



Agenda

Scheduled Council Meeting

Monday 27 June 2022 at 7:30 pm

You are advised that a Meeting of Council has been called by the Chief Executive Officer on Monday 27 June 2022 at 7:30 pm for the transaction of the following business.

This meeting will be held in the Community Hall at Barry Road Community Activity Centre, 36 Barry Road, Thomastown and will be [livestreamed via Council’s website](https://www.whittlesea.vic.gov.au/about-us/council/council-meetings/).

**C Lloyd**

**Chief Executive Officer**

Administrators

Lydia Wilson Chair of Council

Peita Duncan Administrator

Chris Eddy Administrator

On 19 June 2020 the Acting Minister for Local Government appointed the Panel of Administrators for the City of Whittlesea and appointed Ms Lydia Wilson as Chair of the Panel. The Panel of Administrators comprises of Ms Lydia Wilson, Ms Peita Duncan and Mr Chris Eddy who will undertake the duties of the Council of the City of Whittlesea until the October 2024 Local Government Election.

Senior Officers

Craig Lloyd Chief Executive Officer

Kate McCaughey Director Community Wellbeing

Justin O’Meara Director Planning & Development

Debbie Wood Director Infrastructure & Environment

Marilyn Kearney Interim Director Corporate & Shared Services

Frank Joyce Executive Manager Governance & Strategy

Janine Morgan Executive Manager Public Affairs

Order of Business

The Chief Executive Officer submits the following business:

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[1.2 Acknowledgement of Traditional Owners Statement 6](#_Toc106883306)

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[3 Confirmation of Minutes of Previous Meeting/s 7](#_Toc106883309)

[4 Public Questions, Petitions and Joint Letters 8](#_Toc106883310)

[4.1 Public Question Time 8](#_Toc106883311)

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[5.2.3 2022-24 Kelynack Reserve Park and Playground Upgrade 43](#_Toc106883322)

[5.3 Strong Local Economy 48](#_Toc106883323)

[5.4 Sustainable Environment 48](#_Toc106883324)

[5.4.1 Environmental Upgrade Agreement Program implementation recommendations 48](#_Toc106883325)

[5.4.2 2021-140B Glass Processing 58](#_Toc106883326)

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[5.5 High Performing Organisation 76](#_Toc106883328)

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[5.5.2 Review of Council Delegations to the CEO and Members of Council Staff 80](#_Toc106883330)

[5.5.3 Asset Plan and Asset Management Plans 89](#_Toc106883331)

[5.5.4 Annual Budget 2022-23 - Adoption & Declaration of Rates 93](#_Toc106883332)

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[9 Confidential Business 101](#_Toc106883336)

[9.1 Confidential Connected Communities 101](#_Toc106883337)

[9.2 Confidential Liveable Neighbourhoods 101](#_Toc106883338)

[9.3 Confidential Strong Local Economy 101](#_Toc106883339)

[9.4 Confidential Sustainable Environment 101](#_Toc106883340)

[9.5 Confidential High Performing Organisation 101](#_Toc106883341)

[9.6 Confidential Notices of Motion 101](#_Toc106883342)

[12 Closure 101](#_Toc106883343)

**Note:**

At the Chair of Council’s discretion, the meeting may be closed to the public in accordance with Section 66(2)(a) of the *Local Government Act 2020*. The provision which is likely to be relied upon to enable closure is set out in each item. These reports are not available for public distribution.

**Question Time:**

During the meeting, the Chief Executive Officer will answer questions from residents and ratepayers. Questions are required to be submitted in writing prior to the advertised commencement time of a Scheduled Council Meeting. It is preferred to receive any questions by 3.30pm unless this unreasonably prevents or hinders you from participating. A Question Time form can be downloaded from Council’s website and copies of the form are available at the meeting. Refer: <https://www.whittlesea.vic.gov.au/about-us/council/council-meetings/>

Council will hold public question time for up to 30 minutes at each Scheduled Council Meeting to allow members of the public to present the questions they have submitted to Council. When Council Meetings are held remotely by electronic means in accordance with Section 394 of the *Local Government Act 2020,* members of the public will be unable to present their questions, however the Chief Executive Officer will read out and answer questions from residents and ratepayers.

Council is committed to ensuring that all residents and ratepayers of the municipality may contribute to Council’s democratic process and therefore, if you have special requirements, please telephone the Governance Team prior to any Council Meeting on (03) 9217 2294.

**1 Opening**

**1.1 Meeting Opening and Introductions**

The Chair of Council, Lydia Wilson will open the meeting and introduce the Administrators and Chief Executive Officer:

Administrator, Ms Peita Duncan;

Administrator, Mr Chris Eddy; and

Chief Executive Officer, Mr Craig Lloyd.

The Chief Executive Officer, Craig Lloyd will introduce members of the Executive Leadership Team:

Director Community Wellbeing, Ms Kate McCaughey;

Director Planning and Development, Mr Justin O’Meara;

Director Infrastructure and Environment, Ms Debbie Wood;

Interim Director Corporate & Shared Services, Ms Marilyn Kearney;

Executive Manager Governance and Strategy, Mr Frank Joyce; and

Executive Manager Public Affairs, Ms Janine Morgan.

Following the Introductions, the Chief Executive Officer, Craig Lloyd will then read the following prayer:

*Almighty God, we ask for your blessing upon this council to make informed and good decisions to benefit the people of the City of Whittlesea.*

*Our father who art in heaven, hallowed be thy name, Thy kingdom come, Thy will be done in earth as it is in heaven. Give us this day our daily bread and forgive us our trespasses as we forgive them that trespass against us; and lead us not into temptation but deliver us from evil, For thine is the kingdom, the power and the glory, for ever and ever.*

*Amen*

**1.2 Acknowledgement of Traditional Owners Statement**

The Chair of Council, Lydia Wilson will read the following statement:

“On behalf of the City of Whittlesea I recognise the rich Aboriginal heritage of this country and acknowledge the Wurundjeri Willum Clan as the Traditional Owners of this place.

I would also like to personally acknowledge Elders past, present and emerging.”

**1.3 Attendance**

**2 Declarations of Conflict of Interest**

**3 Confirmation of Minutes of Previous Meeting/s**

**Recommendation**

**THAT the following Minutes of the preceding meeting as circulated, be confirmed:**

**Scheduled Meeting of Council held 16 May 2022.**

**4 Public Questions, Petitions and Joint Letters**

**4.1 Public Question Time**

**4.2 Petitions**

4.2.1 Petition - To replace gum trees in Eagles Nest and part of Corella Drive, Whittlesea

**4.2.1 Petition - To replace gum trees in Eagles Nest and part of Corella Drive, Whittlesea**

A petition has been received from 14 residents regarding removal of gum trees in Eagles Nest and part of Corella Drive, Whittlesea.

**Recommendation**

**THAT Council note the petition from 14 residents requesting Council replace gum trees in Eagles Nest and part of Corella Drive, Whittlesea and write to the signatories to inform them that:**

1. **The trees along both streets have recently been assessed and comply with the City of Whittlesea’s Street Tree Management Plan.**
2. **A meeting with the Head Petitioner will be organised with the Director Infrastructure & Environment (or representative) on site, to understand their concerns and specific rationale for their request.**
3. **A report to Council will be prepared for the August Council Meeting, advising how the petitioners’ concerns have been addressed, in consultation with Director Infrastructure & Environment.**
4. **Signatories will be advised of Council’s decision following the August Council Meeting.**

**4.3 Joint Letters**

**5 Officers' Reports**

**5.1 Connected Communities**

5.1.1 Community Plan Action Plan 2022-2023 - Draft for Adoption

**5.1.1 Community Plan Action Plan 2022-2023 - Draft for Adoption**

**Responsible Officer** Executive Manager Governance & Strategy

**Author** Robert Kisgen, Unit Manager Corporate Planning & Improvement

**In Attendance** Robert Kisgen, Unit Manager Corporate Planning & Improvement

**Attachments**

1. CPAP 2022 2023 CPAC Recommendations v 2 [**5.1.1.1** - 11 pages]
2. CoW Community Plan Action Plan 2022-2023 - Final Draft for Adoption [**5.1.1.2** - 4 pages]

**Purpose**

The purpose of this report is for Council to:

* Consider the submissions received regarding the Draft Community Plan Action Plan 2022-2023 (the Draft Action Plan)
* Note the Community Plan Advisory Committee’s recommendations in response to the submissions
* Adopt the Community Plan Action Plan 2022-2023 subject to changes resulting from the submissions.

**Brief Overview**

Council received 14 submissions as part of the public consultation and engagement of the Draft Action Plan. The Community Plan Advisory Committee has considered the submissions, and the Committee’s recommendations in response to the submissions have been included in this report (*Attachment 1*).

The submissions are broadly supportive of Council services and key actions as included in the Draft Action Plan. A final draft Community Plan Action Plan 2022-2023 incorporates any changes to the Draft Action Plan because of community engagement and internal submissions (*Attachment 2*).

**Background**

The Community Plan is Council’s key medium-term strategic plan. The Plan incorporates the City of Whittlesea’s Council Plan under the *Local Government Act 2020*, the Municipal Public Health and Wellbeing Plan, the Disability Action Plan as well as pandemic recovery actions. It outlines Council’s goals, key directions, key initiatives, and services. On an annual basis, Council prepares an Action Plan as a supplement to the Community Plan 2021-2025 which specifies the key actions for delivery each year.

This report collates community feedback regarding the Draft Community Plan Action Plan 2022-2023 for consideration, before a Final Action Plan is adopted.

**Recommendations**

**That the Council:**

1. **Notes the Community Plan Advisory Committee’s recommendations in response to the submissions received regarding the Draft Community Plan Action Plan 2022-2023.**
2. **Adopts the Community Plan Action Plan 2022-2023 (which has been updated following consideration of the submissions received during the consultation period).**

**Key Information**

**External submissions**

We have received 14 submissions during the public consultation and engagement period of the Draft Action Plan. A further submission was received regarding the Draft Action Plan but has been reclassified as a Budget submission due to its financial nature.

The submissions cover a broad range of topics including road and open space infrastructure, development in Mernda and Donnybrook, the Aboriginal Gathering Place and support for our Aboriginal community, the Regional Aquatics and Sports Centre, public toilets, libraries, youth services, the arts and commercial event grants.

The community submissions are broadly supportive of the Draft Community Plan Action Plan 2022-2023, with all submissions being reflected in the key actions included in the Draft Action Plan.

*Attachment 1* summarises the submissions alongside with Community Plan Advisory Committee recommendations for consideration.

**Internal submissions**

The following changes to the Draft Community Plan Action Plan 2022-23 have been proposed as projects are being refined within the leading departments:

* Under the “Connected community” goal, change the key action to “Commence designing the regional sports and aquatic centre in Mernda“ to read “Finalise the business case and complete design investigations for the regional sports and aquatic centre in Mernda”.
* Under the “Strong local economy” goal, change the key action to “Commence the Economic Development Communications and Engagement Framework to support local businesses to innovate and thrive” to read “Commence the Investment Attraction Communications Framework to support local businesses to innovate and thrive”.
* Under the “Strong local economy” goal, change the key action to “As part of COVID-19 recovery, deliver a ‘support local’ campaign and incentive program to support the community and local businesses” to read “As part of COVID-19 recovery, deliver a ‘support local’ campaign to support the community and local businesses”
* Under the “Strong local economy” goal, change the key action to “Launch a Council incentives package for business attraction and support” to read “Develop a Council incentives package for business attraction and support”
* Under the “Strong local economy” goal, change the key action to “Progress the Whittlesea Community Farm and Food Collective” to read “Progress the Community Farm and Food Collective”
* Under the “High-performing organisation” goal, change the key action to “Finalise the organisational outcomes and measurements framework to ensure all the work Council does benefits community” to read “Progress the organisational outcomes and measurements framework to ensure all the work Council does benefits community”.

Please refer to *Attachment 2* for the final draft Community Plan Action Plan 2022-2023 incorporating these proposed changes.

**Community Consultation and Engagement**

Community members have had the opportunity to provide feedback regarding the Draft Plan via Council’s engagement platform <https://engage.whittlesea.vic.gov.au/> between Wednesday, 30 March 2022 and Tuesday, 26 April 2022. The engagement opportunity was promoted via Council’s website, social media, and Local Scoop, and an engagement pop-up event was held at the All Abilities Play Space at Mill Park on 20 April 2022. We received 15 community submissions. One submission was reclassified as a Budget submission.

This engagement opportunity specifically to consider the Draft Community Plan Action Plan 2022-2023 follows the broader community engagement regarding the Community Plan 2021-2025 held between February and April 2021, which resulted in more than 1,500 community contributions.

# Alignment to Community Plan, Policies or Strategies

Alignment to Whittlesea 2040 and Community Plan 2021-2025:

**Connected communities**

We work to foster and inclusive, healthy, safe and welcoming community where all ways of life are celebrated and supported

**Liveable neighbourhoods**

Our City is well-planned and beautiful, and our neighbourhoods and town centres are convenient and vibrant places to live, work and play.

**Strong local economy**

Our City is a smart choice for innovation, business growth and industry as well as supporting local businesses to be successful, enabling opportunities for local work and education

**Sustainable environment**

We prioritise our environment and take action to reduce waste, preserve local biodiversity, protect waterways and green space and address climate change

**High performing organisation**

We engage effectively with the community, to deliver efficient and effective services and initiatives, and to make decisions in the best interest of our community and deliver value to our community.

**Considerations**

**Environmental**

The *Community Plan Action Plan* *2022-2023* will include actions that support the goal of sustainable environment.

**Social, Cultural and Health**

The *Community Plan Action Plan* *2022-2023* will include actions that support the goals of liveable neighbourhoods and connected community. It also includes actions related to the Disability Action Plan, Health and Wellbeing Plan and pandemic recovery which are incorporated into the *Community Plan 2021-2025*.

**Economic**

The *Community Plan Action Plan* *2022-2023* will include actions that support the goal of strong local economy.

**Financial Implications**

The *Community Plan Action Plan* *2022-2023* has several actions requiring budget and these have been reflected in the *Draft Annual Budget 2022-2023.*

**Link to Strategic Risk**

**Strategic Risk** *Governance - Ineffective governance of Council’s operations and activities resulting in either a legislative or policy breach*

**Implementation Strategy**

**Communication**

All submitters will be informed of Council’s resolution regarding their submission after the Council meeting. The adopted Community Plan Action Plan 2022-2023 will be published via Council’s website and will be available for review at Council offices and community centres. Community members will have the opportunity to request a physical copy of the Action Plan.

**Critical Dates**

1 July 2022 Beginning of the delivery period for the Community Plan Action Plan 2022-2023

**Declaration of Conflict of Interest**

Under Section 130 of the *Local Government Act 2020* and Rule 47 of the Governance Rules 2021, officers providing advice to Council are required to disclose any conflict of interest they have in a matter and explain the nature of the conflict.  
  
The Responsible Officer reviewing this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

**Conclusion**

14 community members provided their feedback regarding the Draft Community Plan Action Plan 2022-2023, voicing a lot of support for Council’s services and proposals while raising a broad range of topics including road and open space infrastructure, the Aboriginal Gathering Place and support for our Aboriginal community, the Regional Aquatics and Sports Facility, public toilets, libraries, and commercial event grants.

