



# City of Whitehorse

## AGENDA

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### Council Meeting

To be held in the  
Council Chamber  
Nunawading Civic Centre

379 Whitehorse Road Nunawading

on

**Monday 22 February 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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## TABLE OF CONTENTS

<b>1</b>	<b>PRAYER</b> .....	<b>2</b>
<b>2</b>	<b>WELCOME AND APOLOGIES</b> .....	<b>2</b>
<b>3</b>	<b>DISCLOSURE OF CONFLICT OF INTERESTS</b> .....	<b>2</b>
<b>4</b>	<b>CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS</b> .....	<b>2</b>
<b>5</b>	<b>RESPONSES TO QUESTIONS</b> .....	<b>2</b>
<b>6</b>	<b>NOTICES OF MOTION</b> .....	<b>3</b>
6.1	NOTICE OF MOTION NO 138: CR DAVENPORT.....	3
<b>7</b>	<b>PETITIONS</b> .....	<b>3</b>
<b>8</b>	<b>URGENT BUSINESS</b> .....	<b>3</b>
<b>9</b>	<b>COUNCIL REPORTS</b> .....	<b>4</b>
<b>9.1</b>	<b>CITY DEVELOPMENT</b> .....	<b>4</b>
	<b>ENGINEERING AND ENVIRONMENTAL</b>	
9.1.1	DRAFT ENVIRONMENTALLY SUSTAINABLE DESIGN POLICY FOR COUNCIL BUILDINGS AND INFRASTRUCTURE.....	4
<b>9.2</b>	<b>HUMAN SERVICES</b> .....	<b>17</b>
9.2.1	WHITEHORSE COMMUNITY ENGAGEMENT POLICY .....	17
<b>9.3</b>	<b>CORPORATE</b> .....	<b>27</b>
9.3.1	QUARTERLY PERFORMANCE REPORT OCTOBER TO DECEMBER 2020 .....	27
9.3.2	OPPORTUNITY TO REVISIT COUNCIL'S WARD NAMES.....	28
9.3.3	ADOPTION OF COUNCILLOR CODE OF CONDUCT .....	30
9.3.4	WHITEHORSE MATSUDO 50TH ANNIVERSARY OF SISTER CITY RELATIONSHIP .....	32
<b>10</b>	<b>REPORTS FROM DELEGATES, DELEGATED COMMITTEE RECOMMENDATIONS AND RECORDS OF INFORMAL MEETINGS OF COUNCILLORS</b> .....	<b>34</b>
10.1	REPORTS BY DELEGATES .....	34
10.2	RECOMMENDATION FROM THE DELEGATED COMMITTEE OF COUNCIL MEETING OF 8 FEBRUARY 2021 .....	34
10.3	RECORDS OF INFORMAL MEETINGS OF COUNCILLORS .....	35
<b>11</b>	<b>REPORTS ON CONFERENCES/SEMINARS ATTENDANCE</b> .....	<b>37</b>
<b>12</b>	<b>CONFIDENTIAL REPORTS</b> .....	<b>37</b>
<b>13</b>	<b>CLOSE MEETING</b> .....	<b>37</b>

## AGENDA

### 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

### 3 DISCLOSURE OF CONFLICT OF INTERESTS

### 4 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Minutes of the Council Meeting 27 January 2021.

#### RECOMMENDATION

***That the minutes of the Council Meeting 27 January 2021 having been circulated now be confirmed.***

### 5 RESPONSES TO QUESTIONS

## **6 NOTICES OF MOTION**

### **6.1 Notice of Motion No 138: Cr Davenport**

*That:*

- 1. Council seek an officer report as to the benefits or otherwise of modifying the Whitehorse Play Space Strategy 2011 in section 2 (considerations in the planning and design of play spaces) to enhance the clause on shade to consider an emphasis on having shade structures within the design.*
- 2. The officer report includes an indication as to whether additional shade structures for playspaces could be considered as a response under the Interim Climate Response Plan.*

## **7 PETITIONS**

## **8 URGENT BUSINESS**

## **9 COUNCIL REPORTS**

### **9.1 CITY DEVELOPMENT**

#### **Engineering and Environmental**

##### **9.1.1 Draft Environmentally Sustainable Design Policy for Council Buildings and Infrastructure**

ATTACHMENT

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#### **SUMMARY**

*The purpose of this report is to gain approval for the adoption of the Whitehorse Environmental Sustainable Design (ESD) Policy for Council Buildings and Infrastructure.*

*The aim of the Environmental Sustainable Design (ESD) Policy is to incorporate and embed Environmental Sustainable Design (ESD) principles into all of Council's buildings and infrastructure (assets) that are designed, constructed and maintained for Council's operational and community use. This will be achieved by applying this Policy to all new, renewal and upgrades of Council building and infrastructure projects, and maintenance works.*

*This ESD Policy is designed to complement the Whitehorse Planning Scheme requirements (Clause 22.10 and other provisions), which includes a statutory Environmental Sustainable Design (ESD) Policy gazetted in December 2015. It will result in Council using a consistent approach to requiring Environmental Sustainable Design (ESD) features as standard for private developments and Council's public infrastructure. The Environmental Sustainable Design Policy will set specific Environmental Sustainable Design (ESD) requirements and minimum benchmarking against relevant and reputable industry standards for future Council buildings and infrastructure upgrades. The benchmark standards include the Built Environment Sustainability Scorecard (BESS), and the Green Star Design and As-Built tools depending on the project categorised as a building or infrastructure, and its project value.*

*A transition period will be required for those existing Capital Works projects and programs already scoped and budgeted in the Capital Works annual program in the next one to two years. Proposed projects and programs that are in the scoping phase (i.e. business case and feasibility study development) will be required to comply and address the new proposed Council Environmental Sustainable Design (ESD) Policy and its stated requirements, where applicable. This is an important action in Council's Climate Response Plan and Sustainability Strategy, and will help Council to improve the efficiency, amenity and sustainability of Council's public assets.*

#### **RECOMMENDATION**

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

- 1. Endorse the Whitehorse Environmentally Sustainable Design (ESD) Policy for Council Buildings and Infrastructure;**
- 2. Support the transition required to embed this Environmentally Sustainable Design (ESD) Policy via the following two steps:**
  - a) Projects already scoped with budget allocated in the Capital Works annual program until 30 June 2022 - All efforts should be made to reach the Environmental Sustainable Design (ESD) requirements outlined in the Environmental Sustainable Design (ESD) Policy, however flexibility may be required. If any discretion is to be made, a best-value approach based on a sound business case is suggested to justify what Environmental Sustainable Design (ESD) measures can reasonably be included.**
  - b) Projects that are yet to be scoped (e.g. feasibility studies, business cases or early stages of concept design etc.) and all projects from 1 July 2022 - Must meet the Environmental Sustainable Design (ESD) requirements in the Environmental Sustainable Design (ESD) Policy, where applicable.**

### **9.1.1**

(cont)

#### **BACKGROUND**

For more than a decade, Council has progressively been implementing a range of actions to embed Environmental Sustainable Design (ESD) principles into its buildings and infrastructure in line with adopted Sustainability, Climate Change Adaptation and Procurement policies, and more recently in its Interim Climate Response Plan 2020-2022. These actions reflect community expectations that Council is taking action to address the impacts of climate change, economic drivers to make our buildings and infrastructure more energy and water-efficient, and best practice sustainability measures by local government.

Some Council actions to reduce energy and water consumption date back to the local government programs in the early 2000's as part of the ICLEI Cities for Climate Protection and Water Campaign programs, where over 200 Councils across Australia implemented local sustainability actions at a grassroots level, setting targets to reduce energy and water consumption in community and civic facilities.

Council has also succeeded in piloting new sustainability initiatives such as using recycled-content asphalt for road resurfacing, implementing an integrated suite of ESD measures in the high profile upgrade of Aqualink Box Hill in 2014, and assessing its key buildings from a climate resilience perspective.

Improving the energy and water efficiency of Council buildings and reducing greenhouse gas emissions from Council operations are key actions in achieving Council's approach to becoming carbon neutral and meeting Council's greenhouse emission and water consumption reduction targets.

Although Council has achieved good progress, including ESD features in building upgrades and new constructions as 'business as usual' for Council, there is not a formal Environmental Sustainable Design (ESD) Policy to set clear ESD standards and ensure a consistent approach for upgrading Council buildings and infrastructure projects in the most sustainable manner.

Presently, there are supporting documents that guide the inclusion of ESD in some of Council's asset upgrade projects, including an ESD Considerations Prompt List for building upgrade projects, and compliance requirements under the Whitehorse Planning Scheme's statutory ESD Policy. However, the approach to integrating ESD measures into Council's buildings and infrastructure to maximise their performance, amenity, and reduce operational costs at times can be ad hoc. Without an overall ESD Policy and agreed standards to work to, opportunities to include beneficial ESD features at an early stage of the design so that measures can be installed in a more integrated and cost-effective manner can be missed.

