



Whitehorse City Council

AGENDA

Council Meeting

on

Monday 9 September 2024 at 7.00pm

**To be held in the
Council Chamber
Nunawading Civic Centre**

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

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AGENDA

1 Welcome

Prayer for Council

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

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

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

Amen.

Acknowledgement of Country

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

2 Apologies

3 Disclosure of Conflicts of Interest

4 Confirmation of Minutes of Previous Meeting

Minutes of the Council Meeting 26 August 2024

RECOMMENDATION

That the minutes of the Council Meeting 26 August 2024 be confirmed.

5 Urgent Business

6 Requests to Speak

7 Public Question Time

8 Petitions

9 Notices of Motion

9.1 Notice of Motion - Koomba Park Boardwalk - Cr Carr

That Council:

1. Writes to Parks Victoria regarding the publicly-owned natural bushland under its management known as the Dandenong Valley Parklands located at 653 Burwood Highway, Vermont South, to advocate for:
 - a) Opening of the fenced section of the land to allow community access similar to its pre 2010 status; and
 - b) Making the boardwalk safe and opening it for community use.
2. Provides a copy of the letter sent to Parks Victoria to:
 - The Hon. Steve Dimopoulos MP, Minister for Environment; and
 - John Mullahy MP, Member for Glen Waverley.

10 Council Reports

10.1 Heritage Controls - 2 Peter Avenue, Blackburn North

Department

City Planning and Development

Director City Development

Attachment

SUMMARY

This report outlines the history of the property at 2 Peter Avenue, Blackburn North. It also recommends that a request be made to the Minister for Planning, seeking inclusion of the property in the Heritage Overlay on an interim basis in response to a section 29A application (PIR/976/2024) for the demolition of the dwelling, garage and shed. The interim Heritage Overlay will protect the property from the threat of demolition while Council concurrently prepares and exhibits an amendment for permanent heritage controls.

RECOMMENDATION

That Council:

1. Requests that the Minister for Planning approves an amendment to the Whitehorse Planning Scheme under section 20(4) of the *Planning and Environment Act 1987*, without exhibition, to apply the Heritage Overlay to the property at 2 Peter Avenue, Blackburn North on an interim basis.
2. Seeks authorisation from the Minister for Planning to prepare and exhibit an amendment to the Whitehorse Planning Scheme under section 8A of the *Planning and Environment Act 1987* to permanently introduce controls outlined in item 1 above.

KEY MATTERS

The key matters relevant to this report are:

- Council has received an application, pursuant to section 29A of the *Building Act 1993* for the demolition of the dwelling, garage and shed at 2 Peter Avenue, Blackburn.
- Whilst undertaking a review of the potential heritage list, Council's Heritage Consultant has identified this property as being of heritage significance to the City of Whitehorse and worthy of inclusion to the Heritage Overlay (HO). Based on heritage assessment criteria in Planning Practice Note 1: Applying the Heritage Overlay the property satisfies Criterion A (Importance to the course, or pattern, of our cultural history) and Criterion E (Importance in exhibiting particular aesthetic characteristics). The place is historically significant for its connection to the intensive orcharding activity that strongly characterised the Blackburn North area for the first half of the twentieth century and for its subsequent agricultural use as a poultry farm into the later 1950s. The house is aesthetically significant as a fine and intact example of an Edwardian timber villa.

10.1 (cont)

- The Responsible Authority is required under regulation 34 of the Building Regulations 2018 to respond to an application, or referral, for report and consent within 15 business days after the receipt of an application, after which consent is assumed. Therefore, Council officers have until close of business on Friday 13th September 2024 to prepare and submit an amendment to the planning scheme for interim heritage controls, effectively suspending the section 29A request for demolition until there is an outcome on the request for interim heritage controls.

STRATEGIC ALIGNMENT

As a Planning Authority, one of the duties of Council under Section 12 of the *Planning and Environment Act 1987* (the Act) is to “implement the objectives of planning in Victoria”. One of those objectives, as set out in Section 4 of the Act is “to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value”.

Additionally, the application of the heritage overlay to the site will meet the Strategic Direction 4 within the Council Plan (2021-2025). Applying the Heritage Overlay to the site will support and promote the preservation of a significant heritage property and allow for the dwelling to be conserved for future generations.

Policy

Council adopted the Whitehorse Heritage Framework Plan (Framework Plan) on 21 September 2020. The Framework Plan included tasks associated with the resolution of the ‘Potential Heritage List’.

While the potential heritage list does not have formal status under the Whitehorse Planning Scheme, the properties on this list have typically been identified in previous heritage studies adopted by Council. This recognition means that the list is used as a reference when the Strategic Planning unit evaluates applications under Section 29A of the *Building Act 1993* for Council's report and consent for building demolition. Consent for demolition is granted only after a thorough review to assess any heritage significance. This process includes verifying any existing overlays that mandate a planning permit for demolition (typically the Heritage Overlay) and determining if the building is included on the Council's potential heritage list. A review is currently underway of potential heritage places and precincts on Council's potential heritage list. The property at 2 Peter Avenue, Blackburn North was selected as part of this review for further investigation.

10.1 (cont)

BACKGROUND

Council is proposing to apply an interim Heritage Overlay (HO) to the property at 2 Peter Avenue, Blackburn North via an amendment to the Whitehorse Planning Scheme, while seeking authorisation from the Minister for Planning to prepare an amendment to apply the HO on a permanent basis.

The subject property was originally identified as being of potential heritage significance in the Whitehorse Heritage Review 2001 (Vol.5), prepared by Andrew Ward, but no assessment was undertaken at the time.

The Whitehorse Heritage Review 2012 by Coleman Architects confirmed the potential heritage significance of the property and gave it a preliminary 'C' grading, indicating that it was considered worthy of more detailed assessment. At the time of the 2012 review, only those buildings that received an 'A' grading were able to be assessed due to budgetary constraints. No further funding was allocated in the intervening time and accordingly, B and C-graded places were only investigated on an "as needs" basis.

As part of Framework Plan, Built Heritage Pty Ltd began a review of potential heritage places and precincts. The property at 2 Peter Avenue, Blackburn North (see Figure 1 & 2) was identified and has been included in this study which is in progress.

On 23 August 2024, Council received an application, pursuant to Section 29A of the *Building Act 1993* for the "Demolition of the dwelling, garage and shed". In this case, there is an imminent and known threat to the heritage place which justifies the application for interim controls via an amendment to the planning scheme that is exempt from usual notice and exhibition requirements, while Council completes its investigation, seeks authorisation to prepare an amendment to apply the HO on a permanent basis. The amendment for permanent controls will be subject to the usual notice and exhibition requirements, including a review of the amendment at an independent panel hearing if required.

10.1 (cont)

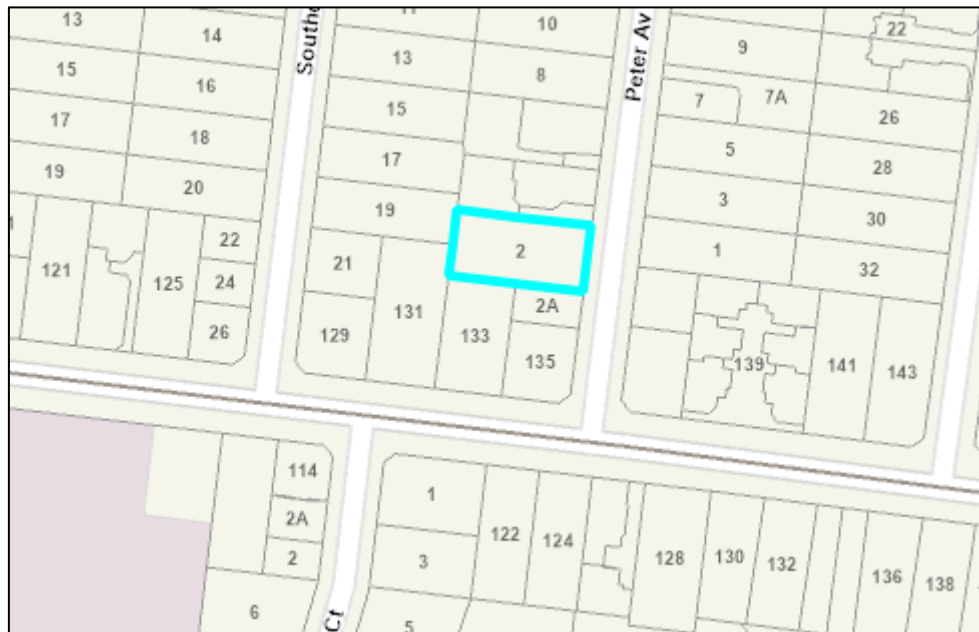


Figure 1: Map of the subject site

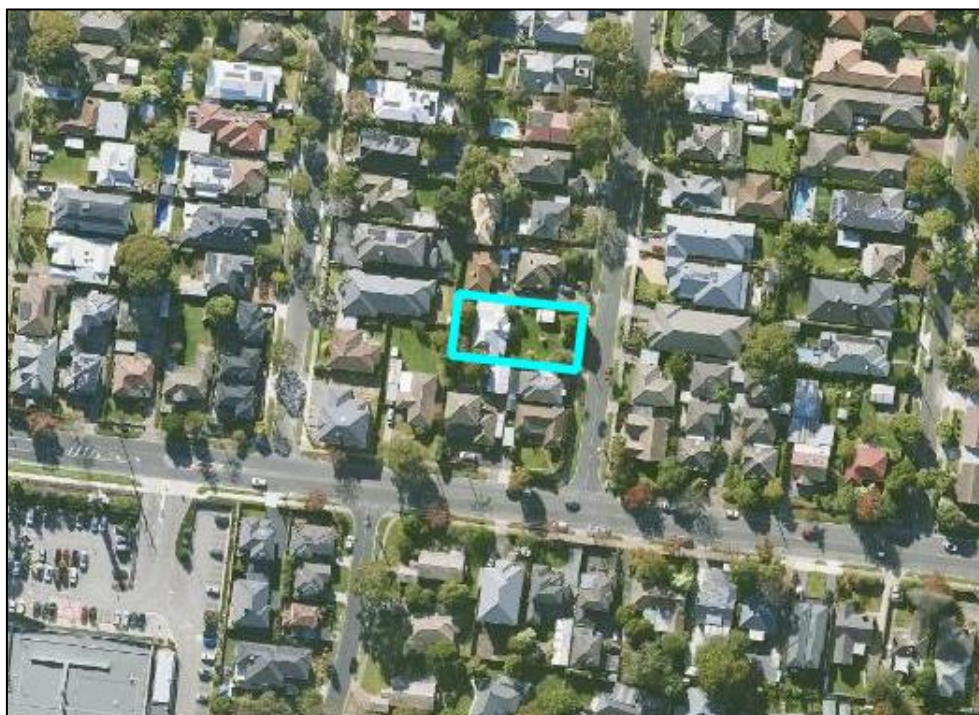


Figure 2: Aerial photograph of the subject site

Discussion

Council has commenced a review of places and precincts that have been identified in previous heritage studies as having ‘heritage potential’. The assessment undertaken to date indicates that the dwelling at 2 Peter Avenue, Blackburn warrants serious contention for inclusion in the HO, satisfying Criterion A (Importance to the course, or pattern, of our cultural history) and Criterion E (Importance in exhibiting particular aesthetic characteristics) as set out in *Planning Practice Note 1: Applying the Heritage Overlay*. The following is an extract from the draft citation:

10.1 (cont)

- The house is historically significant as evidence of the intensive fruit-growing activity that strongly characterised Blackburn North, and the broader northern fringes of the municipality, from the early twentieth century until after WW2. While a number of similar orcharding farmhouses can be found in the area, in various states of alteration, this one is both a remarkably intact example (consequent to having had few owners over a period of more than a century) and a rare survivor along the major thoroughfare of Springfield Road, which marked the southern boundary of the most intensive orcharding activity in the district. The subsequent use of the property as a poultry farm, from the mid-1930s to the later '50s, demonstrates a rare survival of local agricultural activity well into the post-war era. (Criterion A)
- The house is aesthetically significant as a fine and intact example of an Edwardian timber villa. It displays the characteristic asymmetrical façade, gabled bays and verandah, combined with an above-average level of embellishment, notably the half-timbered gable end (in a highly unusual diagonal pattern), skillion window canopy and verandah with turned timber posts and lacework frieze. (Criterion E)

Council's Heritage Consultant recommended that due to this combination of factors, the property warrants further assessment for inclusion in the HO.

