



# City of Whitehorse

## MINUTES

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### Council Meeting

Held in the  
Council Chamber  
Nunawading Civic Centre

379 Whitehorse Road Nunawading

on

**Monday 15 March 2021**

at 7:00pm

**Members:** Cr Munroe (Mayor), Cr Barker, Cr Carr (Deputy Mayor), Cr Cutts, Cr Davenport, Cr Lane, Cr Liu, Cr McNeill, Cr Massoud, Cr Skilbeck, Cr Stennett

**Mr Simon McMillan**  
Chief Executive Officer

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Meeting opened at 7:00pm

**Present:** (Mayor) Cr Munroe, Cr Barker, Cr Carr (Deputy Mayor), Cr Cutts, Cr Davenport, Cr Lane, Cr Liu, Cr McNeill, Cr Massoud, Cr Skilbeck, Cr Stennett

**Officers:** S McMillan, J Green, T Wilkinson, S White, S Cann, H Rowlands, J Russell

## **1 PRAYER**

### **1a 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.***

### **1b Aboriginal Reconciliation Statement**

*"In the spirit of reconciliation Whitehorse City Council acknowledges the Wurundjeri people as the traditional custodians of the land we are meeting on.  
We pay our respects to their Elders past and present."*

## **2 WELCOME AND APOLOGIES**

The Mayor welcomed all

APOLOGIES: Nil

## **3 DISCLOSURE OF CONFLICT OF INTERESTS**

None disclosed

## **4 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

Minutes of the Council Meeting 22 February 2021

### **COUNCIL RESOLUTION**

Moved by Cr Carr, Seconded by Cr Cutts

***That the minutes of the Council Meeting 22 February 2021 having been circulated now be confirmed.***

**CARRIED UNANIMOUSLY**

## **5 RESPONSES TO QUESTIONS**

Mr P Cater, on behalf of the Whitehorse Active Transport Action Group submitted two questions electronically.

On May 22, 2020 the Federal Government's Local Roads and Community Infrastructure Program (LR&CIP) allocated Whitehorse \$671,440. The program's focus was to be a specific COVID response for additional works that were not on 2020/21 budget and would benefit the wider community. Council decided that the significant bulk of the allocation (estimated as plus \$620,000) should go to Zetland Street drainage and associated roadworks which has limited benefit to a wider community:

1. Could the Council advise whether these works have been programmed in last year's Council Forward Capital Works program and for what year?

The LR&CIP allocation was predominately allocated to Zetland Street drainage and roadworks. But by advancing works from year 1, meant one key project less for 2021/22 Capital Works. It enables 'Sharrows First' to be completed in lieu of Zetland in 2021/22 for \$400,000 without reducing other programmed works. Research indicates that this project will deliver benefits to 110,000 residents; the 'interested but concerned' cyclist. It is consistent with the LR&CIP funding principles.

2. Does Council believe there are alternative projects that deliver benefits of better value for money to more people in the 2021/22 Capital Works Program?

Mr Jeff Green General Manager of City Development responded on behalf of Council in relation to question one advising that works were programed for 2021/22 financial year and that a written response would be provided to Mr Carter in relation to question two.

## **6 NOTICES OF MOTION**

### **6.1 Notice of Motion No 139: Cr Stennett**

#### **COUNCIL RESOLUTION**

Moved by Cr Stennett, Seconded by Cr Cutts

*That a report be prepared in relation to:*

- 1. The removal of all recently planted trees that are not Pin Oak trees, and replacement with Pin Oak trees along Alwyn Street, Mitcham, re-using these trees where possible in other more suitable parts of the municipality.*
- 2. All future tree replacements along Alwyn Street Mitcham be like-with-like replacements i.e. Pin Oak trees.*
- 3. The replacement of the existing signage (indicating unsuitability of large vehicles) near the entrance of Alwyn Street Mitcham (both ends of the road) with larger signs in a more prominent location on Mitcham and Rooks Road, visible to vehicles approaching Alwyn Street from both directions (advisory signs indicating unsuitability for large vehicles).*
- 4. Installing these advisory signs in prominent locations along Mitcham Road and Rooks Road near the intersection of these additional streets, subject to consultation with residents along Carween, Lucknow and Owen Streets Mitcham.*
- 5. Council requesting the Department of Transport carry out a review of the traffic light sequencing at nearby arterial road intersections to these local streets, such as Mitcham Road, Rooks Road and Canterbury Road to determine if improvements can be made to the flow of traffic, and reducing congestion which may be causing vehicles to travel down local streets.*

*The Mayor indicated he would move Item 1, 2, 3, 4 and 5 of the Notice of Motion to the vote in separate parts*

*The Mayor put Item 1 of the Notice of Motion to the vote, which was  
LOST.*

*The Mayor put Item 2 of the Notice of Motion to the vote, which was  
LOST*

*The Mayor put Item 3 of the Notice of Motion to the vote, which was  
CARRIED*

*The Mayor put Item 4 of the Notice of Motion to the vote, which was  
CARRIED*

*The Mayor put Item 5 of the Notice of Motion to the vote, which was  
CARRIED*

## **7 PETITIONS**

NIL

## **8 URGENT BUSINESS**

Nil

## **9 COUNCIL REPORTS**

### **9.1 CITY DEVELOPMENT**

#### **Strategic Planning**

#### **9.1.1 Strategic Planning Update**

FILE NUMBER: SF10/90

##### **SUMMARY**

*This report outlines progress with key strategic planning projects since September 2020 and recommends that this update report be acknowledged.*

##### **COUNCIL RESOLUTION**

Moved by Cr Massoud, Seconded by Cr Lane

***That Council note the report on progress with Strategic Planning projects.***

**CARRIED UNANIMOUSLY**

##### **BACKGROUND**

Council's Strategic Planning Unit undertakes a range of projects that respond to the strategic planning needs of Whitehorse, updates the Whitehorse Planning Scheme (Planning Scheme) and manages projects to proactively plan for future improvement, development opportunities and protection of important features and places within the City.

##### **DISCUSSION**

The following is a summary of the current status of key projects being undertaken by the Strategic Planning Unit. The last update to Council was provided at its meeting on 21 September 2020.

##### ***Key planning scheme amendments***

##### Amendment C219 - Municipal Wide Tree Controls, Significant Landscape Overlay (SLO9)

On 16 July 2020 the Minister for Planning (the Minister) approved tree protection controls across the municipality via Amendment C219 on an interim basis until 30 June 2021 while the Department of Environment, Land, Water and Planning (DELWP) completes a review of the Significant Landscape Overlay (SLO) in the Victoria Planning Provisions (VPP). DELWP has advised that this review is intended to establish a state-wide approach to the application of planning tools for tree protection.

In December 2020 DELWP released a preliminary draft overview of the proposed changes to the VPPs. Technical feedback was provided at officer level, noting that there will be further consultation, including opportunity for formal Council feedback, on detailed changes later this year.

##### Amendment C213 – Student Accommodation Policy Update

The *Student Accommodation Background Paper* and *Student Accommodation Strategy* were adopted by Council in August 2018. The Strategy informed a proposed update to the existing Student Accommodation Policy at Clause 22.14 of the Planning Scheme which has been in place for approximately 10 years.

### 9.1.1

(cont)

Following exhibition in August / September 2019, and there being no submissions, Council adopted Amendment C213 at its meeting on 25 November 2019 and lodged it with the Minister for approval on 23 December 2019. A decision is yet to be received from the Minister but officers from DELWP have advised that the proposed changes are being considered as part of the Planning Policy Framework (PPF) translation process that they are currently undertaking. Further detail on the PPF translation is provided below.

#### Amendment C220 – Residential Corridors Built Form Study, Design and Development Overlay (DDO)

The *Residential Corridors Built Form Study* prepared draft development guidelines for areas in the municipality along key road corridors, including Burwood Highway and Whitehorse Road, where the Residential Growth Zone (RGZ) interfaces with land in the Neighbourhood Residential Zone (NRZ) and the General Residential Zone (GRZ).

The Study was adopted by Council at its meeting on 29 January 2019 and authorisation for Amendment C220 was sought from the Minister on 11 October 2019. Council officers have liaised with DELWP to progress the amendment, and provided further information in January 2020. Authorisation to commence the amendment was received in February 2021. The conditions of authorisation are being reviewed against the intent of the Study.

#### **Activity Centres**

Officers continue to implement actions from adopted structure plans and urban design framework plans for activity centres in the municipality. A monitoring framework for implementation of the plans has also been established and is periodically updated.

#### Box Hill Metropolitan Activity Centre (MAC)

For over 10 years the Box Hill Structure Plan has been the guiding document for development in the MAC. In late 2018 Council commenced a review of the vision and strategic directions for the MAC, resulting in a draft updated Structure Plan and accompanying draft Urban Design Framework (UDF) to progress the longer term strategic vision for the Centre. These drafts were presented to Council at its meeting on 25 May 2020 where Council resolved to note the draft Structure Plan and draft UDF for the purpose of community consultation, and to seek authorisation from the Minister to commence a planning scheme amendment to implement the work.

Extensive feedback has been provided by DELWP on the form and content of the Activity Centre Zone proposed for the MAC. Officers are currently working through this feedback to progress lodgement of the planning scheme amendment authorisation request. Any significant changes required to the proposed amendment that was considered by Council on 25 May 2020 will be the subject of a report to an upcoming Council meeting. Updates on the project are included on the project web page at: <https://www.whitehorse.vic.gov.au/vision-box-hill>

#### Tally Ho Major Activity Centre – Review of Commercial 1 Zone

A review of the Tally Ho Major Activity Centre was completed in 2018/19 to assess whether the existing Commercial 1 Zone (C1Z) is the most appropriate zone to achieve the vision for the centre as a major business and employment hub in the eastern region into the future. The report prepared by Urban Enterprise found that residential development in the activity centre allowed under the existing C1Z is unlikely to complement the existing commercial uses and economic strengths of Tally Ho.

At its meeting on 26 August 2019, Council resolved to release the report for consultation, which took place from February 2020 to 9 April 2020, providing a consultation period of over six weeks due to COVID. Eleven submissions were received; ten on behalf of landowners within the study area and one on behalf of a land owner elsewhere in the Activity Centre.

### **9.1.1**

(cont)

A report was presented to the Council meeting on 27 January 2021, where Council resolved to pursue a planning scheme amendment to rezone the C1Z to the Commercial 3 Zone. As a result of the submissions received, Council also resolved to undertake a review of the Design and Development Overlay – Schedule 9, which currently applies to the Activity Centre. A brief is currently being prepared for this work.

#### Nunawading, Mitcham and MegaMile Activity Centres - Structure Plan Update

The *Nunawading/MegaMile Major Activity Centre and Mitcham Neighbourhood Activity Centre Structure Plan* was adopted by Council in 2008. A Background Review completed in 2018 analysed the key policy changes, major projects and development that have occurred in the 10 years since the Plan's adoption and will inform an update to the Structure Plan.

Consultants were appointed to assist with updating the Structure Plan so that it addresses local aspirations for dynamic and well performing Activity Centres that also comply with State government requirements. Phase 1 of the project included an initial Discussion Paper for community consultation as well as technical reports (economic, traffic and parking, built form) to understand conditions in the activity centres.

Subject to budget approval, Phase 2 will deliver an updated Structure Plan and an Implementation Plan including any amendments needed to the Planning Scheme plus improvements to amenity, transport, access, public realm, and the like. Funding has been sought from the Victorian Planning Authority (VPA) through their Streamlining for Growth Program 2020/21. If the grant application is successful Phase 2 of the program may be funded by a \$100,000 grant.

Future community consultation on the project will ensure that the community and stakeholders have input at each stage of the project. Timing for commencement of community consultation for Phase 1 is yet to be determined and is still partly dependent on COVID-19 restrictions and funding becoming available to undertake Phase 2. As a result, initial community engagement for the project may be deferred until further into the 2020/21 year.

#### ***Heritage***

##### Heritage Assistance Fund

The Heritage Assistance Fund (HAF) provides grants up to \$2,000 from the funding pool of \$40,000 to eligible owners and occupiers of properties in the Heritage Overlay to assist with the ongoing maintenance of their heritage properties. The HAF assists with various heritage preservation works including external painting, repairs and restorative works.

