evaluation based on both financial and community benefit factors. Open space will not be sold unless replaced by areas of equal size and/or value. Any proceeds derived from property realisation will be directed towards funding land acquisition, new/upgrade capital works or debt reduction and will not be used to fund operating expenditure. Council will not necessarily hold property that has no current or future identified purpose, or if that purpose can be met more effectively in other ways".

3. Background

At the Council meeting of 18 June 2012 the following resolution was adopted in relation to the property at 47 Talbot Avenue, Balwyn:

1. *Commence the statutory procedures under section 189 of the Local Government Act 1989 ("the Act"), for the sale of Council owned land located at 47 Talbot Avenue Balwyn, and described as Lot 14 on Plan of Subdivision PS7232, Volume 10844, Folio 084 in the Certificate of Title.*
2. *Make public the resolution of Council regarding 47 Talbot Avenue, Balwyn effective from 27 June 2012 to enable officers to commence the statutory process, noting that public consultation and further consideration by Council will be required before the sale can proceed.*
3. *Conduct the statutory process on the basis that Council intends to dispose of the property with encumbrances limiting any future development to a single dwelling.*

4. Outline of key issues/options

(a) Community benefit factors

As work on Council's Early Year Facility Plan has progressed, it has become evident that this site is not required for any future Maternal and Child Health purpose or any other identified early years purpose.

During 2011 the Balwyn Evergreen Centre had investigated a proposal to seek permission to construct a purpose built facility on the Council-owned site at 47 Talbot Avenue. A consultant was engaged to consider a business case for the development and the consultant's report concluded there was insufficient evidence to support the proposal. In December 2011 the chairman of Balwyn Evergreen Centre advised that, having reviewed the consultant's report and considered their financial position and future requirements, "our proposal for the construction of a purpose built facility on Boroondara Council property at 47 Talbot Avenue would not be appropriate at the present time, and on behalf of Balwyn Evergreen Centre I formally withdraw this part of our proposal".

The consultant's report also noted the lack of a robust data management system and strategic planning processes. The Board has since appointed a Chief Executive Officer to implement the consultant's recommendations.

The same letter also identified a number of suggested improvements that could be made to the existing Evergreen Centre at 45 Talbot Avenue, Balwyn to meet emerging community needs.

Council's draft 2012-13 Budget and forward projections include allocated funding of \$2.2M across the 2013-14 and 2014-15 financial years for renewal works at 45 Talbot Avenue. Detailed design is yet to commence but it is anticipated the works will include a number of features suggested by the BWA including new toilets, additional kitchen spaces, storage and administrative spaces.

The budgeted capital funding provides the ability for Council to make improvements at the existing centre to meet emerging community needs.

With the needs identified at the time of purchase in September 2006 no longer apparent, it is considered that sale of the property at 47 Talbot Avenue can be pursued.

(b) Conditions of sale

In considering potential disposal of the property officers have considered whether, in the event of Council agreeing to dispose of the property, it should be offered on an encumbered or unencumbered basis. Valuation advice on the potential impact of encumbrances upon expected value has been received and is attached (confidential **Attachment 2**). Legal advice has been received from Maddocks that, an agreement under section 173 of the *Planning and Environment Act 1987* could be placed as a condition of sale in the event Council sought to limit any future development of the site.

Whilst there is no Council policy requiring that the sale of Council land must include constraints on future development, recent practice has been to sell land on this basis. Recent examples include:

1. Sale of land in Bethune Street, Hawthorn East - sold with a section 173 to protect significant trees.
2. Sale of 113 High Street, Glen Iris - resolved to sell with an existing single dwelling covenant.

To provide the surrounding community with certainty about the outcome of future redevelopment on the site it is appropriate to limit any new development to a single dwelling. This can be achieved by requiring a purchaser to sign an appropriately drafted agreement under S173 of the *Planning and Environment Act 1987*.

