



# Council Meeting Agenda

**The Council meeting will be conducted wholly in person.  
Monday 10 October 2022 at 7 PM**

**Council Chamber, Malvern Town Hall  
Corner Glenferrie Road & High Street Malvern**

## **Information for the Community**

### **Welcome**

Welcome to a City of Stonnington Council meeting.

The Council has adopted Governance Rules in accordance with the Local Government Act 2020 which determine the way in which the Council will make decisions.

### **About this meeting**

The agenda lists all the items to be considered by the Council. Each report is written by a Council Officer and outlines the purpose of the report, relevant information and a recommendation for the Council. The Council will consider the report and either accept, reject or make amendments to the recommendation. Council decisions are adopted if they receive a majority vote from the Councillors present at the meeting.

### **Arrangements to ensure meetings are accessible to the public**

Council meetings are generally held at the Malvern Council Chamber, corner High Street and Glenferrie Road (entry via Glenferrie Road via the door closest to the Malvern Police Station). The Malvern Council Chamber is accessible to all. Accessible toilets are also available. If you require translation, interpreting services or a hearing loop, please contact the Council's Civic Support Officer on 03 8290 1331 to make appropriate arrangements before the meeting.

To ensure that people in the Hall can follow proceedings, the meeting agenda, recommendations and proposed alternate recommendations are displayed on screen.

### **Live webcasting**

Council meetings are broadcast live via Council's website, allowing those interested to view proceedings without needing to attend the meeting. This gives people who are unable to attend, the ability to view Council decisions and debate. A recording of the meeting is available on the Council website after the meeting (usually within 48 hours). Live captioning is occurring during the meeting. Only Councillors and Council Officers are visible. People in the public gallery will not be filmed, but if you speak, you will be recorded.

### **Governance Matters**

This Council Meeting is conducted in accordance with the Local Government Act 2020 and the City of Stonnington Governance Rules.

### **Recording of Council Meetings**

In accordance with the Governance Rules 2020 clause 67 meetings of the Council will be audio recorded and made available for public access, with the exception of matters identified as confidential items in the agenda.

### **Disclosure of Conflict of Interest**

In accordance with the Local Government Act 2020, a Councillor must declare any Conflict of Interest pursuant to Section 130 of the Act in any items on the Agenda.

At the time indicated in the agenda, a Councillor with a conflict of interest in any item on the agenda must indicate they have a conflict of interest by clearly stating"

- The item for which they have a conflict of interest;

- Whether their conflict of interest is general or material; and
- The circumstances that give rise to the conflict of interest.

Immediately prior to the consideration of the item in which they have a conflict of interest, a Councillor must indicate to the meeting the existence of the conflict of interest and leave the meeting.

### **Behaviour at meetings**

Members of the public present at the meeting must remain silent during the proceedings other than when specifically invited to address the meeting.

The Chair may remove a person from the meeting for interjecting or offensive gesture after being asked to desist, and the Chair may cause the removal of any object or material that is deemed by the Chair to be objectionable or disrespectful.

The Chair may call a break in the meeting for either a short time, or to resume another day if the behaviour at the Council table or in the gallery is significantly disrupting the Meeting.

Your cooperation would be appreciated.

**Mayor, Deputy Mayor and Councillors, Stonnington City Council**

### **Statement of Reconciliation**

The Chair will open the meeting and recite the following Statement of Reconciliation. We acknowledge we are meeting on the Traditional Lands of the Wurundjeri Woi Wurrung and Bunurong peoples of the East Kulin Nations and pay our respects to their Elders past, present and emerging.

We extend that respect to all Aboriginal and Torres Strait Islander peoples. We acknowledge their living connection to Country, relationship with the land and all living things extending back tens of thousands of years.

### **Statement of Commitment**

The Chair will recite the following Statement of Commitment.

We are reminded that as Councillors we are bound by our Oath of Office to undertake the duties of Councillor in the best interests of the people of the City of Stonnington and to faithfully and impartially carry out the functions, powers, authorities and discretions vested in us under the Local Government Act and any other relevant Act.

# Council Meeting Agenda Monday 10 October 2022 Order of Business

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- 1 Reading of the Statement of Reconciliation
- 2 Reading of the Statement of Commitment
- 3 Introduction of Councillors & Executive Staff
- 4 Apologies
- 5 Confirmation of the Minutes of the previous meeting

#### 5.1 Minutes of the Council Meeting held on 26 September 2022

##### Officer Recommendation

*That the Minutes of the Meeting of the Stonnington City Council held on 26 September 2022 be confirmed as an accurate record of the proceedings.*

- 6 Disclosure of Conflicts of Interest
- 7 Questions From the Community
- 8 Business

## 8.1 Building Act Amendment, Cladding Update and Cost Modelling

**Manager Liveability & Compliance: Brad Petryczkowycz**  
**Director Planning & Place: Annaliese Battista**

### Linkage to Council Plan

**Direction 3: A people-centred and future ready city**

3.4 Fit for purpose operating model and resource management

### Purpose of Report

To provide Council with an overview of the Victorian Government's proposed amendments to the *Building Act (1993)*, changes to enforcement procedures in relation to combustible cladding and a summary of the costs and resource implications for the Council as a result of these changes.

### Officer Recommendation

***That the Council:***

1. **NOTE the significant potential resourcing implications for Council of the proposed reforms to the Building Act (1993), and transfer of responsibility to Council for combustible cladding enforcement from the Victorian Building Authority (VBA).**
2. **ADVOCATE to the State Government for adequate funding for Councils, including through the implementation of sufficient statutory fees, to recover costs incurred in implementing amendments to the Building Act.**
3. **ADVOCATE to the State Government to properly indemnify and protect Councils from the increased insurance and risk implications of the changes to the Building Act.**
4. **ADVOCATE to the State Government for the Council's Municipal Building Surveyor (MBS) staff to operate with the same level of indemnity as that of the VBA when administering regulatory requirements for combustible cladding and orphaned building permits.**
5. **ADVOCATE through the MAV to the State Government in relation to cost shifting, and the immense cost burden being borne by Local Governments into the future through these changes.**
6. **NOTES that Council Officers are working closely with other Councils, including through the M9 partnership, to explore alternative models for delivering the additional responsibilities being conferred on Councils by the Victorian Government through these changes to combustible cladding enforcement and the Building Act.**

### Executive Summary

1. In a report to the Council Meeting of 4 April 2022, Council Officers foreshadowed a decision by the Victorian Government to shift responsibility for managing combustible cladding, as well as other proposed building control reforms to Councils.
2. Since then, there have been significant developments in the building industry with the introduction of the Building, Planning and Heritage Legislation Amendment (Administration and Other Matters) Bill 2022 (Bill) in the Victorian Parliament on 21 June 2022.
3. The Bill proposes to make a significant number of amendments to a range of legislation, including the *Building Act 1993*. Some of these amendments, together with the proposal to return the enforcement responsibilities of buildings with combustible cladding to Council MBS functions, will impose obligations on Councils that will have serious implications for resourcing of Council building departments, particularly given an industry-wide shortage of qualified MBS staff.
4. Council will need to consider the potential costs, resource impacts, and insurance and risk implications associated in carrying out its statutory obligations under the Building Act.
5. One response to the proposed changes is that M9 Councils, of which City of Stonnington is a member, are exploring a range of options to properly resource these changes, including through a 'Shared Services Model' for MBS' cladding functions.

### Background



6. The Victorian Cladding Taskforce was established in June 2017 to investigate the use of combustible external wall cladding throughout Victoria. In December 2017, the Taskforce asked the Victorian Building Authority to conduct a State-wide audit with the assistance of Council MBS units.
7. In October 2018, the Minister for the Department of Environment, Land, Water and Planning (DELWP) declared that, for the buildings found to have an extreme or high-risk rating, the functions of the MBS were to be carried out by the VBA.
8. The Minister is currently considering a proposal to return the buildings to Council MBSs for administration and enforcement.
9. Separate to this, the Victorian Government established the independent Building Reform Expert Panel in December 2019 to lead its review of the building legislative and regulatory system. The Building, Planning and Heritage Legislation Amendment (Administration and Other Matters) Bill 2022 (Bill) was tabled in the Victorian Parliament on 21 June 2022.
10. The proposed amendments listed in the Bill are an outcome of the Building Reform Expert Panel's review. The resulting amendments to the *Building Act 1993* are proposed to come into effect on 1 December 2023.

### Key Issues and Discussion

11. The most notable change proposed in the Bill that will impact Councils is the requirement for MBS units to inspect and report on class 2 buildings (domestic apartment buildings) work prior to the relevant building surveyor (RBS) issuing an occupancy permit.
12. Council currently issues an average of 100 occupancy permits per year for class 2 buildings i.e. where a private building surveyor has undertaken the inspection and report.
13. In addition to the Building Act amendments, there are 17 buildings that are proposed to be 'returned' to Council from the VBA for administration and enforcement of combustible cladding. It is anticipated that these buildings will return to Council by the end of 2022.

### Governance Compliance

#### Policy Implications

14. Should the amendments be enacted, Council will need an administrative and enforcement policy to meet its obligations under the Building Act.

#### Financial and Resource Implications

15. Cost modelling indicates the total additional cost to Council to administer and enforce combustible cladding compliance of the returning 17 buildings is \$158,000 per year (refer to cost modelling in **Attachment 1** and **Attachment 2**).
16. The amendments to the Building Act are proposed to come into operation in FY 2023/24 with an additional annual cost to Council of between \$541,000 and \$860,000.