Applications for the HAF usually open in August but the 2020/21 round was delayed until November 2020 due to the COVID-19 Stage 4 restrictions making it difficult for applicants to obtain the necessary trade quotes. Despite the shortened application period 56 applications were received and 21 applications were approved. Approved applications totalled \$39,920 of the Fund budget of \$40,000. All applicants have been advised of the status of their funding application and one claim has already been lodged.

#### ***Other Major Council Projects***

##### Infrastructure and Development Contributions Framework

In 2019/20 the Victorian Auditor General's Office (VAGO) undertook an audit of several metropolitan and regional councils (including Whitehorse) "*to determine whether development and infrastructure contributions provide the required infrastructure to new and growing communities as intended*" (VAGO web site).



### 9.1.1

(cont)

The audit raised concerns about whether the development and infrastructure contribution schemes have been effective and highlighted that Whitehorse City Council does not currently have a formal development contribution mechanism in place in the Planning Scheme, aside from contributions in relation to public open space that have long been part of the planning and subdivision system in Victoria.

While development contribution mechanisms are common in greenfield growth areas, it is widely accepted that the current system is not readily suited to established urban areas, due to the various complexities and resources required to prepare for and to implement such a system.

Council is very conscious of the need for State and local infrastructure in places like the Box Hill MAC to keep pace with the strong growth in this significant centre. As reported to VAGO, Council has been undertaking strategic work needed to inform a suitable developer contributions tool for Box Hill. Council also has a focus on infrastructure needed to meet growth in other parts of the municipality and has committed \$200,000 funding in the 2020/21 year to investigate a municipal-wide development contributions mechanism.

After an extensive tender process, HillPDA has been appointed to prepare an Infrastructure and Development Contributions Framework for the municipality. The Framework will provide an overarching analysis and review of the factors that drive change and development in the municipality, including growth forecasts. It will determine the infrastructure needs of the municipality over a defined time period, and outline how infrastructure projects may be partially funded through a development contributions mechanism(s). The work undertaken by HillPDA may result in the need to pursue a planning scheme amendment to introduce a development contributions mechanism(s) into the Planning Scheme.

Further updates will be provided as the project progresses.

#### Building Reflectivity

Preliminary work was carried out in 2019/2020 to investigate building reflectivity issues which have been highlighted by recent development in Box Hill. The study arises from concern about the visual impact (near and far views) and glare safety caused by building reflectivity.

A report to Council on 25 May 2020 outlined the findings of the study and further work is proposed to seek technical engineering advice on the matter. Council officers are liaising with DELWP who are undertaking a similar project so that any duplication of work is avoided, before considering further funding in the 2021/22 year.

#### Tree Assistance Fund (TAF)

At its meeting on 25 May 2020, Council approved the *Whitehorse Tree Assistance Fund Policy and Guidelines* drafted by Council's Tree Education Officer and resolved to continue to allocate funds to the TAF.

The TAF provides grants up to \$1,000 from a total funding pool of \$40,000 per year to assist residents with maintenance of significant trees, being those trees covered by the Vegetation Protection Overlay (Schedules 1, 3 and 5) in the Planning Scheme. Council also approved funding (\$14,120 per annum, ongoing) for staff resources to administer the fund.

The TAF opened for the first round in September 2020 and closed at the end of November with \$40,000 in funding to allocate. The fund received 124 applications, with 42 applications successful in receiving assistance. Applications were assessed on criteria of urgency of works, suitability of works, streetscape value and contribution to the neighbourhood. For more information about the fund visit: <https://www.whitehorse.vic.gov.au/tree-assistance-fund>

### **9.1.1**

(cont)

#### ***State Government Projects***

##### SMART Planning - Planning Policy Framework

As part of the Smart Planning reforms by the State government, planning schemes across Victoria are being rewritten to align with the new thematic policy structure introduced as part of State Amendment VC148 in July 2018. VC148 introduced the Planning Policy Framework (PPF) and the Municipal Planning Strategy (MPS) to:

- Strengthen planning policy
- Better align and integrate state, regional and local planning policy
- Make policy easier to navigate and use
- Ensure that policy is consistent and concise
- Simplify the review and update of policy

All Councils are required to transition to the new structure by June 2021, with the majority of the translations to be implemented using an expedited planning scheme amendment process under section 20(4) of the *Planning and Environment Act 1987*. These translations are proposed to be policy neutral e.g. there will be no changes to the content or intent of the policy. Reform of the PPF is being primarily undertaken by DELWP in consultation with Councils across Victoria in stages and in accordance with translation guidelines prepared by State government.

For Whitehorse it is intended that this will be a policy neutral translation of the local content in the planning scheme to remove what the State government deem as unnecessary duplication in policy within each theme and to streamline operation of policy. As reported in the September 2020 Strategic Planning Update, work has commenced on the Whitehorse Planning Scheme. A first draft of PPF local content was provided by DELWP to officers in December 2020. As DELWP will only provide two drafts of the translated PPF, it will be important to ensure that key content of the Planning Scheme is not misinterpreted, diluted or removed.

Officers from Strategic Planning and Statutory Planning are finalising feedback on the first draft of the translated PPF. There are ongoing discussions with DELWP to ensure that the translation process retains important local nuances and content.

##### Suburban Rail Loop

The Suburban Rail Loop Authority (SRLA) has been working on Stage 1 of its Environmental Effects Statement (EES) for those areas of Whitehorse impacted by the proposed rail loop works. Within Whitehorse, stations are proposed in Box Hill and Burwood.

Council's Strategic Planning Unit, including the Heritage Advisor and Landscape Architect, have been meeting with the SRLA to determine the extent of the project in Whitehorse. Information has also been provided to the technical specialists preparing the impact assessment for the project, particularly in relation to important heritage places and precincts likely to be impacted. Council officers have also indicated their concerns around the protection of the public realm and the amenity of adjacent land uses and these discussions are ongoing.

##### Level crossing removal

The Level Crossing Removal Authority (LXRP) is progressing work to concurrently remove the level crossings at Mont Albert Road, Mont Albert and Union Road, Surrey Hills. The LXRP have determined that the most appropriate outcome is to lower the rail line beneath the roads and combine the two stations into one new premium station,

Council's Heritage Advisor has provided feedback to the LXRP about the heritage significance of the current Mont Albert Station, and the need to retain this building. The Heritage Advisor and Landscape Architect are also involved in the Urban Design Assessment Panel for the proposed new station. This work is ongoing.

### **9.1.1**

(cont)

#### Infrastructure Victoria's Draft 30-Year Infrastructure Strategy

Infrastructure Victoria released a Draft 30-Year Infrastructure Strategy (the Strategy), which is an update to the first Strategy released in 2016. Infrastructure Victoria is an independent advisory body that prepares 30-year infrastructure strategies, provides advice to government and publishes research on infrastructure matters.

The Strategy sets out a total of 95 recommendations. The recommendations seek to respond to the implications of the COVID-19 pandemic and build a strategy that is adaptable, resilient and confronts the long-term challenges. Some of the key themes evident in the Strategy include the need for greater integration between infrastructure and land use planning, and an opportunity to release long-term infrastructure plans (particularly transport plans) in an effort to improve coordination and provide greater certainty.

Council officers from various departments reviewed the Strategy and have collectively contributed to a submission lodged with Infrastructure Victoria on 25 February 2021. The submission is broadly supportive of most recommendations however, some actions lack detail and clarity. The submission advocates for transparent processes and engagement with Council and the community, particularly where a State policy change may impact on local government.

It is expected that the final Strategy will be released mid-year.

#### **CONSULTATION**

Community consultation is an integral part of all strategic planning projects. The level and type of consultation will be extensive and varied, depending on the nature and complexity of each project. Community consultation adds to the depth of projects and needs to be adequately factored into project timeframes.

This update report on strategic planning projects is prepared every six (6) months covering periods ending in March and September. This is followed by a summary in the Whitehorse News on a selection of projects of interest to the community.

#### **FINANCIAL IMPLICATIONS**

All of the projects require resources and funding for tasks including consultation, preparation, exhibition and consideration of amendments, consultant advice and investigations, including government processes e.g. panel hearings etc. Funding for the projects discussed in this report was either provided in the recurrent budget or via specific budget line items as new budget initiatives.

#### **POLICY IMPLICATIONS**

The undertaking of strategic planning projects is consistent with the *Council Plan 2017 – 2021* in terms of project outcomes and the consultation involved.

## Engineering and Environmental

### 9.1.2 Landfill Disposal Contract Arrangements

FILE NUMBER: 21/49484  
ATTACHMENT

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#### SUMMARY

*The purpose of this report is to inform Council of the Metropolitan Waste and Resource Recovery Group (MWRRG) collective multi-Council landfill tender process and outcomes and seek approval to enter into two separate agreements for the most cost effective and viable landfill disposal arrangements over the next four years. One service option will be for the Whitehorse Recycling and Waste Centre and a separate arrangement will apply for the disposal of garbage collected from kerbside collections. The Landfill gate fee was expected to increase substantially due to extra EPA and safety requirements placed on landfill operators, however the Metropolitan Waste and Resource Recovery Group (MWRRG) landfill services contract has provided competitive landfill disposal and transfer options with access to multiple landfill facilities that will allow Council to keep costs to a minimum.*

#### COUNCIL RESOLUTION

Moved by Cr Massoud, Seconded by Cr Carr

#### **That Council:**

- 1. For disposal of kerbside garbage enter into the four year contract arrangement with Cleanaway Pty Ltd and Suez Recycling and Recovery Pty Ltd using a common gate fee to be administered by Metropolitan Waste and Resource Recovery Group (MWRRG).**
- 2. For disposal of waste from Whitehorse Recycling and Waste Centre enter into the four year contract arrangement with Cleanaway Pty Ltd and Hanson Landfill Services Limited.**
- 3. Consider continuing the above contract arrangements by participating in the further two year contract extension option (s) that are available under the MWRRG landfill services contract on expiry of the four year initial contract period. Any consideration of participating in a contract extension must be subject to the contract extension delivering favourable pricing, good contractor performance, and there is need for Council to continue to dispose of waste to landfill beyond 2025/26.**

**CARRIED**

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#### BACKGROUND

Council disposes approximately 68,000 tonnes of garbage to landfill each year. This is currently under the Metropolitan Waste and Resource Recovery Group (MWRRG) collective landfill services contract along with 26 other Councils. Collectively the MWRRG contract delivers approximately a total of 865,000 tonnes of waste to the various landfills per year. The contract was adopted by Council in February 2011 and after Council resolution later to extend this in 2015. The current contract arrangement will expire 31 March 2021.

Under the MWRRG contract, Council has previously accessed three different landfills. Waste from the Whitehorse Recycling and Waste Centre is bulk-hauled to Melbourne Regional Landfill (MRL) in Ravenhall and the kerbside garbage from households is transported directly by the kerbside collection trucks to SUEZ landfill (formerly SITA) in Hallam. Wyndham City Council landfill was also utilised as part of the contract until 2017 by the Whitehorse Recycling and Waste Centre.

### **9.1.2**

(cont)

Prior to 2015 when Clayton South Regional Landfill closed, kerbside garbage from the former Box Hill Council district was sent there for disposal.

Although work has been underway on alternative technologies and options for landfill, it currently remains the primary option for the disposal of garbage. MWRRG is running a parallel tender process for the provision of alternative waste processing technology (AWP). It is not likely that an alternative waste technology facility will be available until about 2026. As such the MWRRG collective landfill contract period has been set at four years with two further two year's extension options to allow flexibility. This allows for any delay in the provision of any AWP infrastructure or if Council wishes to continue with the landfill arrangement.

In September 2019 Council was informed of the work underway to secure landfill options including consideration to Council 'going it alone' for a tender for landfill services, tendering directly with a small group of Councils as part of a joint venture, and participating in a larger metropolitan-wide tender facilitated by the MWRRG. Council also heard of the limitations and possible on-going investment of \$5.4 million per year needed if Council were to use the Whitehorse Recycling and Waste Centre to aggregate waste from the kerbside bulk haul waste. Council endorsed the proposal to participate in the MWRRG joint Council Landfill Services tender and delegate authority to Council's Chief Executive Officer to finalise the details of the tender documentation and related Deeds of participation for the tender and contract process.

