



WHITEHORSE
CITY COUNCIL

Whitehorse City Council

MINUTES

Council Meeting

on

Monday 27 March 2023 at 7.00pm

**Held in the
Council Chamber
Nunawading Civic Centre**

Meeting opened at 7:07pm

Present: Cr Mark Lane Mayor
Cr Prue Cutts Deputy Mayor
Cr Raylene Carr
Cr Blair Barker
Cr Andrew Davenport
Cr Denise Massoud
Cr Amanda McNeill
Cr Andrew Munroe
Cr Trudy Skilbeck
Cr Ben Stennett

Officers: Simon McMillan Chief Executive Officer
Stuart Cann Director Corporate Services
Jeff Green Director City Development
Lisa Letic Director Community Services
Zoe Quinn Acting Executive Manager Transformation
Steven White Director Infrastructure
Vivien Ferlaino Manager Governance and Integrity
Carolyn Altan Manager Strategic Communications and Customer Service

Kerryn Woods Coordinator Governance
Sharon Lozsan Senior Governance Officer
Peter Cumming IT Service Desk Analyst
Jonathan Samy IT Systems Analyst

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	CLOSURE OF THE MEETING TO THE PUBLIC	45
	That in accordance with Section 66(2)(a) of the <i>Local Government Act 2020</i> , Council close the Meeting to members of the public and adjourn for five minutes to allow the public to leave the Chamber prior to considering the following confidential matters:	
12	CONFIDENTIAL REPORTS	45
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1 WELCOME

Prayer for Council

We give thanks, O God, for the Men and Women of the past whose generous devotion to the common good has been the making of our City.

Grant that our own generation may build worthily on the foundations they have laid.

Direct our minds that all we plan and determine, is for the wellbeing of our City.

Amen.

Aboriginal Reconciliation Statement

“Whitehorse City Council acknowledges the Wurundjeri Woi-wurrung people of the Kulin Nation as the traditional owners of the land we are meeting on and we pay our respects to their Elders past, present and emerging and Aboriginal and Torres Strait Islanders from communities who may be present today.”

2 APOLOGIES

Cr Liu is an apology for tonight’s meeting and Cr Munroe has sought a leave of absence from Friday 31 March to Friday 28 April.

COUNCIL RESOLUTION

Moved by Cr Cutts, Seconded by Cr McNeill

That Council:

1. Accept the apology from Cr Liu and grant a leave of absence for tonight’s Council Meeting 27 March 2023
2. Grant a leave of absence for Cr Munroe from 31 March to 28 April 2023

CARRIED UNANIMOUSLY

3 DISCLOSURE OF CONFLICTS OF INTEREST

Simon McMillan, Chief Executive Officer declared a material conflict of interest in item 12.2 CEO Employment Matters.

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Minutes of the Council and Confidential Council Meeting 27 February 2023.

COUNCIL RESOLUTION

Moved by Cr Skilbeck, Seconded by Cr Massoud

That the minutes of the Council and Confidential Council Meeting 27 February 2023 having been circulated now be confirmed.

CARRIED UNANIMOUSLY

5 URGENT BUSINESS

Nil

6 PUBLIC PRESENTATIONS

- 6.1 A Riley, Blackburn – Item 8.1 Implementation of Traffic Calming Devices – Ashlar Crescent, Blackburn
- 6.2 R Lamborn, Blackburn – Item 8.1 Implementation of Traffic Calming Devices – Ashlar Crescent, Blackburn
- 6.3 T Tescher, Blackburn South – Various matters raised by Whitehorse Residents (on behalf of Whitehorse Ratepayers and Residents Association Inc.)
- 6.4 M Mayur, Box Hill South (as proxy for D Ellis) – Upholding Values, Policy & Governance

7 PUBLIC QUESTION TIME

7.1 K Bates, Box Hill

Question 1

When will planned "welcoming messages" be applied to all Council facilities, will these messages incorporate the pride rainbow, and what LGBTIQ+ organisations are Council consulting in the development of these messages?

Response

Wording and imagery is in the final stages of development with the intent to include the welcome statement at Council facilities in the very near future.

The rainbow flag will be included along with other images to ensure the message is in keeping with Council's ethos of inclusiveness. It is intended that the message be simple, clear and welcoming to everyone.

The message will be from Council and the Council staff, an organisation of over 1400 members made up of people from a vast array of diverse backgrounds, interests and identities including the LGBTIQ+ community, on this basis no formal consultation was entered into with external organisations.

7.2 K Montgomery, Forest Hill

Question 1

Will council please amend their rules with regards to questions asked by the ratepayers so that the questions are presented verbatim thus removing the undemocratic and insulting censorship currently practised by council?

Response

In accordance with Section 60 of the Local Government Act 2020 Council must have in place Governance Rules which guide Council meeting procedures, voting processes, debate, the election of the mayor and deputy mayor, and community participation in Council meetings. The draft Governance Rules were approved by Council in October 2022 for community consultation for a period of 21 days, the latest version of the Governance Rules was adopted by Council on 12 December 2022.

The Governance Rules state that public questions may be disallowed by the Chair for various reasons, particularly if the public question is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance, deals with a subject matter already answered and is aimed at embarrassing a Councillor or a member of Council staff. Where a public question has been disallowed the submitter will be advised and all councillors will receive a copy of the question.

Public questions and answers must be as brief as possible and no discussion is allowed other than for purposes of clarification, all questions and answers are printed in the minutes of the meeting unless a question has been taken on notice, whereby a written copy of the answer will be sent to the person who asked the question.

Question 2

Will council please remove the archaic prayer that precedes the 'Aboriginal Reconciliation Statement' at council meetings as religion has no place in these proceedings?

Response

This will be taken into consideration when Council next reviews its Governance Rules.

7.3 M Mayur, Box Hill South (as proxy for D Ellis)

Question

Mayor, as the highest Publicly Elected Representative for the City of Whitehorse, could you please advise how Council interprets its requirements under the *Local Government Act 2020* and how the in camera Meeting/Vote to cease In Home Aged Care Support within Whitehorse from 30th June fundamentally meets the Governance, Transparency, Community Engagement and Compliance requirements that we expected under the Act?"

Response

Council balances transparency and public decision making with the information that requires Councillors to debate and make decisions. The decision in relation to Aged Care Support required Councillors to consider and debate information of commercial, personnel and contractual sensitivities.

This meant that Councillors could not publically debate the information required to inform a decision. The Council Agenda as published on Council's website for the 24 October 2022 included a recommendation to close the meeting for this item of business in accordance with confidential provisions as per the *Local Government Act 2020*.

Council resolved to release certain aspects of the decision which was made available on Council's website.

8 PETITIONS AND JOINT LETTERS

8.1 Implementation of Traffic Calming Devices - Ashlar Crescent, Blackburn

SUMMARY

1. A petition titled Implementation of Traffic Calming Devices - Ashlar Crescent, Blackburn has been received and signed by 17 signatories in support of the petition.
2. The petition request is as follows:

We the undersigned, being residents and ratepayers of the City of Whitehorse, request the Council to implement traffic calming device/s to assist in the aid of slowing the speed of vehicles within Ashlar Crescent, Blackburn.

COUNCIL RESOLUTION

Moved by Cr Massoud, Seconded by Cr Munroe

That Council:

1. Receive the petition
2. Refer the petition to the Director City Development for consideration and response.

CARRIED UNANIMOUSLY

9 NOTICES OF MOTION

Nil

10 COUNCIL REPORTS

10.1 Social Enterprise Policy

Community Development
Director Community Services

SUMMARY

Social Enterprises play an integral role in the provision of training and employment opportunities for members of the community who experience barriers to employment.

This Report seeks Council endorsement of the newly developed Whitehorse Social Enterprise Policy (attachment 1) that articulates Council's commitment to support and guide the development of a robust and innovative Social Enterprise sector in Whitehorse. The Policy aims to create employment opportunities that will lead to enhanced social and economic outcomes for the community of Whitehorse.

It also seeks endorsement for an Expression of Interest process to offer lease agreements for the operation of Social Enterprises Cafes at Mont Albert Station Heritage Building, Nunawading Community Hub and the Harrow Street Car Park.

COUNCIL RESOLUTION

Moved by Cr Massoud, Seconded by Cr McNeill

That Council:

1. Endorse the newly developed Whitehorse Social Enterprise Policy.
2. Endorse an expression of interest process to offer lease agreements for Social Enterprise Cafes at Mont Albert Station Heritage Building, Nunawading Community Hub and the Harrow Street Car Park.