#### Conflicts of Interest Disclosure

17. No Council Officer and/or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

### Legal / Risk Implications

18. Insurance is an issue that needs to be addressed given the Municipal Building Surveyor is an appointment of Council and the MBS may potentially be signing-off buildings with combustible cladding. These concerns have been referred to Council's Legal and Governance (Risk) Department for an assessment of the likely cost impact to adequately cover Council's insurance requirements.
19. There will be increased liability to Council in finalising building permits for apartment buildings issued by a private building surveyor. The MBS will be inspecting buildings at the end of works and will be able to inspect only substantially completed works. Therefore, it is difficult for the MBS to have confidence in the work carried out prior to the inspection. Similarly, should orphaned building permits be referred to Councils for administration and enforcement, it will be difficult for Council's MBS to have confidence in the work carried out by the previous private building surveyor.

### Environmental Implications

20. There are no environmental implications relevant to this report.

### Community Consultation

21. There was no requirement for community consultation.

### Human Rights Consideration

22. Complies with the Charter of Human Rights & Responsibilities Act 2006.

### Attachments

1. CONFIDENTIAL REDACTED - Building Act Amendment Expenditure [8.1.1 - 3 pages]
2. CONFIDENTIAL REDACTED - Cladding Expenditure [8.1.2 - 3 pages]

## 8.2 Planning Amendment 0457/13 - 145 Williams Road, Prahran

**Acting Manager Statutory Planning: Phillip Gul**  
**Director Planning & Place: Annaliese Battista**

### Purpose of Report

For the Council to consider a planning amendment to a permit to amend the hours of operation associated with use of the land for motor vehicle repairs and construction of buildings and works at 145 Williams Road, Prahran.

This item was considered at the Council meeting of 26 September 2022. The application was deferred and is now presented to the Council for further consideration.

### Abstract

#### Proposal

The proposal seeks to amend the hours of operation stipulated under condition 5 of Planning Permit No. 457/13 for part of the building. Construction of buildings and works involving new solid garage doors and a stop-go traffic light system is also proposed.

#### Officer Recommendation Summary

That the Council authorise Officers to issue a **Notice of Decision to Amend a Permit** subject to conditions outlined in the Officer Recommendation. **The proposal is supported** for the following reasons:

- The proposal enjoys strategic support by State and Local Planning Policy.
- The proposed extension of the commercial use is a beneficial addition to the local economy of the activity centre.
- Subject to recommended condition of permit, the amended hours of operation will not have unreasonable impacts on the amenity of neighbouring residential properties.
- The proposed works will effectively reduce adverse amenity impacts currently experienced by local residents.

#### Issues

The following are the key issues in respect of this application:

- Whether the extended hours of operation are reasonable having regard to the context of the site and the applicable planning policy and controls (refer to Strategic Context and Hours assessments).
- Amenity impacts on the adjoining properties (refer to Amenity Impacts assessment);

#### Officer's response

The proposed expansion of the hours of operation will support the needs of an existing service business located within a commercial precinct and enable its ongoing viability in this long-standing location, whilst also contributing to the local economy. This is consistent with

local policy objectives which seek to strike a balance between potentially conflicting land uses and is therefore considered appropriate subject to off-site amenity impacts being suitably limited.

Subject to recommended conditions of permit relating to the operational details of the use and noise mitigation measures, it is considered that the use can successfully operate within the extended hours proposed without unreasonable impacts on the amenity of neighbouring residential properties.

Existing noise issues currently experienced by residents will likely be reduced as a result of the proposed works and control measures put in place via recommended permit conditions.

Existing compliance matters should be treated independently of the proposed amendments which must be assessed against the relevant planning policy and controls to determine reasonableness. Should an amended permit be approved, any breaches of associated planning conditions can be investigated and enforced by Council as required.

### Executive Summary

Applicant:	South Yarra BMW C/- Bold Urban Planning Pty Ltd
Ward:	South
Zone:	C1Z
Overlay:	Design and Development Overlay Environmental Audit Overlay Special Building Overlay
Commercial Precinct:	Hawksburn Village
Date Lodged:	2 May 2022
Statutory Days: (as at Council Meeting date)	49
Trigger for Referral to Council:	Number of objections
Number of Objections:	17
Consultative Meeting:	Yes – held on 30 August 2022
Officer Recommendation	Notice of Decision to Amend a Permit

### Background

#### History

Historically, the site has been used for the purpose of a one-stop new and used car sales and service centre with related facilities since 1988. Planning Permit 88/773 was issued in November 1988 for a “car sales showroom, workshop and associated car parking”. This permit did not restrict the hours of operation, numbers of cars or numbers of staff / visitors at the site. A further permit, 88/889, issued in December 1988 to allow for the construction of a three-level building to accommodate the aforementioned use.

Planning Permit 457/13 was issued on 17 April 2014. The permit allows for “the use of the land for motor vehicle repairs, buildings and works, variations to the requirements of Clause

52.14 (Motor Vehicle, Boat or Caravan Sales), a waiver of loading facilities in a Commercial 1 Zone, advertising signage and a Special Building Overlay”.

Plans to comply with Condition 1 were endorsed to form part of the permit on 31 July 2014. The permit and plans were subsequently amended on 15 May 2015 to allow replacement of existing signage on the north and east façades.

The approved works have been completed and the use continues to operate under the 2014 planning permit.

### The Proposal

The plans that form part of the basis of Council's consideration are the plans prepared by Era Architects and amended by the applicant, known as TP110, TP111, TP200, TP201, TP202, TP203, TP204, TP300, TP301, TP302, TP303 and TP304, Council date stamped 2 May 2022.

Key features of the proposal are:

- Extend the hours of operation stipulated under Condition 5 of the permit to allow the use to operate between 7.30am to 12am (midnight) Monday to Friday (currently 8.30am to 6pm). No changes are proposed to Saturday hours of operation (currently 9am to 5pm).
- Only the basement workshop and lower ground internal car parking area will operate between 8pm to midnight, with all external roller doors closed to vehicles from 8pm until the following day to prevent any external vehicle movements during this timeframe.
- No music is proposed to be played within the basement workshop after 6pm and before 8.30am.
- Undertake buildings and works to replace existing external roller doors with solid doors and install a 'stop-go' traffic light system along the vehicular ramp at the rear of the site.
- No changes are proposed to existing loading/unloading arrangements.

### Site and Surrounds

The site is located on the west side of Williams Road on the northern corner of its intersection with Clarke Street and approximately 65 metres south of Malvern Road in Prahran. The site has the following significant characteristics:

- An irregular shaped allotment with a frontage to Williams Road of 69 metres, a secondary street frontage to Clarke Street of 51 metres and a total land area of 3887sqm.
- The land interfaces with an unnamed lane to the north-west extending from Malvern Road in the north and terminating at the subject adjacent to its rear boundary.
- The land slopes down from east to west (front to rear).
- The site is occupied by a motor vehicle sales yard (BMW dealership). The activities include both motor vehicle sales as well as a service centre involving motor vehicle servicing and repairs.

- The land is developed with a large building over three levels. The building comprises a basement workshop; lower ground floor with staff parking and car storage bays, carwash and detailing facilities, training room and storerooms; ground floor comprising sales and vehicle display area, customer facilities, amenities, offices, storerooms and workshop; and administration and staff areas at first floor level which is located toward the northern end of the building.
- An external car parking area is located at ground level on the southern side of the building, and is used for both customer parking and demo vehicles. A further small external parking area is located to the north-west corner of the building adjacent to the parts receiving area within the lower ground level. This parking area is not used by customers.
- The loading and unloading of vehicles is undertaken on Williams Road within a dedicated loading zone in front of the site, between the hours of 9am to 4pm Monday to Friday.

The site is situated on the southern edge of the Hawksburn Village Neighbourhood Activity Centre. Land to the north is commercial and includes a service station on the corner of Williams Road and Malvern Road, and a McDonalds restaurant at 484 Malvern Road which comprises a car parking area directly abutting the site's northern boundary.

Residential properties are located to the west, including two properties at 13 and 11 Miller Street which share a common boundary with the subject site. 13 Miller Street is developed with a two-storey apartment building with the rear setback occupied by a paved communal car parking area. 11 Miller Street is occupied by a two-storey townhouse development. A ground level secluded private open space is located in the north-east corner, and the dwelling is constructed to its eastern boundary abutting the subject site. A first-floor balcony accessed from an adjoining bedroom is located at first floor.

Further north beyond the laneway is a double storey apartment building at 9 Miller Street and single storey detached dwellings at both 3 and 5 Miller Street. To the south-west corner of the site is a two-storey dwelling 69 Clarke Street. Residential properties are also located across Clarke Street to the south and across Williams Road to the east of the site.

#### Previous Planning Application/s

The application history of the site, including Planning Permit 457/13 which this application seeks to amend, is detailed within the Background section above.

There are no planning applications pertaining to surrounding sites which are considered of relevance to this assessment.

#### The Title

The land is formally described as Land in Plan of Consolidation 372568D, in Volume 11269, Folio 405.

An Agreement pursuant to Section 55A Building Control Act 1981 is registered on title. The Agreement relates to modifications to building regulations in respect of the approved development on the site and stipulates that should the adjoining site to the north be redeveloped within 3m of the boundary, the building on the subject site within 3m of the boundary would need to be modified if required to conform with Building Regulations in force at that time. As previously indicated, the site to the north remains undeveloped to date and is occupied by an open car park.

## Planning Controls

Section 73(1) of the *Planning and Environment Act 1987* states that Sections 47 to 62 apply to an application to amend a permit as if the application were an application for a permit and any reference to a permit were a reference to the amendment to the permit.