The overall objective of the MWRRG landfill procurement was to enable all the member metropolitan Councils to access services for the disposal and transfer of waste that cannot be recovered or reused through other means.

In order to achieve this objective, the collective procurement was structured to:

- Provide a bridging period for the disposal of waste until an Alternative Waste Processing (AWP) contract is available
- Enable the appointment of more than one provider
- Ensure consistency across the metropolitan area
- Integrate with other household waste services

Achieve a robust contract model that is based on:

- Best Value
- Pricing transparency
- Appropriate risk allocation
- Flexible contract terms
- Reduced tender costs
- Ensure workable contingency arrangements.

MWRRG currently and will continue to administer the contracts on behalf of Councils in line with Participation Agreements, Direct Deeds and Landfill Services Deeds.

### **DISCUSSION**

Council requires a range of landfill disposal options to ensure maximum operational flexibility, value-for-money, and back-up should any one site be unavailable or unsuitable for any reason. The landfill operators under the MWRRG landfill services contract discount their gate fee if the tonnages exceed pre-determined trigger levels each month, a benefit of participating in a group contract such as this which provides economies of scale.

### 9.1.2

(cont)

In the South East we have a high reliance on direct hauling kerbside household waste to Suez landfill in Hallam. It is projected that the Suez Hallam site will cease receiving material at some stage during the life of this MWRRG Landfill Services Contract. Due to the limited capacity of landfills in the South East, a transfer option was included in the contract tender. This allows kerbside trucks to deposit material more locally and aggregate material and bulk haul to landfills with capacity across the City. Councils use (relatively) smaller trucks for the collection of kerbside waste that carry less waste than the bulk-haul trailers used by transfer stations.

#### 1. The MWRRG landfill services contract tender process

The Environment Protection Act 1970, formalises MWRRG's role in collective procurement to:

- Facilitate waste and resource recovery infrastructure and services by Councils;
- Facilitate the development of joint procurement contracts for waste and resource recovery facilities and services
- Manage contracts in the performance of these objectives and functions.
- Ensure consistency across the metropolitan area
- Integrate with other household waste services; and
- Ensure workable contingency arrangements.

This tender process has been resourced by MWRRG on behalf of Councils using the support of Councils and external legal, probity, negotiation and financial advisors.

The contract documents allow Council to enter into contracts with providers on either a 4-year guaranteed basis or a 12-month guaranteed basis and/or one or more contractors on a non-guaranteed basis. Penalties apply for the early termination of a guaranteed agreement.

Any extension will need to be agreed by Council and the service provider. Contractors will be invited to resubmit pricing in 2023, for the 1st April 2025 extension, to enable Council to determine if it wishes to exercise an extension option or commence a new procurement. A similar process will be conducted in 2025.

A total of nine tender responses were received to MWRRG's Invitation. Four for disposal, three for transfer and two alternative.

A Tender Evaluation Panel of two council representatives and an MWRRG Procurement Team member assessed the tender responses, the tender panel was supported by:

- Probity Advisor – responsible for ensuring that the evaluation process is conducted in accordance with probity principles and adherence to the approved evaluation plan.
- MWRRG Subject Matter Experts and Project Managers – responsible for providing expert advice as required to confirm tenderer's submissions compliance to the specification and compliance with procurement policies.
- Legal Advice - provide legal advice and support throughout the tender process on an 'as needs' basis.

The tender evaluation criteria included:

- Mandatory requirements;
- Professional competence;
- Quality Systems for Deliverables;
- Commercial;
- Social Procurement; and
- Local Jobs First Policy

### 9.1.2

(cont)

Three pricing options were sought from tenderers:

- Guaranteed Rate Tier 1 –commitment of waste source for initial term 4 years
- Guaranteed Rate Tier 2 –commitment of a waste source for a 12-month period only
- Non - Guaranteed Rate – no commitment to be used as contingency

Commitment of a guaranteed rate over the 4 year contract term has the most competitive rates. Depending on the landfill site, some did not provide a rate for a 12 month only commitment of waste from Council.

Overall, pricing for the landfills in the South East with shorter distances for trucks to travel were the least competitive. Details on pricing are included in Attachment 1.

## 2. Whitehorse specific arrangements

Council currently executes agreements with more than one provider to ensure that contingency arrangements are in place if a landfill site is not available during the contract term. It also allows for the separate needs of the kerbside waste and that from the Whitehorse Recycling and Waste Centre. It is recommended that this approach continues.

### Whitehorse Recycling and Waste Centre

Waste from the Whitehorse Recycling Waste Centre is currently bulk hauled and transported via large trucks, it is recommended this continue in order to utilise the cheapest pricing available from Cleanaway at MRL in Ravenhall. The Centre is also in a better position to utilise landfill contingency arrangements at Hanson in Wollert which although has a more expensive price than MRL is still competitive should there be any delays or landfill closures. Delays and/or landfill closures create stockpiling at the Centre which can only be up to what is permitted by EPA regulations and beyond this, the Centre would need to close.

### Kerbside garbage

It is recommended that waste from the kerbside trucks utilise the transfer option available via Cleanaway South East Metropolitan Transfer Station (SEMTS) in Dandenong South. This allows Council to use the cheapest pricing available along with transfer.

Pricing options were sought from the current kerbside waste collection contractors for transporting waste directly to landfills north and west of the City that offer cheaper pricing. However if the collection trucks are required to travel long distances to landfill, they are away from the City for long periods and Council would need more collection trucks as part of the garbage collection contract to achieve the daily bin collections required. Using the transfer option in the MWRRG landfill contract allows the current fleet of kerbside trucks to continue to deliver an effective kerbside service without delay or impact on the community. Prices are being sought for delivery of kerbside waste to a range of landfills in the new kerbside waste collections contracts that are currently out to Tender.

The SEMTS site in Dandenong South is located a short distance from Council's kerbside garbage collections contractor JJ Richards depot. This offers logistical benefits in carrying out kerbside garbage collections. It is also a couple of kilometres closer than Council's current landfill site (Suez) for the disposal of kerbside garbage. Not all Councils participating in the MWRRG landfill services contract in the South East will be able to use the SEMTS and Lysterfield transfer sites offered by Cleanaway due to a 250,000 tonnes per year capacity at SEMTS and 50,000 tonnes per year at Lysterfield. Total tonnes from all Councils would equate to over 370,000 without material from Mornington and Stonnington Councils, that are expected to join the contract at a later date.

### **9.1.2**

(cont)

Due to these capacity constraints at SEMTS, Councils in the South East will have to apportion their garbage tonnes between SEMTS and Lysterfield transfer site and the more expensive Suez landfill to ensure correct and guaranteed disposal of waste every day. While this potentially could present logistic challenges for the collections trucks coming from different Councils, there is an option under the MWRRG contract to collaborate on which Councils go to particular sites to ensure best service outcomes for each Council, and to centrally manage contract oversight. This should avoid possible mistakes by collections drivers using the wrong sites on the wrong days causing delays on-site, as making the issuing of contractor invoices more efficient for auditing purposes. It is anticipated that Councils where travelling to Suez landfill in Hallam is a shorter distance, such as Casey and Yarra Ranges Councils will benefit and opt to use as part of this contract arrangement.

### **CONSULTATION**

Internal consultation has been conducted between staff from the Whitehorse Recycling and Waste Centre and the Engineering and Environmental Services Department to ensure that waste disposal needs for Council's Recycling and Waste Centre and kerbside garbage collections will be satisfied.

The South East Council working group has been in regular communication within the appropriate legal restrictions in preparation for the new contract.

The extensive community consultation undertaken during the development of Council's Waste Management Strategy 2018-2028 confirmed the need for Council to ensure reliable and affordable arrangements continue to be put in place for the disposal of waste.

### **FINANCIAL IMPLICATIONS**

The cost of disposing of waste to landfill varies depending on the tonnes generated, the distance travelled to dispose of waste, and the gate fee at each landfill facility. Annual estimates of tonnage and associated costs are included in the various operational budgets for the Whitehorse Recycling and Waste Centre and the Engineering and Environmental Services Department (kerbside garbage collections).

Landfill operators are facing ever-increasing costs to achieve the required EPA landfill operating standards, and to put in place measures to address nearby community concerns about truck traffic, landfill odours, windblown litter and other consequences that impact the amenity of properties located close to landfills. It was expected that there would be a significant increase (potentially 20% to 25%) in the landfill gate fee for this contract as a direct result of these increasing costs and measures. The collective landfill contract has however offered competitive pricing and flexibility that Council can benefit from.

The Suez gate fee for the new MWRRG contract increased by 22% from the current Suez contract rate. However using the proposed arrangement where Councils can access the Cleanaway SEMTS and Suez on a shared basis, the resulting net gate fee for Whitehorse disposal of kerbside garbage will only be a 4.2% increase in 2021/22. However the landfill levy is legislated to increase by \$40/tonne in 2021/22 and a further \$20/tonne in 2022/23, a massive 91% cost increase. So while the gate fee component of waste disposal has not risen as much as expected due to the collective landfill contract approach, the overall cost of disposing of waste will rise significantly from 2021/22 onwards.

With the recommended new landfill service contract arrangements, below are the approximate combined gate fee and landfill levy costs expected that in the first year of the contract and across the contract term.



## 9.1.2

(cont)

	Whitehorse Recycling and Waste Centre	Kerbside
Gate Fee Year 1 costs	\$1,666,560.00	\$1,781,535.00
Gate Fee costs contract term	\$6,867,538.96	\$7,311,960.00
Total Landfill Levy Year 1 costs	\$4,027,800.00	\$2,733,150.00
Total Landfill Levy costs over contract term	\$19,681,200.00	\$13,355,100.00
Combined Total Gate fee + Levy over contract term	\$26,548,738.96	\$20,667,060.00
<b>Total Landfill costs</b>	<b>\$47,215,798.96</b>	

Note that the above costs are estimates only, as the tonnages vary each year and future landfill levy cost increases after 2022/23 are yet to be legislated. So in considering the overall value of these landfill contracts, there is a possibility that the overall cost over the next 4 years will be higher than the total contract costs indicated above.

The full value of these contracts could well rise to \$56M over 4 years, and if the contract extension options are necessary for a further 2 years, the overall contract value would be closer to \$63M. The annual cost for the disposal of waste from the Whitehorse Recycling and Waste Centre and kerbside waste collections will be more accurately estimated on a year-by-year basis as part of Council's budget process.

### POLICY IMPLICATIONS

Council's Waste Management Strategy 2018-2028 requires that Council continues to have landfill waste disposal options alongside Alternative Waste Processing, to ensure continuity of waste disposal to support Council's waste collection and waste drop-off services. The Strategy includes specific actions to encourage Council to partner with other Councils through collaborative waste procurement contracts that bring the benefit of 'bulk buying' waste services and address the waste needs of the region. Environmental regulations require that putrescible waste collected or dropped off within Whitehorse must be disposed on a daily basis at a licensed landfill that complies with EPA requirements.