CARRIED UNANIMOUSLY

Key Matters

The Whitehorse Social Enterprise Policy provides an overarching framework for Council to attract and support the development of a thriving and innovative social enterprise sector in the local area.

Being able to support social enterprise businesses to operate out of Council buildings will require appropriate future budget allocations to assist in meeting some or, where appropriate all, of the costs associated with:

- Planning and building permits, including consultant's fees
- Environmental Health permits and registration
- Fit out construction, design and quantity surveying
- Equipment and furniture provision

10.1
(cont)

With regards to the Mont Albert Station Heritage Building Café, project timelines are influenced by the Level Crossing Removal Project (LXRP) including timing of the transfer of the property to Council and changes to the planning zone and heritage overlay. It is anticipated that the building will be handed to Council in August 2023, with the planning zone and heritage overlay adjusted as part of this process. Timelines for the Mont Albert Station Heritage Building may be extended if delays are encountered in the project works and or attaining Ministerial consent for the planning zone amendment.

STRATEGIC ALIGNMENT

The Social Enterprise Policy and intent to offer Councils facilities for the operation of social enterprise connects to multiple Council strategies and documents as outlined in the following table:

Strategic Document	Priority Area
Community Vision	Employment, Education and Skill Development: 4.1: Job creation and providing facilities to support local business and attract new business investment and innovation.
Council Plan	<ol style="list-style-type: none"> 1. Innovation, Transformation and Creativity 2. A thriving local economy: business employment, education and skills 3. Develop our diverse and inclusive community <p>8.1.3 A diverse workforce with demographics reflective of the Whitehorse community</p>
Organisational Values	<ul style="list-style-type: none"> • Respect • Excellence
Transformation Principles	<ul style="list-style-type: none"> • Great organisational culture • Innovation and continuous improvement
Workforce Plan	<ul style="list-style-type: none"> • Increase diversity and inclusion
Gender Equality Action Plan	<ol style="list-style-type: none"> 1. Recognise & promote gender equality and diversity
Municipal Public Health and Wellbeing Plan	<ol style="list-style-type: none"> 2. Healthy Relationships: Promote and encourage the Whitehorse Business community to create leadership and mentoring opportunities for women.

10.1
(cont)

	10. Neighbourhood Liveability: Implement supports for small businesses to continue to attract and meet the needs of the community.
Disability Action Plan	Section 38: what must be addressed in Council's Disability Action Plan: (b) reducing barriers to persons with a disability obtaining and maintaining employment;
Investment & Economic Development Strategy Extension 2020-2022 (draft)	Priority Area 1: Investment Monitor and support innovation and emerging sectors
Procurement Policy	Social Sustainability 6.2.5 <ul style="list-style-type: none"> • Increase employment opportunities for Indigenous people, people with a disability, disadvantaged people and the long term unemployed

The Victorian Social Enterprise Strategy 2021 -2025 has also guided the development of the proposed policy.

BACKGROUND

Within the Australian Government context there is not a defined legal structure for social enterprises, however the Victorian Government defines Social Enterprises as organisations that:

- Are led by an economic, social, cultural or environmental mission, consistent with public or community benefit
- Derive a substantial portion of their income from trade (which distinguishes them from charities)
- Reinvest the majority of their profit / surplus in the fulfilment of their mission (Victorian Social Enterprise Strategy 2021 - 2025)

The Objectives of this Policy are to:

- Foster an environment where local Social Enterprises thrive.
- Advocate for Social Enterprises as an innovative response to social issues and as part of the diverse and inclusive local economy.
- Engage and support the local Social Enterprise sector through Council's operations and procurement opportunities

10.1
(cont)

The Whitehorse Social Enterprise Policy supports Council's commitments to facilitate economic participation of:

- People with disability or lived experience of mental illness
- People from culturally and linguistically diverse communities including asylum seekers and refugees
- People who have experienced long term unemployment
- Aboriginal and Torres Strait Islander people
- Young people aged 16 -25 years

Potential outcomes for the participants include:

- Increased local employment opportunities
- Access to training opportunities and formal qualifications
- Increased community connection.

Local Social Enterprise Opportunities

There are three immediate opportunities for Council in regard to supporting the establishment of social enterprises operating from Council facilities: Mont Albert Station Heritage Building, Nunawading Community Hub and the Harrow Street Car Park building.

Mont Albert Station Heritage Building

Ownership of the Mont Albert Station Heritage Building will be transferred from the State Government to Council in August 2023, as a shell only, through an agreement with Vic Track.

The Mont Albert Station Building will be relocated from its original position to 5 Beresford Street, Mont Albert. The building will be situated on the road reserve, which means that no lease or licence agreement with the State Government will be required.

Community engagement was undertaken in March 2022 by Council and separately by the LXP (December 2021 to February 2022) which identified that the community preference for the future use of the building is for it to be converted to a café. Further details of the engagement are contained in the Community Engagement Section of this report.

As this facility is provided to Council as a shell only, there is likely to be considerable work required to ensure that the Mont Albert Station Heritage Building is fit for purpose. Council has allocated \$100,000 in the 2023-2024 Capital Works budget towards fit out of the building.

10.1
(cont)

LXRP will undertake the following:

- Remove and relocate the building to 5 Beresford Street Mont Albert, so that it faces across the soon to be constructed plaza area
- Reinststate the heritage pressed metal wall linings in the building, where possible.
- Provide water and electricity connection to the site.
- Install a grease trap in the re-development of the Mont Albert Plaza.
- Change the planning zone to NRZ5 (local neighbourhood)
- Reassess the Heritage Overlay on the building.

Nunawading Community Hub

Nunawading Community Hub was officially opened in 2020. It is a vibrant community venue, with over 6000 people accessing the premises each week to undertake a variety of activities.

A commercial kitchen was installed adjacent to the main dining area within the building. This kitchen was initially intended for use by Council's Home and Community Services, which did not eventuate. The commercial kitchen area remains an unused facility within the Nunawading Community Hub providing a vacant opportunity for a social enterprise café to operate from this site.

Associated current and some future budgetary considerations are detailed in the Financial and Resource Consideration section of this Report.

Harrow Street Car Park Building

The Harrow Street Car Park building is located at 2-10 Harrow Street in Box Hill. The site offers a community space with office frontage, currently leased to Family Access Network; and 562 car parking spaces. A space for a future café was also created as part of this development creating a third opportunity for a social enterprise. Planning and building permits will be required.

Expression of Interest and Timelines

In order to promote these three opportunities to appropriate social enterprise organisations a formal expression of interest process will be undertaken.

The expression of interest process will allow applicants to apply for one, two, or all of the specified locations.

10.1
(cont)

The indicative timelines for the Expression of Interest process:

Stage	Timeline
Expression of Interest documents finalised	March 2023
Expression of Interest opens	April 2023
Expression of Interest closes	May 2023
Evaluation and shortlisting of applications	June 2023
Shortlisting applications invitation to submit formal proposals	July 2023
Lease negotiations commence with preferred applicant	August 2023
Appointment of preferred applicant	TBC

SUPPORTING REPORT DETAILS

Legislative and Risk Implications

There is no legal obligation for Council to prioritise a Social Enterprise operating in a Council facility. In choosing to do so, Council must ensure compliance with all relevant legislation and standards relating to the building works and operation.

For example: Building Act 1993 and Building Regulations 2018, Victorian Local Government Act 2020 and Local Laws and the Food Act 1984 and Health and Wellbeing Act 2008.

The following table presents risk considerations for this initiative.

Risk	Impact	Mitigation Strategy
Change to planning zone delayed (Mont Albert Station Project)	Delays building works Delays café operations	Monitor the progress planning zone changes as part of the broader LXP project. Advocate to government
Planning and Building Permits not obtained or delayed	Delays in building works Delay in café operations	Work with appointed planning consultant to ensure all information required is provided. Monitor progression.
Failure to attract Social Enterprises	Café operations delayed	Review EOI process and promotion to further identify and remove potential barriers.

10.1
(cont)

Social Enterprise does not deliver the desired outcomes	People in the cohort groups do not receive access to employment and training opportunities Lease agreement is breached	A reporting schedule will be developed to monitor progress against the desired outcomes.
Lease agreement terminated by Council or Social Enterprise	Café will close New operator to be sourced through an EOI process	Commence EOI process for new operator

Equity, Inclusion, and Human Rights Considerations

In developing this report to Council, the subject matter has been considered in accordance with the requirements of the *Charter of Human Rights and Responsibilities Act 2006*.