Therefore, the amendments to the permit and plans are to be assessed against the relevant planning controls affecting the proposal.

Note: Only the changes to the approved proposal are considered as part of this application for amendment.

The following controls/permit triggers are considerations for this amendment:

### *Zone*

#### Clause 34.01 – Commercial 1 Zone

Pursuant to Clause 34.01-01 a permit is not required to use the land for motor vehicles sales (retail premises). A permit is however required to use the land for motor repairs (service industry). Noting that these uses are already in operation at the site, the ambit of discretion in terms of land use is therefore limited to whether the hours of operation associated with the motor repairs component ought to be extended.

Pursuant to Clause 34.01-4 a permit is required to construct a building or construct or carry out works.

### *Overlay*

#### Clause 43.02 – Design and Development Overlay, Schedule 21

Pursuant to Clause 43.02-2 a permit is required to construct a building or construct or carry out works, unless a schedule to the overlay specifies otherwise.

Pursuant to part 2.0 of Schedule 21, a permit is required to construct or carry out works for services normal to a building other than a dwelling, including chimneys, flues, skylights, heating and cooling systems, hot water systems, security systems and cameras, downpipes, window shading devices, or similar if the works are visible from a street (other than a lane) or public park.

#### Clause 44.05 – Special Building Overlay, Schedule 2

The overlay only affects a small portion of the site along its eastern boundary. As no buildings or works are proposed within the affected area, the overlay is not relevant to the assessment of this application.

#### Clause 45.03 – Environmental Audit Overlay

Pursuant to Clause 45.03-1 the requirements of this clause apply to a new use of land for a sensitive use. The overlay is therefore not relevant to the assessment of this application.

### *Particular Provisions*

#### Clause 53.10 – Uses with Adverse Amenity Potential

Pursuant to Clause 53.10-1 a 100m separation distance is recommended between a premises used for 'automotive body, paint and interior repairs' and land within a Commercial 1 Zone or any residential zone.

An application to use land for the listed purpose must be referred to the Environment Protection Authority under section 55 of the Act if the threshold distance is not met.

### Relevant Planning Policies

Clause 11.03-1S - Activity Centres

Clause 21.03 - Vision

Clause 21.04 - Economic Development

Clause 21.08 – Infrastructure

### Advertising

The application has been advertised pursuant to Section 52 of the Planning and Environment Act 1987 by sending notices to the owners and occupiers of adjoining land (and by placing three signs on the site). The public notification of the application has been completed satisfactorily.

The site is located in South Ward and objections from 17 different properties have been received. The objections can be summarised as follows:

- Noise, vibrations, humming and associated impacts on health and wellbeing
- Light emissions
- Use is currently disruptive to residential area
- Parking and traffic congestion
- Loading/unloading of vehicles
- Proposed hours are excessive
- Existing issues will be exacerbated

A Consultative Meeting was held on 30 August 2022. The meeting was attended by Councillor Batagol, representatives of the applicant, objectors and a Council planning officer. The meeting did not result in any changes to the plans.

### Referrals

The application was referred to an external referral authority as well as relevant internal departments of Council. The comments received are summarised below.

#### *Environment Protection Agency (EPA)*

- The EPA do not object to the proposal and do not require any permit conditions. They have however recommended a permit note be included to ensure the applicant is aware of their General Environmental Duty obligations under the Environment Protection Act 2017.

#### *Public Health*

- The submitted acoustic report relies upon installing acoustic roller doors that will reduce the noise to an acceptable level. In addition, there are a number of operational controls that are relied upon. These should be enforced.
- Day noise period - looks to be well within EPA guidelines and there is no change or issue.



- Evening noise period (6pm-10pm) – With all controls in place, the modelling shows that the actual noise will be just within the EPA noise limit for the properties 9 and 11 Miller Street.
- Night noise period (after 10pm) – Appears okay, with the modelled value being less than the measured background noise.

#### *Transport and Parking*

- On balance, this would appear to be an improvement to the current conditions.
- Ideally with a traffic light system there would be a clearly marked waiting area within the site, but it does not appear that this is possible. However, it appears the current access arrangement operates without this, so the change would be minimal.
- The applicant is to ensure that the clear height of the new roller doors is fit for purpose.
- No concerns raised with traffic or parking impacts.

#### **Key Issues and Discussion**

As previously indicated, the amendments to the permit and plans are to be assessed against the relevant planning controls affecting the proposal. However, it must be noted that only the changes to the permitted use and development are to be considered as part of this assessment.

#### **Strategic Context**

The overarching policies and objectives at both a State and Local level support the development and growth of activity centres that are highly accessible to the community, and encourage a broad range of land uses, such as retail, office, services, entertainment and residential.

Council's Municipal Strategic Statement (MSS) identifies the site as being within a Large Neighbourhood Activity Centre, known as Hawksburn Village, which caters to everyday needs and wider specialty retail, office, and service markets. Relevant objectives of the MSS are to support proposals that will achieve more effective use of commercial properties and encourage businesses that will provide services and employment opportunities for the local community.

Furthermore, the MSS acknowledges the need for activity centres to adapt to change by providing for a broader range of uses, and the need to manage the challenge of increasing residential development in and beside activity centres combined with the increased after hours opening of commercial uses and the resultant amenity and residential interface issues arising from the close proximity of conflicting uses.

Specifically in relation to industrial uses, the MSS seeks to address the challenge of loss of industries (in particular small scale service industries serving local needs) which are moving out of activity centres and being replaced by higher order uses.

The application seeks to respond to the increased operational demands of the long-established business on site. It also serves to provide an improved level of service to the local community, as the expanded hours of operation for the servicing of vehicles will effectively enable customers to drop their vehicles at the site outside of typical business hours and to collect their vehicle prior to going to work the following day.

The proposed expansion of the hours of operation will support the needs of an existing service business located within a commercial precinct and enable its ongoing viability in this long-standing location, whilst also contributing to the local economy. This is consistent with local policy objectives which seek to strike a balance between potentially conflicting land uses and is therefore considered appropriate subject to off-site amenity impacts being suitably limited.

### Hours

Condition 5 of the current planning permit restricts use of the land for vehicle repairs to operate between 8.30am to 6pm Monday to Friday and between 9am to 5pm on Saturday. The application is limited to the expansion of opening hours only on Monday to Friday, with no change to permitted hours on Saturday.

The business proposes to open at 7.30am, ie. for one additional hour in the morning. As indicated above, this facilitates customers dropping off their vehicles prior to the morning traffic peak period and prior to attending their place of employment. In terms of vehicle servicing, only the basement workshop is proposed to be used during the hour between 7.30am to 8.30am, and the ground level workshop will not be utilised during this time except to drive through to access the lower ground.

The opening of a business from 7.30am during weekdays is not uncommon and is considered reasonable given the commercial zoning of the land and its location within a large activity centre.

It is proposed that between the hours of 6pm to 8pm on Mondays to Fridays, i.e. after typical business hours, customers can either drop off a vehicle for overnight service or collect a vehicle which has been serviced during the day. This provides more flexibility for customers and is also likely to result in the number of visitors to the site being spread over a broader time period, rather than this activity being more concentrated within a condensed timeframe at the end of the typical working day.

Customers will enter the site via Williams Road and will be directed by a staff attendant to park their vehicle within the ground floor of the building adjacent to the primary vehicle entrance, or in the external car parking area if other spaces are full. Afterwards, customers will then leave the building through the main pedestrian exit onto Williams Road.

The movement of vehicles within the site beyond the customer drop-off point will be undertaken solely by BMW staff members (not customers) for occupational health and safety reasons. By 8pm, all vehicles received for overnight servicing will have been relocated to the lower ground car park or basement workshop. At 8pm it is proposed to close all external vehicular access doors via an automated timer, including the south facing door at the primary ground level entrance adjacent to the external car park, the west facing door between the ground floor workshop and external access ramp, and both the north and west facing doors to the lower ground level accessed from the rear laneway. These doors will not be reopened until 7.30am the following morning (or 9am on Saturdays). Any test driving of vehicles that have been serviced will not be permitted to occur after 8pm as they will not be able to exit the building.

The closing of external doors ensures that night-time operations between 8pm and midnight are limited to internal areas within the building. Specifically, the servicing of vehicles after 6pm will occur only within the basement workshop, and cars will be relocated between the

basement workshop and the lower ground level parking area. There will be no external movement of customer vehicles between 8pm and 7.30am the following morning.

With regard to staff, it is proposed that between 6pm and 8pm there will be a maximum of 10 staff on site. From 8pm to midnight there will be 9 staff on site, as the 'attendant' staff member will leave at 8pm once the roller doors are closed.

All evening/night shift staff will park on site within the external car park accessed via Williams Road between 5.30pm-6pm. All sales staff finish between 5pm-5.30pm thereby freeing up available spaces within the car park for the evening staff.

Upon conclusion of the night shift, all staff will exit the building via the pedestrian doors into the external car park. This enables staff to safely, quickly and quietly depart the premises at the conclusion of their shift without the need to open any garage doors.