The Draft Action Plan comprehensively covers the topics raised, and the Community Plan Advisory Committee has made recommendations regarding the submissions. Proposed changes have been incorporated into the final Draft Action Plan, for Council consideration.

5.1.2 Belgravia Leisure Contract Extension

**5.1.2 Belgravia Leisure Contract Extension**

**Responsible Officer** Director Community Wellbeing

**Author** Anthony Traill, Manager Active & Creative Participation

**In Attendance** Anthony Traill, Manager Active & Creative Participation

**Attachments** No Attachments

**Purpose**

To implement the Council Resolution on 6 December 2021 to endorse a revised budget (guaranteed and non-guaranteed) for;

* Contract No. 2020-141 for the Management and Operation of Thomastown Aquatic and Recreation Centre (TRAC), and
* Contract No. 2020-059 for the Management and Operation of Mill Park Leisure (MPL) and Whittlesea Swim Centre.

**Brief Overview**

On 6 December 2021, Council resolved the following;

*That Council:*

1. *Approve a variation of $326,431 (excluding GST) making a revised contract sum of -$457,416 (excluding GST) for Contract No 2020-141 for Management and Operation of Thomastown Aquatic and Recreation Centre as a result of interruptions to business operations due to COVID-19 closures and restrictions during the extended COVID-19 lockdown period in 2021.*
2. *Approve a variation of $41,446 (excluding GST) making a revised contract sum of -$1,055,495 (excluding GST) for Contract No. 2020-059 for Management and Operation of Mill Park Leisure and Whittlesea Swim Centre as a result of interruptions to business operations due to COVID-19 closures and restrictions during the extended COVID-19 lockdown period in 2021.*
3. *Approve an extension of the Contract No. 2020-141 for the Management and Operation of Thomastown Aquatic and Recreation Centre to have an end date of 30 June 2024, subject to receiving a revised budget (guaranteed and non-guaranteed) from Belgravia Leisure, via a report for endorsement by Council in early 2022.*
4. *Approve an extension of the Contract No. 2020-059 for the Management and Operation of Mill Park Leisure and Whittlesea Swim Centre to have an end date of 30 June 2024, subject to receiving a revised (guaranteed and non-guaranteed) from Belgravia Leisure, via a report for endorsement by Council in early 2022. The extension of Contract No. 2020-059 will also include a trial for the Whittlesea Swim Centre season which includes free entry for this facility and an evaluation process at the end of each season, subject to contractual agreement with Belgravia Leisure.*

Negotiations to set guaranteed and non-guaranteed budgets have been ongoing since January 2022, to monitor improving visitation and membership numbers to Council’s leisure and aquatic facilities post pandemic facility closures.

A cost to trial free entry to the Whittlesea Swim Centre has also been obtained in accordance with the resolution.

**Recommendations**

**That Council:**

1. **Approves a two-year extension of the Contract No. 2020-141 for the Management and Operation of Thomastown Aquatic and Recreation Centre to have an end date of 30 June 2024, for the total Net Guaranteed Sum of $1,259,381 (cost to Council) and Net Non-Guaranteed Sum of $509,011 (cost to Council) excluding GST.**
2. **Approves a two-year extension of the Contract No. 2020-059 for the Management and Operation of Mill Park Leisure and Whittlesea Swim Centre to have an end date of 30 June 2024, for the total Net Guaranteed Sum of $80,076 (cost to Council) and Net Non-Guaranteed Sum of $257,331 (income to Council) excluding GST.**

**Key Information**

**Background / Context**

The pandemic restrictions in Victoria had a significant impact on Council’s leisure and aquatic facilities. Facility closures and restricted operations impacted membership numbers, learn to swim programs and casual visitation industry wide.

One of the biggest challenges for aquatic facilities during the COVID-19 pandemic period was the loss of quality staff during pandemic restrictions in 2021 to other industries when the Commonwealth Government's job keeper support was no longer available to staff.

During the pandemic restrictions memberships were suspended, ensuring the community did not pay for memberships when the facility was not available to them. Upon re-opening some members were still reluctant to return like many other settings in our community, especially our older citizens. In addition, until recently patrons had to be fully vaccinated to be able to gain access and use aquatic facilities.

Actual memberships, learn to swim and casual visitation numbers all directly influence setting guaranteed and non-guaranteed sums by a contractor.

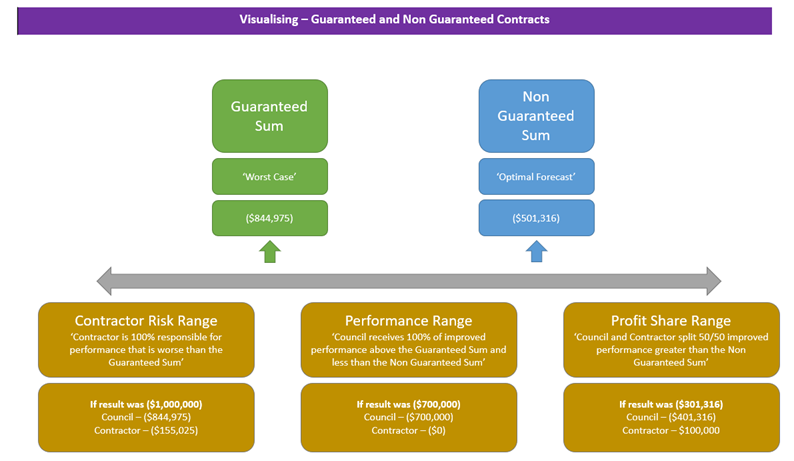
**Guaranteed Sum and Non-Guaranteed Sum**

The ‘guaranteed sum’ is the worst-case scenario, contract cost to Council, with the Contractor 100% responsible for performance worse than this figure (subject to the facility being able to operate as per our tender and contract conditions). If in the event of further restrictions being implemented to restrict the ability for the facility to operate at capacity, reasonable adjustments would need to be considered at that time.

The anticipated performance range of the contract is between the Guaranteed Sum and the Non-Guaranteed Sum forecasts. In this range Council receives 100% of the reduced cost or increased income.

The ‘Non-Guaranteed’ sum is the upper range forecast of performance possible. If performance exceeds this Non-Guaranteed sum a profit share calculation (50% each) would be enacted according to the contract.

This model is summarised in **Figure 1** below.

 **Figure 1: Visualising the annual Guaranteed Sum, Performance Range & Non-Guaranteed Sum**

**Recent Performance**

Since the 6 December 2021 Council resolution, there has been a slow and steady improvement in membership, learn to swim programs and casual visitation at both TRAC and MPL.

* MPL as a new refurbished facility is performing extremely well since COVID restrictions have been removed. Memberships increased from 3388 to 3927, had 200,284 visitations and Learn to Swim increased from 2230 to 2449 (as of 31 Mar 2022).
* Whittlesea Swim Centre had a good season with warm weather and 13,712 visitations (between 1 January 2022 and 31 March 2022).
* TRAC has had a slower improvement in utilisation and has a Council payment as a Guaranteed Sum proposed. Memberships increased from 1,831 to 1,923, had 75,086 visitations and Learn to Swim increased from 1,210 to 1,381 (as of 31 March 2022).

There are two factors that have contributed to a slower improvement for TRAC;

1. The membership demographics at TRAC are older, have higher needs and limited access to internet (noting some online booking requirements during the COVID-19 pandemic restrictions and re-openings). It also services a catchment which has a high proportion of lower income households.
2. TRAC is an older facility and could have been impacted by loss of memberships due to the recently refurbished MPL facility.

Over the last three months the following improvements have been seen;

* MPL had the largest swim school, and the second highest membership of all Belgravia Leisure sites in Australia and NZ.
* TRAC had 260 companion card entries.

**Free Entry Whittlesea Swim Centre**

A cost of $164,313 to trial free entry at Whittlesea Swim Centre for two seasons was obtained from Belgravia Leisure for Council consideration (Year 1 at $80,943 and Year 2 at $83,370).

Free pool entry to outdoor seasonal pools has been adopted by some other (mostly rural) municipalities. Whilst the concept has merit, this report notes further analysis as well as community and stakeholder engagement be undertaken prior to a determination on this matter. Further analysis and community engagement would include benchmarking of neighbouring outdoor seasonal pools (and associated opportunities and issues), exploration of parity issues with other pools in the municipality, as well as assessment of economic impacts to businesses in the township. In light of this, the concept of free entry to Whittlesea Swim Centre, will be explored as an option as part of the next contract specifications and tender scheduled for late 2023 / early 2024.

**Community Consultation and Engagement**

This report is implementing a Council Resolution that is a contractual matter.

Further community engagement strategies will be developed including but not limited to social media, signage onsite, engagement opportunities within Whittlesea Township and Council publications.

**Alignment to Community Plan, Policies or Strategies**

Alignment to Whittlesea 2040 and Community Plan 2021-2025:

**Connected communities**

We work to foster and inclusive, healthy, safe and welcoming community where all ways of life are celebrated and supported.

Leisure and Aquatic facilities play a key role to help our entire community stay connected, learn to be safe around water and live a healthy lifestyle.

**Considerations**

**Environmental**

This decision before Council has no environmental implications.

**Social, Cultural and Health**

Leisure and aquatic facilities play a key role to help our entire community stay connected, learn to be safe around water and live a healthy lifestyle.

**Economic**

Further engagement is recommended for free swim entry at Whittlesea Swim Centre to further understand any potential social and economic benefits or impacts to Whittlesea Township and local businesses. This will be undertaken as part of the analysis and research to prepare the next leisure contract specifications.

**Financial Implications**

The revised contract budget for the contract extensions is summarised on **Tables 1** and **2** below.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | Extension Year 1 – (2022-23) | | Extension Year 2 – (2023-24) | |
|  | Guaranteed | Non-Guaranteed | Guaranteed | Non-Guaranteed |
| MPL | $142,603 | $271,109 | $149,596 | $358,497 |
| WSC | ($184,078) | ($184,078) | ($188,197) | ($188,197) |
| TOTAL | **($41,475)** | **$87,031** | **($38,601)** | **$170,300** |

**Table 1: Contract No. 2020-059 for the Management and Operation of Mill Park Leisure (MPL) and Whittlesea Swim Centre (WSC)**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | Extension Year 1 – (2022-23) | | Extension Year 2 – (2023-24) | |
|  | Guaranteed | Non-Guaranteed | Guaranteed | Non-Guaranteed |
| TRAC | **($844,975)** | ($501,316) | ($414,406) | ($7,695) |

**Table 2: Contract No. 2020-141 for the Management and Operation of Thomastown Aquatic and Recreation Centre (TRAC)**

The proposed resolution before Council requires an additional $896,450 of adjustment to the advertised draft 2022/2023 Council budget and has been incorporated into the revised 2022/2023 Council budget being considered by Council at the 27 June 2022 Council meeting.

**Link to Strategic Risk**

**Strategic Risk** *Financial Sustainability - Inability to meet current and future expenditure***Strategic Risk** *Service Delivery - Inability to plan for and provide critical community services and infrastructure impacting on community wellbeing***Strategic Risk** *Health, Safety and Welfare - Failure of safety and risk management systems resulting in serious injury or harm to staff or member of public***Strategic Risk** *Contractor Management - Failure to manage contractors to deliver agreed outcomes*

**Implementation Strategy**

**Communication**

Belgravia Leisure will be advised of this decision by the contract manager.

**Critical Dates**

* Extension of contract commences on 1 July 2022
* Commence review and development of next contract specification – early 2023.
* Tender next contract – late 2023 / early 2024.
* Contract extension expiry 30 June 2024.

**Declaration of Conflict of Interest**

Under Section 130 of the *Local Government Act 2020* and Rule 47 of the Governance Rules 2021, officers providing advice to Council are required to disclose any conflict of interest they have in a matter and explain the nature of the conflict.  
  
The Responsible Officer reviewing this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

**Conclusion**

The COVID-19 pandemic restrictions in Victoria had a significant impact on leisure and aquatic facilities. Lockdowns and restricted operations impacted membership numbers, learn to swim programs and casual visitation industry wide.

The recommended budgets for next 2 years are built off actual membership, learn to swim enrolments and visitation at the time of writing this report.

**5.2 Liveable Neighborhoods**

5.2.1 Proposed Amendment to the Mayfield Historic Precinct Development Plan

**5.2.1 Proposed Amendment to the Mayfield Historic Precinct Development Plan**

**Responsible Officer** Director Planning & Development

**Author** Taras Rego, Strategic Planner

**In Attendance** Linda Martin-Chew, Coordinator Strategic Land Use Planning

**Attachments**

1. MHPDP Existing Approved Plan [**5.2.1.1** - 1 page]
2. MHPDP Amendment Subject Site Map [**5.2.1.2** - 2 pages]
3. MHPDP Amendment Plans [**5.2.1.3** - 2 pages]

**Purpose**

The purpose of this report is to consider an amendment request to the *Mayfield Historic Precinct Development Plan (MHPDP)* to allow the use and development of a child care centre at 1325 Plenty Road, Mernda.

**Brief Overview**

Human Habitats, on behalf of VAG Project Management Pty Ltd have lodged a request to amend the *Mayfield Historic Precinct Development Plan (MHPDP)* to allow the use and development of a child care centre at 1325 Plenty Road, Mernda. The amendment is proposing that the current designation of the land be changed from education or residential use to child care centre to accommodate up to 128 places.

The *MHPDP* affects three separately owned land parcels at numbers 1321, 1325 and 1345 Plenty Road, Mernda. If approved, a planning permit must be generally in accordance with the amendment to the *MHPDP*.

The officer assessment of the proposed amendment to the *MHPDP* has concluded that:

* The location of the proposed use does not align with the strategic planning framework and relevant planning policy, including Clause 19.02-2L (Child care centres), within the Whittlesea Planning Scheme.
* The significant existing landscape and heritage elements of the site have not been appropriately addressed in the proposal.

It is therefore recommended that the proposed amendment to the MHPDP be refused.

**Recommendation**

**That Council:**

1. **Refuse the amendment proposed to the *Mayfield Historic Precinct Development Plan* to provide for the use and development of a child care centreas shown in *Attachment 2* on the basis that the proposal does not align with the strategic planning framework and relevant planning policy of the Whittlesea Planning Scheme, as follows:**

* **The proposal is not in accordance with the requirements of the Incorporated Plan Overlay Schedule 1 (Mernda Strategy Plan).**
* **The proposal is not in accordance with the requirements of the Development Plan Overlay Schedule 5 (Mernda Development Plan).**
* **The proposal is not in accordance with the Planning Policy Framework including Clause 19.02-2L (Child Care Centres).**

1. **Notify the proponent of Council’s resolution.**

**Key Information**

**Background**

In September 2010, Council received an application for a planning permit to establish a primary school with 180 students at 1325 Plenty Road Mernda (the subject site). The application was subsequently withdrawn following advice from Council Officers that it was unlikely to be approved in the absence of an approved development plan addressing amongst other things, all three heritage sites within the precinct.