This same need for a more strategic ESD Policy for public infrastructure was identified across member Councils of the Eastern Alliance for Greenhouse Action (EAGA), resulting in the development of a regional ESD Policy for Council Buildings and Infrastructure in early 2020 – a key deliverable of EAGA's 2019/20 Annual Implementation Plan. Each Council then began the process of tailoring the regional policy to create their own Council-specific ESD Policy to suit their preferred standards and approach to improving the sustainability of public buildings and infrastructure. Most of the EAGA Councils including Whitehorse are progressing along the sustainability journey, and all Councils could see the benefit of collaborating to develop a regional ESD framework that would serve as a foundation for individual Council ESD policies.

### 9.1.1 (cont)

#### Establishing a regional ESD Policy

Whitehorse City Council is one of eight participating member Councils of EAGA along with Knox (KCC), Maroondah (MCC), Monash (CoM), Glen Eira (GECC), Boroondara (CoB), Stonnington (SCC) and Yarra Ranges (YRC) Councils. Each member Councils' journey in developing and implementing an ESD Policy varies, but like Whitehorse all EAGA Councils are taking action to make their buildings more sustainable. Table 1 shows a traffic-light table demonstrating differing degrees of ESD Policy. Within EAGA, already three Councils have an adopted ESD Policy while others have informal ESD internal guidelines or arrangements that guide their implementation of ESD features.

**Table 1: Snap-shot of EAGA member Councils and their ESD policy progress**

Criteria	CoB	GECC	KCC	MCC	COM	SCC	WCC	YRC
Policy	Yellow	Red	Green	Yellow	Red	Red	Red	Red
Targets	Green	Yellow						
Governance	Yellow	Yellow	Green	Yellow	Yellow	Yellow	Yellow	Yellow
Budget	Yellow							
Capacity	Yellow	Red	Green	Green	Red	Yellow	Red	Red
Reporting	Red	Red	Yellow	Red	Red	Red	Red	Red

EAGA Councils recognised the importance for an ESD Policy to provide a consistent and holistic approach to ESD considerations within the design, scope of works, and construction of all new council buildings and infrastructure, as well as incorporating ESD principles into renovations, renewals and upgrades.

In late 2019, Consultant Organica Engineering was engaged to assist EAGA to develop a regional ESD Policy for Council Buildings and Infrastructure by:

- Evaluating the extent to which ESD policies and practices were being implemented in building projects and infrastructure delivery across all EAGA councils;
- Undertaking an evidence-based assessment of existing approaches, to assist and support Councils adopt a new policy, or improve an existing policy;
- Identifying best practice approaches, pre-conditions for successful ESD integration, and tools/methods for overcoming barriers; and
- Developing Council-specific recommendations and consistent policy templates and guidance materials.

At Council, an internal working group was established with representation across the organisation, including officers from Engineering and Environmental Services, Leisure and Recreation Services, ParksWide, Major Projects, Buildings, Facilities Maintenance, City Works and Procurement. Through an initial staff survey, workshops (face-to-face and virtual) and subsequent focus groups, the regional ESD Policy has been tailored to Whitehorse's needs (**Attachment 1**).

### **9.1.1** (cont)

#### **Whitehorse's gap analysis findings**

Council has strong commitments to carbon neutrality, and sector-leading programs such as its Energy Performance Contract (EPC) and previous Climate Change Buildings' Vulnerability Assessment project that demonstrates the scale of Council's sustainability aspirations. The major and minor Capital Works upgrades of Council facilities and infrastructure programs usually include a component of ESD features as part of the works (e.g. solar PV panels, double glazing, energy-efficient lights, and rainwater tanks). However, the extent to which this occurs differs depending on budget and demonstrated leadership for that particular project. The redevelopment of Aqualink Box Hill completed in 2014 showcases this via its wide range of ESD measures, and at that time, innovative and leading application of the co-generation system.

Existing budget allocation for sustainability initiatives through the Facilities Maintenance team, such as the sustainable energy initiatives (\$150K every year), climate change adaptation (\$100K every alternate year), and sustainable water initiatives (\$50K every alternate year); and the dedicated budget for the interim Whitehorse Climate Response Plan 2020-2022 (endorsed in September 2020), demonstrates Council's ongoing commitment to improve ESD within existing buildings and infrastructure.

In addition, Council has existing expertise and capability within the Sustainability and Planning Referrals teams, more specifically an ESD Advisor with excellent technical ESD knowledge.

A Whitehorse Council Evaluation Report (May 2020) produced by Organica Engineering includes a gap-analysis to identify where Council could further improve its sustainability performance in terms of embedding ESD features into its infrastructure and building assets. The gap analysis found that:

- There is no overarching framework to guide decision making, planning and coordinate activities across the organisation, resulting in some high profile initiatives to progress with less than optimum ESD considerations;
- Sustainability and ESD factors are not always considered early enough in the design process to maximise the benefits they might bring to the project, resulting in subsequent retrofits or periods where facilities operate less efficiently;
- The existing ESD documentation such as an 'ESD Considerations List' (developed in 2007), is out of date and not consistently used by all staff; and
- Budgeting for and implementation of sustainability is ad-hoc and not applied consistently. Asset renewal has traditionally focused on the building footprint and asset function, and has not considered the surrounding environment and neighbouring landscape.

Table 2 below is a summary of recommendations put forward from the Evaluation Report.

## 9.1.1 (cont)

**Table 2: Whitehorse City Council's Evaluation Report recommendations**



### Development of Whitehorse's draft ESD Policy

Taking the learnings of the consultant's Evaluation Report and in consultation with the internal working group, the draft Whitehorse ESD Policy for Council Buildings and Infrastructure (**Attachment 1**) has been developed. The endorsement of the draft ESD Policy will help to consistently embed ESD principles into all of Council's buildings and infrastructure (assets) that are designed, constructed and maintained for Council's operational and community use.

This draft Policy applies to:

- The design, construction and operation of all substantial renewals, renovations, and extensions to Council buildings.
- The design and construction of Council infrastructure including but not limited to carparks, footpaths, roads and drainage.
- Council staff and all external designers, engineers, contractors and stakeholders involved in Capital Works projects and programs.

The draft ESD Policy takes a holistic approach beyond the asset footprint, by taking into consideration its surrounding environment and significant features such as waterways, green corridors, significant vegetation, as well as social and community benefits.

At this stage, this draft Policy excludes leased facilities such as bowls and tennis clubs. Further liaison with Leisure and Recreation Services is necessary to investigate how this Policy can be applied to these leased facilities, where the tenant is responsible for the maintenance of the building. However, the ESD Policy will apply to Council-managed sporting pavilions and facilities, thereby improving the facility for use by the community and sporting clubs.

## 9.1.1

(cont)

### Benefits of the draft ESD Policy

The key benefits of the draft ESD Policy include to:

- Establish a transparent and consistent approach for achieving best practice Environmentally Sustainable Design (ESD) outcomes in the design, construction, and operation of Council buildings and infrastructure.
- Drive innovation and sustainability leadership in and through Council processes and practices.
- Enable Council to achieve its targets within its *Sustainability Strategy 2016-2022*, actions in the *Interim Climate Response Plan* and draft *Urban Forest Strategy 2021-2031* (pending endorsement).

Other co-benefits include, but are not limited to:

- Reducing the operational and utility costs in running the asset, including improving its energy and water usage and minimising reliance on non-renewable energy sources.
- Delivering assets that are more resilient to the impacts of climate change, and therefore reducing the risk of the facilities becoming unserviceable before their expected lifespan.
- Enhancing the wellbeing of facility users by connecting the natural and built environment and improving indoor environments for buildings.
- Securing ongoing operational efficiencies, through improved asset management and less intensive maintenance regimes.
- Demonstrating leadership to the community by adopting and promoting ESD integration, and encouraging the wider community to do the same.
- Ensuring Council uses a consistent approach to ESD regardless of whether the buildings and infrastructure are Council-owned or a private development.
- Driving the uptake of low impact construction materials and stimulating local markets for recycled products.
- Reducing reliance on emissions intensive transport modes and facilitating active transport options.
- Addressing gaps and the absence of minimum requirements in the National Construction Code (NCC) and relevant legislation.

### DISCUSSION

Table 3 below is an extract from the draft ESD Policy, which outlines the proposed project and program-specific ESD requirements for buildings and infrastructure, based on the total project or program budget.

It is proposed that building projects valued at more than \$10M are required to meet specified Green Star Design and As-Built benchmarked standards as appropriate. Ultimately, it would be possible to seek Green Building Council of Australia (GBCA) certification as an independent verification that the building has reached the applicable Green Star standard, however this is not considered to be a priority at this stage. There are costs to assess and maintain third party certification, funds that could be spent on the actual ESD features for the building. Therefore, it is suggested that flagship project certification be further considered after the ESD Policy has been in operation for a few years.

### 9.1.1

(cont)

Projects valued at \$10M or less are recommended to be assessed using the Built Environment Sustainability Scorecard (BESS), a now widely-used and accepted standard and tool for assessing residential developments, local government buildings and infrastructure.

