



City of Whitehorse

MINUTES

Council Meeting

Held in the
Council Chamber
Nunawading Civic Centre

379 Whitehorse Road Nunawading

on

Monday 22 November 2021

at 7:00pm

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

Mr Simon McMillan
Chief Executive Officer

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Meeting opened at 7:00pm

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

S McMillan, J Green, L Letic, S Cann, S Sullivan, White, V Ferlano, J Russell, A McCarthy

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

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

2 WELCOME AND APOLOGIES

The Mayor welcomed all

APOLOGIES: Nil

3 DISCLOSURE OF CONFLICT OF INTERESTS

S Sullivan Executive Manager Transformation declared a conflict of interest in 12.1 Contractual Matter, due to her previous employment.

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Minutes of the Council Meeting 25 October 2021, and the Council Meeting 08 November 2021

COUNCIL RESOLUTION

Moved by Cr Munroe, Seconded by Cr McNeill

That the minutes of the Council Meeting 25 October 2021, and the Council Meeting 08 November 2021 having been circulated now be confirmed.

CARRIED UNANIMOUSLY

5 RESPONSES TO QUESTIONS

5.1 Mr Carter submitted two questions

Question 1.

The Strategic Cycling Corridors have been identified by the State Government in conjunction with municipalities (2014). The BHRRT SCC was completed to the eastern edge of BHMAL in 2015.

The concept alignment of this route features in <https://transport.vic.gov.au/getting-around/walking-and-cycling/strategic-cycling-corridors>, as a Primary Route (C1).

Given the high priority of Government and Council to active transport, has the City of Whitehorse prepared functional plans for the extension of the BHRRT into BHMAL as depicted in the above reference, for discussion with various Stakeholders, (Incl advocates, bike groups) as a matter of urgency.

Question 2.

If, unfortunately, there has been no functional designs prepared, would Council advise when such designs would be done, to inform the community and developers of BHMAL.

(Note this question is separate to a previous request in October regarding designs for the Nelson Rd to Thurston St link.)

This would be consistent with principles and objective of the Eastern Metro Land Use Framework Plan: <https://engage.vic.gov.au/mfpe/eastern-metro-lufp>
(i.e. That key State projects are not 'built out')

Mr Jeff Green Director City Development read out the question and responded on behalf of Council:

Mr Green advised that strategic cycling corridors are a state government function and it's not Council's role to plan and design the routes. However we have strongly advocated through the level crossing removal project and the suburban rail loop project for the extension of the strategic cycling corridor referred to in the questions.

6 NOTICES OF MOTION

6.1 Notice of Motion No 158: Cr Lane

COUNCIL RESOLUTION

Moved by Cr Lane, Seconded by Cr Skilbeck

That:

- 1. Council Investigate the suggestion to name the south oval at Mirrabooka Reserve, Blackburn South.***
- 2. Consideration be given to those who have made contributions to the local area and/or local schools and sporting clubs.***
- 3. Council note that the proposal will be assessed against Council's 'Criteria and Procedures for Naming Council Facilities After Individuals Policy' and 'Geographic Place Names Guidelines'***
- 4. Should the proposal meet the criteria of the Policy and Guidelines, that community consultation will be undertaken to seek community feedback on the proposal.***
- 5. Following consultation the proposal will be referred to Council for consideration.***

CARRIED

6.2 Notice of Motion No 159 Cr Stennett

COUNCIL RESOLUTION

Moved by Cr Stennett, Seconded by Cr Cutts

That Council receive a report from officers about recognising and possibly nominating the following buildings on the Victorian Heritage Register:

- 920-922 Whitehorse Road, Box Hill***
- 924 Whitehorse Road, Box Hill***
- 926 Whitehorse Road, Box Hill***
- 928 Whitehorse Road, Box Hill***
- 930 Whitehorse Road, Box Hill***
- 932 Whitehorse Road, Box Hill***
- 934 Whitehorse Road, Box Hill***
- 942-946 Whitehorse Road, Box Hill***
- 948 Whitehorse Road, Box Hill***
- 950-956 Whitehorse Road, Box Hill***
- 5 Elland Avenue Box Hill***

CARRIED UNANIMOUSLY

6.3 Notice of Motion No 160: Cr Davenport

COUNCIL RESOLUTION

Moved by Cr Davenport, Seconded by Cr Barker

That Council:

- 1 Requests officers to prepare advice to Councillors which outlines the implications of retaining the current Parkland Advisory Committee structure until at least 30 June 2022, including current insurance arrangements.**
- 2 Requests officers to conduct a workshop that invites Councillors, senior Whitehorse City Council staff and representatives of the 13 Parkland Advisory Committees to attend to identify concerns over the current structures, insurance capacities and to identify resolutions to those.**
- 3 Makes no changes to the Parkland Advisory Committee structure until parts 1 and 2 above are completed and a report on the future arrangements for Parkland Advisory Committees is presented to Council.**

The Mayor indicated she would put 6.3 Notice of Motion No. 160 to the vote in three parts - point 1, point 2 and then point 3.

The Mayor put point 1 of the motion to the vote which was CARRIED
A Division was called.

Division

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

On the results of the Division point one of the motion was declared
CARRIED

The Mayor put point 2 to of the motion to the vote which was CARRIED
A Division was called.

Division

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

On the results of the Division point two of the motion was declared
CARRIED

The Mayor then put point 3 of the motion to the vote which was CARRIED

7 PETITIONS

None submitted

8 URGENT BUSINESS

PROCEDURAL MOTION

Moved by Cr McNeill, Seconded by Cr Cutts

That Council accept an Item of Urgent Business relating to the Avenue of Honour trees in Mont Albert.

CARRIED

8.1 Avenue of Honour, Mont Albert

That Council:

- 1. Note the recent correspondence to the Minister for Transport Infrastructure, Minister for Planning and Minister for Veteran Affairs urging the State Government to protect and retain the Avenue of Honour in Mont Albert, being a World War 1 commemorative avenue of nine trees in Churchill Street.***
- 2. Appoint suitably qualified heritage consultants to assess the Avenue of Honour planting to determine whether there is sufficient strategic justification to warrant the inclusion of the trees in a Heritage Overlay in the Whitehorse Planning Scheme.***
- 3. Subject to the outcome of this heritage assessment, authorise Council officers to:***
 - Request the Minister for Planning to intervene by preparing and approving an amendment to the Whitehorse Planning Scheme under section 20 (4) of the Planning and Environment Act 1987 (the Act) to apply the Heritage Overlay on an interim basis to the Commemorative Avenue of Honour in Churchill Street, Mont Albert comprising nine trees.***
 - Concurrently seek authorisation from the Minister for Planning under section 8(a) of the Act to prepare and exhibit an amendment to the Whitehorse Planning Scheme to apply the Heritage Overlay to the Commemorative Avenue of Honour on a permanent basis.***

CARRIED

A Division was called.

Division

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

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

PROCEDURAL MOTION

Moved by Cr Massoud, Seconded by Cr Barker

That the Council accept an Item of Urgent Business relating to State Government changes to planning scheme amendments.

CARRIED UNANIMOUSLY

8.2 Planning Scheme Amendment Consultation with Community and Local Government

COUNCIL RESOLUTION

Moved by Cr Massoud, Seconded by Cr Munroe

That Council:

- 1. Note with concern that the Victorian Government has made a number of changes to the planning system in the last 18 months including a number of planning scheme amendments to Victorian Planning Schemes without consultation with councils or public consultation. Significantly these changes remove:***
 - Council's role as Responsible Authority***
 - Planning permit requirements,***
 - Public Consultation***
 - Consultation with local government, and***
 - Third party appeal rights of residents.***
- 2. Note the Victorian Government is currently undertaking further significant planning reform through the Planning Reform Program 2020-2024.***
- 3. Strongly voice its concern that***
 - a) Consultation with community and with local government on any reform proposals must occur before reforms are considered or introduced.***
 - b) The community's voice must remain central in planning decisions***
 - c) Strong community consultation must be a core part of major planning decisions***
 - d) Community voice is critical for ensuring a transparent planning system that strengthens local neighbourhoods and economies***
- 4. Urgently calls on the Minister for Planning to:***
 - a) Include full consultation with local governments and communities before any planning reform decisions are made including legislative changes.***
 - b) Ensure appropriate time is provided for feedback from communities and councils, including consideration of council meeting cycles***
- 5. Urgently writes to the Premier, Minister for Planning, the Minister for Local Government, the Opposition Leader, the shadow Minister for Planning, all local Members of the Victorian Parliament and all Independent and Minor Party Upper House Members to advocate Council's position.***
- 6. Request the CEO or delegate coordinate with other local governments in regard to advocacy.***
- 7. Use the Council communication channels including but not limited to letters, the Whitehorse News, social media, and the Council website to inform the community regarding the planning reforms and to encourage them to provide feedback to the Victorian Government directly and to local members of parliament.***
- 8. Requests a report to Council, within 3 months, with an update and advice on any action Council could take to advocate effectively on this matter.***

CARRIED UNANIMOUSLY

A Division was called.

Division

For

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

Against

Cr Davenport

On the results of the Division the motion was declared CARRIED

Attendance

Cr Davenport left the Chamber at 8.25pm returning at 8.27pm.

Cr Barker left the Chamber at 8.43pm returning at 8.44pm.

9 COUNCIL REPORTS

9.1 CITY DEVELOPMENT

9.1.1 Box Hill Metropolitan Activity Centre, Amendment C228 Implementation of revised Structure Plan and Urban Design Framework

FILE NUMBER: SF20/862
ATTACHMENT

SUMMARY

At the meeting on 25 May 2020 Council resolved to seek authorisation from the Minister for Planning to prepare an amendment to the Whitehorse Planning Scheme to implement a revised Structure Plan and new Urban Design Framework for the Box Hill Metropolitan Activity Centre. This included updating planning controls for the centre.

The Department of Environment, Land, Water and Planning (DELWP) subsequently reviewed the draft documents and provided comprehensive pre-authorisation feedback on the controls and background documents. Officers have reviewed the feedback and recommend changes as appropriate. The revised Structure Plan and new Urban Design Framework have also been updated with information about the Suburban Rail Loop.

This report discusses the feedback provided by DELWP and recommends that Council consider the comments, where appropriate, prior to seeking authorisation from the Minister for Planning to prepare an amendment to the Whitehorse Planning Scheme to implement the project.

COUNCIL RESOLUTION

Moved by Cr Barker, Seconded by Cr Massoud

That Council:

- 1. Note the recommended changes to the revised Structure Plan (Attachment 1), Urban Design Framework (Attachment 2) and draft planning controls (Attachment 3) outlined in this report.**
- 2. Seek authorisation from the Minister for Planning under the Planning and Environment Act 1987 (Section 8[a]) to prepare and exhibit an amendment to the Whitehorse Planning Scheme to implement the recommendations of the project with the changes outlined in item 1 above.**
- 3. Authorise the Director City Development to make changes to the amendment to meet any conditions of authorisation prior to submitting the amendment to the Minister for Planning for exhibition.**

CARRIED UNANIMOUSLY

BACKGROUND

In late 2018 Council initiated a review of the vision and strategic direction for Box Hill to update the existing 2007 *Box Hill Transit City Activity Centre Structure Plan* (the 2007 Structure Plan) for the Box Hill Metropolitan Activity Centre (MAC). The review culminated in the preparation of a revised Structure Plan and new Urban Design Framework (UDF), which was presented to Council at the meeting on 25 May 2020, together with draft planning controls.

At this meeting Council resolved to:

- 1. Note the Box Hill Metropolitan Activity Centre draft Structure Plan (Attachment 1) and draft Urban Design Framework (Attachment 2) for the purpose of community consultation.**

9.1.1

(cont)

2. *Seek authorisation from the Minister for Planning under the Planning and Environment Act 1987 (Section 8[a]) to prepare and exhibit an amendment to the Whitehorse Planning Scheme to implement the recommendations of the project.*
3. *Request the Minister for Planning prepare and approve an amendment to the Whitehorse Planning Scheme under the Planning and Environment Act 1987 (Section 20[4]) to implement the recommendations of the project on an interim basis until the amendment to implement the recommendations on a permanent basis has been finalised.*
4. *Authorise the General Manager City Development to make changes to the amendment to meet any conditions of authorisation from the Department of Environment, Land, Water and Planning (DELWP), as well as minor editorial changes, prior to submitting the amendment to the Minister for Planning for exhibition.*

In the lead up to the Council report, the Department of Environment, Land, Water and Planning (DELWP) requested to review the revised Structure Plan, UDF and proposed planning controls prior to Council seeking authorisation to undertake a planning scheme amendment. This does not typically occur, but officers welcomed the opportunity to address any issues prior to seeking authorisation for such a significant amendment and in anticipation of this potentially streamlining the authorisation process. This feedback was received after the May 2020 Council meeting.

The feedback was very comprehensive and has been reviewed by officers to determine what can be addressed prior to seeking authorisation, and what should be tested through the statutory planning scheme amendment process.

Concurrent with Council's project, the State Government commenced work on the Suburban Rail Loop (SRL), which is a proposed 90-kilometre rail line linking every rail line from the Frankston line to the Werribee line, and providing a direct link to Melbourne Airport. Within the City of Whitehorse, stations are proposed at Box Hill and Burwood. Exhibition of the Environment Effects Statement for Stage 1 of the proposed SRL concludes on 16 December 2021.

Additionally, in 2020 Vicinity Centres (Vicinity) lodged three planning permit applications for land known as Box Hill Central North. In December 2020 Vicinity sought ministerial intervention in relation to the planning controls that affect its Box Hill north site. Officers have been involved in providing feedback on the ministerial intervention.

DISCUSSION

DELWP acknowledges the complexities of planning for the MAC and the significant strategic work Council has completed to date. DELWP believe that the draft Structure Plan, draft UDF and supporting documents provide a clear future direction for Box Hill consistent with its designation as a MAC and Health and Education Precinct in *Plan Melbourne 2017-2050*.

DELWP has concerns with the content and structure of the proposed planning controls and advised that further work will be required before it will support a request for authorisation of an amendment to the Whitehorse Planning Scheme. Specific concerns include the:

- Proposed use of mandatory planning controls, for example relating to overshadowing, wind effects, setbacks above the street wall and building separation within a site
- Mechanisms to deliver affordable housing and infrastructure improvements, including the proposal for at least 6% of dwellings in a development to be affordable housing
- Application of the Development Plan Overlay (DPO) to the Vicinity sites, including potential duplication of and cross referencing the provisions of the Activity Centre Zone (ACZ)
- Inclusion of public use land (currently in the Public Use Zone) in the ACZ, such as the Public Use Zone – Schedule 2 (Education) and Public Use Zone – Schedule 3 (Health and Community).

9.1.1

(cont)

Officers have prepared a response to the DELWP feedback, which is available at Attachment 4 and have prepared a revised version of the proposed planning controls, shown in Attachment 3. Overall, it is considered that minor changes (e.g. grammar, spelling, drafting and formatting) can be made under the previous Council resolution outlined above. However, there are further changes that officers believe should be made in response to DELWP's feedback and which require Council consideration before proceeding. These changes are:

- Incorporating the requirements of the proposed DPO into the ACZ, so that the ACZ includes all the requirements for the MAC and it is a "one-stop shop" for applications within the MAC
- Redrafting the ACZ to include specific requirements for the Precincts that do not rely on referencing the Residential Growth Zone (RGZ), which will add significantly to the content and overall length of the ACZ
- Including only land zoned Public Use Zone – Schedule 6 (Local Government) in the ACZ and retaining all other PUZ land as such.

Finally, it is considered that the remainder of the feedback from DELWP does not require Council consideration at this point and should be tested through the statutory exhibition and panel hearing process. This includes the:

- Role and capacity of the MAC, including population and employment floor space forecasts, and proposed accommodation floor area restrictions intended to re-balance land use across the MAC
- Analysis supporting the proposed use and operation of mandatory controls
- Proposed mechanisms to deliver infrastructure improvements and affordable housing, including the proposed rate of provision of affordable housing.

As well as addressing DELWP's comments, the documents presented to Council on 25 May 2020 have been updated. The updates reflect the legal review undertaken on the proposed planning controls and the additional information known about the SRL station proposed for Box Hill. These documents are in Attachment 1, 2 and 3.

Consultants were also engaged to prepare a supporting document to the proposed ACZ controls to assist with calculating floor area uplift in response to provision of a public benefit, such as publicly accessible through block links, affordable housing or additional employment floor space within the proposed development.

Box Hill Central

Council originally proposed to apply the DPO to the Vicinity land known as Box Hill Central (North and South). This was intended to facilitate the use, development and subdivision of the land in an integrated and holistic manner that achieved the vision for the Precinct and wider MAC, as well as facilitate an integrated master planned approach to redevelopment of the significant land holding.

Since the original proposal, Vicinity has lodged planning permit applications for land known as Box Hill Central North. Vicinity and Council have had ongoing discussions about the applications and Vicinity has raised concerns with the proposed planning controls. Broadly, Vicinity's concerns are:

- They consider that the proposed controls in their current form would make redevelopment of the Box Hill Central sites unfeasible
- There is potential for confusion between the operation of the ACZ and DPO and it may be difficult to effectively implement the two planning controls
- There is potential for inconsistencies to arise between various planning controls and there are some requirements applied across the whole MAC which may be better suited to smaller, individual sites rather than Vicinity's site.

9.1.1

(cont)

Vicinity believes that these concerns can be dealt with by moving some of the ACZ requirements into the DPO Schedule and making the DPO a 'one stop shop' for the built form controls for Box Hill Central and Box Hill Central North. Ultimately, Vicinity seeks a separate control for its sites that is not encumbered by the requirements of the proposed planning controls for the broader MAC.

DELWP has advised that *"while the DPO is an appropriate tool to coordinate use and development before a permit can be granted, a schedule must be self-contained. The proposed DPO duplicates and cross references the provisions of the ACZ. This is not supported. A schedule to the DPO cannot include decision guidelines or non-statutory notice requirements. Council should review the proposed DPO schedule having regard to Planning Practice Note 23. DELWP supports the use of an ACZ for all requirements for the centre, including those requirements in the DPO"* (underlining for emphasis).