### ATTACHMENT

- 1 MWRRG Landfill Services Contract Tender Outcomes

**Whitehorse City Council designates this attachment and the information contained in it as CONFIDENTIAL INFORMATION pursuant to Section 3 (1) (g) of the Local Government Act 2020, that relates to Council private commercial information, being information provided by a business, commercial or financial undertaking that this ground applies because the matter concerns information and pricing that is commercially confidential**

## 9.2 INFRASTRUCTURE

### 9.2.1 Electric Line Clearance Compliance: Street Tree Management

ATTACHMENT

#### **SUMMARY**

*Street tree management within the City of Whitehorse is undergoing a transformation as Council adjusts to the implications of an aging tree population and increased rigour in regulatory compliance on vegetation clearance distances around overhead powerlines.*

*The pace of change has been accelerated following an audit by Energy Safe Victoria (ESV) and a subsequent notice to comply. Council is also under increasing pressure from the energy distribution business United Energy Powercor to clear street tree vegetation away from powerline infrastructure. Both ESV and United Energy Powercor have powers to compel Council to act and provision to impose financial penalties for failure to act.*

*An increase in Council expenditure on street tree management will be required to meet the costs of regulatory compliance and the ongoing renewal of tree assets following compliance.*

*It is expected that street trees in Whitehorse will have reduced canopy as a result of the powerline clearance requirements. In areas of high value, alternative measures to maintain tree canopy may wish to be considered in some circumstances.*

#### **COUNCIL RESOLUTION**

Moved by Cr Skilbeck, Seconded by Cr Barker

#### ***That Council:***

- 1. Notes the ongoing electric line clearance compliance systems improvements required following the 2018 Electricity Safety (Electric Line Clearance) Regulations 2015 – Systems Audit Report for the City of Whitehorse (ESV, 2019).***
- 2. Notes results of the 2020 City of Whitehorse Low Bushfire Risk Area – Electric line clearance field inspection report (ESV, 2020<sup>1</sup>).***
- 3. Notes the current and upcoming challenges faced by Council in transitioning to powerline clearance compliance as a leading priority in street tree management.***
- 4. Notes that the changes in the regulatory environment and aging tree population have resulted in an increase in the proposed 2021/22 Budget allocation for tree services.***
- 5. Notes that the Urban Forest Strategy that is currently being reviewed will consider opportunities to meet the constraints of vegetation clearance around powerline infrastructure while addressing the objective of increased tree canopy.***

**CARRIED**

**A Division was called.**

#### **Division**

#### **For**

Cr Barker  
Cr Carr  
Cr Cutts  
Cr Davenport  
Cr Lane  
Cr Liu  
Cr Massoud  
Cr McNeill  
Cr Munroe  
Cr Skilbeck

#### **Against**

Cr Stennett

**On the results of the Division the motion was declared CARRIED**

## **9.2.1**

(cont)

### **BACKGROUND**

#### **Regulatory Context**

Energy Safe Victoria (ESV) is the regulator responsible for ensuring the safety and reliability of Victoria's electricity network. As required under Electricity Safety Act 1998 (the Act) ESV maintains an electric line clearance Code of Practice and Regulations that specify the clearance distances required to be maintained between powerlines and vegetation. Councils are responsible for maintaining the vegetation clearance of council managed land within the municipality: "a council responsible for the management of public land in an area declared under section 81 [of the Act] is responsible for the keeping of the whole or any part of a tree situated on the land clear of an electric line that is not a private electric line" (Electricity Safety Act 1998, s84C).

Under the Act, Council is liable for a maximum fine of 200 penalty units per non-conformance. The current value of a penalty unit is \$165.22 (as at 1 July 2020). Where multiple powerlines inhabit one span (high voltage and low voltage) the financial risk to Council is potentially well above \$50,000 per non-compliant tree.

Alternatively, should the City of Whitehorse fail to comply with a notice to comply, ESV may direct the distribution company, United Energy Distribution Pty Ltd, to clear the noncompliant vegetation under section 86(5) of the Act. Section 86(7) of the Act allows United Energy Distribution Pty Ltd to recover its costs from the City of Whitehorse.

ESV has imposed penalties in Boroondara Council and also on United Energy Powercor in recent years. With the high level of non-compliance identified in Whitehorse recently by ESV inspections, the risk of financial penalty for non-compliance is very real.

United Energy Powercor can also issue fault notices for power outages caused, in many instances, by failing limbs from Council managed street trees. A penalty (\$165,000) could be passed directly onto Council if found to be liable for directly causing one of these outages.

#### **ELC Management**

In compliance with the Electricity Safety (Electric Line Clearance) Regulations (the Regulations) Council maintains an Electrical Line Clearance Management Plan (ELCMP), has a scheduled inspection program, allocates funds and maintains a service contract for maintaining vegetation clearance in compliance with the Code of Practice, Regulations and the ELCMP.

Council places a high aesthetic and character value on the Whitehorse tree population. Community consultation for planning overlays and the Council vision shows residents also value the importance of large trees in public spaces and a strong appreciation of tree lined streets.

Previously Council has attempted to effectively balance the legislated requirement for vegetation clearance around powerline infrastructure with the need to protect and maintain the street tree population. This approach acknowledged that the majority of the street tree population reached maturity prior to the adoption of the Act in 1998 and the subsequent Regulations. This was expressed in tree sensitive pruning methods and communicated in Council's ELCMP as 'working toward compliance'.

In December 2018 Council was subject to an ELC systems audit. The objective of the audit was to verify compliance and effectiveness of the management systems used by the city of Whitehorse (ESV, 2019). In the findings and recommendations of the audit ESV stipulated that Council must achieve ELC compliance.

## 9.2.1 (cont)

Following the 2018 audit Council has allocated significant staff resources to internally monitoring and tracking ELC compliance. Council has also undertaken considerable realignment in contract management to ensure compliance outcomes have been achieved. Throughout this process it has become increasingly clear that achieving ELC compliance through pruning only may have a significant negative impact on the health and structural integrity of many street trees.

In July 2020 ESV conducted an ELC field compliance audit. The audit inspected 380 spans (area between two power poles) evenly distributed across the municipality for compliance with the Code of Practice minimum vegetation clearances. The audit identified 218 noncompliant spans, a non-compliance rate of 57.4% (ESV, 20201). This very poor result places Whitehorse at the second highest non-conformance rate for the 2019-20 auditing period (ESV, 20202) and highlights the need for further significant changes in Council's ELC compliance approach. See Figure 1 for ESV audited Councils.

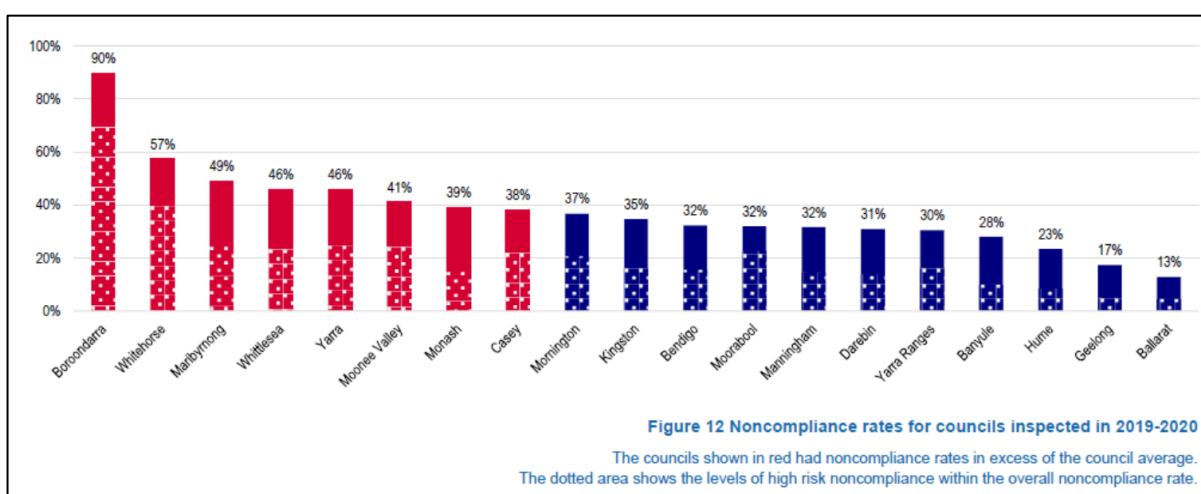


Figure 1 Noncompliance rates for Councils audited in 2019-2020

### Pruning for ELC

The conventional and most common approach to managing powerline clearance is regular pruning. Melbourne Councils typically have a pruning cycle of 12 to 24 months. At present Whitehorse prunes 35 streets on an annual cycle (Contract 20037, Supporting information, s3.2), these are largely avenues of mature deciduous trees where a 24 month pruning cycle cannot achieve the required powerline clearance. The rest of the municipality is pruned on a 24 month cycle. For both cycles the compliance expectation is that pruning will be sufficient to maintain minimum clearance distances for the whole 12 or 24 months. Since January 2020 Council has undertaken documented auditing of 100% of cyclic pruning contractor works to ensure compliance with minimum vegetation clearances as-well-as amenity pruning specifications.

Over the 2020 period some concerning trends have been identified:

- *The course correction to achieve and maintain ELC compliance above amenity values is negatively impacting neighbourhood character in the streetscape;*
- *Mature trees with large limbs close to the minimum clearance space are non-compliant due to regrowth in as little as three months after pruning;*
- *Streets with large mature canopy trees pose the greatest compliance risk and are the most heavily effected by ELC compliance pruning.*

## 9.2.1

(cont)

### Impacts of ELC on neighbourhood character

The leafy green character and established corridors of tree lined streets is one of the most common reasons cited by the community for choosing to live in Whitehorse. The increasing regulatory scrutiny around ELC compliance means that Council is forced to ensure that street trees comply with minimum vegetation clearances in all areas and situations. Making the transition is having an immediate impact on the neighbourhood character of streets with large mature trees. This will continue into the future under the current compliance pruning requirements

The leafy character enjoyed in Whitehorse results in numerous ELC non-compliant street trees. Previously ELC compliance has been managed within the pruning restrictions of *AS4373-2007 pruning of amenity trees* (AS4373) which limits the volume and frequency of tree canopy removal to maintain tree health and amenity. It is the case that AS4373 is subservient to the Regulations and Council can no longer apply this standard above the Regulations to maintain tree form and canopy for neighbourhood character.

It is expected that street trees in Whitehorse will have reduced canopy as a result of the powerline clearance requirements. In areas of high value, alternative measures to maintain tree canopy may wish to be considered in some circumstances. The current review of the Urban Forest Strategy will examine options in this regard.

### Tree removals for ELC

The examples in Figure 2 can be found in many Whitehorse streets with established trees. The trees are ELC non-compliant and have a high risk of causing an electrical outage. In such a circumstance the tree health or stability is so compromised by pruning for compliance that the risk to community safety requires the tree to be removed. Similar recent examples can be found on Malabar Road Blackburn, Bentley Street and Windsor Crescent Surry Hills.



*Figure 2 LEFT tree in Blackburn South structurally unsound and with low amenity value following pruning for ELC compliance. RIGHT tree in Blackburn with over 1/3 of the trunk in the minimum vegetation clearance space. Both trees*

## 9.2.1

(cont)

Council has, on a number of occasions, attempted to retain trees with large limbs very close to the minimum ELC clearance space. In these situations the trees respond to the hard pruning by putting on high volumes of growth in the newly cleared space. For the tree this regrowth is required to replenish leafy canopy to meet its energy demands. Due to the proximity of the limbs to the ELC clearance space the trees become non-compliant in as little as three months. In this circumstance the trees require removal and replacement to maintain ELC compliance.

In both situations achieving and maintaining compliance with the Regulations will result in a different streetscape aesthetic.

### **Mature trees and older streetscapes are most effected**

Mature trees often require greater levels of leafy canopy in order to maintain a level of equilibrium (balance of energy production and consumption). Loss of this equilibrium means the street trees are depleting stored resources. This principal is referenced in AS4373 where canopy removal is limited to a maximum of 30%.

Council's contractor will be (and are) required to prune more than 30% of street tree canopy in order to comply with the Regulations. This is having a disproportional effect on streetscapes with mature trees under powerlines as the pruning can lead to early onset of senescence (over-maturity and limb failure) and greatly reduce a tree's Safe Useful Life Expectancy (SULE) by weakening the tree's structure or accelerating disease.

### **The challenges of a mature street tree population**

There are compounding factors related to the maintenance and management of a mature tree canopy such as the living street tree assets in Whitehorse. Street trees inhabit a highly congested space and must contend with the impacts of:

- *Soil compaction, decreasing space for root development and limited access to water.*
- *Root damage during infrastructure maintenance on roads, drainage, foot paths, boundary fences, sub divisions, utility connections to property and main supply lines for water, sewer and gas.*
- *Vegetation clearance to meet minimum standards for roads, footpaths, crossovers, private properties and clearance for overhead powerlines.*

The collective impact of these stressors is that trees with a long life span, 150 to 300 years in a natural environment, exhibit signs of poor health and failure of large limbs in the 60 to 80 year bracket. In Whitehorse, where much of the municipality's street tree population was planted in the post war period, many of the large canopy street trees are nearing the end of their SULE. It is repeatedly the case that mature trees are pruned for ELC compliance they are unable to be retained due to the combination of hard pruning, presence of disease and the numerous impacts of urban land use on tree health.

