



WHITEHORSE  
CITY COUNCIL

# Whitehorse City Council

## MINUTES

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### Council Meeting

on

**Monday 27 June 2022**

at 7.00pm

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

**Officers:** S McMillan, J Green, L Letic, S Cann, S White, S Sullivan,  
V Ferlino, P Moore, K Podolak, S Kalafatis, C Clarke,  
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.

**3 Apologies**

Cr Barker has sought a leave of absence for tonight’s Council meeting held on 27 June 2022.

**COUNCIL RESOLUTION**

Moved by Cr Cutts, Seconded by Cr McNeill

That the apology from Cr Barker be received and leave of absence be granted for tonight’s Council Meeting.

**CARRIED**

**4 Disclosure of Conflict of Interests**

None disclosed

**5 Confirmation of Minutes of Previous Meetings**

Minutes of the Council Meeting 14 June 2022.

**COUNCIL RESOLUTION**

Moved by Cr Skilbeck, Seconded by Cr Lane

That the minutes of the Council Meeting 14 June 2022 having been circulated now be confirmed.

**CARRIED UNANIMOUSLY**

**6 Public Presentations**

Nil

**7 Petitions and Joint Letters**

Nil

**8 Public Question Time**

Nil

**9 Notices of Motion**

Nil

**10 Urgent Business**

Nil

## 11 Council Reports

### 11.1 Appointment of Authorised Officers under the Planning and Environment Act 1987

Governance and Integrity  
Director, Corporate Services  
ATTACHMENT

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#### SUMMARY

Instruments of Appointment and Authorisation empower relevant staff to exercise the powers granted to authorised officers by legislation or a local law.

The Instruments of Appointment and Authorisation prepared for Council's consideration are based on advice from the Maddocks Authorisations and Delegations Service.

Appointment and authorisation of authorised officers under other relevant legislation is executed by the Chief Executive Officer under delegation, Maddocks recommend that officers enforcing the *Planning and Environment Act 1987* be authorised by Council resolution and that Instruments of Appointment and Authorisation be refreshed on a regular basis.

Council is required to appoint persons as Authorised Officers for the purpose of enforcing the *Planning and Environment Act 1987*.

#### COUNCIL RESOLUTION

Moved by Cr McNeill, Seconded by Cr Skilbeck

That Council resolves:

1. To appoint those officers named in the Instrument of Appointment, provided as Attachment 1 to this report, as Authorised Officers pursuant to the Planning and Environment Act 1987.
2. That the Chief Executive Officer be authorised to sign the Instrument of Appointment and Authorisation as approved in 1 above.
3. That the Instrument of Appointment and Authorisation becomes effective upon execution.

**CARRIED UNANIMOUSLY**

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#### KEY MATTERS

- An *authorised officer* is a person, other than a Councillor, appointed by council to carry out a compliance function or an enforcement function under legislation related to the functions and powers of the Council.
- Delegates are different in nature from authorised officers. The decision of a delegate of Council is "deemed" to be a decision by Council, unlike decisions made by a by a person appointed by Council to a statutory position as an authorised officer.

## 11.1

- Even though authorised officers are exercising statutory powers, they are doing so by virtue of and in accordance with their statutory position, rather than under a delegation. That person's powers and responsibilities are quite distinct from Council's.

### **STRATEGIC ALIGNMENT**

The presentation of this report accords with Council's objective of achieving good governance and integrity, through compliance with Council policies, legislative requirements and regulations.

#### **Policy**

There are no policy implications arising from the preparation of this report.

### **BACKGROUND**

Part 6 of the Planning and Environment Act 1987 (the P&E Act) provides for the enforcement of planning schemes, planning permits and agreements entered in accordance with Section 173 of the Act.

Investigative powers are vested in individuals appointed as Authorised Officers, such as the power to enter land, apply for an enforcement order and to institute proceedings.

The source of power to institute proceedings is provided by section 313 of the *Local Government Act 2020*.

### **Discussion and Options**

Staff changes and movements will occur during the course of the year. A review of appointed and authorised officers has been completed and this updated document is presented for Council's consideration.

Failure to do so, will impact the ability of the organisation to undertake statutory responsibilities.

### **SUPPORTING REPORT DETAILS**

#### **Legislative and Risk Implications**

Provisions relating to authorised officers continue to operate under the Local Government Act 1989. Equivalent provisions relating to authorised officers have not carried over to the 2020 Act. For the P&E Act, authorisations are made pursuant to 147(4).

#### **Equity, Inclusion, and Human Rights Considerations**

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

#### **Community Engagement**

No community engagement was required for this report.

## 11.1

### **Financial and Resource Implications**

There are no financial or resource implications arising from the recommendation contained in this report.

### **Innovation and Continuous Improvement**

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

### **Collaboration**

No collaboration was required for this report.

### **Conflict of Interest**

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

### **Conclusion**

In most cases, the authorisations are approved by the Chief Executive Officer, but the *Planning and Environment Act 1987* specifically requires that authorisations under that Act be issued by resolution of the Council and sealed.

It is recommended that new authorisations pursuant to the *Planning and Environment Act 1987* be approved.

## **ATTACHMENT**

- 1 APPENDIX A - Appointment of Authorised Officers under the Planning and Environment Act 1987 



## 11.2 Strategic Internal Audit Plan 2022/23

City Services  
Director, Infrastructure  
ATTACHMENT

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### SUMMARY

Victorian Councils are required to establish an Audit and Risk Committee. There are a number of functions and responsibilities of the Committee including overseeing internal and external audits.

Each year an internal audit program is developed and approved by the committee and adopted by Council.