5. Consultation/communication

The sale of Council land must be conducted in accordance with Section 189 of the *Local Government Act 1989*. The following is an extract of this section:

- (1) *Except where section 181 or 191 applies, if a Council sells or exchanges any land it must comply with this section.*
- (2) *Before selling or exchanging the land the Council must—*
 - (a) *ensure that public notice of intention to do so is given at least 4 weeks prior to selling or exchanging the land; and*
 - (b) *obtain from a person who holds the qualifications or experience specified under section 13DA(2) of the Valuation of Land Act 1960 a valuation of the land which is made not more than 6 months prior to the sale or exchange.*
- (3) *A person has a right to make a submission under section 223 on the proposed sale or exchange.*
- (4) *Sub-section (3) does not apply to the sale of land that formed part of a road that has been discontinued and which the Council has resolved to sell as the result of a Council exercising its powers under clause 3 of Schedule 10."*

Public notice of the proposed sale was given in the Progress Leader newspaper in the week commencing 9 July 2012. The closing date for submissions was the 8 August 2012.

Submissions were received from three submitters. All of the submissions have requested that the sale of 47 Talbot Avenue be deferred to allow time for the Balwyn Evergreen Centre to prepare a strategic plan that will possibly demonstrate the benefits to the community of retaining 47 Talbot Avenue. Refer confidential **Attachment 1** for details of the three submissions received.

The three submitters have requested to be heard by Council in support of their written submission.

6. Financial and resource implications

Use of proceeds from asset sales is consistent with Council's financial strategy principles. Refer confidential **Attachment 1** for further information in relation to the expected income from the sale of various Council properties.

7. Governance issues

Officers involved in the preparation of this report have no conflict of interest. The list of prescribed human rights contained in the Victorian Charter of Human Rights and Responsibilities has been reviewed in accordance with Council's Human Rights Compatibility Assessment Tool and it is considered that the proposed actions contained in this report present no breaches of, or infringements upon, those prescribed rights.

8. Social and environmental issues

The Balwyn Evergreen Centre has commenced gathering detailed statistical information in relation to number of attendees and program participants.

Preliminary 2011 census data indicates that twenty three per cent of the population of Balwyn, Balwyn North and Deepdene (combined) are aged 60 years and over, compared to 19% for the rest of the municipality. Forecasts indicate that the population of the Balwyn, Balwyn North and Deepdene area will continue to include a relatively high proportion of residents over 60 years of age. At 2022, it is estimated that 25% of Balwyn, Balwyn North and Deepdene residents will be aged 60 years and over, compared to 21% for the rest of the municipality.

However, the greatest increase in the number of over 60s between 2012 and 2022 is likely to occur in Kew (an estimated increase of around 980 people) and Camberwell (an estimated increase of 940 people) followed by Balwyn (an estimated increase of 770 people).

9. Evaluation and review

Council's intended course of action has been reviewed from a legislative compliance perspective by its solicitors Maddocks and no issues have been identified.

10. Conclusion

The property at 47 Talbot Avenue, Balwyn was acquired as a strategic purchase for retention in the event that a suitable community purpose could be identified for the site. Since acquisition in 2006, the property has been residentially leased. During these six years, no suitable community purpose has been identified. The site is thus no longer recommended for retention as a possible site for Council and community purpose. It is recommended that Boroondara community benefit be maximised through disposal of the site and allocation of the funds to the Strategic Acquisition Reserve.

Manager: Chris Hurley, Financial Services

Report officer: John Lorkin, Coordinator Revenue & Property

SC5 Letters of Appreciation Under Seal

Abstract

It is customary for Council to present letters under seal to the Mayor and the chairpersons of the Services Special Committee and Urban Planning Special Committee in recognition of their service over the previous mayoral term.

The purpose of this report is to seek Council authorisation for the preparation and presentation of letters of appreciation under seal of Council to the Mayor, Councillor Heinz Kreutz, the Chairperson of the Urban Planning Special Committee, Councillor Brad Miles and the Chairperson of the Services Special Committee, Councillor Kevin Chow.

