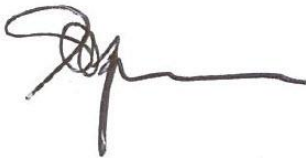


Councillor
(as addressed)

The next Council Meeting will be held in the Council Chamber, Realm, on Monday 22 April 2024, commencing at 7:30 PM and your presence is requested.

Yours faithfully



Steve Kozlowski
CHIEF EXECUTIVE OFFICER

Note:

***This meeting is being streamed live on the internet and recorded.
Every care is taken to maintain privacy and attendees are advised they may be recorded.***

This meeting of Council can be viewed on Council's website via:

<https://www.maroondah.vic.gov.au/Live-Council-Meetings>

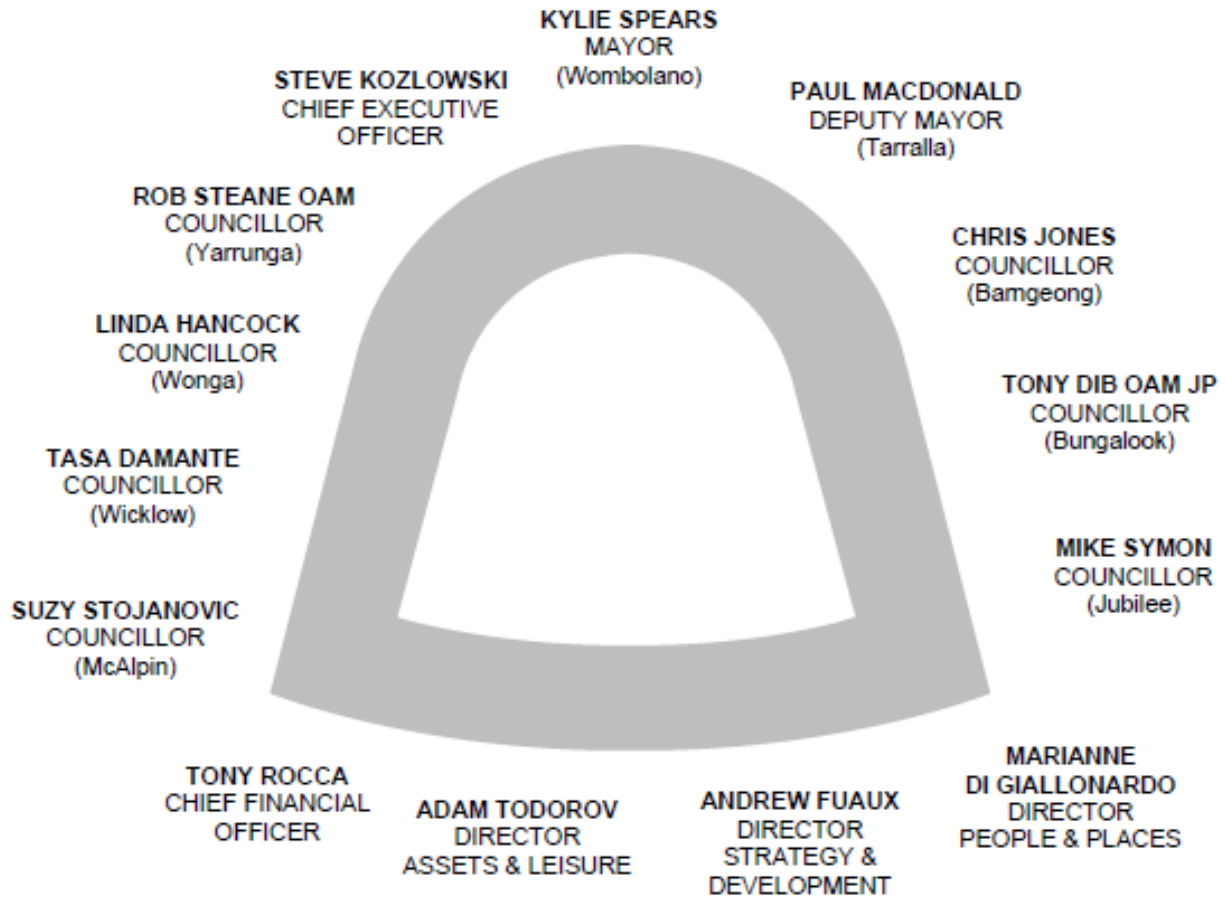


COUNCIL CHAMBER
IS FITTED WITH A HEARING AID
INDUCTION LOOP

**SWITCH HEARING AID TO 'T' FOR
RECEPTION**

Realm	179 Maroondah Hwy, Ringwood, 3134
Postal	PO Box 156, Ringwood 3134 DX 38068, Ringwood
Telephone	1300 88 22 33 Translating and Interpreting Service (TIS): 131 450 National Relay Service (NRS): 133 677
Facsimile	(03) 9298 4345
Email	maroondah@maroondah.vic.gov.au
Web	www.maroondah.vic.gov.au
Service Centres	Croydon: Civic Square, Croydon 3136 Realm: 179 Maroondah Hwy, Ringwood 3134

Council Chamber Seating



Public Gallery



ORDER OF BUSINESS

1. Prayer and Councillor Pledge
2. Acknowledgment of Country
3. Apologies
4. Declaration of Interests
5. Confirmation of Minutes of the Ordinary Council Meeting held on Monday 18 March 2024.
6. Public Questions
7. Officers' Reports
 - Chief Financial Officer
 1. Attendance Report 4
 2. Reports of Councillor Briefings 6
 3. Councillor Representation Reports 8
 4. Proposed Lease - Telecommunication Facility at Barngeong Reserve 11
 5. Instrument of Delegation to Council Officers 15
 6. Victorian Electoral Commission - Electoral Services Agreement - 1 July 2024 to 30 June 2028 18
 7. Instrument of Appointment & Authorisation to Council Officers (Planning & Environment Act 1987) 21
 - Director Assets & Leisure
 1. Resident petition - Paddlewheeler Pocket, Croydon North 23
 2. Community Facilities Lease Agreement for the MVC Boxing Association Inc. 27
8. Documents for Sealing
9. Motions to Review
10. Late Items
11. Requests for Leave of Absence
12. In Camera
 - Director Assets & Leisure
 1. Tender Evaluation Report - Contract 21061 Provision of Linemarking Services
 2. Tender Evaluation Report - Contract 21062 Operations Depot Waste Collection Services

ATTENDANCE REPORT

ITEM 1

PURPOSE

To provide an opportunity for Councillors to report on Council activities undertaken since the last Ordinary Meeting of Council and forthcoming ward activities.

STRATEGIC / POLICY ISSUES

The following directions contained in Maroondah 2040: Our Future Together and the Council Plan 2021-2025 (Year 3: 2023-2024) provide the strategic framework that underpins the purpose of this report.

Outcome Area: A well governed and empowered community

Our Vision: In 2040, Maroondah will be an empowered community actively engaged in local decision making, led by an innovation community inspired Council that collaborates regionally and proactively champions local needs.

Key Directions 2021 – 2025:

- 8.1 Provide community inspired governance that is transparent, accessible, inclusive and accountable

BACKGROUND

Not Applicable

ISSUE / DISCUSSION

It is intended that the Mayor and Councillors be given the opportunity to present a verbal or written report updating Council on the activities they have undertaken since the last Ordinary Meeting of Council on 18 March 2024 in their role as Councillors and forthcoming ward activities.