The *MHPDP* (Development Plan) was submitted in 2011 and applies to the three land parcels comprising a total area of approximately 1.8 hectares for 1321, 1325 and 1345 Plenty Road, Mernda. It sets out the form and conditions for future subdivision, land use and development for the precinct, including the subject site. The *MHPDP* provided an option to establish a primary school at 1325 Plenty Road, Mernda.

As a result of the informal public exhibition of the *MHPDP*, a large number of submissions opposing the Development Plan were received from property owners and occupiers within and surrounding the plan area, as well as from other individuals within, and outside, the municipality.

The *MHPDP* was considered by Council at its meeting of 20 March 2012. Council determined to refuse the Development Plan on a number of grounds that related to the proposed use of the subject site for a school, the traffic and parking impacts on the local and wider road network, the impact of the school development on the heritage values of the site, and that the drafting of the Development Plan was too broad and discretionary. The decision was reviewed at the Victorian Civil and Administrative Tribunal (VCAT) which set the Council decision aside and approved the *MHPDP* with changes in June 2013 – which approved the nomination of the site for “education use”. The Development Plan was subsequently endorsed in August 2014 (*refer* *Attachment 1*). A planning permit was then issued in August 2014 to allow the use and development of the land for an education centre in accordance with endorsed plans. The use and development allowed under the permit has not commenced.

Section 3.4 of the approved *MHPDP* states that an amendment to the Development Plan is required to use the land for any purpose other than for a primary school or residential purposes.

**Site Context**

The subject site is approximately 0.81 hectares and is located at 1325 Plenty Road, Mernda.

The site is bounded by Plenty Road to the east, which is an arterial road designated within a Transport Zone 2 – Principal Road Network, within the Whittlesea Planning Scheme. To the west the site abuts Pietas Place and Mayfield Park. The site is bounded by 1345 Plenty Road to the north and 1321 Plenty Road to the south, all three land holdings forming the *MHPDP* land area (*refer Attachment 2*).

The subject site forms part of the Mayfield Historic Precinct, with the former Mernda Primary School and schoolmaster’s residence located on the site. There are two other heritage places located within the *MHPDP*. Land directly to the north (1345 Plenty Road) contains the 19th Century bluestone Mernda Presbyterian Church and a large, undeveloped area to the rear of the church site. The land directly to the south (1321 Plenty Road), known as ‘The Poplars’ comprises a former 19th Century bluestone inn.

The surrounding area contains established residential development, including on the opposite side of Plenty Road, which is the southern residential section of the Mernda Town Centre.

**Development Plan Amendment**

The *MHPDP* amendment has been prepared by Human Habitats on behalf of VAG Project Management Pty Ltd (*refer Attachment 3*) in relation to one of the three land parcels within the *MHPDP*, 1325 Plenty Road Mernda. The *MHPDP* amendment proposes the use and development of the site as a child care centre.

Specifically, the key features of the Development Plan are listed below:

* Minor demolition and extension of heritage buildings for the use of the site as a child care centre (subject to a future planning permit application).
* Partial demolition works proposed to the buildings on site include selected new openings to the rear of the school house to form a connection to the new addition. Demolition of the walkway between the school house and the residence is also proposed.
* The child care centre is proposed at the rear of the former school house. The proposed addition is single storey and is proposed to accommodate 128 children and include associated staff facilities, kitchen, laundry, meeting room, wash facilities and reception.
* The former residence is proposed to be converted into an office.
* No buildings are proposed for the front (east) portion of the land. ‘Garden area’ is proposed to the east of the former schoolhouse.
* 28 car spaces, including tandem car parking are provided in the west portion of the land, to the rear of the school house.
* External play areas are proposed to the north, east and west of the former school house.
* Removal of eight mature and semi-mature exotic trees.
* Entrance to the site provided via two vehicle crossovers from Pietas Place.

**Community Consultation and Engagement**

Whilst there is no statutory requirement to exhibit a proposed Development Plan to the community, it is usual Council practice to seek feedback from adjoining properties in a non statutory manner. However, in this circumstance the amendment proposal was not exhibited due to significant non-compliance to policy and requirements of the Whittlesea Planning Scheme as outlined in this report.

**Alignment to Community Plan, Policies or Strategies**

Alignment to Whittlesea 2040 and Community Plan 2021-2025:

**Liveable neighbourhoods**

Our City is well-planned and beautiful, and our neighbourhoods and town centres are convenient and vibrant places to live, work and play.

**Considerations**

**Planning Assessment**

The subject site is in the General Residential Zone – Schedule 1 (GRZ1) of the Whittlesea Planning Scheme. The primary purpose of the GRZ1 is to provide a diversity of housing types and housing growth, particularly in locations offering good access to services and transport.

The site is also subject to the following overlays:

* Heritage Overlay – Schedule 201, 18 and 16 (HO201, HO18, HO16)
* Development Contributions Plan Overlay – Schedule 8 (DCPO8)
* Development Plan Overlay – Schedule 5 (DPO5)
* Incorporated Plan Overlay – Schedule 1 (IPO1)
* Vegetation Protection Overlay – Schedule 1 (VPO1)

Incorporated Plan Overlay – Schedule 1 (Mernda Strategy Plan)

The purpose of the Incorporated Plan Overlay (IPO1) is to identify areas where the form and conditions of future use and development are to be shown on an incorporated plan before a permit can be granted. The *Mernda Strategy Plan 2016* is the incorporated plan that affects the subject site and identifies it for residential purposes.

The *Mernda Strategy Plan 2016* was approved in October 2004 and amended in 2008 and 2016. The *Mernda Strategy Plan 2016* sets out high level planning considerations relevant to the broader Mernda area. The *Mernda Strategy Plan* nominates the *MHPDP* area for residential purposes as part of ‘Precinct 4’. It is identified for medium density residential development due to its proximity to the Mernda Town Centre. It also nominates the subject site as within an ‘environmentally sensitive design area’.

Significantly, the *Mernda Strategy Plan* provides that the siting and design of social infrastructure (such as child care centres) should facilitate service co-location and integration of.

Key Objective 3.8, of the *Mernda Strategy Plan* seeks‘to protect Aboriginal and European heritage sites and to increase community understanding and awareness of this heritage through site-responsive urban design’. There are aspects of the proposed design included in the amendment documentation that do not respond to the significant heritage components of the Mayfield Historic Precinct, including maintaining sightlines referenced in the *MHPDP* and the Mayfield Heritage Precinct Citation (March 2012). The Mayfield Heritage Precinct Citation was commissioned by Council to provide a heritage assessment of the precinct. The citation encourages the maintenance of the mature trees, stating that if trees become dangerous, removal and replanting with the same species in the same location should be encouraged.

The *Mernda Strategy Plan* requires that a development plan be prepared for the next level of planning within the identified precincts, which the Development Plan Overlay (DPO5) facilitates.

Development Plan Overlay – Schedule 5 (Mernda Development Plan)

The purpose of the Development Plan Overlay Schedule 5 (DPO5) is to identify areas which require the form and conditions of future use and development be shown on a development plan before a permit can be granted to use and develop the land.

Schedule 5 of the Development Plan Overlay specifies the requirement that the Development Plan must be informed by a detailed site analysis of the natural, cultural and strategic context of the site and show, or include, a range of matters to the satisfaction of the Responsible Authority. These matters include that the Development Plan is generally in accordance with the *Mernda Strategy Plan* and associated precinct plans. The proposed amendment is not considered generally in accordance with the *Mernda Strategy Plan*, and therefore does not meet the requirements of DPO5 as it applies to the site.

Additionally, of relevance to the proposal is the DPO5 requirement of retention and integration of individual and stands of mature trees. Another requirement of DPO5 is recognition of important landscape views and vistas, and the conservation and protection of Aboriginal and European cultural heritage places. The proposed amendment does not adequately address the broader landscape and heritage precinct requirements and ensure the ongoing visual relationship of heritage buildings is appropriately retained between Plenty Road and the heritage buildings.

Development Contributions Plan Overlay- Schedule 8

The purpose of the Development Contributions Plan Overlay Schedule 8 (DCPO8) is to identify areas which require the preparation of a development contributions plan. Schedule 8 to the Development Contributions Plan Overlay applies to land within Precinct 4 of the *Mernda Strategy Plan*. The *Mernda Strategy Plan* defines the lot at 1325 Plenty Road as developable land for residential use, therefore Development Infrastructure Levies would be charged at the residential rate.

Heritage Overlay – Place Numbers 201, 18 and 16

The purpose of the Heritage Overlay (HO) is to conserve and enhance heritage places of natural or cultural significance as well as those elements which contribute to the significance of heritage places. In addition, the Heritage Overlay requires that a planning permit be obtain for buildings and works to ensure that development does not adversely affect the significance of heritage places.

Place Number 201 to the HO identifies the Mayfield Heritage Precinct, including 1321, 1325 and 1345 Plenty Road, as being a heritage place of significance.

Place Number 18 to the HO identifies the Mayfield Presbyterian Church at 1345 Plenty Road, including the bluestone church, mature trees and stables as a heritage place of significance.

Place Number 16 to the HO identifies the Mayfield School and Residence, including the bluestone residence, timber school house and mature trees as a heritage place of significance.

Vegetation Protection Overlay – Schedule 1

The purpose of the Vegetation Protection Overlay (VPO) is to protect areas of significant vegetation, ensure development minimises loss of vegetation, preserve existing trees and other vegetation, and recognise vegetation protection areas as locations of special significance.

Schedule 1 to the VPO (VPO1) states that native vegetation in the Plenty Valley and surrounding areas of Mernda play an important role in the maintenance of environmental and rural character. VPO1 includes the vegetation protection objective to preserve and maintain significant vegetation and the character of the area.

**Planning Policy Context**

The proposed use and development is considered inconsistent with a number of planning policies relevant to the proposal. These are summarised below.

**Municipal Planning Strategy**

Clause 02.03- 9 (Infrastructure – child care centres)

The proposed use is not in accordance with Clause 02.03-9, which encourages child care centres to be co-located with community-based facilities, maximising beneficial relationships between compatible uses. Additionally, Clause 02.03-9 states that child care centres need to meet genuine demand in the local area and locate in or directly adjacent to an activity centre. The proposed child care centre is not co-located with community-based facilities, in or directly adjacent to an activity centre, and the proponent has not sufficiently demonstrated the need for the proposed use.

**Planning Policy Framework**

Clause 15 (Built Environment and Heritage)

Clause 15 states that planning should ensure land use and development appropriately responds to its surrounding landscape and character. There are aspects of the proposed design within the Development Plan amendment that do not respond to the significant heritage components of the Mayfield Historic Precinct.

15.03-1L (Heritage conservation in Heritage Overlay areas)

The proposed Development Plan amendment does not align with strategies of Clause 15.03-1L. These include to protect views of, and vistas to, silhouettes and profiles of a heritage place including mature vegetation and landmarks.

Clause 19.02-2S (Education facilities)

The proposed Development Plan amendment does not satisfy the strategy of Clause 19.02-2S to consider future demand requirements in planning for the location of education and early childhood facilities.

Clause 19.02-2L (Child care centres)

The aspects of the proposed use that do not satisfy the objectives and strategies of Clause 19.02-2L are summarised below:

* The proposed child care centre seeks to locate on a lot that could otherwise be used for medium density housing and is within an established residential context.
* The proposed child care centre is not in or adjacent to an activity centre or co-located with compatible community service uses in a planned community hub.
* The proposed child care centre is not in or within a walkable catchment (defined as 400 metres) from an existing or proposed activity centre or recognised community activity cluster.
* The proposed child care centre is located adjacent to an arterial road.
* Noting the concerns above regarding location, proposals for child care centres should also fulfil a demonstrated need. The proponent for the amendment has not adequately demonstrated the need for a child care centre.

Clause 19.02-2L also provides objectives and strategies for the built form of child care centres. The proposed development does not align with strategies in relation to vehicle access, parking and pedestrian access:

* The policy seeks to ensure that on-site parking meets the needs of staff and patrons and that tandem car parking is avoided.
* Pedestrian access is a priority in the policy. Access for pedestrians should not be impacted by car parking.
* The constraints of the site within an historic precinct located in a residential area mean that access to the site would not be well-defined. The education use proposed in the existing Development Plan sought to manage this issue with the provision of a school bus. This would not be a practical solution for a child care centre.

Summary

The proposed *MHPDP* amendment is not considered satisfactory, as critical aspects of the proposed change of use are not supported by the strategic planning framework and planning policy of the Whittlesea Planning Scheme.

**Other Considerations**

Aspects of the proposed child care centre design, including the room sizes and facilities, would not comply with the National Quality Framework (NQF). Whilst this non-compliance may result from the spatial constraints that are imposed by the heritage elements, this further highlights that the site is not a suitable location for the proposed use. The NQF provides a national approach to regulation, assessment and quality improvement for early childhood education and care and outside school hours care services across Australia. It includes legislation such as the *Education and Care Services National Law Act 2010* and the *Education and Care Services National Regulations*.

**Financial Implications**

There are no consequential financial implications.

**Link to Strategic Risk**

*Not linked to the risks within the Strategic Risk Register*

**Implementation Strategy**

**Communication**

The proponent of the Development Plan amendment will be notified of Council’s decision.

**Declaration of Conflict of Interest**

Under Section 130 of the *Local Government Act 2020* and Rule 47 of the Governance Rules 2021, officers providing advice to Council are required to disclose any conflict of interest they have in a matter and explain the nature of the conflict.  
  
The Responsible Officer reviewing this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

**Conclusion**

The amendment proposed to *Mayfield Historic Precinct Development Plan* would allow the use and development of a child care centre on one of three land parcels that form the Development Plan area.

The Council Officer assessment of the proposed amendment has concluded that:

* The location of the proposed use does not align with the strategic planning framework and relevant planning policy within the Whittlesea Planning Scheme.
* The significant existing landscape and heritage elements of the site have not been appropriately addressed in the proposal.

It is therefore recommended that the proposed amendment to the *Mayfield Historic Precinct Development Plan* be refused.

5.2.2 Elevating ESD Targets in the Planning Scheme

**Council 5.2.2 Elevating ESD Targets in the Planning Scheme**

**Responsible Officer** Director Planning & Development

**Author** Denise Turner, Coordinator Planning Policy & Implementation

**In Attendance** Denise Turner, Coordinator Planning Policy & Implementation

**Attachments**

1. Elevated ESD Particular Provision [**5.2.2.1** - 14 pages]
2. Technical ESD and Development Feasibility Report [**5.2.2.2** - 81 pages]

**Purpose**

This report presents the Stage 1 findings of the Elevating Environmentally Sustainable Development Targets Planning Project which has developed an evidence base to support improved environmental performance within the Whittlesea Planning Scheme.

Approval is sought to join Stage 2 of the project which aims to seek authorisation from the Minister for Planning to prepare and exhibit a new single Environmentally Sustainable Development Particular Provision into the Whittlesea Planning Scheme through a collaborative joint planning scheme amendment process.