The 2022/23 Strategic Internal Audit Plan (plan) has been developed by Crowe Australasia, Council's Internal Auditors. Whitehorse City Council's Audit and Risk Committee Charter requires approval of the Strategic Internal Audit Plan by Council.

The Audit and Risk Committee at its meeting on 16 May 2022, reviewed and endorsed the Plan and has recommended for Council approval as required under the Charter.

### COUNCIL RESOLUTIONON

Moved by Cr Massoud, Seconded by Cr Davenport

That Council:

1. Note the Audit and Risk Committee's recommendation to approve the 2022/23 Strategic Internal Audit Plan; and
2. Approve the 2022/23 Strategic Internal Audit Plan.

**CARRIED UNANIMOUSLY**

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### KEY MATTERS

The Strategic Internal Audit Plan has been developed by Crowe Australasia in consultation with the Chief Executive Officer, Directors, selected managers and the Audit and Risk Committee.

The reviews proposed have been nominated with consideration of the following key principles:

- Past internal audit activities;
- Direct discussions with management;
- Consideration of Council's strategic risk register;
- Consideration of audit activity proposed by the Victorian Auditor-General's Office; and
- Current issues noted as items of risk prevalent in the local government sector.

## **11.2**

(cont)

With these key principles in mind, the following six areas of focus have been included in the 2022/23 Strategic Internal Audit Plan endorsed by the Audit and Risk Committee:

1. Statutory Building;
2. Maternal and Child Health;
3. Leases and Licences (Property Portfolio Management);
4. Asset (Infrastructure) Management;
5. OHS – Staff and Contractors; and
6. Project Management – Whitehorse Centre.

### **Discussion and Options**

The Strategic Internal Audit Plan has been reviewed and endorsed by the Executive Leadership Team and Audit and Risk Committee.

Strategic Internal Audit Plans for every year has been approved by the Council and will continue to be approved by the Council on an annual basis.

### **STRATEGIC ALIGNMENT**

Objective 8.3: Good Governance and Integrity

#### **Policy**

Internal Audit Charter.

Audit and Risk Committee Charter.

### **BACKGROUND**

The role of the Audit and Risk Committee is to review and monitor the annual internal audit program including receiving of audit scopes and final reports.

As per Whitehorse City Council's Audit and Risk Committee Charter, the Committee recommends approval of the annual plan by the CEO for adoption by Council. The Chair of the Audit and Risk Committee reports to Council on the Committee's activities on a six monthly basis.

### **SUPPORTING REPORT DETAILS**

#### **Legislative and Risk Implications**

The Internal Audit program forms part of the functions and responsibilities of the Audit and Risk Committee as per section 54(2) of the *Local Government Act 2020*.

Whitehorse City Council's internal audit is an independent, objective assurance function designed to add value and improve Council operations. It helps Council accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control, and governance processes.

**11.2**  
(cont)

**Equity, Inclusion, and Human Rights Considerations**

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

**Community Engagement**

No community engagement was required for this report.

**Financial and Resource Implications** Executing the internal audits as per the Strategic Internal Audit Plan will cost the Council approximately \$95,215 (plus GST).

**Innovation and Continuous Improvement**

Internal audits identify how well risks are managed and whether the right controls and processes are in place, and whether agreed procedures are being adhered to. Internal Audits can also identify areas for improvement or where innovations might be made.

**Collaboration**

Collaboration on potential audit scope and timing will take place once the Strategic Internal Audit Plan is approved by the Council.

**Conflict of Interest**


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

**Conclusion**

The Strategic Internal Audit Plan has been reviewed and endorsed by the Executive Leadership Team and Audit and Risk Committee.

Strategic Internal Audit Plans for every year has been approved by the Council and will continue to be approved by the Council on an annual basis.

**ATTACHMENT**

- 1 Whitehorse SIAP - July 2022 to June 2025 

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### 11.3 Tender Evaluation Report (Contract 30371) Cleaning of Public Toilets and Barbeques

City Services  
Director, Infrastructure

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#### SUMMARY

Council provides 33 conventional public toilet facilities and 21 barbeques throughout the municipality. The services for this contract include opening, closing, cleaning and providing consumables for these public toilets, one Council toilet facility and cleaning public barbeques on a regular schedule. There are 12 automated Exeloo public toilets that are cleaned under a separate contract.

This report is to consider tenders received for the cleaning of public toilets and barbeques and to recommend the acceptance of the tender received from WC Convenience Management Pty Ltd, trading as WC Innovations for the tendered amount of \$270,967.40 including GST in the first year increasing with CPI adjustments plus rates for additional services at Council's request, for three years commencing on 1 August 2022 with the option to extend for up to two years at Council's discretion.

#### COUNCIL RESOLUTION

Moved by Cr Stennett, Seconded by Cr Munroe

That Council:

1. Accepts the tender and signs the formal contract document for Contract 30371 for Cleaning of Public Toilets and Barbeques received from WC Convenience Management Pty Ltd (ABN 16 005 671 830) of 13 Horscroft Place, Moorabbin, trading as WC Innovations, for the tendered amount of \$270,967.40, including GST for the first year increasing with CPI adjustments plus rates for additional services at Council's discretion, for three years commencing on 1 August 2022 with the option to extend for up to two years at Council's discretion. The total expected project expenditure including the contract extension period and possible additional work is \$1,726,288 including GST.
2. Authorises the Director Infrastructure to award an extension of this contract, subject to a review of the contractor's performance and Council's business needs, at the conclusion of the initial three year contract term.

**CARRIED UNANIMOUSLY**

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#### Key Matters

There are 33 conventional public toilet facilities throughout the municipality and one Council toilet facility cleaned under this contract. There are twelve automated Exeloo public toilets that are cleaned under a separate contract.