FINANCIAL / ECONOMIC ISSUES

Not Applicable

ENVIRONMENTAL / AMENITY ISSUES

Not Applicable

SOCIAL / COMMUNITY ISSUES

Not Applicable

COMMUNITY CONSULTATION

Not Applicable

CONCLUSION

It is appropriate that Councillors formally report to Council upon the activities they have undertaken in their role as Councillors.

ATTACHMENTS

Not Applicable

CONFIDENTIALITY

Not Applicable

RECOMMENDATION

THAT COUNCIL RECEIVES AND NOTES THE REPORTS AS PRESENTED BY COUNCILLORS

PURPOSE

To present the ‘Public Record’ of those Councillor Briefings which are attended by Councillors and generally held on Monday evenings at Realm, usually two weeks prior to the formal Council Meeting, and to note the issues discussed.

STRATEGIC / POLICY ISSUES

The following directions contained in Maroondah 2040: Our Future Together and the Council Plan 2021-2025 (Year 3: 2023-2024) provide the strategic framework that underpins the purpose of this report.

Outcome Area: A well governed and empowered community

Our Vision: In 2040, Maroondah will be an empowered community actively engaged in local decision making, led by an innovation community inspired Council that collaborates regionally and proactively champions local needs.

Key Directions 2021 – 2025:

8.1 Provide community inspired governance that is transparent, accessible, inclusive and accountable

BACKGROUND

As part of decision-making processes at Maroondah, it is essential that Councillors are briefed on a range of issues which come before Council for consideration. As a means of providing this information, Councillor Briefings are conducted.

Councillor Briefings are also attended by Council Officers, and sometimes other specific advisors, to provide Councillors with a detailed knowledge and understanding of issues under consideration to a level of detail that would inhibit timely decision-making, that would not be possible in an open Council meeting, where decision-making related debate is governed by strict meeting procedures.

A Councillor Briefing is a non-decision-making forum, and as per past good governance practice, is deemed to be a scheduled or planned meeting comprising a majority of Councillors (at least 5) and one (1) Council employee, for the purpose of discussing matters that are intended or likely to be:

- the subject of a decision of the Council; or
- subject to the exercise of a delegated function, duty or power of Council.

Examples of a Councillor Briefings may include:

- On-site inspections,
- Consultative Meetings with residents, developers, consultants
- Meetings with local organisations, Government Departments, statutory authorities, and local politicians.

REPORTS OF COUNCILLOR BRIEFINGS Cont'd

ITEM 2

ISSUE / DISCUSSION

Councillor Briefings are generally held twice a month, on Monday evenings at Realm, usually two (2) weeks prior to, and on the night of a formal Council meeting.

The intent of this report is to present a 'Public Record' of those Councillor Briefings which are generally attended by all Councillors and typically held on Monday evenings, and to note the items discussed.

The 'Public Record' of the Councillor Briefings held on the 18 March 2024, 22-24 March 2024 and 8 April 2024 are attached for information.

FINANCIAL / ECONOMIC ISSUES

Not Applicable

ENVIRONMENTAL / AMENITY ISSUES

Not Applicable

SOCIAL / COMMUNITY ISSUES

Not Applicable

COMMUNITY CONSULTATION




Not Applicable

CONCLUSION

Councillor Briefings are important forums for advice and discussion, on what are often complex issues facing the municipality, in the lead up to formal decisions being made by Councillors at Council Meetings. At Councillor Briefings, or outside them, Councillors also have the opportunity of requesting additional information to assist in the decision-making process.

It is appropriate that the 'Public Record' of those Councillor Briefings, which are attended by a majority of Councillors, i.e., at least five (5) Councillors and one (1) employee of Council, be noted.

ATTACHMENTS

1.  2024 March 18 - Councillor Briefing Public Record
2.  2024 March 22-24 - Councillor Briefing Public Record
3.  2024 April 08 - Councillor Briefing Public Record

CONFIDENTIALITY

Not Applicable

RECOMMENDATION

THAT COUNCIL RECEIVES AND NOTES THE PUBLIC RECORD OF THE COUNCILLOR BRIEFINGS HELD ON 18 MARCH 2024, 22-24 MARCH 2024 AND 8 APRIL 2024

PURPOSE

To receive and note meeting minutes from the following organisations, boards and/or advisory committees where Council is represented:

- Eastern Transport Coalition held on 15 February 2024
- Maroondah Access, Inclusion and Equity Advisory Committee held on 27 February 2024
- Maroondah Liveability, Safety and Amenity Committee held on 28 February 2024
- Maroondah Arts Advisory Committee held on 6 March 2024
- Maroondah Community Health and Wellbeing Advisory Committee held on 13 March 2024

STRATEGIC / POLICY ISSUES

The following directions contained in Maroondah 2040: Our Future Together and the Council Plan 2021-2025 (Year 3: 2023-2024) provide the strategic framework that underpins the purpose of this report.

Outcome Area: A well governed and empowered community

Our Vision: In 2040, Maroondah will be an empowered community actively engaged in local decision making, led by an innovation community inspired Council that collaborates regionally and proactively champions local needs.

Key Directions 2021 – 2025:

- 8.1 Provide community inspired governance that is transparent, accessible, inclusive and accountable

BACKGROUND

As part of Council's commitment to the principles and practice of good governance, it is appropriate that Councillors and the Community are formally updated on the actions and activities of the various organisations, boards and advisory committees where Council is represented.

ISSUE / DISCUSSION

Council is represented on numerous internal and external bodies.

Internal advisory committees have been initiated by Council and are serviced administratively. They typically consider in-depth issues that are related to Council policy or activities.

External bodies operate under their own charter and determine their own procedures, policies and practices. In these instances, Council involvement is to participate and influence the activities of those external organisations, boards and committees where those activities are in the interests of Maroondah residents.

COUNCILLOR REPRESENTATION REPORTS Cont'd

ITEM 3

Representation on these internal and external bodies is reviewed on an annual basis at the commencement of the new Mayoral term.

Council representatives for the bodies providing reports for this item are noted below:

Cr Dib as Council's Representative with Cr Damante as Substitute Representative on the Eastern Transport Coalition.

Crs Jones, Spears and Stojanovic are Council's Representatives on the Maroondah Access, Inclusion and Equity Advisory Committee.

Crs Damante, Hancock and Steane are Council's Representatives on the Maroondah Liveability, Safety and Amenity Committee.

Crs Macdonald, Stojanovic and Symon are Council's Representatives on the Maroondah Arts Advisory Committee.

Crs, Damante, Dib and Jones are Council's Representatives on the Maroondah Community Health and Wellbeing Committee.

FINANCIAL / ECONOMIC ISSUES

Not Applicable

ENVIRONMENTAL / AMENITY ISSUES

Not Applicable

SOCIAL / COMMUNITY ISSUES

Not Applicable





COMMUNITY CONSULTATION

Not Applicable

CONCLUSION


It is appropriate that Councillors and the community are formally updated on the actions and activities of the various organisations, boards and advisory committees where Council is represented. Recent meeting minutes from a number of these bodies are tabled for noting.