The applicant is actively seeking to minimise any potential impacts of the use within the extended hours on nearby properties and to this end has proposed the preparation of an Operations Management Plan (OMP) to appropriately manage the ongoing long-term operations of the site. The OMP will cover all of the above details and provide clear guidance on the following:

- Use of internal spaces within the building including:
  - all servicing and repair of vehicles between the hours of 7.30am-8:30am and 6pm-12am (Monday to Friday) is only to be undertaken within the basement workshop;
  - ground floor workshop to only be used for vehicle movements between 7.30am-8.30am and 6pm-8pm (Monday to Friday);
  - high pressure washers within the lower ground to only be used between 8.30am-6pm, with hand washing and detailing of cars undertaken between 7.30am-8.30am and between 6pm-8pm (Monday to Friday);
  - music is not to be played within the basement workshop outside the hours of 8.30am -6pm (Monday to Friday) and 9am-5pm (Saturday);
  - all external roller doors at ground and lower ground level to close at 8pm and remain closed until 7.30am. This results in no external vehicle movements on the ramp and rear laneway between the hours of 8pm and 7.30am Monday to Friday;
  - movement of vehicles and people following vehicle drop off from Williams Road between 6pm-8pm (Monday to Friday);
- Movement of staff when ending night shift including designation of on-site car parking spaces (towards Williams Road) for staff working night shift;
- Installation of automated timers that close all external roller doors at 8pm; and
- Installation of automated timers to turn off all exhaust fans at 6pm other than those that are required for essential ventilation of the basement workshop.

The requirement for an OMP to be prepared forms a recommended condition of permit. Once approved, the OMP would be endorsed to form part of the permit ensuring that the operational details of the approved use contained within the plan can be enforced if required.

Based on the above, it is considered that the use can successfully operate within the extended hours proposed without unreasonable impacts on the amenity of neighbouring residential properties. This is discussed in further detail below.

### Amenity Impacts

In addition to the operational measures above which seek to control which parts of the site can be used at various times of the day, the application proposes to undertake buildings and works to further reduce noise impacts on nearby residents. The works include replacement of the existing external roller doors to the lower ground level at the rear of the building. Specifically, the perforated north-facing door to the lower ground car wash area and the west-facing roller door to the lower ground parts receiving area will be replaced with solid roller doors with a minimum sound insulation rating of 14 dB Rw. These measures, in addition to the operational controls outlined above, are the result of a detailed acoustic investigation and associated recommendations contained with the submitted acoustic report prepared by Clarity Acoustics. The report concludes that subject to implementation of the aforementioned works and control measures, the proposed extension to the operating hours can successfully meet relevant EPA noise criteria.

This is supported by the EPA's referral response to the application, in which they confirm no objection to the amendment of the permit and state the following:

*Based on the specific design of the facility with a basement works area, lack of community complaints over many years and the outcomes of the acoustic investigation, EPA believes the amendment to operating hours can be successfully undertaken at the site. EPA recommends control measures outlined in the Clarity Acoustics report, mentioned above, be included as a permit condition, if issued.*

Whilst they have not imposed any specific permit conditions, to reinforce the applicant's responsibility to minimise harm to the environment and human health, the EPA have recommended a note be included on the permit to serve as a reminder of the legislative requirements. This note has been included within the officer's recommendation.

The application also proposes the installation of a 'stop-go' traffic light system along the vehicular ramp at the rear (western side) of the site. The purpose of the system is to manage the potential conflict of vehicles along the single-width access ramp between the ground and lower ground levels. The current practice is to use car horns to alert oncoming traffic, which is disruptive to neighbouring residential properties and has resulted in complaints from local residents. This system ultimately serves to improve the existing amenity impacts on nearby dwellings during the current hours, yet will also assist during the extended hours proposed, noting that the ramp will only be used for vehicle movements between 7.30am and 8pm at night.

In addition to the OMP referred to above, the applicant also proposes the preparation of a Noise Management Plan (NMP) to be prepared by a suitable qualified acoustic engineer. The NMP would implement the operational controls set out in the acoustics report together with any additional works specified by the acoustic engineer to ensure that all external mechanical plant and equipment, including rooftop exhaust fans, comply with the evening period (6pm-10pm) and night period (10pm-12am) Noise Protocol Limits and the Environment Protection Regulations.

Condition 12 of the current permit refers to plant and equipment being located, screened and baffled to minimise visibility and the emission of unreasonable noise to the environment. It is recommended this condition is updated to reflect current requirements.

On balance, based on the implementation of the operational control measures, the replacement of the external roller doors with acoustic doors, the introduction of a traffic light system resulting in the ceasing of car horns being used within the site, and the requirements for an Operations Management Plan and Noise Management Plan, it is considered that the existing noise issues experienced by residents will be reduced and the use can successfully operate within the proposed expanded hours of operation without resulting in unreasonable amenity impacts on the adjacent residential area.

### Building works

Schedule 21 to the Design and Development Overlay applies to the Hawksburn Village Neighbourhood Activity Centre and seeks to ensure the new development responds to the area's character and does not cause unreasonable amenity impacts on nearby residential land. The schedule includes built form requirements relating to building height and setbacks, none of which are of relevance to this proposal.

The minor nature of works proposed will have no impact on the built form character of the site or the broader area as the alterations to the building will not be visible from the public realm beyond the laneway.

### Objections

In response to the grounds of objection not already discussed in the report, the following comments are made:

- Council's Planning Compliance unit is investigating reported breaches of current permit conditions. Whilst the impacts of non-compliance on residents is acknowledged, it is important to separate this matter from the proposed amendments which must be assessed against the relevant planning policy and controls. Should an amended permit be approved, any breaches of associated planning conditions can be investigated and enforced by Council as required.
- In regard to potential parking and traffic congestion, Council's traffic engineers have not raised any concerns. It is considered that any additional traffic resulting from the extended hours of operation can be readily absorbed within the road network.

### Governance Compliance

#### Conflicts of Interest Disclosure

No Council Officer and/or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

#### Human Rights Consideration

This application has been assessed in accordance with the requirements of the Planning and Environment Act 1987 (including the Stonnington Planning Scheme), reviewed by the State Government and which complies with the Charter of Human Rights & Responsibilities Act 2006.

### Attachments

1. 0457/13 - 145 Williams Road, Prahran [8.2.1 - 13 pages]

### Officer Recommendation

**That Council AUTHORISE Officers to issue a Notice of Decision to Amend a Planning Permit No: 457/13 for the land located at 145 Williams Road, Prahran under the Stonnington Planning Scheme for use of the land for motor vehicle repairs, buildings and works, variations to the requirements of Clause 52.14 (Motor Vehicle, Boat or Caravan Sales), a waiver of loading facilities in a Commercial 1 Zone, and advertising signage in a Special Building Overlay subject to the following conditions (new and amended permit conditions are underlined for clarity):**

- 1. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason, without the prior written consent of the Responsible Authority.**
- 2. Before the development starts, a landscape plan to be prepared by a landscape architect or suitably qualified or experienced landscape designer must be submitted to and approved by the Responsible Authority. When approved, the landscape plan will be endorsed and will then form part of the permit. The landscape plan must be drawn to scale with dimensions and three copies must be provided. The landscape plan must show details of the proposed landscaping along the landscape strip on the western boundary of the site and along the Clarke Street frontage.**
- 3. Before the use starts the landscaping works as shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority. Landscaping must then be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.**
- 4. The use hereby permitted in the Basement and Lower Ground Floor must operate only between the hours of Monday to Friday 7.30am to 12am (midnight) and Saturday 9.00am to 5.00pm.**
- 5. The Ground Floor workshop must operate only between the hours of Monday to Friday 8.30am to 6.00pm and Saturday 9.00am to 5.00pm.**
- 6. The roller door to the customer drop off point at Ground Floor, the roller door servicing the top of the vehicle ramp at the Ground Floor and the two roller doors servicing the Lower Ground Floor adjacent to the rear laneway must operate on a timer system and may only be open between the following hours:**
  - a) Monday to Friday 7.30am and 8.00pm; and**
  - b) Saturday 9.00am to 5.00pm.**

**At all other hours these roller doors must remain closed and there must be no activity within the open area at the rear of the site.**
- 7. The high pressure washers located within the Lower Ground Floor must not be used prior to 8.30am or after 6.00pm Monday to Friday and on Saturdays before 9.00am and after 5.00pm.**

8. **Any vehicle (including staff vehicles) entering or exiting the site before 8.30am and after 8.00pm Monday to Friday and on Saturdays before 9.00am and after 5.00pm must do so via the Williams Road access point.**
9. **Any vehicle arriving at the site for servicing must enter the site between 7.30am and 8.00pm Monday to Friday and 9.00am to 5.00pm on Saturday.**
10. **No music is to be played within the site after before 8.30am or after 6.00pm Monday to Friday 6.00pm or before 9.00am and after 5.00pm on Saturday.**
11. **Prior to the commencement of the extended use approved by the amended permit the stop / go lighting system at the rear of the site must be installed and operating.**
12. **Vehicular horns may only be sounded within the site in the event of an emergency.**
13. **Prior to the commencement of the extended hours of the use approved by the amended permit, the two roller doors at the rear of the Lower Ground Floor must be replaced with solid roller doors that have a minimum sound insulation rating of 14 dB Rw in accordance with the endorsed plans.**
14. **Prior to the commencement of the extended hours of the use approved by the amended permit, an Operations Management Plan must be submitted to and approved by the Responsible Authority. When approved, the Operations Management Plan will form part of this permit and all activity at the site must be in accordance with the Plan to the satisfaction of the Responsible Authority. The Plan must include:**
  - a) **Hours of operation for all parts of the site.**
  - b) **Identification of the activities carried out within the different areas of the site.**
  - c) **Details of staffing arrangements including on site attendants to manage vehicular movements and the location of night shift staff parking.**
  - d) **Standard procedures as to how amenity complaints will be managed by staff.**
  - e) **Details of waste management including storage and hours and means of collection.**
  - f) **Any other measures to be undertaken to ensure minimal impacts from the premises.**
  - g) **How the use of vehicular horns will be avoided.**
  - h) **Details of the 'stop / go' traffic light system, including a dimensioned elevation.**
  - i) **A maintenance plan for the roller doors at the rear of the site, including a commitment to immediately service the existing door to be retained (to remove the existing issue of the doors catching on the roller door guide) and to carry out an annual review and service of these doors.**