**Brief Overview**

The City of Whittlesea has been collaborating with the Council Alliance for a Sustainable Built Environment (CASBE), in partnership with a group of 31 CASBE member councils across Victoria, in the Elevating Environmentally Sustainable Development (ESD) Targets Planning Project. A Working Group has been formed with representation from CASBE and each participating council.

The aim of Stage 1 was to build on the existing local ESD policies held by numerous Victorian councils and deliver revised and elevated ESD targets for new development, including targets for zero carbon development.

Consultants were engaged to independently review the draft ESD planning policy objectives and standards prepared by the Working Group, with various case studies selected to inform the baseline and test the technical and development feasibility of the proposed requirements.

Stage 1 of this two-stage process has now been completed. The Working Group is now seeking confirmation from councils on their participation in Stage 2 of the project. A shared cost approach is proposed, so the more councils that participate, the greater the cost savings will be across participating councils.

This report seeks approval to join Stage 2 of the project, which aims to seek authorisation from the Minister for Planning to prepare and exhibit a new single ESD Particular Provision into the Whittlesea Planning Scheme, through a collaborative joint planning scheme amendment process with CASBE and other participating councils.

**Recommendation**

**That Council:**

1. **Endorse the City of Whittlesea’s involvement in Stage 2 of the Elevating Environmentally Sustainable Development Targets Planning Project, in collaboration with the Council Alliance for a Sustainable Built Environment and other participating councils;**
2. **Request the Minister for Planning to authorise the preparation and extended exhibition of a Planning Scheme Amendment to introduce the Elevating Environmentally Sustainable Development Policy project outcomes into the Whittlesea Planning Scheme, as outlined in Attachment 1 to this report;**
3. **Request that the Minister for Planning establish an advisory committee for the Environmentally Sustainable Development project;**
4. **Authorise the Chief Executive Officer to provide guidance to any advisory committee established by the Minister for Planning or make any reasonable changes to the Amendment consistent with the intent of the Elevating Environmentally Sustainable Development Policy outlined in Attachment 1 to this report; and,**
5. **Write to the Minister for Planning and Housing, the Minister for Energy, Environment and Climate Change, and the Minister for Local Government and Suburban Development outlining the benefits to the community of introducing zero carbon-focused and elevated Environmentally Sustainable Development planning policy into the Whittlesea Planning Scheme, and how this Amendment should be adopted as a part of the State Government’s Environmentally Sustainable Development planning reforms.**

**Key Information**

**Background**

Since 2012, the City of Whittlesea has been using the Sustainable Design Assessment in the Planning Process (SDAPP) program on a voluntary basis. SDAPP provides a framework for environmental performance across a range of ESD themes that assist in the assessment of planning permit applications for residential, mixed use, and commercial developments.

In 2017 Council adopted the Climate Ready Whittlesea (2017) climate adaptation plan. A key action outlined in this plan was the development of an ESD policy.

In collaboration with CASBE, the City of Whittlesea joined a group of councils to pursue a local ESD policy, with Council resolving in February 2018 to formally seek authorisation of an amendment to introduce a local ESD planning policy into the Whittlesea Planning Scheme. In October 2018, the Minister for Planning approved and gazetted the local policy.

Council has been tracking implementation of ESD measures in planning applications since the 2016 – 2017 financial year. Since that time, over 2000 dwellings and 60 hectares of non-residential buildings have been assessed using the ESD policy.

It is noted that the draft Sustainable Environment Strategy and draft Climate Change Plan will both be coming before Council in late 2022. These documents will propose a community wide net zero emissions target. Throughout the development of the draft Climate Change Plan over 800 contributions were made via surveys, place-based community pop-ups, Focus Groups, Youth Forums, Business breakfasts and online climate change maps, which show support for strong action on the environment. To date there has also been substantial internal consultation on the Sustainable Environment Strategy which is synthesising approved plans that have previously been subject to community consultation including Whittlesea Water for All, Greening Whittlesea, Biodiversity Strategy and Rethinking Waste Plan.

The delivery of the proposed Amendment supports the outcomes of all these strategies. Council will consult the community on the Climate Change Plan and the Sustainable Environment Strategy in mid 2022.

**State-wide ESD Roadmap**

In January 2021, the Department of Environment, Land, Water and Planning (DELWP) published ‘*Environmentally Sustainable Development of Buildings and Subdivisions: A Roadmap for Victoria’s Planning System’*.

This Roadmap was intended to respond to local government’s advocacy for greater policy action to address the climate emergency and is one of the State actions being taken to increase renewable energy use and reduce Victoria’s carbon emissions.

Stage 1 of the State ESD Roadmap was recently gazetted into Planning Schemes on 10 June 2022, to more comprehensively reflect existing government policy objectives and ESD considerations. Stage 2 of the ESD Roadmap is intended to focus on the development of new ESD objectives and standards, although there is no timing provided for its delivery.

It should be noted that the proposed Planning Scheme Amendment being sought will go above the anticipated requirements announced under the State ESD Roadmap.

**Elevating ESD Targets Planning Project**

Council has been collaborating with CASBE, in partnerships with a group of 31 councils across Victoria, in the Elevating ESD Targets Planning Project for a sustainable built environment. The councils involved are all CASBE members including both metropolitan and rural councils, with several joining CASBE in order to be part of this project.

The aim of Stage 1 of the project was to build on the existing local ESD policies held by numerous Victorian councils and deliver revised and elevated ESD targets for new development, including targets for zero carbon development.

Consultants were engaged to independently review the draft ESD planning policy objectives and standards prepared by the Working Group, with 15 case studies selected to inform the baseline and test the technical, development feasibility and economic implications of the elevated standards.  The Stage 1 reports were as follows:

* Part A - Technical ESD and Development Feasibility;
* Part B - Planning Advice; and,
* Part C - Economic Benefit Cost Analysis.

Stage 1 of this two-stage process has now been completed. The Stage 1 reports above form the evidence base underpinning the proposed joint Amendment (Stage 2 of the project) to insert a new Particular Provision into the Planning Scheme to deliver elevated ESD targets for new development, as well as advocacy to the Victorian State Government. While it is not proposed to remove the existing local ESD policy at this time, it is envisaged that over time this new single Particular Provision would likely replace the numerous existing local ESD policies.

A common draft Particular Provision has been developed by the consultants (Attachment 1), with the Stage 1 participating councils now confirming their intention to continue in the project and commence the amendment process for its implementation. Councils have a deadline of 30 June 2022 to confirm their participation in Stage 2 of this collaborative project.

**Proposed Amendment**

The proposed Amendment seeks to introduce a new Particular Provision at Clause 53 of the Whittlesea Planning Scheme. Refer to Attachment 1.

The key environmental themes which will be addressed in the Particular Provision are:

* Operational Energy – facilitates energy efficiency, on-site renewable energy generation and energy supply, with the aim of achieving net zero operational carbon emissions;
* Sustainable Transport – facilitates increased active transport with the aim of reducing private vehicle trips and setting the condition to ensure a smooth transition for the future uptake of electric vehicles;
* Integrated Water Management – facilitates the reduction of potable water consumption through efficiency measures and use of non-potable water sources, and the improving the quality of stormwater discharging from site;
* Indoor Environment Quality – improves the comfort of building occupants including internal temperatures, air quality and daylight access;
* Circular Economy – improves the rates of resource recovery during both construction and operation and closes the loop by encouraging the use of materials with recycled content as an alternative to virgin materials; and,
* Green Infrastructure – increases the amount of green infrastructure in developments including canopy, vegetation and biodiversity habitat to provide a range of ecosystem service benefits and reduce the contribution of the built environment to the urban heat island effect.

These themes are then to be addressed by a series of detailed objectives and standards to be met. For each standard, the relevant objectives which the standard is intended to deliver will be identified, along with commentary on how the standards would be assessed. The Technical ESD and Development Feasibility report provides the evidence base to support the technical feasibility and financial viability of the proposed requirements. Refer to Attachment 2.

The Particular Provision does not trigger a planning permit but identifies circumstances where the policy applies. For example, the requirements do not apply to single dwellings and associated development.

While there may be some additional upfront costs associated with the elevated ESD requirements compared to the current ESD policy, this cost is negated by the improved lifecycle costs over the life of a building, including reduced utility bills such as water and energy.

As indicated earlier in the report, the proposed Amendment aims to introduce requirements that will go above the anticipated state-wide requirements announced under the State ESD Roadmap. Advocacy will also be required to convince the State Government to authorise, exhibit and ultimately approve the proposed Amendment. This is discussed further below.

**Community Consultation and Engagement**

Targeted industry stakeholder feedback was undertaken in November 2021 by the Working Group, including:

* ESD technical professionals;
* Industry bodies and developers; and,
* DELWP stakeholders.

This feedback has informed development of the draft Particular Provision (Attachment 1).

The bulk of engagement will occur at the Planning Scheme Amendment stage. An initial community ‘awareness raising’ phase will take place post authorisation lodgement. Due to the complexity of the project and the number of project partners, holding community consultation on a council-by-council basis prior to authorisation was not recommended. Instead, an extended public exhibition period will be proposed as part of the formal Amendment. A request will be made to DELWP for an extended exhibition period. This approach follows the approach of the original ESD amendment and will provide transparency to capture detailed feedback through the amendment process.

**Alignment to Community Plan, Policies or Strategies**

Alignment to Whittlesea 2040 and Community Plan 2021-2025:

**Liveable neighbourhoods**   
Our City is well-planned and beautiful, and our neighbourhoods and town centres are convenient and vibrant places to live, work and play.  
  
**Sustainable environment**  
We prioritise our environment and take action to reduce waste, preserve local biodiversity, protect waterways and green space and address climate change

Biodiversity Strategy 2019-2029:

The Strategy sets out six key objectives to protect and improve local biodiversity including:

* Objective 2. Strengthen the Planning Scheme to achieve better biodiversity outcomes.

Environmental Sustainability Strategy 2012-2022:

* Policy Direction U3: Council will use its statutory role as a ‘Planning Authority’ and ‘Responsible Authority’ to achieve environmental sustainability outcomes.

Climate Ready Whittlesea – Climate change adaptation plan commits to:

* “Join the CASBE process to develop and introduce an ESD local planning policy into the Whittlesea Planning Scheme to improve the thermal capacity of some housing stock (to help reduce heat related illness).”

Whittlesea Water for All - Our water strategy 2020-2030

One of the measures of success is:

* “By 2030, Council potable water consumption will reduce by a further 20 per cent (on a kilolitre per capita basis).”

Greening Whittlesea - City Forest Strategy 2020-2040

The key outcomes for success include:

* Protected: Our city forest is protected from building and subdivision activity.

Rethinking Waste Plan 2021-2030

The key goals of the plan include:

* Recover: value waste as a resource by recovering and recycling as much as possible and encourage repair, reuse and recycle principles.

The proposed Amendment is aligned to the Liveable Neighbourhoods and Sustainable Environment goals. It will provide direct and indirect benefit to the community in terms of climate resilience, cost savings and improved environmental outcomes.

**Considerations**

**Net Community Benefit**

The proposed Amendment delivers a net community benefit ensuring that planning achieves positive environmental, societal and economic outcomes through:

* Providing direct and indirect community benefits which address climate change mitigation and adaptation through building climate resilience and future proofing development and housing;
* Reducing greenhouse gas emissions and the management of climate change risk within the built environment;
* Cost savings by achieving climate resilient housing now, rather than retrofitting later at a higher cost;
* Ensuring that best practice policies and expectations continue to be addressed over time, with the elevation of ESD policy requirements that may already exist throughout the scheme; and,
* Providing greater certainty, consistency and delivery of ESD outcomes towards net zero carbon development.

**Discussion**

The Elevating ESD Targets Working Group is seeking confirmation as to which councils intend on participating in Stage 2 of the project. A shared cost approach is proposed, so the more councils that participate, the greater the cost savings will be across participating councils.

It has been estimated that Stage 2 could cost around $400,000 including amendment fees, planning panel and other associated costs. To date 18 of the 31 councils have confirmed their participation in Stage 2. A further six (6) councils, including the City of Whittlesea, are due to consider a report before the end of June 2022. Based on current estimates, should the City of Whittlesea resolve to join Stage 2, our contribution would not exceed $24,100 which is a significant cost savings. This cost would be comparable to Council undertaking a small planning scheme amendment on its own.

Council’s participation in Stage 2 and delivery of the proposed Amendment supports the outcomes of several adopted Council strategies. It would deliver both direct and indirect benefits to the community with a significant cost saving.

As stated earlier in the report, the proposed Amendment aims to introduce requirements that will go above the anticipated state-wide requirements announced under the State ESD Roadmap. Further, the proposed Particular Provision is a State requirement so it is not an element of the Planning Scheme that Council can usually seek to amend. Therefore, to enable the Amendment to proceed, CASBE and the Stage 2 Working Group will need to advocate to DELWP to progress the Amendment.

The Working Group will endeavour to work with DELWP to progress a coherent, coordinated approach for improved environmental performance in our Planning Schemes. On this basis, the Working Group is requesting that an advisory committee be established to consider the proposed changes and provide advice and recommendations on the ESD project, to enable this State provision to be introduced. It is also anticipated that through this process some modifications may need to be negotiated between parties to reach agreement on Attachment 1, before the amendment is authorised and put on exhibition. Advocacy will also be required to convince the State Government to authorise, exhibit and ultimately approve the proposed Amendment, including writing letters to relevant Ministers.

Several additional recommendations are proposed to reflect the above. All participating councils are proposing similar recommendations.

**Financial Implications**

This project was included within the Sustainable Environment Department operational budget for 2022/2023 to assist with the implementation of the Climate Change Plan. $25,000 was allocated for this project in the draft 2022/2023 budget based on the assumption that a large proportion of the councils involved in Stage 1, would financially commit to Stage 2. The ultimate contribution will be determined once the final number of councils committing to Stage 2 is known. As noted above, based on current Stage 2 participation levels, the City of Whittlesea contribution will not exceed $24,100 which is less that what has already been budgeted.

**Link to Strategic Risk**

**Strategic Risk** *Climate Change - Failure to mitigate or adapt to the risks of climate change*

The proposed Amendment will have a clear positive environmental benefit for the municipality.

Council will be able to ensure that new developments address climate mitigation and support climate adaptation efforts. The achievement of net-zero development will contribute to Council’s proposed municipal-wide greenhouse gas emissions reduction targets, providing an improved planning scheme mechanism through which Council can influence and build on environmental outcomes locally.

The transition to net zero emissions is a shared responsibility. Council as an organisation makes up approximately 1% of total emissions across the municipal area. Using its role as a statutory authority Council can ensure that emissions from the development industry are minimised to help tackle the remaining 99% of total emissions.

**Implementation Strategy**

**Communication**

Residents and stakeholders will have an opportunity to have their say on the proposed Amendment when the exhibition process is commenced. This will not occur until the Minister for Planning grants authorisation of the Amendment. Advocacy will be required to convince the State Government to authorise the proposed Amendment.

An informal community awareness campaign, led by CASBE on behalf of the partner councils, is also proposed to promote the outcomes of the proposed Amendment to achieve more resilient and climate ready developments.

**Critical Dates**

Participating councils need to confirm their intention to join Stage 2 of the Elevating ESD Targets Planning Project to commence an Amendment, by **30 June 2022**.