ATTACHMENTS

1. 2024 February 15 - Eastern Transport Coalition meeting papers

2. 2024 February 27 - Maroondah Access Inclusion and Equity Advisory Committee Meeting Minutes

3. 2024 February 28 - Maroondah Liveability Safety and Amenity Advisory Committee Meeting Minutes

4. 2024 March 06 - Maroondah Arts Advisory Committee Meeting Minutes


COUNCILLOR REPRESENTATION REPORTS Cont'd

ITEM 3

5. 2024 March 13 - Maroondah Community Health and Wellbeing Committee Meeting
 Minutes

CONFIDENTIALITY

Not Applicable

RECOMMENDATION

THAT COUNCIL RECEIVES AND NOTES MINUTES OF THE FOLLOWING BODIES

- 1. EASTERN TRANSPORT COALITION HELD ON 15 FEBRUARY 2024**
- 2. MAROONDAH ACCESS, INCLUSION AND EQUITY ADVISORY COMMITTEE HELD ON 27 FEBRUARY 2024**
- 3. MAROONDAH LIVEABILITY, SAFETY AND AMENITY COMMITTEE HELD ON 28 FEBRUARY 2024**
- 4. MAROONDAH ARTS ADVISORY COMMITTEE HELD ON 6 MARCH 2024**
- 5. MAROONDAH COMMUNITY HEALTH AND WELLBEING ADVISORY COMMITTEE HELD ON 13 MARCH 2024**

PROPOSED LEASE - TELECOMMUNICATION FACILITY AT BARNGEONG RESERVE **ITEM 4**

PURPOSE

This report is to inform Council of the intention to enter into a new lease agreement with Indara Infrastructure Pty Ltd (**Indara**) on behalf of Optus, for the occupation of Council land at Barneong Reserve, for the purpose of construction, operation, and maintenance of a telecommunication facility.

STRATEGIC / POLICY ISSUES

The following directions contained in Maroondah 2040: Our Future Together and the Council Plan 2021-2025 (Year 3: 2023-2024) provide the strategic framework that underpins the purpose of this report.

Outcome Area: A well governed and empowered community

Our Vision: In 2040, Maroondah will be an empowered community actively engaged in local decision making, led by an innovative community inspired Council that collaborates regionally and proactively champions local needs.

Key Directions 2021 – 2025:

- 8.1 Provide community inspired governance that is transparent, accessible, inclusive, and accountable.
- 8.2 Ensure responsible and sustainable management of Maroondah resources, assets, infrastructure, and natural environment.

Priority Action 2023-2024:

Not Applicable

BACKGROUND

Council was approached in December 2022 by Downer Group (Downer) on behalf of Indara, advising that the existing telecommunications coverage in the area surrounding Barneong Reserve, was not sufficient to support the current customer demand in order to improve mobile coverage and network issues.

Several locations within Barneong Reserve were highlighted as potential sites for the new facility. Refer *Schedule 1 - Site location*.

Based on Downer’s preliminary inspections, a new monopole and shelter could be located within the reserve without impacting Council and local clubs’ use of the reserve.

PROPOSED LEASE - TELECOMMUNICATION FACILITY AT BARNGEONG RESERVE Cont'd **ITEM 4**

ISSUE / DISCUSSION

Specifications of Facility

Service Stream provided design plans of the telecommunications tower - Refer *Schedule 2 - Design Plans*

- 30m high monopole with 12 antennas attached to a square headframe at the top of the monopole.
- An equipment shelter, adjacent to the monopole with security fence surrounding.
- The siting of the facility is approximately 150m to the closest dwelling to the north of the site. It is located adjacent to an existing carpark within the reserve on a grassed area.
- The site abuts the Esther Park (Yarra Ranges Council) to the southeast, Barnggeong Reserve Kindergarten to the southwest and has a buffer of approximately 150m minimum to surrounding residential properties.

Planning Application

Downer applied for a Planning permit for the proposal to construct a telecommunications facility.

The proposal was advertised by way of sending notices to adjoining property owners and occupiers - total of 32 notices sent.

Two objections were received, and were answered by Downer as follows:

Issue	Response
Landscaping plant selection	Downer have acknowledged that instead of hedging around the facility, native species will be used to increase biodiversity as per Council's aims
Visual Impact	These facilities are difficult to camouflage, however in this case, the reserve has existing flood lights, with a similar appearance to the facility. The site location was also selected to ensure a large separation from residential properties
Interference with Baseball Diamond	The operation of the facility will not impact the use of the baseball diamond. The objector's concerns around potential facility damage from errant baseballs are noted but are not anticipated to put the facility at undue risk
Sufficient current coverage/need for new facility	The facility is required to resolve a need for Optus in the Croydon area for high quality, reliable services. It is also required due to the currently assessed need for such a facility

PROPOSED LEASE - TELECOMMUNICATION FACILITY AT BARNGEONG RESERVE Cont'd **ITEM 4**

Significant Landscape Overlay	The site is subject to SLO4 'Landscape Canopy Protection'; however the proposal does not require any vegetation to be cleared and has been sited to specifically minimise landscape impact
Site Cleanliness	A standard condition may be added to the Planning Permit requiring the site to be maintained in a tidy manner, and all rubbish removed during construction and on completion. The ongoing operation of the facility will not generate additional waste

A Planning Permit was issued on 16 January 2024.

User groups of the reserve were also notified of the proposal by Council's Leisure and Recreation Manager. No objections were received.

Terms of Lease

- 20-year lease
- Annual rent \$30,000 + GST - based on other recent similar enquiries.
- 3% yearly increase

Proposed Lease commencement

The proposed commencement date for the new lease is 1 August 2024, upon which date Indara can commence the construction works for the facility.

FINANCIAL / ECONOMIC ISSUES

The rental value of \$30,000 per annum has been determined based on other recent enquiries in relation to installation of other similar telecommunication facilities in Maroondah.

If the proposal is approved, Indara will pay all costs associated with the planning, construction, and installation of the telecommunication facility.

Indara will be required to pay any legal costs for the lease document preparation, negotiation, and execution.

The costs associated with Council's administration in dealing with Property matters is contained within the current budget.

ENVIRONMENTAL / AMENITY ISSUES

There are no factors in this report which impact upon environmental sustainability considerations.

SOCIAL / COMMUNITY ISSUES

There are no factors in this report which impact upon social and community considerations.

PROPOSED LEASE - TELECOMMUNICATION FACILITY AT BARNGEONG RESERVE Cont'd **ITEM 4**

COMMUNITY CONSULTATION

As this lease proposal has been included in the 2024/25 Budget, under section 115 of the Act Council is not required to undertake a community engagement process.



Under the planning permit application, a community consultation has been undertaken, canvassing all parties who would be impacted by the construction.

CONCLUSION

Council is now able to consider the lease proposal for the purpose of a telecommunications facility.

Officers recognise the importance of telecommunication network facilities in the Maroondah community to continue to provide the required telecommunication services.

ATTACHMENTS

1.  Schedule 1 - Site Location
2.  Schedule 2 - Design Plans

CONFIDENTIALITY

Not Applicable

RECOMMENDATION

THAT COUNCIL

1. **HAVING COMPLIED WITH THE STATUTORY PROCEDURES UNDER SECTION 115 OF THE LOCAL GOVERNMENT ACT 2020 (ACT), RESOLVES TO ENTER INTO A NEW LEASE WITH INDARA INFRASTRUCTURE PTY LTD FOR THE OCCUPATION OF PART OF BARNGEONG RESERVE AT 38-48 BAMBRA STREET, CROYDON FOR THE PURPOSE OF A TELECOMMUNICATIONS FACILITY ON THE FOLLOWING TERMS**
 - i. **20 YEAR LEASE**
 - ii. **COMMENCING ANNUAL RENT \$30,000 + GST**
 - iii. **ANNUAL INCREASE OF 3%**
2. **AUTHORISES THE CHIEF EXECUTIVE OFFICER OR ANY DELEGATED OFFICER TO UNDERTAKE ANY ADMINISTRATIVE PROCEDURES NECESSARY TO ENABLE COUNCIL TO CARRY OUT ITS FUNCTION UNDER SECTION 115 OF THE ACT IN RELATION TO THE LEASE PROPOSAL**

PURPOSE

To review the current Council Instruments of Delegation to Council Officers, as required by section 11(7) of the *Local Government Act 2020*.