15. **Prior to the commencement of the extended hours of the use approved by the amended permit, a Noise Management Plan must be submitted to and approved by the Responsible Authority. When approved, the Noise Management Plan will form part of this permit and all activity at the site must be in accordance with the Plan to the satisfaction of the Responsible Authority. The Plan must include:**
  - a) **Details of the operational controls and noise mitigation works in accordance with the recommendations contained in the Report R01 22056 (Amendment Application Acoustic Assessment) prepared by Clarity Acoustics dated 2 May 2022.**
  - b) **The identification of noise sensitive areas including residential uses and accommodation in close proximity to the site.**
  - c) **Measures to be undertaken to address all noise sources identified, including on and off-site noise attenuation measures.**
  - d) **Location and operation of air-conditioning, exhaust fan systems and security alarms.**
  - e) **Standard procedures as to how noise complaints will be managed by staff.**
  - f) **Detail as to how staff will be made aware of the need to minimise noise from the premises, particularly prior to 8.30am and after 6.00pm on any day.**
16. **All plant and equipment (including air conditioning units and any exhaust fans) shall be located or screened to minimise visibility from surrounding footpaths and adjoining properties and shall be baffled so as to minimise emission of unreasonable noise to the satisfaction of the Responsible Authority.**
17. **Unless with the prior written approval of the Roads Corporation and the Responsible Authority, all loading and unloading of vehicles and goods associated with the use are to be conducted within an appropriate loading zone, between the hours of 9:00am to 4:00pm Monday to Friday.**
18. **Loading and unloading activities associated with the approved use and development must not occur within Clarke Street.**
19. **The loading and unloading of vehicles and the delivery of goods to and from the premises must at all times be conducted entirely within the site and in a manner that limits interference with other vehicular traffic to the satisfaction of the Responsible Authority.**
20. **No vehicle for sale or hire may be displayed on an adjacent road.**
21. **Panel beating must not occur on the site.**
22. **External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.**
23. **Any waste from vehicles must be disposed of in manner that accords with the relative Environment Protection requirements.**
24. **Water from the site must be discharged by an underground pipe to an approved outlet to the satisfaction of the Responsible Authority.**



25. ***All vehicular crossings made redundant by the proposal must be removed and the naturestrip and kerb reinstated at the owner's cost to the satisfaction of Council.***
26. ***A report for the legal point of discharge must be obtained from Council and a drainage design for the development must be prepared by a suitably qualified Engineer in accordance with that report prior to a building permit being issued. The drainage must be constructed in accordance with the Engineer's design.***
27. ***This permit will expire if one of the following circumstances applies:***
  - a) ***The development is not started within two years of the date of this permit.***
  - b) ***The development is not completed within four years of the date of this permit.***
  - c) ***The extended use is not commenced within five years of the date of issue of this amended permit.***
  - d) ***The use is discontinued for a period of two years or more.***

***In accordance with Section 69 of the Planning and Environment Act 1987, a request may be submitted to the Responsible Authority within the prescribed timeframes for an extension of the periods referred to in this condition.***

**NOTES:**

- i. ***The amended Environment Protection Act 2017 comes into effect on 1 July 2021. The amended Environment Protection Act 2017 imposes new duties on individuals and/or businesses undertaking the activity permitted by this permit. If your business engages in activities that may give rise to a risk to human health or the environment from pollution or waste, you must understand those risks and take action to minimise them as far as reasonably practicable.***
- ii. ***This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.***
- iii. ***Unless a permit is not required under the Stonnington Planning Scheme, signs must not be constructed or displayed without a further planning permit.***
- iv. ***At the permit issue date, Section 69 of the Planning and Environment Act 1987 stated that the Responsible Authority may extend the periods referred to if a request is made in writing within the following timeframes:***
  - a) ***Before or within 6 months after the permit expiry date, where the development allowed by the permit has not yet started; and***
  - b) ***Within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.***

## 8.3 Quick Response Grants

**Director Community & Wellbeing: Cath Harrod**

### Linkage to Council Plan

**Direction 2: An inclusive and healthy community**

2.1 Health and wellbeing

### Purpose of Report

To seek Council endorsement for the community grants program 'Quick Response Grant' application.

### Officer Recommendation

***That the Council:***

- 1. ENDORSE the Quick Response Grants funding recommendations, per Attachment 1; and***
- 2. NOTE that Quick Response Grants will remain open until the funds are fully expended.***

### Executive Summary

- Quick Response Grants opened on 25 July 2022 and will remain open until funds are exhausted.
- Thirteen applications received in August and September have been considered, one was deemed ineligible, and ten are recommended for full or partial funding (refer Attachment 1).

### Background

- The 2022-23 Community Grants Program Policy and Guidelines adopted by the Council reflect improvements recommended in previous grants programs and audits.
- Quick Response Grants are capped at \$1,000 per grant with one grant per group per annum.
- The Council has discretion to waive or amend assessment and/or eligibility criteria, except taxation status.
- On 11 April 2022 the Council approved Quick Response Grants to open on 25 July 2022 and remain open until funds are exhausted.

### Key Issues and Discussion

- Thirteen applications for Quick Response Grants received in August and September have been considered.
- One application was deemed ineligible due to the application being for an event that was declined funding in the annual community grants program.
- Twelve applications for Quick Response funding have been assessed with ten recommended for full or partial funding.

10. The Assessment Panel Chaired by the Manager Aged, Diversity and Community Planning comprised Coordinator Aquatics Services; and Manager Arts, Events & Culture.

### Governance Compliance

#### Policy Implications

1. 11. Quick Response Grants are guided by the 2022-2023 Community Grants Policy and 2022-2023 Quick Response Grants Guidelines.

#### Financial and Resource Implications

2. 12. Quick Response Grants are funded through the remaining Community Grants budget following the annual program (\$79,021.30). The cost of cash grants recommended in this report is \$5,500 which is within budget.

#### Conflicts of Interest Disclosure

3. 13. One Council officer on the assessment panel declared a perceived conflict in relation to Malvern Valley Primary School due to reporting staff members sending their children to the school. The Council officer was removed from assessing this grant.
4. 14. No other Council officer and/or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

#### Legal / Risk Implications

5. 15. There are no legal / risk implications relevant to this report.

#### Environmental Implications

6. 16. Grant applicants are required to indicate, and are assessed, on the environmental impact of the activity requested for funding.

#### Community Consultation

<b>Purpose</b>	To provide information to eligible community groups and organisations on the opening and closing dates for applications to annual community grants program, including the application and eligibility requirements.
<b>IAP2 Goal:</b>	Inform
<b>Exhibition period</b>	Community Grants opened 26 April at 9am and closed 23 May 2022 at 11.59am. Quick Response Grants open 25 July 2022 until funds exhausted.
<b>Method:</b>	Two in person and one online information session for interested applicants SmartyGrants database notification EDMS: Stonnington News, Active Stonnington, Environment, Youth Services, Engaged and Library News – collective reach: 23,505 Community Grants webpage
<b>Reach:</b>	SmartyGrants database: 1,782 contacts Social media: Facebook: 9,500 followers; Instagram: 2,864 followers; LinkedIn: 8,777 followers EDMS collective reach: 23,505

<b>Summary of feedback:</b>	Not requested
<b>Impact:</b>	74 applications received to the annual community grants program Ongoing receipt of applications to Quick Response Grants program

#### Human Rights Consideration

7. 17. Complies with the Charter of Human Rights & Responsibilities Act 2006.

#### Attachments

1. Quick Response Grant Funding Recommendation October Council final Attachment 1 [8.3.1 - 2 pages]

## 8.4 Car Share Monitoring and Evaluation Report

**Manager Transport & Parking: Ian McLauchlan**  
**Director Environment & Infrastructure: Rick Kwasek**

### Linkage to Council Plan

#### Direction 1: A thriving and unique place

1.4 Active transport and connected city

#### Direction 2: An inclusive and healthy community

2.4 Sustainability and climate action

### Purpose of Report

To provide the 2021/22 monitoring and evaluation report for Council's car share program

### Officer Recommendation

#### **That Council:**

- 1. NOTE the findings of the 2021/22 Car Share Monitoring and Evaluation Report**
- 2. NOTE that a further report will be submitted for consideration when 12 months of data is available.**
- 3. SUPPORT no change to the current car share program and fee schedule for financial year 2022/23**

### Executive Summary

1. On 19 July 2021 Council endorsed the Car Share Policy (**Attachment 1**) and Car Share Fee Schedule (**Attachment 2**) as per alternative recommendations which called for Officer review of the program every six months and an annual Car Share Monitoring and Evaluation Report be provided to Council (**Attachment 3**). Also endorsed was a commitment that fees would be reviewed annually and updated as part of Council's annual budget process.
2. Since endorsement, a new internal process has been established for car share covering licence agreements with operators, applications for new bays, and ongoing management. A first application round has been completed which resulted in licence agreements being signed with three operators, including the existing operator Flexicar, and 12 new car share bays approved in South Yarra, Prahran, Windsor, Armadale, Malvern and Malvern East. As agreement on licence agreements and installation of bays only occurred in May and June 2022, this report will focus on outlining establishment activities. The next report covering the 2022/23 financial year will focus on assessment of fees and officer review of the program and its effectiveness.