Officers' recommendation

That Council resolve to authorise the preparation and presentation of letters of appreciation under seal of Council:

1. To the Mayor, Councillor Heinz Kreutz, for his contributions as Mayor during 2011-12.
2. To Councillor Brad Miles for his contributions as chairperson of the Urban Planning Special Committee during 2011-12.
3. To Councillor Kevin Chow for his contributions as chairperson of the Services Special Committee during 2011-12.

**Responsible acting manager: Andrew Dowling
Governance**

1. Purpose

The purpose of this report is to seek Council authorisation for the preparation and presentation of letters of appreciation under seal of Council to the Mayor, Councillor Heinz Kreutz, the Chairperson of the Urban Planning Special Committee, Councillor Brad Miles and the Chairperson of the Services Special Committee, Councillor Kevin Chow in recognition of the work undertaken by them in the past twelve months.

2. Policy implications and relevance to council plan

The roles of Mayor and Special Committee Chairperson contribute to Boroondara's democratic and corporate governance.

3. Background

Letters under seal are by their nature, documents of a special status. The presentation of letters of appreciation under seal of Council is an appropriate means to recognise the work undertaken by the Mayor and Chairpersons of the Urban Planning Special Committee and Services Special Committee.

4. Outline of key issues/options

A Council resolution is a pre-requisite to the fixing of the Council seal under Council's Meeting Procedure Local Law.

5. Consultation/communication

The Executive Management Group, the Mayor and the Special Committee Chairpersons will be consulted in the preparation of the letters.

6. Financial and resource implications

The cost of preparing and presenting the letters of appreciation under seal of Council is met within the Governance budget.

7. Governance issues

The implications of this report have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities. No rights under the Charter are affected by this report.

The officers responsible for this report have no direct or indirect interests requiring disclosure.

8. Social and environmental issues

There are no social or environmental issues arising as a consequence of this report.

Acting manager: Andrew Dowling, Governance

Report officer: Elisha Marriott, Acting Coordinator Governance

SC6 Contract No 12/062 Annual Supply - Drainage Construction and Associated Works

Abstract

This report seeks Council endorsement for the award of Contract No. 12/062, Annual Supply - Drainage Construction and Associated Works.

Confidential information is contained in **Attachment 1**, as circulated in the confidential section of the agenda attachments, in accordance with Section 89(2) of the *Local Government Act* 1989, as the information relates to contractual matters and premature disclosure of the information could be prejudicial to the interests of Council or other persons. This item has been included in the public agenda to facilitate transparency and accountability in Council's decision making.

If discussion of the confidential information in the attachments to this report is required in order for Council to make a decision, this item will be deferred to the confidential section of the agenda.

Officers' recommendation

That Council resolve to:

1. Award Contract No. 12/062, Annual Supply - Drainage Construction and Associated Works to the following four Contractors:
 - Fercon Pty Ltd (ABN 43 116 527 363);
 - Zecon Pty Ltd (ABN 41 196 979 265);
 - CDN Constructors Pty Ltd (ABN 62 884 294 341); and
 - Beara Construction Pty Ltd (ABN 88 101 639 301).
2. Authorise the Chief Executive Officer or his delegate to execute the contract agreement with the above contractors and, if warranted, contract extensions.
3. Note that expenditure under this contract will be managed in accordance with Council's adopted 2012/13 budget and future budgets.

Responsible director: David Powell
Environment and Infrastructure

1. Purpose

The purpose of this report is for Council to give consideration to the awarding of Contract No. 12/62, Annual Supply - Drainage Construction and Associated Works.

2. Policy implications and relevance to council plan

This tender process has been carried out in accordance with the requirements of Council's Contracts and Tendering Probity Policy and Council's Procurement Policy.

This contract is aligned with Council Plan 2012, "We will proactively manage the ongoing maintenance and development of Council's assets and facilities to meet our community's current and future need".

3. Background

Council requires suitably qualified organisations to undertake Annual Supply - Drainage Construction and Associated Works in accordance with the requirements of the specification. Annual Supply Contracts provide efficient access to resources to deliver the required works.