STRATEGIC / POLICY ISSUES

The following directions contained in Maroondah 2040: Our Future Together and the Council Plan 2021-2025 (Year 3: 2023-2024) provide the strategic framework that underpins the purpose of this report.

Outcome Area: A well governed and empowered community

Our Vision: In 2040, Maroondah will be an empowered community actively engaged in local decision making, led by an innovative community inspired council that collaborates regionally and proactively champions local needs.

Key Directions 2021 – 2025:

8.1 Provide community inspired governance that is transparent, accessible, inclusive and accountable

BACKGROUND

Council delegates broad powers to the CEO, via a formal Instrument of Delegation, which the CEO is then able to sub-delegate these powers, duties or functions to appropriate Council Officers.

Council also delegates specific powers directly to Council Officers with respect to matters which cannot be sub-delegated by the CEO, which is the subject of this report.

The Instruments of Delegation relate to the following legislation:

- Food Act 1984
- Domestic Animals Act 1994
- Environment Protection Act 2017 (*included in this report*)
- Planning and Environment Act (*included in this report*)
- Planning and Environment Regs 2005
- Planning and Environment (Fees) Further Interim Regulations 2014
- Road Management Act 2004 and Regulations
- Road Management (General) Regulations 2016, and
- Road Management (Works & Infrastructure) Regulations 2015.

**INSTRUMENT OF DELEGATION TO COUNCIL OFFICERS
Cont'd**

ITEM 5

ISSUE / DISCUSSION

Amendments to the delegated powers, duties and functions in the attached Instruments of Delegation to Council Officers are largely administrative in nature, reflecting changes in employee position titles and legislative amendments.

The Instruments of Delegation (as attached) have been prepared based on current advice provided by Council's solicitors, Maddocks.

Consultation has occurred with relevant Council Officers during the preparation of the Instruments of Delegation to ensure that appropriate delegates have been nominated.

FINANCIAL / ECONOMIC ISSUES

Not Applicable

ENVIRONMENTAL / AMENITY ISSUES

Not Applicable

SOCIAL / COMMUNITY ISSUES

Not Applicable



COMMUNITY CONSULTATION

Not Applicable

CONCLUSION

Reviewing Council's delegations ensures Council continues to comply with its obligations under various Acts and Regulations, which in turn enables the business of Council to be carried out efficiently. It is recommended that Council signs and seals the Instruments of Delegation as attached to this report.

ATTACHMENTS

1.  S6 Instrument of Delegation to Council Officers - Planning
2.  S18 Instrument of Sub-Delegation to Council Officers (EP Act 2017)

CONFIDENTIALITY

Not Applicable

**INSTRUMENT OF DELEGATION TO COUNCIL OFFICERS
Cont'd**

ITEM 5

RECOMMENDATION

THAT COUNCIL, IN THE EXERCISE OF THE POWERS CONFERRED BY SECTION 11 OF THE *LOCAL GOVERNMENT ACT 2020* (THE ACT) AND THE OTHER LEGISLATION REFERRED TO IN THE ATTACHED INSTRUMENTS OF DELEGATION, RESOLVES THAT

- 1. THERE BE DELEGATED TO THE COUNCIL OFFICERS HOLDING, ACTING IN OR PERFORMING THE DUTIES OF THE OFFICERS OR POSITIONS REFERRED TO IN THE ATTACHED INSTRUMENTS OF DELEGATION TO COUNCIL OFFICERS, THE POWERS, DUTIES AND FUNCTIONS SET OUT IN THAT INSTRUMENT, SUBJECT TO THE CONDITIONS AND LIMITATIONS SPECIFIED IN THAT INSTRUMENT**
- 2. THE INSTRUMENTS COME INTO FORCE IMMEDIATELY THE COMMON SEAL OF COUNCIL IS AFFIXED TO THE INSTRUMENTS, AND REMAINS IN FORCE UNTIL THEY ARE REVOKED BY COUNCIL**
- 3. ON THE COMING INTO FORCE OF THESE TWO (2) INSTRUMENTS, THE PREVIOUS TWO (2) INSTRUMENTS OF DELEGATION TO COUNCIL OFFICERS ARE REVOKED**
- 4. THE DUTIES AND FUNCTIONS SET OUT IN THE INSTRUMENTS MUST BE PERFORMED, AND THE POWERS SET OUT IN THE INSTRUMENTS MUST BE EXECUTED, IN ACCORDANCE WITH ANY GUIDELINES OR POLICIES WHICH COUNCIL FROM TIME TO TIME ADOPT**

PURPOSE

To consider formal acceptance of the service agreement for provision of electoral services with the Victorian Electoral Commission (VEC).

STRATEGIC / POLICY ISSUES

The following directions contained in Maroondah 2040: Our Future Together and the Council Plan 2021-2025 (Year 3: 2023-2024) provide the strategic framework that underpins the purpose of this report.

Outcome Area: A well governed and empowered community

Our Vision: In 2040, Maroondah will be an empowered community actively engaged in local decision making, led by an innovative community inspired Council that collaborates regionally and proactively champions local needs.

Key Directions 2021 – 2025:

8.1 Provide community inspired governance that is transparent, accessible, inclusive and accountable

Priority Action 2023-2024:

Work in partnership with the Victorian Electoral Commission to coordinate a Council Election in October 2024 for the 2024-2028 period.

BACKGROUND

Under Council’s Procurement Policy, there is a requirement to seek opportunities to collaborate with other Council’s or public bodies when procuring goods, services or works, to take advantage of efficiencies and economies of scale. In this instance, the Victorian Government has legislated that the Victorian Electoral Commission (VEC) is the sole provider of electoral services across Victoria for the Council elections.

ISSUE / DISCUSSION

The Victorian Electoral Commission (VEC) conducts the Council Elections and manages all aspects of the election process.

The VEC Electoral Commissioner, has forwarded the electoral service agreement between the VEC and Maroondah City Council for the provision of electoral services for the four-year period commencing on 1 July 2024.

The agreement identifies the electoral services to be provided to Council by the VEC under the relevant legislation. This includes the 2024 general election in October 2024, as well as any contingency and ad hoc electoral services that are required during the 2024–2028 Council term, such as by-elections or countbacks.

VICTORIAN ELECTORAL COMMISSION - ELECTORAL SERVICES AGREEMENT - 1 JULY 2024 TO 30 JUNE 2028
Cont'd

FINANCIAL / ECONOMIC ISSUES

The Electoral Service Agreement provides the following cost estimates (including GST):

Provision of Election Services for a Postal Election	\$644,539.89
Enforcement of Compulsory Voting	\$135,515.52
Total	\$780,055.41

As the total value of the contract exceeds \$500,000, the CEO is unable to execute the agreement under current powers of delegation. This matter therefore requires a Council resolution.