Ensuring people have access to meaningful employment opportunities moves beyond legislative compliance to actively promoting the rights, health and wellbeing of the individual and working to improve the social and economic strength of the community.

Community Engagement

In relation to the Mont Albert Station project, Community consultation was undertaken by both Council (March 2022) and the LXP (December 2021 – February 2022) as part of the broader Mont Albert Station and Surrey Hills Station Project.

Council's consultation asked "*Which of the following things would you like to see developed on a deck above the train line?*" The top 5 responses were:

Themes	Number of Responses
Reuse of station building for a 'special' use	160
Café and outdoor seating/dining	120
Outdoor public space (for community events)	110
Casual seating	105
Outdoor grassed open space	95

10.1
(cont)

LXRP asked “*Do you have any ideas about how the old Mont Albert Station building could be repurposed?*” The top six responses were:

Themes	Number of Responses
Café / restaurant	221
Community centre	216
Museum	73
Retain location	70
Gallery	58
Shop	53

No further community engagement is planned to determine the future use of the Mont Albert Station Heritage Building as thorough community engagement has already taken place.

There has been no community engagement regarding the provision of a social enterprise café at Nunawading Community Hub or the Harrow Street Car Park building.

A communication plan to inform stakeholders and the community of Council’s intent to offer the three sites for the operations of social enterprise cafes will be developed.

Financial and Resource Implications

The overall costs associated with the social enterprise café projects will be determined as a result of the expression of interest process, lease negotiations as well as the required works at each site.

It is proposed that Council offer the three identified premises at minimal rent, payable by Charities under the Property and Lease Policy. At the time of writing this Social Enterprise Policy document the minimal rent is \$100+GST unindexed for the lease term. The Social Enterprise Operator(s) will be required to pay all outgoing charges, these charges will be defined in the eventuating lease agreement(s). They will also be required to pay for permits or registration that will be held in their name and may be required to contribute to legal costs or other consultancy.

10.1
(cont)

Further work required at each site and associated costs to facilitate the three Social Enterprise opportunities include:

- Undertaking building and planning processes (approx.\$15,000 per site)
- Furniture and equipment fit out requirements, determined via the EOI process, and ideally being the responsibility of the Social Enterprise Provider

Council may choose to contribute using existing budget allocations to Community grants or other community partnerships/projects. However the level of Council's contribution will vary for each project dependent on a review of the financial capacity and need for support of the individual Social Enterprise

Council's Property and Lease Department budget has allowed for up to \$15,000 for the engagement of legal advice in the development of the Expression of Interest documentation, draft lease agreements and the matrices required for evaluation of applications.

Council has allocated a contribution of up to \$100,000 in the 2023-2024 Capital Works budget towards the fit out of the Mont Albert Station building.

Innovation and Continuous Improvement

The newly developed Social Enterprise Policy provides the framework for Council to attract and support Social Enterprises in the municipality, creating new social and economic opportunities for Council and people in the community.

Collaboration

Council Officers have undertaken site visits to social enterprise operations in Banyule, Darebin and Casey City Councils. Each visit builds understanding of operation needs and progress.

The Social Enterprise Policy and consideration of the three sites has been informed by an internal working group that includes representation from Community Engagement and Development, Project Development and Assets, Arts and Cultural Services, Major Transport Project Team, Planning and Building and Councils Property and Leases departments.

Conflict of Interest

Council officers involved in the preparation of this report have no conflict of interest in this matter.

10.1
(cont)

Conclusion

The introduction of the Social Enterprise Policy provides the overarching framework for Council to support the development of an innovative thriving Social Enterprise network in the Whitehorse Community. The Policy creates opportunities to reduce unemployment, and promote access to training for people who experience a range of barriers to employment as well as meeting Councils policy commitments and legislated obligations.

ATTACHMENT

- 1 Social Enterprise Policy Document - Council Meeting 27 March 2023 - Final

10.2 Statutory Planning Service Review

Transformation
Executive Manager Transformation

SUMMARY

In accordance with the *Planning Environment Act 1987* section 13 Council is the responsible authority for the administration and enforcement of the Whitehorse Planning Scheme (WPS). The WPS is a legal document that specifies how land within the municipality can be used and developed.

Council makes decisions on planning applications to deliver use and development outcomes that affect where people live, work and play. Most planning application outcomes are determined by Council officers within the Statutory Planning Team under delegation that has been afforded to them by Council.

A Service Review of the Statutory Planning Service (the Service) has been completed to evaluate:

- Service focus and purpose
- Efficiency of service delivery
- Customer experience

The Service needs to transform into a more customer centric, easily accessible, and transparent process for our community.

The Service Review has assessed options for achieving this outcome which has involved considering customer sentiment, service resourcing and known opportunities for improvement. The Service Review has captured operational improvements which will improve service communications, streamline internal processes, and better leverage technology.

The Service Review findings are summarised as:

- The Service is perceived as overly complex and difficult to navigate for the general community. This can be addressed through improvements to customer communications, establish staff training programs and more transparency for customers throughout the process.
- Currently Planning Forums add time to application processing. There is opportunity to reduce the average time to decision by changing the triggers for when a Forum is required. This would aim to ensure a Forum is conducted only when it would add value
- The current model of service resourcing does not meet required statutory timelines consistently, which negatively affects the customer experience
- Customer response and communication is inconsistent. This is affected by complex internal and external processes, and ineffective technology
- Industry shortages of qualified urban planners and arboriculture specialists have impacted the ability of the service to recruit and retain key roles
- The Service resourcing structure and design affects the customers experience in relation to arboricultural planning matters and overall timeframes for decisions

10.2

(cont)

The objective of this report is to provide Council with considered options to enable a decision to be made on three elements:

1. The approach to delegated authority from Council to members of Council staff.

The Service Review puts forward two options for amending delegations which aims to simplify five (5) current conditions focused on objector triggers. Both options have merit, and benchmarking indicated both are used effectively across different Victorian Councils.

2. The reason/s for which a Planning Forum is required.

The Service Review puts forward a recommendation to change the trigger for planning forums to align with delegations. This would create consistency for Officers and Councillors. Changing the number of objectors to align with the current council delegation's objector numbers (12 and 20 objector properties) may reduce the number of forums held for simple matters.

3. The level and model of service resourcing to achieve improved customer and community outcomes.

The service requires a sustained focus on customer service and continuous improvement which requires the attention of additional FTE required to implement sustained service performance improvement.

10.2
(cont)

MOTION

Moved by Cr Davenport, Seconded by Cr Munroe

That Council:

1. Note the findings of the Service Review.
2. Endorse the changes to the Conditions and Limitations (within the s6 Instrument of Delegation from Council to Members of Council Staff under the Planning Environment Act 1987 Provisions - s 61(1), s 73, s 84(1) and s 96G(1)) from 8 (a-h) to 6 (a-e) as follows:
 - a) any application 'called in' by a Councillor, whereby a Councillor advises the Director City Development (DCD), Manager City Planning and Development (MCP&D), Assistant Manager Statutory Planning (AMSTP), Coordinator Strategic Planning, Team Leader Statutory Planning (CSTRP) or Principal Planner (PP) that the planning application must be reported to Council for determination;
 - b) any major development proposal or any other application where considered to be warranted by the delegate;
 - c) an application where it is considered by the delegate to be significant non-compliance with the relevant Council Policy, the Whitehorse Planning Scheme and/or any incorporated document to the planning scheme;
 - d) an application for a single dwelling, dwelling addition, multiple dwellings, accommodation, or non-residential use and/or development within a residential zone where there are 12 or more objector properties;
 - e) an application for non-residential use and/or development outside a residential zone where there are 20 or more objector properties.
3. Amend the definition that currently defines a trigger for convening a statutory planning forum to:
 - An application for non-residential use and/or development where there are 20 or more objector properties; or
 - An application for residential use and/or development where there are 12 or more objector properties.
4. Endorse the transition of arboriculture assessment to an internal resourced model (Council direct employment of qualified Arborists), increase to organisational employee establishment by 5.20 FTE and refer the associated increase to budget funding of \$611,068 to the 2023/24 Budget Process.

10.2
(cont)

AMENDMENT

Moved by Cr Cutts, Seconded by Cr Stennett

Cr Cutts proposed an amendment to Item 3 dot point 2 in the above motion as follows:

- An application for residential use and/or development where there are 5 (five) or more objector properties.