**Next Steps**

Several more partner councils are in the process of seeking endorsement to potentially join Stage 2 of the project and seek authorisation from the Minister for Planning to prepare the Amendment.

If Council resolves to join Stage 2 and commence the Amendment, a Memorandum of Understanding will be signed with CASBE and the partner councils. The proposed Amendment will then be submitted to the Minister for Planning for authorisation to prepare and exhibit the Amendment which will introduce a new Particular Provision into the Whittlesea Planning Scheme. An advisory committee is expected to be appointed to hear submissions from the community and interested stakeholders.

The project aims to introduce requirements that will go above the anticipated state-wide requirements announced under the State ESD Roadmap. Advocacy will be required to convince the State Government to authorise, exhibit, and ultimately, approve the proposed Amendment.

**Declaration of Conflict of Interest**

Under Section 130 of the *Local Government Act 2020* and Rule 47 of the Governance Rules 2021, officers providing advice to Council are required to disclose any conflict of interest they have in a matter and explain the nature of the conflict.  
  
The Responsible Officer reviewing this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

**Conclusion**

Through collaboration with the Council Alliance for a Sustainable Built Environment and a group of 31 Victorian councils, a strong evidence base has been prepared to support improved environmental performance across the planning schemes of the participating councils, including the Whittlesea Planning Scheme.

Advancing the proposed Amendment supports the outcomes of several adopted Council strategies. It would deliver both direct and indirect benefits to the community through improved lifecycle costs of buildings, including reduced utility bills such as water and energy. Participating in a joint planning scheme amendment process will also deliver a significant cost savings to Council compared to undertaking the proposed Amendment on its own.

It is recommended that Council join Stage 2 of the project and seek authorisation from the Minister for Planning to prepare and exhibit a new single ESD Particular Provision into the Whittlesea Planning Scheme, through a collaborative joint planning scheme amendment process with CASBE and other participating councils.

5.2.3 2022-24 Kelynack Reserve Park and Playground Upgrade

**5.2.3 2022-24 Kelynack Reserve Park and Playground Upgrade**

**Responsible Officer** Director Infrastructure & Environment

**Author** Alexandra Desmond, Senior Landscape Architect

**In Attendance** Adrian Napoleone, Team Leader Public Realm Development  
Nick Mazzarella, Manager Capital Delivery

**Attachments**

1. CONFIDENTIAL REDACTED - 2022 24 Draft Confidential Attachment June 2022 V2 [**5.2.3.1** - 3 pages]
2. Kelynack Playspace Concept [**5.2.3.2** - 2 pages]

This attachment has been designated as confidential by the Director Infrastructure & Environment, under delegation from the Chief Executive Officer, in accordance with Rule 53 of the Governance Rules 2021 and sections 66(5) and 3(1) of the *Local Government Act 2020* on the grounds that it contains private commercial information, being information provided by a business, commercial or financial undertaking that—  
(i) relates to trade secrets; or  
(ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

In particular the attachment contains information regarding claim amounts submitted by a contractor which give direct insight into the contractor’s detailed pricing information that is commercially confidential. The release of this information could reasonably be expected to prejudice the commercial position of the persons who supplied the information or to confer a commercial advantage on a third party.

**Purpose**

It is proposed that contract number 2022-24 for Kelynack Reserve Park and Playground Upgrade is awarded to Yellowstone Landscaping Pty Ltd.

**Brief Overview**

The tender evaluation panel advises that:

* Seven tenders were received.
* The recommended tender was the highest ranked.
* Collaborative tending was not undertaken in relation to this procurement because this contract relates to a unique need for the City of Whittlesea, and also relates to a State Government grant funded project.

**Recommendation**

**That Council:**

1. **Accept the tender submitted by** **Yellowstone Landscaping Pty Ltd for the following contract:**

**Number:** **2022-24**

**Title:** **Kelynack Reserve Park and Playground Upgrade**

**Cost:** **A lump sum of $857,371.00 (excluding GST)**

**subject to the following conditions:**

**a) Tenderer to provide proof of currency of insurance cover as required in the tender documents.**

**b) Price variations to be in accordance with the provisions as set out in the tender documents.**

**c) Tenderer to provide contract security as required in the tender documents.**

1. **Approve the funding arrangements detailed in the confidential attachment.**

**Key Information**

The purpose of this contract is to undertake Stage 1 of the Kelynack Recreation Reserve Master Plan, comprising the redevelopment of the existing play space and construction of a new multi-play area. Refer to attached Concept Plan.

Tenders for the contract closed on 21 April 2022. The tendered prices and a summary of the evaluation are detailed in the confidential attachment.

No member of the Tender Evaluation Panel declared any conflict of interest in relation to this tender evaluation.

A Tender Probity and Evaluation Plan was prepared specifically for this tender process, and it was authorised prior to this tender being advertised. All tenders received were evaluated in accordance with that plan. The evaluation involved scoring of conforming and competitive tenders according to these pre-determined criteria and weightings:

* Price 60%
* Capability 15%
* Capacity 15%
* Sustainability 10%

The weightings reflect the relative importance of each element to this particular contract. They were determined as being most appropriate after considering numerous factors including (but not restricted to) the time, quality, risk and contract management requirements which were likely to have the most impact on the achievement of best value.

Only tenders that were conforming and financially competitive were fully scored. Tender submissions that were evaluated as non-conforming or not sufficiently financially competitive were set aside from further evaluation. In cases where this occurred the reasons for that outcome are detailed in the confidential attachment.

The evaluation outcome was as follows:

| **Tenderer** | **Conforming** | **Competitive** | **Score** | **Rank** |
| --- | --- | --- | --- | --- |
| Tenderer A **Yellowstone Landscaping Pty Ltd** | Yes | Yes | 88.4 | 1 |
| Tenderer B | Yes | Yes | 80.3 | 2 |
| Tenderer C | Yes | Yes | 78.7 | 3 |
| Tenderer D | Yes | Yes | 76.5 | 4 |
| Tenderer E | Yes | Yes | 72.5 | 5 |
| Tenderer F | Yes | No | - | - |
| Tenderer G | Yes | No | - | - |

Refer to the confidential attachment for further details of the evaluation of all tenders.

**Community Consultation and Engagement**

In accordance with the *Local Government Act 2020*, consideration was given as to whether there were any opportunities to collaborate with other councils and public bodies or to use any existing collaborative procurement arrangements. The outcome was as follows:

* Collaborative tendering was not undertaken in relation to this procurement because this contract relates to a unique need for the City of Whittlesea, and also relates to a State Government grant funded project.

Community consultation and engagement was not required in relation to the subject matter of this report as it relates to commercial arrangements and contractual obligations that are confidential. It is also noted that the Master Plan which incorporates the play space redevelopment underwent extensive community consultation and engagement prior to being approved by Council.

**Alignment to Community Plan, Policies or Strategies**

Alignment to Whittlesea 2040 and Community Plan 2021-2025:

**Liveable neighbourhoods**Our City is well-planned and beautiful, and our neighbourhoods and town centres are convenient and vibrant places to live, work and play.

Redevelopment of the existing play space and construction of a multi-play area at Kelynack Recreation Reserve will ensure a high-level of play value with suitable amenity standard for the boarder Mill Park and surrounding community.

**Considerations**

**Environmental**

The redevelopment will preserve high quality trees and vegetation and provide the opportunity to plant 52 additional trees for passive shade and mitigation of the urban heat island effect.

**Social, Cultural and Health**

Redevelopment of the existing play space will provide a wide range of play equipment and nature play experiences suitable for a range of age groups and abilities. Providing high quality outdoor play spaces supports beneficial health outcomes in the municipality and promotes the use of Kelynack Recreation Reserve for other passive and active recreation uses. The basketball half court with netball ring and table tennis table further encourages active recreation in the community, and the two picnic shelters will provide additional opportunities to hold small scale, free outdoor gatherings.

**Economic**

The redevelopment will incorporate free and accessible spaces to hold small scale events managed by Council, the resident sports clubs and local community groups that can be linked to a wide range of economic activities and programs for local businesses.

**Financial Implications**

Sufficient funding for this contract is available in the budget for CW- 10728 Kelynack Reserve Master Plan Implementation.

The project delivery is being supported by the State Government’s Growing Suburbs Fund, with a funding contribution of $675,000.

**Link to Strategic Risk**

**Strategic Risk** *Life Cycle Asset Management - Failure to effectively plan for the construction, on-going maintenance and renewal of Council’s assets*

The existing play equipment has reached the end of its useful life expectancy and requires replacement. Redevelopment of the existing play space will ensure all current safe play requirement and standards are met.

This project is included in Council’s playground renewal program.

**Implementation Strategy**

**Communication**

A decision to award this contract will be communicated via the standard process for Council Meeting outcomes. In addition, given this is a project of high interest in public open space, there will be communication prior and during construction works via Council’s communication channels.

**Declaration of Conflict of Interest**

Under Section 130 of the Local Government Act 2020 and Rule 47 of the Governance Rules 2021, Officers providing advice to Council are required to disclose any conflict of interest they have in a matter and explain the nature of the conflict.

The Responsible Officer reviewing this report, having made enquiries with relevant members of staff, reports that no disclosable interest have been raised in relation to this report.

**Conclusion**

The tender from Yellowstone Landscaping Pty Ltd was determined to be best value and it is considered that this company can perform the contract to the required standards.

**5.3 Strong Local Economy**

**5.4 Sustainable Environment**

5.4.1 Environmental Upgrade Agreement Program implementation recommendations

**5.4.1 Environmental Upgrade Agreement Program implementation recommendations**

**Responsible Officer** Director Infrastructure & Environment

**Author** Cara Horner, Sustainability Organisation Officer

**In Attendance** Amanda Dodd, Manager Sustainable Environment

**Attachments**

1. EUA quarterly report example Brimbank [**5.4.1.1** - 1 page]

**Purpose**

To brief Council on the progress of setting up City of Whittlesea’s Environmental Upgrade Agreement program funded through the Whittlesea Community Recovery Fund.

For Council to consider the recommended approach and endorse the delegation of Environmental Upgrade Agreement approvals to the CEO in accordance with section 181H of the Local Government Act 1989.

**Brief Overview**

The recommended approach for Whittlesea’s Environmental Upgrade Agreement program implementation has been outlined for Council’s consideration and support, including the recommendation that Council endorse the delegation of Environmental Upgrade Agreement approvals to the CEO in accordance with section 181H of the Local Government Act 1989.

**Recommendation**

**That Council:**

1. **Endorse the recommended approach for implementation of the Environmental Upgrade Agreement program, including that:**

**a) A Special Charge be the mechanism used to facilitate and track repayments;**

**b) Better Building Finance be appointed as a third party to establish, administer and support program delivery;**

**c) The proposed internal eligibility criteria be applied; and**

**d) Council agree to delegate Environmental Upgrade Agreement approvals to the CEO in accordance with section 181H of the Local Government Act 1989.**

**Key Information**

**Environmental Upgrade Agreement Program Investigation**

Initially, the Environmental Upgrade Agreement program was considered by ELT on Wednesday 24 February 2021 for inclusion in the 2021 – 2022 budget process. It was included in the Municipal Pandemic Readiness and Recovery Plan, and the Community Plan 2021 – 2025, with funding secured as part of the $2 million Whittlesea Community Recovery Fund.

The 2021 investigation explored options to relieve energy poverty through environmental sustainability for businesses and residents recovering from impacts of COVID-19. While many options were explored, the Environmental Upgrade Agreement program was deemed the highest value, most efficient and accessible option. Other options explored (by comparison) were deemed to have less public value and were more resource and cost intensive to operate.

As of May 2022, 42 of the 79 Victorian councils are offering Environmental Upgrade Agreements to their business community. Councils in New South Wales and South Australian are also engaging in Environmental Upgrade Agreements. Participating councils typically anticipate fewer than six agreements per year, of varying loan sizes.

While the Environmental Upgrade Agreement programs are available to businesses, they are not yet available to residential properties. The Local Government Act allows for the use of Environmental Upgrade Agreements for residential properties, however the lender minimum loan amount of $15,000 making most residential upgrades unfeasible. Lower thresholds for residential Environmental Upgrade Agreements may be offered in future, with discussions ongoing with Bank Australia and environmental consultancy HIP V. HYPE.

**Overview – Whittlesea Environmental Upgrade Agreement Program**

As a pandemic recovery action, the Environmental Upgrade Agreement program aims to aid local business owners who have experienced financial hardship due to impacts of Covid 19 by providing them with access to low-stakes green loans to minimise bills and provide sustainable, long-term methods for cost reduction. The program will have additional benefits of emissions reductions in the local business community, aligning with Council’s municipal-wide 2036 net zero emissions targets.

In the short term, Whittlesea’s Environmental Upgrade Agreement program will be made available for businesses and organisations. It will allow commercial property owners to enter into a loan agreement with a lender (and optionally with a commercial property’s tenant), for building upgrades which have a strong environmental impact such as renewable energy re-fits, energy and water efficiency upgrades, and climate adaptation measures.

Environmental Upgrade Agreements offer multiple benefits to borrowers:

* No loan deposit requirement – a typical barrier to entry
* Very competitive interest rates
* Long repayment terms – over 10 to 20 years
* Upgrade plans are assessed with an aim for cashflow-positivity for businesses
* Increased security in entering an agreement with Council, a trusted entity

It is anticipated that the new temporary role of Environmental Education Officer (Energy Upgrades) will drive the initial phases of the program with the Economic Development Department driving the ongoing Environmental Upgrade Agreement program implementation. This will assist with the development of engagement and education opportunities and continue to build interest from the local business community.

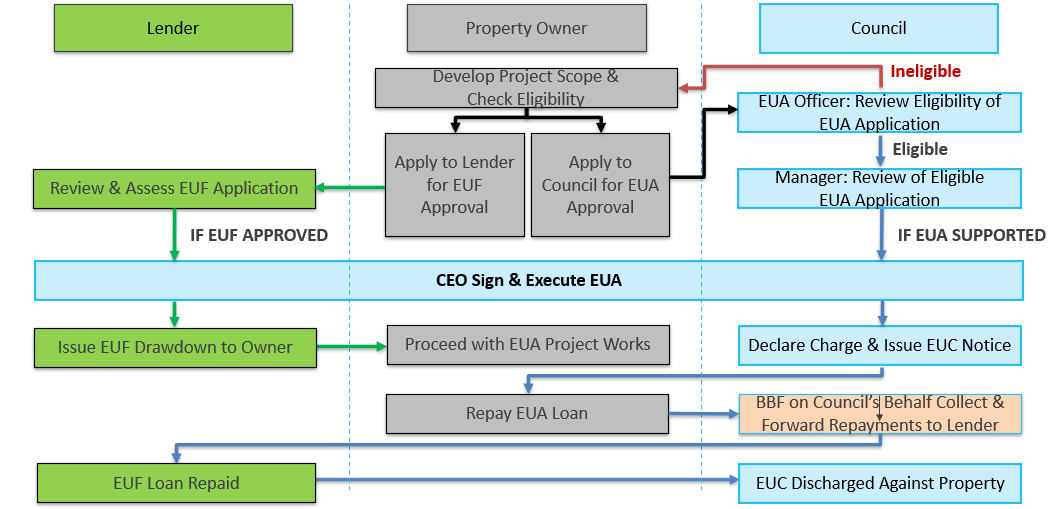
**Lender and Administration Options**

Officers recommend that Council utilise Better Building Finance to administer and support Environmental Upgrade Agreements for the following reasons:

1. Better Building Finance is the only organisation currently providing Environmental Upgrade Agreement lending services. Better Building Finance was born out of the Sustainable Melbourne Fund (later the Sustainable Australia Fund) and exists as the Environmental Upgrade Agreement arm of the parent organisation. Whilst the Environmental Upgrade Agreement program is made possible by legislation in the Local Government Act 2020, it is not tied to Better Building Finance or any other lender or organisation.
2. Of the 42 councils currently offering Environmental Upgrade Agreements, 41 utilise Better Building Finance for the administration of Environmental Upgrade Agreements. The only Council which has opted not to utilise a third-party administrator (Hume City Council) has only recently established their Environmental Upgrade Agreement program, therefore no strong comparative data is available yet. The City of Whittlesea does not currently have the resources to establish its own bespoke program.