Projects valued at \$1M or less will be assessed in a simpler manner using an agreed Sustainable Design Assessment template and internal ESD standards.

**Table 3: Proposed ESD requirements**

Project cost	<\$1mill	>\$1mill	>\$10mill	>\$20mill
Require Sustainability Management Plan (SMP) for <b>buildings</b>	Yes – short form Sustainable Design Assessment (SDA)	Yes	Yes	Yes
SMP objectives and applicable toolkit for <b>buildings</b>	Meet sustainability objectives above plus: Council ESD checklists	Meet sustainability objectives above plus: BESS tool targeting Excellence	Meet sustainability objectives above plus: Green Star 4 or 5 Star Design and As-Built benchmarked as appropriate.	Meet sustainability objectives above plus: Green Star 5 or 6 Star Design and As-Built benchmarked as appropriate.
Require Sustainability Management Plan (SMP) for <b>infrastructure</b> (project or program)	Yes – short form	Yes	Yes	Yes
SMP objectives and applicable toolkit for <b>infrastructure</b>	Meet sustainability objectives, where applicable and feasible.	Meet sustainability objectives, where applicable and feasible.	Meet sustainability objectives, where applicable and feasible. Reference Green Star Communities tool Materials Credits.	ISCA's Infrastructure Sustainability (IS v 2) Design and As Built rating tool – Gold rating benchmarked as appropriate.
Suitably qualified ESD professional appointed to the design team	Only if required to trial innovative approaches	Yes	Yes	Yes

Once the ESD requirements are established and relevant ESD objectives are identified for a specific project or program, a Sustainability Management Plan (SMP) is to be developed. Depending on the project cost and complexity of scope, this document can be produced internally or with the support of external consultants who may already be engaged for larger projects.

### 9.1.1

(cont)

The SMP will document how all identified ESD objectives, targets and standards will be met, and how the performance outcomes will be achieved for each project or program. The SMP must also provide a schedule for implementation, ongoing management, maintenance and monitoring and how the ESD elements and practices can be maintained over time. The SMP should be used to survey available sustainable technologies and innovative approaches, and to resolve any questions around feasibility of applying ESD initiatives to the project or program. For a program of works, one regularly updated SMP will generally meet requirements.

This is similar to ESD Planning Scheme requirements, which are asked for by Council from developers, and assessed by Council's Planning ESD Advisor.

#### Case Study Development

The proposed Heatherdale Reserve Sports Pavilion was selected to draw on a case study (**Attachment 2**) to address:

- How the project's existing scope scores using the proposed ESD requirements and benchmarking tool (e.g. BESS or Green Star);
- What additional works could be adopted to bring the existing scope to comply with the requirements from the draft ESD Policy, and at what cost (represented as a percentage increase to allocated project); and
- Identify any gaps and/or any implications the draft ESD Policy and its outlined requirements.

The case study was assessed by applying the proposed new ESD Policy requirements to the project and comparing this with Council's existing ESD Considerations' checklist and informal ESD criteria, and the ESD Policy requirements within the Whitehorse Planning Scheme. This was done to better understand the project's ESD performance outcomes if the new ESD Policy was applied.

Considering the proposed new ESD Policy, the case study found that:

- Incorporating ESD does not necessarily need to cost more overall, particularly when whole-of-life facility costs are considered. A more energy and water-efficient building will typically have lower operating costs, including maintenance savings that may offset any additional up-front cost for construction over time.
- When ESD features are taken into consideration at concept and early design phase of a development, including the integration of building management systems and the improved performance efficiencies, this will usually result in cost savings by installing the ESD measures as part of the initial build, as the tendered project is treated by those quoting as a fully integrated project.
- For those scenarios where there may be additional up-front costs associated with a development that incorporates ESD features compared to conventional building, the cost premium is typically not as high as is perceived by the development industry.
- There has been an overall trend towards the reduction in design and construction costs associated with ESD in line with changing NCC requirements that now mandate certain measures, and technology improvements producing more efficient equipment and materials. This is especially true with energy efficiency and measures now considered as 'business as usual' in local government.
- Development which incorporates bolder ESD features typically achieves even greater reductions in energy and water use, lower long-term operational costs and maintenance costs, to the extent where payback periods for defined ESD measures can be determined and can be very favourable.

### **9.1.1**

(cont)

- From an operations perspective, predicted energy savings for an ESD measure at design stage are typically exceeded in practice due to being conservative and ESD practitioners not wanting to over-promise and under-deliver. ESD measures therefore frequently achieve better than predicted payback periods.
- Throughout the planning, construction and operational performance, a development must be supported by robust commissioning, effective management, leadership and communication in order to achieve the anticipated performance.
- ESD personnel with relevant expertise should be a part of the design and development team and reciprocally engage with personnel within Council; particularly Council's ESD Advisor. This may expedite a planning approval process from an ESD perspective, given familiarity with the project.
- With relevant ESD personnel on board, the project planning process facilitates an integrated management process to ensure that ESD is discussed with all relevant parties and confirm that all stakeholders' interests are understood. The resulting design phase achieves a common approach and understanding reached between key stakeholders.
- Project budgets are usually more accurate and holistic if ESD considerations commence from project kick-off and when preparing concept designs. Consideration of ongoing operational costs as part of the project's development process using life-cycle costing ensures a better understanding of overall cost drivers for the facility, and helps to identify opportunities to make the buildings more efficient and fit-for-purpose for community use.

#### ***Impacts on existing and proposed Capital Works projects***

It is proposed that a transitional approach is required to progressively implement this ESD Policy via the following two steps:

- Projects already scoped with budget allocated and in the Capital Works annual program before 30 June 2022 may not have sufficient budget or scope to achieve the defined ESD requirements in Table 3. All effort should be made to reach this target, however flexibility may be required. If any discretion is to be made, a best-value approach based on a sound business case is suggested to justify what ESD measures can reasonably be included. This will enable consideration of whether additional budget can be allocated or external funding sought to address (elements of) the ESD requirements, or whether the project proceeds without achieving the ESD standards. Any ESD 'shortfall' measures could be documented and considered in future for possible retrofitting, if warranted at a later stage.
- Projects that are yet to be fully scoped (e.g. feasibility studies, business cases or early stages of concept design etc), or are scheduled to commence after 1 July 2022 must meet the new ESD Policy requirements. This is the most appropriate stage to embed ESD requirements and expectations before the budget for these post-2022 projects are finalised, and the detailed design process is commenced.

#### ***Impacts on budget and projected costs***

During the transition period and at the project concept and scoping stage, it is recommended that the design include consideration of a range of ESD features that previously may not have been included in the project. This will encourage improvement to the ESD outcomes compared to current practice, until the new Policy and guidelines become fully embedded into Council's routine project procedures.

### **9.1.1**

(cont)

There are currently grant funding opportunities available for enhancing the sustainability of local government infrastructure, which could be put towards funding additional ESD measures. As a precautionary approach, it is recommended that at least 10% of the overall project budget be used for implementing ESD measures, but this percentage will vary depending on the scale of the project, and the benefit that any additional ESD measures will bring to the use of the asset. It is recognised that capital works projects must take a wide range of factors into consideration for the design, especially user needs, safety and being fit-for-purpose.

For some projects, especially upgrades or retrofits, ESD features may make up a larger percentage of the overall budget, as the aim is more about reducing the facility's operating costs or improving its amenity for users. Installing solar panels on an existing child care facility is an example of where the upgrade is primarily a 100% ESD measure.

It is critical to note that although there is usually an upfront capital cost in addressing ESD requirements that are over-and-above business as usual, an ESD investment typically directly reduces ongoing operational costs in running the building. A broader consideration of ESD from an early stage of the design process may also result in the building having a smaller footprint, or include more multi-use spaces, which would potentially reduce construction and operation costs, and reduce greenhouse emissions if the built form covers a smaller footprint.

In some cases, there may be no budget increases required to address ESD requirements as the ESD measure is already part of a business as usual consideration. This was the case for the recent application of reconophalt (recycled content material for asphalt) as part of Council's 2019/20 road resurfacing program.

#### ***Impacts on current processes and procedures***

There is an initial impact on current processes and procedures as staff and consultants adjust to the new Policy requirements. Major Council projects already involve a high degree of internal consultation with stakeholders from across the organisation and in many cases, involve an ESD consultant in the process. ESD considerations will soon become the norm, especially with the use of standard templates, support tools and reports.

It is essential to identify ESD opportunities within the project requirements as part of the feasibility and scoping phase. Subsequent phases of planning and constructing the project become more efficient if the ESD requirements are clear and fully defined from the start. There may also be less design or construction re-work or retrofitting if the integration of ESD into the facility is planned from the start.

An ESD guideline document is being developed to outline the various operational roles and responsibilities at each stage of the Capital Works process. A collaborative corporate approach is required to ensure that the identified ESD requirements are carried through the Capital Works process from design, construction to ongoing maintenance of the asset.