Therefore DELWP does not support the DPO containing requirements of the ACZ as suggested by Vicinity. As already discussed, officers believe that the requirements of the DPO can be incorporated into the ACZ, so that it includes all of the requirements for the centre. This is consistent with the intended application of the ACZ.

Further to lodging permit applications, Vicinity decided to seek the intervention of the Minister for Planning in relation to the planning controls that affect its Box Hill north site. In mid-December 2020 Vicinity Centres submitted a planning scheme amendment request via DELWP Development Facilitation Program for the redevelopment of the entire Box Hill north site consistent with its proposed master plan.

The ministerial intervention request is for an amendment to the Whitehorse Planning Scheme to insert a new Incorporated Document titled '*Box Hill Central North Master Plan*' into the Planning Scheme to guide the use, development and subdivision of the land for a mixed-use precinct comprising seven multi-storey developments and public realm works. The request also seeks to exempt Vicinity from certain provisions in the planning scheme, including any provisions that are contrary to its proposed Incorporated Document.

Vicinity has advised that the concurrent permit assessment process should continue with Council remaining the responsible authority for determining these applications.

DELWP has held meetings with Council officers and subsequently Council officers have provided feedback on Vicinity's proposal to the Minister, as well as presenting to the Office of the Victorian Government Architect which was tasked with reviewing the proposed master plan.

Officers expect that determination by the Minister of the intervention request will take some time, and therefore recommend retaining the proposed controls for the Box Hill Central sites in Council's current amendment request.

9.1.1

(cont)

Suburban Rail Loop

The SRL proposes a new underground station in Box Hill that will be located under Whitehorse Road, west of Station Street. There are proposed to be station entrances north and south of Whitehorse Road.

In providing their feedback DELWP also queried the effect of the proposed SRL project on the draft Structure Plan and draft UDF. While this project is expected to encourage investment in the MAC, officers are concerned about the uncertainty surrounding the project, particularly in regard to the proposed station area and broader impacts along the proposed corridor. The draft Structure Plan and draft UDF strongly suggest that under the new built form controls, the centre could comfortably accommodate further growth than forecast. The draft Structure Plan and draft UDF reconcile the significant forecast growth in population, housing and employment with the necessary underpinning amenity, character, connectivity and resilience to support the centre's role as the pre-eminent urban centre for Melbourne's east. This includes employment that may eventuate from the construction of the SRL station at Box Hill.

Council officers are reviewing the implications of the new *Suburban Rail Loop Act 2021*, which was passed by the Victorian Parliament in October 2021 and establishes a new statutory authority to develop and deliver the SRL. In particular it proposes to declare planning areas extending up to 1.6km radius from each proposed SRL station, which could impact on the strategic planning work that Council has already completed. At the time of this report no decision has been made by the State government about the declared planning areas and the impact on planning work and decisions.

The planning areas are proposed to be part of the SRL Precinct Structure Planning process, which is intended to guide the future transformation of the SRL precincts and support consistent decision making about precinct development. This process is yet to commence.

The SRL Environmental Effects Statement (EES) was released for public exhibition by the State government on 5 November 2021. As part of this, Council officers will be preparing a submission in response to the issues and opportunities that have been identified. In particular, officers are concerned about the proposed impacts of the project and the current inconsistencies with the draft Structure Plan and draft UDF. For example, the draft Structure Plan seeks to protect the traditional town centre, however the SRL project proposes to acquire most of the buildings within the Heritage Overlay along the south side of Whitehorse Road between Station Street and Market Street. All of the buildings are proposed to be demolished except for the former Railway Hotel on the south west corner of Station Street and Whitehorse Road. Officers are strongly advocating for the retention of all heritage buildings.

Whilst the planning of the SRL is progressing and the new legislation has been introduced, the project and its exact scope has not yet been approved. It is considered critical to proceed with Council's strategic work for the MAC given it is a significant centre in metropolitan Melbourne and Council's work is well progressed. Further engagement with the SRL Authority, as suggested by DELWP, can be undertaken during the statutory exhibition period along with other key stakeholders, as well as through the EES exhibition process.

Next steps

Council previously resolved to request interim planning controls in accordance with Section 20(4) of the Planning and Environment Act 1987 and *Planning Practice Note 29: Ministerial Powers of Intervention in Planning and Heritage Matters*. This was raised with DELWP on several occasions. While it was expected that the interim planning provisions would provide a level of certainty for landowners and the community about the preferred built form and development in the MAC while the permanent planning provisions were being pursued, DELWP has now advised that it is not appropriate to implement an interim schedule to a planning zone.

9.1.1

(cont)

DELWP acknowledged that interim built form controls (i.e.: in the form of an overlay control) have become common in recent years however DELWP advised that an interim zone creates significant uncertainty for landowners by imposing a range of uses, and in this circumstance, complex development controls which have not been the subject of review through the statutory amendment process. Whilst DELWP noted that its advice does not preclude a request being made, any request would be assessed on its merits before a decision by the Minister or a delegate. Based on the feedback from DELWP and in response to item 3 of Council's resolution on 25 May 2020, officers therefore do not recommend pursuing interim controls.

Officers also propose to provide a written response to the feedback provided by DELWP (based on Attachment 4) at the same time that Council requests authorisation to prepare and exhibit the amendment.

CONSULTATION

Initial community consultation on the vision for Box Hill took place in February 2019, with further consultation in July / August 2019. Outcomes of this consultation were presented to Council on 21 October 2019. A Stakeholder Reference Group (SRG) was formed at the beginning of the project, which comprised State Government, Ward Councillors and Mayor, landowner, community and agency representatives. The SRG met five times during the preparation of the draft Structure Plan; the last SRG meeting being on 23 October 2019.

It is recommended that consultation on the draft Structure Plan and draft UDF be undertaken in parallel with exhibition of an amendment once the Minister for Planning has authorised Council to prepare and exhibit the amendment to the Planning Scheme. This poses a low risk of "consultation fatigue" to the community, when the community has been exposed to various consultation periods, including for the Suburban Rail Loop. DELWP is also amenable to this approach as it allows for all potential issues to be thoroughly considered through a "full" amendment process. This is compared to a "fast track", Ministerial amendment, which would have a shorter timeframe, but no opportunity for community participation during the statutory process.

Elements of Council's typical community engagement process may need to be modified as a result of the COVID19 pandemic and the limitations on face to face interaction. The ability to undertake a mail out to affected owners and occupiers in the MAC and surrounding area is still available, however the *Whitehorse Leader* has suspended the publishing of its print and digital editions. Under the *Planning and Environment Act 1987* Council is still required to publish a notice of any amendment in a newspaper generally circulating in the area to which the amendment applies. It is proposed to publish a notice in *The Age* newspaper.

Online engagement through Council's website, social media and *Your Say* is available. However officers acknowledge that not all members of the community have access to information online and/or have the ability to participate electronically in the statutory amendment process. Meeting with the SRG and other groups/individuals could occur via an online platform and meeting over the phone could occur with those that have limited or no access to the internet.

Hard copies of amendment documents are usually distributed to Council's customer service centres and libraries in Whitehorse. However sharing of documents is discouraged and therefore the documents will be made available on Council's website, or hard copies mailed on request where internet access is unavailable.

Subject to authorisation of the amendment by the Minister, and any directive issued by the Minister or DELWP about satisfying the statutory process, officers will prepare for exhibition of the amendment once authorisation is received.

9.1.1

(cont)

FINANCIAL IMPLICATIONS

The project was a major initiative in the 2018/2019 budget. In order to undertake additional consultation in July/August 2019, the project was extended into the 2019/2020 financial year. Council approved an extension to the project timeframe and additional budget at its meeting on 27 May 2019 which resulted in a negligible increase in the overall project expenditure of \$550. Further work arising from the DELWP feedback on the floor area uplift incurred additional consultant fees in the 20/21 financial year.

Costs associated with the planning scheme amendment process, such as exhibition costs and statutory fees, are typically covered by the ongoing operational budget of Council. Charges for the independent panel vary depending on the duration of the panel hearing and the number of Panel members appointed. Charges typically cover any travel or accommodation required by panel members and project support from Planning Panels Victoria. If a planning panel is required, legal representation and advice, and any expert witnesses would be covered by Council's operational budget.

Budget Item	Budget (excl. GST)	Expenditure: Existing & Future Estimates (excl. GST)
1. Consultant fees - agreed contract (2018/2019 and 2019/2020)	\$375,550	\$375,550*
- agreed variations (2019/2020)	\$14,850	\$14,850*
2. Study consultation costs (2019/2020)	\$15,000	\$15,000*
3. Further consultant fees – Floor area uplift (2020/2021)	\$13,200	\$13,200*
4. Legal review of proposed planning controls (2021/2022 current / operational budget)	\$12,000	\$12,000
5. Further consultant fees – changes from legal review (2021/22)	\$6,405	\$6,405
6. Future exhibition costs (operational budget)		
Direct notification	\$14,000	\$14,000
Publicity material and social media	\$2200	\$2200
Government Gazette & The Age notices	\$2500	\$2500
7. Future statutory fees (operational budget)		
Consideration by the Minister of a request to approve the amendment	\$488	\$488
8. Future planning panel charges (operational budget)		
Estimate of charges from Planning Panels Victoria, including panel member fees, travel, accommodation and project support	\$80,000	\$80,000
9. Future council planning panel representation (operational budget)		
Estimate for expert witness, legal representation and advice	\$50,000	\$50,000
TOTAL	\$586,193 (approx.)	
* <i>Expended to date</i>	\$418, 600	

9.1.1

(cont)

POLICY IMPLICATIONS





The project outcomes seek to ensure Box Hill continues to perform its role as a significant centre for health, education, commercial, retail and residential development by providing relevant guidance and policy for development. The updated draft Structure Plan, draft UDF and supporting planning controls aim to enhance access to employment closer to residential areas and combine high frequency multi-modal transport with a range of major retail, community, government, cultural and civic services to support *Plan Melbourne*.

The project supports Strategic Direction 4 within the current Council Plan 2021-2025, which is about *Our Built Environment, Movement and Public Places*. Relevant objectives include Objective 4.1 which is “assets, facilities and urban design of a quality that provides the highest levels of utility and enhances the connection between the built, natural, heritage and social environments” and Objective 4.2 which is “foster development that has access to a range of facilities, services and amenities to meet future community needs”. The updated draft Structure Plan and draft UDF will direct the rebalancing of residential and employment land uses to support the local and regional economy of Box Hill and support its role as a regional education, training and health hub.

The updated documents also build on the individual strengths of economic sectors in Box Hill and supports their future growth and development. They also provide guidance on enriching the public realm and built environment to ensure that the MAC is accessible, welcoming and attractive.

Undertaking an amendment to embed the draft Structure Plan and draft UDF in the Scheme will provide an updated and contemporary framework to ensure the MAC is an attractive, safe and liveable centre that continues to develop as the pre-eminent centre in Whitehorse and the eastern metropolitan region of Melbourne.

ATTACHMENT

- 1 Revised Box Hill MAC Structure Plan 
- 2 Revised Box Hill MAC Urban Design Framework 
- 3 Draft Activity Centre Zone schedule 
- 4 Officer response to DELWP feedback 

Attendance

The Council meeting adjourned at 8:59pm for five minute break, resuming at 9:04pm.

9.1.2 Amendment C231 to the Whitehorse Planning Scheme 34-40, 37-43 and 42-50 Moore Road, Vermont: Consideration of Submissions

FILE NUMBER: SF21/1015
ATTACHMENT

SUMMARY

Planning Scheme Amendment C231whse (the Amendment) proposes to rezone the land at 34-40, 37-43 and 42-50 Moore Road, Vermont from General Residential Zone Schedule 5 to Neighbourhood Residential Zone Schedule 3 and make slight consequential changes to the Housing Framework Plan at Clause 21.06 and the Neighbourhood Character Precincts map at Clause 22.03 of the Whitehorse Planning Scheme.

The Amendment was placed on public exhibition from 19 August to 20 September 2021. A total of five submissions were received during the exhibition period, and one late submission was received. Of the submissions received, two raised no objection to the proposed changes and four raised concerns about the proposed zoning change and broader issues in the neighbourhood.

This report discusses the submissions received and recommends that Council request that the Minister for Planning appoint an independent Planning Panel to consider all submissions received to the Amendment.

COUNCIL RESOLUTION

Moved by Cr Cutts, Seconded by Cr Carr

That Council:

- 1. Being the Planning Authority, having considered all submissions under Section 22 of the Planning and Environment Act 1987 in relation to Amendment C231whse, request the Minister for Planning appoint an Independent Planning Panel to consider the Amendment and all of the submissions in Attachment 1 in accordance with Section 23 of the Planning and Environment Act 1987.***
- 2. Advise all submitters of the request for an Independent Planning Panel.***

CARRIED

A Division was called.

Division

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

On the results of the Division the motion was declared CARRIED

9.1.2 (cont)

BACKGROUND

On 5 March 2021, Council submitted a request for authorisation to the Minister for Planning (the Minister) to prepare and exhibit Amendment C231 to the Whitehorse Planning Scheme. On 6 July 2021, and under delegation from the Minister, the Department of Environment, Land, Water and Planning (DELWP) authorised the Amendment. The Amendment proposes to rezone land at 34-40, 37-43 and 42-50 Moore Road, Vermont (see map 1) from General Residential Zone Schedule 5 (GRZ5) to Neighbourhood Residential Zone Schedule 3 (NRZ3) and make slight adjustments to the Housing Framework Plan at Clause 21.06 and Neighbourhood Character Precincts map at Clause 22.03 of the Whitehorse Planning Scheme.

The Amendment actions item 6 of notice of motion no. 131 from the Ordinary Council Meeting on 25 May 2020. Council's earlier request to the Minister for Planning to intervene by rezoning the three lots to NRZ3 via an amendment under section 20(4) of the *Planning and Environment Act 1987*, without exhibition and prior to sale of 42-50 and 37-43 Moore Road (as per item 3 of the notice of motion) was declined by the Minister.

The three lots affected by the Amendment were previously in VicRoads ownership and formed part of the former Healesville Freeway Reserve (HFR). In 2009, VicRoads identified the HFR land between Springvale Road and Boronia Road as surplus to road network requirements. Since this date, there have been numerous decisions, planning scheme amendments and changes in ownership affecting this tract of land.



Map 1: Location of the Amendment land

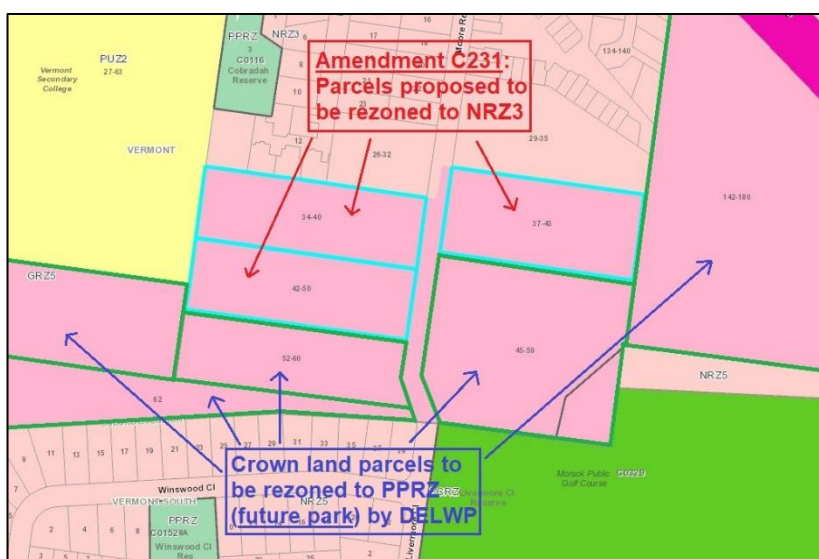
While the State Government has committed to transforming the majority of the HFR land to public open space, the three lots that are the subject of this Amendment will remain residential and will not form part of the public open space corridor. The lots have been sold by VicRoads (in 2017 for 34-40 Moore Road, and in 2020 for the other two properties) and now remain in private ownership. Each property currently contains a single dwelling and the Mirrabooka dwelling at 34-40 Moore Road, Vermont is affected by a Heritage Overlay. All three properties are affected by Schedule 9 to the Significant Landscape Overlay.

As part of the residential zone reforms in 2014, the Minister for Planning rezoned the Amendment land from Residential 1 Zone to GRZ5 as a neutral translation together with the remainder of the HFR. Application of the GRZ5 was contrary to indicators in the Whitehorse Housing and Neighbourhood Character Review completed in 2014, which identified the surrounding area as limited change. In accordance with this limited change designation by Council, the surrounding residential land was rezoned Neighbourhood Residential Zone in

9.1.2 (cont)

2014. Furthermore, prior to the former Minister for Planning rezoning the HFR land in 2014, Council officers advocated for the section of land east of Terrara Road (including the Amendment lots) to be included in the NRZ, in line with the Whitehorse Housing and Neighbourhood Character Review, which was in progress at that time.

The State Government has made a commitment to deliver a linear public open space reserve along the bulk of the Healesville Freeway corridor, and large sections of this linear park were rezoned to Public Park and Recreation Zone (PPRZ) under Amendment C200 in November 2014. Council understands that the DELWP is in the process of preparing an amendment to rezone the remaining lots that form part of the future park from GRZ5 to PPRZ in order to formalise the full extent of the public open space linear corridor. This process will leave three remaining residential lots, being the lots subject to this Amendment, along Moore Road as a clear inconsistency in the zoning of this area, and therefore this Amendment seeks to rectify the irregularity.



Map 2: Proposed rezoning of Amendment lots, and future rezoning of Crown land by DELWP along the former Healesville Freeway corridor

What does C231 do?

Amendment C231 makes the following changes to the Whitehorse Planning Scheme:

- Rezones the land at 34-40, 37-43 and 42-50 Moore Road, Vermont from the General Residential Zone Schedule 5 to the Neighbourhood Residential Zone Schedule 3.
- Amends the Local Planning Policy Framework at Clause 21.06 Housing by making slight adjustments to the Housing Framework Plan to include the entire Amendment area within a Limited Change Area.
- Amends the Local Planning Policy Framework at Clause 22.03 Residential Development to make slight adjustments to Map 1: Neighbourhood Character Precincts to include the entire Amendment area within the Bush Suburban 9 precinct.