Invitation to tender

In accordance with Council's tendering procedures and Section 186 of the Local Government Act, Council invited public tenders from suitably qualified organisations to carry out the provision of Annual Supply - Drainage Construction and Associated Works.

In response to the advertisement, Council received nine submissions:

- Beara Construction Pty Ltd;
- Blue Peak Constructions;
- Bosco Bros. Paving (AUST) Pty Ltd;
- CDN Constructors Pty Ltd;
- Fercon Pty Ltd;
- Kalow Holdings Pty Ltd;
- Metro Asphalt;
- Spaceformer Civil Pty Ltd; and
- Zecon Pty Ltd

4. Outline of key issues/options

This Contract for Drainage Construction and Associated Works is a key enabler to allow the extensive drainage renewal program to be completed each year.

5. Consultation/communication

Consultation and communication with residents regarding works under this contract is carried out for each individual drainage project as required.

6. Financial and resource implications

Council's 2012/2013 Budget contains an allocation of approximately \$2,500,000 over a large number of accounts which includes Brick Drain Replacement/Renewal, Drainage Replacement/Renewal, Unscheduled Drainage Replacement/Renewal and the drainage component of the full road reconstruction program.

The estimated amount that will be paid to all Contractors over a maximum five year contract term is \$12,500,000 excluding the Goods and Services Tax (GST) and yearly adjustment due to rise and fall.

The works allocated under this Contract will be in accordance with the adopted budget.

7. Governance issues

The implications of this report have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

The officers responsible for this report have no direct or indirect interests requiring disclosure.

8. Social and environmental issues

The drainage system collects transports and discharges stormwater so that it does not present an environmental nor social impact. This Contract will provide upgrades and major maintenance works to the drainage network. This Contract will also complete works to implement water sensitive urban design treatments within the municipality.

9. Evaluation and review

As a result of the tender evaluation, the tender evaluation panel recommends that Council award Contract No. 12/063, Annual Supply - Drainage Construction and Associated Works to the following Contractors:

- Fercon Pty Ltd (ABN 43 116 527 363);
- Zecon Pty Ltd (ABN 41 196 979 265);
- CDN Constructors Pty Ltd (ABN 62 884 294 341); and
- Beara Construction Pty Ltd (ABN 88 101 639 301).

The Contract is to be awarded at the tendered Schedule of Rates for an initial period of three with two possible further extensions of one year to a maximum contract term of five years. The estimated total contract cost for all contractors over a five year contract term is approximately \$12,500,000 excluding GST and yearly adjustment due to rise and fall.

Manager: Steven White, Projects and Strategy

Report officer: Cid Mariani, Coordinator Civil Projects, Projects and Strategy

SC7 Contract No 12/064 Annual Supply - Concrete, Bluestone and Associated Construction Works

Abstract

This report seeks Council endorsement for the award of Contract No. 12/064, Annual Supply - Concrete, Bluestone and Associated Construction Works.

Confidential information is contained in **Attachment 1**, as circulated in the confidential section of the agenda attachments, in accordance with Section 89(2) of the *Local Government Act 1989*, as the information relates to contractual matters and premature disclosure of the information could be prejudicial to the interests of Council or other persons. This item has been included in the public agenda to facilitate transparency and accountability in Council's decision making.

If discussion of the confidential information in the attachments to this report is required in order for Council to make a decision, this item will be deferred to the confidential section of the agenda.

Officers' recommendation

That Council resolve to:

1. Award Contract No. 12/064, Annual Supply - Concrete, Bluestone and Associated Construction Works to the following six Contractors:
 - CDN Constructors Pty Ltd (ABN 62 884 294 341)
 - Fercon Pty Ltd (ABN 43 116 527 363);
 - Giust Bros Pty Ltd (ABN 46007 138 043);
 - R P Hall Pty Ltd (ABN 17 984 563 213);
 - Walter Pavani Pty Ltd (ABN 34 052 006 481) and
 - Zecon Pty Ltd (ABN 41 1969 979 265).
2. Authorise the Chief Executive Officer or his delegate to execute the contract agreement with the above contractors and, if warranted, contract extensions.
3. Note that expenditure under this contract will be managed in accordance with Council's adopted 2012/13 budget and future budgets.