ENVIRONMENTAL / AMENITY ISSUES

Not Applicable

SOCIAL / COMMUNITY ISSUES

Not Applicable

COMMUNITY CONSULTATION

Not Applicable

CONCLUSION

The Victorian Government has legislated that the Victorian Electoral Commission (VEC) is the sole provider of electoral services across Victoria for Council elections. Council approval is sought to enter into an agreement with the VEC for the provision of electoral services from 1 July 2024 to 30 June 2028, including the 2024 Council Elections.

ATTACHMENTS

1.  Instrument of Delegation Electoral Services Agreement 2024 - 22 April 2024

CONFIDENTIALITY

Not Applicable

**VICTORIAN ELECTORAL COMMISSION - ELECTORAL
SERVICES AGREEMENT - 1 JULY 2024 TO 30 JUNE 2028
Cont'd**

ITEM 6

RECOMMENDATION

**THAT WITH RESPECT TO THE ELECTORAL SERVICES AGREEMENT WITH THE
VICTORIAN ELECTORAL COMMISSION FOR THE PERIOD 1 JULY 2024 TO 30 JUNE
2028, COUNCIL**

- 1. ACCEPTS THE TOTAL SUM OF SEVEN HUNDRED AND EIGHTY THOUSAND, FIVE HUNDRED AND FIFTY-FIVE DOLLARS AND FORTY-ONE CENTS, \$780,055.41 (INCLUSIVE OF GST);**
- 2. AUTHORISES THE SIGNING OF ALL DOCUMENTATION PERTAINING TO THE SERVICE AGREEMENT;**
- 3. DELEGATES TO THE CHIEF EXECUTIVE OFFICER AND DIRECTOR/CHIEF FINANCIAL OFFICER THE FUNCTIONS AND POWERS SET OUT IN THE INSTRUMENT OF DELEGATION APPENDED TO THIS RECOMMENDATION (“THE INSTRUMENT OF DELEGATION”); AND**
- 4. AFFIXES ITS COMMON SEAL TO THE INSTRUMENT OF DELEGATION.**

**INSTRUMENT OF APPOINTMENT & AUTHORISATION TO
COUNCIL OFFICERS (PLANNING & ENVIRONMENT ACT
1987)**

ITEM 7

PURPOSE

To update Instruments of Appointment and Authorisations for Council Officers under section 147(4) of the Planning & Environment Act 1987 and section 313 of the Local Government Act 2020.

STRATEGIC / POLICY ISSUES

The following directions contained in Maroondah 2040: Our Future Together and the Council Plan 2021-2025 (Year 3: 2023-2024) provide the strategic framework that underpins the purpose of this report.

Outcome Area: A well governed and empowered community

Our Vision: In 2040, Maroondah will be an empowered community actively engaged in local decision making, led by an innovative community inspired council that collaborates regionally and proactively champions local needs.

Key Directions 2021 – 2025:

8.1 Provide community inspired governance that is transparent, accessible, inclusive and accountable.

BACKGROUND

Appointments and authorisations of Council Officers are required to enable the enforcement of specific legislation and local laws.

There are differences between the two distinct powers under delegations and the powers associated with Authorised Officers. Delegations are powers of Council, whereas Authorised Officers obtain their powers from Victorian Acts of Parliament and are authorised via formal Instruments of Appointment and Authorisations to use those powers.

ISSUE / DISCUSSION

Authorisations are updated on a regular basis across a range of Council functions. Usually, authorisations are conferred via the powers granted to the Chief Executive Officer, however, any appointments and authorisations under section 147(4) of the *Planning and Environment Act 1987*, or section 313 of the *Local Government Act 2020*, are required to be executed directly by Council.

FINANCIAL / ECONOMIC ISSUES

Not Applicable

ENVIRONMENTAL / AMENITY ISSUES

Not Applicable

SOCIAL / COMMUNITY ISSUES

Not Applicable

**INSTRUMENT OF APPOINTMENT & AUTHORISATION TO
COUNCIL OFFICERS (PLANNING & ENVIRONMENT ACT
1987) Cont'd**

ITEM 7

COMMUNITY CONSULTATION

Not Applicable

CONCLUSION

Reviewing of authorisations to Council Officers ensures Council continues to comply with its obligations under various Acts and Regulations, which in turn enable the business of Council to be carried out efficiently. It is recommended that Council signs and seals the Instrument of Appointment and Authorisation from Council direct to Council Officers as listed in the Recommendation.

ATTACHMENTS

1. S11A Instrument of Appointment and Authorisation (Planning and Environment Act  1987)

CONFIDENTIALITY

Not Applicable

RECOMMENDATION

THAT

1. **COUNCIL, IN THE EXERCISE OF THE POWERS CONFERRED BY SECTION 147(4) OF THE PLANNING AND ENVIRONMENT ACT 1987, AND SECTION 313 OF THE LOCAL GOVERNMENT ACT 2020, RESOLVES THAT THE FOLLOWING COUNCIL OFFICERS**

ENGINEERING & BUILDING SERVICES

ASHLEY REED

- A. **BE APPOINTED UNDER SECTION 147(4) OF THE *PLANNING AND ENVIRONMENT ACT 1987* TO BE AUTHORISED OFFICERS FOR THE PURPOSES OF THE *PLANNING AND ENVIRONMENT ACT 1987* AND THE REGULATIONS MADE UNDER THAT ACT**
- B. **BE APPOINTED UNDER SECTION 313 OF THE *LOCAL GOVERNMENT ACT 2020* TO GENERALLY INSTITUTE PROCEEDINGS FOR OFFENCES AGAINST THE *PLANNING AND ENVIRONMENT ACT 1987* AND THE REGULATIONS MADE UNDER THAT ACT**
2. **COUNCIL SIGNS AND SEALS INDIVIDUAL INSTRUMENTS OF APPOINTMENT AND AUTHORISATION FOR ALL EMPLOYEES NAMED WITHIN THIS RESOLUTION**
3. **THE INSTRUMENTS COMES INTO FORCE IMMEDIATELY THE COMMON SEAL OF COUNCIL IS AFFIXED TO THE INSTRUMENTS, AND REMAINS IN FORCE UNTIL COUNCIL DETERMINES TO VARY OR REVOKE IT**

**RESIDENT PETITION - PADDLEWHEELER POCKET,
CROYDON NORTH**

ITEM 1

PURPOSE

The purpose of this report is to present to Council a petition that requests the removal and replacement of five (5) street trees situated in Paddlewheeler Pocket, Croydon North, and to outline the proposed way forward.

STRATEGIC / POLICY ISSUES

The following directions contained in Maroondah 2040: Our Future Together and the Council Plan 2021-2025 (Year 3: 2023-2024) provide the strategic framework that underpins the purpose of this report.

Outcome Area: A clean green and sustainable community

Our Vision: In 2040, Maroondah will be a resilient community committed to sustainable living, enhancing our natural environment, and providing leadership in responding to climate change.

Key Directions 2021 – 2025:

- 4.4 Create and foster a culture within our community that is committed to protecting and enhancing the unique features of Maroondah’s landscape, including our ridgelines, waterways, canopy vegetation, green open space and bushland reserves.
- 4.5 Preserve and enhance Maroondah’s parklands, bushlands, gardens, canopy vegetation and open spaces.

Priority Action 2023-2024:

Implement a streetscape enhancement program, including a significant increase in tree planting.

BACKGROUND

A petition has been received for the removal of four (4) gum trees and one (1) Sheoak in Paddlewheeler Pocket, Croydon North, and their replacement with smaller species in keeping with the Prunus trees which comprise the rest of the street trees in the court.