By using Better Building Finance’s services, Council’s role will be to apply its own eligibility criteria and if approved, add an Environmental Upgrade Charge to a property’s rates notice.

The process for administering an Environmental Upgrade Agreement is outlined in the flowchart below:



*Figure 1. Flowchart depicting steps to enter into an Environmental Upgrade Agreement. Note EUF = Environmental Upgrade Finance, EUC = Environmental Upgrade Charge. Flowchart based upon diagram supplied by Better Building Finance.*

**Rates Notices and Invoicing Options**

Officers recommend that the Environmental Upgrade Charge be collected from lendees via a Special Charge. The Special Charge would be viewable on the property’s yearly rates notice and collected on a quarterly basis in instalments.

This recommended approach followed discussion with other participating councils who also use Microsoft Dynamics to distribute rates notices. Additionally, the Special Charge can be clearly articulated on the rates notice and allows flexibility in the administration and updating of charges.

Quarterly reports on all existing Environmental Upgrade Agreements in a municipality are required by the Local GovernmentAct 2022. See attachment 1 for a redacted example from Brimbank City Council.

**Delegated Authority**

The sign-off for individual agreements under the Environmental Upgrade Agreement program will require a tripartite agreement between Council, the property owner and the lender (and optionally, business owners leasing the property who may agree to pay part or whole of the charge).

It is recommended that each Environmental Upgrade Agreement be entered into by the CEO. This is possible under section 181H of the Local Government Act 1989. The power to enter into Environmental Upgrade Agreements sits with Council who are permitted to delegate this power to the CEO as follows:

*181H Delegation to Chief Executive Officer*

1. *A Council may, by instrument of delegation, delegate to the Chief Executive Officer the following powers—*
2. *the power to enter into an environmental upgrade agreement on behalf of the Council;*
3. *the power to declare and levy an environmental upgrade charge.*

Prior to request for CEO approval each Environmental Upgrade Agreement will be reviewed internally against Council’s eligibility criteria (see next section for details). To reduce duplication, this process will be aligned with the lender eligibility assessment process which will identify financial risks, for example, overdue debts on the property.

As this program matures there may be an opportunity to align approvals to follow delegation amounts outlined in the Financial Delegations policy. Further refinement of this process will include discussions and consultation with Council’s Legal Advisor, Governance and Strategy unit and Strategic Revenue team prior to ELT consideration.

**Eligibility Criteria**

The Environmental Upgrade Agreement program as defined by the Local Government Act 2020 does not detail any eligibility criteria for prospective lendees, however Council is able to establish eligibility criteria for agreements on the property as deemed appropriate.

Council’s recommended eligibility criteria, which aligns to lender eligibility criteria (except point 4.), is as follows:

1. No overdue debts on the property
2. No overdue debts on other properties owned by the same property owner
3. No recent history (within 10 years) of arrears or unpaid rates notices
4. Impacts of the Covid-19 pandemic and any extenuating circumstances noted by Council for additional consideration on a case-by-case basis

Better Building Finance also engage in a rigorous assessment process to determine the likelihood of the upgrade to be cashflow-positive, achieve legislated environmental outcomes and mitigate ownership dispute risk.

Officers note that while Council does not have a financial stake in any Environmental Upgrade Agreements (except to record the debt against the property), Council will be required under the agreement to follow up non-payment from lendees after 60 days on behalf of the lender.

This may represent some reputational risk to Council as this follow up can extend to repossession of property. However, this is unlikely given the abovementioned assessment for cashflow-positivity and the positive track record to date provided by Better Building Finance (one ongoing instance of non-payment from over 100 Environmental Upgrade Agreements). It is recommended that the above eligibility criteria are established as a due diligence measure.

**Community Consultation and Engagement**

Whittlesea’s local business community were consulted as part of the business case development for this project in September – December 2020. Outreach from the Community Energy Officer in 2021 to local businesses and non-government organisations was undertaken as part of a broader investigation into municipal energy hardship, and mechanisms through which Council could alleviate hardship.

This followed previous separate investigations into both the Environmental Upgrade Agreement Program and Solar Savers Program undertaken in 2016, in which a number of businesses and households respectively were consulted to gauge interest in both programs.

Consultation and engagement with external businesses has continued in an unofficial capacity since the Environmental Upgrade Agreement program became a Community Plan initiative. Discussions to gauge business interest in the program have continued as part of regular engagements and networking from the Economic Development department as well as the Sustainable Environment department. As a result, several local businesses, predominantly in the Thomastown industrial precinct, have shown interest in an Environmental Upgrade Agreement. These potential agreements range in size from over $1.5 million to much smaller amounts.

**Alignment to Community Plan, Policies or Strategies**

Alignment to Whittlesea 2040 and Community Plan 2021-2025:

**Strong local economy**

Our City is a smart choice for innovation, business growth and industry as well as supporting local businesses to be successful, enabling opportunities for local work and education

**Sustainable environment**

We prioritise our environment and take action to reduce waste, preserve local biodiversity, protect waterways and green space and address climate change

The Environmental Upgrade Agreement program presents opportunities for economic stimulus and environmental intervention to drive Council’s municipal-wide target to reach zero net emission by 2036, and goals related to climate adaptation and resource efficiency in the emerging draft Sustainable Environment Strategy under draft outcomes 2.3 ‘Our communities and businesses are supported to become climate ready’ and 3.1 ‘Our city becomes a net zero emissions municipality’.

The program offers businesses and other property owners the opportunity to ‘go green’, accelerating the transition to renewable energy. Participating businesses may also consider energy and resource efficient processes to minimise waste and costs and adapt or ‘future-proof’ premises for anticipated climate-related impacts. This has considerable relevance to the circular and green economy, which is explored under Key Direction 3 ‘Strong, innovative local businesses’ of the Strong Local Economy Strategy.

The Environmental Upgrade Agreement program also presents opportunities for businesses to improve their efficiency and make immediate cashflow-positive investments into more environmentally friendly ways of doing business. The program is especially valuable for small and medium local businesses - the business cohorts hardest hit by impacts of COVID-19. As such, Environmental Upgrade Agreements are a strong economic stimulus measure for businesses to bolster their recovery from the pandemic. The increased investment in renewable energy by businesses from this program may also correlate with an increase in the number of local jobs in this sector.

**Considerations**

**Environmental**

The Environmental Upgrade Agreement program will have a clear positive environmental benefit for the municipality. Council will be able to leverage investment by businesses in renewable energy, energy efficiency technologies, and potentially other upgrades to improve resource and water efficiency as well as climate adaptation measures. By providing an additional mechanism through which Council can influence and reduce municipal greenhouse gas emissions, investments made through this program will contribute to a potential future municipal-wide greenhouse gas emissions reduction target.

**Social, Cultural and Health**

The Environmental Upgrade Agreement program establishment and implementation with businesses will lay the groundwork for the program to evolve over the coming years, to potentially accommodate investment in renewable energy and building upgrades at the residential scale as well as in the non-government sector (rooming houses, community spaces etc.).

This was the intent of 2021 investigations into Environmental Upgrade Agreements, to explore measures which improve environmental and social impacts including alleviating energy poverty and ongoing financial hardship for the whole community.

The initial set up with the business community may pave the way for future programs that focus on residential properties.

**Economic**

The program provides the opportunity for businesses to make direct investments into the efficiency and long-term viability of their business premises, with very low barriers to entry. This program aligns strongly with Strong Local Economy key direction ‘strong, innovative local businesses’, allowing both owner-occupier and tenanted businesses to upgrade their processes and better prepare for the future economic landscape. Increased investment by businesses into environmental interventions will also grow the circular economy and may promote local job growth in the renewable energy and construction industries.

The program also directly supports the intent of the original 2020-2021 investigation to seek a short-term COVID-19 response measure which, when made available to residential properties, would address forms of financial stress including energy hardship for the local community.

**Financial Implications**

Financial implications for the Environmental Upgrade Agreement program as a mechanism are low, with minimal administrative duties to setup the program (e.g. develop the Special Charge billing template), and the tracking of payments to be subsumed under day-to-day activities.

Management, promotion and growing the program have been budgeted as a part of the temporary Environmental Education Officer (Energy Upgrades) role within the Sustainable Environment department. In the medium to long term the ongoing support will be from the Economic Development department to network and promote the program. This is covered under existing staff resources.

It should be noted that direct financial implications for Council are low, as Council’s role is to act as facilitator for loan agreements and track repayments/ debt against the property, as all funds are supplied, and payments collected by external lenders via Better Building Finance.

Should the borrower default on loan repayments, Council has the ability to initiate legal action to recover the overdue amounts (including sale of the property under section 181 of the Local Government Act 1989).

Recovery of the Environmental Upgrade Agreement debt through legal action is identical to the legal action process for collection of outstanding rates and charges. Costs associated with such action are added to the outstanding property debt to be recovered.

Loan default may represent some financial risk to Council as this can extend to repossession of property, though this is unlikely given the internal eligibility criteria which will be established, Better Building Finance’s assessment process for cashflow-positivity and the positive track record to date provided by Better Building Finance (one ongoing instance of non-payment from over 100 Environmental Upgrade Agreements).

**Link to Strategic Risk**

**Strategic Risk** *Climate Change - Failure to mitigate or adapt to the risks of climate change*

**Strategic Risk** *Service Delivery - Inability to plan for and provide critical community services and infrastructure impacting on community wellbeing*

The Environmental Upgrade Agreement program is a response to Council’s ambitions to reduce municipal-wide greenhouse gas emissions, and a direct recovery response to the COVID-19 pandemic with funding for the program being sourced from the Municipal Pandemic Response and Recovery Fund. Failure to deliver on this program will ensure that investments in critical energy-efficiency and renewable energy infrastructure in commercial buildings are lost, without a mechanism through which to make them a viable and safe investment for local business.

Failure to deliver on the commitments laid out in the Community Plan 2021 – 2025 will be seen as an inability to provide critical community services and will result in damage to the reputation of the organisation. The program was originally proposed as an intervention to address energy hardship in the municipality and a mechanism to unlock sustainability investment.

**Implementation Strategy**

**Communication**

Ongoing communications with interested local businesses will continue upon approval of the program.

Promotion and communications will be undertaken through Economic Development’s regular communication channels, including the Business E-News and standalone communications from staff with their networks. It is anticipated that implementation will occur very quickly following a resolution as a number of business are already showing interest.

A communications plan to promote the launch of the program will be organised for social media following endorsement of the program, including Facebook and LinkedIn.

It is intended that the program will be detailed on a dedicated page on the City of Whittlesea website to direct interested businesses once resources are finalised.

**Critical Dates**

* 27 June 2022: Council Meeting

**Declaration of Conflict of Interest**

Under Section 130 of the *Local Government Act 2020* and Rule 47 of the Governance Rules 2021, officers providing advice to Council are required to disclose any conflict of interest they have in a matter and explain the nature of the conflict.  
  
The Responsible Officer reviewing this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

**Conclusion**

The Environmental Upgrade Agreement program is a common and increasingly popular offering by Victorian councils. Offering this program at City of Whittlesea is listed as a Community Plan 2021—2025 commitment, with opportunities now presenting themselves to kickstart investment in environmentally sustainable building upgrades.

Ongoing discussions between officers in Sustainable Environment, Economic Development, Finance, Projects and Property departments have considered the most viable and suitable approach to implement the program, which includes:

1. A Special Charge be the mechanism used to facilitate and track repayments;
2. Better Building Finance be appointed as a third party to establish, administer and support program delivery;
3. The proposed internal eligibility criteria be applied; and
4. Approvals are delegated to the CEO in accordance with section 181H of the Local Government Act 1989.

It is recommended that City of Whittlesea commence with implementing the program in the immediate term to allow investments in securing City of Whittlesea’s climate and economic futures.

5.4.2 2021-140B Glass Processing

**5.4.2 2021-140B Glass Processing**

**Responsible Officer** Director Infrastructure & Environment

**Author** Jack Jansen, Directorate Projects Executive

**In Attendance** Amanda Dodd, Manager Sustainable Environment

**Attachments**

1. CONFIDENTIAL REDACTED - Tender 2021-140 B Glass Processing Evaluation Summary FINAL [**5.4.2.1** - 4 pages]

 This attachment has been designated as confidential by the Director of Infrastructure and Environment, under delegation from the Chief Executive Officer, in accordance with Rule 53 of the Governance Rules 2021 and sections 66(5) and 3(1) of the *Local Government Act 2020* on the grounds that it contains private commercial information, being information provided by a business, commercial or financial undertaking that—  
(i) relates to trade secrets; or  
(ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

In particular the attachment contains information regarding tender amounts submitted by tenderers and tender evaluation scoring prepared by Council officers. The release of this information could reasonably be expected to prejudice the commercial position of the persons who supplied the information or to confer a commercial advantage on a third party.

**Purpose**

It is proposed that contract number 2021-140B for Glass Processing is awarded to Visy Paper Pty Ltd (trading as Visy Recycling).

**Brief Overview**

The tender evaluation panel advises that:

* One (1) tender was received.
* The tender was assessed as providing excellent value for money.
* Consideration was given to collaboration with other Councils and public bodies or utilising collaborative procurement arrangements.
* Collaborative tendering was not undertaken in relation to this procurement because:
  + It is not listed in the Northern Councils Alliance consolidated contract register and this contract relates to a unique need for the City of Whittlesea due to a lack of neighbouring LGAs either introducing glass recycling or retendering the related services; and
  + There were no Municipal Association of Victoria or other similar collaborative procurement options available.