Therefore, an interim HO on the property should be sought to allow further investigation to be completed, if needed, and to progress an amendment for permanent controls via the normal amendment process involving public exhibition, consideration of submissions and a panel hearing if required. In doing so, the current Section 29A application for report and consent for demolition would be suspended on the basis that an application has been made to the Minister under section 20(4) of the Act, which exempts the Minister from certain notice requirements in preparing a planning scheme amendment and would require a planning permit to be obtained for that demolition.

SUPPORTING REPORT DETAILS

Legislative and Risk Implications

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

Equity, Inclusion, and Human Rights Considerations

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

Community Engagement

The request to the Minister for an interim HO under Section 20(4) of the Act allows the Minister to exempt themselves from the notice requirements under Sections 17, 18 and 19 of the Act. Council is making the request given the direct threat to the building, and as such further consultation through this process to apply interim controls is not warranted. A responsible authority is required under regulation 34 of the *Building Regulations 2018* to respond to an application, or referral, for report and consent within 15 business days after receipt of a copy of the application by the responsible authority from either the relevant building surveyor or the applicant.

10.1 (cont)

Exhibition of permanent controls will include notice to all relevant Ministers, the owner/occupier of the affected property, as well as owners and occupiers of land in the surrounding area. A notice will also be placed in the Victoria Government Gazette and, if required, in The Age newspaper. Public exhibition of the amendment will provide the opportunity for submissions to be made and formally considered by Council, and if necessary, for submitters to be heard at an independent panel.

Council officers have contacted the owner of the property and the applicant for the Section 29A demolition request to make them aware of the potential heritage interest and consideration of the property into the HO.

Financial and Resource Implications

Council will be required to pay the statutory fee for the assessment, adoption and approval of the interim amendment by the Minister for Planning under section 20(4) of the Act, which is \$4,409.10. If the amendment for the permanent HO is authorised by the Minister to proceed to exhibition and is subsequently adopted by Council, a fee of \$530.70 will be required for the Minister to consider approval of the amendment. Council has already engaged Built Heritage Pty Ltd to undertake a heritage study of potential places and precincts. The study was funded by a Councillor initiative in the 2022/2023 and 2023/2024 budgets.

The cost involved in Council exhibiting permanent controls and any subsequent Panel Hearing is covered in the recurrent budget for the Strategic Planning Unit. However, the exact amount is difficult to estimate as it will depend on the duration of the hearing. Any Panel hearing for this amendment will also require costs for expert witnesses.

Given the proposed HO affects one property, it is anticipated that minimal additional resources will be involved in administering the HO on the subject property.

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

The proposed interim inclusion of the property in the HO will result in the application of the most appropriate overlay and policy provisions to the site. The proposed amendment is consistent with and implements the objectives of both state and local planning policy.

ATTACHMENT

- 1 Draft Heritage Citation - 2 Peter Avenue Blackburn North

10.2 Advocacy for Public Transport Accessibility Improvements

Department Engineering and Investment
Director City Development

SUMMARY

The Metropolitan Transport Forum (MTF) has requested for its member Councils to seek Council endorsement for a call to action from the State Government for accessibility upgrades to the public transport network. In particular, the MTF focus will be to advocate to the State Government to develop a plan to upgrade all non-compliant tram stops, to accessible tram stops.

RECOMMENDATION

That Council:

1. Endorses in principle, an urgent call upon the Victorian Government to commit to a planned rollout that ensures that Melbourne's public transport system becomes accessible for people using wheelchairs or experiencing mobility issues.
2. Supports the Metropolitan Transport Forum in its advocacy campaign for a program of works to improve the rollout of accessible tram stop installations leading up to the 2026 state election, and that any program of works addresses the lack of equity to people who are not ambulant.
3. Calls on the Victorian Government to clearly commit to delivering fully accessible tram routes on an annual basis (noting that some routes are considerably longer than others).

KEY MATTERS

The *Disability Discrimination Act 1992* (DDA) requires that all tram stops must be fully compliant with the Disability Standards for Accessible Public Transport 2002 (DSAPT) by 31 December 2022 and all trams must be DSAPT compliant by 31 December 2032.

The Victorian Government has missed the legislated target for 2022. In 2020, the Victorian Auditor-General's Office reported that approximately 75% of tram stops do not meet the DSAPT requirements.

Council is a member of the Metropolitan Transport Forum (MTF), a transport advocacy group including 26 metro Melbourne Councils. The MTF is commencing an advocacy campaign calling on the State Government to develop a plan to upgrade all tram stops to meet DSAPT requirements.

STRATEGIC ALIGNMENT

This report aligns strongly with the strategic priorities of the Council Plan and the Community Vision 2040. From the Council Plan, Strategic Direction 4: "A

10.2 (cont)

built environment that encourages movement with high quality public places” includes the strategic action “Advocate to and partner with State Government on major transport infrastructure projects to facilitate a safe, accessible and integrated transport network.” It is also supported by Strategic Direction 3: “A culturally rich, diverse, creative and inclusive community”.

From the Community Vision 2040, Theme 2: Movement and Public Spaces includes “Key priority 2.2: Improve access for people of all ages and abilities to a range of different active transport and movement options.” It is also supported by Theme 1: Diverse and Inclusive Community.

Policy

The Whitehorse Integrated Transport Strategy 2011 provides support for this motion, with Action 3.3.15: “Advocate to the state government and Department of Transport to accelerate the upgrade of all public transport infrastructure to comply with *Disability Discrimination Act 1992* requirements and provide appropriate funding for these works.”

BACKGROUND

The Victorian Government has missed their legislated target to make all tram stops accessible by 31 December 2022.

In 2020, the Victorian Auditor-General’s Office completed a report on the Accessibility of Tram Services. Some key findings from this report include:

- 17% of Victorians live with some form of disability.
- Approximately 75% of tram stops do not meet the DSAPT requirements.

For Whitehorse:

- The Route 70 Tram on Riversdale Road has 8 tram stops that require upgrading to meet DSAPT requirements.
- The Route 75 Tram on Burwood Highway has 5 stops that require upgrading to meet DSAPT requirements.
- All of the Route 109 Tram stops on Whitehorse Road (in Whitehorse) meet DSAPT requirements.

Discussion and Options

While Council can advocate on its own, the majority of tram stops in Whitehorse are already accessible, mainly because two of the tram routes are relatively recent tram extensions.

Council is a member of the MTF because many transport issues go beyond our municipality and a united voice can provide stronger advocacy.

SUPPORTING REPORT DETAILS

Legislative and Risk Implications

There are no legal or risk implications for Council arising from the recommendation contained in this report. The legal implications are the responsibility of the State Government under the *Disability Discrimination Act 1992*.

10.2 (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*.

Access to public transport is recognised in the *Disability Discrimination Act 1992*. This report will assist in highlighting to the State Government their legislated responsibilities under this Act.

Community Engagement

No community engagement was required for this report.

Financial and Resource Implications

There are no financial or resource implications to Council, 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, other than the engagement with the MTF.

Conflict of Interest

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

Conclusion

Officers recommend that Council endorse the recommendations of this report. Advocating for accessible public transport aligns with the Council Plan, Community Vision 2040 and the Whitehorse Integrated Transport Strategy 2011 and would have a positive impact on the 17% of Victorians that live with some form of disability.

10.3 Better Approvals and Streamlining of Planning Processes

Department

Investment and Economic Development

Director City Development

SUMMARY

At Council's ordinary meeting on 16 August 2021 a Notice of Motion was passed that Council "receives an officer report to:

1. *Describe the implementation of the State Government Better Approvals Project within the City of Whitehorse;*
2. *Examine ways to streamline planning processes when retail outlets and commercial properties are re-purposing (i.e. change of shop front, signage) with a view to supporting business within Whitehorse (not only additional education and websites)".*

This report provides an update in response to the notice of motion including the Better Approvals Project and the streamlining of planning processes.

RECOMMENDATION

That Council notes the officer report in response to the Notice of Motion passed at Council's ordinary meeting on 16 August 2021 relating to the Better Approvals project and streamlining of planning processes.

KEY MATTERS

- Whitehorse Council participated in the Better Approvals Program in 2019/2020. The Better Approvals program is designed to review Council regulatory permit processes, to identify and design a range of practical reforms to enhance the customer experience provided to businesses.
- The widespread disruptions that occurred during the Covid-19 pandemic delayed the implementation of some products identified in the program recommendations, including the Business Concierge service.
- As part of Whitehorse Council's newly adopted Investment and Economic Development Strategy 2024 -2028, Council committed to referring funding for a Business Concierge to the 25/26 budget.
- In the meantime, improvements have been identified and progressed at a local and regional level, and collaboration with the State Government is continuing. This will ensure that Council is well prepared for the successful integration of a Business Concierge and that Whitehorse's approach is consistent with the current State program.

10.3 (cont)

- The Planning scheme has evolved over the last 5-6 years to reduce the burden on businesses establishing in commercial areas by allowing a broad range of uses without a planning permit.
- Planning application data revealed that only a small proportion of relevant applications triggered the need for a planning permit associated with change of use or changes to buildings.
- Noting the importance of economic development considerations, the Planning Scheme has evolved to encourage rather than impede businesses growth and development, with the opening up of Commercial 1 Zones and the broadening of VicSmart applications creating a fast-track process.
- The volume of applications experiencing a traditional planning process is low, however Statutory Planning does offer a pre-application process which will work in collaboration with the Business Concierge to continue to improve the customer experience.

STRATEGIC ALIGNMENT

The Better Approvals Project and streamlining of planning permit applications, relates to the newly adopted Whitehorse Investment and Economic Development Strategy 2024 – 2028, specifically project 1.5 Business Concierge.

The Whitehorse Investment and Economic Development Strategy 2024 – 2028, is consistent with the current Whitehorse Council Plan, that is, Strategic Direction 2: A thriving local economy with high quality accessible education opportunities.