DISCUSSION

Council received six submissions in response to exhibition of Amendment C231. Five submissions were received during the exhibition period and one late submission was received. Under Section 22(2) of the *Planning and Environment Act 1987* (the Act), the Planning authority may consider a late submission. It is proposed that Council accept the late submission.

9.1.2 (cont)

In summary, one submission supported the proposed changes and another submission advised of no objection to the proposed Amendment. Two submissions raised concerns regarding the impact of future development on the three Amendment lots, and two submissions directly objected to the proposed zoning change. The two submissions objecting to the Amendment were the only submissions directly seeking a change to the Planning Scheme controls proposed by the Amendment. A response to each submission is provided in the Attachment and discussed below.

The submission in support of the Amendment commended Council's action to pursue the rezoning, acknowledging that Council has a thorough understanding of the municipality's residential areas, and where change and density should be directed, noting that:

"I believe Whitehorse Council is best positioned to understand the specific merits of each zoning, and the desired outcome for that zoning."

A submission was received from the Department of Transport, which now incorporates VicRoads, advising that the Head, Transport for Victoria has no objection to the proposed Amendment and no changes to recommend.

Two submissions from local residents in Moore Road raised very similar concerns around the impact of any future development on the Amendment land. Their concerns related to the increase in vehicle traffic entering Moore Road from Boronia Road and Carlinga Drive, and access issues for emergency vehicles and garbage trucks given the narrow width of Moore Road. These submitters were also concerned about the impact of any future development on the quiet, peaceful neighbourhood and its environmental attributes.

These concerns do not relate directly to the proposed changes in this Amendment, but to broader concerns about the impacts of future development on traffic in the area and neighbourhood character. It is important to highlight that the proposed zone change would reduce the intensity of development that could be accommodated on the land, with a more restrictive zone proposed to apply. While future development on the three properties would still remain possible, the density of development achievable would be reduced. The NRZ3 specifies lower building heights, lower site coverage, increased permeability and greater landscaping requirements as detailed below in Table 1.

In order for additional dwellings to be constructed on any of the Amendment lots, a planning permit would be required. In the event that a planning permit application is submitted to Council, a period of public notification will occur, and the community will have the ability to review the proposal and provide their feedback on the application, including consideration of traffic concerns, emergency and service vehicle access, and impact on the neighbourhood.

In relation to the vehicle access and traffic concerns, this Amendment does not affect the road access to the Amendment land and any decisions regarding the upgrading of the Moore Road or new connections will be determined through separate processes. All three properties are currently accessible via Moore Road, however Moore Road changes to an unsealed road adjacent to 24 Moore Road.

Two submissions were lodged on behalf of land owners and were directly opposed to the rezoning, raising a number of points of objection. One of these submitters stated that the adjoining land to the south at 45-59 Moore Road and 52-60 Moore Road, Vermont would remain in the GRZ5, while the Amendment land would be rezoned to NRZ3. While it is correct that these two properties to the south currently remain in the GRZ5, they will become part of the future public open space corridor that will occupy the majority of the former HFR land. Both parcels have been surrendered to the Crown and Council understands that DELWP will soon be progressing a planning scheme amendment to rezone these parcels to PPRZ. All other surrounding land that is to remain residential is located in the NRZ.

9.1.2 (cont)

The same submitter was also concerned about limitations of the NRZ3 and its impact on development, stating that the amendment land will be “*severely compromised in value and future development potential with the proposed rezoning to NRZ3.*” The other landowner submission contained similar concerns, stating that the Amendment “*will unreasonably fetter the future built form outcome by restricting the ‘intensity’ of development that may be achievable.*”

The NRZ3 is a more restrictive zone compared with the GRZ5. The NRZ3 places a greater emphasis on respecting the neighbourhood character, heritage, landscape and environmental qualities of the area. Some of the key differences between the existing and proposed zone controls are summarised in Table 1 below.

	GRZ5	NRZ3
Dwelling height (mandatory control)	11 metres (3 storeys)	9 metres (2 storeys)
Site coverage (discretionary)	60%	40%
Permeability (discretionary)	20%	40%
Side and rear setbacks (discretionary)	1 metre from each boundary at ground level. Setbacks then increase above 3.6 metres in height. Note: walls on boundaries are permissible.	1 metre from one side boundary, 3 metres from the other side boundary and 5 metres from the rear boundary at ground level. Setback requirements then increase above 3.6 metres in height. Note: no walls to be constructed on boundaries.
Landscaping (discretionary)	No specific requirements.	In a multi-dwelling development at least two canopy trees per dwelling that have potential to reach a mature height of at least 12 metres. At least one of those trees should be in the secluded private open space of the dwelling. The species of canopy trees should be native, preferably indigenous.
Garden area (mandatory requirement)	35% for a lot greater than 650 square metres in area.	35% for a lot greater than 650 square metres in area.

Table 1: Key differences between GRZ5 and NRZ3

While the Amendment properties have been within the GRZ5 for a number of years, Council has been advocating for the rezoning of the properties for some time. Originally, Council advocated for the properties to be included in the future public open space corridor which is to occupy the majority of the former HFR and when that was no longer deemed possible, Council sought Ministerial intervention for a rezoning to NRZ. Furthermore, prior to the former Minister initially rezoning the HFR land to GRZ, Council officers also advocated for the section of land east of Terrara Road to be located in the NRZ, in line with the work being undertaken for the Whitehorse Housing Strategy 2014, which was in progress at that time.

9.1.2

(cont)

Council officers have been consistent in providing advice to prospective purchasers and developers when responding to queries and pre-application requests for any of these three sites around the expectations of Council for any future development on these properties. These expectations are more aligned with a NRZ outcome that respects the Bush Suburban character of the locality. The purpose of this Amendment is to bring the zone control in to line with the Council's preferred development outcome and neighbourhood character.

In relation to the heritage property at 34-40 Moore Road (known as Mirrabooka), Council's Heritage Advisor prepared a set of guidelines in 2017 to assist Council officers in advising potential purchasers of the development potential of this heritage site. These guidelines were developed while the property was zoned GRZ5 and the content of these guidelines is still relevant and applicable under the proposed NRZ3 scenario.

One submission raised concern in relation to the Bush Suburban classification of the Amendment land and broader Moore Road area, stating that the physical attributes and prevailing character of Moore Road did not reflect a Bush Suburban character type. The neighbourhood character statement for the Bush Suburban 9 precinct lists the key existing characteristics of the precinct, which include:

- A mix of dwelling heights, including double storey and split level;
- Front setbacks generally between 4 and 8 metres, side setbacks of between 1 and 4 metres from both side boundaries and varying rear setbacks of between 6 and 16 metres, however some newer developments have smaller rear setbacks.
- A general absence of front fences, or planted with vegetation. Where fences do exist, they are generally low in height, and constructed of timber or masonry.
- Established gardens that contain mature canopy trees, often including tall, native gums that make a significant contribution to the bush canopy of the area.
- Street trees at regular spacing of mixed species and sizes.

The Amendment land, and the remainder of Moore Road is considered to generally reflect the above characteristics. The street presents an informal streetscape character where canopy vegetation within the road reserve and front gardens of residential properties have a strong presence, partly due to the absence of front fencing. Dwellings are predominantly single, double storey, and / or split level, with setbacks and landscaped areas surrounding the dwellings.

While it is noted that Moore Road does contain some unit developments (13 -17 Moore Road and 19-27 Moore Road) to the north of the Amendment land, these developments reflect a higher density of housing when compared with the majority of Moore Road and the broader surrounding area. These developments all predated the *Whitehorse Housing Strategy 2014* and *Whitehorse Neighbourhood Character Study 2014* and are not generally consistent with Council's aspirations for the Bush Suburban 9 precinct. The Bush Suburban 9 precinct is still considered to be relevant, and it is noted that the preferred character statements became a part of the Whitehorse Planning Scheme in October 2014, under Amendment C160.

One submitter proposed an alternative solution whereby the Amendment land remained in the GRZ but a different schedule to the zone was applied. The submitter suggested that Schedule 1 to the GRZ (GRZ1) be considered and the Amendment land be included within a Natural Change area. The GRZ1 applies to established Garden Suburban Areas and includes some variations to the requirements of Clause 54 and Clause 55 (ResCode). Officers consider that retaining the GRZ over the Amendment land and applying its Schedule 1 is not suitable nor intended for a Bush Suburban and limited change residential context. Furthermore, these controls would not reflect the outcomes of the *Whitehorse Housing and Neighbourhood Character Review 2014* which included part of the Amendment land (the area that was outside of the Public Acquisition Overlay which previously applied) within a Limited Change area, and Bush Suburban 9 character precinct. The NRZ3 has been designed to reinforce the key characteristics of the Bush Suburban areas, and reflect the intended level of housing change.

9.1.2

(cont)

While it is acknowledged that the Minister for Planning has not intervened and rezoned the properties to NRZ3 despite Council's previous requests, Council still has the ability to seek a rezoning in its own right. The Amendment has been authorised and is now progressing through the standard amendment process. Land owners and occupiers have the ability to participate in this process and provide their feedback for consideration.

It is noted that there is illegal tree removal relating to parts of the Amendment land that is currently being investigated by Council.

CONSULTATION

The Amendment was exhibited from Thursday 19 August 2021 to Monday 20 September 2021. Exhibition involved the direct notification to all affected land owners and occupiers, surrounding owners and occupiers, Prescribed Ministers, relevant public authorities, community groups and adjoining councils. Information was also available for viewing on the Council webpage, Council's YourSay portal and the DELWP browse amendments page. Table 2 below provides further detail of the notification given.

Date	Notification
13 August 2021 (by mail)	Letters posted to: <ul style="list-style-type: none"> • Owners and occupiers of the Amendment land; • Owners and occupiers of properties in the surrounding area.
16 August 2021	Notice appears in The Age newspaper.
17 August 2021 (e-mail)	Letters e-mailed to: <ul style="list-style-type: none"> • Prescribed Ministers; • Adjoining Councils (Knox and Maroondah); • Relevant public authorities • Friends of Healesville Freeway Reserve
19 August 2021	Notice appears in the Victorian Government Gazette.
Duration of Exhibition Period	Documents available on the Whitehorse City Council website, YourSay community engagement portal and the browse amendments page on the DELWP Planning website.

Table 2: Summary of notices

It is noted that the entire exhibition period coincided with a COVID-19 lockdown affecting all of metropolitan Melbourne. As a consequence of the lockdown, the community could not view hard copies of the Amendment documentation at the Whitehorse Civic Centre, service centres, or libraries in Whitehorse as these centres were closed to the public.

A total of five submissions were received during the exhibition period and one late submission was received. While the Amendment was on exhibition Council officers also received a number of phone calls with queries about the Amendment. The enquiries included requests for clarification about the proposed zoning change, concerns about the future development potential of the properties and requests for additional information. Some of the queries and concerns raised by the community in these phone conversations related to matters that weren't directly relevant to the proposed Amendment. Some of the other matters raised included:

- Concern about the extent of development that could occur on the Amendment properties and the potential for overdevelopment, loss of vegetation and impacts on neighbourhood character.
- Queries regarding the future of the Healesville Freeway Reserve and its conversion to public parkland;

9.1.2

(cont)

- Concern about traffic along Moore Road with some residents wanting Moore Road constructed to connect with Livermore Close, and others requesting that Moore Road remain a no-through-road.
- Comments and questions from Knox City Council regarding the planning for the HFR public open space corridor and opportunities for linkages with open space reserves and corridors within Knox including the section of HFR that exists through that municipality.

In response to concerns about the potential overdevelopment of the three properties it was highlighted to residents that the proposed zoning change from GRZ5 to NRZ3 would reduce the extent of development that could be accommodated on the land. It is noted that a zoning change from a less restrictive zone to a more restrictive zone is not particularly common and this Amendment does represent a slightly unusual circumstance given the history of the HFR and the differing decisions and positions of Council and the State Government.

In relation to the future plans for the remainder of the HFR and its conversion to public open space, residents were informed of the announcement by the Premier of Victoria that the 3.5 kilometre corridor of land between Springvale Road and Boronia Road will be transformed to a public park managed by Parks Victoria. Some residents expressed disappointment over the lengthy delays in this transformation, but were pleased to learn of the news and plans to deliver the parkland.

Matters relating to traffic, car parking and access are not directly relevant to the proposed zoning change however, it is evident that there are concerns about access, particularly for emergency vehicles and the unconstructed nature of the southern part of Moore Road. If further development is to occur on any of the three properties it would be relevant to consider the form of the road at that point. There are no plans at this stage to connect Moore Road to Livermore Close.

The comments and questions raised by Knox City Council were triggered by their awareness of the proposed rezoning Amendment affecting former HFR land. The issues they spoke about concern the future master-planning and delivery of the public parkland along the HFR and how it may interrelate with public open spaces, and habitat and wildlife links within the City of Knox and the broader vision for the HFR that extends eastward beyond Whitehorse. These issues are not directly relevant to the proposed rezoning of the three Amendment lots and therefore officers at Knox decided to raise their concerns through other avenues and processes more directly relevant to the open space planning.

FINANCIAL IMPLICATIONS

Item	Expenditure (excluding GST)
Notice in The Age	\$2017.20
Notice in the Government Gazette	\$176.80
Panel hearing costs	\$4,000.00
Potential expert evidence at a Panel hearing	\$8,000.00
Statutory Fee: Consideration by the Minister of a request to approve the amendment in accordance with section 35 of the Act, and for giving notice of approval of the amendment under section 36(1) of the Act.	\$488.50
Total Expenditure	\$14,682.50

Funding for the above listed expenditure and potential expenditure is included in the Strategic Planning operational budget.

9.1.2

(cont)

POLICY IMPLICATIONS

Plan Melbourne 2017-2050 is the metropolitan planning strategy and this Amendment supports Direction 2.1 (Manage the supply of housing in the right locations to meet population growth and create a sustainable city), by aligning the zone with the preferred housing outcome for the area. The proposed rezoning will provide certainty for the community about the scale of development that can be delivered on each property.

At a local level, the Amendment supports Strategic Direction 4 of the Council Plan 2021-2025, which relates to *“Our Built Environment: Movement and Public Places”*. Objective 4.1 under this Strategic Direction states, *“Assets, facilities and urban design of a quality that provides the highest levels of utility and enhances the connection between the built, natural, heritage and social environments”*. The proposed rezoning will enhance the connection between the built environment and the natural environment by placing a greater emphasis on the preservation of the local neighbourhood and landscape character. Of further relevance under this objective, is Strategy 4.1.2 which states *“prepare strategies and guidelines that set expectations for the quality of development and urban design outcomes for a place.”*

Council has adopted the Whitehorse Housing Strategy 2014 and the Whitehorse Neighbourhood Character Study 2014, both of which guide residential development across the municipality. The Amendment lots are either within or partially within the Limited Change Area where the valued neighbourhood character and landscape significance is to be preserved. This Amendment will ensure that the zoning of the three properties is consistent with the outcomes of this strategic work and accords with the limited change designation and Bush Suburban 9 precinct of the immediately surrounding residential area.

The State and regional policies in the Planning Policy Framework of the Whitehorse Planning Scheme are of relevance to the Amendment as summarised below.

- Clause 11.02-1S (Supply of urban land) seeks to ensure that there is sufficient supply of land for various uses, including residential. Furthermore, it recognises that planning for urban growth should give consideration to neighbourhood character and the landscape. The rezoning of the sites to NRZ will facilitate development that gives due regard to the valued character attributes of the area and is consistent with the established nature of the locality. The rezoning of three lots will not affect the municipality's ability to meet the forecast demand for housing as set out in Council's Housing Strategy 2014.
- Clause 12.05-2S (Landscapes) seeks to “ensure important natural features are protected and enhanced”. In this regard, the application of the NRZ achieves the right balance between facilitating development in a residential neighbourhood, while protecting the natural features of the sites and broader neighbourhood, which are highly valued by the community.
- Clause 15.03-1S (Heritage conservation) emphasises the need to maintain an appropriate setting and context for places of heritage significance and to provide for the conservation and enhancement of those places. In this regard, the most appropriate policy setting to achieve this outcome for 34-40 Moore Road (Mirrabooka), is through the limited change designation and application of the NRZ.
- Clause 16.01-1R (Housing supply – Metropolitan Melbourne) highlights need to provide certainty about the level of change expected in residential areas by allowing “for a range of minimal, incremental and high change residential areas that balance the need to protect the valued areas with the need to ensure choice and growth in housing”. The rezoning of the land to NRZ achieves a balance between protecting valued areas of neighbourhood character and heritage while also enabling redevelopment in accordance with the purpose of the NRZ.

The Local Planning Policy Framework (LPPF), includes the following clauses of relevance to this Amendment.

9.1.2

(cont)


Clause 21.06 (Housing) acknowledges the high amenity residential areas throughout the municipality and the community desire to maintain this and preserve heritage and other special character attributes. It establishes areas of housing change (substantial, natural and limited change) and defines character precincts (Garden Suburban, Bush Suburban and Bush Environment) across the residential areas of the municipality, in accordance with the Housing Strategy 2014 and the Neighbourhood Character Study 2014.

Of particular relevance to this amendment is the Vision (Clause 21.06-2) which refers to “*preserving areas of valued character and vegetation or landscape significance*”, and the Key Housing Principles, which include “*Limit residential growth in areas of valued landscape or built form character, and/or with infrastructure limitations*”. The Amendment land is partially within a Limited Change Area where Clause 21.06 identifies the NRZ as the appropriate zone for these areas. Furthermore, the property at 34-40 Moore Road is affected by a HO where the heritage significance is to be preserved and residential growth limited. This amendment therefore gives effect to the implementation aspect of Clause 21.06 by rezoning the land in accordance with this direction.

Clause 22.03 (Residential Development) builds on the content of Clause 21.06 and seeks to ensure that residential development is consistent with the three categories of housing change that have been identified in the Municipal Strategic Statement. In Limited Change Areas development should predominantly be in the form of detached and semi-detached housing that “*respects the appearance of surrounding development and the environmental, heritage, and neighbourhood character values of the area*”. This development outcome is consistent with Council's expectations for any future development on the Amendment properties as confirmed by the Whitehorse Housing Study 2014 and Whitehorse Neighbourhood Character Review 2014. Map 1 of Clause 22.03 comprises the Neighbourhood Character Precincts map and includes the amendment land within and adjacent to the Bush Suburban 9 precinct. This Amendment proposes to include the entire Amendment area within this precinct.