**11.3**  
(cont)

All of the 34 conventional toilets are cleaned and stocked with consumables once every day that they are open. There are periodical major cleans and extra cleans as required. The opening and closing times vary depending on the classification and the time of year, with the toilets being open for longer during daylight saving. The conventional public toilets are in the following classifications:

- *7 Day Facilities at Parks and Sporting Facilities*  
17 facilities at various parks and sporting facilities  
Opened and closed by contractor every day
- *7 Day Facility at Shopping Centre*  
1 facility at Britannia Mall, Mitcham  
Opened and closed by contractor every day
- *Weekend Facilities*  
15 facilities at various parks and sporting facilities  
Opened and closed by sporting clubs on the weekends  
Can be opened on request during the week for particular needs
- *1 non-public facility at Council's Operations Centre is also cleaned under this contract, Monday to Friday*

The contract price includes continuing the current level of service provided by Council. The contract includes prices to change the opening hours of facilities should service changes be required into the future.

There are 17 sites with public barbeques throughout the municipality. There are 21 barbeque units and 38 hot plates. During daylight saving the barbeques and surrounds are cleaned every day and during other times of the year they are cleaned on Saturday, Sunday and Wednesday.

This tender is for a contract to open, close, clean and provide consumables for toilets and to clean public barbeques on a regular schedule. The contractor will be responsible to provide the service in an efficient, effective and dependable manner. Services must be performed with maximum regard for the safety of all persons and the preservation of property.

The contract will be a lump sum that is subject to CPI adjustments. The initial term of the contract is three years commencing on 1 August 2022, with the option to extend the contact for up to an additional two years at Council's discretion.

**STRATEGIC ALIGNMENT**

This contract aligns to:

Council Plan 2021–2025 Strategic Direction 4: Our Built Environment; Movement, and Public Places

Objective 4.1: 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.

**11.3**  
(cont)

4.1.1: Plan, build, renew and maintain community assets and facilities to meet current and future service needs in an environmentally, financially and socially sustainable way.

**Policy**

A Public Toilet Service Policy is being developed to inform how Council makes decisions about when public toilets are open and will guide any variations to this contract in line with budget allocations.

**Background**

Tenders were advertised and closed on Wednesday 20 April 2022. Seventeen submissions were received.

The tenders were evaluated against the following criteria:

- The tender offer;
- Capability
- Credibility
- Social and Environmental Sustainability
- Local Contents
- Occupational Health & Safety and Equal Opportunity (Pass/Fail).

The evaluation criteria were scored according to the level and quality of tender responses and compliance with the requirements of the contract to determine the overall capability of contractors and best value for Council.

The recommended tenderer is WC Convenience Management Pty Ltd, trading as WC Innovations. WC Innovations is a Melbourne based company that provides a wide range of toilet and barbeque cleaning services to Councils throughout Australia.

WC Innovations has provided the service for Council for the past five years to an excellent standard and met all the occupational health and safety requirements with its performance closely monitored and measured through regular audits, communication and meetings. WC Innovations is well resourced and has promptly attended to additional call outs that may be required from time to time. WC Innovations has provided excellent daily reporting and quick response times to emergencies. WC Innovations consistently keeps Council informed of issues and is proactive in its cleaning.

WC Innovations uses a proprietary reporting system that can produce daily reports meeting Council's requirement for reporting under this contract and through its GPS vehicle tracking system, allows Council officers managing this contract to track and monitor the cleaning times of both the public toilets and barbeques.

**11.3**  
(cont)

WC Innovations will employ full time cleaners dedicated to this contract and not use casual employees as proposed by some of the other tenderers. This will assist to provide a high quality of service.

WC Innovations is also Council's contractor for the cleaning and maintenance of automated Exeloo public toilets, and has done so for the last 15 years.

The recommended tenderer, although not the lowest priced tender, has been ranked the highest in the evaluation assessment taking into account criteria about the tenderer's experience, capacity and quality standards. WC Innovations was ranked highest by demonstrating in its tender submission the capacity to undertake the services with appropriate resources and appropriate work plan and methodology.

A component of the tender is to open toilets on a casual basis for sports and user groups. This is a weekly occurrence with multiple facilities being opened each week. WC Innovations in its tender submission will not charge an additional callout fee for casual openings, whereas this is an additional cost to be charged by other tenderers. Furthermore WC Innovations staff carry equipment in their vehicles to unblock toilets saving Council engaging a plumber and costs associated and the temporary closing of the toilet. Other tenderers did not provide this level of service.

The tenderers that submitted lower prices did not demonstrate that they had the resources that could deliver the required quality of service. Most tenderers did not submit a work plan or methodology and opted for a generic set up process. It is essential that a consistent quality of service is provided from a public health perspective and for the reputation of Council.

WC Innovations is considered to provide the best value for money for this Contract.

## **SUPPORTING REPORT DETAILS**

### **Legislative and Risk Implications**

There are no legal or risk implications arising from the approval for this tender evaluation.

### **Consultation**

Council's Procurement team have been consulted extensively to ensure that the procurement is compliant with the Procurement Policy. The scoping of the services and evaluation was undertaken with input from the relevant officers within City Services. The preferred tenderer's business viability has been considered.

**11.3**  
(cont)

**Collaboration**

Collaboration was considered for this contract with other Councils, and whether or not it should be included as part of a broader cleaning contract. The scope is large enough to have a team dedicated to the cleaning of toilets and barbecues within Whitehorse. It is a specialist type of cleaning and Council needs a team that can respond at short notice throughout the day to attend to emergency callouts. Having a dedicated team ensures the service is provided to a high standard. This is an important contract for the reputation of Council and how public places are presented.

**Financial and Resource Implications**

The contract is a lump sum for three years commencing on 1 August 2022 with the option to extend with CPI adjustments for up to an additional two years at Council's discretion.