BACKGROUND

The Better Approvals for Business program is part of the Victorian Government's regulation reform agenda. The program is focussed on improving planning and other business approval processes, aimed at making it easier for small businesses to start up, operate and grow.

In 2019/ 2020, Whitehorse City Council participated in the program which reviewed Council processes, to identify and design a range of practical reforms to enhance the customer service provided to local businesses.

As of January 2020 onwards, widespread disruptions occurred across Council to take proactive measures in managing the Covid-19 pandemic. Consequently, efforts were redirected to provide businesses with emergency assistance and guidance regarding public health measures.

The impacts delayed the implementation of some of the products identified through the program recommendations, including the Business Concierge service and improvements to the footpath trading process.

At Council's Ordinary meeting on Monday 16 August 2021, a notice of motion was moved as follows:

10.3 (cont)

“That Council receives an officer report to:

1. Describe the implementation of the State Government Better Approvals Project within the City of Whitehorse;
2. Examine ways to streamline planning processes when retail outlets and commercial properties are re-purposing (i.e. change of shop front, signage) with a view to supporting business within Whitehorse (not only additional education and websites)”.

This report provides an update on the progress of the two items.

Discussion and Options

Since the Notice of Motion was moved, the following progress has been made:

Whitehorse Investment and Economic Development Strategy 2024-2028

At Council's ordinary meeting on 13 May 2024, the Whitehorse Investment and Economic Development Strategy 2024 -2028 was adopted by Council.

The strategy lists a range of project opportunities to respond to the vision, objectives and themes outlined in the document. One of the flagship initiatives under the Productive and Innovative Business Community Theme is the initiation of a Business Concierge, as part of the Better Approvals project.

The strategy commits to the establishment of the officer, to act as a central point of contact, to attract and support businesses to obtain the regulatory permits they need to start up and grow.

As the implementation of the Business Concierge is in addition to Council's existing resources, part of the resolution was that Council -

“Refers a budget allocation of up to \$175k to the 2025/2026 budget to facilitate the delivery of parts of the strategy. Proposed new initiatives include the Business Concierge, Investment and Attraction Facilitation Strategy, Placemaking Framework, and activity”.

Regional Harmonisation Project

Whitehorse Council is part of the Melbourne Eastern Region Economic Development Group (MEREDG) that has successfully attracted State Government Funding through the Business Acceleration Fund (BAF) to explore the alignment of varied regulatory permits across the participating Councils.

The benefits of greater alignment were identified as:

- Supporting businesses which operate across multiple Council areas by reducing time taken to understand requirements, reduce the costs of compliance and allow businesses to obtain faster approvals.

10.3 (cont)

- Enable MEREDG Councils to reduce their administrative burden and resourcing when dealing with queries and improve customer experience in delivering consistent services across the different Councils.

The greatest opportunity to be identified, has been the alignment of footpath trading activity. The development of a position paper is currently underway to consider consistent footpath trading policy provisions across the participating Councils.

Whitehorse City Council has also prepared a separate BAF funding application focused on delivering Footpath Trading Reforms, specific to the municipality. If the funding application is successful, it will enable the identification and progression of footpath trading permit process improvements at Whitehorse, consistent with the Better Approvals program recommendations.

State Government Better Approvals Project

In preparation for the appointment of a Business Concierge as part of the 2025/26 Council budget, there is ongoing collaboration with relevant internal teams, other economic development units, and the State Government. This engagement aims to identify and progress quick wins, ensuring that Whitehorse is well-prepared for the successful integration of a Business Concierge and that all actions are consistent with the current State Government Better Approvals Program.

Streamlining of Planning and Building Permits

Planning Process

Businesses seeking to establish in commercial areas often need a range of different permissions across different Council service areas. This is dependent on the nature of the business, the extent of changes being sought and the location of the business being established.

The Whitehorse Planning Scheme and more broadly, the Victorian Planning Provisions have, over the last 5-6 years, amongst other changes, evolved to reduce the burden on businesses establishing in commercial areas.

Commercial areas within Whitehorse municipality are usually reflected in the planning scheme as being zoned Commercial 1, or in some smaller neighbourhood centres, as a Mixed Use Zone. Changes over time to the Commercial 1 Zone (C1Z) have enabled many 'food and drink' and 'retail' businesses to change without the need for planning permits. The C1Z is the least restrictive zone within the Whitehorse Planning Scheme in that Section 1 of this zone lists a broad range of retail and commercial uses that can establish without having to seek a planning permit.

The intention of allowing a broad range of uses to establish without the need for a planning permit is to encourage these types of activities within activity centres and shopping strips; these uses are also supported by the purpose of the C1Z. In this regard, the need to develop and implement a fast-track

10.3 (cont)

system for the consideration and issue of planning permits is unnecessary as the zone of the land facilitates this through removing permissions that would otherwise trigger a permit.

This position is supported by planning application data between the period of 2021 and 2024 (up to and including August). Just under 150 applications were received for a change of use on a property, and only 13 of these were for retail, food and drink or other small business types. In these cases, the business triggered the need for a permit because they were in a zone other than a C1Z (e.g. Residential Growth Zone). The majority of applications requiring a planning permit for change of use were for restricted recreation (gym/personal training), motor vehicle sales/display, medical centre and sale and consumption of liquor. These types of applications for changes of land use often trigger other considerations such as external referral requirements and advertising, which extend the timeframes for decision making, regardless of the speed at which planning officers process an application. Such requirements are legislated parts of the planning process and cannot be eliminated or expedited.

The more frequent interaction from businesses with the planning process is where a business seeks to make changes to their buildings, through extension, and/or alteration. Whilst internal changes to an existing building don't trigger the need for planning permits as they are exempt under the Planning Scheme, external changes such as windows, façade, awnings, verandahs, external decking areas etc can trigger the need for planning permits.

Such changes are often minor in nature and whilst they do trigger the need for a planning permit, typically fall within a VicSmart category of 'buildings and works' and therefore are assessed through a fast-track process with decisions issued in 10 days.

Having regard to this, most changes to buildings within a Commercial 1 Zone still don't trigger the need for a planning permit. This is evidenced through VicSmart application data for the period of 2021 through to 2024 (up to and including August). Of the 590 applications that were lodged and assessed as VicSmart applications, only 19 were for buildings and works for alterations/additions to a commercial building.

It is acknowledged that enabling businesses to easily establish within commercial areas and activity centres is an important part of Council's economic development considerations. The Planning Scheme recognises this and has evolved over time to encourage, rather than impede businesses being able to easily establish in appropriate zones. The opening up of the C1Z and the broadening of VicSmart application types create a fast-track process in their own right. The creation of separate fast-track or streamline processes outside of this would add minimal value because as shown by the data, the volume of applications having to otherwise go through a 'traditional' planning process is low.

That said, Statutory Planning offer a pre-application process to facilitate information exchange and advice for prospective businesses, which, in

10.3 (cont)

combination with a future Business Concierge role, can improve the business experience when seeking to establish their business in Whitehorse.

Building Permits

It is also important to note, that even where planning permits are not required, changes to business type and building alterations/additions can trigger the need for building permits.

Seeking to streamline a building permit process is more difficult because building permits, whilst can be issued through Council, are more frequently issued through a Private Building Surveyor and as such, sit outside of Council's ability to influence timing.

SUPPORTING REPORT DETAILS

Legislative and Risk Implications

Council's role in relation to economic development is identified by the *Local Government Act 2020* specifically Part 2, Division 1, Section 8, Part 9(2c).

This section covers the Role and powers of a Council and the associated overarching governance principles and supporting principles.

The section specifically states that a Council must in the performance of its role give effect to several overarching governance principles including "the economic, social and environmental sustainability of the municipal district".

In addition to the above, improvements identified as part of the Better Approvals, must take into consideration the relevant regulatory provisions that relate to the varied disciplines. This includes the Whitehorse Planning Scheme, the Whitehorse Local Law and the relevant provisions of the *Planning and Environment Act 1987* and *Local Government Act 2020*.

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

No community engagement was required for this report.

Financial and Resource Implications

A budget allocation of up to \$175k to the 2025/2026 budget is proposed to facilitate the delivery of the Whitehorse Investment and Economic Development strategy, including the establishment of the Business Concierge position.

10.3 (cont)

Innovation and Continuous Improvement

It is anticipated that this Business Concierge initiative project would result in significant customer experience improvements for businesses seeking to establish and grow in Whitehorse.

Collaboration

No collaboration was required for this report.

Conflict of Interest

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

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

Conclusion

Whitehorse Council is committed to supporting local businesses and enterprises in flourishing within the municipality. A range of projects are currently underway to improve the experience for businesses seeking regulatory permits to establish and expand.

The appointment of a Business Concierge, as part of Council's 25/26 budget, will build on existing efforts and further enhance the support provided to local businesses in navigating the regulatory permit approval process.

10.4 Ringwood Activity Centre - Draft Activity Centre Plan

Department

City Planning and Development

Director City Development

Attachment

SUMMARY

The purpose of this report is to provide an overview of the Activity Centre Pilot program being undertaken jointly by the Victorian Planning Authority and the Department of Transport and Planning.

The pilot program has prepared draft activity centre plans for 10 centres across metropolitan Melbourne, including Ringwood. This report discusses the inclusion of a small part of Whitehorse City Council within the catchment area of the Ringwood Activity Centre and outlines the concerns with this inclusion.

The State Government opened consultation on 22 August 2024 inviting submissions on each of the 10 draft activity centre plans until 29 September 2024.

The report recommends that Council prepare a submission to the draft Activity Centre plan for Ringwood outlining the concerns as discussed in this report, and that this submission be approved by the Director City Development as the closing date for submissions is within the Caretaker period.

RECOMMENDATION

That Council:

1. Notes the Ringwood Activity Centre draft Activity Centre Plan prepared by the Victorian Planning Authority.
2. Authorises the Director City Development to approve a submission to the Victorian Planning Authority about the draft Activity Centre Plan.
3. Provides a copy of the submission on the Ringwood Activity Centre draft Activity Centre Plan to local members of parliament.

KEY MATTERS

The Victorian Government's Housing Statement, released in September 2023, flagged the introduction of clear planning controls to deliver an additional 60,000 houses around an initial 10 activity centres across Melbourne. The Victorian Planning Authority (VPA), in collaboration with the Department of Transport and Planning (DTP), has prepared draft activity centre plans for these activity centres as part of a pilot program aimed at realising more dwellings within proximity to existing shops, services, employment and public transport.

10.4 (cont)

One of the activity centres is Ringwood, in the City of Maroondah. As part of the work undertaken for the Ringwood Activity Centre, an area of Whitehorse has been included in the surrounding catchment area where building heights up to 6 storeys are proposed. The area of Whitehorse included is within the bush suburban character precinct and includes bushfire prone areas and interfaces with sensitive environmental areas. There is also a mixture of zones, including both the Neighbourhood Residential Zone (generally north of Whitehorse Road, and south of Good Govers Street) and the General Residential Zone (south of Whitehorse Road to Good Govers Street).