#### ***Impacts on staff resources***

Staff training will be required once the ESD Policy is endorsed with key stakeholders across the organisation. This training will cover: general understanding and outputs of the ESD benchmarking tools (BESS and Green Star); and staff roles and responsibilities of the ESD Policy implementation.

### **9.1.1**

(cont)

The Sustainability Unit from the Engineering and Environmental Services Department will initially oversee the implementation of the ESD Policy, in particular during the transitional period. With the support of Council's Planning ESD Advisor or a similar expert ESD advisor, the Sustainability team will assist key stakeholders to:

- Identify minimum ESD measures according to the project ESD requirements, which are then to be embedded into the scope of the proposed project.
- Assess the Sustainability Management Plan produced by the external consultants, where applicable.

The Sustainability Unit will monitor and report on the implementation of the ESD Policy on an annual basis. This will include whether projects have achieved the allocated benchmarking score at design and post-construction phase, and to determine the final project cost percentage allocated towards implementing these ESD features. In consultation with the internal working group, a monitoring and reporting framework will be established including key performance indicators.

#### ***Alignment with the ESD Planning Policy***

The basic scope of ESD factors considered by Council's current Whitehorse Planning Scheme ESD Policy and the draft ESD Policy for Council buildings and infrastructure is consistent, although the proposed ESD Policy for Council infrastructure covers a wider range of public facilities such as carparks, drains, parks and roads. The Council infrastructure ESD Policy also takes into consideration the surrounding area to the facility, such as landscaping and precinct, not just the actual building.

The comparison between the two policies is therefore not exactly the same, but each policy has the same objective, which is to improve the sustainability of the built environment by requiring consideration of more ESD features and initiatives.

Both policies demonstrate the leadership that Council is taking in meeting the community expectations that public and private buildings and infrastructure are increasingly being made more sustainable.

#### **CONSULTATION**

Extensive internal consultation has occurred across the organisation with the established internal working group represented by officers from Engineering and Environmental Services, Leisure and Recreation Services, ParksWide, Major Projects, Buildings, Facilities Maintenance, City Works and Procurement. A staff survey, workshops (face-to-face and virtual) and subsequent focus groups, as well as team meeting presentations have been conducted and implemented.

Progress made at each EAGA Council has been continually shared amongst other EAGA Councils to support the efforts in adopting such Policy, and explore ongoing opportunities for collaboration where applicable.

Improving the sustainability and environmental performance of Council's buildings and infrastructure came through as a key community expectation during the consultation phase of Council's Sustainability Strategy 2016-2022. This is consistent with subsequent community consultation for major Council strategies, and the high value that the community expresses in the annual Community Satisfaction Survey for Council to demonstrate it is being sustainable and taking action on climate change. Ensuring community facilities are more resilient to climate change impacts is an example of this community leadership.

## 9.1.1

(cont)

### FINANCIAL IMPLICATIONS

The inclusion of more ESD features in Council projects in 2020/21, as intended by adopting the ESD Policy, can be managed within the current budget. As stated earlier in this report, ESD already receives consideration, but the gap analysis in preparing the ESD Policy identified that it can be ad hoc. It is therefore proposed that the focus in 2020/21 will be to finalise the development of ESD templates for assessing and reporting on ESD, and embedding a better understanding of the requirements of the ESD Policy across the organisation.

Where possible, some additional or innovative ESD features will be included in 2020/21 Capital Works projects, where budget discretion allows or additional grant funding can be gained.

From 2021/22 onwards, it is expected that ESD features will be ramped up to progressively satisfy the ESD Policy requirements, and that funding to achieve this will be considered as part of the 2021/22 budget process.

Full compliance with the ESD Policy requirements will commence in 2022/23, to ensure the transition to the new requirements can be managed in a financially sustainable manner.

It is expected that there will be more grant funding opportunities available from State and Federal Governments over the next few years as they roll out policies to address liveability, sustainability, urban heat island and climate change issues.

The actual financial impact of this policy is difficult to quantify, as Council is already embedding more and more ESD features into its buildings and infrastructure as part of 'business as usual'. Hence there is already an ESD component to most projects.

The annual report on the progress and achievements of the ESD Policy will be shared with Council and the community, including commentary on the savings made through the implementation of the ESD Policy.

Anecdotally, the experience at other EAGA Councils with an ESD Policy in place is that higher ESD standards do not automatically add to the overall project costs when whole-of-life costs are taken into consideration. Their experience is that for additional 3% to 5% capital cost investment into extended ESD measures, there is usually a proven payback period during the remaining life of the facility, as well as achieving a more user-friendly environment within and surrounding the facility.

The new ESD Policy will result in the budgets for applicable capital works projects being a bit more robust and holistic as they are presented in the budget process for consideration. As the scope of each project is fully considered at an early stage, the review process includes all relevant factors including what ESD features will enhance the performance of the asset. The intention of the ESD Policy is to get agreement from key stakeholders early in the project planning process on what's in and out of scope, including the degree of ESD measures, so the project design and budget proceeds accordingly.

Council's major projects are already following a similar project planning process, but the ESD Policy ensures that ESD consideration covers broader factors in a consistent manner than those that are currently considered, sets an appropriate ESD standard, and the outcome will add more benefit to the end user of the facility and to Council over time.

### **9.1.1** (cont)

#### **POLICY IMPLICATIONS**

Council recently adopted its 2 year Interim Climate Response Plan 2020-2022 in September 2020. Specifically, there is an action to “Update ESD Policy regarding Council Buildings to achieve best practice outcomes. Benchmark against similar local government areas and build internal capacity” by December 2020. This will further Council’s efforts to work towards its sustainability targets in its Sustainability Strategy 2016-2022.

At the State Government level, the Climate Change Act (2017) aims to drive Victoria’s transition to a climate resilient community and economy with net zero emissions by 2050. Under the Local Government Act (2020), Councils are required to:

- Promote the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks (Section 9(2) (c)).
- Give priority to achieving the best outcomes for the municipal community, including future generations (Section Under 9 (2) (b)).

The outcomes of implementing the proposed ESD Policy will contribute to achieving these State Government objectives.

#### **ATTACHMENT**

- 1 Draft Whitehorse ESD Policy for Council Buildings and Infrastructure
- 2 ESD Policy Case Study - Heatherdale Reserve Sports Pavilion

## 9.2 HUMAN SERVICES

### 9.2.1 Whitehorse Community Engagement Policy

ATTACHMENT

#### **SUMMARY**

*Council is committed to effectively engaging locally in regard to initiatives, programs, projects and policies that may have an impact on the community.*

*The Whitehorse Community Engagement framework (internal document) has been in place for some time to assist cross-Council departments in their engagement activity. However, the Whitehorse Community Engagement policy takes Council's commitment to engaging with the people of Whitehorse to another level by including the community in the development of the policy, as well as the development of a handbook (March-November) which will detail "how" the policy will be rolled out/implemented. The handbook will be presented to Council for adoption in late 2021.*

*The Whitehorse Community Engagement policy is a high level, principles based document which the State Government, through the Local Government Act, requires Councils to develop and have in place by March 1<sup>st</sup> 2021. The Act informs what Council must include in the policy while at the same time allowing it to be responsive to local community need. In addition, the policy details when "deliberative engagement" must be undertaken.*

*The policy details Council's engagement commitment, explains Council's role and responsibilities and outlines how the community can expect to be involved in local decision making. It establishes a clear standard of engagement based on the IAP2 model, and encourages a consistent approach which includes: principles, evaluation, review and feedback in an effort to continually improve Council's engagement processes with the local community, which in turn leads to more effective outcomes.*

*The policy also makes explicit, Council's engagement principles which underpin how we will design and deliver community engagement, and meet the requirements of the Local Government Act 2020, as well as the Victorian Auditor General Office's (VAGO) Better Practice Guide: Public Participation in Government Decision-making. To be compliant with the Local Government Act 2020 the Whitehorse Community Engagement policy must be adopted by Council by 1 March 2021.*

*This Council report takes into consideration the community feedback that was provided as part of the policy's public exhibition over the December 2020 and January 2021 (6.5 weeks in total) period and is detailed in attachment 2 titled Community Submissions.*

*COVID-19 and its associated restrictions as well as the timelines set by the State Government impacted on the engagement process that was intended to be implemented across the community and with the new Council.*

#### **RECOMMENDATION**

***That Council endorse the Whitehorse Community Engagement Policy (Attachment 1).***

#### **BACKGROUND**

Council is committed to effectively engaging locally in regard to initiatives, programs, projects and policy that may have an impact on the community. The policy defines the Whitehorse Community as including everyone who lives, works, studies, visits, recreates or invests in the City of Whitehorse. Council has had in place for some time, The Whitehorse Community Engagement framework (internal document) has been in place for some time and has assisted cross-Council departments in their engagement activity. However, the Whitehorse Community Engagement policy takes Council's commitment to engaging with the people of Whitehorse to another level *by including the community in the development of the policy, as well as the development of a handbook (March-Nov) which will detail "how" the policy will be rolled out/implemented. The handbook will be presented to Council for adoption in late 2021 for adoption.*

## **9.2.1**

(cont)

The policy also makes explicit, Council's commitment to engaging with our community and explains Council's role and how the community can expect to be involved in Council's decision making processes. It establishes a clear standard of engagement, and encourages a consistent approach including evaluation, review and feedback in an effort to continually improve Councils' engagement processes which in turn will lead to more effective outcomes.