### Background

3. On 19 July 2021 Council endorsed the Car Share Policy and Car Share Fee Schedule. The Car Share Policy outlines Council's ambition to expand car share in line with

demand to support Council's strategic transport objectives of managing growth in private vehicle trips, increasing the efficiency of road space usage, and promoting sustainable transport. Policy support for car share includes the Transport Strategy (formerly Integrated Transport Plan), Climate Emergency Action Plan 2021-24, and the Future Stonnington Annual Plan 2021-22 (Objective 1.4 F - Implement a car share scheme allowing members to hire vehicles on demand as an alternative to private car ownership).

4. The Car Share Policy was approved as per the alternative recommendations which called for Officer review of the program every six months and an annual Car Share Monitoring and Evaluation Report provided to Council alongside a commitment that fees would be reviewed annually and updated as part of Council's annual budget process.
5. This Council briefing paper constitutes the Car Share Monitoring and Evaluation Report for the 2021-22 financial year and outlines progress made in implementation of the Car Share Policy and the outcomes of the first round of applications, as outlined below.

## Key Issues and Discussion

### Application system

6. Following approval of the Car Share Policy, Officers developed a process to expand car share with new operators and locations. This included development of a car share application system available on Council's website to any eligible operator: <https://www.stonnington.vic.gov.au/Services/Parking/Car-share-parking-for-providers>. Also developed was a licence agreement to manage the commercial relationship between Council and car share operators and manage car share vehicles and members. This agreement also outlined that car share operators would be subject to regular monitoring and evaluation of spaces, liable to installation fees and annual fees, and ongoing management and expansion of car share services.
7. The Car Share Policy outlined expansion occurring by accepting applications from eligible car share providers demonstrating high levels of existing or projected local use of car share services. Applications from car share providers must also address location guidance for new car share spaces to ensure they are competitive with private car use and an effective use of kerbside space. This guidance includes ensuring bays are easily accessible and visible, near public transport and activity centres, near the end of a parking row, and generally at least 250 metres from an existing car share bay of the same operator unless demand can be demonstrated. In assessing car share applications, Council Officers considered if the Car Share Policy requirements have been met and consulted property occupants directly affected by a proposed car share bay to understand any specific issues or matters that should be considered.
8. Upon opening applications in late 2021, 19 applications for new car share bays from three car share operators (Flexicar, GoGet and PopCar) were received and assessed. Of the applications received, 14 car share bays were considered suitable following an initial assessment of impacts and likely demand. Consultation was undertaken with property occupants directly affected by a proposed car share bay, local business associations, and signage was also put in place to reach the broader community.

9. The outcome of consultation on new car share bays varied by location, with several residents supporting car share and mentioning they would likely use the service. In other instances, residents objected to the loss of a parking space. Local business associations in Chapel Street and Toorak Road South Yarra were not supportive of car share in parking spaces fronting commercial businesses which did not impact any of the locations ultimately supported by Council officers. In some instances, alternative proposals were put forward by the community which were able to be accommodated or which resulted in the car share proposals not proceeding. This includes Finch Street, Malvern East where residents highlighted a ¼ HOUR parking space from a closed video rental store which could be utilised. In South Yarra a car share vehicle was ultimately located within the Elizabeth Street carpark to avoid increasing local parking demand on Barry Street, and in Claremont Street, South Yarra only one car share parking space was ultimately approved rather than two spaces initially proposed.
10. Before the application round only Flexicar had operated dedicated car share bays in Stonnington (since 2011 and with 27 vehicles) all of which were transitioned to the new licence agreement once approved to provide continuity for car share members. GoGet, which is the car share market leader in Australia, had no existing dedicated on-street car share bays in Stonnington but had previously expressed a strong desire to operate. GoGet did, however, operate some car share vehicles in private off-street carparks, and vehicles using unrestricted parking areas. PopCar is a new operator but is present in the neighbouring City of Port Phillip and City of Boroondara.

#### New car share bays

11. 12 car share bays were ultimately recommended for installation based on Officer assessment and were approved by CEO Notice Paper on 4 March 2022. As of 25 July, all have been installed with regulatory signage in place, linemarking painted and vehicles deployed. The 12 approved locations and relevant operators are as follows:

##### Flexicar

- Station St, Malvern
- Finch St, Malvern East
- Waverley Rd, Malvern East
- Beatty Ave, Armadale

##### GoGet

- Izett St, Prahran
- Claremont St, South Yarra
- Darling St, South Yarra
- River St, South Yarra

##### PopCar

- Green St, Windsor
- Elizabeth Street Council car park, South Yarra
- Rockley Rd, South Yarra

- Tivoli Rd, South Yarra

#### Monitoring and evaluation

12. Monitoring and evaluation of the car share program is yet to occur in a comprehensive way. This is partly because the licence agreements with the new operators were not signed until May and June 2022 and so full utilisation data is not yet available. Data relating to the existing Flexicar spaces indicates that membership continued to grow, and all locations met minimum usage guidelines with some impacts due to COVID-19. This is despite no new vehicles added to the network since 2019 which is generally a key driver of membership growth and usage. Utilisation across all locations will be monitored closely in the 2022-23 financial year as the impacts of COVID-19 lessen.
13. Recognising the timing of licence agreement approval, upon review Council officers found that during the current round, the installation fee and initial annual fee was found to be sufficient to cover installation costs to Council and there was no negative feedback from operators on the establishment and annual fee structure. Council Officers will consider the impact of inflation on installation costs in determining any changes to the fee structure to be included in the Budget 2023/24.

#### Governance Compliance

##### Policy Implications

14. There are no policy implications associated with this report. A periodic review of the Car Share Policy will be undertaken by 2026 to ensure any changes required to strengthen or update the Policy are made.

##### Financial and Resource Implications

15. This report makes no recommendation to change any financial and resource settings of the car share program currently. As noted, Council Officers will review the car share program of the 2022/23 financial year to determine any new financial and resource implications or changes required.

##### Conflicts of Interest Disclosure

16. No Council officer and/or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

##### Legal / Risk Implications

17. There are no legal / risk implications relevant to this report.

##### Environmental Implications

18. There are no environmental implications relevant to this report.

##### Community Consultation

19. There was no requirement for community consultation for the Car Share Monitoring and Evaluation Report 2022-23 although community consultation is undertaken for individual car share bay proposals. In the coming financial year, and as per Council agreements with car share operators, car share member satisfaction surveys will be undertaken and provided to Council for inclusion in the next report.

##### Human Rights Consideration



20. Complies with the Charter of Human Rights & Responsibilities Act 2006.

**Attachments**

1. Car Share Policy [**8.4.1** - 5 pages]
2. Car Share Fee Schedule 2021 [**8.4.2** - 1 page]
3. Car Share Policy Officer Alternative Recommendations [**8.4.3** - 1 page]

This agenda item is private commercial information, being information provided by a business, commercial or financial undertaking that -i) relates to trade secrets; or ii) if released, would reasonably expose the business, commercial or financial undertaking to disadvantage under Section 3 (1) (g).

## 8.5 Tender Award - T22059 Weed Control and Laneway Pruning

**Director Environment & Infrastructure: Rick Kwasek**  
**Manager City Operations: James Wynne**

Linkage to Council Plan

**Direction 1: A thriving and unique place**

1.3 Pride of place and character

**Direction 2: An inclusive and healthy community**

2.3 Public and green spaces

**Direction 3: A people-centred and future ready city**

3.2 Enhanced customer experience

### Purpose of Report

To seek approval to award Contract No. T22059 Weed Control and Laneway Pruning to MetroEnviro Maintenance Trust trading as Eldarin Services Metro (ABN 73 418 120 619).

### Officer Recommendation

***That the Council:***

1. ***AWARD Contract No. T22059 Weed Control and Laneway Pruning, to Eldarin Services Metro, ABN 73 418 120 619 for an initial contract term of three (3) years with the option of two one-year extensions; the three-year contract value totaling \$1,702,998 including GST (\$1,548,180 ex GST), broken down as follows,***
  - a. ***Undertake additional initial upgrade works for the 2022/23 financial year to bring all areas up to the required maintenance condition standard up to the value of \$132,000 including GST (\$120,000 ex GST) based on the estimated price of \$100,100 including GST (\$91,000 ex GST) plus contingency of 30% which is subject to site inspections and finalising the delivery works plan with the successful tenderer.***
  - b. ***Weed Control Service in the application of herbicides or otherwise control weed growth to footpaths, easement drains, kerbs, channels, council Car Parks and laneways to keep the City of Stonnington in a weed free state, for the lump sum of \$310,761 including GST (\$282,510 ex GST) per annum. Three-year contract term price (which excludes future contract inflation adjustments) of \$932,283 including GST (\$847,530 ex GST)***
  - c. ***Laneway Pruning Service, for pruning of overhanging foliage in laneways and overhanging fence lines within the city to maintain clear***

**access and undertake overhanging foliage pruning in all City of Stonnington Laneways, for the lump sum of \$36,905 including GST (\$33,550 ex GST) per annum. Three-year contract term price (which excludes future contract inflation adjustments) of \$110,715 including GST (\$100,650 ex GST)**

**d. Additional emergency works as determined by Council as being required that fall outside the contracted service levels for Weed Control and Laneway Pruning in accordance with submitted schedule of rates up to the value of \$176,000 including GST (\$160,000 ex GST) per annum. Three-year contract term price (which excludes future contract inflation adjustments) of \$528,000 including GST (\$480,000 ex GST)**

- 2. AUTHORISE the Chief Executive Officer to execute the contract agreements with the above contractor.**
- 3. NOTE that expenditure under this contract is in accordance with Council's Budget for Financial Year 2022/23 and provisions will be made accordingly for the associated future budget periods for this contract.**

### Executive Summary

1. Please note that confidential information is contained in Attachments A, B, C and D, as circulated in the confidential section of the agenda attachments, in accordance with Section 66 (2) (a) of the Local Government Act 2020, 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 for Council to decide, this item will be deferred to the confidential section of the agenda.