Officers have initial concerns about the inclusion of this part of Whitehorse within the catchment area, given the lack of strategic work undertaken to support increased building heights, the significant physical barriers dividing this area from the Ringwood Activity Centre, the topographical constraints of this area and the lack of meaningful engagement with Council.

It is recommended that Council prepare a submission to the VPA advising of these concerns.

STRATEGIC ALIGNMENT

Policy

Strategic direction 4 of the Council Plan discussed the built environment and the objective specifically references planning for and facilitating “appropriate land use and high quality development outcomes”. An action to support this is “prepare strategies and guidelines that support high quality urban design outcomes....” It is important therefore that Council provides feedback about the inclusion of land within Whitehorse in the catchment area where there is an absence of supporting strategies.

BACKGROUND

The State Government released Victoria’s *Housing Statement* in September 2023 which identified 10 initial activity centres as the locations for an Activity Centre pilot program:

- Broadmeadows
- Camberwell Junction
- Chadstone
- Epping
- Frankston
- Moorabbin
- Niddrie (Keilor Road) and North Essendon
- Preston (High Street)
- Ringwood

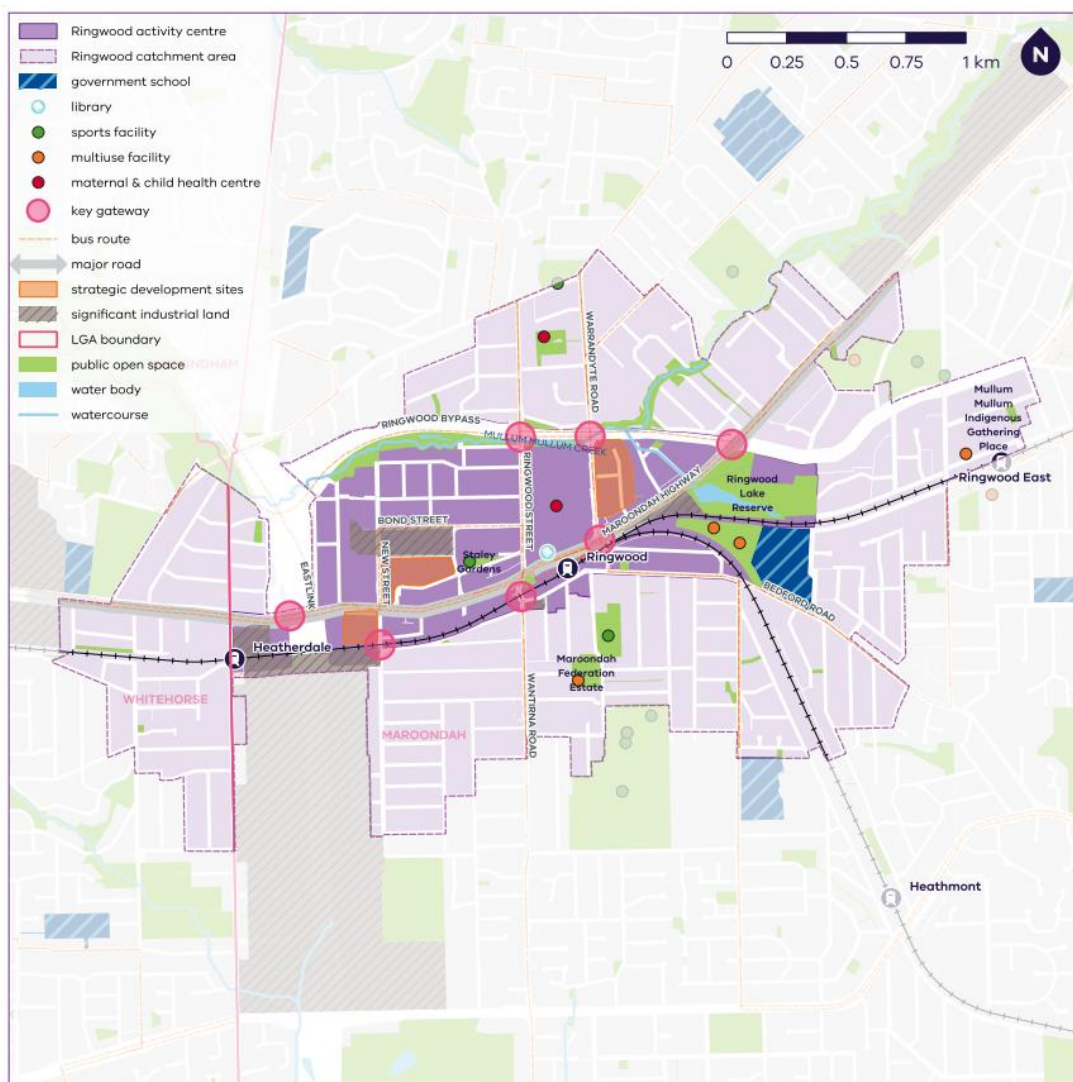
10.4 (cont)

The Activity Centre pilot program is intended to review building heights and urban design requirements in each location and change existing rules to encourage additional dwellings to be constructed to support the delivery of an estimated 60,000 new homes.

The VPA is undertaking the pilot program in collaboration with DTP. Of relevance to Whitehorse City Council is the Ringwood Activity Centre, which is located in the adjoining municipality of Maroondah.

Discussion and Options

Figure 1 shows the Ringwood Activity Centre and catchment area. The VPA advised Council officers that the catchment area generally includes land a further 800m – 1.2km from the activity centre boundary.



1. Figure 1 - Ringwood Activity Centre and catchment (Source: Draft Ringwood Activity Centre Plan August 2023 [VPA])

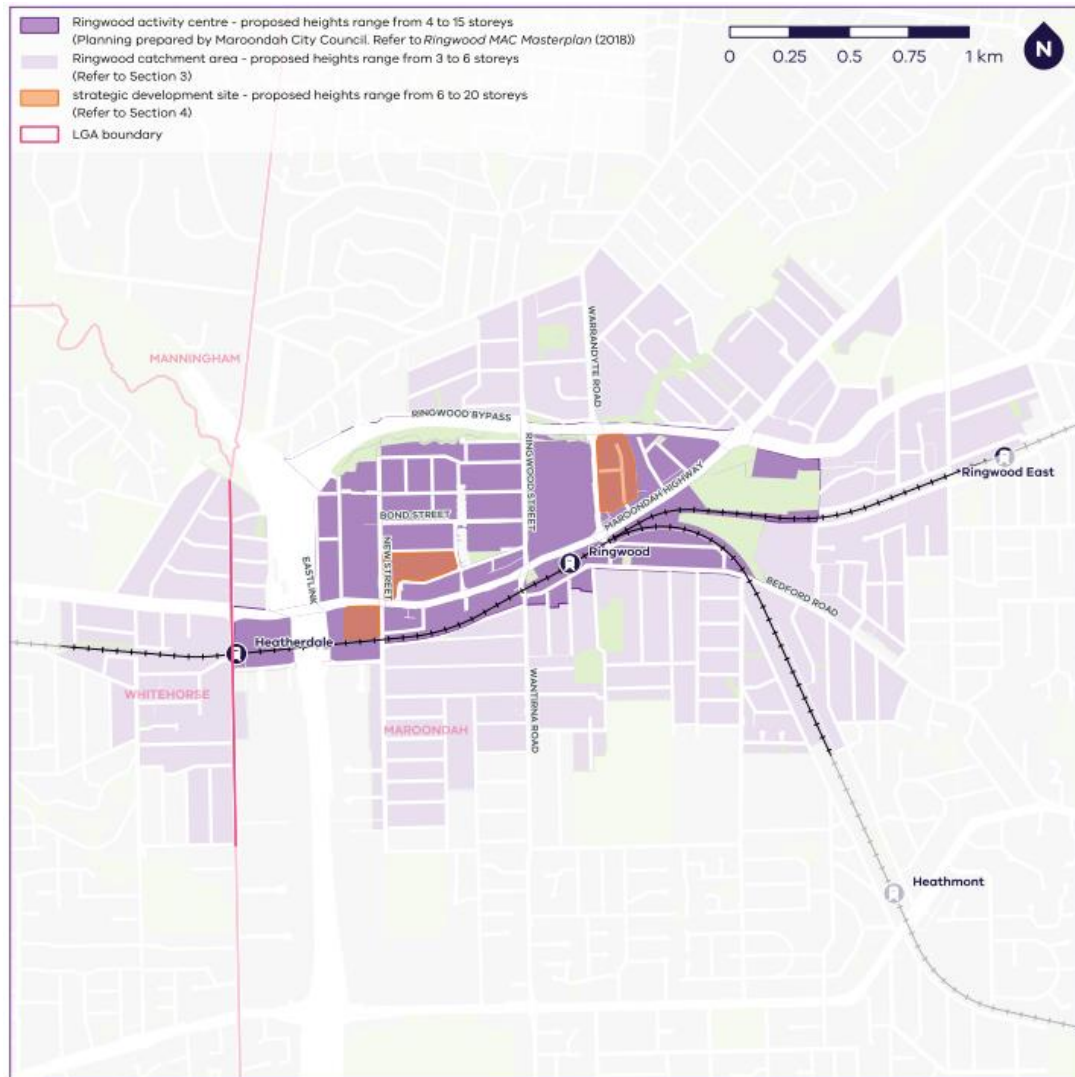
As seen in Figure 1, the draft activity centre plan catchment encompasses part of Whitehorse. To the north of Whitehorse Road the area between Dampier Grove and Deep Creek Road is included. Between Whitehorse

10.4 (cont)

Road and the Belgrave/Lilydale railway line the area between Heatherdale Road and Victory Street is included.

South of the railway line the area between Heatherdale Road and Purches Street is included down to Culwell Avenue, as well as properties in Nymph Street and Walwa Street. Properties between Denman Street and Purches Street are included, along with properties between Brunswick Road and the railway line. The area within Whitehorse includes 924 unique properties.

The draft plan proposes heights from 3 to 6 storeys within the catchment area.



2. *Figure 2 - Proposed building heights of activity centre and catchment (Source: Draft Ringwood Activity Centre Plan August 2024 [VPA])*

This area of Whitehorse includes land within Schedule 3 to the Neighbourhood Residential Zone (NRZ3) and land within Schedule 2 to the General Residential Zone (GRZ2).

This area is covered by Schedule 9 to the Significant Landscape Overlay and there are also various individual trees protected by Schedule 1 or Schedule 3 to the Vegetation Protection Overlay.

10.4 (cont)

The inclusion of this area of Whitehorse appears to be arbitrary. Firstly, the pilot program intends to build upon the existing Ringwood Metropolitan Activity Centre masterplan prepared by Maroondah and revised by the VPA, however there is no equivalent work done for this area of Whitehorse beyond the *Whitehorse Housing Strategy 2014*. The Council Plan explicitly states that Council will “prepare strategies and guidelines that support high quality urban design outcomes...” however no additional strategic work has been completed for this area that can justify increased building heights or changes to design rules.

Secondly, the *Housing Strategy* identified this area as bush suburban with building heights limited to 2-3 storeys. It is therefore concerning that the draft plan proposes heights up to 6 storeys in this area without any supporting strategic justification.