The planned expenditure based on the tendered rates for the first year of the contract is \$271,000, including GST that increases each year with CPI adjustments. On top of this there may be extra charges for additional callouts or cleans to respond to reactive service requests.

It is estimated that the expenditure under this contract over the initial three year contract term with an allowance for variations that may include additional callouts or cleans is \$1,005,000, including GST. This expenditure will increase to approximately \$1,726,000, including GST if the option to extend the contract is exercised.

All costs incurred under this contract will be charged to the relevant recurrent budgets.

**Conflict of Interest**

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

**Conclusion**

It is recommended that Council accepts the tender from WC Innovations for the cleaning of public toilets and barbecues. WC Innovations provides the best value for money for this contract and will ensure a consistent high quality of service.



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## 11.4 Adoption of Proposed Budget 2022/2023

Finance & Corporate Performance  
Director, Corporate Services  
ATTACHMENT

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### SUMMARY

A Proposed Budget for the 2022/2023 financial year and three subsequent years was prepared and released for community consultation via public submissions on 29 April 2022.

Council received and considered 24 written submissions (including 2 late submissions) and heard 4 people/groups speak in support of their submission at a Special Council Meeting on 6 June 2022.

This report recommends that:

- Council adopt the Proposed Budget 2022/2023 in accordance with section 94 of the Local Government Act 2020
- Delegate the power to levy or not levy penalty interest applied to Council rates and charges until 31 December 2022 to the Chief Executive Officer and
- Declare the rates and charges for the 2022/2023 rating year.

### MOTION

Moved by Cr Massoud, Seconded by Cr Skilbeck

That Council:

1. Having:
  - a) Considered all written submissions;
  - b) Heard the presentations of submissions;
  - c) Received the report of the Special Council meeting (minutes extract Attachment 1) of its meeting held on 6 June 2022; and
  - d) Considered officer comments (as attached Attachment 2), now adopt the Proposed Budget 2022/2023 (Attachment 3) in accordance with Section 94 of the Local Government Act 2020 and as defined by the Local Government (Finance and Reporting) Regulations 2020.
2. Thank persons making submissions in writing for their contribution and advise them of the outcome of Council's decision.
3. Delegate to the Chief Executive Officer the direction to levy or not levy penalty interest applied to Council rates and charges until 31 December 2022 as outlined in the recommendation contained within this report.
4. Declare the rates and charges for the 2022/2023 rating year commencing 1 July 2022 and ending 30 June 2023 as detailed in the Proposed Budget 2022/2023 in accordance with section 158 of the Local Government Act 1989.

**11.4**  
(cont)

**AMENDMENT**

Moved by Cr Davenport, Seconded by Cr McNeill

That Council:

1. Allocates:
  - a) \$50,000 towards the design and implementation of building improvement works at McCubbin St Hall to improve DDA access to the facility
  - b) An additional \$50K in 2022/2023 for increasing tree stock to allow more tree planting within the municipality in future years.
2. Increase road and footpaths by 5.1% to account for inflation.

**The Mayor indicated she would put points 1a, 1b and 2 of the Amendment to the vote in separate parts**

**The Mayor put point 1a of the Amendment to the vote which was LOST**

**A Division was called.**

**Division**

<b>For</b>	<b>Against</b>
Cr Davenport	Cr Carr
	Cr Cutts
	Cr Lane
	Cr Liu
	Cr Massoud
	Cr McNeill
	Cr Munroe
	Cr Skilbeck
	Cr Stennett

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

**11.4**  
(cont)

**The Mayor put point 1b of the Amendment to the vote which was CARRIED**

**A Division was called.**

**Division**

<b>For</b>	<b>Against</b>
Cr Carr	Cr Massoud
Cr Cutts	Cr Skilbeck
Cr Davenport	
Cr Lane	
Cr Liu	
Cr McNeill	
Cr Munroe	
Cr Stennett	

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

**The Mayor put point 2 of the Amendment to the vote which was LOST on the casting vote of the Mayor**

**A Division was called.**

**Division**

<b>For</b>	<b>Against</b>
Cr Cutts	Cr Carr
Cr Davenport	Cr Lane
Cr Massoud	Cr Liu
Cr McNeill	Cr Munroe
Cr Stennett	Cr Skilbeck

**On the results of the Division the motion was declared LOST on casting vote of Mayor**

**The Motion moved by Cr Massoud and seconded by Cr Skilbeck, was then amended to become the Substantive motion.**

**11.4**  
(cont)

**FURTHER AMENDMENT**

Moved by Cr Munroe, Seconded by Cr Lane

That Council:

Amends and adds to the fees and charges in the 2022/23 Budget as follows:

<b>Item</b>	<b>2022/23 Charge</b>
140 litre FOGO Bin	\$63.00
240 litre FOGO Bin	\$83.00
New User (first year) 140 litre FOGO Bin	\$38.00
New User (first year) 240 litre FOGO Bin	\$58.00

**CARRIED on the casting vote of the Mayor T**

**A Division was called.**

**Division**

<b>For</b>	<b>Against</b>
Cr Lane	Cr Carr
Cr Liu	Cr Cutts
Cr Massoud	Cr Davenport
Cr Munroe	Cr McNeill
Cr Skilbeck	Cr Stennett

**On the results of the Division the motion was declared CARRIED on the casting vote of Mayor**

**The Substantive Motion Moved by Cr Massoud and Cr Skilbeck, as amended was then put and CARRIED**

**COUNCIL RESOLUTION**

Moved by Cr Massoud, Seconded by Cr Skilbeck

That Council:

1. Having:
  - a) Considered all written submissions;
  - b) Heard the presentations of submissions;
  - c) Received the report of the Special Council meeting (minutes extract Attachment 1) of its meeting held on 6 June 2022; and
  - d) Considered officer comments (as attached Attachment 2), now adopt the Proposed Budget 2022/2023 (Attachment 3) in accordance with Section 94 of the Local Government Act 2020 and as defined by the Local Government (Finance and Reporting) Regulations 2020. With the following amendments:

**11.4**  
(cont)

- i. An additional \$50K in 2022/2023 for increasing tree stock to allow more tree planting within the municipality in future years.
- ii. Amends and adds to the fees and charges in the 2022/23 Budget as follows:

Item	2022/23 Charge
140 litre FOGO Bin	\$63.00
240 litre FOGO Bin	\$83.00
New User (first year) 140 litre FOGO Bin	\$38.00
New User (first year) 240 litre FOGO Bin	\$58.00

2. Thank persons making submissions in writing for their contribution and advise them of the outcome of Council's decision.
3. Delegate to the Chief Executive Officer the direction to levy or not levy penalty interest applied to Council rates and charges until 31 December 2022 as outlined in the recommendation contained within this report.
4. Declare the rates and charges for the 2022/2023 rating year commencing 1 July 2022 and ending 30 June 2023 as detailed in the Proposed Budget 2022/2023 in accordance with section 158 of the Local Government Act 1989.

**CARRIED**

**A Division was called.**

**Division**

**For**

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**

**11.4**  
(cont)

**BACKGROUND**

The Proposed Budget 2022/2023 was presented to the Council meeting on 26 April 2022 and community feedback was invited by way of written submissions in accordance with Council's Community Engagement Policy as per Section 96(1) (b) of the Local Government Act 2020.

The Proposed Budget 2022/2023 was available for public inspection at Council's customer service centres, Whitehorse library branches and on Council's website from Friday 29 April until Sunday 15 May 2022.

Submissions regarding the Proposed Budget 2022/2023 were required to be received by Sunday 15 May 2022 for consideration by Council at a Special Council meeting, held on Monday 6 June 2022. The details of submissions received are contained in Attachment 1 of this report.

**Discussion and Options**

A Proposed Budget has been prepared for the 2022/2023 financial year in accordance with the requirements of Section 94 of the *Local Government Act 2020*. The Proposed Budget incorporates the Annual Plan, Operating Budget, and Capital Works Program, and details the resources required over the next four financial years to deliver on the Council Plan 2021-2025.

The Proposed Budget has been prepared with reference to Council's long term financial plan, which is aimed at creating a sustainable fiscal environment to enable Council to continue to provide the community with high quality services and infrastructure into the medium and long term.

The Proposed Budget 2022/2023 provides \$216 million funding to enable the ongoing delivery of high quality services and the renewal and improvement of community facilities and infrastructure for the Whitehorse community. The budget funds a range of community services including health and family services, home and community services, the maintenance of community facilities, parks, sport fields and infrastructure, waste and recycling collection, and building and planning services.

In addition, the Capital Works Program provides for a sustainable level of funding for the renewal of the community's infrastructure and an investment in major community facilities such as the redevelopments of the Whitehorse Centre, sporting pavilions and Morack Golf Course.

**KEY HIGHLIGHTS OF THE BUDGET**

An operational budget that enables the delivery of services to the community including:

- \$22.34 million Kerbside Waste Services (including waste services charge initiative)
- \$16.84 million Home and Community Services
- \$14.60 million Leisure and Recreation Services

## 11.4

(cont)

- \$14.16 million Parks and Natural Environment (maintenance of sports fields, parks and gardens)
- \$11.21 million Health and Family Services
- \$10.15 million Transformation (excluding waste services charge)
- \$9.79 million Whitehorse Recycling and Waste Centre (waste transfer station)
- \$9.49 million City Services (maintenance of footpaths, drains and roads, sustainability and depot operations)
- \$9.11 million Community Safety (Community Laws, parking, school crossings and emergency management)
- \$8.52 million City Planning and Development
- \$6.20 million Engineering and Investment
- \$5.69 million Libraries
- \$5.52 million Arts and Cultural Services
- \$5.09 million Project Delivery and Assets
- \$2.71 million Community Engagement and Development
- \$1.00 million Pandemic Response
- \$0.58 million Major Projects

A \$98 million Capital Works Program comprising:

- \$67.79 million for land, buildings and building improvements
- \$8.04 million for plant and equipment
- \$5.84 million for roads, bridges and off street car parks
- \$5.03 million for parks, open space and streetscapes
- \$3.67 million for drainage improvements
- \$3.65 million for footpaths and cycleways
- \$3.59 million for recreational, leisure and community facilities

### **KEY PRESSURES AND CHALLENGES**

In preparing the Budget 2022/23, a number of Influences have been taken into consideration because they are likely to impact significantly on the services delivered by Council in the Budget period. These include:

- The average rate increase will rise by 1.75% in 2022/23 under the *Fair Go Rates System*.