The planning framework emphasises the importance of the bushy landscape setting, modest dwelling forms, and in that context, the limited ability for the area to absorb change. Strategic policies identify the area as a limited change area where any new development should have due regard to the environmental, heritage and neighbourhood character values of the locality.

ATTACHMENT

- 1 Amendment C231 Submission Summary 

9.1.3 Agreement Variation 517-521 Station Street, Box Hill

FILE NUMBER: SF15/739

SUMMARY

This report seeks permission from Council to amend the agreement made under Section 173 of the Planning and Environment Act 1987 for the former Council owned property known as 517-521 Station Street Box Hill..

COUNCIL RESOLUTION

Moved by Cr Barker, Seconded by Cr Munroe

That Council:

- 1. Resolve to grant a two (2) year extension to the executed agreement between Council and Golden Age Station Street Box Hill Development Pty Ltd as trustee for the Golden Age Station Street Box Hill Unit Trust, made under Section 173 of the Planning and Environment Act 1987.***
- 2. Resolve that the two (2) year extension contained within resolution 1 be conditional upon the inclusion of an interim milestone date of February 2023 for the completion of excavation.***
- 3. Authorise the Manager Property and Leasing to instruct Council's legal representative, Maddocks Lawyers, to prepare all documents relating to this matter in accordance resolutions 1 and 2.***
- 4. Authorise the Chief Executive Officer to all sign all documents relating this matter.***

CARRIED UNANIMOUSLY

BACKGROUND

Council, in its corporate capacity, at a Special Meeting of Council on 25 July 2016 resolved to enter into a contract of sale (the Contract) with Golden Age Station Street Box Hill Development Pty Ltd as trustee for the Golden Age Station Street Box Hill Unit Trust (Golden Age) for the Council owned property known as 517-521 Station Street Box Hill; with a sale price of **Fifty One Million Eight Hundred Thousand Dollars (\$51,800,000) excluding GST.**

Settlement occurred on 8 October 2018.

The Contract included a condition that required an agreement under Section 173 of the *Planning and Environment Act 1987* (S173 Agreement) which required substantial commencement within three (3) years of settlement.

The definition of substantial commencement included both the completion of the basement carpark for the whole development and the fit-out for the proposed Childcare facility.

Golden Age is yet to commence any site works and consequently did not reach the required substantial completion date of 8 October 2021.

However, the S173 Agreement also includes an "adverse market conditions" clause which if applied for by Golden Age within forty (40) days of 8 October 2021, enabled Golden Age the opportunity to seek from Council a time extension.

Golden Age formally applied for a time extension on 14 August 2021.

In their formal application, Golden Age cited that there has been adverse market conditions over the last eighteen (18) months.

Via a separate process, Golden Age requested (and received approval from Council) a two (2) year extension to the Planning Consent validity date.

9.1.3

(cont)

Golden Age has also requested a two (2) year extension to the substantial completion milestone, making the new date for substantial completion 8 October 2023. Please note that two (2) years is the maximum extension allowable under the S173 Agreement.

Golden Age has provided supporting information regarding “adverse market conditions” from their town planning and property consultants (Urbis) and provided a “high level” construction timeline for substantial completion activities from their construction consultants (Icon).

DISCUSSION

In their submission to Council mentioned above, Urbis on behalf of Golden Age cites several factors that support adverse market conditions.

These factors include the following:

- The impact of COVID-19 lockdowns generally
- The impact of lockdowns on viability of retail businesses (and in turn development of such uses)
- The reduction in population growth, and
- The significant reduction in new residential apartment projects in inner and middle-ring Melbourne in 2020 and 2021.

While Icon on behalf of Golden Age, predicated on an on-site commencement in January 2022 with the following milestone:

- Ten (10) month period (January 2022 to November 2022) for site commencement, retention and excavation
- Six (6) month period (November 2022 to April 2023) for construction of basement “superstructure” including the Basement 3 level, the Basement 2 level, the Basement 1 level and the Lower ground level
- Two (2) month period ([between] April 2023 to June 2023) for formwork stripping

Additionally, Icon has advised that the above mentioned dates do not include contingency for latent conditions and any delays (COVID-19, authorities, inclement weather and industrial relations etc).

However, Golden Age’s request to extend the substantial completion milestone to 8 October 2023 includes a further three (3) months for contingencies.

Maddocks Lawyers reviewed the Golden Age request and accompanying documentation, they recommended that Council include an interim milestone for the completion of excavation; that interim milestone date being February 2023.

In addition to seeking legal advice from Maddocks Lawyers, Council’s Property and Leasing Department sought commercial and property advice from independent property consultants M21; who advised that in the absence of a detailed construction program, it was difficult to assess the timelines proposed by Icon.

9.1.3

(cont)

However, in their conditional advice M21 provided the following additional commentary:

- The supporting documentation from Urbis presented by Golden Age to support “adverse market conditions” is reasonable and reflects the state of the inner and middle-ring Melbourne apartment market more broadly
- The sequence and timeframes allowed for each of the construction activities that comprise substantial completion are reasonable
- In the absence of a detailed program, it is difficult to ascertain whether the timelines are generous enough to allow for contingencies and delays or whether an additional period (as per Golden Age’s request) is warranted
- Given the long time frame associated with the extension to substantial completion, we [M21] agree with Maddocks Lawyers’ proposal to include an interim milestone for the completion of excavation
- The proposed [the interim milestone date of] February 2023 date seems more than reasonable, as it allows for a full three (3) month contingency to the stated completion of excavation date of November 2022

In summary, it is recommended by Council’s Property and Leasing Department that Council consent to Golden Age’s request and grant an extension to the S173 Agreement, provided that Golden Age accept the inclusion of the February 2023 interim milestone.

CONSULTATION:

Council’s Property and Leasing Department obtained legal advice from Maddocks Lawyers and commercial and property advice from Property Consultants M21.

FINANCIAL IMPLICATIONS:

It is important to note, that if Council resolves to grant the time extension sought by Golden Age that Council will continue to hold the bank guarantee mentioned above.

9.2 COMMUNITY SERVICES

9.2.1 Whitehorse Manningham Library Annual Report

ATTACHMENT

SUMMARY

The Whitehorse Manningham Library board endorsed its 2020/21 annual report on 21 October and it is now presented to Council to note.

COUNCIL RESOLUTION

Moved by Cr Skilbeck, Seconded by Cr Lane

That Council note the Whitehorse Manningham Library Annual Report for 2020/21.

CARRIED

BACKGROUND

The Annual Report outlines the Whitehorse Manningham Library Corporation's achievements during the 2020/21 financial year towards the achievement of the strategic objectives in the Library Plan 2017 – 2021 and the implementation of the Strategic Resource Plan.

DISCUSSION

The Whitehorse Manningham Library Corporation (WMLC) provides library services from eight branch libraries, four in each municipality, and provides services to an estimated population of 306,312 people.

It has been a challenging year for the library and its members due to the pandemic however the Annual report illustrates how the library team have adapted service provision and continued to provide services to the community.

When the library branches had to be closed in response to Government directions, programs that are usually delivered face to face were moved to online and access to the collection was maintained through use of the online catalogue and click and collect.

Some of the highlights for the 2020/21 Financial Year are:

- Launch of a new library website resulting in a 20% increase in online catalogue increased by searches
- 59.5% increase in eBook loans (127,179 downloads)
- 25 Author events
- Over 1000 attendees at Makerspace Programs and events
- Over 428,000 branch visits

The annual report provides a comprehensive overview of the library activities and governance compliance and is provided for full review as an attachment to this report.

CONSULTATION

In accordance with Section 134 of the Local Government Act 1989, the WMLC Board undertook a public consultation process in relation to the draft annual report including a public notice published on Tuesday 5 October 2021 in The Age newspaper and being available on the library website or on request. No submissions were received.

9.2.1

(cont)

FINANCIAL IMPLICATIONS


There are no financial implications for Council in relation to this report.

Whitehorse City Council contributed \$5,543,112 (excluding GST) to the corporation in 2020/21 in accordance with its obligations in the Whitehorse Manningham Regional Library Agreement.

POLICY IMPLICATIONS

The Annual Report has been prepared and adopted by the Whitehorse Manningham Library Corporation board in accordance Sections 131 of the Local Government Act 1989.

ATTACHMENT

1 AR 2020 Final Draft 

PROCEDURAL MOTION

Moved by Cr Lane, Seconded by Cr Cutts

That the order of business on the agenda be altered to consider confidential item 12.1 relating to a contractual matter as the next agenda item.

LOST

9.3 CORPORATE SERVICES

9.3.1 Bi-annual Audit and Risk Committee Update

ATTACHMENT

SUMMARY

This report provides an update on the Audit and Risk Committee activities from April to September 2021.

COUNCIL RESOLUTION

Moved by Cr Massoud, Seconded by Cr Skilbeck

That Council note the bi-annual Audit and Risk Committee update.

CARRIED UNANIMOUSLY

BACKGROUND

Under Section 54(5) of the Local Government Act 2020 the Audit and Risk Committee must prepare a biannual report which the Chief Executive Officer must table at the next Council meeting. This bi-annual audit and risk report describes the activities of the Committee and includes its findings and recommendations and provide a verbal briefing to the Councillors.

DISCUSSION

The key objective and purpose of the Audit and Risk Committee is to “*provide independent advice and assistance to the Chief Executive Officer and the Council on the City’s risk, control and compliance framework, and its external accountability and legislative compliance responsibilities*”.

Meetings of the Council’s Audit and Risk Committee were held on 17 May 2021, 30 August 2021 (2020/2021 Financial and Performance Statements) and 20 September 2021. Apologies were tendered by two different members for the May and September meetings, otherwise all members of the Audit and Risk Committee were present for the three meetings together with the CEO, all Directors and other officers as required.

The purpose of this report is to brief the Council on the key proceedings and outcomes of the Committee’s activities, provide general commentary on key recommendations/observations received from the Auditor General and/or internal auditors, as well as provide opportunity for discussion and review of the audit program, litigation matters, fraud prevention and awareness program. Additionally, this will provide a forum for discussion between the Committee Chair, Councillors and Executive regarding any other audits as required.

CONSULTATION

All the Audit and Risk Committee members were consulted.

FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

POLICY IMPLICATIONS

There are no policy implications arising from this report.

ATTACHMENT

- 1 Audit and Risk Committee Six Monthly Update 

9.3.2 Tender Evaluation (Contract 30341) Recruitment, Training and Associated Services (PA Contract)

SUMMARY

To recommend the acceptance of an offer received from Procurement Australasia Ltd, ABN 45 058 335 363 to appoint the selected Agencies, as Council's preferred Agencies on a Schedule of Rates and as need basis with the initial term ending on 31 December 2023 and to consider the one plus one year extensions and the estimated expenditure over the life of the contract.

COUNCIL RESOLUTION

Moved by Cr Lane, Seconded by Cr Massoud

That Council:

- 1. Accept the recommendation of Service Providers from Procurement Australasia Ltd (ABN 45 058 335 363), and to appoint the Service Providing Agencies as Council's preferred suppliers of recruitment and associated services, under PA Contract 2312-0618/Whitehorse City Council Contract 30341 on a Schedule of Rates basis and as need basis.***
- 2. Authorise the Chief Executive Officer to award a two year optional extension of this contract, subject to a review of the Contractor's performance and Council's business needs, at the conclusion of the initial contract term.***

CARRIED

A Division was called.

Division

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

On the results of the Division the motion was declared CARRIED

BACKGROUND

Whitehorse City Council along with other Council's appointed Procurement Australasia (PA), as its agent to seek public tenders for the supply of Recruitment and Associated Services (2312-0618). The initial term of the Contract will end 31st December 2023 and the contract can be extended for a further 2 years at Council's discretion.

Procurement Australasia Ltd negotiates and facilitates contracts for common use goods and services on behalf of its members. Procurement Australasia Ltd offers suppliers targeted access to the Government purchasing sector through its tender process and marketing programs.

Procurement Australasia Ltd' Suppliers are authorised contractors who have tendered and been accepted to sell goods/services through the Procurement Australasia Ltd contracts. They consist of a diverse group covering many market sectors and organisational profiles including many high profile national and multinational brands.

9.3.2

(cont)

The below suppliers who were included in the previous PA Contract are no longer included in the new contract panel

Design & Build Recruitment Trust P/L (Council has not utilised this Vendor since 2018)

Morgan Consulting (Council has not utilised this Vendor since 2018)

SACS Consulting Pty Ltd (minimal spend on this vendor)

Categories and Agencies Council able to utilise are:

Category 1 – Permanent Recruitment – Executive

Deliver quality candidates to Members, supported by professional Member engagement protocols. Will seek candidates not only through advertised positions but through other initiatives such as headhunting candidates via their extensive networks.

1	Gforce Corporate & Finance P/L t/a People@Work
2	Drake Australia Pty Ltd
3	Adaps IT Pty Ltd
4	Aspect Personnel P/L
5	HOBAN Recruitment Pty Ltd trading as HOBAN Recruitment
6	Horner Recruitment Systems Pty Ltd trading as Horner Recruitment
7	The Sustainable Advantage Pty Ltd trading as Leading Roles
8	Hays Specialist Recruitment (Australia) Pty Limited
9	Charterhouse Recruitment P/L
10	Planned Resources Discretionary Trust – t/a Planned Resources P/L
11=	Davidson Group (Aust) Pty Ltd
11=	Talent International Holdings P/L
13	IPA Personnel Services Pty Ltd
14	AA Training Services Pty Ltd (Trading As – Find A Job)
15	GBS Recruitment P/L

9.3.2

(cont)

Category 2 – Permanent Recruitment – Entry/ Middle/ Senior

Deliver quality candidates to Members, supported by professional Member engagement protocols.

1	Direct Recruitment P/L AFT Croft Family Trust
2	Drake Australia Pty Ltd
3	Adaps IT Pty Ltd
4	HOBAN Recruitment Pty Ltd trading as HOBAN Recruitment
5	Gforce Corporate & Finance P/L t/a People@Work
6	The BUSY Group Ltd “The BUSY Group”
7	Unidex Consulting Pty Ltd Trading As Frontline Human Resources
8=	DOB Enterprises P/L T/A MBC Recruitment
8=	Talent International Holdings P/L
10	National Workforce P/L
11	Aspect Personnel P/L
12	Hays Specialist Recruitment (Australia) Pty Limited
13	GBS Recruitment P/L
14	Redwolf Rosch P/L
15	Ignite Ltd
16	Aurec Pty Ltd
17	Horner Recruitment Systems Pty Ltd trading as Horner Recruitment
18	Michael Page International (Australia) P/L
19	Aris Zinc Pty Ltd
20	Randstad P/L
21=	CK Recruitment Pty Ltd
21=	McArthur (VIC) P/L
23	Zancott Recruitment (Vic) Pty Ltd

The following Tenderers are awarded for this category despite offering non-standard pricing models. This award is on the basis that they were awarded on merit for other categories:

Work Solutions (Melb) Pty Ltd Rec People P/L

9.3.2

(cont)

Category 3 – Temporary Recruitment

Provide qualified and experienced temporary placement staff to Members for any short-term placements

1	Drake Australia Pty Ltd
2	Adaps IT Pty Ltd
3=	DOB Enterprises P/L T/A MBC Recruitment
3=	Finite Group APAC Pty Ltd
5	IPA Personnel Services Pty Ltd
6	Quest Personnel P/L
7	Ignite Ltd
8	National Workforce P/L
9	RNTT P/L t/a Excel Recruitment and Rexco People
10	Work Solutions (Melb) Pty Ltd
11	Michael Page International (Australia) P/L
12	Zancott Recruitment (Vic) Pty Ltd
13=	Charterhouse Recruitment P/L
13=	Unidex Consulting Pty Ltd Trading As Frontline Human Resources
15	Redwolf Rosch P/L
16	AA Training Services Pty Ltd (Trading As – Find A Job)

The following Tenderers' awards for Victoria and/ or Queensland have been made on a provisional basis subject to them providing to PA evidence of them obtaining relevant labour hire licences in their respective states:

Blue Visions Management P/L – Victoria CK Recruitment P/L – Victoria

LOGO Management (Aust) P/L T/A LOGO Management Resources – Victoria & Queensland

The following Tenderer's award for South Australia has been made on a provisional basis in relation to the very small number of roles needing a Labour Hire Licence. It has been made subject to them providing to Procurement Australia evidence of them obtaining a Labour Hire Licence:

LOGO Management (Aust) P/L T/A LOGO Management Resources

9.3.2

(cont)

Category 4 – Managed Services Program (MSP) Providers for Contingent Labour

Provision of Managed Services Program (MSP) solutions for contingent labour requirements for use by Members of Procurement Australasia Ltd at their discretion. It seeks MSP providers offering Vendor Management System (VMS) software and software services.

1	Comensura Pty Ltd
2	Randstad P/L
3	Launch Recruitment Pty Ltd (Launch Group)

Category 5 – Training, Learning and Professional Development Services*

Deliver a broad range of training needs.

1	Hays Specialist Recruitment (Australia) Pty Limited
2	Davidson Group (Aust) Pty Ltd
3	Blue Visions Management Pty Ltd
4	Converge International Pty Ltd
5	Dixon Appointments P/L
6=	AcademyGlobal Pty Ltd
6=	McArthur (VIC) P/L
6=	Pearson Australia Group P/L
9=	GBS Recruitment P/L
9=	Unidex Consulting Pty Ltd Trading As Frontline Human Resources
11	Honeylight Enterprises Pty Ltd
12=	DDI Asia Pacific International Ltd.
12=	Randstad P/L
14=	National Institute of Dramatic Art (NIDA)
14=	St John Ambulance Australia (NSW)
16	Peter Berry Consultancy P/L
17	Lingford Consulting Services Pty Ltd
18	Altus Training Pty Ltd
19	Professional Development Training P/L
20	Strategic Management Coaching, t/a Trevor-Roberts
21	IntegrationQA Pty Ltd
22=	LKS Quaero Pty Ltd
22=	Redwolf Rosch P/L

9.3.2

(cont)

Category 6 – e-Learning and Training Solutions

Deliver a range of online/ video-based learning and training solutions.