The Whitehorse community is rich, with a diversity of life experience, expertise and cultural influence. Council values community participation and will continue to encourage a diverse range of voices and opinions across the community. Council is committed to engaging with our community, key stakeholders and officers in an inclusive, genuine and appropriate way, to inform key decisions, actions and strategies.

The Whitehorse Engagement Policy has been developed taking into consideration, the principles of the International Association of Public Participation (IAP2) and other emerging best-practice models. The IAP2 model utilises a spectrum of engagement which highlights a number of engagement practices along a continuum beginning with "inform" at one end and ending with "empowerment" at the other. No one point on the spectrum is better than another, it is more about officers planning their engagement activity in a manner that considers which point or points of engagement on the spectrum are appropriate to that particular initiative and then being very clear (including documentation of this) about why they are choosing that particular methodology, in regard to an engagement activity.

Upon adoption of the policy, a handbook will be developed to support officers to implement/roll out the policy. The handbook which will provide a suite of tools and resources will support Council Officers to implement their engagement activity in line with this Policy. The handbook will be developed in collaboration with the community and cross-Council departments in 2021 and will be presented to Council later this year for adoption.

### **THE LOCAL GOVERNMENT ACT 2020**

The Local Government Act (Vic) 2020 requires all Councils in Victoria to develop a Community Engagement Policy (Section 55) and to be compliant the Community Engagement Policy must be adopted by 1 March 2021.

The Act has a principles based approach which means that while it is a Local Government requirement to produce a policy, each Council's policy will look different so as to respond to the needs of the local community. The Policy has been developed with community input and outlines, at a high level, how Council intends to engage with the community into the future in ways that align with best practice principles. In addition, the policy details when "deliberative engagement" must take place.

The policy will be applied in regard to how Council makes its local laws, develops its budget as well as its policies and plans.

### **THE ROLE OF THE MAYOR AND COUNCILLORS**

The Mayor and Councillors have many important roles including the process of decision making to represent the best interests of the community.

Council acknowledges that the most effective and transparent decision-making processes rely on sound evidence, community input and representation of community priorities. Information that is gathered through community engagement activities will be utilised, as well as other data, advice, strategies and/or legislation that is relevant to a particular matter, when making decisions. The Community Engagement policy does not diminish Councillors role as the elected representatives of the Whitehorse community, rather effective engagement processes enable a diverse range of rich information to be collected from the community, which will then be utilised in regard to the various initiatives that the community is providing feedback about.

## **9.2.1**

(cont)

It is prescribed within the Local Government Act 2020 that the Mayor plays an important role in engaging with the municipal community on the development of the Council Plan (s18c). The Mayor will also have a role in working with officers to open/introduce deliberative engagement processes, as well as closing the loop with the community and feeding back relevant and appropriate information.

Councillors are responsible for adopting the Community Engagement Policy as well as championing our community engagement commitment to the community. Councillors will also be identified as key stakeholders within engagement plans and therefore be involved in project specific engagement activities.

### **WHAT IS COMMUNITY ENGAGEMENT?**

Community engagement refers to the many ways Council connects to and with the local community in its day-to-day interactions and in the development and implementation of initiatives, policies, programs, projects and services.

Specifically, the City of Whitehorse defines Community engagement as a planned process that gives individuals and groups a voice in decisions or actions that may affect or interest them.

Engagement can range from the simple provision of information (informing) through to empowering the community to make a final decision. How much influence participants will have on the decision or outcome will vary depending on the particular project.

Common methods of engagement include surveys, workshops, pop-up stands, focus groups and online forums, but it can also involve a range of other approaches like reference and advisory groups, co-designing initiatives, community panels and citizens juries. Depending on the initiative, project, program, policy or plan, different engagement activities will be planned in a way that the most relevant and effective community engagement process is implemented.

### **WHY IS COMMUNITY ENGAGEMENT IMPORTANT?**

Community engagement is about harnessing a range and diversity of views and opinions, experience and expertise within our community, to assist Council to make effective and, more informed decisions. It can develop and improve relationships, build capacity and strengthen communities.

The benefits of effective community engagement includes:

- Enabling our community and key stakeholders to have the ability to contribute to and influence decisions and actions that directly affect them
- Assisting Council to understand the aspirations and priorities of the community which in turn informs our strategic planning
- Assisting Council to deliver services, programs and infrastructure that meets the specific and evolving needs of our community
- Helping to improve connections and understanding between Council and our community
- Making decision making more open and transparent and enhancing accountability and trust
- Contributing to participants having a stronger sense of belonging and connection to the local community
- Informing and building evidence for Council's advocacy agenda

## **9.2.1**

(cont)

### **DISCUSSION**

#### **THE POLICY SCOPE**

The Whitehorse Community Engagement policy provides direction regarding formal (including legislated requirements) and informal community engagement activities undertaken by, or on behalf of Council, including but not limited to the:

- Development and review of key strategic documents/plans such as, but not limited to: the Community Vision, Council Plan, Municipal Public Health and Wellbeing Plan, Long Term Financial Plan, Asset Plan and Road Management Plan.
- Making of Local Laws
- Making of amendments to the Planning Scheme or deliberating on planning applications under the Planning and Environment Act 1987
- Development of annual budgets
- Development of Council policies that directly impact the community
- Upgrade of Council venues and playgrounds

The policy applies to all community engagement activity undertaken by Council.

Some Council decisions will affect the whole community, but will mostly affect some people or groups more than others. We also recognise that some people or groups face barriers to engaging with us, so we will strive to reach the hard to reach. The handbook which will be developed after the adoption of the policy will explore and document how to best engage with different cohorts of people in Whitehorse, including the hard to reach.

Council will focus its efforts on engaging with the most directly affected members or interested members of our community by place, interest, demographics etc. and use methods that reduce barriers to participation.

As part of our planning process we will identify the people and groups that may be affected by, or interested in the decision, action, policy or strategy being developed. This may include Councillors, the Whitehorse community, associated key stakeholders and staff or teams internal to Council.

#### **CITY OF WHITEHORSE ENGAGEMENT PRINCIPLES**

Council's engagement principles have been developed as a result of engagement with the people of Whitehorse, input from Councillors and officers, research into best practice standards and consideration of the public participation principles set out in Section 56 of the Local Government Act (Vic) 2020.

The policy's engagement principles underpin how Council will design and deliver community engagement across all stages of the engagement process as well as meeting the requirements of the Local Government Act 2020 and the Victorian Auditor General Office's (VAGO) Better Practice Guide: Public Participation in Government Decision-making.

## **9.2.1**

(cont)

The City of Whitehorse's engagement principles are:

### **1. Inclusion, access and constructive participation**

Participants in engagement will be representative of the persons and groups affected by the matter at hand.

Council will work with the community to remove barriers to participation and ensure access to objective, relevant and timely information to inform their participation.

Council will ensure the process is conducive to constructive conversation between the community and Council.

### **2. Clarity of purpose and scope**

The engagement process will have a clearly defined objective and scope.

Participants in the various engagement processes will be informed of the ways in which community engagement input and feedback will influence Council decision making and Council will share the results and outcomes of the process with the community.

### **3. Transparency, Informative and Clear:**

Participants in engagement activity will have access to the objective, relevant and timely information to inform their participation.

Participants in the engagement activity are entitled to reasonable support to enable meaningful and informed engagement.

Ensuring that those participating in the community engagement activity understand the scope of the engagement, the decision-making process and any constraints on the process.

### **4. Integrity, Caring and Responsiveness**

Council is committed to demonstrating a caring approach to community engagement.

Approaching engagement with honesty and clarity and communicating results in plain English.

The potential impacts of a project on the community will be identified, discussed and addressed within the scope of the engagement process.

Challenges and opportunities related to participation in engagement activity are identified and addressed.

Input is responded to in a timely and constructive manner.

## **THE IAP2 SPECTRUM**

The International Association for Public Participation (IAP2) is an international organisation advancing the practice of public participation. The IAP2 model supports people who implement or participate in public decision-making processes. The Whitehorse Community Engagement policy is based on the IAP2 model where by a spectrum or continuum of engagement is available to assist in planning effective community engagement activity. The commencement of the spectrum talks about "informing" the community and then moves to the other end of the spectrum, which talks about "empowering" the community. No one point on the spectrum is "better" than another, it is about thorough planning and why a particular engagement point on the spectrum has been chosen and why.