Finally, the draft activity centre plan outlines how the catchment area was defined, including that natural and physical barriers and environmental constraints were considered. However, there are significant barriers dividing this area from the Ringwood Activity Centre, including Eastlink and the Mullum Mullum Creek. Additionally, this area has a number of planning overlays that indicate sensitive environmental constraints. Further, there are serious topographical constraints with steep slopes throughout the identified area.

It is therefore unclear why this area was included, beyond its location near to the Heatherdale railway station. However, none of the catchment criteria relate to public transport availability.

Notwithstanding the above, there has been no engagement with Council by the VPA beyond an initial information session with officers, and a follow-up meeting with Directors about the Activity Centre pilot program more broadly. Officers have also met with officers from Maroondah City Council, but this was limited to their experience as part of the pilot program with no further information about the inclusion of areas of Whitehorse within the broader catchment.

The pilot program is also being fast tracked with the decision on the plan and subsequent planning scheme amendment to be made by the Minister for Planning by December 2024. There is a risk that changes could be made to the building heights and design rules without strategic work being undertaken, proper consideration or engagement.

SUPPORTING REPORT DETAILS

Legislative and Risk Implications

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

Equity, Inclusion, and Human Rights Considerations

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

10.4 (cont)

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

Community Engagement

No community engagement was required for this report.

The State Government is currently inviting submissions on each of the 10 activity centre plans until 29 September 2024. The VPA has recently distributed information to the local area about the Ringwood activity centre plan which includes links to relevant documents and how the community can make comment.

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

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

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

Conclusion

The VPA, in collaboration with DTP, are revising building heights and design rules for the Ringwood Activity Centre to allow more dwellings to be built in the centre. The project builds upon the existing Ringwood Activity Centre Master Plan, originally prepared by Maroondah City Council, and updated by the VPA.

The draft activity centre plan catchment encompasses part of the City of Whitehorse, generally between Heatherdale Road and Antonio Park.

It is recommended that Council prepare a submission to the VPA to express concerns about the inclusion of this area given the lack of strategic work beyond Council's Housing Strategy, as well as the lack of engagement with Council and the community about the implications of the draft revised building heights and design rules.

ATTACHMENT

- 1 Attachment 1 - Draft Ringwood Activity Centre Plan August 2024

10.5 Rescind Authorisation for Telstra Ltd to Occupy Council-Owned Land at 636 Burwood Highway, Vermont South and 85-103 Springfield Road, Blackburn North

Department

Property and Leasing

Director City Development

SUMMARY

At its meeting of 20 September 2021, Council in its capacity as the public land manager, granted conditional permission in accordance with “The Code of Practice for Telecommunication Facilities in Victoria” to Telstra Corporation Limited to occupy two Council owned sites.

Council also authorised the Manager Property and Leasing to undertake further discussions with Telstra Corporation Limited, via their appointed agent, if required.

Telstra Corporation Limited, via their agents, have recently indicated to Council that they no longer need to occupy the two Council sites identified in the 20 September 2021 Council report.

This procedural report seeks to rescind the 20 September 2021 resolutions.

RECOMMENDATION

That Council:

1. Acknowledges that Telstra Corporation Limited, via their agents, have advised Council that 636 Burwood Highway, Vermont South (AKA Lookout Trail Park) and 85-103 Springfield Road, Blackburn North (AKA Koonung Park) are no longer required sites.
2. Rescinds each of the Council resolutions contained within Item 9.1.5 from the Council meeting held on 20 September 2021.
3. Authorises Council’s Property and Leasing Department to advise Telstra Corporation Limited, via their appointed agents, of Council’s decision to rescind.

KEY MATTERS

At its meeting of 20 September 2021, Council in its capacity as the public land manager resolved the following:

“That Council:

1. *Resolves, in its capacity as the public land manager, to grant conditional permission in accordance with “The Code of Practice for Telecommunication Facilities in Victoria” to Telstra Corporation Limited’s request to co-locate with the existing tenant, Axicom Pty Ltd, on the*

10.5 (cont)

Council owned land known as 636 Burwood Highway, Vermont South (AKA Lookout Trail Park) conditions being:

- *Permission is limited to a land area of 30 square metres (6.0m x 5.0m) to accommodate an equipment shelter or equipment cabinets along with associated boundary fencing and landscaping.*
 - *A land only lease between Council and Telstra Corporation Limited is required to be executed prior to site access being granted by Council.*
 - *The lease term between Council and Telstra Corporation Limited will be confined to the remaining lease term of the current lease between Council and Axicom Pty Ltd; that lease, after a four year option period, expires on 26 March 2027.*
 - *The rent payable by Telstra Corporation Limited in year one of the lease is not less than the rent currently being paid by Axicom Pty Ltd, that being \$40,114 excluding GST.*
 - *Any easement/s over Council owned land required to facilitate installation of Telstra Corporation Limited infrastructure must comply with Section 114 of the Local Government Act 2020.*
 - *Site access and lease negotiations are withheld until all required town planning obligations in accordance with the Whitehorse Planning Scheme are met by Telstra Corporation Limited.*
2. *Authorise the Manager Property and Leasing to undertake community engagement in accordance with Council's Community Engagement Policy, if Telstra Corporation Limited accepts the conditional permission contained within resolution one.*
 3. *Resolve, in its capacity as the public land manager, to defer a decision regarding Telstra Corporation Limited application to locate a monopole, equipment shelter and ancillary facilities on the Council owned land known as 85-103 Springfield Road, Blackburn North (AKA Koonung Park).*
 4. *Authorise the Manager Property and Leasing to undertake further discussions with Telstra Corporation Limited, via their appointed agent (if required), regarding location options for the monopole, equipment shelter and ancillary facilities on the Council owned land known as 85-103 Springfield Road, Blackburn North (AKA Koonung Park).*
 5. *Request that at the conclusion of discussions with Telstra Corporation Limited regarding the location options at the Council owned land known as 85-103 Springfield Road, Blackburn North (AKA Koonung Park), that the Manager Property and Leasing provide Council with a report for its consideration.*
 6. *Authorise the Manager Property and Leasing to advise Telstra Corporation Limited, via their appointed agents, of Council's decisions."*

10.5 (cont)

Telstra Corporation Limited (Telstra) via their agents have recently indicated to Council that they no longer need to occupy the two Council sites identified in the 20 September 2021 Council report.

This report seeks to rescind, via Council resolution, the 20 September 2021 resolutions relating to the two Council owned properties known as 636 Burwood Highway, Vermont South (AKA Lookout Trail Park) and 85-103 Springfield Road, Blackburn North (AKA Koonung Park).

STRATEGIC ALIGNMENT

Strategic Directions 2:

A thriving local economy with high quality accessible education opportunities.

Objective:

Council will support and advocate for a diverse range of businesses, to facilitate local investment, education, and employment opportunities.

Policy

No policy implications.

BACKGROUND

At its meeting of 20 September 2021, Council in its capacity as the public land manager, granted conditional permission in accordance with “The Code of Practice for Telecommunication Facilities in Victoria” to Telstra Corporation Limited to occupy two Council owned sites.

Council also authorised the Manager Property and Leasing to undertake further discussions with Telstra Corporation Limited, via their appointed agent, if required.

After initial discussions, Telstra via their agents have recently indicated to Council that they no longer need to occupy the two Council sites identified in the 20 September 2021 Council report.

Discussion and Options

Given that Telstra, via their agents, have recently indicated to Council that they no longer need to occupy the two Council sites, and given that the 20 September 2021 resolutions mentioned above are ‘site specific’ and ‘directive in nature’ means that these resolutions should not remain unactioned and in abeyance.

Consequently, this report seeks to rescind the 20 September 2021 resolutions to ensure that Council does not carry unnecessary and dormant resolutions forward that could potentially create future land management issues.

The rescission of these resolutions does not preclude Telstra and/or their appointed agents from submitting a new application in accordance with “The Code of Practice for Telecommunication Facilities in Victoria”.

10.5 (cont)

SUPPORTING REPORT DETAILS

Legislative and Risk Implications

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

Equity, Inclusion, and Human Rights Considerations

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

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

Community Engagement

No community engagement was required for this report.

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

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

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

Conclusion

To ensure that Council does not carry unnecessary and dormant resolutions forward that could potentially create future land management issues, Council Officers recommend that Council resolve to rescind the resolutions contained within Item 9.1.5 from the Council meeting held on 20 September 2021.

10.6 Contract 30546 - Elgar Park North-East Oval Multipurpose Synthetic Field and Lighting Project

Department Project Delivery and Assets
Director Infrastructure

Attachment

SUMMARY

This report is seeking Council consideration for award of Contract 30546 to construct a multi-use synthetic field and associated sports field lighting at Elgar Park North East oval. The contract will deliver a Federation Internationale de Hockey (FIH) accredited synthetic surface hockey pitch with multi-use sports line markings and competition level lighting (500 lux).

The tenders for Contract 30546 closed on the 19 July 2024. Six tenders were received. Following a detailed evaluation of the tender submissions as shown in Confidential Attachment 1, Contek Constructions is assessed as providing the best value and is the recommended contractor for this project.

RECOMMENDATION

That Council accepts the tender and signs the formal contract document for Contract 30546 for the Elgar Park North East Oval Multipurpose Synthetic Field and Lighting project received from Contek Constructions (ABN 80 060 505 099), of 7-19 Kelvin Rd, Bayswater North, Victoria, 3153, trading as Contek Constructions, for the tendered amount of \$3,066,737.30, including GST; as part of the total expected project expenditure of \$3,653,338.70 including GST.

KEY MATTERS

In 2016 a Master Plan was developed for Elgar Park to guide future development at the site. As guided by the Elgar Park Master Plan, planning and design to construct a new multipurpose synthetic sports facility with flood lighting at this site has been undertaken.

At the September 23 2023 Council meeting Council considered the outcomes of community engagement and the final layout plan and resolved to proceed with the project.

Specialist sports field designers have assisted Council officers to develop the design and specification for the Elgar Park Northeast Oval Multipurpose Synthetic Field and Lighting Project.

The construction of synthetic sporting surfaces (including hockey pitches) requires a contractor with proven capability and credibility in delivering specialist earthworks and civil works, including electrical works associated with sports lighting. Specialist expertise with installation of synthetic surfaces for sports performance outcomes and selection of a quality long lasting

10.6 (cont)

synthetic performance system to provide a fit-for-purpose, long life facility that can be maintained cost effectively is critical to a successful contract outcome and has been considered in the recommendation.

The project is funded with a Victorian State Government funding contribution of \$2,750,000 (excluding GST) and Council allocation of \$580,675 (excluding GST).

STRATEGIC ALIGNMENT

The project relates to the following objectives within the Council Plan 2021-2025:

- Objective 4.2: Foster development that has access to a range of facilities, services, and amenities to meet future community needs.
- Objective 4.3: Provide active public spaces which are accessible by all, where people feel safe and connected with others in the community.

Redeveloping Elgar Park north east oval addresses Actions 3 & 7 of the Elgar Park Master Plan (2016) and fulfils Council's obligations under the funding agreement with the Victorian Government.