1	Drake Australia Pty Ltd
2	Blue Visions Management Pty Ltd
3	Randstad P/L
4=	AcademyGlobal Pty Ltd
4=	Pearson Australia Group P/L
6	Honeylight Enterprises Pty Ltd
7	Global BPO Seek PTY Ltd trading as Easy Authoring
8	Trustee for the Learning Hook Trust, t/a The Learning Hook P/L
9	Lloyd Connect Pty Ltd – Lloyd Connect
10	Professional Development Training P/L
11	Redwolf Rosch P/L

Category 7 – Mentoring and Coaching*

Provide mentoring and coaching to all staff levels.

1	Hays Specialist Recruitment (Australia) Pty Limited
2	Davidson Group (Aust) Pty Ltd
3	Ignite Ltd
4=	Blue Visions Management Pty Ltd
4=	Randstad P/L
6	Converge International Pty Ltd
7	Pearson Australia Group P/L
8	GBS Recruitment P/L
9	Honeylight Enterprises Pty Ltd
10	Lloyd Connect Pty Ltd – Lloyd Connect
11	Peter Berry Consultancy P/L
12	Strategic Management Coaching, t/a Trevor-Roberts
13	Executive Central Group P/L
14	Professional Development Training P/L
15	IntegrationQA Pty Ltd
16	LKS Quaero Pty Ltd

9.3.2

(cont)

Category 8 – Career Transitions Programs and Human Resource Consultancy Services

Provide outplacement services, counselling, support, guidance and training of employees, and variety of HR Consultancy services*.

1	Drake Australia Pty Ltd
2	Hays Specialist Recruitment (Australia) Pty Limited
3	Davidson Group (Aust) Pty Ltd
4	Ignite Ltd
5	Horner Recruitment Systems Pty Ltd trading as Horner Recruitment
6	Converge International Pty Ltd
7	Dixon Appointments P/L
8	Randstad P/L
9	GBS Recruitment P/L
10	McArthur (VIC) P/L
11	Peter Berry Consultancy P/L
12	Honeylight Enterprises Pty Ltd
13	Strategic Management Coaching, t/a Trevor-Roberts
14	Redwolf Rosch P/L

9.3.2

(cont)

Category 9 – Psychometric Testing and Skills Assessment*

Deliver services to measure potential candidates' suitability for a role based on the required personality characteristics and aptitude (or cognitive abilities)*.

1	Drake Australia Pty Ltd
2	Hays Specialist Recruitment (Australia) Pty Limited
3	Davidson Group (Aust) Pty Ltd
4	Horner Recruitment Systems Pty Ltd trading as Horner Recruitment
5	HOBAN Recruitment Pty Ltd trading as HOBAN Recruitment
6=	Blue Visions Management Pty Ltd
6=	Randstad P/L
8	Converge International Pty Ltd
9	Pearson Australia Group P/L
10	Dixon Appointments P/L
11	McArthur (VIC) P/L
12	Unidex Consulting Pty Ltd Trading As Frontline Human Resources
13	Lloyd Connect Pty Ltd – Lloyd Connect
14=	Peter Berry Consultancy P/L
14=	The Anna Centre P/L
16	Makesure Consulting P/L
17	Redwolf Rosch P/L

9.3.2

(cont)

Category 10 – Unbundled Recruitment Services

Deliver a range of recruitment support functions to meet their organisational requirements.

1	Drake Australia Pty Ltd
2	Hays Specialist Recruitment (Australia) Pty Limited
3	Davidson Group (Aust) Pty Ltd
4	IPA Personnel Services Pty Ltd
5	Ignite Ltd
6	Horner Recruitment Systems Pty Ltd trading as Horner Recruitment
7	HOBAN Recruitment Pty Ltd trading as HOBAN Recruitment
8	Dixon Appointments P/L
9	Programmed Skilled Workforce Ltd t/a Programmed Skilled Workforce
10	Randstad P/L
11	Zancott Recruitment (Vic) Pty Ltd
12	Unidex Consulting Pty Ltd Trading As Frontline Human Resources
13	Direct Recruitment P/L AFT Croft Family Trust
14	McArthur (VIC) P/L
15	National Workforce P/L
16	CK Recruitment Pty Ltd
17=	Lloyd Connect Pty Ltd – Lloyd Connect
17=	Makesure Consulting P/L
19	Redwolf Rosch P/L

9.3.2

(cont)

Category 11 – Employee Satisfaction and Organisational Survey Services

Deliver functional and reliable products and services to measure and quantify their organisational culture and level of employee satisfaction.

1	Drake Australia Pty Ltd
2	Davidson Group (Aust) Pty Ltd
3	Randstad P/L
4	Honeylight Enterprises Pty Ltd
5	McArthur (VIC) P/L
6	Peter Berry Consultancy P/L
7	Makesure Consulting P/L
8	Lloyd Connect Pty Ltd – Lloyd Connect
9	Professional Development Training P/L
10	IntegrationQA Pty Ltd
11	Redwolf Rosch P/L

Category 12 – Performance Appraisal Management Services

Deliver functional, reliable, effective and secure Performance Appraisal Systems to measure, evaluate and document employee job performance as part of career development.

1	Randstad P/L
2	McArthur (VIC) P/L
3	GBS Recruitment P/L
4	Honeylight Enterprises Pty Ltd
5	Lloyd Connect Pty Ltd – Lloyd Connect

9.3.2

(cont)

Category 13 – Police & Background Check/ Fit to Work Solutions*

Deliver fast, reliable and secure tools and services for conducting easy and cost- effective employment screening.

1	Horner Recruitment Systems Pty Ltd trading as Horner Recruitment
2	Blue Visions Management Pty Ltd
3	Programmed Skilled Workforce Ltd t/a Programmed Skilled Workforce
4=	AIS International Group P/L
4=	Makesure Consulting P/L
6	Unidex Consulting Pty Ltd Trading As Frontline Human Resources
7	Lloyd Connect Pty Ltd – Lloyd Connect
8	Information Brokers Pty Ltd
9	Redwolf Rosch P/L

Council has the ability to utilise all or selected categories and the Service Providers at Council's discretion.

*Note: *This category will be accessed if Council cannot engage its existing Contract Panel members*

DISCUSSION

PA advertised tenders in Herald Sun newspaper on Tuesday 30 June 2020. Tenders were closed on Wednesday, 01 July 2020. 80 tenders were received.

1. The following selection criteria were used to evaluate all the tender submissions (further details are included in the attached Confidential Evaluation Report):

- Compliance (unweighted),
- Professional Competence ,
- Corporate Governance & Social Responsibility, and
- Financial Aspect.

The tenders received from the selected tenderers are considered to provide the best value for money for this Contract. The Contractor may also offer a Member a special or discounted sale if they choose.

The benefits for Council using this Supplier Panel are:

- Lower purchase prices resulting from the aggregation of individual councils requirements i.e. substantially enhanced purchasing power;
- The avoidance of our time and our tendering costs;
- The introduction of competitive and value-added outcomes generally unachievable through individual tendering;
- The Agencies are required to provide suitably accurate reporting mechanisms to capture all expenditure.
- The Agencies will have quality systems, which will address issues including; continuous improvement, contract reporting, risk management policies and procedures, OH&S policies and procedures, quality checking and duty of care.

The benefits for Council are:

9.3.2

(cont)

- Agency staff usage will be with a consistent group of suppliers and Council will be able to accurately capture expenditure for the use of Agency staff.
- Strict adherence with Local Government Act 2020, probity and due diligence procedures.

Once Council has established their panel of providers and advised these suppliers via PA, Council can access the panel as need basis subject to their satisfactory performance. The panel arrangement does not prevent Council seeking alternative or additional suppliers on resources or services outside the scope of the current agreement.

Accessing this panel has the advantage of providing the continuity of service obligation to the community where there are strict training and accreditation requirements. Agency staff are therefore used on occasion to meet these contingent needs. These amounts are indicatives only and the services will be obtained by various Departments and Units around the Council as required basis.

Council will also investigate over the life of this tender future mechanisms to manage and control costs associated with Agency staff.

CONSULTATION

Whitehorse City Council was one of 27 municipalities who appointed PA as its Agent to conduct the tendering process.

FINANCIAL IMPLICATIONS

The acceptance of the offer supplied by PA will provide price certainty over the initial two-year term of the contract. However it does not fix the volume of use of any particular provider.

The current budget process allows for a mix of labour solutions to meet Council's operational requirements. This includes a mix of full-time, part-time, casual and temporary staff. The budget process takes into account those Council services that have mandatory requirements for staff ratio numbers to clients, and the contingent nature of some of Council's work, particularly as it relates to Capital Works, by providing budgets for agency staff.

The suppliers charge a percentage (%) on the salary brackets as detailed in the confidential document attached to this report.

PA charges a commission of 2.5% on all proposed Categories except for Category 4 on procurement and 1% commission for Category 4 for the procurement made under their contract.

The costs incurred under this contract will be charged to the relevant recurrent budgets. Whilst this contract is considered to provide best value to Council is expected that staff will only engage agency staff when it is absolutely necessary and as need basis and when no other option is available to them.

The total estimated spend on this contract will be approximately \$12 million (ex GST) for the initial three years and it is anticipated that it will increase to \$16 million (ex GST) if the option to extend is exercised.

9.3.3 Review of Council's Meeting Cycle

ATTACHMENT

SUMMARY

The existing Council meeting cycle has been in place for over three Council terms. The meeting cycle has worked well for Councillors, the wider community and the organisation over this time. With the implementation of the Local Government Act 2020 and the changing local government landscape it was time to review Council meeting arrangements and procedures to ensure these remained responsive to the needs of Council and its community.

A review of the Council meeting cycle was conducted in July this year. This report serves to provide Council with feedback received on recent community consultation on its proposal to change its meeting cycle to fortnightly Council meetings, to allow for changes to its Governance Rules and to make a final decision on the Council meeting cycle.

COUNCIL RESOLUTION

Moved by Cr Munroe, Seconded by Cr McNeill

That Council:

- 1. Receive and note the report.**
- 2. Adopt a fortnightly Council meeting cycle each calendar year commencing in 2022; with Council meetings to be held on the second and fourth Mondays of the month, with the exception of January, June and December 2022 where the Council meetings will be held monthly as follows:**
 - **January Council meeting will be held on the fifth Monday of the month;**
 - **June Council meeting will be held on the second Monday of the month; and**
 - **December Council meeting will be held on the second Monday of the month.**
- 3. Adopt its updated Governance Rules provided as Attachment 2, with effect from 1 January 2022.**
- 4. Dissolves its Delegated Committee established by Council at its meeting on 24 August 2020, effective from 7 December 2021 and that its instrument of delegation be also revoked from this date.**
- 5. Inform the Whitehorse community about the changes to Council's meeting cycle and related processes, commencing in 2022.**

CARRIED UNANIMOUSLY

BACKGROUND

Council at its 19 July 2021 meeting received a report which highlighted that it may be an opportune time to review Council's meeting cycle.

The report identified that to simplify the nature and frequency of Council meetings for greater Council effectiveness, to provide better accessibility to Councillors and to reinforce the transparency of Council meetings, that Council meetings be held twice monthly. The report also identified that:

- the Delegated Committee of Council be discontinued.
- a Public Presentation segment be introduced for Council meetings
- a number of identified changes and enhancements be made to the Governance Rules, which governs how Council meetings are conducted.

Council resolved to give in principle support to undertake community consultation on the proposal and called for a further report, following the conclusion of the consultation period.

9.3.3

(cont)

DISCUSSION

Nature of Community Consultation

The community consultation was launched on the Council website on Friday 13 August, in the form of a five question survey. A Frequently Asked Questions page, together with a copy of the draft revised Governance Rules (with tracked changes) was provided for the benefit and information of respondents and other interested persons. The specific questions posed were:

- Question 1 Council are proposing to move Council meetings to be held on the 1st and 3rd Monday of the month (excluding January). Do you support this motion?
- Question 2 Council meetings are proposing to move away from delegated committee meetings and instead run an additional Council meeting. Do you support this motion?
- Question 3 Do you support the inclusion of a new 30 minute Public Presentations segment into Council meetings?
- Question 4 Council is wanting to ensure a wide range of projects are heard and discussed. Do you support Council introducing a limit of no more than three speakers on the same topic per meeting?
- Question 5 Do you support the suggested changes being made to the Governance Rules (ie housekeeping – removal of reference to Delegated Committee and the removal of clause relating to introducing a report; and other changes to achieve positive operational change and enhancing clarification)?

An article promoting this specific community consultation appeared in the September 2021 Whitehorse News, which was distributed to Whitehorse households in the first week of September. At the end of the consultation on Wednesday 15 September, 31 respondents had participated in the survey in full or part; which was very pleasing, given the challenging nature of the topic.

Assessment of Community Consultation

A summary of the survey results is provided as **Attachment 1**.

Question 1

The result of 55.2% strongly support and 20.7% somewhat support, reflect very strong community support for the introduction of Council meetings on the 1st and 3rd Monday of the month, excluding January. Some of the support comments include:

"More time and effort spent on behalf of the community"

"There will not be as long a gap between decision-making"

"Greater opportunity to be present for discussion of issues that speak strongly to members of the community and greater availability for community members to attend/interact with Council"

Question 2

The result of 51.7% strongly support and 13.8% somewhat support, reflect strong community support for moving away from delegated committee meetings and instead run an additional Council meeting. Some of the support comments include:

"It allows Council to make decisions twice monthly"

"All Councillors are expected to be present in every meeting"

"The more transparent the decision processes are, the better"

9.3.3

(cont)

"Council meetings can be attended by members of the public, so the more there are greater opportunity for the public to address Council on issues that are close to their hearts."

Surprisingly, there was a 10.3% somewhat opposed response, with corresponding comments including:

"Could run multiple Committees to look at multiple issues"

"I think bringing together delegated committees to do research on issues, or seek specialist views, and present recommendations to the Council as the decision making body is a reflection of stronger governance."

"I think the number of Council meetings and/or time should increase but I do not think doing away with delegated committee is a smart thing to do;

"Not qualified to state an opinion but delegated committee can be more investigative if the Councillors are in sync. Does this suggest that factions are preventing the committee system working effectively?"

Question 3

The result of 89.7% yes response, reflected an overwhelming community support for the proposition for the inclusion of a new 30 minute Public Presentations segment into Council meetings. Surprisingly, there was a 10.3% No vote, with corresponding comments including:

"Could get boring"

"It has more limits on presentation than when we had delegated Council meetings"

"If it's just a public presentation, the so what? What impact of follow up would be committed to by the Council? It sounds like a soft attempt at showing public engagement."

Question 4

The result of 71.4% yes response, reflects good support for the proposition of introducing a limit of no more than three speakers (ie Public Presentations) on the same topic per meeting.

Question 5

The result of 57.1% neutral response, reflected a high level of misunderstanding and appreciation for the indicative changes to Council's Governance Rules. This was well reflected with the comments, which included:

"As do not totally understand the possible ramifications"

"Not sure what the problem with reports being tabled is"

"Objective of change not clear;

It's all unclear"

"If it makes the process easier and still appropriate in dealing with matters, then I am for it"

"I am not convinced that good governance is the driver of this change, operational brevity or issues should take a back seat to good governance and sound and ethical consultation and decision making processes."

9.3.3

(cont)

MEETING CYCLE

Whilst the community consultation specifically asked whether there is support for fortnightly Council meetings for the 1st and 3rd Monday of each month, the comments mainly support fortnightly Council meetings rather than specifically showing preference for timing. Council meeting dates for 2022 have been drafted based on fortnightly meetings, with a meeting commencing late January and ending in the second week of December.

The Council meetings dates work well when based on the second and fourth Mondays of the month. The exception will be:

- January, will be held on the fifth Monday of the month (first meeting of the year)
- June will be held on the second Monday of the month (Public holidays and ALGA conference)
- December will be held on the second Monday of the month (last Council meeting of the year).

CONCLUSION

The initiating report presented to Council on 19 July 2021, clearly signalled that there was real scope for Council to simplify the nature and frequency of its meetings to support greater Council effectiveness, provide better accessibility to Councillors and to reinforce the transparency of Council's meetings.

It is pleasing that the community has recognised Council's good intentions with its proposed changes, as reflected in the survey results. However, the nature of some of the comments submitted, is a timely reminder for Council to keep information in a clear and unambiguous form, to avoid potential misunderstanding and unwanted confusion by the community.

Another important observation is that whilst Council genuinely value and appreciate the interest and contributions made by our older community members, Council and Council officers need to remain focused in continually fostering and engendering wider community interest in community and civic matters.

In summary, it is recommended that Council simplify its meeting cycle and make changes to its Governance Rules, in order that it can continue to serve Council and its community well into the future.

An updated copy of the Governance Rules is provided as **Attachment 2**.

CONSULTATION

Council's proposal was advertised on its website (Have Your Say Consultation page) from Friday 13 August, until Wednesday 15 September 2021.

In addition to an on-line survey, a detailed FAQ's page and a tracked changed copy of the Governance Rules was provided for the benefit of Whitehorse residents.

An article promoting this consultation also appeared in the September 2021 edition of the Whitehorse News, which was distributed to households in early September. At the end of the consultation period, 31 respondents had participated in the survey.

9.3.3

(cont)



FINANCIAL IMPLICATIONS

Costs associated with the conduct of Council meetings is provided for within Council's Annual Operating Budget. It is not anticipated that changes flowing from the endorsement of this report, will have any extraordinary financial implications.

POLICY IMPLICATIONS

The conduct of Council's meetings is at Council's discretion (section 61(2) of the *Local Government Act 2020*). As the proposed changes to the Council meeting cycle will necessitate changes to be made to Council's Governance Rules, a community engagement exercise has been undertaken (in accordance with section 60(4) of the Act).

ATTACHMENT

- 1 Survey Results on Council's Meeting Cycle and Governance Rules 
- 2 Governance Rules 2022 

9.3.4 Review of Live Streaming and Publishing of Recordings of Council Meetings Policy

ATTACHMENT

SUMMARY

This policy is being reviewed as a result of required changes flowing from the implementation of the Local Government Act 2020 and the anticipated changes to Council's meeting cycle.