**9.2.1**  
(cont)

	Increasing impact on decision 				
	Inform	Consult	Involve	Collaborate	Empower
<b>Goal</b>	To provide balanced and objective information to assist in understanding the problem, alternatives, opportunities and/or solutions.	To obtain feedback on analysis, alternatives and/or decisions.	To work directly with our target participants throughout the process to ensure that their concerns and aspirations are consistently understood and considered.	To partner with our target participants in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision making in the hands of our target participants.
<b>Promise to the community</b>	We will keep you informed.	We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision.	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	We will look to you for advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	We will implement what you decide.

Source: IAP2 <https://iap2.org.au/resources/spectrum/>

## 9.2.1

(cont)

### MANDATORY ENGAGEMENT

There are some decisions that require a greater level of engagement. In these cases, legislation sets out the minimum engagement requirements. Council will meet all of its legislative engagement requirements but can also decide to extend its engagement in regard to these requirements.

The Local Government Act 2020 and other legislation sets out some minimum levels of engagement for key decisions, which are summarised below:

Type of decision	Level of engagement
Community Vision	Deliberative engagement (Collaborate – Empower)
Council Plan, Financial Plan, Asset Plan, Municipal Public Health and Wellbeing Plan	Deliberative engagement (Involve – Collaborate)
Annual Budget	Participatory engagement (Consult)
Making a Local Law	Participatory engagement (Consult)
Buying, selling or leasing Council land	Participatory engagement (Consult)
Making amendments to the Planning Scheme or deliberating on planning applications under the Planning and Environment Act 1987	Participatory engagement (Consult) unless within exemptions under the Planning and Environment Act 1987
Other services, facilities, strategies, plans and policies	To be determined based on the scale, complexity and anticipated impact of the decision

### WHEN INFORMING MAY BE APPROPRIATE

There are circumstances when an informing level of engagement is the most appropriate method of engagement. In these cases, Council will inform the community, key stakeholders or internal officers or teams about a particular decision or outcome.

Examples include:

- When there is nothing about the decision that can be influenced
- Emergencies and when immediate action is required
- Items of a confidential or commercially sensitive nature
- If there is a risk to public safety

### DELIBERATIVE ENGAGEMENT

Deliberative engagement is a particular approach that involves people in decision-making and comes under the “empowerment” point on the IAP2 spectrum. It is different from other forms of engagement in that it is about giving participants time to consider and discuss an issue(s) in depth, before they come to a considered view.

Deliberation is one form of ‘high influence’ community engagement. The expectation is that Council will implement the recommendations to the greatest extent possible. However, this form of engagement does not replace or take away from the decision-making powers of Councillor as the elected representatives.

## **9.2.1**

(cont)

Council will undertake deliberative engagement:

1. Where it is a legislative requirement (including the: Community Vision, Council Plan, Municipal Public Health and Wellbeing Plan, Long Term Financial Plan and Asset Plan;
2. Where Council resolves that it wants its decision-making on a matter or initiative to be informed by this model of community engagement.
3. Where the matter has a certain level of complexity and/or significance to the Whitehorse community.

As part of Council's commitment to effective deliberative engagement practices, Council will:

- Provide a clear scope to the people involved in the deliberative process
- Ensure participants have access to information to facilitate conversation and the understanding of issues
- Ensure the process is representative
- Allow the time needed to “deliberate” on complex information, weigh up options, ideas and ask questions
- Give the deliberative participants a full understanding of their level of influence over outcomes or decisions.

### **YOUR SAY WHITEHORSE**

The “Your Say Whitehorse” platform is the mandatory portal for all engagement activities. All Council engagement will have a presence on our engagement platform, irrespective of the engagement type, as a way of providing a transparent record of engagement to the community.

### **OUR APPROACH TO ENGAGEMENT**

Council will thoroughly plan out its engagement activity and Council Officers will be supported to implement engagement in line with this policy through the development of a handbook that will detail “how” the policy will be implemented as well as providing a suite of tools and resources to assist Council officers in their engagement planning. This handbook will be developed in collaboration with the community and cross-Council departments from March-November 2021 and will then be presented to Council for final adoption.

Council's approach to community engagement will be tailored to the initiative, policy, plan etc. that is being developed as well as taking into consideration the members of the local community, stakeholders and internal teams that may be affected. We will also consider factors such as time, resources, budget and any legislative requirements.

While the methods and tools Council will use will vary, our engagement activities, particularly those that are more complex and include a deliberative element will follow the same four-step process:

1. Plan
2. Do
3. Share
4. Review

## **9.2.1**

(cont)

Council is committed to reporting back to engagement participants about the findings of the engagement and how what they have contributed has influenced the decision or outcome, ensuring the method/s are inclusive and accessible.

### **REVIEW OF THE POLICY**

The Whitehorse Community Engagement policy will be reviewed 12 months after its adoption, which allows for the development of the Community Engagement handbook and further consultation with the community, as well as Councillors and officers. Feedback and input from this process will feed into the review, which will take place in February/March 2022.

### **CONSULTATION**

Broad consultation for the Community Engagement policy was held from 7 September to 21 November 2020 (external engagement paused during caretaker period 22 September to 26 October).

A total of 138 participants were engaged, as follows:

- Community survey, 75 survey responses (64 from 7 to 21 September, 11 from 26 October to 20 November)
- Staff workshops, 43 participants
- Community workshops, 20 participants
- Community online forum was available, nil participants
- Briefing to Councillors which included seeking feedback regarding the principles that underpin the Policy

Of the community participants, approximately 60% were female. Participation was evident across all age groupings, however the majority (65%) were aged between 35 to 59 years. A total of 80% of community participants live in the City of Whitehorse and a further 9% are local business owners. Responses were also received from people who work, study and visit the City of Whitehorse.

Councillors were also engaged in the development of the Whitehorse Community Engagement policy.

*COVID-19 and its associated restrictions as well as the timelines set by the State Government impacted on the engagement process that was intended to be implemented across the community.*

### **PUBLIC EXHIBITION OF DRAFT POLICY**

The draft Whitehorse Community Engagement Policy was on public exhibition from 18<sup>th</sup> December 2020 – 1<sup>st</sup> February 2021 (just over 6 weeks in total).

Attachment 2 details 26 submissions which were submitted to Council regarding the draft Whitehorse Community Engagement Policy. Feedback is directly quoted from submissions and the final column details the changes that have been made to policy as a result of that feedback, where appropriate. The text the submission column is highlighted in bold as feedback about the policy and it is this feedback that has been considered in regard to policy changes. Names have been removed to be consistent given the majority of feedback was anonymous as well as maintaining privacy, however where the name of a community group, advisory committee or organisation was provided, this was detailed.

### **FINANCIAL IMPLICATIONS**

The cost of developing the Whitehorse Community Engagement policy, which includes the engagement process was \$14,700.

## 9.2.1

(cont)

### POLICY IMPLICATIONS

Our engagement approach is primarily driven by the requirements of the Victorian Local Government Act 2020 (LG Act 2020), however a range of additional legislation also applies which is summarised below. Included below is a new addition based on additional advice of the Land Acquisition & Compensation Act 1986.

Legislation	How it relates
Victorian Charter of Human Rights and Responsibilities 2006	Recognises every individuals' right to freedom of expression, participation in public life and to have their privacy maintained
Victorian Planning and Environment Act 1987	Sets minimum consultation requirements for planning permit applications and changes to the Planning Scheme
Victorian Subordinate Legislation Act 1994	Sets minimum consultation requirements for making local laws
Victorian Public Administration Act 2004	Promotes high standards of public service, integrity, and good governance
Victorian Equal Opportunity Act 2010	Promotes inclusive workplaces where everyone can participate free from discrimination
Victorian Child Wellbeing and Safety Act 2005	Sets clear standards in relation to protecting the safety of children (and their involvement in public life)
Road Management Act 2004	
Land Acquisition & Compensation Act 1986	Council is an acquiring authority and the principles of the Land Acquisition & Compensation 1986 apply to Council purchases and compulsory acquisitions.

As Council delivers engagement in line with the Policy, other related Council policies will also be considered, including:

- Media Relations Policy
- Digital Strategy
- Social Media Guidelines – Councillors
- Information Privacy Policy
- Employee Code of Conduct
- Councillor Code of Conduct
- Whitehorse Municipal Youth Plan
- Whitehorse Health and Wellbeing Plan (incorporating a number of social plans within it e.g. Disability, Diversity, Reconciliation, Healthy Ageing, Community Participation, Youth, and Early Years Plan)

### ATTACHMENT

- 1 Community Engagement Policy
- 2 Community Feedback
- 3 Community Member Submission

## **9.3 CORPORATE**

### **9.3.1 Quarterly Performance Report October to December 2020**

ATTACHMENT

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#### **SUMMARY**

*The purpose of this report is to brief Council on the performance against the Council Plan 2017-21 and the Annual Budget 2020-21 for the quarter ended 31 December 2020.*

#### **RECOMMENDATION**

*That Council notes the Quarterly Performance Report for the quarter ended 31 December 2020, as attached.*

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#### **BACKGROUND**

Pursuant to Sections 97 of the *Local Government Act 2020*, the Quarterly Performance Report provides a high level summary of Council's performance against major initiatives, initiatives, and services identified in the Annual Plan, which is part of the Adopted Budget 2020-21. These are significant projects that will directly contribute to the achievement of the Council Plan 2017-21 and have a major focus on the budget. They may include actions that are once-off in nature and/or lead to improvements in services.