Reasons stated for the proposed removal include:

- *Three of the specified gum trees have outgrown their urban setting, reaching precarious heights of approximately 60-70 feet and near full width of the nature strip, which is incompatible with the scale of our suburban landscape.*
- *The trees present continual safety risk to pedestrians and vehicles. The shedding of branches, leaves, sap and bark is a public hazard and a maintenance nightmare.*
- *Debris has caused blockages in the stormwater system.*
- *The root systems of the trees have caused damage to footpaths and caused tripping hazards.*
- *The trees have no heritage significance, and their removal would be consistent with maintaining the integrity of the local ecosystem.*

**RESIDENT PETITION - PADDLEWHEELER POCKET,
CROYDON NORTH Cont'd**

ITEM 1

The subject trees are planted native specimens, typical of the species and age of the trees within the locality, including the adjacent streets of River Gum Drive, Grevillea Drive, Golden Ash Walk and Nangathan Way. The specific details of each tree are as follows:

Tree #	1
Species	Yate (<i>Eucalyptus cornuta</i>)
Age	Mature
Height	6.0m
Canopy spread	4.0m
Overall health and condition	Fair
Useful Life Expectancy (ULE)	10-19 years

Tree #	2
Species	White Gum (<i>E. scoparia</i>)
Age	Mature
Height	14.0m
Canopy spread	12.0m
Overall health and condition	Good
Useful Life Expectancy (ULE)	10-19 years

Tree #	3
Species	Peppermint Gum (<i>E. nicholli</i>)
Age	Mature
Height	16.0m
Canopy spread	9.0m
Overall health and condition	Fair
Useful Life Expectancy (ULE)	5-9 years

Tree #	4
Species	Peppermint Gum (<i>E. nicholli</i>)
Age	Mature
Height	15.0m
Canopy spread	13.0m
Overall health and condition	Good
Useful Life Expectancy (ULE)	20-29 years

Tree #	5
Species	Sheoak (<i>Allocasuarina torulosa</i>)
Age	Mature
Height	7.0m
Canopy spread	6.0m
Overall health and condition	Fair
Useful Life Expectancy (ULE)	20-29 years

Proactive arborist inspections have been undertaken on the subject trees in 2015, 2017, 2019, 2021 and 2023, with routine remedial works limited to the removal of canopy deadwood only.

**RESIDENT PETITION - PADDLEWHEELER POCKET,
CROYDON NORTH Cont'd**

ITEM 1

Customer requests relate to Tree #2, which is the eucalypt outside No 17 Paddlewheeler Pocket, as follows:

- 2011 - request for the tree to be inspected as it appeared to be dying - Council Officers assessed the tree and determined that no works were required
- 2015 - request for clear-up of branches left on the nature strip following proactive works - Council Officers arranged for the branches to be cleared
- 2017 - Concerns raised by the resident over the safety of branches overhanging their property - Tree was inspected by Council Officers and some 'deadwood' removal and 'weight reduction' pruning was undertaken
- 2021 - Concerns raised by the resident over the safety of the tree and the nuisance of leaves, debris etc. falling from it - Tree was inspected by Council Officers and 'deadwood' and 'weight reduction' pruning was undertaken

ISSUE / DISCUSSION

In response to the petition an investigation determined that:

- Trees 1 and 5 were in fair overall condition and do not have a high amenity or ecological value
- Tree 3 has a section of decay in the lower trunk which has resulted in a low Useful Life Expectancy (ULE)
- Trees 2 and 4 are large, significant native specimens in good overall condition with long ULEs
- The majority of the street is lacking canopy cover due to the small size and poor condition of a number of ornamental cherries historically planted in the nature strips.

As a result of the above investigation, a proposed street tree renewal plan has been developed identifying that tree removal applications be submitted for Trees 1, 3 and 5, plus the poorly performing and small ornamental cherries. Extensive replanting is proposed with a tree species appropriate to the location and to be determined in consultation with the residents.

FINANCIAL / ECONOMIC ISSUES

The costs associated with the maintenance and management of street trees is typically funded from Council's annual operational budget. The costs that would be associated with the proposed tree renewal plan would be funded from Council's annual capital works Tree Improvement Program.

ENVIRONMENTAL / AMENITY ISSUES

Under the Maroondah Planning Scheme, Paddlewheeler Pocket is subject to a Significant Landscape Overlay (SLO 3) requiring a permit for the removal of any tree over 5.0m in height unless deemed to be "dead, dying or dangerous" by a suitably qualified person.

**RESIDENT PETITION - PADDLEWHEELER POCKET,
CROYDON NORTH Cont'd**

ITEM 1

SOCIAL / COMMUNITY ISSUES

The petition has been signed by 28 members of the local community.

COMMUNITY CONSULTATION

A site meeting was held between the Ward Councillor, Council Officers from the Tree Maintenance team, the lead petitioner and a number of other residents. At this meeting the subject trees were discussed, and the street tree renewal proposal was presented to the residents.

CONCLUSION

The residents petition calls for the removal of five (5) trees which would require a planning permit based on the Significant Landscape Overlay (SLO 3) that applies to the location.

Two (2) of the trees in question are large native canopy specimens with long ULEs, and these are not recommended for removal.

One (1) of the trees is a large native canopy specimen with a low ULE, and the remaining two (2) of the trees are smaller native specimens with moderate to long ULEs but lower landscape and amenity value. These three (3) trees will form the basis of proposed tree removal applications.

A proposed street tree renewal plan has been developed that proposes the removal of the two (2) small trees and the large tree with low ULE, subject to planning approval, plus the small, poorly performing ornamental cherries in the street. Under this plan, extensive replanting with an appropriate tree species would follow the proposed removals. Further engagement and consultation with the residents of the street would be undertaken as part of the proposed tree renewal plan.

ATTACHMENTS

Not Applicable

CONFIDENTIALITY

Not Applicable

RECOMMENDATION

THAT COUNCIL

- 1. RECEIVES AND NOTES THE PETITION CONTAINING 28 SIGNATURES REQUESTING THE REMOVAL OF 5 NATURESTRIP TREES AT PADDLEWHEELER POCKET, CROYDON NORTH**
- 2. ADVISES THE LEAD PETITIONER THAT THE SUBJECT TREES WILL BE MANAGED AS PART OF THE PROPOSED STREET TREE RENEWAL PLAN AND ONGOING OPERATIONAL TREE MANAGEMENT PROGRAMS WITH ANY REMOVALS SUBJECT TO PLANNING PERMIT REQUIREMENTS**

**COMMUNITY FACILITIES LEASE AGREEMENT FOR THE
MVC BOXING ASSOCIATION INC.**

ITEM 2

PURPOSE

To seek Council approval of the key terms of a community lease agreement between Council and the MVC Boxing Association Inc (MVC), and to authorise the signing and sealing of the relevant documentation subject to the written agreement from MVC.

STRATEGIC / POLICY ISSUES

The following directions contained in Maroondah 2040: Our Future Together and the Council Plan 2021-2025 (Year 3: 2023-2024) provide the strategic framework that underpins the purpose of this report.

Outcome Area: A Safe and active community

Our Vision: in 2040, Maroondah will be a safe, healthy, and active community where all people have the opportunity to experience enhanced levels of social, emotional and physical wellbeing.

Key Directions 2021 – 2025:

1.13 Promote physical activity by supporting education initiatives and providing a diverse range of accessible active and passive open spaces, state of the art sporting precincts and integrated recreation facilities.