COUNCIL RESOLUTION

Moved by Cr Davenport, Seconded by Cr Munroe

That Council:

- 1. Receive and note the report.***
- 2. Adopt its updated Live Streaming and Publishing of Recordings of Council Meetings Policy, as provided as Attachment 2.***

CARRIED UNANIMOUSLY

BACKGROUND

Council at its meeting on 15 October 2018, adopted its first Live Streaming and Publishing Recordings of Council Meetings Policy, in preparation for the commencement of the live streaming of Council meetings on 12 November 2018.

Importantly this policy is not related to the measures introduced by the Victorian Government's COVID 19 Omnibus (Emergency Measures) Act 2020 and the Justice Legislation Amendment (System Enhancements and Other Matters) Act 2021, to allow for virtual council meetings during the coronavirus pandemic. The most recent Ministerial Order has confirmed that this measure has been extended to 26 April 2022.

DISCUSSION

With the implementation of the *Local Government Act 2020*, a number of legislative references detailed in the existing policy to the *Local Government Act 1989*, are no longer applicable. Also, with the impending decision by Council as to whether to make changes to its meeting cycle and the possible dissolution of its Delegated Committee, Council officers have initiated a review of the policy.

In undertaking this review, officers have also sought to remove potential ambiguity and unnecessary content in order to enhance community understanding of this policy document. The extent of the suggested changes to the policy document are reflected in **Attachment 1** which provides the tracked changes and allows readers to visually follow these changes.

9.3.4 (cont)

The extent of the suggested changes, can be summarised as follows:

Section	Nature of Change
Purpose	Clarification that policy is purely for Council meetings.
Policy Statement	Deletion of reference to Special Committee Meetings and the commencement date of live streaming as <u>not required</u> . Correct reference made to new Act regarding closed meetings.
Objective	Minor grammatical changes to better reflect the two underlying points to main objective.
Scope	Content simplified into two sentences and correct reference made to new Act regarding closed meetings.
Definitions	Deletion of reference to Special Committee Meetings and Forums (in regards to public meetings definition). Other changes made to reflect new Act and Governance Rules.
Procedures	6.1 Deletion of reference to Special Committee Meetings and other meetings/forums, as the policy is purely for Council meetings. 6.2 Deletion of reference to Special Committee Meetings and amend archiving of recordings from 7 to 4 years. 6.3 Minor cross referencing changes and deletion of unnecessary reference to meeting agenda. 6.4 Deletion of procedures for public submissions and public question time (as already captured in Governance Rules) and insertion of new relevant script. 6.5 Deletion of Public Meetings/Forums held in the Council Chamber as authorised by the CEO and Streamed Live provision, as not previously used and not viable due to privacy issues and capacity limitations of Council Chamber. 6.6 Minor grammatical change deleting word “public” as Council meetings are generally open to the public. 6.7 Minor grammatical change deleting the words “Council employees” and “and printed in the meeting agenda”, as both are unnecessary. 6.8 Minor cross referencing change.
Related Policies & Statutory Obligations	Deletion of reference to Employee Code of Conduct (as not generally applicable) and to Meetings Procedure and Use of Common Seal Local Law 2013 as no longer operative and replacement document referenced ie Governance Rules.
Related Legislation	Correct reference made to Local Government Act 2020.
Review	New responsible Manager position title and review date inserted.
Appendices	Deletion of Appendices, as deemed not necessary to support policy document.

9.3.4

(cont)

The suggested changes do not change the intent/form of the policy. Importantly, the changes will allow Council to adopt a more attentive and responsive policy.

However, there are two changes to the policy that requires some further clarification.

The first relates to the fact that the policy is now solely for Council meetings. The previous policy did refer to other public meetings and forums as approved by the Chief Executive Officer, but in reality, this is not workable given the capacity limitations of the Council Chamber and the fixed camera requirements to support the live streaming service.

The second change was to remove the option to extend the access to archived recordings from up to 7 years to 4 years, in line with the normal Council term, which is logical and sound.

CONSULTATION

The nature of this report has not required the need to undertake any external consultation in the preparation of this report.



FINANCIAL IMPLICATIONS

There are no financial implications associated with the preparation of this report.

POLICY IMPLICATIONS

It is important that Council policies remain current and relevant at all times, in order to achieve Council's stated corporate and community goals.

ATTACHMENT

- 1 Policy Document (with tracked changes) 
- 2 Updated Policy Document 

9.3.5 Councillor Appointments to Organisations and Community Bodies

FILE NUMBER: SF09/28

SUMMARY

Council may appoint Councillor Representatives to various committees, organisations and other bodies each year. The current list is detailed in Appendix A to this report, Council's approval of Councillor Representative Appointments is required.

COUNCIL RESOLUTION

Moved by Cr Lane, Seconded by Cr Massoud

That Council:

- 1. Determine Councillor Representative Appointments to the committees, organisations and other bodies detailed in Appendix A.***
- 2. Advise the committees, organisations and other bodies of the Councillor Representative appointments.***

CARRIED UNANIMOUSLY

The Chief Executive Officer Mr Simon McMillan was the Returning Officer for the conduct of an election held to appoint Councillor delegates to the committees, organisations and community bodies numbered 7, 11, 12, 20 and 21

7. Eastern Alliance for Greenhouse Action (EAGA) Executive Committee

(One Councillor)

There were two nominations:

Cr Barker
Cr Skilbeck

A vote was conducted and Cr Skilbeck was elected to the Councillor position.

11. Audit and Risk Committee

(Two Councillors)

There were three nominations:

Cr Barker
Cr Davenport
Cr Massoud

A vote was conducted and Cr Massoud and Cr Davenport were elected to the Councillor positions.

12. Heritage Steering Committee (Two Councillors)

There were three nominations:

Cr Cutts
Cr McNeill
Cr Stennett

A vote was conducted and Cr Cutts and Cr McNeill were elected to the Councillor positions.

9.3.5

(cont)

20 Environment and Sustainability Reference Group (Two Councillors)

There were three nominations:

Cr Liu
Cr Cutts
Cr Carr

A vote was conducted and Cr Liu and Cr Cutts were elected to the Councillor positions.

21 Tree Assistance Fund Decision Panel (Two Councillors)

There were four nominations:

Cr McNeill
Cr Skilbeck
Cr Cutts
Cr Stennett

Cr Stennett and Cr Cutts withdrew their nominations.

A vote was therefore not required and Cr McNeill and Cr Skilbeck were elected to the Councillor positions.

BACKGROUND

Councillor Representative Appointments to various committees, organisations and other bodies are made by Council each year during November/December, as well as other times throughout the year as required, when new committees or groups are established.

DISCUSSION

It is suggested Council consider and resolve appointments to these groups as detailed in Appendix A below.

APPENDIX A: Councillor Representative Appointments to the Following Bodies (For the Period 22 November 2021 to November 2022)

No.	BODY	COUNCILLOR DELEGATE 2021/2022
1	Local Government's Waste Management Forum to support the Metropolitan Waste Management Group (One Councillor and One substitute Councillor)	Cr Munroe Substitute: Cr Davenport
2	Municipal Association of Victoria (One Councillor and One substitute Councillor)	Mayor: Cr Liu Substitute: Cr Munroe
3	Whitehorse Business Group (Two Councillors)	Cr Lane Cr Munroe
4	Whitehorse Manningham Regional Library Corp. (Two Councillors, two year term commencing 2021)	Cr Skilbeck Cr Lane
5	Victorian Local Governance Association (One Councillor and One substitute Councillor)	Deputy Mayor: Cr Massoud Substitute: Cr Barker
6	Eastern Affordable Housing Alliance (One Councillor, two year term commencing 2021)	Deputy Mayor: Cr Massoud
7	Eastern Alliance for Greenhouse Action (EAGA) Executive Committee (One Councillor)	Cr Skilbeck

9.3.5
(cont)

TRANSPORT GROUP OF COMMITTEES

NO.	BODY	COUNCILLOR NOMINATION 2021/2022
8	Eastern Transport Coalition (One Councillor)	Mayor: Cr Liu
9	Metropolitan Transport Forum (One Councillor)	Cr Munroe

INTERNAL COMMITTEES

NO	BODY	COUNCILLOR NOMINATION 2021/2022
10	Advisory Committee for the review of the Chief Executive Officer's development (All Councillors)	All Councillors
11	Audit and Risk Committee (Two Councillors)	Deputy Mayor: Cr Massoud Cr Davenport
12	Heritage Steering Committee (Two Councillors)	Cr Cutts Cr McNeill
13	Visual Arts Advisory Committee (Two Councillors)	Cr Davenport Cr Carr
14	Whitehorse Disability Advisory Committee (Two Councillors, One as Chair)	Cr McNeill Deputy Mayor: Cr Massoud
15	Whitehorse Reconciliation Advisory Committee (One Councillor as Chair)	Deputy Mayor: Cr Massoud
16	Domestic Animal Management Plan Advisory Committee (Two Councillors)	Cr Carr Cr Barker
17	Major Projects Councillor Reference Group (All Councillors)	All Councillors
18	Eastern Region Group (The Mayor, Deputy Mayor – and CEO)	Mayor: Cr Liu Deputy Mayor: Cr Massoud
19	Whitehorse Sports and Recreation Network (Two Councillors)	Cr Cutts Cr Lane
20	Environment and Sustainability Reference Group (Two Councillors, One as Chair)	Cr Cutts Mayor: Cr Liu
21	Tree Assistance Fund Decision Panel (Two Councillors)	Cr McNeill Cr Skilbeck
22	Community Grants Program (The Mayor and five Councillors)	Mayor: Cr Liu Cr Barker Cr Lane Cr McNeill Deputy Mayor: Cr Massoud Cr Skilbeck
23	Local Government Working Group on Gambling (Two Councillors)	Deputy Mayor: Cr Massoud Cr Barker

PROCEDURAL MOTION (AT 10.25PM)

Moved by Cr Munroe, Seconded by Cr Massoud

That in accordance with clause 16 of Council's Governance Rules, the Council meeting be extended for 30 minutes beyond 10.30pm.

CARRIED BY MAJORITY

PROCEDURAL MOTION

Moved by Cr Munroe, Seconded by Cr Massoud

That Council alter the order of business on the agenda to consider item 9.4.4 Aqualink Box Hill Tile Rectification Project as the next item on the Council agenda, to be immediately followed by confidential item 12.1 relating to a Contractual matter, then resume the order of business as per the agenda.

CARRIED

9.4 INFRASTRUCTURE

9.4.4 Aqualink Box Hill Tile Rectification Project

ATTACHMENT

SUMMARY

Aqualink Box Hill has various tiling issues that need rectification. This report proposes options to allow the rectification works to be completed. Option Two (staged approach) has been assessed as the most effective approach when the costs of the works and disruption to Centre operations are considered. A staging plan and scope of works and cost estimate for the rectification of tiles at Aqualink Box Hill has been developed to rectify the tile delamination issues.

RECOMMENDATION

That Council:

- 1. Endorses Option Two (staged approach) as the preferred method of undertaking works to rectify the faulty tiles at Aqualink Box Hill; and*
- 2. Allocates funding for the amount of \$486,302 excluding GST in 2021/22 and \$849,974 excluding GST in 2022/23 to complete the tile rectification works at Aqualink Box Hill.*

COUNCIL RESOLUTION

Moved by Cr Barker, Seconded by Cr Davenport

That Council:

- 1. Endorses Option Two (staged approach) as the preferred method of undertaking works to rectify the faulty tiles at Aqualink Box Hill.*
- 2. Allocates funding for the amount of \$486,302 excluding GST in 2021/22 and \$849,974 excluding GST in 2022/23 to complete the tile rectification works at Aqualink Box Hill.*
- 3. Commences immediate consultation with the café operator and Surrey Park Swim Club and relevant dive clubs and other tenants regarding the proposed tile rectification works.*
- 4. Requests officers to prepare advice to Councillors on revised modelling designed to minimise the inconvenience and time taken for rectification and what extra costs may be incurred if a shorter timeframe for each parcel of work under Option 2 is pursued.*
- 5. Writes to Manningham and Boroondara Councils regarding the facility disruptions resulting from the tile works seeking co-operation to assist dislocated users.*
- 6. Prepares a report outlining the impacts to both the swimming club, and café operator resulting from the tile rectification works.*

CARRIED UNANIMOUSLY

BACKGROUND

Aqualink Box Hill was built by Cockram Construction (Cockram) and opened on 16 December 2013.

In late 2017, issues started to surface with regard to tile movement and delamination in the change areas and pools. Following an assessment of the issues, Council's lawyers notified

9.4.4 (cont)

Cockram of the issues and an expert consultant was engaged to investigate the extent and causes of tile delamination in the change areas and pools.

Investigations found that the tile failure was due to a number of issues associated with the way the tiles were installed. A report on the investigation was prepared by an expert consultant and informed by a site assessment, laboratory testing and information from Council's Facilities Maintenance and Leisure and Recreation Services teams and Aqualink management.

Council's lawyers issued a Letter of Demand seeking Cockram to rectify the tile issues on 15 May 2019 and 18 February 2020, Cockram did not respond. A Notice of Dispute was lodged with Cockram on 5 June 2020, followed by a Notice of Dispute meeting held 22 June 2020, which failed to resolve the dispute.

Cockram has subsequently been liquidated and Council's lawyers are working with the appointed Company Liquidator seeking options to pursue compensation for costs associated with the necessary tile rectification.

Tile failures have continued to occur and are repaired on a reactive basis. A staged plan has been developed in consultation with Aqualink management to complete the required tile rectification work.

DISCUSSION

Using the detailed work of the expert consultants, Council engaged an Architect to develop a scope of works for the tile rectification works and associated.

As any works at the Centre will have an impact of operations, rectifications works options need to assess operational impact costs and reputation to Council.

9.4.4 (cont)

The following two options were considered:

Option 1 - Full Aquatics Area Closure

Option 1 (Attachment 1) would allow the works to be completed over a time period of 16 weeks, however will require a complete shutdown of all aquatic services. Whilst the timelines for completing the works would be much shorter than the recommended Option 2, the operational impact, financial loss and potential loss of members and user groups has been considered a high risk.

Operational impact associated with Option 1 includes the following:

- 2 x full time staff to be reassigned to other duties;
- 30 x permanent part time staff to be reassigned to other duties within the leisure area;
- 2600 x 'Learn to swim' enrolments per term to be cancelled;
- 1000-1200 x aquatic and swim members to be suspended.

This represents a total operational impact cost of \$249,000.

Option 1- FULL AQUATICS AREA CLOSURE	
Pros	Cons
Facility down time much shorter with a 16 week full closure in comparison to a 38 week staged closure.	Possibility of reduced community satisfaction following several COVID-19 closures.
Re-assigned staff would gain experience in other areas of Council or other roles within Leisure.	May result in loss of members permanently.
	Swim club not able to operate during the 16 week closure.
	Significant financial impact on the café.
	Significant financial impact on the café for a full aquatics closure for 16 weeks.
	Part time aquatics staff to be placed on alternate duties or various leave options.
	Casual aquatics staff team unable to be offered work.
	It is anticipated that the quality of contractors would not be as high due to numerous contracting teams being required to expedite the works.

The timing of works would include two school holiday periods (four weeks) to minimise operational impact. It is anticipated the contractor would commence works from Monday 11 April 2022 and the estimated completion date on or around 31 July 2022.

9.4.4

(cont)

Option 2 - Staged Approach

Option 2 (Attachment 2) provides for the works to be carried out over a 12 month timeframe and only require a partial shutdown of aquatic services over three separate stages. Whilst the timelines for completing the works are much greater than Option 1, the risk against the operational impact, financial loss and potential loss of members and user groups is greatly reduced.

Operational impact associated with Option 2 includes the following:

- All aquatics staff to continue to be required for work;
- 2600 x 'Learn to swim' enrolments cancelled over the staged works, however the learn to swim operation can continue rather than being shut down;
- 600-720 x aquatic and swim members to be suspended at stages throughout the works.

This represents a total operational impact cost of \$279,000, however minimises the risks associated with loss of membership.

The current 'Learn to Swim' programs at Aqualink Box Hill are a key service that can be managed effectively between stages and can continue throughout the duration of the works.

The programming of works would be in line with school holidays and centre programs to minimise operational impact. The zones as indicated on attachment 2, are as follows:

- Zone 1 – 11 April 2022 to 30 July 2022
- Zone 2 – 1 August 2022 to 22 October 2022
- Zone 3 – mid January 2023 to late March 2023
- Zone 4 – to be carried out after hours during the Zone 1 works.

Option 2- STAGED WORKS	
Pros	Cons
Aqualink business continuity.	Works are disruptive to users with works to take approximately 38 weeks.
Members have the ability to continue to use the open aquatics spaces.	Periods of disruption and income loss for the café.
Able to continue to accommodate the swim club squads throughout the duration of the works.	
Swim club has the ability to continue to operate through the stages.	
Aqualink aquatics part time staff able to continue to be offered their contracted hours.	
Café operations and business continuity can continue through partial closures.	
It is anticipated that the quality of contractors would be higher for the staged. option with the same contractors used throughout the entire duration of the works.	

9.4.4

(cont)

CONSULTATION

There has been no consultation external to Council at this time. Council staff responsible for the Centre operations have informed the staging options proposed in Option 2 (Staged approach).

Prior to commencement of works, Aqualink staff will advise all members, user groups and general public of the proposal and staging of works to minimise operational impact. Staging plans indicating the zones and timelines will be issued and available for viewing in the centre.

FINANCIAL IMPLICATIONS

The table below outlines the cost estimate associated with Option 2 (staged approach) including rectification costs, professional fees and associated costs.

The 2021/22 Budget does not include a budget allocation for this project as at the time of preparing the Budget, costs were not known and also the possibility of Cockram funding the works as a defect under the original construction contract were being pursued.

The budget estimate for this project is shown below and will be necessary to be provided over two financial years. The total cost estimate is \$1,336,302.00 excluding GST.

	2021/22	2022/23
Proposed Budget allocations	Forecast	Proposed
Capital Works Funding Account No. Y532 6708 – Rates Reserve	\$486,302	\$849,974
Total Budget	\$486,302	\$849,974
Expenditure		
Tile Rectification Works	\$310,000	\$649,974
Temporary Facilities		\$130,000
Construction Contingency (10%)	\$ 60,000	\$ 46 328
Consultant Fees	\$ 40,000	\$ 30,000
Project Management Fees	\$ 40,000	\$ 40,000
Authority Fees		
Expenditure to Date	\$ 36,302	
Total Expenditure	\$486,302	\$849,974



All costs are exclusive of GST.