**Recommendation**

**That Council:**

1. **Accept the tender submitted by** **Visy Paper Pty Ltd (trading as Visy Recycling) for the following contract:**

**Number:** **2021-140B**

**Title:** **Glass Processing**

**Cost:** **The accepted schedule of rates is detailed in the confidential attachment. Total expenditure in the initial three (3) year term is limited to $1,104,247.20 (excluding GST).**

**Term:** **1 July 2022 to 30 June 2025**

**Options:** **Term extensions up to 30 June 2028**

**subject to the following conditions:**

**a)** **Tenderer to provide proof of currency of insurance cover as required in the tender documents.**

**b)** **Price variations to be in accordance with the provisions as set out in the tender documents.**

**c)** **Tenderer to provide contract security as required in the tender documents.**

1. **Approve the funding arrangements detailed in the confidential attachment.**
2. **Delegate the authority to the CEO to:**

**a) Execute the contract documents; and**

**b) Approve term extensions and any associated variations to the contract sum.**

**Key Information**

The purpose of this contract is the receipt and processing of glass recycling material collected from residential households across the municipality. Tenders for the contract closed on Tuesday 15 February 2022. The tendered prices and a summary of the evaluation are detailed in the confidential attachment.

No member of the Tender Evaluation Panel declared any conflict of interest in relation to this tender evaluation.

A Tender Probity & Evaluation Plan was designed specifically for this tender process and it was authorised prior to this tender being advertised. The tender received was evaluated in accordance with that plan. The evaluation involved scoring of the conforming and competitive tender according to these pre-determined criteria and weightings:

|  |  |  |
| --- | --- | --- |
| • | Price | 55 % |
| • | Capability | 15 % |
| • | Capacity | 7.5 % |
| • | Sustainability | 22.5 % |

The weightings reflect the relative importance of each element to this particular contract. They were determined as being most appropriate after considering numerous factors including (but not restricted to) the time, quality, risk, and contract management requirements which were likely to have the most impact on the achievement of best value.

The tender received was considered conforming and competitive and was therefore fully scored.

The evaluation outcome was as follows:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Tenderer** | **Conforming** | **Competitive** | **Assessed**  **Tender**  **Score** | **Maximum**  **Possible**  **Score** |
| Visy Paper Pty Ltd  (trading as Visy Recycling) | Yes | Yes | 93.85 | 110 |

Refer to the confidential attachment for further details of the evaluation of this tender.

**Community Consultation and Engagement**

In accordance with the *Local Government Act 2020*, consideration was given as to whether there were any opportunities to collaborate with other Councils and public bodies or to use any existing collaborative procurement arrangements. The outcome was as follows:

* Collaborative tendering was not undertaken in relation to this procurement because it is not listed in the Northern Councils Alliance consolidated contract register and this contract relates to a unique need for the City of Whittlesea due to a lack of neighbouring LGAs either introducing glass recycling or retendering the related services; and
* There were no Municipal Association of Victoria or other similar collaborative procurement options available.

Community consultation and engagement around the introduction of a municipal wide residential glass recycling service has to date been conducted in two stages - a general discussion around the need and support for glass recycling through the development of Council’s Rethinking Waste Plan 2021-2030; and more specific engagement around the service model and community understanding of glass recycling.

**Rethinking Waste Plan 2021-2030**

Council’s consultation program for development of the Rethinking Waste Plan 2021-2030 resulted in over 1,200 individual contributions. Several key themes were identified and incorporated into the final Plan, including:

* The need for accessible and convenient services.
* Increased incentives and education for waste avoidance.
* Desire for closed loop recycling systems.

Of the 141 respondents to the Rethinking Waste Plan 2021-2030 survey, 92% were supportive of glass recovery with 52% favouring kerbside collection and 40% favouring a container deposit scheme (CDS). However, 55% of respondents would not be willing to travel more than five (5) kilometres to participate in a CDS, making the utilisation of a kerbside collection service more likely for a large percentage of those who initially indicated a preference for the CDS.

**Glass Recycling Introduction**

From 9 February 2022, the City of Whittlesea engagement platform provided an overview of the glass recycling introduction project, the service delivery model (120 litre purple lidded bin per household, collected every four (4) weeks), related information such as the State Government policy, and a glass recycling fact sheet. The engagement platform also included a community survey to collect structured feedback, as well as a ‘Q&A’ section to allow for ad hoc feedback. Community members were directed to the engagement platform and survey through Council’s media channels, with the survey also being mailed out to all households within multi-unit developments.

The volume of responses to these engagement activities was:

* 816 unique visitors to the platform (excludes individual return visits).
* 784 survey responses.
* Over 150 comments and just under 300 reactions on Council’s Facebook page.

The survey, which closed at midnight on 15 March 2022, provided the following insights:

* 60.84% of respondents are unaware of the type of glass products that can be recycled.
* 89.54% of respondents believe a 120-litre bin collected monthly would satisfy their glass recycling needs.
* 69.26% of respondents believe that there is not enough space for them to safely and appropriately place three bins on the kerb for collection.
* 73.71% of respondents believe that they have enough space to store the glass bin.
* 44.24% of respondents would be willing to travel up to five (5) kilometres to participate in a Container Deposit Scheme, while 25.13% said they would not participate at all.

Social media discussion mainly related to:

* Household need - Saying they don’t use enough glass containers to justify a separate service or asking if they can opt out.
* Household impact - Expressing concern about where they will store the glass bin.
* The service - Asking how it will work, and what can go in the glass bin.
* The cost - Questioning whether ratepayers will be paying for the new service.

The insights gained from this feedback will be addressed in the lead-up to service commencement through:

* Educational and communications activities aimed at:
  + Raising awareness around the environmental benefits of a separate glass recycling service.
  + Outlining what can and cannot go in the glass bin.
  + Understanding the State-wide mandate.
  + Describing how the glass recycling service differs from the Container Deposit Scheme.
  + Confirming the service model.
  + Clarifying the waste service cost recovery process.
* Specific interventions to address:
  + Bin storage capacity within multi-unit development settings.
  + Barriers to presenting three (3) bins at the kerbside once every month.

Existing budget will be used to employ a fixed term resource to investigate and resolve the concerns raised by residents.

Further detail can be found in the Participation and Engagement Findings Report attached to report ‘2021-140A Glass Collection and 2017-75A Landfill Waste, Recycling, & Green Waste Kerbside Collection Services’.

While the final timeline depends on negotiations with appointed contractors, the expectation at this stage is that the service will commence late September/early October.

**Alignment to Community Plan, Policies or Strategies**

Alignment to Whittlesea 2040 and Community Plan 2021-2025:

**Sustainable environment**  
We prioritise our environment and take action to reduce waste, preserve local biodiversity, protect waterways and green space, and address climate change.

The implementation of a glass recycling service is identified as a priority action withinCouncil’s *Rethinking Waste Plan 2021-2030*, with service commencement to occur during 2022-23.

A separate glass service will see a reduction of material sent to landfill and contribute to a circular economy.

**Considerations**

**Environmental**

Council’s current three (3) bin kerbside service, with opt-in FOGO, allows households to sort their waste which supports the efficient recovery of resources. The introduction of a residential glass recycling service allows for the separation of glass from other recyclables. This is of particular benefit for paper and cardboard which are currently prone to contamination through exposure to broken glass.

A separate glass service allows even very small glass fragments to be recovered. In a mixed recycling bin these fragments commonly become embedded in other recyclable materials, resulting in both being sent to landfill. A separate glass service also allows for the application of glass specific collection and delivery practices which can help to minimise the level of breakage and reduce the sorting effort.

The greater the quality of recyclable material delivered to processing contractors, the higher the potential for re-use, and the lower the volume of material being sent to landfill or sourced from natural resource reserves.

**Social, Cultural and Health**

A successful glass recycling service will necessitate changes in a household’s waste management practices - how they sort their recycling; how they store their additional bin; how they manage the presentation of bins for kerbside collection. An effective education and support program will be critical aspects of this project.

**Economic**

Improving the overall quality of collected recyclable material increases its commodity value and facilitates the development of a viable circular economy.

**Financial Implications**

Sufficient funding for this contract is available through Council’s operating budget. Council’s net costs for Glass Recycling are factored into the annual waste charge model.

**Link to Strategic Risk**

**Strategic Risk** *Service Delivery - Inability to plan for and provide critical community services and infrastructure impacting on community wellbeing.*

The State Government’s *Recycling Victoria, A new economy* policy requires the introduction of a standardised four (4) bin kerbside collection service for all households to simplify sorting, and to increase resource recovery levels by maximising material values and reducing cross contamination leading to a reduction in the volume of recyclable material sent to landfill. This policy establishes the requirement for all Victorians to have either a separate bin for glass recycling or access to glass services by 2027. Within Council’s *Rethinking Waste Plan 2021-2030*, the implementation of a glass recycling service was identified as a priority action with service commencement to occur during 2022-23.

Through the development of our Rethinking Waste Plan, we heard that our community are committed to reducing waste and keeping waste out of landfill. By commencing a kerbside glass recycling service before 2027, we are providing our residents with a service that will improve the amount of quality recyclable material collected sooner, while also ensuring that Council complies with the State Government’s policy requirements.

**Implementation Strategy**

**Communication**

A decision to award this contract will be communicated via the standard communication channels for Council Meeting outcomes and Council’s engagement platform.

Details of the service implementation timeframe will be communicated to households through Council’s various communications channels, including direct mailout and Council’s engagement platform.

**Critical Dates**

The initial contract term will commence on 1 July 2022 and end on 30 June 2025.

Options exist to extend the contract up to 30 June 2028. A separate report requesting Council approval will be presented before the exercise of any extension options.

**Declaration of Conflict of Interest**

Under Section 130 of the *Local Government Act 2020* and Rule 47 of the Governance Rules 2021, officers providing advice to Council are required to disclose any conflict of interest they have in a matter and explain the nature of the conflict.  
  
The Responsible Officer reviewing this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

**Conclusion**

The tender from Visy Paper Pty Ltd (trading as Visy Recycling) was assessed as reflecting best value and it is considered that this company can perform the contract to the required standards.

5.4.3 2021-140A Glass Collection and 2017-75A Landfill Waste, Recycling, & Green Waste Kerbside Collection Services

**5.4.3 2021-140A Glass Collection and 2017-75A Landfill Waste, Recycling, & Green Waste Kerbside Collection Services**

**Responsible Officer** Director Infrastructure & Environment

**Author** Jack Jansen, Directorate Projects Executive

**In Attendance** Amanda Dodd, Manager Sustainable Environment

**Attachments**

1. CONFIDENTIAL REDACTED - Tender 2021-140 A Glass Collection Evaluation Summary FINAL [**5.4.3.1** - 5 pages]
2. CONFIDENTIAL REDACTED - Contract 2017-75 A Landfill Waste Recycling & Green Waste Kerbside Collection Services Variation Det [**5.4.3.2** - 2 pages]

 Attachments 1 and 2 have been designated as confidential by the Director of Infrastructure and Environment, under delegation from the Chief Executive Officer, in accordance with Rule 53 of the Governance Rules 2021 and sections 66(5) and 3(1) of the *Local Government Act 2020* on the grounds that they contain private commercial information, being information provided by a business, commercial or financial undertaking that—  
(i) relates to trade secrets; or  
(ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

In particular the attachments contain information regarding tender amounts submitted by tenderers and tender evaluation scoring prepared by Council officers. The release of this information could reasonably be expected to prejudice the commercial position of the persons who supplied the information or to confer a commercial advantage on a third party.

**Purpose**

It is proposed that:

* Contract number 2021-140A for Glass Collection is awarded to J.J. Richards & Sons Pty Ltd (trading as JJ’s Waste & Recycling); and
* Contract number 2017-75A for Landfill Waste, Recycling, & Green Waste Kerbside Collection Services is varied to suit operational requirements.

**Brief Overview**

In relation to the awarding of contract 2021-140A for Glass Collection, the tender evaluation panel advises that:

* One (1) tender was received.
* The tender was assessed as providing excellent value for money.
* Consideration was given to collaboration with other Councils and public bodies or utilising collaborative procurement arrangements.
* Collaborative tendering was not undertaken in relation to this procurement because it is not listed in the Northern Councils Alliance consolidated contract register and this contract relates to a unique need for the City of Whittlesea due to a lack of neighbouring LGAs either introducing glass recycling or retendering the related services.

In relation to the extension of contract 2017-75A for Landfill Waste, Recycling, & Green Waste Kerbside Collection Services, the contract manager advises that:

* this contract was awarded to J.J. Richards & Sons Pty Ltd (trading as JJ’s Waste & Recycling);
* the contract has been performed satisfactorily to date; and
* a financial variation is required for continuation of services and securing the lowest cost outcome for contract number 2021-140A.
* extension options are available to 30 June 2028.
* contract extension to 30 June 2028 is requested.

**Recommendation**

**That Council:**

1. **Accept the tender submitted by** **J.J. Richards & Sons Pty Ltd (trading as JJ’s Waste & Recycling) for the following contract:**

**Number:** **2021-140A**

**Title:** **Glass Collection**

**Cost:** **The accepted schedule of rates is detailed in the confidential attachment. Total expenditure is limited to $11,409,887.18 (excluding GST) unless otherwise approved by Council.**

**Term:** **1 July 2022 to 30 June 2028**

**subject to the following conditions:**

**a)** **Tenderer to provide proof of currency of insurance cover as required in the tender documents.**

**b)** **Price variations to be in accordance with the provisions as set out in the tender documents.**

**c)** **Tenderer to provide contract security as required in the tender documents.**

1. **In relation to Contract number 2017-75A for Landfill Waste, Recycling, & Green Waste Kerbside Collection Services:**

**a)** **Approve a variation of $21,655,421.47 (excluding GST) making a revised contract sum of $67,984,971.47 (excluding GST).**

**b) Approve extension of the contract end date to 30 June 2028.**

1. **Approve the funding arrangements for contract number 2021-140A for Glass Collection and contract number 2017-75A for Landfill Waste, Recycling, & Green Waste Kerbside Collection Services detailed in the confidential attachments.**
2. **Delegate the authority to execute the contract documents for contract number 2021-140A for Glass Collection to the CEO.**

**Key Information**

**2021-140A for Glass Collection**

The purpose of this contract is the collection of glass recycling material from residential households across the municipality and its delivery to a nominated processing facility.

Tenders for the contract closed on Tuesday 15th February 2022. The tendered prices and a summary of the evaluation are detailed in the confidential attachment.

No member of the Tender Evaluation Panel declared any conflict of interest in relation to this tender evaluation.

A Tender Probity & Evaluation Plan was designed specifically for this tender process and it was authorised prior to this tender being advertised. The tender received was evaluated in accordance with that plan. The evaluation involved scoring of the conforming and competitive tender according to these pre-determined criteria and weightings:

|  |  |  |
| --- | --- | --- |
| • | Price | 60 % |
| • | Capability | 15 % |
| • | Capacity | 15 % |
| • | Sustainability | 10 % |

The weightings reflect the relative importance of each element to this particular contract. They were determined as being most appropriate after considering numerous factors including (but not restricted to) the time, quality, risk, and contract management requirements which were likely to have the most impact on the achievement of best value.

The tender received was considered conforming and competitive and was therefore fully scored.