### **Impacts on resourcing**

An impact of so many post war period street tree plantings reaching the end of their SULE is that higher than ever volumes of reactive maintenance requests are being received. There has been a sharp increase in tree works being undertaken in the period 2016 to 2020. The total customer service request (CSR) volume has increased every year since 2017 (Table 1) and the total CSR volume for 2020 was more than 70% higher than that of 2016. Contractors are delivering 45% more CSRs than in 2016 and the in-house field team are delivering 75% more than in 2016.

To achieve and maintain ELC compliance will include a program of removal and replacement of trees to meet legislated compliance outcomes.

## 9.2.1 (cont)

*Table 1 Total CSRs for arbor staff and contractors 2016 to 2020*

Total CSR per Year					
Year	2016	2017	2018	2019	2020
Total CSR	3976	3758	5262	6435	6781

### Organisational risk exposure

The results of the ESV audits in 2018 and 2020 highlight the need for a systematic approach to tree asset management in Whitehorse. While the potential penalties for ELC non-compliance are significant they are not the only source of risk exposure facing Council.

In August 2020 Whitehorse experienced the tragic loss of a young child in a street tree related storm event. This is the first known fatality from the failure of a street tree in the municipality, it adds to an unpleasant list of Council tree related fatalities in recent years across Greater Melbourne.

While the tragedy occurred during a storm event it is worth noting that weather events such as this are becoming more frequent, with short intense bursts of weather which can be very damaging to our Urban Forest. The highest risk during these events relates to the aging tree populations that have been weakened through ELC pruning, stripping the trees of much of their canopy, and weakening their structure and integrity.

The Coroner's Court findings into the fatality of young child in Bendigo in the case of Patiya Schreiber in 2015 (Reference: 2013 / 6032) have been reviewed by Council and work is continuing to move towards compliance with those recommendations.

In addition to the Whitehorse street tree population of some 75,000 trees, Council is liable for trees located around 350 facility sites, 355 parks and reserves, over 92 kilometres of gravel and concrete paths through our parks and reserves, and an estimated 200,000 parks and reserves trees. All of these require auditing to comply with regulatory requirements and additional resourcing is required in this area.

The increasingly litigious nature of Australian society now means that Council faces ever increasing numbers of insurance claims for alleged damage to private property from Council tree assets. Investigation of these claims takes valuable resources and time which results in reduced capacity elsewhere. Improved tree asset management is required to deliver improvements to better manage tree risk in the municipality on a programmed rather than reactive basis.

### Community expectation

Interactions with the Whitehorse community regularly show that there is a high value placed on the local tree population. This was reiterated during recent community engagement on the review of the Whitehorse Urban Forest Strategy where residents gave the following feedback:

The top 3 most important reasons to have trees and vegetation in your local area are to:

1. *Provide habitat for local wildlife such as birds, butterflies and other animals.*
2. *Cool local areas, provide shade and reduce urban heat*
3. *Improve the look and feel of the local area*

The most important priorities for a new Urban Forest Strategy should be:

1. *Growing more trees and improving the quality of vegetation in our parks, reserves and on Council owned land.*
2. *Requiring more vegetation to be included in new development.*
3. *Find new ways to include more vegetation in built up areas.*

### **9.2.1**

(cont)

Community sentiment is far from seeking the removal of trees to meet regulatory compliance and risk reduction, rather the expectation is that trees on council managed land will be retained, increased and managed for public safety.

## **DISCUSSION**

### **Risk and opportunity**

Whitehorse is at an important decision point where previous street tree management norms, an increased regulatory compliance environment and an aging tree population have converged to present high organisational risk exposure, escalating costs for reactive and programmed tree maintenance, and a negative trend in tree canopy that is contrary to Council's urban forest commitments. This is also an opportunity to demonstrate strong leadership and embrace contemporary tree asset management.

Included in the tree population are a number of avenue style streets with tall mature trees. In many cases the trees are in close proximity or contact within high voltage powerlines. Such situations constitute a High Risk Non-conformance under ESV auditing and place Council at an organisational risk as well as posing a risk to public safety and reliable energy supply.

Council's adopted Interim Urban Forest Strategy has existing mid to long range procedures identified that are aimed at achieving long term street tree canopy health and compliance with vegetation management for ELC. These include:

- *In order to improve canopy cover and tree health while minimising conflict with powerlines, Council may plant canopy trees with a lesser height at maturity, asymmetric planting configurations and species that are more tolerant of pruning.*
- *Capital street tree renewal and expansion program.*

The current review of the Urban Forest Strategy will look at the various options to manage ELC risk given the changed risk environment and develop criteria to guide Council's approach to either modified planting arrangements or seeking changes to the powerline infrastructure. The consultation process of the Urban Forest Strategy review will test the proposals and seek to outline Council's responsibilities and gauge community expectations regarding asymmetrical planting and other ELC risk management options.

Improved tracking of street tree removals and capture of resident request for street trees has increased demand for tree replacement. Efficiencies have been made so that the volume of trees planted is approximately 40% higher for the same expenditure however, renewal of over-mature trees is currently not programmed or funded. A reinforcing of both programs combined with an asset specific management system can deliver positive outcomes.

### **A way forward**

A series of costed actions is being developed including policy reviews and operational practices as part of the 2021 Urban Forest Strategy review. Many of the mid to long term canopy improvement actions, including future management of ELC will be addressed in the revised Urban Forest Strategy.



### **9.2.1**

(cont)

In the immediate term and in the 2021/22 financial year the ESV audit findings need to be addressed to reduce organisational risk exposure. These requirements will need to be considered in the proposed budget to achieve significant milestones in ELC compliance without greater setbacks to urban canopy targets and impacts to neighbourhood character than is strictly necessary. Plans are also being developed to:

1. Identify individual trees and streets where achieving ELC compliance will result in tree removal and replacement
2. Develop and adopt a criteria for ELC compliance outcomes where available compliance measures can be assessed and demonstrated in a systematic way. Tree removal will remain a last resort
3. Continue to engage with ESV to negotiate positive canopy outcomes for Whitehorse.
4. Explore options for increased organisational cooperation with United Energy Powercor to better balance council amenity and energy distribute asset protection.

### **CONSULTATION**

There has been no specific community consultation regarding this report. Consultation is routinely undertaken with the affected community when tree pruning and/or removal work is planned and at times the various community groups with an interest in trees and the environment are involved in tree related decisions.

The Urban Forest Strategy review process commenced with a community consultation process that recently concluded and some of the themes are contained in this report.

Council officers have worked closely with staff at ESV in responding to the Audit findings and managing issues relating to powerline clearance.

Further community engagement will be undertaken as Council progresses with ELC compliance measures.

### **FINANCIAL IMPLICATIONS**

Proposed expenditure for Council's consideration in the 2021/22 Budget has increased to meet the increased costs of ELC compliance.

The existing Cyclic Pruning Services Contract 20037 has been varied to accommodate significant increases in third party costs for clearing vegetation in contact with United Energy Powercor assets - \$360,000 has been reassigned from contractor pruning works to United Energy Powercor fees.

The Cyclic Pruning Services Contract 20037 expires in October 2021. It is anticipated that tender offers will increase from the current contract rates. This cost increase has been included in the proposed 2021/22 Budget for Council's consideration.

Capital expenditure on main and local roads planting will require review to cover the current attrition in street tree assets. This expenditure will need to be reviewed as the ongoing impact of ELC compliance is monitored and analysed.

### **POLICY IMPLICATIONS**

Updated tree management implications and potential effects on street tree canopy conservation will be included in the 2021 review of the Whitehorse Urban Forest Strategy.

The changes in the ELC regulatory environment will be considered in the development of policies and management plans related to street tree, planting, maintenance and risk management.

Council may consider increased utilisation of the existing Special Charge Scheme Policy where a cohort of resident commit to third party infrastructure improvements to conserve current or future street tree canopy.

### **9.2.1**

(cont)

Electricity Safety (Electric Line Clearance) Regulations 2020 and the associated street tree maintenance requirement should be considered in the development of future streetscape and precinct planning.

#### **ATTACHMENT**

- 1 Whitehorse CC ELC System Audit Report 
- 2 ELC LBRA Inspection Report 
- 3 2020 Safety Performance Report on Victorian Electricity Networks 

#### **Attendance**

Cr Davenport left the Chamber at 8:17pm, returning at 8:20pm

Cr Skilbeck left the Chamber at 8:25pm, returning at 8:27pm

## **9.3 HUMAN SERVICES**

### **9.3.1 Box Hill City Oval Redevelopment Update**

ATTACHMENT

#### **SUMMARY**

*The draft concept plans for the City Oval / Bolton Park proposed redevelopment have been presented to the community for comment.*

*A mix of feedback was received.*

*The concept plans have been updated following consideration of the community feedback.*

#### **RECOMMENDATION**

##### ***That Council:***

- 1. Note the feedback from the community and interested stakeholders received as part of the Box Hill City Oval Precinct Redevelopment project consultation process.***
- 2. Confirm its support for the Box Hill City Oval Precinct Redevelopment project noting the concept plans have been updated post community consultation to reflect:***
  - a) The removal of the recreation facilities (i.e. half-court basketball, fitness equipment and table tennis facilities) from Bolton Park.***
  - b) Removal of the internal path within Bolton Park (off Bolton Street).***
  - c) Removal of the proposed new and one existing crossover in Bolton Street.***
  - d) Provision of two small sport court spaces for recreational basketball and netball in the southern end of the eastern car park in Box Hill City Oval.***
- 3. Commit a maximum funding contribution of \$5.5 million towards the implementation of the Box Hill City Oval Precinct Redevelopment Plan, subject to the balance of funding for the total project cost of \$15.5 million being provided by external funding partners.***
- 4. Support a funding application to Victorian Government for \$10 million.***
- 5. Update the community and stakeholders on the outcome of community consultation and the next steps.***
- 6. Subject to receiving Victorian Government funding officers to commence detailed design and documentation of the Box Hill City Oval Redevelopment project in order for the project to commence within the funding guideline requirements.***

Moved by Cr Liu, Seconded by Cr Barker

##### ***That Council:***

- 1. Note the feedback from the community and interested stakeholders received as part of the Box Hill City Oval Precinct Redevelopment project consultation process.***
- 2. Confirm its support for the Box Hill City Oval Precinct Redevelopment project noting the concept plans have been updated post community consultation to reflect:***
  - a) The removal of the recreation facilities (i.e. half-court basketball, fitness equipment and table tennis facilities) from Bolton Park.***
  - b) Removal of the internal path within Bolton Park (off Bolton Street).***
  - c) Removal of the proposed new and one existing crossover in Bolton Street.***

### 9.3.1

(cont)

- d) *Provision of two small sport court spaces for recreational basketball and netball in the southern end of the eastern car park in Box Hill City Oval.*
3. *Commit a maximum funding contribution of \$5.5 million towards the implementation of the Box Hill City Oval Precinct Redevelopment Plan, subject to the balance of funding for the total project cost of \$15.5 million being provided by external funding partners.*
  4. *Support a funding application to Victorian Government for \$10 million.*
  5. *Update the community and stakeholders on the outcome of community consultation and the next steps.*
  6. *Subject to receiving Victorian Government funding officers to commence detailed design and documentation of the Box Hill City Oval Redevelopment project in order for the project to commence within the funding guideline requirements. This will include a review of the design of Pavilion B to determine what elements of the feedback received during the community consultation can be incorporated.*

**CARRIED**

A Division was called.

#### Division

For	Against
Cr Barker	Cr Carr
Cr Cutts	Cr Stennett
Cr Davenport	
Cr Lane	
Cr Liu	
Cr Massoud	
Cr McNeill	
Cr Munroe	
Cr Skilbeck	

**On the results of the Division the motion was declared CARRIED**

#### BACKGROUND

The Box Hill City Oval Redevelopment Plan has been prepared to address some shortcomings with the existing pavilions. The Plan has been largely driven by the increasing diversity of the sport and growth in female participation.

Whitehorse City Council has been invited by the Victorian Government to apply for funding of \$10 million towards the Box Hill City Oval Precinct Redevelopment project.