As there is no budget allocation for this work in 2021/22, funding will be sourced from anticipated savings in the overall capital works program.

Actions to pursue the original Contractor for costs relating to defects resulting from the original construction are ongoing.

An operational impact cost of \$279,000 is estimated for the disruptions associated with Option 2 and minimises the risks associated with loss of membership and allows for some continuity of programs and less service impact.

ATTACHMENT

- 1 Aqualink Box Hill - Option 1 (Full Closure) 
- 2 Aqualink Box Hill - Option 2 (Staged Approach) 

Attendance

Having declared a conflict of interest in item 12.1 Contractual Matter, S Sullivan left the Chamber at 10.37pm and did not return.

12 CONFIDENTIAL REPORTS

COUNCIL RESOLUTION

Moved by Cr Munroe, Seconded by Cr Lane

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

This ground applies because the matter concerns a contractual matter.

CARRIED

A Division was called.

Division

For

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

Against

Cr Barker
Cr Davenport
Cr Stennett

On the results of the Division the motion was declared CARRIED

12.1 CONTRACTUAL MATTER

The meeting was closed to the public at 10.37pm.

PROCEDURAL MOTION (AT 10.58PM)

Moved by Cr Munroe, Seconded by Cr Stennett

That in accordance with clause 16 of Council's Governance Rules, the Council meeting be extended for 30 minutes beyond 11.00pm.

CARRIED BY MAJORITY

COUNCIL RESOLUTION

Moved by Cr Munroe, Seconded by Cr Massoud

That the meeting move out of camera and be reopened to the public.

CARRIED

The meeting was reopened to the public at 11.14pm.

9.4 INFRASTRUCTURE

9.4.1 Interim Climate Response Plan 2020-2022 Year One Progress

FILE NUMBER:
ATTACHMENT

SUMMARY

This report outlines the progress in implementing actions in Council's Interim Climate Response Plan 2020-2022, as shown in Attachment 1. The Plan (Attachment 2), adopted in September 2020, covers seven areas of focus and includes actions to build on the climate change mitigation and adaptation measures implemented by Council since 2011.

Good progress has been made in implementing actions across the key areas of focus in the Interim Climate Response Plan, despite COVID-19 restriction challenges over the past 12 months. Partnership initiatives with the Eastern Alliance for Greenhouse Action and Eastern Transport Coalition have contributed towards the targets and objectives in the Interim Climate Response Plan.

RECOMMENDATION

That Council:

- 1. Notes the progress report on the Interim Climate Response Plan 2020-2022 actions as shown in Attachment 1;***
- 2. Publishes the Interim Climate Response Plan progress report for the community;***
- 3. Joins the Cities Power Partnership national program to share information about the actions Whitehorse City Council is taking to reduce its greenhouse gas emissions and tackle climate change.***

MOTION

Moved by Cr Barker, Seconded by Cr Davenport

That Council:

- 1. Notes the progress report on the Interim Climate Response Plan 2020-2022 actions as shown in Attachment 1.***
- 2. Publishes the Interim Climate Response Plan progress report for the community.***
- 3. Is committed to human centred design of climate response initiatives.***
- 4. Confirms its commitment to meeting targets with the lowest possible cost and best value.***

9.4.1

(cont)

AMENDMENT BY INCORPORATION

Moved by Cr Massoud, Seconded by Cr Cutts

(The amendment was the inclusion of a new point 3 and renumbering of points 4 and 5 of the motion moved by Cr Barker, Seconded by Cr Davenport.)

That Council:

- 3. Joins the Cities Power Partnership national program to share information about the actions Whitehorse City Council is taking to reduce its greenhouse gas emissions and tackle climate change.***

The mover and seconder agreed to incorporate the amendment into their motion.

PROCEDURAL MOTION

Moved by Cr Davenport, Seconded by Cr Barker

That the motion be put.

CARRIED

COUNCIL RESOLUTION

Moved by Cr Barker, Seconded by Cr Davenport

That Council:

- 1. Notes the progress report on the Interim Climate Response Plan 2020-2022 actions as shown in Attachment 1.***
- 2. Publishes the Interim Climate Response Plan progress report for the community.***
- 3. Joins the Cities Power Partnership national program to share information about the actions Whitehorse City Council is taking to reduce its greenhouse gas emissions and tackle climate change.***
- 4. Is committed to human centred design of climate response initiatives.***
- 5. Confirms its commitment to meeting targets with the lowest possible cost and best value.***

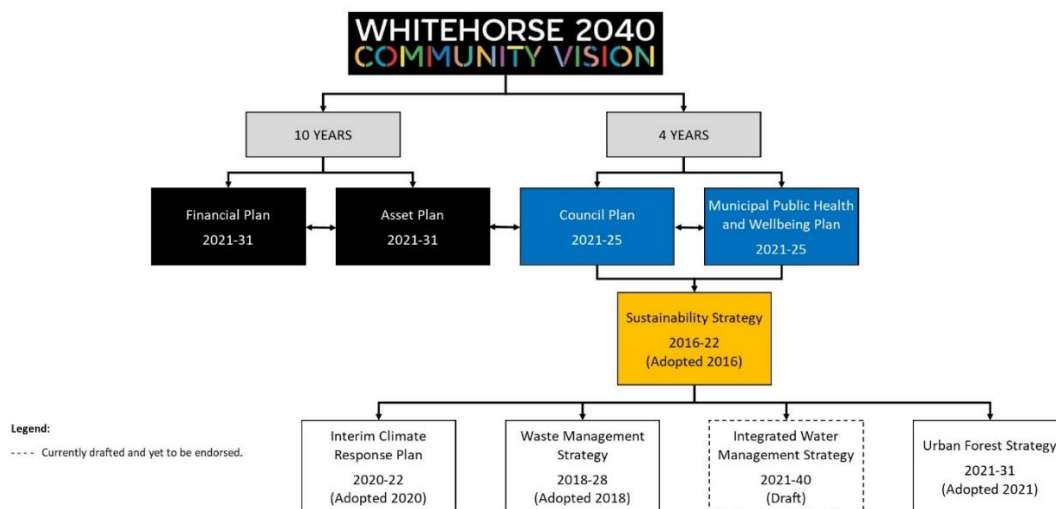
CARRIED

BACKGROUND

Whitehorse City Council has a history of setting sustainability goals and targets and aiming for climate change mitigation and adaptation, demonstrated by developing the Whitehorse Climate Change Adaptation Plan 2011 and the Sustainability Strategy 2016-2022.

The following diagram demonstrates how the Sustainability Strategy and related strategies and plans relate to the Council Plan and Community Vision:

9.4.1 (cont)



Council's Sustainability Strategy 2016-2022 set a series of targets (2002 baseline level) as follows:

- A 45% reduction in corporate greenhouse gas emissions by 2022.
- Carbon Neutral by 2022 (subject to detailed review).
- A 30% reduction of corporate water consumption by 2022.
- A 65% diversion of kerbside waste from landfill by 2022 (superseded by 2018 Waste Management Strategy 2018-2028 target of 60% by 2023).
- Progressive increase in the use of renewable energy by Council and the community.

The progress against actions in the Sustainability Strategy 2016-2022 will be the subject of separate consideration.

At its 24 February 2020 meeting, Council endorsed the Interim Climate Response Plan 2020-2022 as follows:

In recognising that we are in a state of serious climate and environmental change, that Council:

1. *Acknowledges the risks and threats of climate change and associated extreme weather events on our community and Council operations and assets.*
2. *Develops a 2-year interim Climate Response Plan by September 2020, as an update to the Whitehorse Climate Change Adaptation Plan 2011 that includes:*
 - a) *Commitment to prioritise actions to mitigate climate change in all Council policies as they are updated and reviewed.*
 - b) *Commitment to support an acceleration of Council and municipal greenhouse gas emissions reduction.*
 - c) *Advocacy for taking additional actions towards climate change mitigation at all levels of government.*
 - d) *Continued commitment to work collaboratively with other councils and regional greenhouse action alliances on larger scale projects to reduce emissions.*
3. *Supports the development of a longer-term Climate Response Plan that will be embedded into Council's next Sustainability Strategy in 2021/22, to be effective from 2022 onwards.*
4. *Considers additional resourcing to support an acceleration of corporate and community actions to mitigate the risks of climate change, which will largely be presented as New Budget Initiatives for Council consideration in the 2020/21 and 2021/22 budgets.*

9.4.1

(cont)

The Interim Climate Response Plan 2020-2022 (Plan) (**Attachment 2**) was developed as an update of the Whitehorse Climate Change Adaptation Plan 2011 and adopted at the Council meeting on 21 September 2020. The Plan aims to accelerate Council's actions on tackling climate change and reducing greenhouse emissions by building on the core climate change actions already in progress, i.e. doing more than business as usual. The Plan includes ongoing proven actions currently being delivered, acceleration of some planned programs and new initiatives that can be delivered over the next 12 months.

The Plan is organised under seven key themes:

1. Strong Foundations & Good Governance
2. Community Engagement
3. Sustainable Transport
4. Renewable Energy & Energy Efficiency
5. Biodiversity & Water Management
6. Waste Management
7. Sustainable Buildings & Homes

From these seven key themes, a series of detailed actions were developed for implementation.

The progress in implementing some actions within the Plan has been adversely impacted by COVID-19 restrictions during 2020 and 2021. Notwithstanding, there has been considerable progress achieved over the past 12 months in developing relevant policies and strategies such as the Integrated Water Management Plan and Environmentally Sustainable Design Policy for Council buildings and infrastructure. Contracts have been awarded for a suite of new kerbside waste and recycling contracts that will deliver more efficient waste collection fleet and practices. An Urban Forest Strategy was adopted by Council at its meeting on 20 September 2021 and actions to improve community resilience to the impacts of climate change have been included in Council's new Municipal Public Health and Wellbeing Plan.

Details of the progress to date and tracking towards Council's sustainability targets and objectives are summarised in the following Discussion section of this report and shown in **Attachment 1**.

DISCUSSION

Good progress has been made in implementing the 27 year one actions within the Plan. A total of 22 actions have been completed or are in progress. Some delays have resulted from the COVID-19 restrictions. In addition to the specific actions in the Plan, Council has also undertaken further actions that contribute towards the objectives in the Plan. The actions taken have or will result in Council's corporate greenhouse emissions reducing by an assessed 5,385 tonnes per year.

The actions include installing additional solar panels on Council facilities, installing more energy-efficient heating and cooling systems in some of Council's largest buildings, committing to a renewable electricity supply contract (VECO) from 1 July 2021, replacing street lights with more efficient LED globes, and adopting a new ESD Policy that will further reduce greenhouse emissions and improve the sustainability of a range of Council and community facilities.

Council is now well placed towards achieving its target of 45% reduction in greenhouse emissions from a 2002 baseline by 2022 (23,323 tonnes). Details of the actions are shown in **Attachment 1**.

Table 1 below shows Council's annual greenhouse gas (GHG) emissions over time.

9.4.1 (cont)

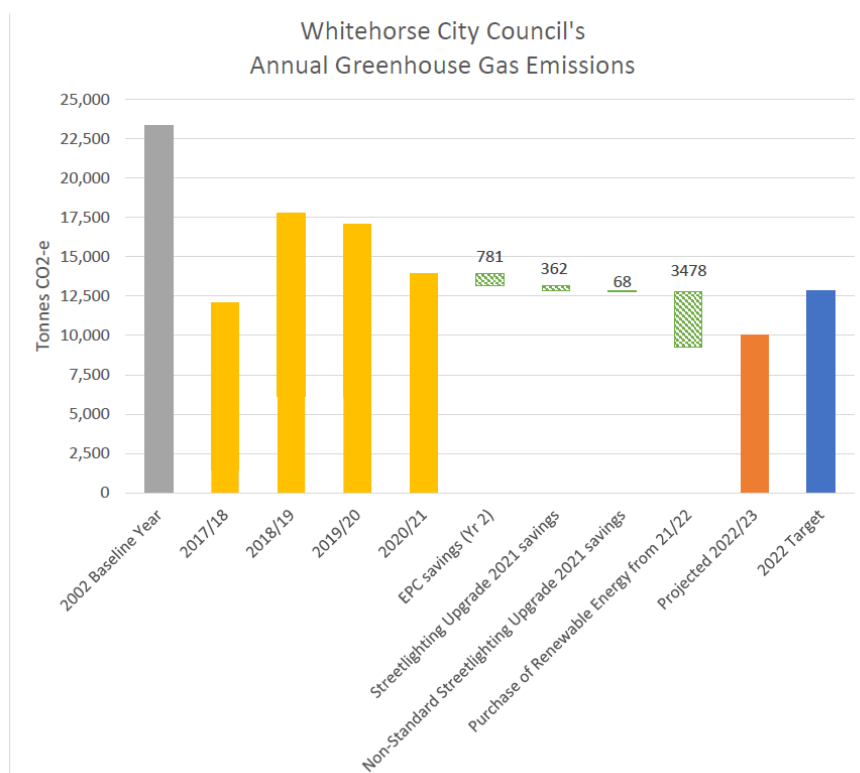


Table 1: Council GHG emissions

NB: Increase from 2017/18 to 2018/19 was due to increased scope 3 reporting and the inclusion of waste contractor fuel. This was a change in the way organisational greenhouse gas emissions are assessed and includes the emissions of our contractors delivering services on behalf of Council. Some of the reduction in emissions from 2019/20 to 2020/21 is attributed to the impacts of COVID-19 with community facilities closed for extended periods of time and operational facilities at reduced capacities.

Table 2 below shows Council's annual water consumption over time.

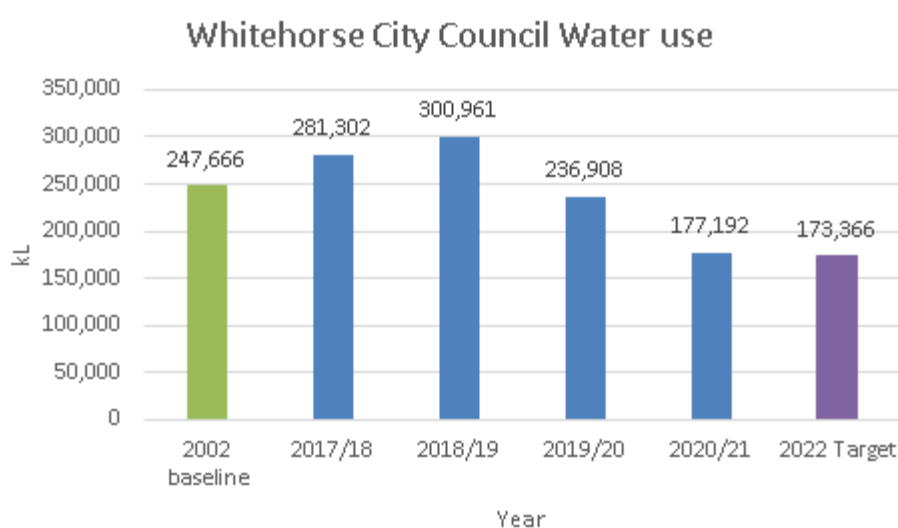


Table 2: Council Water Consumption

NB: Some of the reduction in water use from 2019/20 to 2020/21 is attributed to the impacts of COVID-19 with community facilities closed for extended periods of time and operational facilities at reduced capacities.

9.4.1

(cont)

Greenhouse Gas Emissions Reporting

A review has commenced of Council's emissions reporting framework in preparation for the development in 2022 of Council's new Sustainability Strategy 2030. The review encompasses transitioning towards the Climate Active Reporting Framework (previously known as National Carbon Offset Standard or NCOS), which is in line with the National Greenhouse and Energy Reporting Framework. This will see better capture of emissions associated to Council's core services it provides, including the construction and maintenance of assets as well as essential services it provides to its community.

The development of a longer term Climate Response Plan 2030 will also commence in 2022, to build upon the work currently being undertaken in the interim Climate Response Plan and related Council plans and strategies.

Cities Power Partnership

Council has been invited to join the Climate Council's Cities Power Partnership, one of Australia's largest network of local councils encouraging a thriving, zero emissions future. It comprises over 145 councils from across Australia, representing almost 60 percent of the Australian population.

Local councils that join the partnership make five action pledges to tackle climate change that may include solar on the local library, switching to electric vehicles, or opening up old landfills for new solar farms.

There is no cost in being a member of the Cities Power Partnership. When councils sign up, they then have six months to select five key actions from dozens of partnership pledges. The key areas of for members to make pledges of action are:

- Renewable Energy, e.g. install solar PV and battery storage on council buildings
- Energy Efficiency, e.g. roll out energy efficient lighting across the municipality
- Sustainable Transport, e.g. ensure council fleet purchases meet strict greenhouse gas emissions requirements and support the uptake of electric vehicles
- Work Together and Influence, e.g. support the local community to develop the capacity and skills to tackle climate change.

Members are provided with access to a national knowledge hub, access resources and events and a tracking tool and then report on progress against key actions in an annual survey, following the submission of their 5 pledge items.

It is recommended that Whitehorse Council should join the Cities Power Partnership and pledge to take at least 5 key actions that are consistent with the actions in the Interim Climate Response Plan. This will enable Council to network with like-minded councils and promote Council's climate response activities.

CONSULTATION

Consultation was an integral part of the development of the Interim Climate Response Plan and has been ongoing throughout the process implementing the Plan. A wide range of internal and external stakeholders such as Eastern Alliance for Greenhouse Action (EAGA) have been consulted to progress the actions to date. For example, Council consulted and collaborated extensively with EAGA on the Energy Performance Contract project and the Victorian Energy Collaboration (VECO) renewable electricity project involving 46 councils.

To successfully implement the actions of the Plan requires not just the commitment of many departments and staff but their willingness to engage in a different mindset and try alternative options to those of the past.

9.4.1

(cont)

While the Interim Climate Response Plan was developed during 2020 COVID-19 lockdown periods that limited the opportunity for input from the community, a new Climate Response Plan 2030 will be informed by the community feedback received when developing the Community Vision and Council Plan and build on the measures in the Interim Climate Response Plan. The new Climate Response Plan 2030 will involve detailed community engagement as it is developed during 2022.