- Action 3 (New North East Sports Field)
- Action 7 (North West Sports Field Improvements - New floodlights and boundary fence to increase use)

Policy

The tender, tender evaluation and appointment of the successful contractor and the contract administration is governed by Council's Procurement Policy and Outdoor Sports and Recreation Floodlighting Policy. The lighting component of the project has been provided with Report & Consent approval by Building Services.

The following Federal and State policies are relevant to this project;

Gender Equality Act 2020 – the project responds to the Gender Impact Assessment recommendations.

Child Wellbeing and Safety Act 2005 – the requirements of the Child Safe Standards have been considered and applied where appropriate to this project

BACKGROUND

The tender was advertised and closed on the 19th of July 2024.

The Tender Evaluation Panel assessed each tender submission in detail as shown in Confidential Attachment 1.

All tender submissions were evaluated against the following criteria:

- a) The tender offer (40%)
- b) Capability to undertake these works outlined in the tender schedule (25%)

10.6 (cont)

- c) Credibility and demonstrated technical experience to complete the contract, (25%)
- d) Social and environmental sustainability (5%)
- e) Local Content (5%)

Occupational health and safety and equal employment opportunity assessed on a pass / fail basis.

Compliance Criteria including the ability to comply with the tender and contract requirements including statutory compliance and insurances, and financial soundness and capacity of the tenderer to undertake the contract, were also evaluated on a pass / fail basis.

The tender received from Contek Constructions Pty Ltd (ABN 80 060 505 099) is assessed as having the highest overall score (Refer to Confidential Attachment 1) and demonstrated the best value for money to Council.

SUPPORTING REPORT DETAILS**Legislative and Risk Implications**

A project risk register has been developed to manage risk during design and construction.

Consultation

Extensive consultation has been undertaken to enable finalisation of the project design.

Community engagement activities have been conducted to identify key community and sporting club requirements for the north east oval. Findings were considered in the project specification finalisation.

KBH Hockey club provided detailed design feedback.

Maroondah & Knox Councils have been consulted regarding construction scheduling and risk mitigation for synthetic hockey field projects.

Internal and stakeholders and Authorities have been consulted throughout the design process to ensure compliance with Council and statutory requirements.

Consultation and collaboration for tender specifications was undertaken with representatives from Leisure and Recreation Services, Major Transport Projects, People & Culture, Parks and Natural Environment, City Services, Engineering and Investments, and Project Delivery and Assets to ensure this contract will meet the needs of all relevant areas within Council.

Councils Procurement team have been consulted extensively to ensure that the procurement is compliant with the Procurement Policy.

10.6 (cont)

Collaboration

Collaboration was undertaken with:

- Melbourne Water – to ensure statutory requirements are met
- NELP (North East Link Project) - to ensure the project design and programming considered NELP requirements
- BTA (Bourke to Tram Road Alliance) - to ensure the traffic management requirements for the delivery of both BTA Valda Wetlands and Contract 30546 align.
- United Energy – regarding electricity supply arrangements for the sport field lights

Collaborative procurement was not considered suitable for this contract due to site specific specifications and requirements.

Financial and Resource Implications

This Contract is a Lump Sum Contract for \$3,066,737.30 including GST and is not subject to rise and fall in the costs of labour, materials or any other items, and is subject to variation only in accordance with the Contract.

This Contract will be delivered within the endorsed 2024/25 Council budget. A detailed financial summary is contained within the Confidential Attachment 1.

The total budget for the delivery of the project is \$3,330,675.00 (excluding GST) from existing Capital Works Programs 9001 C450012 (Sports field Surface Upgrade) and C454012 (Sports field Lighting). The Victorian State Government has contributed \$2,750,000 (excluding GST) to this project and Council has allocated \$580,675 (excluding GST). The funding agreement requires reporting and expenditure requirements to be met.

Discussion and Options

The program of works will be delivered over seven months with a practical completion date of 30 May 2025.

Elgar Park sport fields, pavilions and car parks will remain in use during all construction activities. Project construction updates will be provided to the community via Your Say.

Value management exercises including a Best and Final Offer (BAFO) post tender have resulted the recommended tender price that is within the endorsed Capital Works budget. There are no further opportunities to alter the specification without impacting on function, quality, and lifespan of the sports field.

The acceptance of this tender will enable the provision of a Federation Internationale de Hockey (FIH) accredited synthetic surface hockey pitch with multi-use sports line markings and competition level lighting (500 lux) to be utilised by sporting clubs, schools and the broader community.

10.6 (cont)

Program details will be finalised following award of the contract. Practical Completion for the Contract is due by 30 May 2025, inclusive of commissioning of the sports field lights.

Confidential Attachment 2 provides additional information on the tender evaluation.

Conflict of Interest

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

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

Conclusion

It is recommended that Council accepts the tender and signs the formal contract document for Contract 30546 for Elgar Park North East Oval Multipurpose Synthetic Field and Lighting project from Contek Constructions Pty Ltd (ABN 80 060 505 099), 7-19 Kelvin Rd, Bayswater North, Victoria, 3153, trading as Contek Constructions for the tendered amount of \$3,066,737.30 (including GST)

Subject to awarding of the contract, commencement is expected in late October 2024.

ATTACHMENT

1 C07 Tender Report - CONTRACT 30546

Whitehorse City Council designates this attachment and the information contained in it as Confidential Information pursuant to Section 3 (1)(g)(ii) of the *Local Government Act 2020*. This ground applies because the matter concerns business commercial tendering and financial information

2 Additional Information

Whitehorse City Council designates this attachment and the information contained in it as Confidential Information pursuant to Section 3 (1)(g)(ii) of the *Local Government Act 2020*. This ground applies because the matter concerns business commercial tendering and financial information

10.7 Audit and Risk Committee Charter

Department Governance and Integrity
Director Corporate Services

Attachment

SUMMARY

Under Section 53(1) of the *Local Government Act 2020* (Act), a Council must establish an Audit and Risk Committee (ARC).

Further, in accordance with the Section 54(1) of the Act, Council must prepare and approve an ARC Charter.

The ARC Charter must specify the functions and responsibilities of the ARC including the following:

- a) Monitor the compliance of Council policies and procedures with—
 - (i) The overarching governance principles; and
 - (ii) This Act and the regulations and any Ministerial directions;
- b) Monitor Council financial and performance reporting;
- c) Monitor and provide advice on risk management and fraud prevention systems and controls; and
- d) Oversee internal and external audit functions.

The ARC Charter was reviewed and endorsed by the ARC at the August 2024 meeting. Key changes to the Charter are outlined within the report.

The revised ARC Charter is now presented to Council for approval pursuant to Section 54(1) of the Act.

RECOMMENDATION

That Council approves the Audit and Risk Committee Charter.

KEY MATTERS

Whitehorse City Council has established an ARC pursuant to Section 53 of the Act to support Council in discharging its oversight responsibilities related to financial and performance reporting, risk management, fraud and corruption prevention systems and controls, maintenance of a sound internal control environment, assurance activities including internal and external audit and Council's performance with regard to compliance with its policies and legislative and regulatory requirements.

The ARC acts in this capacity by monitoring, reviewing and advising on the above matters, as set out in the Charter.

10.7 (cont)

STRATEGIC ALIGNMENT

Strategic Direction 1: An innovative Council that is well led and governed.

Policy

Section 54(1) of the *Local Government Act 2020*.

BACKGROUND

The ARC Charter was last reviewed and updated in January 2023.

The Charter provides the framework for the conduct of the Audit and Risk Committee at Council. It sets out the purpose, authority, composition, terms of office, chair requirements, fees, induction, responsibilities, meetings, reporting to Council, performance evaluation, committee member regulatory obligations and administration of the ARC.

Discussion and Options – Key Changes to the ARC Charter

The key changes to the ARC Charter include:

- Proposal to let other Councillors attend the meetings as an observer with no comment or voting rights;
- Noting of the biannual reporting on CEO and Councillors expenses (as per Committee Work Plan);
- A clause on reviewing the Finance team's accounting papers on asset valuations and changes to methods/assumptions (as per VAGO recommendations);
- Update to clauses on risk management and integrity framework to reflect current practices; and
- Update the title from "Organisational Update" to "Organisational and Culture Update" and removed reference to updates on service review.

SUPPORTING REPORT DETAILS**Legislative and Risk Implications**

Section 54(1) of the *Local Government Act 2020*.

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

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.

10.7 (cont)

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, other than the 'Key Changes to the ARC Charter' detailed above.

Collaboration

Audit and Risk Committee members were consulted in the review of the ARC Charter.

Conflict of Interest

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

Conclusion

Council to approve the ARC Charter pursuant to Section 54(1) of the Act.

ATTACHMENT

- 1 Audit Risk Committee Charter - for Council approval

10.8 Councillor Expenses and Support Policy

Department

Governance and Integrity
Director Corporate Services

Attachment

SUMMARY

The Local Government Act 2020 (the Act) requires Councils to adopt and maintain a Council Expenses Policy. Council initially adopted a Council Expenses Policy on 24 August 2020 with a review of the policy adopted on 16 August 2021, noting that a further review would be undertaken in August 2024.

The proposed changes aim to align with current practices, industry standards and legal requirements and adherence to the principles of public accountability. As a result, the revised policy provides clearer guidelines and more detail regarding obligations, which is also reflected in the amended title of Councillor Expenses and Support Policy (the policy).

The policy specifies the necessary provision of resources and support for Councillors to effectively fulfill their duties as elected representatives. It also outlines the level of support provided to Councillors, approval processes for resources and support, and guidelines for expenses including travel, reimbursement of reasonable childcare costs and expenses for Councillors acting as carers, promoting inclusivity and support.

The policy has taken into consideration recommendations from regulatory bodies such as the Victorian Auditor-General's Office (VAGO), Independent Broad-based Anti-corruption Commission (IBAC) and best practice policies featured on the Local Government Inspectorate (LGI) website.

RECOMMENDATION

That Council:

1. Adopts the Councillor Expenses and Support Policy; and
2. Notes that the Council Expenses and Support Policy will come into effect on 25 October 2024.

KEY MATTERS

In accordance sections 40, 41 and 42 of the Act, Council must:

- Reimburse a Councillor for out-of-pocket expenses which the Council is satisfied are bona fide expenses and have been reasonably incurred in the performance of the role of Councillor and are reasonably necessary for the Councillor to perform that role.
- Adopt and maintain an expenses policy in relation to the reimbursement of out of-pocket expenses for Councillors.
- Provide the Mayor and Councillors with the necessary resources and facilities to carry out their roles effectively. This includes considering the needs of individuals with disabilities and giving special attention to the support required by Councillors who are caregivers in care relationships as defined by the *Carers Recognition Act 2012*.

10.8 (cont)

The proposed changes aim to align with current practices, industry standards and legal requirements and adherence to the principles of public accountability. Council's Audit and Risk Committee (ARC) receive bi-annual reports on Councillor expenditure. The Committee in reviewing the expenses recommended that Council consider more policy guidance on training and events and ensuring they are linked to the role of Council and Councillor.

The revised policy is more prescriptive and clearly outlines expectations and guidelines.