PROCEDURAL MOTION

The amendment was put to the vote and was declared

CARRIED

A Division was called.

Division

For

Cr Barker
Cr Carr
Cr Cutts
Cr Lane
Cr Massoud
Cr McNeill
Cr Stennett

Against

Cr Davenport
Cr Munroe
Cr Skilbeck

On the results of the Division the motion was declared CARRIED

PROCEDURAL MOTION

Moved by Cr Massoud, Seconded by Cr Davenport

That the amendment as moved by Cr Cutts and seconded by Cr Stennett be put to the vote.

CARRIED

10.2
(cont)

COUNCIL RESOLUTION

Moved by Cr Cutts, Seconded by Cr Stennett

That Council:

1. Note the findings of the Service Review.
2. Endorse the changes to the Conditions and Limitations (within the s6 Instrument of Delegation from Council to Members of Council Staff under the *Planning Environment Act 1987* Provisions - s 61(1), s 73, s 84(1) and s 96G(1)) from 8 (a-h) to 6 (a-e) as follows:
 - a) any application 'called in' by a Councillor, whereby a Councillor advises the Director City Development (DCD), Manager City Planning and Development (MCP&D), Assistant Manager Statutory Planning (AMSTP), Coordinator Strategic Planning, Team Leader Statutory Planning (CSTRP) or Principal Planner (PP) that the planning application must be reported to Council for determination;
 - b) any major development proposal or any other application where considered to be warranted by the delegate;
 - c) an application where it is considered by the delegate to be significant non-compliance with the relevant Council Policy, the Whitehorse Planning Scheme and/or any incorporated document to the planning scheme;
 - d) an application for a single dwelling, dwelling addition, multiple dwellings, accommodation, or non-residential use and/or development within a residential zone where there are 12 or more objector properties;
 - e) an application for non-residential use and/or development outside a residential zone where there are 20 or more objector properties.
3. Amend the definition that currently defines a trigger for convening a statutory planning forum to:

An application for non-residential use and/or development where there are 20 or more objector properties; or

An application for residential use and/or development where there are 5 (five) or more objector properties.
4. Endorse the transition of arboriculture assessment to an internal resourced model (Council direct employment of qualified Arborists), increase to organisational employee establishment by 5.20 FTE and refer the associated increase to budget funding of \$611,068 to the 2023/24 Budget Process.

CARRIED

10.2 (cont)

Key Matters

There are three key opportunities for change which could further improve the customer experience: 1) Delegations, 2) Planning Forums and 3) Service resourcing.

Delegations

An important part of Council's effective decision-making framework is the ability to delegate its powers to the Chief Executive Officer and to members of Council Staff directly, to ensure the continued day to day operations of transaction of Council business.

Instruments of Delegation represent the formal delegation of powers by Council under Section 11 of the *Local Government Act 2020* and enables the business of Council to be carried out efficiently, effectively and in line with Council approved policies.

The Schedule 6 Delegation (also known as the s6 Delegation) is the Instrument of Delegation from Council to Members of Council Staff. Various legislation is captured within the s6 Delegation of relevance to this report is the *Planning and Environment Act 1987*.

Council can also decide to place 'conditions or limitations' on a delegated power, duty, or function within a delegation. If a condition or limitation has been met, the matter is to be determined by Council at a Council meeting. Matters determined by Council allow for public comment, debate and decision-making which is an important part of the democratic process and consideration of localised planning issues. The conditions and/or limitation should ensure that the determination is made by the most appropriate process/position.

Council currently has eight (8) conditions within the *Planning and Environment Act of 1987* Provisions - s 61(1), s 73, s 84(1) and s 96G(1). These are:

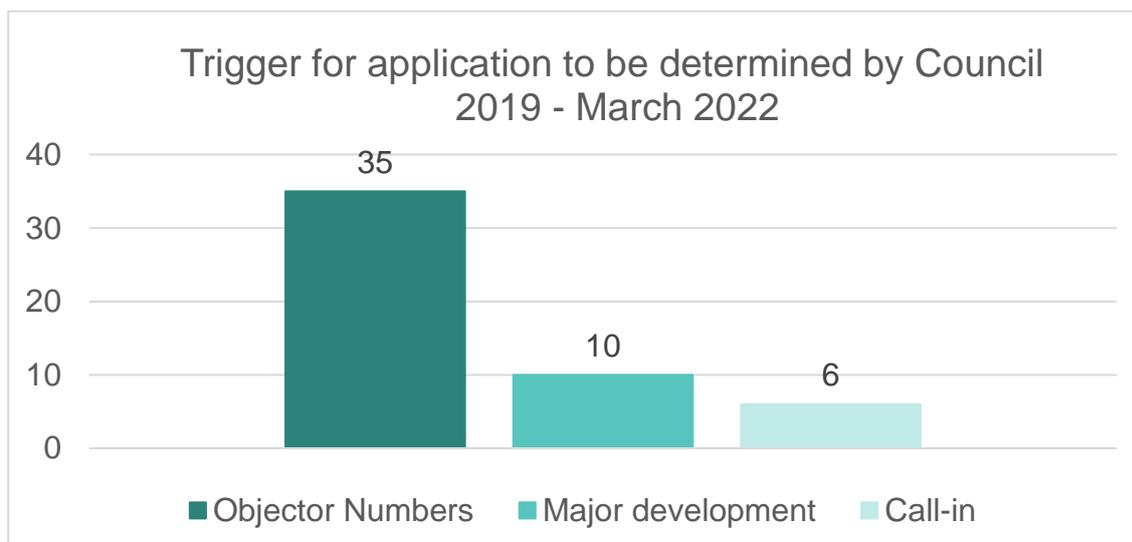
- a) Any application 'called in' by a councillor, whereby a councillor advises the director City Development, Manager City Planning and Development, Assistant Manager Statutory Planning, Coordinator Strategic Planning, Team Leader Statutory Planning, or Principal Planner that the planning application must be reported to council for determination;
- b) Any major development proposal or any other application were warranted by the delegate;
- c) An application where there is considered by the delegate to be significant non-compliance with the relevant council policy, the WPS and/or any incorporated document to the WPS;
- d) An application for a single dwelling or dwelling addition where there are 12 or more objector properties;
- e) An application for multiple dwellings where there are 12 or more objector properties;

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- f) An application for accommodation where there are 12 or more objector properties;
- g) An application for non-residential use and/or development outside a residential zone where there are 20 or more objector properties; or
- h) An application for residential use and/or development within a residential zone where there are 12 or more objector properties.

The Service Review notes:

- Most Councils retain a condition regarding Councillor call-in (condition a above) and Officer escalation (condition b). The recommendation is to retain these conditions.
- Historically, Councillors and Officers have escalated matters to Council to be determined at a Council meeting that did not meet the minimum number of objectors.
- Overall, the number of objectors to an application is the most common reason for escalations to Council (see figure below).



- Officer escalations to Council use condition b (above) where the Officers have deemed the application is significant to the Whitehorse Community.
- Conditions that prescribe a 'number of objectors' (at any number) can influence behaviour and may not result in a process that is reflective of community sentiment.

Planning Forums

A Planning Forum allows objectors and the applicant to discuss issues, with a Planning Officer present, with the aim to reach a resolution between parties that complies with the WPS. The ultimate intent of a Planning Forum is to improve planning application outcomes. The conditions which initiate a Planning Forum are set by a motion of Council (last updated at Whitehorse in 2014) and are commonplace in Victorian Local Government. Whitehorse City Council currently holds Planning Forums when five (5) objections are received. Current Council practice is that the Ward Councillor Chairs this

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forum and the applicant and planning officer are required, with invitations extended to objectors.

The Service Review found:

- Benchmarking undertaken during the Service Review found that other Councils use different approaches to determine trigger parameters for a Planning Forum. The notable differences were:
 - Number and type of objections to an application which trigger a Forum (1 – 20; or exclusions);
 - Councillor involvement (1 or 2 compulsory attendance, invitation only, no councillor involvement, chairing role);
 - Scheduling of forums (set date and time; or coordinated based on best availability).
- A Forum adds an estimated minimum of three (3) weeks to the planning application process (+15 statutory days) with further delays possible if scheduling difficulties arise (between all parties' applicant, objectors, Councillors).
- The table below provides a summary of the number of forums held between January 2021 and June 2022.