BACKGROUND

In 2010, Council received Federal funding to construct the Ringwood Multipurpose Pavilion which was completed in 2011 and is used by the Ringwood City Football (soccer) Club and MVC, with each tenant allocated exclusive use areas of the premises.

Council Policy distinguishes between community and commercial uses of its facilities. This is to ensure that public property is used to benefit the community on a not-for-profit basis and that where commercial-like activities are permitted that these activities occur in a way to ensure Maroondah ratepayers are not subsidising private business arrangements.

The initial 'Community' lease with MVC was for a term of two (2) years with the option for a two (2) year further term which ended in July 2018 and has been in overholding since this time.

Lease negotiations with MVC commenced in 2019, however there were concerns raised by MVC about their capacity to meet the proposed lease fee and discussions were put on hold during the Covid-19 pandemic.

ISSUE / DISCUSSION

In January 2021, Council sought legal advice regarding several breaches to the Lease, including the following:

- Failure to provide Council with the Public Liability Certificate of Currency for the years commencing 2015, 2016, 2017, 2018, 2019 and 2020;

**COMMUNITY FACILITIES LEASE AGREEMENT FOR THE
MVC BOXING ASSOCIATION INC. Cont'd**

ITEM 2

- Persistent use of the Premises outside the prescribed hours of use, recorded by the triggering of the building alarm;
- Failure to provide Council with copies of audited financial statements for the financial years commencing on 2015, 2017, 2018, 2019 and 2020, in accordance with their lease; and
- Failure to provide Council, within 28 days of the Tenant's annual general meeting, a written report responding to the requirements of the Lease.

MVC was required to provide all outstanding documentation by the 28 February 2021, and the documents were received on 17 March 2021. Council Officers subsequently undertook a review of all the documentation received, and in April 2021, Council Officers met with MVC representatives to obtain clarification on some of the information contained within the documentation.

In May 2021, MVC agreed to pay the costs associated with legal advice sought from Maddocks law firm for the breaches. The amount was paid in full on 20 April 2021, totalling \$2,200, and MVC agreed to comply with the requirements of their Lease agreement. Negotiations for a new lease subsequently resumed, however a further Covid-19 lockdown between June and October 2021 resulted in a postponement of negotiations.

In early 2022, lease negotiations recommenced, and in June 2022, Council reminded MVC of its obligations to provide all relevant documentation required under their lease, as well as additional documentation required under Council's new community lease template, including:

- Copy of the Club's AGM report with financials and activities of the past year;
- List of current committee executive/ office bearers;
- Key holder list accounting for all keys/swipe cards;
- Working With Children (WWC)/Child Safe Policy and WWC records of all required employees, contractors and volunteers;
- Copies of all required permits i.e. food registration permits, liquor licence etc; and
- Certificate of Currency of Insurance with Council listed as an interested party

In July 2022, Council received the documentation from MVC, and Council Officers undertook a subsequent review. In October 2022, in response to some discrepancies identified within the information provided, and to assist the further lease negotiations, MVC agreed to engage HLB Mann Judd (HLB), an Accounting & Consulting Services to undertake an independent, external financial audit.

HLB undertook the independent, external financial audit between November 2022 and April 2023. During this period, HLB representatives were in contact with MVC representatives at various stages, ensuring that their audit examined all relevant information available, and providing MVC with appropriate opportunity to clarify and/or provide additional information where appropriate.

COMMUNITY FACILITIES LEASE AGREEMENT FOR THE MVC BOXING ASSOCIATION INC. Cont'd

ITEM 2

On the 16 May 2023, Council Officers provided a copy of the draft HLB audit report to MVC representatives and provided MVC with an opportunity to provide feedback on the draft report by 2 June 2023. The feedback that MVC provided was distributed directly to HLB for review and consideration as part of the finalisation of the audit report.

In July 2023, HLB finalised their audit report, with only minor changes occurring to the draft report. Based on the outcomes of the audit, Council Officers advised MVC in July 2023, that the next phase of lease negotiations was proposed to be based on a commercial lease.

The HLB final report executive summary noted several irregularities and incompleteness in processes throughout the financial periods of 2018 to 2022, including the following risk areas:

- Lack of adequate controls and records surrounding cash handling;
- Lack of adequate historical records with respect to club membership;
- Lack of clarity in respect of car ownership;
- Instances noted when MVC Boxing was not able to substantiate an expense incurred;
- The category “Equipment” in the profit and loss statements that included expenses not towards equipment; and
- There were multiple versions of FY2021 Profit and Loss statements.

Accordingly, the HLB final report concluded that:

- “Considering the unavailability of information and inadequate accounting practices, were not able to substantiate that income have been appropriately recorded by MVC Boxing and expenses incurred for the operations of MVC Boxing.”
- Accordingly, they were also “not able to confirm whether the operations of MVC Boxing were for not-for-profit purposes only.”

A final version of the audit report was subsequently sent to MVC for information and their records.

Post the audit report being issued, the below table documents key milestone events:

Date	Event
25 September 2023	MVC representatives provided a response to the audit outcomes.
28 September 2023	Council Officers confirmed that they would arrange a time to discuss a proposed commercial lease (and the associated terms).
28 November 2023	Council’s legal representatives confirmed Council’s offer and willingness to negotiate the terms of a commercial lease. Council’s legal representatives also advised that if <i>“the terms of a lease are not agreed in principle by 29 December 2023, then Council will consider taking appropriate steps to bring the current lease to an end.”</i> MVC was requested to confirm their

COMMUNITY FACILITIES LEASE AGREEMENT FOR THE MVC BOXING ASSOCIATION INC. Cont'd

Date	Event
	willingness to negotiate a lease with Council, prior to the key terms being provided. It should be noted that Council did not provide any specific key terms, and did not provide the "\$100k commercial rent" amount that has been referenced by MVC (and subsequently used within the media).
28 November 2023 - 14 January 2024	No response from MVC or MVC's legal representatives was received by Council.
15 January 2024	Council issued a letter to MVC serving a 'notice to quit' and deliver up the Premises to Council on the 15 February 2024.
14 February 2024	MVC confirmed their agreement to proceed with lease negotiations, in good faith, and as such, Council confirmed its withdrawal of the 'notice to quit' for a period of 30 days.
19 February 2024	MVC President and the Director Assets and Leisure, as the nominated lease negotiation representatives, commenced the lease negotiations, in good faith. Constructive discussions subsequently occurred, primarily focused on achieving additional clarity associated with the current and future operating model of MVC, and, what improvements have occurred, and/or will occur, in response to the HLB independent audit report. This additional clarity was noted as being critical for the purposes of establishing the appropriate lease type and the associated key lease terms.

LEASE NEGOTIATIONS

During the lease negotiation period from 19 February 2024 to 4 April 2024, discussions occurred in relation to three (3) different possible types of lease, including a commercial lease, a community lease with commercial provision (hybrid lease), and a community lease. The details of these three (3) lease types is as follows:

- **Commercial Lease** - This would permit unfettered activities for private operators providing personal and group training and other services for commercial payment on the basis that a commercial market rental would be payable;
- **Hybrid Lease** - This would permit activities associated with a community member based gym for training and fitness on a not for profit basis. It would also permit a limited range of business-like activities for commercial payment to private providers as agreed to by Council. A rental would be calculated based on the portion of community and non community activities undertaken at the Premises; and
- **Community Lease** - This would only permit activities associated with a community member based gym for training and fitness on a not for profit basis. This would not permit private operators undertaking activities on the Premises for commercial payment. A Community rental would be payable.