The revised policy has also taken into consideration recommendations from:

- Regulatory bodies such as the Independent Broad-based Anti-corruption Commission (IBAC);
- The 2020 Local Government Inspectorate Report Councillor expenses and allowances: equitable treatment and enhanced integrity;
- Fraud and Corruption Control report (2019) —Local Government
- Best practice policies featured on the Local Government Inspectorate website.

STRATEGIC ALIGNMENT

The policy review aligns with Strategic Direction 1: '*An innovative Council that is well-led and governed*'.

The objective of this strategic direction is to ensure that Council is a trusted organisation that embraces innovation. This is achieved by clearly outlining the provision of resources and support available to Councillors to effectively undertake their duties as an elected representative.

BACKGROUND

At its meeting held 24 August 2020, Council adopted the Council Expenses Policy, marking the first policy under the new provisions of the Act.

In adopting this policy, Council ensured compliance with the Act, and specified the provision of resources and support required by a Councillor to effectively undertake their duties as an elected representative by:

- Outlining:
 - The level of support to be provided.
 - The procedure for reimbursement of expenses.
- Providing for:
 - The reimbursement of reasonable costs of childcare in order to support a Councillor to perform their role;
 - Expenses incurred by Councillor a who is a carer in a care relationship within the meaning of section 4 of the *Carers Recognition Act 2012* to be reimbursed on order to support the Councillor to perform their role;
 - Approval processes for resources and support, including all interstate and overseas travel by Councillors in an official capacity;

10.8 (cont)

- Reporting mechanisms that are available to the community, including registers required by the Act or regulations, and in accordance with Council's Public Transparency Policy.

The Council Expenses Policy was reviewed in August 2021 at which time it was noted that a further review would be undertaken in August 2024.

Discussion and Options

The more substantial changes incorporated into the revised policy are outlined in the table below, noting that some of the new sections added incorporate elements of the existing policy:

Item	Details
Health and wellbeing	New section added outlining access to Council's Assistance Program (EAP) counselling service – Councillor Support
Civic support	Clarity of support and new headings as follows: <ul style="list-style-type: none"> • Administrative support and facilities – Mayor • Administrative support and facilities – Councillors
Apparel/Uniform	Outlines items available to Councillors with the Whitehorse City Council logo.
Meals and refreshments	New section added to provide clarity regarding when it is appropriate that meals and refreshments will be served.
Councillor Portal	New section - Councillor resource and information hub - changes to allow for new and innovative ways of communicating with Councillors
Professional development	New section added outlining: <ul style="list-style-type: none"> • Induction • Professional development • Attending conferences and seminars • Training courses • Memberships and subscriptions • Courses nearing end of Council term • Annual budget
Civic representation and engagement	New section added outlining: <ul style="list-style-type: none"> • Events and functions • Events covered • Accompanying partner/guest • The Round tickets
Budget allocations	Details approved budget allocations as recommended in the LGI's 'Councillor expenses and allowances: equitable treatment and enhanced integrity' review

10.8 (cont)

SUPPORTING REPORT DETAILS**Legislative and Risk Implications**

- The *Local Government Act 2020* (the Act) requires all Councils to adopt and maintain a Council Expenses Policy. Sections 40, 41 and 41 of the Act also outline specific requirements to be included within the policy.
- Expenses and claims for reimbursement continue to form part of Integrity Agency investigations and reviews. Council is committed to ensuring transparency and accountability, the new policy provisions place further controls and measures to help mitigate fraud and corruption risks.

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*.

A Human Rights Charter compliance assessment has been undertaken with consideration to the following sections within the Victorian Equal Opportunity and Human Rights Commission:

- Section 18 - Right to take part in public life
- Section 13 - Right to privacy and reputation

The assessment has been included within the policy.

Community Engagement

No community engagement was required for this report.

Financial and Resource Implications

Councillor allowances, expenses and resources form part of Council's operational budget.

Innovation and Continuous Improvement

The proposed Councillor Expenses and Support Policy provides clearer guidelines for Councillors to understand the available provision of resources and support, will lead to better communication and clarity between Councillors and the Councillor support staff.

Collaboration

The policy has been benchmarked against best practice policies and written in consultation with resources from the Local Government Inspectorate.

Conflict of Interest

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

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

10.8 (cont)

Conclusion

The Councillor Expenses and Support Policy aims to align with current practices, industry standards and legal requirements, and adheres to the principles of public accountability.

The revised policy has taken into consideration recommendations from Integrity Agencies and best practice policies featured on the Local Government Inspectorate website. It is recommended that Council adopts the revised Councillor Expenses and Support Policy as at Attachment 1.

ATTACHMENT

- 1 Councillor Expenses and Support Policy

10.9 Councillor Gift Policy

Department

Governance and Integrity
Director Corporate Services

Attachment

SUMMARY

Section 138 of the *Local Government Act 2020* (the Act) requires Councils to maintain a Councillor Gift Policy and register, and to periodically review and update this policy to help ensure the impartiality and transparency of Council decision-making.

The Councillor Gift Policy (the policy) was developed giving regard to good practice recommendations from the 2019 Independent Broad-based Anti-corruption Commission (IBAC) *Local Government Integrity Frameworks Review*. The policy was originally adopted in October 2020 and was updated in April 2021.

The policy is due for review and with the Local Government General Election taking place in October 2024, will be updated to align with the new Council term. The policy has been reformatted to align with the current Whitehorse policy template and some sections have been added or expanded upon. The revised Councillor Gift Policy is presented for consideration by Council for adoption at Attachment 1.

RECOMMENDATION

1. Adopts the Councillor Gift Policy; and
2. Notes that the Councillor Gift Policy will come into effect on 25 October 2024.

KEY MATTERS

- Council is required to maintain a Councillor Gift Policy under section 138(1) of the Act.
- The Councillor Gift Policy was originally adopted in October 2020 and revised in April 2021.
- The policy is due for further review and has been benchmarked against resources from government bodies and best practice policies.

10.9 (cont)

STRATEGIC ALIGNMENTStrategic Direction 1

An innovative Council that is well-led and governed.

Objective

To ensure that Council is a trusted organisation that embraces innovation.

To achieve this objective, Council must drive a culture of strong governance by strengthening fraud and corruption controls, embedding risk management into planning and decision-making processes and maintaining transparency in Council decisions.

The revised policy contributes to the achievement of this objective by providing guidance regarding the offer and acceptance of gifts, benefits and hospitality, ensuring that:

- Councillors avoid any potential conflict of interest or breach of the Act, so that decision-making is impartial and not compromised; and
- Transparency is maintained to enable members of the Whitehorse community and other stakeholders to have full confidence in the conduct of Councillors in relation to gifts, benefits and hospitality.

Policy

The revised policy aligns with the following key principles of the Governance Framework (Chapter 1 of Council's Governance Rules):

- Council decisions are to be made fairly and on their merits.
- Community confidence and respect in Council processes is to be engendered through transparency associated with Council decisions, actions taken and ready access to information.
- Council will provide good governance and strive to achieve the best outcomes in terms of the benefits and wellbeing of its current and future communities.

Discussion and Options

In revising the Councillor Gift Policy, insights from Local Government Victoria and the Local Government Inspectorate (LGI) have been incorporated as well as best practice policies featured on the LGI website and from neighbouring Councils.

The policy has been reformatted against the current Whitehorse policy template and some sections have been reordered and/or expanded. A summary of proposed changes to the policy is outlined in the table below:

10.9 (cont)

Section	Amendment
1. Definitions (previously section 4)	Definitions added for <i>family member</i> , <i>gift register</i> , <i>impartiality</i> and <i>official capacity</i>
2. Overview including Purpose, Objectives and Scope (previously sections 1-3)	<ul style="list-style-type: none"> • Purpose expanded and clarified • Objective added re limiting the number of gifts made to or accepted by Councillors • Scope simplified (previously included text regarding the purpose of the policy)
3. Guiding principles (previously section 5)	Principles added: <ul style="list-style-type: none"> • Gifts should be declined where practicable • Any gift, benefit or hospitality accepted must only be done so for a legitimate business purpose
4. Gift and benefits (previously section 6, 'Different Types of Gifts of Benefits')	<ul style="list-style-type: none"> • Section 4.1 added regarding token vs. non-token gifts • Section 4.2 'Situations not classed as a gift or benefit' was previously at section 7
5. Other relevant guidance (previously section 8)	HOST test added.
6. Policy details (previously section 9, 'Policy Review')	Expanded and formatted in accordance with the current Whitehorse policy template.
Appendix: Human Rights Charter compliance (new)	Local government bodies are now required to undertake an assessment of all policies against the <i>Charter of Human Rights and Responsibilities Act 2006</i> .

SUPPORTING REPORT DETAILS**Legislative and Risk Implications**

Council is required to maintain a Councillor Gift Policy in accordance with Section 138 of the Act:

- (1) A Council must adopt a Councillor gift policy
- (2) A Councillor gift policy must include –
 - (a) procedures for the maintenance of a gift register; and
 - (b) any other matters prescribed by the regulations
- (3) A Council may review and update the Councillor gift policy

Maintaining a robust Councillor Gift Policy helps mitigate against reputational risk to Council and individual Councillors by engendering public transparency and trust in the integrity of Council decision-making.

10.9 (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*.

Section 13(a) of the Charter refers to an individual's right for privacy. While the Gift Register is a publicly available document on Council's website, the use of personal names will be avoided where possible, e.g., the name of a gift giver when it is an individual person. Names of companies and organisations will appear where applicable.

Section 13(b) of the Charter protects an individual's right not to have their reputation unlawfully attacked. The declaring of all gift offers, whether accepted or declined, ensures transparency and minimises the risk of unwarranted reputational attacks.

Community Engagement

No community engagement was required for this report.

Financial and Resource Implications

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

Innovation and Continuous Improvement

The revised policy improves public transparency regarding the offers of gifts, benefits and hospitality to Councillors which helps promote increased community confidence in Council decision-making and governance processes.

Collaboration

The following resources were consulted in the revision of the Councillor Gift Policy:

- The 2021 Local Government Inspectorate (LGI) Model Gifts, Benefits Hospitality Policy,
- The 2022 LGI fact sheet Conflict of interest: for councillors, and
- The 2020 Local Government Victoria guide In the Public Interest: a conflict of interest guide for councillors, delegated committee members and council staff.

The policy was also benchmarked against best practice examples on the LGI website and the policies of surrounding Councils.

Conflict of Interest

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

10.9 (cont)

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

Conclusion

The revised Councillor Gift Policy aims to promote community confidence in the integrity of Council decision-making and governance processes by improving transparency regarding the offers of gifts, benefits and hospitality to Councillors.

It is recommended that Council adopts the revised Councillor Gift Policy at Attachment 1.

ATTACHMENT

- 1 Draft Whitehorse City Council Councillor Gift Policy

10.10 S6 Instrument of Delegation from Council to Members of Council Staff

Department

Governance and Integrity
Director Corporate Services

Attachment

SUMMARY

There are numerous statutes conferring a responsibility on councils to act or determine matters, and it is not practical for the Council alone to exercise the many statutory powers bestowed.

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

Council subscribes to Maddocks (Lawyers) Delegations and Authorisations InDepth Service which provides a range of schedules for Council to utilise and modify according to organisational needs in line with relevant legislation. In August 2024 Maddocks released updates to the delegation schedules.