This report will discuss the Box Hill City Oval Precinct Redevelopment project plan, including the findings from the February 2021 community engagement period.

#### DISCUSSION

##### Open Space Context

The City of Whitehorse Open Space Strategy | 2007 (Strategy) identifies Box Hill City Oval as a Municipal Site with the primary character classification of Sporting. The Strategy outlines that municipal sized parks cater primarily to residents of Whitehorse but are also destination parks that people may drive to. Box Hill City Oval is approximately 38,768m<sup>2</sup>.

The Strategy identifies Bolton Park, Box Hill as a Neighbourhood Site with the primary character classification of Neighbourhood. The Strategy outlines that Neighbourhood sized parks cater primarily to residents within safe walking distance of home providing a range of activities that appeal to the local community and encourage a sense of community and meeting place. Bolton Park, Box Hill is approximately 10,063m<sup>2</sup>.

### 9.3.1

(cont)

#### Site Context and Conditions

Box Hill City Oval is a premier Cricket and Australian Rules sportsfield and hosts the highest standard of these sports played in the municipality. Box Hill City Oval is the home of Box Hill Hawks Football Club (BHHFC) and Box Hill Cricket Club (BHCC).

Box Hill City Oval is also utilised by Eastern Ranges TAC Cup and TAC Cup Girls competitions and services community football programs and educational programs through SEDA.

Pavilion B (North Pavilion) was constructed in 1937 and typical for a building of this era the existing facilities do not meet the requirements of a female friendly and inclusive venue, which includes the lack of unisex player and umpire change rooms. The pavilion has reached the end of its asset usefulness.

In the early 1990s a major upgrade was undertaken to create 'social rooms' in the grandstand in Pavilion A (South Pavilion). In 2000 Council, with support from the Victorian Government, Hawthorn Football Club, Box Hill Hawks Football Club and Box Hill Cricket Club further invested in the facilities including upgrading the reception and function area.

Neither the north pavilion or south pavilion provide best practice, flexible or female friendly facilities.

#### Scope of Works

The proposed scope of works features:

- The demolition and construction of a new pavilion (north pavilion) on the west wing of City Oval;
- Minor internal refurbishment of the south pavilion;
- Creating a new perimeter walking track around Box Hill City Oval;
- Improving path access through Bolton Park and around City Oval; and
- "Opening Up" Box Hill City Oval.

The design parameters for the north pavilion have been informed by the AFL's 'Preferred Facility Guidelines' (July 2015). The AFL's 'Preferred Facility Guidelines' outlines amenity upgrades for unisex use for local, regional and state league facilities. The guide provides detail around what is considered best practice in the design of unisex football change rooms and amenities.

The proposed works have been developed to a pre-feasibility concept, which includes preliminary architectural sketches and associated cost estimates. The early order of probable cost to deliver the Box Hill City Oval Precinct Redevelopment plan is \$15.5 million.

#### Statement of Benefits

The Box Hill City Oval Precinct Redevelopment project will address current shortfalls in community standards. In particular best practice accessibility / 'Universal Access' into and around all areas of the oval surrounds (and onto the oval), and into and within the north and south pavilions.

Broader community and sports use will also be provided through providing a new multi-purpose pavilion with the flexible use and amenities to meet current day (and future) needs for sport, sports education and broader community use.

The project will promote female participation through providing high quality unisex player change rooms that cater for diversity, equality and concurrent male/female participation.

Spectator viewing will be improved with new seating and amenities to enhance the game day experience for all users (players, volunteers, spectators and broader community).

### **9.3.1**

(cont)

A key feature of the project is to connect Bolton Park and City Oval through providing a new path network at accessible grades (not too steep for users with impaired mobility).

The project will also deliver community health and fitness benefits through providing a community perimeter walking (running) track.

High Environmental outcomes and high quality design in terms of environmental outcomes will be achieved through low energy demand and deployment of highly efficient energy use.

#### **Employment Contribution**

##### **Construction | Year 1**

From a direct increase in output of \$5.5 million in year 1, the corresponding creation of direct jobs is estimated at 13 jobs. Total employment in year 1, including all direct, supply-chain and consumption effects is estimated to increase by up to 37 jobs.

##### **Construction | Year 2**

From a direct increase in output of \$10 million in year 2, the corresponding creation of direct jobs is estimated at 13 jobs. Total employment in year 2, including all direct, supply-chain and consumption effects is estimated to increase by up to 57 jobs.

#### **CONSULTATION**

In February 2021 community engagement on the Box Hill City Oval Precinct Redevelopment was undertaken. The community was notified on this project through a number of mediums including:

- Direct mail out to local residents within approximately 400m of the site capturing approximately 1900 contacts properties
- Council website
- Whitehorse News
- Social media
- Onsite signage

Two in-person consultation sessions were held onsite at the Box Hill City Oval South Pavilion on Saturday 20 February (10am – 11am) and Monday 22 February (3pm – 4pm) in accordance with the CovidSafe requirements.

Approximately 29 residents / stakeholders attended the Saturday session and 11 residents / stakeholders attended the Monday session. The drop in sessions provided attendees with an opportunity to discuss the project with officers and the architect.

Feedback on the project was received through the drop in sessions, email and Whitehorse Our Say website.

The Our Say website received 946 views with a total of 35 submissions. In addition 29 submissions were received through direct email or notes taken from officers during the drop in consultation sessions.

There was a diverse mix of feedback both positive and negative with regards to the proposal. Refer Attachment 1 – Community Feedback Summary for a record of the community feedback. Please note some submissions have been duplicated.

The key themes that came out of the community engagement period included:

### **9.3.1**

(cont)

#### Bolton Park Improvements

What was heard?

- Bolton Street residents had strong views to retain the amenity of the parkland / open space and did not support the development of recreation facilities (i.e. basketball half court, fitness equipment, table tennis) within Bolton Park. Other residents supported the basketball half court and older adult fitness equipment.
- The vegetation is highly valued by the community in particular the trees within Bolton Park and the hedge that defines City Oval.
- The important biodiversity of Bolton Park.

Officer response:

- Remove the Bolton Park recreation elements.
- Prepare an Ecological and Biodiversity Report for the precinct.
- Delete the internal path off Bolton Street.

#### North Pavilion (Pavilion B) Redevelopment

What was heard?

- Concern with the size of the pavilion including the roof line.
- Consider moving the location of Pavilion B.
- Bolton Street residents did not support the additional vehicle crossover.
- Treatment of west facing façade to improve amenity for Bolton Street residents.
- The BHHFC, BHCC and other users including SEDA are supportive of the proposed redevelopment.

Officer response:

- Recognising the concerns of the local community, the Architect has been instructed to interrogate how the height and volume of the north Pavilion can be manipulated whilst still maintaining the integrity of the building in consideration of the AFL's 'Preferred Facility Guidelines' – (state league).
- The proposed crossover opposite 11 Bolton Street has been deleted, as has the existing crossover opposite 9 Bolton Street. The existing crossover opposite 3 Bolton Street will be retained.
- As informed by the AFL's 'Preferred Facility Guidelines' – (State league) the ideal location for the pavilion for both player and spectator amenity is where Pavilion B is currently proposed. The proposed facility is the minimum size required to meet the guidelines. No change is proposed.

#### Box Hill City Oval and Bolton Park Precinct themes

What was heard?

- Concern with additional traffic and congestion associated with Pavilion B.
- Concern with noise and light associated with Pavilion B.
- Concern with the reduction of natural light and shadowing caused by Pavilion B.
- There was strong support for the perimeter path around the oval to encourage active participation.
- There was strong support to "open up" Box Hill City Oval.
- Add a full sized outdoor netball court to the project scope.

### 9.3.1

(cont)

#### Officer response

- No change in scope with regards to providing the perimeter path around the oval and commitment to “opening up” Box Hill City Oval for informal community use.
- The overall height of the north Pavilion above Bolton Street is approximately 9 metres. This is consistent with a large double storey dwelling and is less than 3 metres taller than the height of the current building. Natural daylight impacts will be negligible due to the generous setback between the Bolton Street residents on the west side and the new north Pavilion on the east side of Bolton Street road reserve.
- To ensure that the COVID-19 normal transportation and traffic conditions are being surveyed and assessed a traffic survey and impact report will be commissioned at the appropriate time. The report and its subsequent recommendations will be considered as part of the Box Hill City Oval Precinct Redevelopment project scope.
- Neither a compliant full sized netball court nor a smaller multi-use sports courts (netball and basketball) can be accommodated within the footprint of City Oval without negatively impacting a number of variables. Car parking, approximately 7 car park bays would be required to be removed. Furthermore a compliant full sized netball court would require the footprint of the existing sports oval to be reduced by approximately 10m.
- Provide two small asphalt sport court spaces for recreational basketball and netball use in the southern end of the eastern car park within Box Hill City Oval. These courts will be demarcated by bollards and are to be used for casual basketball and netball recreational use when not used as a car park by user groups. These spaces will not be formally booked.

#### FINANCIAL IMPLICATIONS

	Expenditure	Income
Box Hill City Oval Precinct Redevelopment Project	\$15.5M	
Whitehorse Council		\$5.5M
Victorian Government		\$10M
<b>Total Expenditure</b>	<b>\$15.5M</b>	<b>\$15.5M</b>

#### POLICY IMPLICATIONS








Council Plan Values and Community Engagement Framework require community consultation as part of Council’s decision making process.

This proposal is consistent with Council Plan – 2017 – 2021 Goal 3.1. A place where passive and active open space is highly valued, shared and enhanced.

Council’s Recreation Strategy (2015 – 2024) recognises the importance to support (non-sport and sport) activities that assist residents to lead a healthy lifestyle through physical activity.

Box Hill City Oval / Bolton Park is Crown Land. In principle support to apply for State Government funding has been received by the Department of Environment, Land, Water and Planning on behalf of the Crown.

#### ATTACHMENT

- 1 Community Feedback Summary 
- 2 Resident Notification Letter: 29.01.21 
- 3 Resident Notification Letter: 17.02.21 
- 4 Proposed Site Plan Updated 
- 5 Proposed Site Plan Public Access 
- 6 Concept Image North Pavilion Elevation 
- 7 Concept Image North Pavilion Entry 



### 9.3.2 Acknowledgement of Country

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#### **SUMMARY**

*This report provides Council with information regarding the current Whitehorse City Council Acknowledgement of Country (which was adopted by Council as part of the Whitehorse Reconciliation Plan in 2013) and a proposal to make a temporary change to it.*

*While the Wurundjeri people of the Kulin Nation are acknowledged at the traditional custodians of parts of Whitehorse, there are other parts of the municipality that are contested.*

*This is a similar situation for other Local Government areas in the Inner Eastern region which are located on the traditional lands of the Kulin Nation, part of which is formally acknowledged as Wurundjeri country (Manningham and the northern sections of Boroondara and Whitehorse). Monash and southern sections of Boroondara and Whitehorse fall within land claimed by the Boon Wurrung, Bunurong and Wurundjeri clans: these overlapping land claims are yet to be formally resolved by the Victorian Aboriginal Heritage Council.*

*As parts of Whitehorse are contested and for Council's Acknowledgement to accurately reflect the traditional custodians of the land, it is proposed that the Acknowledgement has a temporary change to include all peoples of the Kulin Nation.*

*The proposed temporary change to the Whitehorse Acknowledgement of Country is to recognise that the traditional custodians of some parts of the City of Whitehorse are confirmed as the Wurundjeri, but also acknowledges that other areas are contested.*

*Once Council is informed of the outcome of the formal appointment of a Registered Aboriginal Party for the parts of the municipality that are being contested, officers will provide a Report to Council to confirm a permanent Acknowledgement, that details all of the confirmed traditional custodians. .*

#### **COUNCIL RESOLUTION**

Moved by Cr Massoud, Seconded by Cr Carr

***That Council adopts the following as the temporary Whitehorse Council Acknowledgement of Country, replacing all previous versions.***

***In the spoken form:***

***"Whitehorse City Council acknowledges the Wurundjeri and all peoples of the Kulin Nation as the traditional custodians of the land we are meeting on. We pay our respects to their Elders past, present and emerging."***

***In the written form:***

***"Whitehorse City Council acknowledges the Wurundjeri and all peoples of the Kulin Nation as the traditional custodians of the land. We pay our respects to their Elders past, present and emerging"***

**CARRIED UNANIMOUSLY**

---

#### **BACKGROUND**

Council recognises Aboriginal and Torres Strait Islander people and their cultures as an integral part of the Australian and Whitehorse community.