#### 11.4

(cont)

- An expected \$20.00 per metric tonne increase in the State Government landfill levy has been assumed in the Budget effective from 1 July 2022. The landfill levy is charged by the state government for every tonne of waste that goes to landfill, including kerbside waste collections, street cleaning, and non-recyclable waste collected at the Whitehorse Recycling and Waste Centre. The state landfill levy is expected to increase from \$105.90 per tonne in 2021/22 to \$125.90 per tonne in 2022/23. This represents a 1298.88% increase in the levy over the past 12 years from the \$9.00 charge in 2009/10.
- This budget has been prepared under the premise that the majority of Council services and demand for these services will return to normal levels in 2022/23 following the significant impact of the COVID-19 pandemic in 2020/21 and 2021/22. There is still an element of unknown as to whether any ongoing impacts will be seen and continues to be monitored.
- In addition to the above, COVID-19 and geo-political events created a fast-evolving significant challenge to businesses, households, and the global economy. We're seeing impacts on the building and construction industry leading to persistent supply chain disruptions, leading to a shortage of materials, an increase in the cost of materials, or both. This has presented challenges in accurately predicting costs for the 2022/23 Capital works program. The capital budget is based on estimated costs known at the time of budget development and continues to be monitored. The value of the capital expenditure financial undertaking is not anticipated to change and officers are establishing potential construction exposures and developing mitigation strategies prior to the end of the June 2022 financial year.
- The current increase in fuel prices are expected to continue in 2022/23. An allowance has been made in the budget primarily relating to the delivery of Council's waste service contract.
- Cost shifting by other levels of government. Cost shifting occurs where local government provides a service to the community on behalf of the State or Federal Governments. Over time, the funds received by Council do not increase in line with real cost increases. Examples of services that are subject to cost shifting include school crossing supervision, library services and Home and Community Services.
- Continuing pressure on recycling and landfill costs as a result of the impact of China's importation ban on recyclable materials and increasing demand and limitations of capacity of Victorian landfill sites.
- The State Government Fire Services Property Levy will continue to be collected by Council on behalf of the state government under the *Fire Services Property Levy Act 2012*.



## 11.4

(cont)

- Changing demographic as a result of an ageing and increasingly culturally diverse population resulting in the need for Council to develop facilities which are accessible and adaptable to inter-generational, diverse and multicultural community users.
- Community expectations for Council to be a leader in environmental sustainability by planning for the effects of climate change, education and awareness of the benefits of trees and natural bushland, and supporting the community in protecting and enhancing our natural assets and open spaces.
- Impact of market competition particularly in relation to other leisure facilities in the local region.
- Interest rates continue to be at low levels in the short to medium-term restricting Council's ability to generate earnings on cash and investments – albeit we have budgeted for a modest increase in the cash rate.
- Council's Enterprise Agreement expired in August 2021 and a new agreement is currently in progress. The 2022/23 Budget allows for an annual increment in line with the 2022/23 rate cap. The compulsory Superannuation Guarantee Scheme (SGC) will also increase from 10.00% to 10.50%.
- Council's Transformation process continues in 2022/23 which includes increased focus on service planning and reviews and continuous improvement, continuation of Council's IT Strategy implementation and a new Enterprise Resource Planning System.

### **Legislative and Risk Implications**

A Proposed Budget has been prepared for the 2022/2023 financial year in accordance with the requirements of Section 94 of the Local Government Act 2020.

Preparation of the Proposed Budget was also in accordance with Council's Community Engagement Policy, as required by section 96(1) (b) of the Act. The public submissions process undertaken meets the "Consult" level of the IAP2 Public Participation Spectrum detailed in Council's Community Engagement policy, which is the minimum level of engagement required under the policy.

Certain sections of the *The Local Government Act 1989* are still in operation and apply to the waiver of interest (s171) and the declaration of rates and charges (s158).

**11.4**  
(cont)

**Equity, Inclusion, and Human Rights Considerations**

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

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

**Community Engagement**

Community consultation is an essential component of the budget process and feedback from community members helps inform the key decisions made by council. The Proposed Budget 2022/2023 is informed by community feedback which has been accumulated through various consultations held as part of the development and review of key Council strategies and plans, the annual community satisfaction survey and from past budget submissions. In 2021 Council undertook a comprehensive engagement process to help inform the new Community Vision 2040, the new Council Plan 2021-2025, Financial Plan 2021-2031, Asset Plan and Municipal Public Health and Wellbeing Plan. The themes and priorities identified from both these processes are reflected in this and future years' budgets.

Councillors and officers also held a number of meetings to develop this fiscally responsible four year budget in a time of significant external and internal pressures and challenges.

Council resolved to make the Proposed Budget 2022/2023 available for public inspection and comment in accordance with Council's Community Engagement Policy pursuant to Section 96(1)(b) of *the Local Government Act 2020*. A person making a written submission was also given the opportunity to be heard at a Special Council Meeting held to hear and consider submissions.

Copies of the Proposed Budget document were made available on Council's website, at Council's customer service centres (Box Hill, Forest Hill and Nunawading), and at the four Whitehorse library branches (Blackburn, Box Hill, Nunawading and Vermont South). In addition, there was a special feature on the Proposed Budget in the May 2022 Whitehorse News. A dedicated YourSay community engagement platform was also created to enable feedback to be provided.

The closing date for submissions was Sunday 15 May 2022.

Council received 24 submissions/comments (including 2 late submissions) on the Proposed Budget 2022/2023 and heard 4 people/groups speak in support of their submission at a Special Council Meeting on 6 June 2022.

**11.4**  
(cont)

Submissions were received from the following:

	<b>Name</b>	<b>Issue(s) Raised</b>
<b>1</b>	F Baikie	Requests a dedicated dog park at Bob Saker Oval.
<b>2</b>	F Baikie	Bob Saker Oval
<b>3</b>	L Gordon	Morack Golf Course redevelopment
<b>4</b>	G Gallagher Yerran Dheran Advisory Committee	Update to service description to include Yerran Dheran Nature Reserve.
<b>5</b>	M Allen	Proposed traffic improvement to Alwyn Street, Mitcham
<b>6</b>	Sarah	Requests a Greyhound off-lead area.
<b>7</b>	T McCreadie	Level of spending in the Arts area, and the lack of funding towards basketball facilities.
<b>8</b>	S Korkoneas	Level of spending on recreation facilities
<b>9</b>	N Li Tally Ho Business Park	Supports the commitment to the preparation of a new structure plan for Tally Ho.
<b>10</b>	G Ross KooyongKoot Alliance	Masterplan for the whole of KooyongKoot/Gardiners Creek
<b>11</b>	D Sinclair Blackburn South Cricket Club	Funding for the Mirrabooka Pavilion upgrade
<b>12</b>	M Short Blackburn Creeklands Advisory Committee	Master plan of the Whitehorse section of Gardiners Creek
<b>13</b>	E E Meredith	Open space in the area of Whitehorse to the west of Station Street
<b>14</b>	M Taafe Blackburn Village Residents Group	Funding allocation for progressing the Urban Forest Strategy (UFS).
<b>15</b>	D Graham	Reconciliation of budget figures
<b>16</b>	C Trueman	Length of community consultation period
<b>17</b>	D Morrison Blackburn and District Tree Preservation Society	Various issues centred around the Urban Forest Strategy and tree canopy cover.
<b>18</b>	R Gillespie Combined Residents of Whitehorse Action Group	Various issues raised
<b>19</b>	T Tescher Whitehorse Ratepayers and Residents Organisation	Various issues raised

**11.4**  
(cont)

	<b>Name</b>	<b>Issue(s) Raised</b>
<b>20</b>	V Turnbull Heatherdale Creek Parklands Advisory Committee	Request for a Drinking Fountain / Dog Bowl to be installed
<b>21</b>	D Williams Eastern and Mountain District Radio Club	Requests upgrades at the former Scout hall in McCubbin Street, Burwood
<b>22</b>	E van Vulpen	Forefeiture of state funding for a dog park
<b>23</b>	Heatherdale Preschool	Requests funding for expansion of kindergarten facilities
<b>24</b>	P Carter	Supports funding for cycling infrastructure

The following people spoke to their submissions:

	<b>Name</b>
<b>1</b>	G Ross (KooyongKoot Alliance)
<b>2</b>	D Morrison (Blackburn and District Tree Preservation Society)
<b>3</b>	R Gillespie (Combined Residents of Whitehorse Action Group)
<b>4</b>	T Tescher (Whitehorse Ratepayers and Residents Organisation)

**Changes to the Proposed Budget 2022/23**

*Council Rates & Charges*

The Proposed Budget 2022/23 endorsed by Council on Tuesday 26 April 2022 used preliminary valuations (Capital Improved Value - CIV) provided by the Victorian Valuer General.

Subsequent to approving the Proposed Budget 2022/2023 in April, Council received final approval and certification of valuations provided by the Valuer General's office. The Proposed Budget 2022/2023 has been updated to reflect final valuation figures used in rating income calculations in the 2022/23 Budget. Minor adjustments have been made to the General Rate in the Dollar with an adjustment to rate income of \$209,993 primarily due to finalisation of approved supplementary valuations. The adjustments have been made to ensure compliance with the Victorian Governments rate cap for 2022/23 of 1.75%.

**11.4**  
(cont)

*Waiver of penalty interest on rates and charges*

As part of Council's stimulus package, penalty interest has not been levied on unpaid rates since the commencement of the Pandemic up to 30 June 2022. The collection of 2020/21 rate income remained high with 96.2% of current year rates collected by 30 June 2021. As at 31 May 2022 rates collected for 2021/22 is currently at 90.05%. At the time of writing this report payments for the fourth rate instalment due at the end of May are currently being processed in the month of June. It is expected the collection of rates will increase however it is anticipated will be lower than the collection rate for 2020/21.

Whilst many ratepayers remain capable of meeting their financial obligations, the continuing impacts of COVID-19 and the current economic environment of rising costs and interest rates is being felt by many ratepayers.

In response to submissions (Attachment 2) regarding financial hardship, officers recommend to extend and suspend the waiver of interest on rates. Provision has been made in the Proposed Budget 2022/23 to continue to waive all penalty interest on overdue rates until 31 December 2022.

In accordance with Section 171 of the *Local Government Act 1989*, it is recommended that Council delegate to the Chief Executive Officer the discretion to levy or not levy penalty interest until 31<sup>st</sup> December 2022.

Council officers will continue to work with ratepayers experiencing genuine hardship and/or requiring additional time to pay their rates. Consequently, it is recommended that ratepayers with unpaid rates be encouraged to enter into payment arrangements. Council's Property and Rates Department will endeavour to make contact with these ratepayers and will use the provisions of Council's adopted Rates and Hardship Policy to assist ratepayers.

**Financial and Resource Implications**

The Proposed Budget 2022/2023 incorporates the Annual Plan, Operating Budget, and Capital Works Program, and details the resources required over the next four financial years to deliver on the new Council Plan 2021-2025, which is currently under development.

**Innovation and Continuous Improvement**

The Proposed 2022/2023 Budget continues to deliver quality services to the community and initiatives including Council's Transformation Program to create an organisation that delivers on enhanced engagement with the community, improved service quality, increased customer satisfaction, strengthened economic sustainability and innovation and development.

**11.4**  
(cont)

**Collaboration**

Council undertook a comprehensive engagement process to help inform the new Community Vision 2040, Council Plan, Financial Plan, Asset Plan and Municipal Public Health and Wellbeing Plan. The engagement was undertaken through Shaping Whitehorse which sought input and collaboration via a selected community panel. The themes and priorities identified from these processes have informed the Proposed Budget 2022/23.




The 2022/2023 budget development engaged and worked collaboratively with various stakeholders including Councillors and officers. A number of meetings were held to develop this fiscally responsible four year budget in a time of significant external and internal pressures and challenges.

Council endorsed the proposed Budget 2022/2023 for public comment and feedback on Tuesday 26 April 2022. Public notice and exhibition commenced on 28 April and concluded on 15 May 2022.