The financial section of the Quarterly Performance Report for quarter ended 31 December 2020 has been prepared on an accruals basis to ensure accurate matching of income and expenditure, both operating and capital, for the year-to-date ended 31 December 2020. The financial section provides details and commentary on Council's year to date performance compared to budget, year-end projection, cash and other key balance sheet items.

#### **DISCUSSION**

##### **Performance against Council Plan**

The Annual Plan, which is part of the *Adopted Budget 2020-2021*, identifies 23 significant initiatives that contribute to the achievement of the strategic directions and goals of *Council Plan 2017-21*. Of the 23 initiatives being reported in this quarter, 1 is complete, 19 are on track, 2 to monitor and 1 needs work, is behind schedule.

##### **Performance against Annual Budget**

The year to date financial result at 31 December 2020 was a surplus of \$79.03m, \$124k unfavourable to budget. Income was \$11.35m unfavourable to budget and expenditure was \$11.23m favourable to budget and these variances are predominantly due to service closures and reduced demand as a result of the COVID-19 pandemic restrictions. The year-to-date impact of the pandemic on Council's net result at 31 December 2020 was approximately \$7.30m.

Council has completed a major forecast review to take into account the impact of the COVID-19 pandemic. This forecast was reported in September 2020 and projected a full year surplus of \$11.80m, \$7.95m unfavourable to the adopted budget. Due to the significant impact of COVID-19, the major September 2020 forecast has been used as the new baseline for reporting for this financial year. The year to date financial result at 31 December 2020 was \$6.64m favourable to the major September 2020 forecast, which primarily reflects higher than anticipated cost reductions, particular in employee costs (\$2.01m) and materials and services (\$3.96m) in response to the impact of the extended pandemic restrictions.

A subsequent review of the forecast was completed in November 2020, projecting the year-end result to be a surplus of \$12.84m, \$1.04 million favourable to the major September 2020 forecast. The major changes to the forecast included the recognition of a further \$2.83m in cost reductions and \$1.94m additional operating grants, partly offset by a \$2.64m decrease in fees and charges and a \$1.16m increase in depreciation.

#### **ATTACHMENT**

1 Quarterly Performance Report 2020-21: Quarter 2 October - Dec 2020

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## 9.3.2 Opportunity to Revisit Council's Ward Names

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### **SUMMARY**

*The purpose of this report is to consider progressing Council's decision from 25 May 2020:*

*"That post the 2020 General Elections Council will seek permission to run a public consultation process for new Ward names in readiness for the 2024 Council elections."*

*Council officers are not aware of any issues or concerns associated with the Ward names used for the 2020 General Election and it would appear that the Ward naming based on parks in each ward has been well accepted. As there have been no issues with the Ward names it is recommended that a review is not required.*

### **RECOMMENDATION**

***That Council retains the Ward names adopted for use for the 2020 General Election.***

---

### **BACKGROUND**

The Minister for Local Government wrote to Council on 6 May 2020, advising that Whitehorse City Council would be moving to single wards and inviting names for the new 11 wards by 25 May 2020.

Given the tight time-lines for the ward naming suggestions and the inability to undertake any genuine community consultation, Council considered a report on 25 May 2020 and resolved that ward names would be based upon the name of a prominent park within each respective ward.

Council considered that it would be preferable to take the positive lead to endorse new ward names, rather than allowing the Minister to assign a numeric (1-11) or directional (north, south, central etc.) reference for identification purposes.

Council endorsed the names of Elgar, Cootamundra, Lake, Walker, Kingsley, Sparks, Simpson, Wattle, Eley, Mahoney and Terrara as ward names, which were adopted by the Minister.

Council also resolved:

*"That post the 2020 General Elections Council will seek permission to run a public consultation process for new Ward names in readiness for the 2024 Council elections."*

Elgar	Named after Henry Elgar, an early land holder who acquired 8sq miles of land, which ran from Koonung Creek to Ballshannassy Road (Burwood Hwy) and extended west from Elgar Road to today's suburb of Canterbury.
Cootamundra	On the corner of Springfield and Surrey Roads were many Cootamundra Wattles planted by the landowner, the Munt Family. When land was subdivided, Cootamundra Crescent was named after this early plantation and Cootamundra Walk named after the crescent.
Lake	In 1889 the Freehold Investment and Banking Co, a land developer subdivided and developed Blackburn, dammed Gardiners Creek, creating Blackburn Lake.
Walker	Named after Edgar Edwardes Walker prominent citizen and member of Nunawading Shire Council from 1892 to 1899 and 1902 to 1916.
Kingsley	Referenced to Kingsley Crescent.

### **9.3.2**

(cont)

Sparks	Named after Reginald Howard Lee Sparks elected to Box Hill Council in 1938 and served until 1966. Reginald Sparks was the longest serving City of Box Hill Councillor.
Simpson	Referenced to Simpson Street.
Wattle	In 1915 the Hawthorn Tramway Trust purchased 137 acres of rural land from Mrs Eliza Welch for £9,000 on the condition that it was to be used as a public park. The park opened on 31 March 1917, when the Governor of Victoria, Sir Arthur Stanley planted a Golden Wattle and gave the park its name.
Eley	Origins of name, unclear.
Mahoney	Referenced to Mahoneys Road.
Terrara	Referenced to Terrara Road.

### **DISCUSSION**

Section 15(1) (b) (iv) of the *Local Government Act 2020* provides that the Governor in Council may, on recommendation of the Minister for Local Government, make an Order in Council to specify or alter the name of a ward. Council officers have made contact with Local Government Victoria and are awaiting further advice on the process requirements for any request for changes to ward names.

Acknowledging that Council is in its first year of a four year term, it is timely that this issue be considered as resolved by Council. As the General Election has been undertaken with the new Ward names, Councillors are well placed to determine whether there is sufficient community interest for a review of the Ward names to proceed.

Ideally, the objectives of Ward naming is to achieve a high level of community acceptance and connection with the names, and also to demonstrate a clear and consistent approach with all of the Council Wards.

Notwithstanding that community consultation on Ward names was unable to be completed due to the limited time provided to Council, Council officers are not aware of any issues or concerns associated with the Ward names used for the 2020 General Election and it would appear that the Ward naming based on parks in each ward has been well accepted. As there have been no issues with the Ward names, it is recommended that a review is not required.

### **CONSULTATION**

There has been no specific consultation in the preparation of this report. If Ward names are to be reviewed then a broad community consultation process will need to be planned and implemented.

### **FINANCIAL IMPLICATIONS**

There are no financial implications associated with the preparation of this report. If Council resolves to reaffirm its decision to review Ward names, there will be costs involved in undertaking that process. Until a consultation process is designed, this cost is not able to be estimated.

### **POLICY IMPLICATIONS**

Council has previously signalled its interest in revisiting this issue, and providing for a proper community consultation process, without the constraints of non-practical timelines.

### 9.3.3 Adoption of Councillor Code of Conduct

ATTACHMENT

#### **SUMMARY**

*Section 139(4) of the Local Government Act 2020 requires that Council must review and adopt its Councillor Code of Conduct within four months after a general election. The last general election was held on 24 October 2020.*

#### **RECOMMENDATION**

***That Council:***

- 1. Adopt the Councillor Code of Conduct, provided as Attachment 1.***
- 2. Request the Chief Executive Officer to ensure that a copy of the new code is provided to all Councillors and that it is also posted on the Council website.***

#### **BACKGROUND**

The *Local Government Act 2020* (the Act) provides that the purpose of the Councillor Code of Conduct is to include the standards of conduct expected to be observed by Councillors in the course of performing their duties and functions as Councillors including prohibiting discrimination, harassment (including sexual harassment) and vilification.

Furthermore, the Councillor Code of Conduct must include:

- The standards of conduct prescribed by the regulations expected to be observed by Councillors;
- Any provisions prescribed by the regulations for the purpose of s139 (3) of the Act;
- Provisions addressing any matters prescribed by the regulations for the purpose of s139 (3) of the Act; and
- May include any other matters which the Council considers appropriate, other than any other standards of conduct.

Importantly, Council must adopt its Councillor Code of Conduct by a formal resolution of the Council passed at a meeting by at least two-thirds of the total number of Councillors elected to the Council.

Further noting, that the Councillor Code of Conduct can be amended at any time, but does require a formal resolution of Council passed at a meeting by at least two-thirds of the total number of Councillors elected to Council.

#### **DISCUSSION**

The role of a Council is to provide good governance in its municipal district for the benefit and wellbeing of the municipal community.

It is beneficial for Council to have a Councillor Code of Conduct in order to safeguard and reinforce good governance practices and associated positive conduct and behaviours.