Reconciliation is about Aboriginal and non-Aboriginal Australians working together to overcome division and inequality. It is about acknowledging the past and how the past continues to impact the lives of Indigenous people today. It also ensures that Aboriginal and Torres Strait Islander people are respected and valued in the Australian community.

### **9.3.2**

(cont)

#### **Demographics**

According to the 2016 Census, 358 people or approximately 0.2 per cent of the population in the City of Whitehorse identify as Aboriginal and/or Torres Strait. It is important to note that Indigenous status is often underreported.

#### **Indigenous Australians in Whitehorse**

Registered Aboriginal Party's (RAPs) are Traditional Owner Groups, legally recognised under the Aboriginal Heritage Act with responsibilities for managing and protecting Aboriginal Cultural Heritage relating to Country.

The Wurundjeri Woiwurrung Cultural Heritage Aboriginal Corporation (WWCHAC) is the RAP for a large area in and around Melbourne, including approximately 25% of the City of Whitehorse. The RAP boundary which runs along Whitehorse Road, encompasses all or part of Box Hill North, Mont Albert, Kerrimuir, Blackburn North, Nunawading and Mitcham.

The remaining parts of Whitehorse have no current Registered Aboriginal Party. Applications have been made by the WWCHAC and the Aboriginal corporations representing the Boon Wurrung and Bunurong people to be recognised at the Traditional Custodians of the contested land. This is a lengthy process and no outcome timeline is presently available.

#### **Acknowledgement of Country**

An Acknowledgement of Country is a protocol delivered at the opening of meetings, conferences, special events and official functions, it is also a formal written statement contained in policies, plans and other printed material.

It is a way for non-Aboriginal people to Acknowledge and pay respects to the Traditional Custodians of the land. Unlike a Welcome to Country (which is delivered by an Aboriginal Elder of the RAP) an Acknowledgement of Country can be given by any non-Aboriginal person or an Aboriginal and Torres Strait Islander person who is not considered a Traditional Custodian.

The Wurundjeri people have previously been acknowledged as being the traditional custodians of the land upon which the City of Whitehorse sits. In more recent times this has been challenged by other peoples of the Kulin Nation, in regard to some parts of Whitehorse.

The Kulin Nation is made up of five Aboriginal language groups including the Wurundjeri, the Boon Wurrung and Bunurong people in the east and south east of Melbourne. These groups have all formally sought RAP status for the contested areas of the City of Whitehorse.

The proposed temporary change to the Whitehorse Acknowledgement of Country is to recognise that the traditional custodians of some parts of the City of Whitehorse are confirmed as the Wurundjeri, but also acknowledges that other areas are contested.

#### **DISCUSSION**

The Whitehorse Reconciliation Advisory Committee (WRAC) provides strategic input in regard to the development and implementation of the Whitehorse Reconciliation Action Plan and reconciliation matters in general, which guide Council's approach and commitment towards Reconciliation. The WRAC consists of Aboriginal people, service providers, community representatives, government departments and other organisations.

The WRAC support the recognition of both the Wurundjeri people and other people of the Kulin nation in Council's Acknowledgement, as a way to pay respect to all Aboriginal people with strong ties to country, within the City of Whitehorse.

### **9.3.2**

(cont)

It is proposed that the wording for a new “Acknowledgement to Country” will serve until an outcome regarding the contested land is confirmed for all parts of Whitehorse. A Report will then be presented to Council regarding the adoption of a permanent Whitehorse Acknowledgement, of the traditional custodians of the land.

The proposed Acknowledgement of Country is as follows:

In the spoken form to be used at Council meetings, official ceremonies, meetings forums and so on:

*“Whitehorse City Council acknowledges the Wurundjeri and all peoples of the Kulin Nation as the traditional custodians of the land we are meeting on and we pay our respects to their Elders past, present and emerging.”-*

In the written forum to be included in all Council documents such as strategic plans, policies and so on:

*“Whitehorse City Council acknowledges the Wurundjeri and all peoples of the Kulin Nation as the traditional custodians of the land. We pay our respects to their Elders past, present and emerging”*

### **CONSULTATION**

The proposed Acknowledgement has been discussed with members of the Whitehorse Reconciliation Advisory Committee.

It is also in line with recommendations from Reconciliation Victoria.

### **FINANCIAL IMPLICATIONS**

Nil.

### **POLICY IMPLICATIONS**

The proposed change to the Acknowledgement aligns with the *Whitehorse Council Plan* and the *Whitehorse Health and Wellbeing Plan*, particularly in relation to *serving and strengthening our diverse community to be inclusive, vibrant and engaged*.

Document templates will be required to be updated to include this change to the Acknowledgement of Country.

## 9.4 CORPORATE

### 9.4.1 Significant Hedge Management

ATTACHMENT

#### SUMMARY

*There are a number of significant hedges across the municipality that adversely impact access to the adjacent footpath particularly for those people with restricted mobility.*

*This report establishes a policy that ensures footpaths are free of obstructions.*

#### COUNCIL RESOLUTION

Moved by Cr Carr, Seconded by Cr Barker

***That Council adopts the Significant Hedge Maintenance Policy.***

CARRIED

#### BACKGROUND

There are a number of residential properties across the City of Whitehorse with well-established hedges that add to the character of the area and overhang the footpath impeding access to certain groups of people.

Council's Community Local Law 2014 (Local Law) requires residents to ensure that vegetation on their land does not overhang a footpath or municipal place less than 2.5 metres from the surface and does not interfere with a sign or a vehicle. In addition, the *Disability Discrimination Act 1992* (DDA) requires that people with disabilities are not discriminated against when accessing public spaces.

Many hedges across Whitehorse do not comply with either the Local Law or the DDA framework and have been subject of complaints from the community in relation to:

- Access to footpaths being impeded by hedges that extend beyond the property line
- The need to pass the hedge by walking on the grass verge increasing the risk of falls (due to wet and slippery surfaces) and being closer to moving traffic
- The need to cross the road to get past the hedge with limited or no disability access options
- Lines of sight of neighbouring property being impeded when entering/exiting properties.

The issue hedge owners' face is that cutting back or pruning a hedge into the old wood will lead to non-regeneration and will kill the foliage on those sections that have been pruned. Accordingly Council officers face significant resistance from property owners when they are directed to comply with the Local Law.

#### DISCUSSION

Council has a responsibility to provide safe, accessible and unimpeded access free of trips and fall hazards and obstructions for pedestrians including people with disabilities, parents with prams and children. This position is supported by the DDA which states that it is unlawful to discriminate against people with a disability in relation to access to, and use of, any premises that the public is allowed to enter or use, such as public footpaths and walkways.

Staff actively manage these requirements to ensure unhindered access to our public spaces and to minimise community risk exposure.

However many of the significant hedges in the municipality have become so overgrown, any maintenance to ensure compliance with the Local Law provisions will kill off those sections pruned with no possibility of regrowth.

To this end, staff have worked with a number of hedge owners to implement a gradual pruning program that removes small amounts of growth every 3 months. Unfortunately this strategy has had limited success with the hazards largely unchanged.

### **9.4.1**

(cont)

In terms of risk, using Council's Risk Matrix, the likelihood of an incident where a member of the public is injured due to the overhang of a hedge, is almost certain taking into account the history (reported incidences), the size of hedges and their lean.

Further, if Council allows these significant hedges to remain in a state that that is not compliant, Council may have an exposure as a third party for any potential litigation.

To provide a framework that clearly details Council's position as it relates to these significant hedges and to minimise Council's risk exposure, it is recommended the attached Policy be endorsed.

By establishing a Policy for the effective management of significant hedges it will clearly articulate:

- The legislative framework Council must adhere too
- Council's responsibilities
- The property owner's responsibilities
- The purpose and objective of the strategy
- Penalties for non-compliance

The Policy provides for consistency and transparency.

#### **CONSULTATION**

Internal stakeholders

#### **FINANCIAL IMPLICATIONS**

Not applicable.

#### **POLICY IMPLICATIONS**

Establishes a new Hedge Maintenance Policy

#### **ATTACHMENT**

- 1      Significant Hedge Maintenance Policy 

## 9.4.2 Review of Mayoral and Councillor Allowances

FILE NUMBER: SF12/910

### SUMMARY

Mayors and Councillors are entitled to receive an allowance whilst performing their duties as an elected official. Pursuant to section 39 of the Local Government Act 2020 allowances for the Mayor, Deputy Mayor and Councillors are provided in accordance with a Determination of the Victorian Independent Remuneration Tribunal under the Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019.

Until the Victorian Independent Remuneration Tribunal makes its first determination on allowances, the allowances framework under the Local Government Act 1989, continues to apply, despite the repeal of those provisions. Council is required to review and determine the level of Mayoral and Councillor Allowances within the period of 6 months after a general election or by 30 June whichever is later. The purpose of this report is to review and determine allowances for the Mayor and Councillors and to commence public consultation under section 223 of the Local Government Act 1989.

### RECOMMENDATION

#### ***That Council:***

1. ***Having conducted a preliminary review of the Mayoral and Councillor Allowances as required by Section 74 (1) of the Local Government Act 1989, proposes that (subject to annual review by the Minister for Local Government, or a Determination by the Victorian Independent Remuneration Tribunal) the Councillor and Mayoral Allowances be set at the following amount for the current Council term:***
  - ***Councillor \$31,444 pa***
  - ***Mayoral \$100,434 pa***
  - ***plus an amount equivalent to the superannuation guarantee contribution (currently 9.5% - scheduled to increase to 10.0% from 1 July 2021)***
2. ***In accordance with section 74(4) of the Local Government Act 1989, give public notice in The Age newspaper on Wednesday 17 March 2021 and on Council's internet site, as part of the public consultation on the proposed allowances and call for submissions under section 223 of the Local Government Act 1989; and***
3. ***Advises that any submissions received will be considered and heard by the Delegated Committee of the whole Council on Monday 10 May 2021 at 7:00pm.***
4. ***Following consideration of all submissions, a report recommending the Mayoral and Councillor Allowances be presented to the Council meeting 17 May 2021.***

### AMENDMENT

Moved by Cr Davenport,

#### ***That Council:***

1. ***Having conducted a preliminary review of the Mayoral and Councillor Allowances as required by Section 74 (1) of the Local Government Act 1989, proposes that (subject to annual review by the Minister for Local Government, or a Determination by the Victorian Independent Remuneration Tribunal) the Councillor and Mayoral Allowances be set at the following amount for the current Council term:***
  - ***Councillor \$31,301.08 pa***
  - ***Mayoral \$99,977.49 pa***
  - ***plus an amount equivalent to the superannuation guarantee contribution (currently 9.5% - scheduled to increase to 10.0% from 1 July 2021)***

## 9.4.2

(cont)

2. *In accordance with section 74(4) of the Local Government Act 1989, give public notice in The Age newspaper on Wednesday 17 March 2021 and on Council's internet site, as part of the public consultation on the proposed allowances and call for submissions under section 223 of the Local Government Act 1989; and*
3. *Advise that any submissions received will be considered and heard by the Delegated Committee of the whole Council on Monday 10 May 2021 at 7:00pm.*
4. *Following consideration of all submissions, a report recommending the Mayoral and Councillor Allowances be presented to the Council meeting 17 May 2021.*

The Amendment LAPSED for want of a Seconder

### COUNCIL RESOLUTION

Moved by Cr McNeill, Seconded by Cr Cutts

#### **That Council:**

1. *Having conducted a preliminary review of the Mayoral and Councillor Allowances as required by Section 74 (1) of the Local Government Act 1989, proposes that (subject to annual review by the Minister for Local Government, or a Determination by the Victorian Independent Remuneration Tribunal) the Councillor and Mayoral Allowances be set at the following amount for the current Council term:*
  - *Councillor \$31,444 pa*
  - *Mayoral \$100,434 pa*
  - *plus an amount equivalent to the superannuation guarantee contribution (currently 9.5% - scheduled to increase to 10.0% from 1 July 2021)*
2. *In accordance with section 74(4) of the Local Government Act 1989, give public notice in The Age newspaper on Wednesday 17 March 2021 and on Council's internet site, as part of the public consultation on the proposed allowances and call for submissions under section 223 of the Local Government Act 1989; and*
3. *Advise that any submissions received will be considered and heard by the Delegated Committee of the whole Council on Monday 10 May 2021 at 7:00pm.*
4. *Following consideration of all submissions, a report recommending the Mayoral and Councillor Allowances be presented to the Council meeting 17 May 2021.*

CARRIED

A Division was called.