<b>Contract No.</b>	T22059
<b>Contract Name:</b>	Weed Control and Laneway Pruning
<b>Contract Supervisor:</b>	James Wynne

### Background

2. Council requires a Contractor to provide weed control and laneway pruning services. The Weed Control Service is the application of herbicides or otherwise control weed growth to applicable footpaths, easement drains, kerbs, channels, Council Car Parks, and laneways to keep the City of Stonnington in a weed-controlled state.
3. The Laneway Pruning Service is the pruning of overhanging foliage in laneways and overhanging fence lines within the municipality to maintain clear access.
4. Maintaining the amenity and appearance of public open space within Stonnington is a very high priority for Council. This upholds Council's vision relating to our community expectations as stated in our Council Plan; working towards a thriving and unique place, with pride of character, an inclusive and healthy community; with public and green spaces, a people-centred and future ready city, with an enhanced customer experience.

5. The current Contract was tendered in July 2015 and awarded to Eldarin Services Metro in September 2015 for 5 years, plus a 2-year option which was activated.
6. The current Contract is in the final year of the extension, which ended in the period 31 August 2022. A new Contract is now sought to be established and was advertised through Council's Tender process. The term is for a new Contract to be established over 3 years with the option of two x one-year extensions.
7. A Public Tender request was published through Vendor panel on 17 July 2022 and closed on the 25 July 2022. Nominated companies were invited; MetroEnviro Maintenance (Eldarin Services), Urban Maintenance Systems, and Citywide Services Solutions Pty Ltd.
8. Two submissions were received from ACE Landscape Service Pty Ltd and Eldarin Services Metro. They were evaluated by a panel of Council officers including an external probity officer to select the most appropriate candidate in honouring this contract.
9. The evaluation process highlighted Eldarin Services Metro as the best choice in their ability to perform and fulfil the level of services required, based on their long-standing relationship, and understanding of Council's needs in this field of work. They met all the criteria and standards expected of their organisation and have a proven track record of their dedication to meeting all their responsibilities in the 26 years of service to Council with an operation of overall experience of 32 years in their field.

### Key Issues and Discussion

<b>Advertisement Date:</b>	17 July 2022
<b>Procurement Method:</b>	Public
<b>Documents released via:</b>	VendorPanel
<b>Closing Date:</b>	25 July 2022
<b>Number of Submissions received:</b>	1. Eldarin Services Metro 2. ACE Landscape Services Pty Ltd

10. Tenders were assessed against the Evaluation Criteria listed in the Tender Application by an Evaluation Panel including an independent probity auditor, CT Management Group with Terry Alford as the representative.
11. Refer to the attached confidential Multi Party Evaluation Report for:
  - a. Tenders Received
  - b. Tender Evaluation Panel Members
  - c. Tender Submission Pricing
  - d. Price Clarifications
  - e. Pricing Basis for Evaluation
  - f. Evaluation Matrix/Report
  - g. Evaluation Panel Recommendation and Commentary

12. Eldarin Services Metro have retained highly trained, skilled, and competent Field Personnel that understand the work and can identify issues that may be occurring due to the length of experience within the industry. Using this experience Eldarin Services Metro can provide a seamless transition.
13. Additionally, Eldarin Services Metro are well equipped with the tools, equipment, and plant to undertake the work required for this Contract.
14. Eldarin Services Metro is an “initiatives based” company – from introducing advanced spraying techniques and battery-operated equipment to the latest Combo Units. They are on the front foot when it comes to researching and acquiring the best and safest vehicles and equipment available with due regard to the environment.
15. They have successfully demonstrated that their policies and procedures comply with all legislative requirements, their staff are fully aware and compliant with environmental best practice, and through their maintenance program, ensure vehicles are compliant with emissions expectations. To minimise emissions – both to air and noise – all petrol equipment has been replaced by Eldarin Services Metro with battery powered equipment.
16. Eldarin Services Metro is also a member of the Supply Chain Sustainability School which focuses on all aspects of; Local Community and Economy, Climate Change Adaptation, Waste, Biodiversity, Sustainable Procurement, Environmental Management, Carbon and Energy, Materials (Phasing Out Virgin Materials), Sustainable Construction and Water
17. To continue the high level of weed and laneway maintenance we are seeking approval of the Contract to Eldarin Services Metro to meet delivery expectations and the service needs of the community. In addition to delivering a superior service, Eldarin Services Metro have also assisted with the delivery of leaf removal during autumn’s heavy leaf fall season has proven invaluable.
18. As part of the tendering process, Council refined the existing contract specification to better reflect the servicing requirements for weed control in the municipality and to meet community expectations. In defining these refinements, it was identified that additional initial works were needed to uplift the conditions to the standard required at the commencement of the contract. These works, as agreed with Council Officers, are scheduled to be undertaken immediately on the execution of the contract.
19. Eldarin Services Metro has been associated with Stonnington on a continuous basis since the amalgamations of 1994. Eldarin Services Metro has been providing Weed Spraying services for 32 years. All of their operators receive the training required to work under the company’s Commercial Operator Licence.
20. This training includes the completion of an accredited Agvet Chemical Users Course plus additional “hands on” training in the safe handling of the concentrated herbicide including tank mixing, correct delivery methods – how and when to spray and equipment maintenance by Senior Operators.
21. Over these years they have provided the following services –
  - Cleaning of Rights of Way
  - Chemical/Manual Weed Control

- Cleaning of Stormwater Drainage Pits
22. In line with community expectations, they have procedures in place to ensure compliance with all Legislative requirements. They have an accredited Strategic Business Plan and relevant procedures ensure all community and stakeholder requirements are covered.
  23. Eldarin Services Metro are acutely aware of Stonnington's stance on use of Glyphosate and the potential for overspray within the community. They have established a strong working relationship with Council with an understanding of the need for safe herbicide weed spraying as well as operating within the safe and appropriate standards approved by APVMA, (Australian Pesticides and Veterinary Medicines Authority) and many of its major counterparts around the world. Councils' current practices are consistent with the approved use of the chemical. Further information can be found on the Stonnington website including fact sheets on the safe use of weed spraying <https://www.stonnington.vic.gov.au/Services/Weed-control>
  24. Eldarin Service Metro are exploring the option of steam treatment eradication in an effort to progressively limit the use of Glyphosate herbicides.
  25. The use of a mobile quad bike has been removed, minimising the risk of overspray. This enables crews to have better control of the manual application and quantity of herbicides dispersed. Risk has therefore been minimised and ensures crews maintain the standard presentation to an acceptable level. The submitted tender price reflects these methods as outlined.
  26. Eldarin Service Metro are familiar with Stonnington's No Spray Register and adhere to the associated conditions. This includes enabling properties to request that weeds not be sprayed alongside or in front of their property.
  27. Collaboration among other Councils and establishing a joint contract was considered but not possible. Other Councils have established individual contracts in place for Weed Control and Laneway Spraying. The current timelines of these contracts do not align however, collaboration with other Councils may be possible into the future
  28. The budget reflects the overall direction taken by Council in respect to maintaining the amenity and appearance of public open space within Stonnington. The new contract recommended is an informed request within the allocated budget and has been adopted to provide Council with best service.

## Conclusion

29. A commitment to this new contract will ensure the continuation of a high-level of service delivered by Eldarin Services Metro. To date, they have provided a service proven to be reliable, well managed and complimentary to our in-house operations including our commitment to safe use of herbicides. Their proven ability to maintain a high level of service meets the expectations of our community, Stonnington values and commitment to a sustainable environment.
30. Eldarin Services Metro was assessed by the Tender Evaluation Panel as the preferred supplier, offering the best value to the Council. This is based on their experience, long-standing relationship and their familiarity with the municipality.

**Governance Compliance**

Policy Implications

31. Councillors considered the use of glyphosate at a Briefing in November 2021. Officers subsequently amended our practices to ensure greater control of our glyphosate application. Council's current practice is outlined in a Glyphosate Fact Sheet available on Council's web site which indicates:
- Glyphosate is a broad-spectrum herbicide that works on a wide variety of leafy weeds
  - It is commonly used to control weeds in domestic and agricultural situations, plus on local government land such as parks, sportsgrounds, footpaths, and roadways.
  - Council uses a range of weed control management techniques including manual removal, steam, slashing, mulching and approved glyphosate spraying.
32. In response to concerns around the safety of glyphosate the following measures are implemented under this contract -
- A 'No Spray' register has been set up for residents who do not want herbicide used to control weeds adjacent to their property.
  - Continue to use approved glyphosate-based herbicides in a minimal, selective and targeted manner – in accordance with the label instructions, the product safety data sheet, safe work procedures, personal protective equipment prescriptions and Council's OH&S policies and procedures.
  - Current research conducted by Deakin University at the MAV request has shown that glyphosate is the most effective method for weed eradication and continues to be used by other metropolitan Councils.