Date range	Number of Planning Forums
2021 Jan-Jun	18
2021 July-Dec	16
2022 Jan-Jun	13

- It is anticipated that under current parameters, the number of Forums will increase due to the increase in applications for multiple dwelling developments on previous one-dwelling-lots. This increases the number of adjoining properties which are potential objectors. It is prudent to consider this when determining the best mechanism to determine when a Forum should be convened.
- Removing objector number triggers for Forums could enable the Officers and Councillors to have the authority and autonomy to determine when a Forum is appropriate. This could enable:
 - Forums to be convened earlier.
 - Forum to be convened based on the qualities of the application and likelihood of improved outcome.
 - Statutory timelines being impacted only when absolutely required.
 - Quicker decision when the application is straightforward.

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- Note: Planners are required to formally consider all objections as part of the application assessment process, irrespective of if a Forum is convened.

Service resourcing

The Service Review found there are risks in the current service model relating to the provision of arboriculture expertise and the level of resourcing within the service. In 2018 Council resolved to introduce new temporary tree controls within Whitehorse and referred additional resourcing associated with the controls to the 2017/18 Budget. Given the temporary nature of this planning control (yearly review of SLO9) and difficulty recruiting arborist specialty, this advice is currently contracted. Recently the Council has received an increase in community feedback on arboricultural advice in relation to planning matters, with community concern on the assessment of dangerous, dead, and dying trees.

There is a current industry shortage in qualified Urban Planners which can impact on service performance when the shortage impacts recruitment timelines and ability to fill these legislatively required roles.

There are two dimensions of service resourcing for consideration: planner workload and arboriculture model.

Planner Workload

The Review has set the target workload per planner per year at 90 applications. This target application workload is calculated based on benchmarking with other Councils and is at the higher end of the range. This reflects the high percentage of Vic Smart applications within the Service's annual figures and the proposed technological efficiencies to be gained.

Benchmarking was conducted in October 2022 and illustrated that the average number of applications per Planner (1.0 FTE) per year ranged from 69.85-106.46 with Whitehorse averaging 104 applications per Planner per year. This workload calculation excludes secondary consents; amendments and other application adjustments planners also undertake as part of their roles.

To achieve the target workload will require changes to resourcing levels. The Service Review recommends that Council approve an increase of 4.0 FTE in the Service. These 4.0 FTE are currently in the Service as fixed term positions, and the Service has been operating with these temporary resources since 2018. This conversion of temporary to permanent roles would maintain the applications per year, per planner at 104.

The other Service Review recommendations will support further efficiencies (e.g., technology improvements) and filling of current vacant positions that would bring the planner workload closer to target. The target must be actively monitored, and further assessed once all vacant roles are filled and more efficient processes are embedded. To enable successful transformation of the service to the desired customer centric, accessible, and

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transparent outcomes, service resourcing modelling also includes the addition of a dedicated service improvement role (1.0FTE) to coordinate and enable the desired level of change.

Arboriculture Model

Arboriculture advice to the Service is currently resourced using a panel contract and only two contractors are extensively used. The Service relies on an established trusted relationship with these contractors which poses a risk to service continuity if one of the contractors withdrew from service delivery.

In summary the key issues are:

- A recent increase in community feedback on the quality of current Arboriculture advice; particularly Officers (not qualified arborists) making decisions on dangerous trees. The perception is that Officers make decisions on dangerous, dead and/or dying, however, currently Officers only make decisions if it is assessed that the tree is dangerous and poses an immediate and serious safety risk.
- Significant dependency, and inherent operational service continuity risk, on current contractors (2) operating as sole traders. This poses risk to service interruption due to the lack of contractual or employment obligation.
- Council referred (notice of motion) permanent Arboriculture positions to the 17/18 budget process, where six (6) FTE was approved. Four (4) FTE (3.0 FTE arboriculture, 1.0 FTE enforcement) remain vacant due to uncertainty on tree controls (SLO9) continuing. It is anticipated to have updated direction on SLO9 in July 2023.
- There is a difficulty in attracting Arborist skills to Council positions due to disparity in industry/private pay rates and conditions.
- It is considered that an internal arboriculture team would reduce Planner workload, by taking on the decision making relating to Planning Applications that are relating to single tree assessments (e.g., VicSmart applications). This could result in the application-per-planner workload target to be more achievable (as mentioned earlier in this report).

The functions of Planning and Arboriculture are connected and need to be considered together in terms of overall service resourcing and structural design. Benchmarking undertaken for the Service Review considered the resourcing levels and service models of five other councils, outlined below. Interestingly, Council 1 and 2 have internal arboriculture resources, and while their application-per-planner ratio remains comparable, their percentage complete within statutory time is higher than Whitehorse. It should also be noted that there are additional operational factors that impact timelines (e.g.: technology, local planning scheme, operational efficiency) many of which will be addressed in the Service Review recommendations.

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STRATEGIC ALIGNMENT

The Statutory Planning service is responsible for undertaking the role and duty of the Responsible Authority under the rules and regulations of the *Planning and Environment Act 1987*, the *Subdivision Act 1988* and associated legislation. This service makes land-use decisions which can support the achievement of the Council Plan 2021-25 strategic directions:

- Strategic Direction 2: A Thriving Local Economy; Business, Employment, Education and Skill Development
- Strategic Direction 4: Our Built Environment, movement and public places
- Strategic Direction 5: Sustainable Climate & Environmental Care

BACKGROUND

Statutory Planning is the assessment of planning permit applications for new development proposals and changes to land use activities. This can range from large, complex, multi-story development, through to front fence alterations or individual tree removal on suburban blocks. Planning applications may include changes of use to buildings, including new small businesses, childcare, rooming houses, and health facilities.

Planning Applications and amendments accounts for the largest revenue, expenditure, community impact and staffing numbers. Statutory Planning also includes subdivisions, planning enforcement and tree education.

There have been significant changes in the WPS over the last decade, creating a higher volume of work across all Councils, which is exacerbated by an industry shortage of planning professionals. As the Service is consumer-driven, there is a need to enable a more dynamic and responsive service, able to provide prompt, robust advice, and information to our community. Over time, the need for arboriculture specialist support has increased due to changes in WPS tree controls.

The Service has undertaken improvements in recent years with the aim to improve the customer experience. A summary is outlined below:

- 2008 – Introduction of a departmental Continuous Improvement Officer to work on projects focused on improving efficiency and customer experience
- 2017 – Digitising paper-based systems to allow for customers to submit applications online.
- 2019 – Extensive update and improvement of the community-facing information on Council's website; including checklists and frequently asked questions.
- 2022 – Consolidated all internal processes on a centralised system (Pathway) to track and manage referrals. This should reduce time to decision.

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Discussion and Options

There are three (3) decision points for discussion in this report which are summarised in the following section under three headings: delegations, planning forums and service resources.

Options: Delegations

The Service Review puts forward two options for achieving the desired improved service and community outcomes which focus on simplifying five (5) current conditions around objectors. In assessing the feasibility of removing/amending the five (5) conditions around objectors, the review found this is change requiring new processes, adaptation of new ways of working and a focus on trust and professional judgement. The options (refined and transformed approach) are summarised in the table below:

	Refined Approach	Transformed Approach
Approach description	<ul style="list-style-type: none"> • Retaining the councillor call in, major development and non-compliant delegation conditions (a to c above) • Two refined triggers based on number of objectors and type of application (residential and non-residential) i.e. combining conditions (d to g above) and changing condition h (above) from 12 objector properties to 20. • Removing specific objector number triggers within conditions (d to h above) 	<ul style="list-style-type: none"> • Retaining the councillor call in, major development and non-compliant delegation conditions (a to c above) • Removing specific objector number triggers within conditions (d to h above)
Benefits	<ul style="list-style-type: none"> • Clear mechanism for applications to be determined by Council. • Allows for some nuance between commercial and private applications (eg: 12 vs 20 objector numbers). • Is familiar, established and understood by the community and Council. 	<ul style="list-style-type: none"> • Enable Councillors and Officers to use their professional judgement on which applications are suitable to be determined by Council. • The key advantage of this approach is the removal of straightforward applications that are within the WPS parameters (but

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	<ul style="list-style-type: none"> Refining of conditions increases simplicity 	<p>may be unpopular) from becoming politicised at a Council meeting. Councillors commented that these applications can be particularly challenging, as they need to balance the community interests, but also are responsible for making decisions aligned with the WPS. These agendas can be at odds and put Councillors in a challenging position.</p>
Risks	<ul style="list-style-type: none"> Applications that are straightforward (but perhaps unpopular) will continue to be determined by Council. Tension exists with Councillors balancing public interest with their role to administer decisions aligned with the WPS. Inefficient assessment of straightforward applications. Increased overall statutory days to decisions. 	<ul style="list-style-type: none"> Relies on strong trust between Councillors and the Planning team, with both parties needing to be well informed on applications, and the community interest in them. Perception of removing the importance of objectors and community input into the planning process.
Dependencies	Detailed briefings on specific applications to ensure robust decision making.	Ensure the flow of information between Councillors and Officers

Options: Planning Forums

The Service Review puts forward two options for ensuring Planning Forums meet their objectives which consider:

- Changing the number of objectors required to convene a planning forum to align with delegations (e.g., increase from 5 objections to 12/20 objector properties). This would increase the consistency of councillor involvement and provide alignment between forums and councillor meetings.
- Removing the prescription of number of objectors, and empowering Councillors and Officers to convene forums when their professional judgement assesses they will be beneficial. This would be a transformed

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approach and require change to processes, ways of working and strong trust in professional judgement.