The community has affirmed its support for Council to take further and accelerated action on mitigating and adapting to the impacts of climate change in the priorities identified by the community in the Community Vision 2040 and community engagement for the Council Plan 2022-2026.

FINANCIAL IMPLICATIONS

A budget of \$476,000 was available to implement the first year actions in the Interim Climate Response Plan. In addition, Council was successful in receiving \$897,000 in Local Roads and Community Infrastructure (LRCI) grant funding to upgrade 650 street lights to low-energy LED lights in 2021/22.

An Energy Management Fund (EMF) was established in 2018, where money that was previously spent on the purchase of GreenPower is directed towards partially funding sustainability projects such as the Energy Performance Contract (EPC). The EMF has funded other initiatives including an Embedded Utilities Officer (EUO) to identify utility efficiencies and cost savings via a three year program, with re-investment of savings committed back into the EMF. To date, this EUO program has identified approximately \$257,000 in savings and avoided annual costs to date.

Table 3 summarises the main source of funding for the actions in the Interim Climate Response Plan:

Account	2020/21 budget	2021/22 budget	Total
Sustainability operational funds	\$89,000	\$89,000 (for new programs)	\$178,000
Energy Management Fund- proposed additional drawdown for new programs & projects	\$87,000	\$45,000	\$132,000
Capital Works fund: climate-related projects currently on Capital Works program	\$300,000	\$350,000	\$650,000
LRCI funding (Street lights upgrades)		\$897,000	\$897,000
Total	\$476,000	\$1,381,000	\$1,857,000

Table 3: Budget

POLICY IMPLICATIONS

The Interim Climate Response Plan aligns with Council's Sustainability Policy 2016-2022. It is supported by the Council Plan 2017-2021, Council's Urban Forest Strategy 2021-2031, Environmentally Sustainable Design (ESD) Policy for Buildings and Infrastructure, and draft Integrated Water Management Plan that is currently being developed).

ATTACHMENT

- 1 Climate Response Plan Action Table summary 
- 2 Interim Climate Response Plan September 2020-2022 

At 11.26pm, the Mayor advised that as the meeting failed to conclude all items on the agenda, an additional meeting will be called for consideration of reports:

- Endorsement of Flood Management Strategy Port Phillip and Westernport 2021-2031 and Action Plan 2021-2026;
- Opening Public Toilets Walker Park; and
- Contractual Matter.

The Mayor closed the meeting at 11.30pm.

Council's consideration of this item was deferred to a Council meeting to be called for 25 November 2021 at 7.00pm

9.4.2 Endorsement of Flood Management Strategy Port Phillip and Westernport 2021-2031 and Action Plan 2021-2026

ATTACHMENT

SUMMARY

This report recommends that Council authorises the Chief Executive Officer to endorse the Flood Management Strategy Port Phillip and Westernport 2021-2031 as shown in Attachment 1 and Action Plan 2021-2026 as shown in Attachment 2 that have been prepared by Melbourne Water.

Preparation of the Strategy and Action Plan has been led by Melbourne Water. All 50 partner organisations who have flood management responsibilities in the Port Phillip and Westernport catchment, including State government, councils, water authorities and emergency services have been invited to endorse the Strategy and Action Plan. Whitehorse City Council staff have participated in the consultation sessions held to inform the preparation of the documents.

Endorsing the Strategy and Action Plan is an opportunity for organisations and agencies to continue to work together to make the region safer for our community.

RECOMMENDATION

That Council authorise the Chief Executive Officer to endorse the Flood Management Strategy Port Phillip and Westernport 2021-2031 as shown in Attachment 1 and Action Plan 2021-2026 as shown in Attachment 2.

BACKGROUND

The average annual damage (AAD) costs of flooding in the Port Phillip and Westernport catchment is estimated to be \$735 million. Climate change and urbanisation are an increasing flood risk. By 2100 it is estimated the AAD cost of flood will be \$1,647 million without intervention. Collective action is needed to address the intractable problem of flooding. Agencies, organisations and the community can achieve more together than working alone.

The Strategy sets the ten year direction for flood management in the region, it focuses on agencies taking a collaborative approach and outlines how partners will work together to plan for, avoid and reduce flood risks while supporting emergency preparation and response.

The Strategy is a 'refresh' of the Flood Management Strategy Port Phillip and Westernport 2015. During the review of the Strategy, it was determined that the vision and objectives were directionally appropriate and sufficiently ambitious. They were largely maintained, with a small addition to recognise the opportunity for better aligning flood outcomes with integrated water management.

The Strategy is supported by two consecutive five-year Action Plans. This reflects the opportunity for learning and enhancement mid-way through the ten year cycle.

9.4.2

(cont)

Council's own flood management work fits within the overall direction of this Strategy.

DISCUSSION

All 50 partner organisations that have flood management responsibilities, including state government, councils, water authorities and emergency services have been invited to endorse the strategy and action plan.

Endorsing the Strategy is an opportunity for partners to commit to a shared vision and direction and to continue to work together to make the region safer for our community.

Endorsement for agencies will signify:

- Agreement with the vision, objectives and directions;
- Commitment to actions (subject to funding); and
- Commitment to participate in a co-delivery process to facilitate collaboration and alignment between partners.

The strategic approach is directed by a vision and objectives, with associated ten year Strategy outcomes (see figure 1 below). Under each outcome, the Strategy identified focus areas, which guide the actions contained within the Action Plan.

The Strategy has a regional flood management focus, and does not specify any place-based solutions to flooding problems. Place-based solutions will be developed during the implementation of the Strategy.

The Strategy maintains a commitment to deliver the existing suite of solutions, including infrastructure works, whilst recognising the need to expand the suite of tools we have for managing flood risks. Partners will continue to work with the community, through the delivery of the Strategy, to identify the right mix of flood management solutions for each location.

The Strategy's key direction provides a greater emphasis on:

- Working to expand the suite of tools to manage flood risk;
- Looking for opportunities and efficiencies in land use planning;
- Empowering the community to become flood resilient;
- Increasing the focus on delivering and sharing contemporary and relevant flood information;
- Embedding climate change in decision making; and
- Aiming to achieve maximum public value through investment, and contributing to a safer, cooler and more liveable city.

Strategy commitments that are relevant to councils include:

- Significant increase in the flood modelling program (Focus Area 1) to deliver updated flood maps in 234 catchments over the next five years;
- Development of a community flood knowledge portal to empower communities by providing people with the information they need to make informed decisions and to prepare for flood events (Actions 2.6 – 2.8);
- Investigating opportunities to reduce the time it takes to incorporate new flood hazard information into planning schemes (Action 4.1);
- Incorporating climate change scenarios into the information used to inform planning scheme amendments (Action 4.4) and drainage schemes in greenfield areas (Action 4.5); and
- Leverage the integrated water management (IWM) forums to better incorporate flood outcomes into IWM projects (action 6.2).

9.4.2 (cont)

The Strategy and Action Plan will supported by a Monitoring, Evaluation, Reporting and Improvement Plan (MERI) prepared by Melbourne Water. A regional co-delivery process will facilitate ongoing collaboration and alignment between partners on the implementation of the Strategy. Melbourne Water is currently reviewing the existing processes that are used to facilitate co-delivery of flood projects to develop this process.

The Strategy direction supports Council's flood modelling and management work for various catchments.



* Our collaborative approach to delivering this strategy will help deliver this outcome.

9.4.2

(cont)

CONSULTATION

Melbourne Water has consulted with partners and stakeholders to build the content of the Strategy and Action Plan through face to face and online consultation. Partners and stakeholders from 62 organisations, including Whitehorse, were consulted in order to build the content of the Strategy and Action Plan. During an eight-week consultation period, two workshops were facilitated with partners to present the draft Strategy and Action Plan content and gain feedback. In addition, an online submission process was run. From this Melbourne Water received and consolidated submissions from partners outlining feedback on the Strategy and Action Plan.

The community was consulted online via YourSay web platform. Questions were focussed on asking what assistance the community required to be flood ready. In addition, issues such as managing climate change, empowering diverse communities, community awareness, preparedness, response and recovery were also examined.

The strategy and action plan has been noted by the Minister for Water and approved by the Flood Leadership Committee. Following the endorsement process, the Strategy and Action Plan will be released, along with the MERI Plan. Endorsing partners will receive a copy of the Strategy and Action Plan. All endorsing partner logos will be included in the final Strategy and Action Plan.

The strategy and action plan will be made available on the Melbourne Water website.

FINANCIAL IMPLICATIONS

In recognition of the different budgetary processes of local government, Melbourne Water has confirmed that endorsement by a council will signify:

- Agreement with the vision, objectives and directions;
- Commitment to participate in a co-delivery process to facilitate collaboration and alignment between partners; and
- No specific funding obligations.

Accordingly, endorsement of the Strategy and Action Plan by Council does not commit Council to deliver a priority project, or to fund identified flood management opportunities as a lead organisation or collaborative partner, other than are what are Council's enduring responsibilities.

POLICY IMPLIATIONS

There are no policy implications associated with endorsing the Strategy and Action Plan. The Strategy and Action Plan are aligned with the Whitehorse Community Vision and Council Plan.

While flood management and safety is not directly identified in the Community Vision, Theme 5 – Sustainable Climate and Environmental Care has priorities around our natural environment when making decisions including creeks, wetlands and lakes.

Similarly, the Council Plan does not directly address flooding, however is aligned to this matter under Strategic Direction 5: Sustainable Climate & Environmental Care; Objective 5.2: Consider our natural environment when making decisions including creeks, wetlands, lakes, bushlands, flora and fauna; Strategy 5.2.2: Develop strategies to maintain and improve water quality of local waterways.

ATTACHMENT

- 1 Flood Management Strategy 2021 
- 2 Action Plan 

Council's consideration of this item was deferred to a Council meeting to be called for 25 November 2021 at 7.00pm

9.4.3 Opening Public Toilets Walker Park

SUMMARY

This report is in response to Notice of Motion No. 156 from the Council meeting on 18 October 2021 that Council receive a report outlining the costs and implications of opening public toilets at Walker Park seven days a week. One public toilet block is near the tennis clubrooms and the other is located at the rear of the grandstand/pavilion. Both toilets are currently open on request for an organised event or if there is a sports activity that weekend at the park.

The additional cost to open the public toilet seven days a week for a 12 months period is approximately \$7,300 excluding GST for the toilet near the tennis clubrooms and \$7,850 excluding GST for the toilet at the rear of the grandstand/pavilion. This would be an ongoing cost and increase with CPI each year. There is no allocated funding in the budget for this. There are other toilets with similar use that could be considered for additional opening and an approach that considers one toilet at a time does not consider overall service needs of the community.

A range of criteria need to be assessed when considering the opening times of a public toilet and it is recommended that the planned review of public toilets be developed and be used to inform responses to requests for additional services.

RECOMMENDATION

That Council:

- 1. Retains the current opening arrangements for the public toilets at Walker Park; and***
- 2. Considers the need for additional opening hours for public toilets after the planned review of public toilets is completed.***

BACKGROUND

At the Council meeting on 18 October 2021, it was resolved 'That Council receive a report outlining the costs and implications of opening public toilets at Walker Park seven days a week.'

There are 41 facilities classed as public toilets managed by Council within the City of Whitehorse. They come in two primary forms:

- 25 toilet facilities are open seven days per week; and
- 16 toilet facilities are open only on weekends on request for an organised event or if there is a sports activity that weekend where the toilets are located.

There are two public toilet facilities in Walker Park. There is one toilet at the rear of the grandstand/pavilion and one in the south east corner next to the tennis clubrooms. Both of these toilets are currently only open on the weekends on request or if there is a sports activity that weekend at the park.

Council currently does not have an adopted policy or strategy to guide changes and improvements in this area of service.

9.4.3

(cont)

At the Council meeting on 20 June 2021, part of the resolution to adopt the Budget 2021/2022 included:

- iv. Allocating \$10,000 towards the opening of the Mont Albert Reserve Pavilion and Springfield Park Pavilion public toilets seven days per week for the 2021/22 financial year as a Proof of Concept trial, to inform a Public Toilet Strategy that is proposed to be developed.
- v. Council absorbing expenditures from item iv above within the Operating Budget 2021/22.

In addition to financial implications, matters of likely utilisation and safety of the public toilet should be considered.

DISCUSSION

Cost

The main implication of increasing the opening times for the public toilets in Walker Park is cost. Costs for cleaning services have risen recently due to the COVID-19 pandemic with extra soap being provided, toilet paper being stolen and higher grade disinfectants required. The additional cost to open the public toilet seven days a week for a 12 months period is approximately \$7,300 excluding GST for the toilet near the tennis clubrooms and \$7,850 excluding GST for the toilet at the rear of the grandstand/pavilion. This includes opening, cleaning, restocking, closing and an allowance for additional callouts. This would be an ongoing cost and increase with CPI each year.

The public toilets near the tennis courts in Walker Park are an old style public toilet block. The toilets at the rear of the grandstand/pavilion are newer toilets that were constructed as part of the recent pavilion upgrade. There are more cubicles in the toilets at the rear of the grandstand/pavilion and that is why the costs of cleaning and servicing are higher. There are also toilets within the pavilion that are exclusively used by the sporting clubs and they are not open to the public.

Both public toilets in Walker Park do not have the function to automatically open and close. It would be a significant capital cost to convert these toilets to this style of toilet. Even with automatic open and closing there is still a significant cost to service the toilets as they cannot be opened without being cleaned and inspected.

In the 2021/22 Budget there is already a requirement to absorb expenditure of \$10,000 towards the opening of the Mont Albert Reserve Pavilion and Springfield Park Pavilion public toilets seven days per week for 12 months as a proof of concept trial, and to absorb the costs to develop a Public Toilet Strategy.

The resources of the current contractor are at the limit. There would be a stepped increase in cost for any further toilets proposed to be opened seven days per week as the contractor would need to increase resources of people and vehicles allocated to the contract.

User Demand

The current public toilet service opening hours has evolved over time. Not all public toilets need to be considered for daily opening as there is insufficient demand or there are other toilets nearby. Many parks are frequented by local residents for short periods of time, meaning the need to use a public toilet is low – people simply go home to use a toilet. A useful resource for the public to locate the nearest public toilet is 'The National Public Toilet Map' website that has an interactive map showing the location of public toilets.

9.4.3

(cont)

The demand for a public toilet in Walker Park would have temporarily increased as there has been an increased use of parks during the COVID-19 restrictions. This demand is now reducing as services, schools and community sports are reopening and the toilets are now open weekends with cricket starting again. In addition, public toilets are available nearby at the Council Civic Centre or library. These have been closed recently due to COVID-19 restrictions.

During the last two years through all the COVID-19 lockdown restrictions there has been one reported request to extend the opening times for the toilets in Walker Park.

If one of the public toilets in Walker Park is to be opened seven days per week, it is recommended that it be the toilet near the tennis clubrooms. This is in a more visible location compared to the other toilets that are at the rear of the grandstand/pavilion and is cheaper to open.

Priority assessment

There are 16 weekend facility toilets that could be considered to open every day of the week. There has been a preliminary assessment done on these to determine their priority to be open based on the number of requests, the number of people who use the park during weekdays, the location of other public toilets in the vicinity and suitability of the facility.

The top two toilets that were assessed as a first priority for every day opening and were included as part of the 2021/22 Budget are:

- Springfield Park - Pavilion
- Mont Albert Reserve – Pavilion

Both of these are now open every day during 2021/22 as a proof of concept trial for 12 months.

The following seven locations are assessed as the next toilets that could be considered for opening every day:

- Morton Park - Pavilion
- Koonung Park - Pavilion
- Highbury Park
- Forest Hill Reserve - Pavilion
- Heatherdale Reserve - Pavilion
- Walker Park – Pavilion or Walker Park - Stand-alone
- Vermont Reserve - Pavilion

The following six toilets are a low priority or not considered feasible to open seven days per week:

- Sparks Reserve North - Pavilion
- Sparks Reserve South - Pavilion
- Ballyshanassy Reserve - Pavilion
- Mirrabooka Reserve - Pavilion
- City Oval
- Wembley Park - Stand-alone

A more detailed assessment of priorities and costs is to be done as part of the development of a Public Toilet Strategy.

Safety

Not all public toilets can be considered safe at all times. Unfortunately public toilets attract antisocial behaviour and unless they are appropriately designed and in an area where there is an element of frequent activity, they can become unsafe places. Some of the public toilet locations that are only open on weekends or during events do not have sufficient activity to provide the casual surveillance to consider them safe for opening during the quieter times of the week.

9.4.3

(cont)

CONSULTATION

There will be consultation undertaken as part of the development of a Public Toilet Strategy.

FINANCIAL IMPLICATIONS

There is \$260,000 allocated in the Budget 2021/22 to open, close, clean and service public toilets. It is forecast that this budget will be overspent by \$10,000 to open the toilets at Springfield Park and Mont Albert Reserve. The deficit will be funded from service changes and savings in other areas.

The additional cost to open the public toilet seven days a week for a 12 months period is approximately \$7,300 excluding GST for the toilet near the tennis clubrooms and \$7,850 excluding GST for the toilet at the rear of the grandstand/pavilion. This would be an ongoing cost and increase with CPI each year. There is no allocated funding in the budget for this and there are other toilets with similar use that could be considered for additional opening.

There would be a stepped increase in cost for any further toilets proposed to be opened seven days per week as the contractor would need to increase resources of people and vehicles allocated to the contract. The resources of the current contractor are at the limit and extra services are significant additional scope to the current contract.

POLICY IMPLICATIONS

A Public Toilet Strategy is to be developed.

**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)

Held over to the next Council meeting 13 December 2021.

**10.2 Recommendation from the Delegated Committee of Council
Meeting of 15 November 2021**

None submitted.

10.3 Record of Informal Meetings of Councillors

Held over to the next Council meeting 13 December 2021.

11 REPORTS ON CONFERENCES/SEMINARS ATTENDANCE

Held over to the next Council meeting 13 December 2021.

12 CONFIDENTIAL ITEMS

Confidential items were dealt with earlier in the meeting.

12 CLOSE MEETING

Meeting closed at 11:30pm

Confirmed this 13th day of December 2021

CHAIRPERSON