#### Financial and Resource Implications

33. Eldarin Services Metro meet Council protocol with all required insurances up to date and are Rapid Global compliant, they are rated at a level 4 medium to low risk level in consideration of the services that will be provided.
34. Eldarin Services Metro's scorecard report indicates that they are a financially viable organisation the report is attached.
35. The estimated total annual expenditure under this contract is shown in the attached confidential Evaluation Report.
36. The total annual expenditure of this contract consists of four components;
- a. Weed Control Service - the application of herbicides or otherwise control weed growth to applicable footpaths, easement drains, kerbs, channels, Council Car Parks, and laneways to keep the City of Stonnington in a weed-controlled state.
  - b. The Laneway Pruning Service - is the pruning of overhanging foliage in laneways and overhanging fence lines within the municipality to maintain clear access.
  - c. Additional remedial works – the maintenance of service levels following the inspection of the condition of weeds across the municipality in line with clause 8.8 of the Contract Conditions 'Existing condition of service'.



- d. Additional emergency and out of scope works – these services may include response to emergency weather events, autumn leaf fall collection, limited access drainage reserves and general street cleaning at the request of Council.
37. Funding is provided from Council's operating budget R3530.4300 in which there is a total budget of \$600,000 (ex GST) per annum for FY 2022/23 (Year 1) which is within the estimated operating expenditure.
38. This is an increase on the previous year's budget allocation of 25%, due to:
- the heightened demand for the service to meet community expectations. (Higher than average rainfall resulted in increased weed growth requiring greater resources with a faster turnaround, which this contract will provide); and,
  - more manual oriented weed removal methods in line with Council's commitment to alternative and controlled use of glyphosate where possible.
39. An appropriate budget will be sought for future years for the contract.

#### Conflicts of Interest Disclosure

40. No Council Officer and/or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

#### Legal/ Risk Implications

41. There are no legal / risk implications relevant to this report.

#### Environmental Implications

42. Safe and controlled use of herbicides results in reduced risk of environmental implications.

#### Community Consultation

43. There was no requirement for community consultation.

#### Stakeholder Consultation

44. There was no requirement for external stakeholder consultation in this proposal.

#### Human Rights Consideration

45. Complies with the Charter of Human Rights & Responsibilities Act 2006.

#### Attachments

1. CONFIDENTIAL REDACTED - Multi-Party Evaluation Report [8.5.1 - 11 pages]
2. CONFIDENTIAL REDACTED - Tender Evaluation [8.5.2 - 6 pages]
3. CONFIDENTIAL REDACTED - Scorecard - Metro Enviro Maintenance Services [8.5.3 - 1 page]
4. CONFIDENTIAL REDACTED - Probity Report [8.5.4 - 6 pages]

## 8.6 Municipal Association of Victoria (MAV) State Council

**Executive Manager Legal & Governance: David Thompson**

### Linkage to Council Plan

**Direction 3: A people-centred and future ready city**

3.4 Fit for purpose operating model and resource management

### Purpose of Report

To seek in principle support for three (3) motions to be put forward to the Municipal Association of Victoria (MAV) State Council meeting on 14 October 2022.

### Officer Recommendation

**That Council:**

1. ***SUPPORT, the following 3 (three) motions raised by neighbouring Councils to MAV State Council, that the MAV:***
  - a) ***Commence an advocacy campaign for the State Government to acknowledge and address the extent of cost shifting from the State Government to Local Government, limiting Council's ability to meet the future operational and infrastructure needs of the community (Boroondara)***
  - b) ***Establish a Local Government Culture Task Force with broad sector representation to achieve sector wide ownership and agreement of the issues with respect to local government culture, and actions to address these issues (Kingston)***
  - c) ***i) Urgently request that the State Government release the Building Reform Expert Panel Report including any regulatory impact / risk assessment(s) completed to support the changes envisaged to the Building Act and Building Regulations that would have an impact on the Local Government sector; and***
    - ii) ***Outline the Governments planned engagement strategy with the Local Government sector which provides for robust consideration and effective resolution of the nominated range of issues (Kingston)***
2. ***AUTHORISE the Mayor, or nominated delegate, to advise Stonnington City Council's support for the motion described above.***

### Executive Summary

1. The Municipal Association of Victoria (MAV) is a membership association and the legislated peak body for Victoria's 79 local councils. One of MAV's key roles is to represent and advocate for local government interests.

2. Council has a strong commitment to advocating on behalf of the Stonnington and broader community. Submitting and supporting motions to the MAV State Council supports Councils practice of advocating on behalf of the community.
3. The recommended motions are consistent with issues already raised and the resolution intends to formally recognise Councils ongoing advocacy priorities and support for our neighbouring council motions on shared strategic policy.
4. The MAV, as the peak representative body for local governments in Victoria, is in a strong position to support this advocacy

### Background

5. The Municipal Association of Victoria (MAV) is a membership association and the legislated peak body for Victoria's 79 local councils. One of the MAV key roles is to represent and advocate local government interests.
6. Motions that are carries at MAV State Council become Resolutions. These resolutions are then considered by the MAV Board when setting the strategic workplan for the MAV.
7. The MAV Rules require that motions identify whether the motion is supported by the council resolution, has state-wide significance to the sector and whether it relates to one of the sectors' priority issues in the MAV Strategic Plan.
8. Under the MAV Rules all motions were required to be submitted by 16 September, a final list of approved nominations is pending however Council has been approached by Boroondara and Kingston City Councils to support their motions ahead of the next State Council Meeting scheduled 14 October 2021. The information associated with those motions is provided below.

### Key Issues and Discussion

9. Council has a strong commitment to advocating on behalf of Stonnington and broader community. Submitting and / or supporting motions are in a direct response to issues important to Council and raised in this council term.
10. Council recognises that there are many important policy and reform matters that impact our community including, planning, heritage, environmental policy and our community service response. Under the MAV rules duplicate motions are consolidated and therefore the focus is on supporting the issues identified that correlate with our own. The following issues are recommended for supporting motions.
11. State Government Cost Shifting to Local Government – to seek the MAV's support to engage in an advocacy program to draw attention to the issue of cost shifting from the State Government to Local Government, recognising that Councils, like State Government have either lost significant revenues due to Covid or diverted resources to support the community throughout the pandemic. Unlike the State Government, Council's revenue is limited by the rate cap set and based upon a CPI that bears no real relationship to the primary cost drivers in local government budgets. The escalation of the cost of capital projects is but one example. It is against this backdrop that Council raises its concerns about the impact of cost and responsibility shifting form the state government to local government.
12. Establishment of a Local Government Culture Task Force with broad sector representation to achieve sector wide ownership and agreement of the issues with respect to local government culture, and actions to address these issues. Membership

of the Taskforce should include representatives of the MAV, VLGA, ALGWA, LG Pro, Rural Councils Victoria (RCV) and other relevant local government stakeholders to identify short term recommendations to address councillor conduct by early 2023 and to identify medium to long-term recommendations ahead of the 2024 elections and seek sector feedback on both actions.

13. Seek support from the Minister and Local Government Victoria to work proactively in partnership with the MAV and the sector to respond to recommendations, continually improve legislation and regulations governing councils and councillors to achieve timely and effective dispute resolution processes, standardised paths for breaches of council codes of conduct and a sector wide culture of creating a safe and healthy workplace for Councillors and Council staff.
14. Addressing the issue of the proposed building reform – regulatory impact and sector engagement seeks to obtain the release of the Building Reform Expert Panel report and any regulatory impact / risk assessment reports completed, envisaged changes to the Building Act and Building Regulations that would likely have an impact on the Local Government sector and the planned engagement strategy with the sector, particularly as it relates to the following: availability of securing sufficient and qualified Building surveyors and inspectors, technical and administrative overheads and functions necessary to support the work in a constrained fiscal environment imposed by the rate cap, availability of insurance cover to complete regulatory functions and the implications of a highly dispersed service model across Victorian councils to effectively meet the service demands of the construction sector and its customers.

15.

16. Governance Compliance

#### Policy Implications

17. There are no policy implications associated with this report.

#### Financial and Resource Implications

18. There are no financial and resource implications associated with this report.

#### Conflicts of Interest Disclosure

19. No Council officer and/or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

#### Legal / Risk Implications

20. There are no legal / risk implications relevant to this report.

#### Environmental Implications

21. There are no environmental implications relevant to this report.

#### Community Consultation

22. There was no requirement for community consultation.

#### Human Rights Consideration

23. Complies with the Charter of Human Rights & Responsibilities Act 2006.

#### Attachments

Nil

**9 Correspondence**

**10 Tabling of Petitions and Joint Letters**

**11 Notices of Motion**

**12 Reports by Councillors**

## 12.1 Record of Councillor Briefing Session held on 3 October 2022

### Purpose of Report

The Governance Rules provide that a summary of the matters discussed at an informal meeting of Councillors is tabled at the next convenient Council meeting and recorded in the minutes of that Council meeting.

### Officer Recommendation

***That the Council RECEIVE the Record of the Councillor Briefing Session held on 3 October 2022.***

### Governance Compliance

#### Policy Implications

1. There are no policy implications associated with the report.

#### Financial and Resource Implications

2. There are no financial and resource implications associated with the report.

#### Conflicts of Interest Disclosure

3. No Council officer and/or contractors who have provided advice in relation to the report have declared a conflict of interest regarding the matter under consideration.

#### Legal / Risk Implications

4. There are no legal / risk implications relevant to the report.

#### Community Consultation

5. There was no requirement for community consultation.

#### Human Rights Consideration

6. Complies with the Charter of Human Rights & Responsibilities Act 2006.

### Attachments

1. Record - Councillor Briefing Session (3 October 2022) [12.1.1 - 4 pages]

**13 Questions to Council Officers**

**14 Urgent Business**

**15 General Business**

**16 Confidential Business**

**16.1 2022 Volunteer Awards**

**Director Community & Wellbeing: Cath Harrod**

This document is confidential information under Section 66 (2) (a) of the Local Government Act 2020. The matter is deemed to be confidential under Section 3 (1) (a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.