#### **Division**

##### **For**

Cr Barker  
Cr Carr  
Cr Cutts  
Cr Lane  
Cr Liu  
Cr Massoud  
Cr McNeill  
Cr Munroe  
Cr Skilbeck

##### **Against**

Cr Davenport  
Cr Stennett

On the results of the Division the motion was declared CARRIED

## **9.4.2**

(cont)

### **BACKGROUND**

Mayors and Councillors are entitled to receive an allowance whilst performing their duties as an elected official. Pursuant to section 39 of the *Local Government Act 2020* (LGA 2020) allowances for the Mayor, Deputy Mayor and Councillors are provided in accordance with a Determination of the Victorian Independent Remuneration Tribunal (Remuneration Tribunal) under the *Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019*.

Until the Remuneration Tribunal makes its first determination on allowances, the allowances framework under the *Local Government Act 1989* (LGA 1989) continues to apply, despite the repeal of those provisions. Section 74(1) of the LGA 1989 requires Councils to “review and determine the level of Mayoral and Councillor allowances within the period of six months after a general election or by the next 30 June, whichever is later.”

It is unlikely that a determination will be made before 30 June 2021, therefore Council is required to undertake a review of the allowances in accordance with section 74 of the LGA 1989. The purpose of this report is to commence the review process of Mayoral and Councillor Allowances.

### **DISCUSSION**

Allowances payable to Councillors are currently determined by councils in accordance with limits set by the Victorian Government. The Minister for Local Government is required to annually review the current amounts, limits and ranges of Mayoral and Councillor Allowances to determine whether an adjustment factor should be applied. In October 2020 the Minister for Local Government conducted this review under section 73B of the LGA 1989 and determined that no adjustment to allowances will be made in respect of all councils for 2021.

Whitehorse Council is a Category 3 – and the range for allowances are:

#### Part A

- Mayor up to \$100,434 pa
- Councillors \$13,123 pa - \$31,444 pa

#### Part B

- An amount equivalent to the superannuation guarantee – currently 9.5% is an additional component added to the allowance.

To date, Whitehorse Council has paid the maximum amount of the allowance.

The Mayor is not entitled to receive a Councillor allowance if receiving the Mayoral allowance. Further, Council does not have to pay an allowance to a Councillor or Mayor who does not want to receive an allowance.

Councillors can enter into an arrangement to effectively sacrifice their remuneration before they derive these amounts. Such sacrifice arrangements can be made into a complying superannuation fund and be designated before the payment is made.

### **CONSULTATION**

Council must determine what the limit of the allowances will be and then commence the public consultation process, to receive and hear, if requested, any community comment on these limits.

This review is a public process and any person has a right to make a submission under section 223 of the LGA 1989. This review will determine the allowances that will be payable from the range available for the remainder of the Council term, subject to annual review by the Minister for Local Government, or a Determination by the Remuneration Tribunal.



## **9.4.2**

(cont)

### **Timelines**

<b>Action</b>	<b>Date</b>
Review	9 March 2021 - Briefing
Endorse for public consultation	15 March 2021 – Council
Public notice	17 March 2021 – The Age and Council website
Close of submissions	19 April 2021
Hearing of submissions (s.223)	10 May 2021 – Delegated Committee of Council
Council meeting - determine and adopt	17 May 2021

### **FINANCIAL IMPLICATIONS**

Budget allocation required to meet statutory requirements.

## **10 REPORTS FROM DELEGATES, DELEGATED COMMITTEE RECOMMENDATIONS AND RECORDS OF INFORMAL MEETINGS OF COUNCILLORS**

### **10.1 Reports by Delegates**

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

- 10.1.1 Cr Liu reported on her attendance at the following:
  - Whitehorse Business Group season launch held on 24 February 2021.
  - Whitehorse Business Group Annual General meeting held on 2 March 2021.
  - Eastern Alliance for Greenhouse Action Executive Committee meeting held on 25 February 2021.
- 10.1.2 Cr Massoud reported on her attendance at the following:
  - Audit and Risk Committee meeting held on 15 March 2021.
  - Whitehorse Reconciliation Policy and Action Plan Advisory meeting held on 4 March 2021.
- 10.1.3 Cr Carr reported on her attendance at the following:
  - Visual Arts Advisory Committee meeting held on 24 February 2021.
  - Eastern Region Group meeting held on 26 February 2021.
- 10.1.4 Cr Cutts reported on her attendance at the virtual Victorian Local Governance Association meeting held on 11 March 2021.
- 10.1.5 Cr Lane reported on his attendance at the following:
  - Whitehorse Business Group season launch held on 24 February 2021.
  - Whitehorse Business Group Sponsorship Subcommittee meeting held on 3 March 2021.
  - Whitehorse Manningham Library Corporation Board meeting held on the 10 March 2021.
- 10.1.6 Cr Skilbeck reported on her attendance at the following:
  - Whitehorse Manningham Library Corporation Board meeting held on 10 March 2021.
  - Audit and Risk Committee meeting held on 15 March 2021.
- 10.1.7 Cr Davenport reported on his attendance at the following:
  - Visual Arts Committee meeting held on 24 February 2021, where the Deputy Mayor Cr Carr was elected Chair.
  - Metropolitan Transport Forum held on 3 March 2021.
- 10.1.8 Cr Munroe reported on his attendance at the Eastern Region Group (ERG) meeting held on 26 February 2021:
  - James McGarvey from The Agenda Group adviser to the ERG provided an update on the political landscape, advising there is both a state and federal redistribution prior to the next elections; and
  - Development of the ERG Strategic Plan, with an approach of not just a copy of the Council member's Council Plans, but how we are better together as a group with a collective voice of the east.

### **COUNCIL RESOLUTION**

Moved by Cr Lane, Seconded by Cr Liu

**10.3**  
(cont)

*That the reports from delegates be received and noted.*

**CARRIED UNANIMOUSLY**

**10.2 Recommendation from the Delegated Committee of Council Meeting of 9 March 2021**

Nil

**10.3 Records of Informal Meetings of Councillors**

Meeting Date	Matter/s Discussed	Councillors Present	Officers Present	Disclosures of Conflict of Interest	Councillor /Officer attendance following disclosure
<b>17.02.21</b> 6:30-9:30pm	<b>Councillor Induction</b>	Cr Munroe (Mayor & Chair) Cr Barker Cr Carr Cr Cutts Cr Davenport Cr Lane Cr Liu Cr McNeill Cr Massoud Cr Skilbeck Cr Stennett	S McMillan J Russell R Anania	Nil	Nil
<b>22.02.21</b> 4:30-6:00pm	<b>Planning Training Session</b>	Cr Cutts Cr Lane Cr Mc Neill Cr Skilbeck	J Green K Marriott J Hansen A Egan	Nil	Nil
<b>22.02.21</b> 6:30-7:00pm	<b>Councillor Informal Briefing Session</b> <ul style="list-style-type: none"><li>9.1.1 Draft Environmentally Sustainable Design Policy for Council Buildings and Infrastructure</li><li>9.3.4 Whitehorse Matsudo 50th Anniversary of Sister City Relationship</li></ul>	Cr Munroe (Mayor & Chair) Cr Barker Cr Carr Cr Cutts Cr Davenport Cr Lane Cr Liu Cr McNeill Cr Massoud Cr Skilbeck Cr Stennett	S McMillan J Green S White T Wilkinson (AGMCS) S Cann J Russell C Altan N Jones	Nil	Nil
<b>01.03.21</b> 6:30-9:20pm	<b>Budget Update 4</b> <ul style="list-style-type: none"><li>3.1 Shaping Whitehorse - Council Plan, Municipal Health and Wellbeing Plan and Financial Plan</li><li>3.2 Operating Budget: Draft 2021/22 Fees and Charges</li><li>3.3 Proposed 10 Year Capital Works Program</li></ul>	Cr Munroe (Mayor & Chair) Cr Barker Cr Carr Cr Cutts Cr Davenport Cr Lane Cr Liu Cr McNeill Cr Massoud Cr Skilbeck Cr Stennett	S McMillan J Green S White T Wilkinson (AGMCS) S Cann D Seddon R Andresson B Upston J Blythe N Brown C Bolitho P Cummings	Nil	Nil

**10.3**  
(cont)

Meeting Date	Matter/s Discussed	Councillors Present	Officers Present	Disclosures of Conflict of Interest	Councillor /Officer attendance following disclosure
<b>09.03.21</b> 6:30-9:55pm	<b>Councillor Briefing Session</b> <ul style="list-style-type: none"> <li>• Delegated Committee agenda: Other business</li> <li>• Significant Hedge management</li> <li>• Sustainable Use of Pavilions Project Update</li> <li>• Box Hill City Oval Redevelopment Update</li> <li>• Aqualink Box Hill: Tile Remediation Update</li> <li>• Financial Report as at 31 January 2021</li> <li>• Review of Council Meeting Cycle</li> <li>• Draft Council Agenda</li> </ul>	Cr Munroe (Mayor & Chair) Cr Barker Cr Carr Cr Cutts Cr Davenport Cr Lane Cr Liu Cr McNeill Cr Massoud Cr Skilbeck Cr Stennett	S McMillan J Green S White (AGMCS) S Cann J Russell S Kalafatis S Morison K Sinclair K Chandler L Morris S Belmore N Brown R Johnson R Anania  <u><b>Virtually</b></u> K Marriott A Egan I Kostopoulos M Kerr D Seddon	Nil	Nil

**COUNCIL RESOLUTION**

Moved by Cr Carr, Seconded by Cr McNeill

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

**CARRIED UNANIMOUSLY**

## 11 REPORTS ON CONFERENCES/SEMINARS ATTENDANCE

- 11.1 Cr Davenport reported on his attendance at Australian Institute of Company Directors, Boardroom Behaviours Part 5 Interventions for Fractured and Dysfunctional Relationships Webinar held on 10 March 2021.
- 11.2 Cr Barker reported on his attendance at the following conferences/seminars:
- Virtual CSIRO Research Insights and Perspective from Industry Leaders on Corporate Innovation held on 25 February 2021.
  - Australian Strategic Policy Institute webinar on Tiktok and WeChat Where to Now held on 24 February 2021.
- 11.3 Cr Carr reported on her attendance at the following:
- Victorian Equal Opportunity and Human Rights Commission on behalf of the Municipal Association of Victoria (MAV) Councillor Development Program on Discrimination, Bullying and Harassment online session held on 3 March 2021.
  - Victorian Equal Opportunity and Human Rights Commission on behalf of the MAV Councillor Development Program Sexual Harassment online session held on 10 March 2021.
  - Women's History Beyond Stereotypes virtual session hosted by Public Records Office on Nurse and Midwives held recently.
  - Carrington Health International Women's Day presentation
  - International Women's Day event hosted by various Rotary Clubs on 9 March 2021 concluding with presentation by New Zealand Prime Minister Jacinda Ardern.
- 11.4 Cr Massoud reported on her attendance at the following conferences and seminars:
- Victorian Local Governance Association Fast Track 2020-21 Raising the Bar Reaching New Heights session held on 5 March 2021.
  - International Women's Day Event, Gender Equity Victoria speaking and a researcher from Melbourne University and Latrobe University who are conducting a research project looking at Councils and Councillors.

### COUNCIL RESOLUTION

Moved by Cr Cutts, Seconded by Cr Carr

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

**CARRIED UNANIMOUSLY**

## 12 CLOSE MEETING

Meeting closed at 9:29pm

**Confirmed this 19<sup>th</sup> day of April 2021**

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**CHAIRPERSON**