**Conflict of Interest**

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

**ATTACHMENT**

- 1 Special Council Meeting Minutes Extract inclusive of Budget Submissions 
- 2 Officer Comments on 2022/2023 Budget Submissions (including details of two late submissions) 
- 3 Proposed 2022-23 Budget 

**11.5 Records of Informal Meetings of Councillors**

**COUNCIL RESOLUTION**

Moved by Cr Munroe, Seconded by Cr Cutts

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

**CARRIED UNANIMOUSLY**

<b>Councillor Informal Briefing 06.06.22 5.00pm-5.30pm</b>		
<b>Matter/s Discussed:</b>	<b>Councillors Present</b>	<b>Officers Present</b>
<ul style="list-style-type: none"> <li>Discussed Burwood Brickworks Draft Council report for 14 June 2022 Council meeting</li> </ul>	Cr Liu (Mayor & Chair) Cr Cutts Cr Lane Cr McNeill Cr Skilbeck <u>Virtual via MS Teams</u> Cr Munroe	J Green A Egan
<b>Disclosures of Conflict of Interest</b>	None Disclosed	
<b>Councillor /Officer attendance following disclosure</b>	None Disclosed	
<b>Confidential Briefing 09.06.22 6.30pm-8.42pm</b>		
<b>Matter/s Discussed:</b>	<b>Councillors Present</b>	<b>Officers Present</b>
<ul style="list-style-type: none"> <li>Confidential Contractual Matters</li> </ul>	Cr Liu (Mayor & Chair) Cr Massoud (Deputy Mayor) Cr Cutts Cr McNeill Cr Munroe <u>Virtual</u> Cr Barker <u>Apologies</u> Cr Carr Cr Davenport Cr Lane Cr Skilbeck Cr Stennett	S McMillan J Green L Letic S Cann S White S Sullivan Z Quinn  <u>External</u> Wendy Malkiewicz Paul Robertson
<b>Disclosures of Conflict of Interest</b>	None Disclosed	
<b>Councillor /Officer attendance following disclosure</b>	Cr Barker attended from 6.30pm – 8.30pm Cr Massoud attended from 6.38pm – 8.42pm J Green attended from 6.30pm – 7.30pm S Cann attended from 6.30pm – 7.30pm Steven White attended from 6.30pm – 7.30pm	

**11.5**  
(cont)

<b>Councillor Informal Briefing 14.06.22 6.30pm-6.50pm</b>		
<b>Matter/s Discussed:</b>	<b>Councillors Present</b>	<b>Officers Present</b>
<ul style="list-style-type: none"> <li>• Public Presentations</li> <li>• Public Question</li> <li>• Urgent Business</li> <li>• 11.3 10 Boulton Road, BLACKBURN (LOT 2 LP 214382) – Tree removal and buildings and works associated with a new dwelling within 4 metres of vegetation protected under Significant Landscape Overlay, Schedule 2 (SLO2).</li> </ul>	<ul style="list-style-type: none"> <li>Cr Liu (Mayor &amp; Chair)</li> <li>Cr Massoud (Deputy Mayor)</li> <li>Cr Barker</li> <li>Cr Carr</li> <li>Cr Cutts</li> <li>Cr Lane</li> <li>Cr McNeill</li> <li>Cr Skilbeck</li> <li>Cr Stennett</li> <li>Cr Davenport</li> <li>Cr Munroe</li> </ul>	<ul style="list-style-type: none"> <li>S McMillan</li> <li>J Green</li> <li>L Letic</li> <li>S Cann</li> <li>S White</li> <li>S Sullivan</li> <li>V Ferlaino</li> <li>P Moore</li> <li>K Podolak</li> <li>N Jones</li> </ul>
<b>Disclosures of Conflict of Interest</b>	None Disclosed	
<b>Councillor /Officer attendance following disclosure</b>	None Disclosed	



## **12 Councillor Delegate and Conference / Seminar Reports**

### **12.1 Reports by Delegates**

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

- 12.1.1 Cr Munroe reported on his attendance as a delegate at the:
- MAV Metro Eastern Region meeting held on 17 June 2022
  - MAV State Council meeting held on 24 June 2022.
- 12.1.2 Cr Massoud reported on her attendance as a delegate at the Eastern Affordable Housing Executive Committee meeting held on 16 June 2022.
- 12.1.3 Cr Lane reported on his attendance as a delegate at the Community Grants Program meeting held on 15 June 2022..
- 12.1.4 Cr McNeil reported on her attendance as a delegate at the Community Grants Program meeting held on 15 June 2022.
- 12.1.5 Cr Liu reported on her attendance as a delegate at the:
- Community Grants Program Meeting held on 15 June 2022
  - Eastern Transport Coalition meeting held on 16 June 2022
  - MAV Metro Eastern Region meeting held on 17 June 2022.
  - MAV State Council meeting held on 24 June 2022

#### **COUNCIL RESOLUTION**

Moved by Cr Lane, Seconded by Cr Carr

That the reports from delegates be received and noted.

**CARRIED UNANIMOUSLY**

### **12.2 Reports on Conferences/Seminars Attendance**

- 12.1 Cr Liu reported on her attendance at the National General Assembly of Councillors hybrid conference held on the 19 to 22 June 2022.

#### **COUNCIL RESOLUTION**

Moved by Cr Lane, Seconded by Cr Skilbeck

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

**CARRIED UNANIMOUSLY**

**13 CONFIDENTIAL REPORTS**

Nil

**14 Close Meeting**

Meeting closed at 8.56pm

**Confirmed this 11<sup>th</sup> day of July 2022**

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**CHAIRPERSON**