The two options (refined and transformed approach) are summarised in the table below:

	Refined Approach	Transformed Approach
Description	<p>Change the trigger for Planning forums to:</p> <ul style="list-style-type: none"> • An application for non-residential use and/or development where there are 20 or more objector properties; or • An application for residential use and/or development where there are 12 or more objector properties. 	<p>Change the trigger for Planning forums to:</p> <p>An application (when advertised) receives objections that Councillors or Officers determine can be resolved by negotiation between parties in a Planning Forum; Officers and/or Councillors can convene a Forum</p>
Benefits	<ul style="list-style-type: none"> • There is clarity for applicants in when and why forums are called due to the trigger of 20 and 12 objections based on application type. • Is familiar and well understood by the community and Council. • Provides alignment between forums and the council meeting triggers • May reduce delays on processing applications with lower number of objectors 	<ul style="list-style-type: none"> • Forums are only called when there are genuine opportunities for negotiation and improved outcomes. • Forums can be called when there is an issue of importance to discuss, irrespective of the number of objections. • Councillors and Officers can use their expertise and knowledge to determine the benefits of a forum. • Removes the delay on decisions that are likely to be refused. • Provides a streamlined approach to negotiation and considering objectors concerns. • Values objections based on their merit; not solely only volume.

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Risks	The process delays and time between objections being lodged and objections being addressed will continue to be > 3 weeks.	<ul style="list-style-type: none"> • Perception of removing the importance of objectors and community input into the planning process. • Requires a change to current practice and will need to be managed accordingly with staff and Councillors.
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Options: Service Resourcing

The Service Review explored a range of options to change the service resourcing and model with the aim to improve the customer experience and reduce the average time taken to make a decision. This is reliant on the following factors:

- The workload of Planners (total applications divided by Planner FTE available for assessments);
- Process and technology efficiency;
- Efficiency of the provision of specialist advice particularly Arboriculture assessments. A particular issue to be address was the lack of qualified arborist support for dead, dying and dangerous tree assessments outside of business hours of 8am-5pm, weekdays.

There are two options outlined in the table below for consideration. Given the resourcing and recruitment challenges described in this report, there would be a need to maintain the current model with additional funding (Optimise) during any transition period to the recommended option (Transform).

	Optimise Option	Transform Option
Summary (same for both options)	<ul style="list-style-type: none"> • Permanently adjust Planner resources by 4.0 FTE (convert long standing temporary roles). • Deliver customer & operational efficiencies with an increased focus on customer service and continuous improvement function – increase 1.2 FTE. 	
Summary (Arboriculture model)	<ul style="list-style-type: none"> • Continue to receive arboriculture advice through Contractors engaged under a panel contract • Dead, dying and dangerous tree assessments completed by qualified arborists. Additional funding provided to 	<ul style="list-style-type: none"> • Create dedicated arboriculture team within City Planning & Development to provide arboriculture advice to Planning and Planning Enforcement

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	engage assessments outside of normal business hours.	<ul style="list-style-type: none"> • Dead, dying and dangerous tree assessments completed by qualified arborists. Additional funding provided to engage assessments outside of normal business hours
Summary of costs	<ul style="list-style-type: none"> • Total increase + 1.20 FTE • Total increase to annual budget \$535k 	<ul style="list-style-type: none"> • Total increase + 5.20 FTE • Total increase to annual budget \$611k
Benefits	<ul style="list-style-type: none"> • Service delivered by contractors to an agreed service level as defined by contractual terms • Payment is only required for services delivered, cost able to fluctuate with service demand • Lower increase to organisational FTE • Additional funding supports weekend tree assessment by qualified arborists 	<ul style="list-style-type: none"> • Provides consistent arbour services for applications and enforcement • Creates dedicated team who can directly respond to customer feedback and organisational need • Enhanced control over prioritisation of work and responsiveness • Additional funding supports weekend tree assessment by qualified arborists
Risks	<ul style="list-style-type: none"> • Dependency on contractors with limited loyalty to Council • Community perception of arbour expertise continues to be negative • Limited control over timeliness and quality within current contract • Increase to organisational FTE and headcount (+1.20) 	<ul style="list-style-type: none"> • Challenges to recruit Arborist expertise at council rates • Managing change within service • Increase to organisational FTE and headcount (+5.20) • Internal staff time taken up with organisational employment obligations (meetings, customer correspondence, compliance training, paid leave etc.)

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SUPPORTING REPORT DETAILS

Legislative and Risk Implications

The Statutory Planning service is responsible for undertaking the role and duty of the Responsible Authority under the rules and regulations of the *Planning and Environment Act 1987*, the *Subdivision Act 1988* and associated legislation. The *Planning and Environment Act 1987* sets the legal framework for the planning system, each municipality in Victoria is covered by a planning scheme that regulates the use, development, and protection of the land.

The Planning and Environment Regulations 2015 set out requirements of the Responsible Authority in carrying out its duty including:

- Processing of permits;
- Certificates of compliance;
- Compensation;
- Enforcement and legal proceedings.

Risk implications were assessed against the following three criteria:

1. Community Experience and Outcomes– impact on accessibility, responsiveness, fairness, and equity.
2. Financial Sustainability – impact on long-term financial sustainability.
3. Operational Feasibility – impact on productivity, employees, and operations.

Equity, Inclusion, and Human Rights Considerations

In developing this report to Council, the subject matter has been considered in accordance with the requirements of the *Charter of Human Rights and Responsibilities Act 2006*.

The subject matter and recommendations of this report serve to enhance section 18 of the Human Rights Charter: The right to take part in public life. Improving the Service's communications by removing complex jargon and providing supporting service information in multiple ways increases accessibility for those:

- English is not a first language
- Have challenges processing overly complex information
- Enhances the ability of all to understand the service and effectively engage.

The report has no further legal ramifications or impacts in relation to Gender Equity or Child Safe Standards.

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Community Engagement

The Service Review undertook internal and external consultation and engagement. A summary is provided in the table below:

Consultation	Method
Statutory Planning Service Customers	<ul style="list-style-type: none"> • Survey (1500 sent, response of 55)
Customer Feedback / Complaints	<ul style="list-style-type: none"> • Reviewed existing customer feedback and case studies on the service
Metropolitan & Regional Councils	<ul style="list-style-type: none"> • Benchmarking conducted via email • Consultation sessions • Discussions on issues and best practice
Department of Energy, Environment and Climate Action	<ul style="list-style-type: none"> • Meetings • Sharing best practice resources
Councillor Feedback & insight	<ul style="list-style-type: none"> • Consultation forum
Executive Team	<ul style="list-style-type: none"> • Briefings and presentations
Statutory Planning Service team	<ul style="list-style-type: none"> • Workshops • Surveys • Meetings
Internal referring teams	<ul style="list-style-type: none"> • Meetings & workshops

Financial and Resource Implications

The service resourcing requirements have an implication for Council's approved employees (FTE) and ongoing organic budget.

Service Resource Option	Optimise	Transform
Employee Resource Impact	+1.20 FTE	+5.20 FTE
Annual Budget Impact	\$535,463	\$611,068

Decisions made in regards to the delegations and forums will have no material financial and resource impacts.