**COMMUNITY FACILITIES LEASE AGREEMENT FOR THE
MVC BOXING ASSOCIATION INC. Cont'd**

ITEM 2

MVC requested to negotiate a community lease, incorporating any required and appropriate specific conditions, on the basis that no commercial or commercial-like activities will occur into the future. MVC was subsequently requested to provide additional information to demonstrate what improvements have been made, or will be made, to their operational model with a number of them specifically relating to their response to the audit findings. In response, MVC provided the following:

- **Cash handling -**
 - MVC has moved to cashless payments;
 - All memberships are now paid by eftpos or direct debit to the MVC account; and
 - Only occasional cash payments occur by casual patrons
- **Historical Member Records -**
 - Significant effort over a two (2) month period to clean up the membership database to ensure accuracy and transparency
- **Expense handling -**
 - New accounting processes and procedures are in place, which have been established by a new Treasurer and the President
- **Boxing training support services -**
 - Two (2) female Boxing Australia qualified trainers provide 1:1 tuition; and
 - Both trainers receive a payment in instances where provision is for the purpose of special needs support only

As a result of these discussions, and the abovementioned additional information provided by MVC during this period, the specific terms of a community lease became the focus of the subsequent discussions. For reference, the standard community lease template is attached.

In relation to the community lease term, three (3) specific options were discussed during the lease negotiation period, as follows:

- **Option 1** - Initial term of five (5) years with an option for a further five (5) years;
- **Option 2** - Initial term of one (1) year, with three (3) further options of three (3) years, and an independent audit undertaken at the end of the initial term, that is paid by MVC; and
- **Option 3** - Initial term of three (3) years, with two (2) further options of three (3) years, and an independent audit undertaken each year of the initial term, that is paid by MVC

A heightened level of accountability and transparency is warranted given the findings of the Audit, the preparedness of the Club to limit its activities, and changes it has made or committed to ensuring it benefits from a community lease. Accordingly, Options 2 or 3 were favoured due to the additional scrutiny afforded by an independent audit.

**COMMUNITY FACILITIES LEASE AGREEMENT FOR THE
MVC BOXING ASSOCIATION INC. Cont'd**

ITEM 2

Based on the discussions during the lease negotiation period, Council Officers are recommending that Council enter a new community lease arrangement with special conditions to ensure that MVC comply with the expressed intention of the Community Facilities Lease for the Premises to only be used for not-for-profit purposes and not for any commercial purposes. To clarify this intention the following special conditions are proposed to be included in the agreement:

- In addition to the standard lease annual reporting requirements, MVC will undertake and fund an independent financial audit annually for the first three (3) year term;
- Council will only permit the provision of paid personal training services in instances where provision is for the purpose of special needs support; and
- The Premises is not permitted to be utilised to host sanctioned boxing events, or any other functions or events that exceed the venue maximum capacity of 100 people.

In addition, in Annexure A which notes amendments to the standard lease, the following additional clause is proposed:

- Any representations made by the lessee during the negotiations of the key terms of the lease that are subsequently found to be false shall constitute grounds for summary termination of the lease.

In summary, further to the above, it is recommended that Council approves the principal terms of the proposed community lease, which are (Option 3):

- **Term** – Option 3 - Initial term of three (3) years, with the option for two (2) further terms of three (3) years;
- **Rental** - \$8,000 per annum for the first year, with annual increases of 3.5% per annum
- **Maintenance** – in accordance with the Community Facilities Standard Maintenance Schedule
- Public Liability Insurance of \$20M and glass replacement insurance.

FINANCIAL / ECONOMIC ISSUES

Council's Community Facilities Pricing Policy provides an overarching framework to guide Council and ensures a consistent and transparent approach to the pricing of facilities. Under the category of Other Community Groups Occupying Council-Owned Facilities, the Policy outlines the factors to be considered when calculating the rental fee.

The rental is determined based on the quality of the facility, capital contributions provided by Council and the community organisation, the type of organisation using the facility and whether the organisation has exclusive use of the facility.

**COMMUNITY FACILITIES LEASE AGREEMENT FOR THE
MVC BOXING ASSOCIATION INC. Cont'd**

ITEM 2

ENVIRONMENTAL / AMENITY ISSUES

Not Applicable

SOCIAL / COMMUNITY ISSUES

The implementation of the standard Community Facilities Lease Agreement ensures the clear and equitable delineation of maintenance responsibilities for all tenants occupying Council owned and/or managed community facilities, consistent with the Community Facilities Pricing Policy, and supports a sustainable approach to the provision of community-based sport and recreation.


COMMUNITY CONSULTATION

The establishment of the proposed key lease terms for the Ringwood Multipurpose Pavilion was determined in consultation with representatives of MVC.

CONCLUSION

The proposed lease terms provide a mutually beneficial arrangement between Council and the MVC for the continued use of the gymnasium within the Ringwood Multipurpose Pavilion.

ATTACHMENTS

1. LEASE RESOURCE - TEMPLATE - Endorsed Community Facilities Standard Lease -  Aug 2021

CONFIDENTIALITY

Not Applicable

**COMMUNITY FACILITIES LEASE AGREEMENT FOR THE
MVC BOXING ASSOCIATION INC. Cont'd**

ITEM 2

RECOMMENDATION

THAT COUNCIL

- 1. AUTHORISES THE PROPOSED COMMUNITY LEASE PRINCIPAL TERMS FOR MVC BOXING ASSOCIATION, CONSISTING OF:**
 - i. THREE (3) YEAR INITIAL PERIOD WITH TWO (2) FURTHER OPTIONS TERMS OF THREE (3) YEARS**
 - ii. ANNUAL RENTAL OF \$8,000 PER ANNUM FOR THE FIRST YEAR, WITH ANNUAL INCREASES OF 3.5% PER ANNUM**
- 2. AUTHORISES THE PROPOSED COMMUNITY LEASE SPECIAL CONDITIONS FOR MVC BOXING ASSOCIATION, CONSISTING OF:**
 - i. INDEPENDENT FINANCIAL AUDIT TO BE UNDERTAKEN ANNUALLY FOR THE FIRST THREE (3) YEAR TERM, AND TO BE FUNDED BY MVC BOXING ASSOCIATION;**
 - ii. MVC BOXING ASSOCIATION OPERATIONS MAY INCLUDE PAID PERSONAL TRAINING SERVICES (BOXING TRAINING SUPPORT) IN INSTANCES ONLY WHERE PROVISION IS FOR THE PURPOSE OF SPECIAL NEEDS SUPPORT; AND**
 - iii. THE PREMISES ARE NOT PERMITTED TO BE UTILISED TO HOST SANCTIONED BOXING EVENTS, OR ANY OTHER FUNCTIONS OR EVENTS THAT EXCEED THE VENUE MAXIMUM CAPACITY OF 100 PEOPLE**
- 3. AUTHORISES THE FINALISATION OF THE DRAFT COMMUNITY LEASE FOR SUBMISSION TO MVC BOXING ASSOCIATION**
- 4. AUTHORISES THE SIGNING AND SEALING OF ALL DOCUMENTATION, UPON RECEIPT OF THE WRITTEN AGREEMENT FROM MVC BOXING ASSOCIATION TO SIGN THE DRAFT COMMUNITY LEASE AS SUBMITTED**