Responsible director: David Powell
Environment and Infrastructure

1. Purpose

The purpose of this report is for Council to give consideration to the awarding of Contract No. 12/64, Annual Supply - Concrete, Bluestone and Associated Construction Works.

2. Policy implications and relevance to council plan

This tender process has been carried out in accordance with the requirements of Council's Contracts and Tendering Probity Policy and Council's Procurement Policy.

This contract is aligned with Council Plan 2012, "We will proactively manage the ongoing maintenance and development of Council's assets and facilities to meet our community's current and future need".

3. Background

Council requires suitably qualified organisation to undertake Annual Supply - Concrete, Bluestone and Associated Construction Works in accordance with the requirements of the specification. Annual Supply Contracts provide efficient access to resources to deliver the required works.

Invitation to tender

In accordance with Council's tendering procedures and Section 186 of the Local Government Act, Council invited public tenders from suitably qualified organisations to carry out the provision of Annual Supply - Concrete, Bluestone and Associated Construction Works.

In response to the advertisement, Council received 13 submissions:

- Bosco Bros. Paving Pty Ltd;
- CDN Constructors Pty Ltd;
- Fercon Pty Ltd;
- Giust Bros. Pty Ltd;
- GP Bluestone Solutions Pty Ltd;
- Metro Asphalt;
- NM Concreting Services;
- Presta Construction Group Pty Ltd;
- RML Construction;
- RP Hall Pty Ltd;
- Spaceformer Civil Pty Ltd;
- Walter Pavani Pty Ltd; and
- Zecon Pty Ltd

4. Outline of key issues/options

This Contract for Concrete, Bluestone and Associated Works is a key enabler to allow the extensive road renewal and traffic management device renewal programs to be completed each year together with new traffic management and landscape projects.

5. Consultation/communication

Consultation and communication with residents regarding works under this contract is carried out for each individual drainage project as required.

6. Financial and resource implications

Council's 2012/2013 Budget contains an allocation of approximately \$3,900,000 over a large number of accounts which includes full road reconstruction and kerb replacement, Traffic management devices, Bicycle and pedestrian Trails, Road and Park Paths and Landscaping projects.

The estimated amount that will be paid to all Contractors over a maximum five year contract term is \$19,500,000 excluding the Goods and Services Tax (GST) and yearly adjustment due to rise and fall.

The works allocated under this contract will be in accordance with the adopted budget.

7. Governance issues

The implications of this report have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

The officers responsible for this report have no direct or indirect interests requiring disclosure.

8. Social and environmental issues

The road network, shared bicycle and pedestrian network and traffic management devices provide essential links to enable a mobile community. High quality roads improve drainage, reduce noise, vibration, and improve vehicle fuel economy and are visually more attractive.

9. Evaluation and review

As a result of the tender evaluation, the tender evaluation panel recommends that Council award Contract No. 12/063, Annual Supply - Asphaltting and Resurfacing Services to the following Contractors

- CDN Constructors Pty Ltd (ABN 62 884 294 341)
- Fercon Pty Ltd (ABN 43 116 527 363);
- Giust Bros Pty Ltd (ABN 46007 138 043);
- R P Hall Pty Ltd (ABN 17 984 563 213);
- Walter Pavani Pty Ltd (ABN 34 052 006 481) and
- Zecon Pty Ltd (ABN 41 1969 979 265).

The Contract is to be awarded at the tendered Schedule of Rates for an initial period of three with two possible further extensions of one year to a maximum contract term of five years. The estimated total contract cost for all contractors over a five year contract term is approximately \$27,000,000 excluding GST and yearly adjustment due to rise and fall.

Manager: Steven White, Projects and Strategy

Report officer: Cid Mariani, Coordinator Civil Projects, Projects and Strategy