Innovation and Continuous Improvement

The Service Review Program is designed to find the most appropriate way to ensure Council delivers services to the community in the most appropriate, effective and efficient way. This program of review seeks transformative change focused on improving outcomes for our customers and residents. This Service Review has established a suite of internal process improvement opportunities, which will serve to increase efficiency, remove "red tape" and improve the customer experience.

Collaboration

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The challenges faced by the Statutory Planning Service are not unique to Whitehorse City Council. As part of the Service Review, seven (7) Victorian Councils were engaged to understand their challenges and opportunities in service operation. The Service Review also engaged with the State Government via the Department of Energy, Environment and Climate Action (formerly DELWP) on their Better Planning Approvals project, resources and best practice guidance.

Conflict of Interest

The *Local Government Act 2020* requires members of Council staff, and persons engaged under contract to provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.

Council officers involved in the preparation of this report have no conflict of interest in this matter.

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Conclusion

The Service Review conducted by the Transformation Division recommends changes to the Service to improve the customer experience and its compliance to statutory timeframes.

The Service Review's recommended approaches are:

Delegations - change the five (conditions d to h) current trigger-based delegations into two trigger-based delegations for improved clarity and simplicity:

- New Condition d: An application for non-residential use and/or development where there are 20 or more objector properties; or
- New Condition e: An application for residential use and/or development where there are 12 or more objector properties.

Planning Forums - change the conditions for triggering a forum to:

- An application for non-residential use and/or development where there are 20 or more objector properties; or
- An application for residential use and/or development where there are 12 or more objector properties.

Service Resourcing - increase the service resourcing by 5.2 full-time equivalent (FTE) staff) to provide long term service continuity and ensure a sustained focus on customer service and continuous improvement.

10.3 Records of Informal Meetings of Councillors

Governance and Integrity
Corporate Services

COUNCIL RESOLUTION

Moved by Cr Munroe, Seconded by Cr Massoud

That the record of Informal Meetings of Councillors be received and noted.

CARRIED UNANIMOUSLY

Special Councillor Briefing 22 February 2023 – 6.30pm-7.27pm		
Matter/s Discussed:	Councillors Present	Officers Present
Tech Transformation in Local Government - Deloitte	Cr Lane (Mayor & Chair) Cr Cutts (Deputy Mayor) Cr Barker Cr Liu Cr Massoud Cr McNeill Cr Munroe Cr Skilbeck Cr Stennett	S McMillan S Cann S Sullivan S White
	Others Present	
	R Jeffrey – Deloitte R Wildes – Deloitte D Gilbertson - Deloitte	
Disclosure of Conflicts of Interest	None Disclosed	
Councillor /Officer attendance following disclosure	None Disclosed	

10.3
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Councillor Informal Briefing 27 February 2023 – 6.30pm-6.52pm		
Matter/s Discussed:	Councillors Present	Officers Present
<ul style="list-style-type: none"> • Urgent Business • Public Presentations • Public Question • Item 12.1 Aquatic Service Review • Council Agenda Items 27 February 2023 	Cr Lane (Mayor & Chair) Cr Cutts (Deputy Mayor) Cr Barker Cr Carr Cr Davenport Cr Liu Cr Massoud Cr McNeill Cr Munroe Cr Skilbeck Cr Stennett	S McMillan J Green L Letic S Cann S White C Altan V Ferlaino M Hofsteter S Lozsan K Woods
Disclosure of Conflicts of Interest	None Disclosed	
Councillor /Officer attendance following disclosure	None Disclosed	

Special Councillor Briefing 5 March 2023 – 9.00pm-3.00pm		
Matter/s Discussed:	Councillors Present	Officers Present
Draft budget for 2023/24 Financial Year	Cr Lane (Mayor & Chair) Cr Cutts (Deputy Mayor) Cr Barker Cr Carr Cr Davenport Cr Liu Cr Massoud Cr McNeill Cr Munroe Cr Skilbeck Cr Stennett	S McMillan J Green L Letic S Cann S Sullivan S White C Clarke C Bolitho N Brown S Fotia A Ghastine Z Quinn
Disclosure of Conflicts of Interest	None Disclosed	
Councillor /Officer attendance following disclosure	None Disclosed	

10.3
(cont)

Special Councillor Briefing 8 March 2023 – 6.30pm-7.30pm		
Matter/s Discussed:	Councillors Present	Officers Present
Briefing from the North East Link Project - Urban Design Landscape Plan for central package of project.	Cr Lane (Mayor & Chair) Cr Cutts (Deputy Mayor) Cr Barker Cr McNeill Cr Munroe	S McMillan J Green I Kostopoulos A Da Campo L McGuinness
Disclosure of Conflicts of Interest	None Disclosed	
Councillor /Officer attendance following disclosure	None Disclosed	

Councillor Briefing 20 March 2023 – 6.30pm-10.00pm		
Matter/s Discussed:	Councillors Present	Officers Present
<ul style="list-style-type: none"> • South East Metropolitan Advanced Waste Processing Project • Proposal on Draft Sustainability Strategy 2030 • East Burwood Reserve Draft Masterplan Report • Whitehorse 5 Star Food Safe Program • Meals on Wheels Transition • Council Agenda Items 27 March 2023 	Cr Lane (Mayor & Chair) Cr Cutts (Deputy Mayor) Cr Barker Cr Carr Cr Davenport Cr Liu (online) Cr Massoud Cr McNeill Cr Munroe Cr Skilbeck Cr Stennett	S McMillan S Cann J Green S Sullivan S White C Altan B Fenton M Hassan T Jenvey M Kagawa S Kinsey K Woods
	Others Present	
	T Frederico, SEMAWP Pty Ltd G Ashley, Hip V Hype Consultancy L Fraser, Fraser Design Collaborative	
Disclosure of Conflicts of Interest	Councillor: Mark Lane left the Meeting at 9.48pm prior to the discussion of Item 12.1 – Whitehorse Sport and Recreation Reference Group (Draft Council Agenda 27 March 2023) and returned at 9.52pm after the conclusion of the matter.	
Councillor /Officer attendance following disclosure	Officer Simon McMillan left the Meeting at 9.53pm prior to the discussion of Item 12.2 – CEO Employment Matters (Draft Council Agenda 27 March 2023) and did not return.	

11 COUNCILLOR DELEGATE AND CONFERENCE / SEMINAR REPORTS

11.1 Reports by Delegates

(NB: Reports only from Councillors appointed by Council as delegates to community organisations/committees/groups)

Cr Skilbeck chaired the Whitehorse Manningham Library Board meeting on 15 March 2023.
Cr Munroe attended the Whitehorse Business Group Monthly Board Meeting on 21 March 2023
Cr Barker attended the Audit and Risk Committee Meeting on 20 March 2023 and the Domestic Animal Management Plan Advisory Committee on 23 March 2023
Cr McNeill attended the Metropolitan Transport Forum on 1 March 2023
Cr Carr attended the Domestic Animal Management Plan Advisory on 23 March 2023
Cr Davenport attended the Whitehorse Manningham Library Board meeting on 15 March 2023.
Cr Massoud attended the Whitehorse Reconciliation Advisory Committee meeting on 9 March 2023 and the Whitehorse Business Group Strategic Planning Meeting on 3 March 2023 and Board Meeting on 21 March 2023
COUNCIL RESOLUTION Moved by Cr McNeill, Seconded by Cr Skilbeck That the reports from delegates be received and noted. CARRIED UNANIMOUSLY

11.2 Reports on Conferences/Seminars Attendance

Cr Cutts attended a training session held by the MAV on Sexual Harassment Prevention on 14 March 2023

Cr Massoud attended the Eastern Affordable Housing seminar on 16 March 2023

Cr Lane attended the Victoria Police Eastern Region Honours Awards ceremony on 16 March 2023

COUNCIL RESOLUTION

Moved by Cr Munroe, Seconded by Cr Cutts

That the record of reports on conferences/seminars attendance be received and noted.

CARRIED UNANIMOUSLY

CLOSURE OF THE MEETING TO THE PUBLIC

That in accordance with Section 66(2)(a) of the *Local Government Act 2020*, Council close the Meeting to members of the public and adjourn for five minutes to allow the public to leave the Chamber prior to considering the following confidential matters:

12 CONFIDENTIAL REPORTS

COUNCIL RESOLUTION

Moved by Cr Massoud, Seconded by Cr Skilbeck

That in accordance with Section 61(1) and 66(2)(a) of the *Local Government Act 2020* the Council should resolve to go into camera and close the meeting for the consideration of the following confidential items, as the matters to be discussed contain confidential information for the purposes of section 3(1) of the *Local Government Act 2020*:

12.1 *Whitehorse Sport and Recreation Reference Group – Appointment of Members

This report and its attachments are designated as confidential information because the matter concerns personal information which if released would result in the unreasonable disclosure of information about any person or their personal affairs (Section 3(1)(f)).