Such a code will importantly highlight the expected behaviours of elected representatives; reiterate the importance of good working relationships between Councillors and Council staff and members of the community; and underpin the importance of good Councillor conduct which promotes public confidence in the integrity of local government.

### **9.3.3**

(cont)

After having been presented with prescribed and other relevant background information by Council officers, the Mayor and Councillors have participated in various sessions to develop a responsive and compliant code which has the total ownership of the Council group. A copy of the developed code is provided as **Attachment 1** and is now presented for Council's formal consideration.

#### **CONSULTATION**

The Mayor and Councillors have worked through various circulated information from Council officers and have developed a Code of Conduct that best meets its needs.

#### **FINANCIAL IMPLICATIONS**

There are no direct financial implications associated with this report.

#### **POLICY IMPLICATIONS**

There are no direct Council policy implications, but legislative imperatives that the requirement for a Councillor Code of Conduct be properly fulfilled.

#### **ATTACHMENT**

- 1 Councillor Code of Conduct 2021

### **9.3.4 Whitehorse Matsudo 50th Anniversary of Sister City Relationship**

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#### **SUMMARY**

*On 16 March 2020 Council resolved to send a delegation of Whitehorse officials and community members to Matsudo, Japan on the occasion of the 50<sup>th</sup> anniversary of the Whitehorse Matsudo Sister City relationship. This report is to seek Council's decision in relation to the proposed 50<sup>th</sup> anniversary visit, due to the ongoing impact of the Coronavirus pandemic, and the international travel ban from Australia expected to be in place for several months.*

#### **RECOMMENDATION**

***That:***

- 1. Council cancel the proposed arrangements for a delegation of Whitehorse officials and community members to visit Matsudo, Japan in May 2021, due to the ongoing Coronavirus pandemic.***
  - 2. The Mayor of Whitehorse write to Kenji Hongoya Mayor of Matsudo City to advise of Council's decision.***
  - 3. Council authorise Whitehorse staff to discuss with City of Matsudo staff, online or virtual options to acknowledge and celebrate the 50<sup>th</sup> anniversary of the Whitehorse Matsudo Sister City Relationship.***
- 

#### **BACKGROUND**

The concept of sister cities emerged following World War II with the aim to develop peace and understanding between people with different backgrounds, particularly those with cultural differences.

In May 1971 the former City of Box Hill and the City of Matsudo, Japan entered into a formal Sister City Relationship.

Whitehorse - Matsudo is the longest running Victorian sister city relationship and one of the longest running in Australia. The objectives of the Whitehorse – Matsudo Sister City Declaration are to promote mutual international understanding and goodwill through cultural, citizens' and information exchanges. A number of community based visits have occurred over the years including students, scouts, guides and citizens tours.

In early 2020 the City of Matsudo formally invited a delegation from the City of Whitehorse to visit Matsudo in May 2021 to celebrate and reaffirm the Sister City Relationship on the occasion of the 50<sup>th</sup> Anniversary.

Council at its meeting held 16 March 2020 considered the invitation from the City of Matsudo and resolved as follows:

***That Council:***

- 1. Formally accept the invitation from Matsudo City for a delegation of officials (Councillors, senior staff and community members) to visit Matsudo during May 2021 for the 50<sup>th</sup> Anniversary of the Whitehorse-Matsudo Sister City Relationship.***
- 2. Adopt the arrangements for a visit to Matsudo by a delegation of officials comprising Councillors, Senior Staff and community members from the City of Whitehorse in May 2021 to celebrate and reaffirm the Whitehorse – Matsudo Sister City Relationship on the occasion of the 50<sup>th</sup> Anniversary, and agree to allocate funds from Council's 2020/2021 Budget towards the 50th Anniversary tour.***

**9.3.4**  
(cont)

3. *Authorise staff to make necessary arrangements for a visit to Matsudo in May 2021 by a delegation of Whitehorse Councillors, Senior Staff and community members. For those Councillors wishing to attend, that all travel undertaken and associated costs will be in accordance with Council Policies on Conference Attendance and Travel by Councillors and Out of State Travel by Council Staff.*
4. *Support its ongoing community delegation as part of the visit and allocates \$10,000 as a partial subsidy towards the costs of those selected.*

**International Travel Restrictions**

Due to the Coronavirus pandemic there is a great deal of uncertainty around when international travel from Australia will again be possible.

The Australian Government has placed a ban on overseas travel from Australia (unless a government exemption is granted), with the ban likely to extend for several months, possibly until the end of 2021. In addition there are restrictions on people entering Japan from overseas.

**FINANCIAL IMPLICATIONS**

Council allocated \$30,000 in the 2020/21 budget for an official Whitehorse delegation to visit Matsudo in May 2021 on the occasion of the 50<sup>th</sup> Anniversary of the Sister City relationship. Council at its meeting held 16 March 2020, allocated an additional \$10,000 as a partial subsidy towards the costs of a community contingent to join the official Whitehorse delegation to visit Matsudo in May 2021.

**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)

**RECOMMENDATION**

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

**10.2 Recommendation from the Delegated Committee of Council  
Meeting of 8 February 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
21.01.21 12:00- 1:00pm	<b>Virtual Tally Ho Review of Commercial Zoning Briefing</b>	Cr Carr Cr Cutts Cr Massoud Cr Skilbeck	K Marriott A North	Nil	Nil
27.01.21 6:30-6:55pm	<b>Councillor Informal Briefing Session</b> <ul style="list-style-type: none"> <li>• 9.1.1 1 Daniel Street, Burwood (LOT 196 LP 54112 48B)</li> <li>• 9.1.2. 353-383 Burwood Highway, Forest Hill (LOT 2 PS 407904L)</li> <li>• 9.1.3 25-35 Prospect Street, Box Hill (CM SP 27315V, Lots 62 to 64 LP 6554)</li> <li>• 9.1.4 Tally Ho Review of Commercial Zoning: Review of Commercial 1 Zone and consideration of submissions</li> <li>• Budget 2021/22 key dates</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 R Johnston	Nil	Nil
03.02.21 6:00-6:15pm	<b>Virtual Community Vision Panel Introductions</b>	Cr Munroe (Mayor & Chair) Cr Barker Cr Carr Cr Cutts Cr Davenport Cr Liu Cr McNeill Cr Massoud Cr Skilbeck Cr Stennett	S McMillan (AGMCS) S Cann D Seddon R Andresson J Marie Z Tropicano R Hood R Johnson	Nil	Nil
03.02.21 6:40-9:30pm	<b>Councillor Induction Session 1</b>	Cr Munroe (Mayor & Chair) Cr Barker Cr Carr Cr Cutts Cr Davenport Cr Liu Cr McNeill Cr Massoud Cr Skilbeck Cr Stennett <i>(Cr Lane whilst not able to attend on 3 February 2021, completed this session of the induction training on 6 February 2021.)</i>	S McMillan J Russell R Anania	Nil	Nil

**10.3**  
(cont)

<p><b>08.02.21</b> 6:30-8:20pm</p>	<p><b>Councillor Briefing Session</b></p> <ul style="list-style-type: none"> <li>Delegated Committee Agenda: Other Business</li> <li>Box Hill City Oval Redevelopment Update</li> <li>Quarterly Performance Report October to December 2020</li> <li>Budget Update Two</li> <li>Draft Council Agenda 22 February 2021</li> </ul>	<p>Cr Munroe (Mayor &amp; Chair) Cr Barker Cr Carr Cr Cutts Cr Davenport Cr Lane Cr Liu Cr McNeill Cr Massoud Cr Skilbeck Cr Stennett</p>	<p>S McMillan J Green (AGMI) S Kinsey T Wilkinson (AGMCS) S Cann J Russell C Altan S Belmore K Sinclair L Morris D Seddon R Andresson A Ghastine P Cumming A McCarthy I Barnes (Virtual)</p>	<p>Nil</p>	<p>Nil</p>
<p><b>10.02.21</b> 6:30-9:40pm</p>	<p><b>Councillor Induction Session 2</b></p>	<p>Cr Munroe (Mayor &amp; Chair) Cr Barker Cr Carr Cr Cutts Cr Davenport Cr Lane Cr Liu Cr McNeill Cr Massoud Cr Skilbeck Cr Stennett</p>	<p>S McMillan J Russell R Anania</p>	<p>Nil</p>	<p>Nil</p>
<p><b>15.02.21</b> 6:00-9:10pm</p>	<p><b>Virtual Budget Update</b></p>	<p>Cr Munroe (Mayor &amp; Chair) Cr Barker Cr Carr Cr Cutts Cr Davenport Cr Lane Cr Liu Cr McNeill Cr Massoud Cr Skilbeck Cr Stennett</p>	<p>S McMillan J Green S White T Wilkinson (AGMCS) S Cann N Brown J Russell</p>	<p>Nil</p>	<p>Nil</p>

**RECOMMENDATION**

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

**11      REPORTS ON CONFERENCES/SEMINARS ATTENDANCE**

**RECOMMENDATION**

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

**12      CONFIDENTIAL REPORTS**

**13      CLOSE MEETING**