One of the instruments that Maddocks prepare in their service is the Instrument of Delegation from Council to Members of Council Staff, also known as Schedule 6 or S6. The S6 was last adopted by Council on 25 March 24.

The revised S6 Instrument of Delegation from Council to Members of Council Staff (Attachment 1) is presented to Council for consideration and provides a schedule of the legislation that only Council can delegate directly to Members of Council staff, and that the Chief Executive Officer is unable to sub delegate under the *Local Government Act 2020*.

RECOMMENDATION

That Council:

1. In the exercise of the power conferred by s 11(1)(b) of the *Local Government Act 2020* resolves that there be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the S6 Instrument of Delegation from Council to Members of Council staff, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument.
2. Resolves that the S6 Instrument of Delegation (S6) comes into force immediately upon this resolution being made. The S6 is to be signed by the Chief Executive Officer.

10.10 (cont)

3. Notes that upon the instrument coming into force, all previous delegations to members of Council staff are revoked.
4. Notes the duties and functions set out in the instrument must be performed, and the powers set out in the instrument must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

KEY MATTERS

Instruments of Delegation represent the formal delegation of powers by Council and enables the business of Council to be carried out efficiently, effectively and in line with Council approved policies.

Delegations are assigned to positions within Council rather than to natural people. When executing power under delegation, all staff are also limited and bound by Council policies and procedures.

The S6 Instrument of Delegation from Council to Members of Council Staff is used by a Council to delegate to members of its staff those powers that are contained in legislation which have their own power of delegation (but no express power of sub-delegation).

The legislation captured in the S6 Instrument of Delegation from Council to Members of Council Staff includes the following:

- *Domestic Animals Act 1994*
- *Food Act 1984, Heritage Act 2017*
- *Local Government Act 1989*
- *Planning and Environment Act 1987*
- *Residential Tenancies Act 1997*
- *Road Management Act 2004*
- *Planning and Environment Regulations 2015*
- *Planning and Environment (fees) Regulations 2016*
- *Road Management (General) Regulations 2016, and the Road Management (Works and Infrastructure) Regulations 2015.*

Where the powers under legislation are not required to be delegated, the column 'delegate' is populated with 'not delegated'.

As per advice received from the Maddocks Delegation and Authorisation In Depth Service, the regular review of delegations, irrespective of changes, is important for the good governance of Council and ensures that Council regularly reviews their delegated powers and that legislative reform and organisation restructures are captured.

The S6 Instrument of Delegation from Council to Members of Council Staff is at Attachment 1.

10.10 (cont)

STRATEGIC ALIGNMENT

This report aligns with the following Strategic Direction 1 of the Council Plan - *An innovative Council that is well-led and governed.*

The objective of this strategic direction is to ensure that Council is a trusted organisation that embraces innovation. The regular review of Instruments of Delegation promotes transparency and accountability to the community on the powers, duties and functions Council delegate to Council staff.

BACKGROUND

Council last reviewed and adopted the S6 on 25 March 2024. In August 2024 Maddocks, via their InDepth Service, released amendments to the S6 in accordance with legislative change and reform.

SUPPORTING REPORT DETAILS

Legislative and Risk Implications

Council is not a natural person and therefore, on a practical level, must undertake its responsibilities through others, usually through Council officers. Delegation of a Council power enables a member of Council staff to act on behalf of Council and allows for the effective day-to-day functioning of Council.

Reviewing Council's delegations ensures Council continues to comply with its obligations under various Acts and Regulations and enables the business of Council to be carried out efficiently.

Updating and managing instruments of delegation ensures compliance with Section 11 of the *Local Government Act 2020*.

Councils are required to maintain a register of all instruments of delegation that are in force in accordance with s11 of the *Local Government Act 2020*.

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

No community engagement was required for this report.

Financial and Resource Implications

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

10.10 (cont)

Innovation and Continuous Improvement

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

Collaboration

Relevant departments across the organisation have been involved in the consultation process to inform the relevant positions within Council to be delegated the duties, powers and functions under each respective piece of legislation.

Conflict of Interest

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

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

Conclusion

Delegations are necessary to facilitate the effective functioning of Council by enabling Council staff to make day-to-day decisions about routine administrative and operational matters.

It is recommended that Council resolves to authorise the Chief Executive Officer to execute the S6 Instrument of Delegation from Council to Members of Council Staff.

ATTACHMENT

- 1 S6 Instrument of Delegation from Council to Members of Council Staff

10.11 S11A Appointment of Authorised Officers under the Planning and Environment Act 1987

Department

Governance and Integrity
Director Corporate Services

Attachment

SUMMARY

The appointment of authorised officers enables appropriate staff within the organisation to administer and enforce various Acts, Regulations or Council local laws in accordance with the powers granted to them under legislation or a local law.

Whilst the appointment and authorisation of authorised officers under other relevant legislation is executed by the Chief Executive Officer under delegation, the *Planning and Environment Act 1987* (the Act) requires Council to authorise officers for the purpose of enforcing the provisions of the Act. It is proposed to appoint the Council officers detailed in Attachment 1 as Authorised Officers pursuant to Section 147(4) of the Act.

Instruments of Appointment and Authorisation are prepared in accordance with advice from the Maddocks (Lawyers) Authorisations and Delegations Service, which Council subscribes to.

Authorisations are different from delegations whereby the appointment is made to a natural person that holds a statutory position giving the appointed officer the ability to undertake the necessary functions listed in the instrument. Delegations on the other hand are made to positions within Council.

The S11A Instrument was last updated on 13 May 2024 and is presented regularly to Council for the purposes of authorising new staff members who have commenced and removing staff members who have departed the organisation.

RECOMMENDATION

That Council:

1. Appoints the officers named in the S11A Instrument of Appointment and Authorisation at Attachment 1 as Authorised Officers pursuant to section 147(4) of the *Planning and Environment Act 1987*; and
2. Authorises the Chief Executive Officer to sign the S11A Instrument of Appointment and Authorisation as approved above to come into force once executed and revoke the previous S11A Instrument of Appointment and Authorisation executed on 13 May 2024.

10.11 (cont)

KEY MATTERS

An ‘*authorised officer*’ is a person, other than a Councillor, appointed by Council to carry out a compliance or enforcement function under legislation related to the functions and powers of the Council.

Instruments of Appointment and Authorisation are prepared in accordance with advice from the Maddocks (Lawyers) Authorisations and Delegations Service, which Council subscribes to.

Whilst the 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* and the *Environment Protection Act 2017* be authorised by Council resolution.

There are no legislative changes to the authorisation under the *Planning and Environment Act 1987*.

The instrument has been updated to reflect staff changes arising from new appointments and departures.

STRATEGIC ALIGNMENT

The recommendation of this report accords with the Strategic Direction 1 of the Council Plan: *An innovative Council that is well led and governed*, through compliance with legislative requirements and regulations to achieve good governance and integrity.

Policy

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

BACKGROUND

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

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

Discussion and Options

Due to staff changes and movements, a review of appointed and authorised officers has been completed. The updated S11A Instrument of Appointment and Authorisation at Attachment 1 is presented for Council's consideration.

Failure to update the S11A Instrument of Appointment and Authorisation will impact the ability of the organisation to fulfil its 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 *Local Government Act 2020*.

10.11 (cont)

Authorisations are made pursuant to section 147(4) of the *Planning and Environment Act 1987*.

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

No community engagement was required for this report.

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

Collaboration was undertaken with the City Planning and Development department in drafting the S11A Instrument of Appointment and Authorisation at Attachment 1.

Conflict of Interest

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

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

Conclusion

In most cases, authorisations are approved by the Chief Executive Officer; however, authorisations under the *Planning and Environment Act 1987* are required to be issued by resolution of the Council.

It is recommended that Council resolves to authorise the Chief Executive Officer to execute the S11A Instrument of Appointment and Authorisation at Attachment 1.

ATTACHMENT

- 1 Draft S11A Instrument of Appointment and Authorisation - Planning and Environment Act 1987 - 9 September 2024

10.12 Records of Informal Meetings of Councillors

Department

Governance and Integrity

Coordinator Governance

RECOMMENDATION

That Council receives and notes the Records of Informal Meetings of Councillors.

Councillor Briefing – 26 August 2024 – 6.30pm – 6.40pm

Matter/s Discussed:	Councillors Present	Officers Present
<ul style="list-style-type: none"> Advocacy Framework Update Shaping Whitehorse Update Community Engagement at Whitehorse Council Agenda Items – 8 July 2024 	Cr Massoud (Mayor)	S McMillan
	Cr Davenport (Deputy Mayor)	S Cann
		J Green
	Cr Barker	L Letic
	Cr Carr	N Brown
	Cr Cutts	S Sullivan
	Cr Lane	V Ferlaine
	Cr Liu	K Woods
	Cr McNeill	
	Cr Munroe	
	Cr Skilbeck	
	Cr Stennett	
Others Present: N/A		
Disclosures of Conflict of Interest: Cr McNeill declared a general conflict of interest in Council Agenda item 10.2- 119 Victoria Crescent, Mont Albert (LOT 1 TP 226002), 489 Elgar Road, Mont Albert (LOT 1 LP 18866 ECSS) & 102 Kenmare Street, Mont Albert (LOT 93 LP 8375 ECSS) as she has an association with a party involved in the planning process.		
Councillor /Officer attendance following disclosure: N/A		

10.12 (cont)

Councillor Briefing – 2 September 2024 – 6.30-8.20pm		
Matter/s Discussed:	Councillors Present	Officers Present
<ul style="list-style-type: none"> Councillor as Candidate Best Practice Council Agenda Items – 9 September 2024 	Cr Massoud (Mayor) Cr Davenport (Deputy Mayor) Cr Barker Cr Carr Cr Cutts Cr Lane Cr Liu Cr McNeill Cr Munroe Cr Skilbeck Cr Stennett	S McMillan S Cann J Green L Letic S Sullivan S White V Ferlaine K Woods A Luck
Others Present: N/A		
Disclosures of Conflict of Interest: Cr Munroe declared a material conflict of interest in the Council Agenda Items section (Item 10.5 - Error! No document variable supplied.) due to being employed by Telstra.		
Councillor /Officer attendance following disclosure: N/A		

11 Councillor Delegate and Conference / Seminar Reports**11.1 Reports by Delegates and Reports on Conferences / Seminars Attendance**

Department Governance and Integrity
Director Corporate Services

Verbal reports from Councillors appointed as delegates to community organisations/committees/groups and attendance at conferences and seminars related to Council Business.

RECOMMENDATION

That Council receives and notes the:

1. Reports from delegates, and;
2. Reports on conferences/seminars attendance.

12 Confidential Reports**RECOMMENDATION**

That in accordance with Section 61(1) and 66(2)(a) of the *Local Government Act 2020*, Council closes the Meeting to members of the public and adjourns for five minutes to consider the following items:

12.1 CEO Employment Matters

This report is designated as Confidential Information in accordance with Section 3(1)(f) of the *Local Government Act 2020*, *because it is personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs. This ground applies because the matter concerns personal contractual matters.*

13 Close Meeting