****Council resolved to make the report and resolution public, the report and resolution are included below.***

12.2 CEO Employment Matters

This report and its attachments are designated as confidential information because the matter concerns personal information which if released would result in the unreasonable disclosure of information about any person or their personal affairs (Section 3(1)(f)).

CARRIED

Confidential Resolution and report determined to be made Public

12.1 Whitehorse Sport and Recreation Reference Group - Appointment of Members

Leisure and Recreation Services
Director Community Services

SUMMARY

The new Terms of Reference (TOR) for the Whitehorse Sport and Recreation Reference Group were endorsed by Council in November 2022 which replaced the Whitehorse Sport and Recreation Network.

As part of the actions following the adoption of the new TOR, Officers were to commence recruitment of ten community representatives for the 2023-2024 Reference Group.

The recruitment for the Whitehorse Sport and Recreation Reference Group was advertised in December 2022 for a period of five weeks during which time Council received (16) applications from interested community members in total.

Following the Council recommendation to provide additional time to capture applications from a more diverse group, an additional two weeks recruitment period was advertised in February 2023 and an additional 8 applications were received. All (24) applications from community members have been shortlisted to (10) preferred candidates for Council consideration. The names of the recommended reference group members are to remain confidential until officers have advised them of Council's decision.

COUNCIL RESOLUTION

Moved by Cr Davenport, Seconded by Cr Barker

That Council:

1. Appoints **(names to be inserted once members have been advised and minutes will be republished)** to the Whitehorse Sport and Recreation Reference Group for a period of 12 months to be reviewed at the end of 2023
2. Appoints **(names to be inserted once members have been advised and minutes will be republished)** to the Whitehorse Sport and Recreation Reference Group for a period of two (2) years to be reviewed at the end of 2024
3. Delegate to Officers to advise all the successful and unsuccessful individuals of Council's decision.
4. Resolve that this report is not confidential except for Attachment 1.
5. Includes names of unsuccessful applicants as Attachment 1 which will remain confidential, except to the extent that the Chief Executive Officer (or delegate) must disclose aspects of it to give effect to these resolutions, and be placed in a separate Minute Book for Confidential Items.

CARRIED UNANIMOUSLY

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Key Matters

Interested community members were required to submit an expression of interest via online application form.

The online application form asks interested community members questions around why they want to be involved in the network, what sport, recreation or physical activity group they are part of and what skills they could bring to the network.

Applications were assessed by officers through a selection criteria (Attachment 1) ensuring adherence to the TOR by seeking community applicants with an ability to work collaboratively with other members and Council, a strong interest in local community development issues, a proven understanding of sport and recreation-related issues, and a willingness to commit to attend Reference Group meetings.

Terms of appointment will be staggered over the two year term so as to provide continuity of membership, with five (5) members being appointed for a two (2) year term every 12 months. For the first 12 months of operation of the Reference Group, five (5) members will be appointed for a 12 month term and five (5) members will be appointed for a two (2) year term. Applicants were asked to indicate their term preference as part of the expression of interest.

The Terms of Reference (attached) indicates the Term of Appointment and Recruitment process with the recruitment guided to ensure the Reference Group with the following attributes:

- a) Diversity of sport and recreation-related interests and knowledge including organised sport, active recreation, passive recreation, nature play, club development, community development and education, volunteer management, participation and open space;
- b) Representation of members of different local community groups/clubs/activities;
- c) Representation of a variety of sectors in the municipality, including community agencies, business, education, and interested citizens;
- d) A mix of skills and attributes to complement other members of the Reference Group; and
- e) Members will be selected on the merits of their skills and their ability to contribute to ensuring the attributes are achieved.

From the 24 applications received from interested community members in total, ten (10) have been shortlisted.

The TOR indicates that meetings of the reference group will be held six (6) times per year. Given the additional recruitment period provided, this will be reduced to five (5) meetings for the 2023 year with Council's volunteer recruitment online training to be completed in April and the first formal meeting for the group held in May 2023.

STRATEGIC ALIGNMENT

In seeking support to coordinate a group of community members for Council to better engage with to facilitate improved service delivery for sport and recreation in the municipality – aims to advance a number of Council strategies, specifically:

Council Plan

Strategic Direction 3 – Diverse and Inclusive Community, underpinned by objectives 3.1 and 3.2

Strategic Direction 6 – An Empowered Collaborative Community, underpinned by objectives 6.1 and 6.2

Strategic Direction 7 – Health and Wellbeing, underpinned by objectives 7.2, 7.3. and 7.4

Strategic Direction 8 – Governance and Leadership.

Policy

The purpose of the Reference Group includes to provide a mechanism for Council to consult with key stakeholders around sport and recreation-related issues, initiatives, policies and strategies. The existing relevant policies and strategies are listed below:

- Council Plan
- Council Vision
- Health and Wellbeing Plan
- Recreation Strategy
- Pavilion Development Policy
- Floodlighting Policy – outdoor sport and recreation
- Open Space Strategy
- Play Space Strategy
- Cycling Strategy
- Sporting Facilities Guide
- Use/Access of Council Parks and Sports fields Policy
- Community Engagement Policy

BACKGROUND

In November 2022 Council endorsed a revised Terms of Reference for the Whitehorse Sport and Recreation Reference Group (formerly Network)

The Reference Group is made up of a maximum of 10 community representatives, and two Council representatives and administrated by Council's Active Communities staff.

Membership is open to individuals participating in sport, recreation or physical activity or groups operating within the Whitehorse municipality.

Council are looking for people who:

Are an active member or participant of at least one Whitehorse sport, recreation or physical activity or group

- Are willing to participate in the Reference Group for a minimum of one year or two years
- Want to make a difference to their local community
- Can promote engagement opportunities with the Whitehorse sport, recreation and leisure community through own networks

Discussion and Options

If Council does not endorse the recommendations contained within this report, the Whitehorse Sport and Recreation Reference Group would not continue to operate for the 2023-2024 term.

SUPPORTING REPORT DETAILS

Legislative and Risk Implications

There are no legal or risk implications arising from the recommendation contained in this report.

Equity, Inclusion, and Human Rights Considerations

In developing this report to Council, the subject matter has been considered in accordance with the requirements of the *Charter of Human Rights and Responsibilities Act 2006*.

It is considered that the subject matter does not raise any human rights issues.

Community Engagement

Council Officers from Active Communities and Strategic Communications and Customer Service have worked together to produce the online expression of interest form and social media marketing.

Recruitment information has been emailed to all sport, recreation and leisure groups and other interested community groups to capture passive recreation users to encourage a diversity amongst the group.

Financial and Resource Implications

An amount of \$3,000 has been provided in the current budget to resource the Whitehorse Sport and Recreation Reference Group.

Innovation and Continuous Improvement

There are no Innovation and Continuous Improvement matters arising from the recommendation contained in this report.

Collaboration

Council Officers from Active Communities team have collaborated with other volunteer coordinators within Council to promote the recruitment to other relevant networks outside the typical sport and recreation groups.

Conflict of Interest

Council officers involved in the preparation of this report have no conflict of interest in this matter.

Conclusion

The Terms of Reference for the Reference Group was endorsed to better reflect the purpose served by the previous sports network and support improvements in governance, customer experience and service delivery.

With endorsement of the recommendations contained within this report, officers will notify applicants of the recruitment outcome and form the new Whitehorse Sport and Recreation Reference Group for the 2023 and 2024 membership term/s.

ATTACHMENT

- 1 Whitehorse Sport and Recreation Reference Group Recruitment Assessment Criteria March 2023 **CONFIDENTIAL**
- 2 ENDORSED Whitehorse Sport and Recreation Reference Group - Terms of Reference - November 2022 refer to link to on Council's website: [Whitehorse Sport and Recreation Reference Group Terms of Reference](#)

13 CLOSE MEETING

The open Council Meeting was closed at 8.42pm and did not reopen to the public.

The confidential section of the Council Meeting opened at 8.47pm in order to deal with Items 12.1 and 12.2. The meeting closed at 9.04pm.

These minutes are circulated subject to confirmation by Council at the next Council Meeting to be held on 17 April 2023.