The evaluation outcome was as follows:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Tenderer** | **Conforming** | **Competitive** | **Assessed**  **Tender**  **Score** | **Maximum**  **Possible**  **Score** |
| J.J. Richards & Sons Pty Ltd  (trading as JJ’s Waste & Recycling) | Yes | Yes | 99 | 110 |

In addition to pricing associated with the contract term outlined in the request for tender, J.J. Richards & Sons Pty Ltd provided 2 additional price options which were contingent on the length of term for this Glass Collection contract, and the extension of existing contract 2017-75A for Landfill Waste, Recycling, & Green Waste Kerbside Collection Services. The costs and recommendations stated in this report are based on the contract arrangements which provide the most advantageous pricing option, being a fixed six (6) year term for 2021-140A combined with the three (3) year extension of 2017-75A.

Refer to the confidential attachment for further details of the evaluation of all tenders.

**2017-75A for Landfill Waste, Recycling, & Green Waste Kerbside Collection Services**

This contract was awarded to J.J. Richards & Sons Pty Ltd.  A summary of the financial performance of the contract is provided in the confidential attachment.

The contract has been performed satisfactorily to date, however a variation of $21,655,421.47 is now required to secure the lowest cost option for contract 2021-140A.

The contractor’s prices have been checked and are considered competitive.

Options exist to extend the contract up to 30 June 2028. Extension of the contract to 30 June 2028 is requested because doing so allows Council to take advantage of substantial savings in delivery of the Glass Collection service. J.J. Richards & Sons Pty Ltd have provided excellent service to date and extending this contract does not represent a risk to the ongoing provision of services to the community.

Further details of the requested variation are provided in the confidential attachment.

**Community Consultation and Engagement**

**2021-140A for Glass Collection**

In accordance with the *Local Government Act 2020*, consideration was given as to whether there were any opportunities to collaborate with other Councils and public bodies or to use any existing collaborative procurement arrangements. The outcome was as follows:

* Collaborative tendering was not undertaken in relation to this procurement because it is not listed in the Northern Councils Alliance consolidated contract register and this contract relates to a unique need for the City of Whittlesea due to a lack of neighbouring LGAs either introducing glass recycling or retendering the related services.

Community consultation and engagement around the introduction of a municipal wide residential glass recycling service has to date been conducted in two stages - a general discussion around the need and support for glass recycling through the development of Council’s Rethinking Waste Plan 2021-2030; and more specific engagement around the service model and community understanding of glass recycling.

**Rethinking Waste Plan 2021-2030**

Council’s consultation program for development of the Rethinking Waste Plan 2021-2030 resulted in over 1,200 individual contributions. Several key themes were identified and incorporated into the final Plan, including:

* The need for accessible and convenient services.
* Increased incentives and education for waste avoidance.
* Desire for closed loop recycling systems.

Of the 141 respondents to the Rethinking Waste Plan 2021-2030 survey, 92% were supportive of glass recovery with 52% favouring kerbside collection and 40% favouring a container deposit scheme (CDS). However, 55% of respondents would not be willing to travel more than five (5) kilometres to participate in a CDS, making the utilisation of a kerbside collection service more likely for a large percentage of those who initially indicated a preference for the CDS.

**Glass Recycling Introduction**

From 9 February 2022, the City of Whittlesea engagement platform provided an overview of the glass recycling introduction project, the service delivery model (120 litre purple lidded bin per household, collected every four (4) weeks), related information such as the State Government policy, and a glass recycling fact sheet. The engagement platform also included a community survey to collect structured feedback, as well as a ‘Q&A’ section to allow for ad hoc feedback. Community members were directed to the engagement platform and survey through Council’s media channels, with the survey also being mailed out to all households within multi-unit developments.

The volume of responses to these engagement activities was:

* 816 unique visitors to the platform (excludes individual return visits).
* 784 survey responses.
* Over 150 comments and just under 300 reactions on Council’s Facebook page.

The survey, which closed at midnight on 15 March 2022, provided the following insights:

* 60.84% of respondents are unaware of the type of glass products that can be recycled.
* 89.54% of respondents believe a 120-litre bin collected monthly would satisfy their glass recycling needs.
* 69.26% of respondents believe that there is not enough space for them to safely and appropriately place three bins on the kerb for collection.
* 73.71% of respondents believe that they have enough space to store the glass bin.
* 44.24% of respondents would be willing to travel up to five (5) kilometres to participate in a Container Deposit Scheme, while 25.13% said they would not participate at all.

Social media discussion mainly related to:

* Household need - Saying they don’t use enough glass containers to justify a separate service or asking if they can opt out.
* Household impact - Expressing concern about where they will store the glass bin.
* The service - Asking how it will work, and what can go in the glass bin.
* The cost - Questioning whether ratepayers will be paying for the new service.

The insights gained from this feedback will be addressed in the lead-up to service commencement through:

* Educational and communications activities aimed at:
  + Raising awareness around the environmental benefits of a separate glass recycling service.
  + Outlining what can and cannot go in the glass bin.
  + Understanding the State-wide mandate.
  + Describing how the glass recycling service differs from the Container Deposit Scheme.
  + Confirming the service model.
  + Clarifying the waste service cost recovery process.
* Specific interventions to address:
  + Bin storage capacity within multi-unit development settings.
  + Barriers to presenting three (3) bins at the kerbside once every month.

Existing budget will be used to employ a fixed term resource to investigate and resolve the concerns raised by residents.

Further detail can be found in the attached Participation and Engagement Findings Report. While the final timeline depends on negotiations with appointed contractors, the expectation at this stage is that the service will commence late September/early October.

**2017-75A for Landfill Waste, Recycling, & Green Waste Kerbside Collection Services**

Community consultation and engagement was not required in relation to the extension of this contract as it relates to commercial arrangements and contractual obligations that are confidential.

**Alignment to Community Plan, Policies or Strategies**

Alignment to Whittlesea 2040 and Community Plan 2021-2025:

**Sustainable environment**

We prioritise our environment and take action to reduce waste, preserve local biodiversity, protect waterways and green space, and address climate change.

Council’s kerbside collection services allow residents to conveniently dispose of household waste and recyclables. The implementation of a glass recycling service is identified as a priority action withinCouncil’s *Rethinking Waste Plan 2021-2030*, with service commencement to occur during 2022-23.

A separate glass service will see a reduction of material sent to landfill and contribute to a circular economy.

**Considerations**

**Environmental**

Council’s current three (3) bin kerbside service, with opt-in FOGO, allows households to sort their waste which supports the efficient recovery of resources. The introduction of a residential glass recycling service allows for the separation of glass from other recyclables. This is of particular benefit for paper and cardboard which are currently prone to contamination through exposure to broken glass.

A separate glass service allows even very small glass fragments to be recovered. In a mixed recycling bin these fragments commonly become embedded in other recyclable materials, resulting in both being sent to landfill. A separate glass service also allows for the application of glass specific collection and delivery practices which can help to minimise the level of breakage and reduce the sorting effort.

The greater the quality of recyclable material delivered to processing contractors, the higher the potential for re-use, and the lower the volume of material being sent to landfill or sourced from natural resource reserves.

**Social, Cultural and Health**

A successful glass recycling service will necessitate changes in a household’s waste management practices - how they sort their recycling; how they store their additional bin; how they manage the presentation of bins for kerbside collection. An effective education and support program will be critical aspects of this project.

**Economic**

Improving the overall quality of collected recyclable material increases its commodity value and facilitates the development of a viable circular economy.

**Financial Implications**

Sufficient funding for these contracts is available through Council’s operating budget. Council’s net costs for kerbside waste collection are factored into the annual waste charge model.

**Link to Strategic Risk**

**Strategic Risk** *Service Delivery - Inability to plan for and provide critical community services and infrastructure impacting on community wellbeing.*

The State Government’s *Recycling Victoria, A new economy* policy requires the introduction of a standardised four (4) bin kerbside collection service for all households to simplify sorting, and to increase resource recovery levels by maximising material values and reducing cross contamination leading to a reduction in the volume of recyclable material sent to landfill. This policy establishes the requirement for all Victorians to have either a separate bin for glass recycling or access to glass services by 2027. Within Council’s *Rethinking Waste Plan 2021-2030*, the implementation of a glass recycling service was identified as a priority action with service commencement to occur during 2022-23.

Through the development of our Rethinking Waste Plan, we heard that our community are committed to reducing waste and keeping waste out of landfill. By commencing a kerbside glass recycling service before 2027, we are providing our residents with a service that will improve the amount of quality recyclable material collected sooner, while also ensuring that Council complies with the State Government’s policy requirements.

**Implementation Strategy**

**Communication**

A decision to award contract 2021-140A for Glass Collection and extend contract 2017-75A for Landfill Waste, Recycling, & Green Waste Kerbside Collection Services will be communicated via the standard communication channels for Council Meeting outcomes and Council’s engagement platform.

Details of the service implementation timeframe will be communicated to households through Council’s various communications channels, including direct mailout and Council’s engagement platform.

**Critical Dates**

The contract term for 2021-140A for Glass Recycling will commence on 1 July 2022 and end on 30 June 2028.

Contract 2017-75A for Landfill Waste, Recycling, & Green Waste Kerbside Collection Services commenced on 30 April 2018 and the current approved end date is 01 July 2025.

**Declaration of Conflict of Interest**

Under Section 130 of the *Local Government Act 2020* and Rule 47 of the Governance Rules 2021, officers providing advice to Council are required to disclose any conflict of interest they have in a matter and explain the nature of the conflict.

The Responsible Officer reviewing this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

**Conclusion**

With regard to 2021-140A for Glass Collection, the tender from J.J. Richards & Sons Pty Ltd (trading as JJ’s Waste & Recycling) was assessed as reflecting best value and it is considered that this company can perform the contract to the required standards.

With regard to 2017-75A for Landfill Waste, Recycling, & Green Waste Kerbside Collection Services, variation of the contract is sought in accordance with the contract’s terms and conditions and Council’s applicable policy and procedures.

**5.5 High Performing Organisation**

5.5.1 Risk Management Policy and Risk Management Framework

**5.5.1 Risk Management Policy and Risk Management Framework**

**Responsible Officer** Executive Manager Governance & Strategy

**Author** Brett Davidson, Coordinator Risk Management

**In Attendance** Samantha Boyle, Unit Manager Governance & Risk

**Attachments**

1. Risk Management Framework 2022 [**5.5.1.1** - 24 pages]
2. Risk Management Policy [**5.5.1.2** - 5 pages]

**Purpose**

The purpose of this report is to seek Council’s endorsement for the new Risk Management Policy and revised Risk Management Framework.

**Brief Overview**

The Risk Management Policy and Risk Management Framework (RMF) provide a systematic approach to identifying key risks to services and operations, and supports management to evaluate these risks and make informed decisions.

The RMF has been reviewed in line with best practice to ensure it conforms with *ISO 31000:2018 – Risk management guidelines,* and a new Risk Management Policy has been established to ensure this approach is integrated across all business activities.

Endorsement of the new Risk Management Policy and revised RMF will help to uplift Council’s risk maturity by supporting the continued delivery of services, preservation of assets and critical infrastructure, and the long-term financial sustainability through the use of risk management processes leading to improved decision making.

**Recommendation**

**That Council:**

1. **Endorse the revised June 2022 Risk Management Framework;**
2. **Endorse the new June 2022 Risk Management Policy.**

**Key Information**

Council’s Risk Management Framework (RMF) provides a systematic approach to identifying, analysing, and monitoring the risks that may adversely impact on Council. It ensures that Council is committed to achieving effective and responsible risk management in accordance with best practice, in particular *ISO 31000:2018 – Risk management guidelines* (The Standard). The risk management process enables the protection of our people, assets, reputation and supports the provision of services to our community.

During the revision there were various changes to the existing RMF in order to realign the document with The Standard. In addition, several changes were made to clearly define the risk management process and ensure the document is user friendly for risk owners. Changes of note to the revised RMF (Attachment 1) include:

* Updated format (in line with other key documents);
* Revised layout to emphasise the Risk Management process as per The Standard;
* Education, and Promotion & Integration, now grouped together and renamed Communication and Consultation;
* Risk Culture has been included to outline commitments from Senior Management and Staff;
* The Risk Management Policy statement has been removed;
  + A new Risk Management Policy (Attachment 2) to form part of the core governance framework at Council,
  + This also ensures the RMF is the ‘how to’ document and contains only the relevant information for managing risks.
* Risk Categories have been created for better analysis and reporting;
* Common Risk Descriptions added to define how risks should be recorded (described as a risk event);
* Project Risk has been updated to create a specific Consequence table aligned to Capital Work Projects;
* Risk Reporting updated with more defined requirements (both within the Risk Management Team and across Council departments); and
* The Risk Maturity Model has been revised to simplify the assessment of maturity.
* A Risk Maturity Assessment Tool has been developed to evaluate the risk maturity strategies.

**Community Consultation and Engagement**

Council were consulted on the Risk Appetite Statements and Risk Consequences in September 2021.

Internal consultation with key stakeholders, including staff and members of the Audit & Risk Committee (ARC), and benchmarking with other Councils was undertaken to develop and review these documents. The ARC provided feedback and also recommended the Risk Management Policy and RMF be endorsed by Council.

**Alignment to Community Plan, Policies or Strategies**

Alignment to Whittlesea 2040 and Community Plan 2021-2025:

**High performing organisation**

We engage effectively with the community, deliver efficient and effective services and initiatives, make decision in the best interest of our community and deliver value to our community

The Risk Management Policy and RMF enables the risk management processes to become part of our decision-making process and supports informed decision making by identifying the various risk events that would prevent Council achieving its objectives and implementing suitable risk mitigation strategies.

**Considerations**

**Environmental**

The Risk Management Policy and RMF assist decision making in relation to considering environmental factors in risk assessments.

**Social, Cultural and Health**

The Risk Management Policy and RMF assist decision making in relation to considering social, cultural and health factors in risk assessments.

**Economic**

The Risk Management Policy and RMF assist decision making in relation to considering economic factors in risk assessments.

**Financial Implications**

The Risk Management Policy and RMF assist decision making in relation to considering financial implications in risk assessments.

**Link to Strategic Risk**

**Strategic Risk** *Governance - Ineffective governance of Council’s operations and activities resulting in either a legislative or policy breach*

The new Risk Management Policy provides additional strength to our governance processes, by ensuring that all decisions have been undertaken with the support of a risk-based approach.

The revised RMF provides the process to identify risks to Council, make assessments of that risk including the potential implications, and ensure suitable controls and risk mitigation strategies are adopted to reduce or eliminate the risk to Council.

Having an established Risk Management Policy and RMF provides a tool to support continuous improvement of our service delivery and maintain compliance with the *Local Government Act 2020* and other relevant legislation and policy.

**Implementation Strategy**

**Communication**

The RMF and Risk Management Policy are used by staff, contractors and volunteers to conduct decision making processes. Internal communication channels will be utilised, and training will be undertaken with key stakeholders to ensure effective compliance with the Policy and RMF.

The RMF and Risk Management Policy will be made available to community via Council’s website.

**Critical Dates**

The revised RMF and new Risk Management Policy to be adopted and communicated to all staff by 30 June 2022 prior to the commencement of 2022 Strategic and Service Risk reviews.

**Declaration of Conflict of Interest**

Under Section 130 of the *Local Government Act 2020* and Rule 47 of the Governance Rules 2021, officers providing advice to Council are required to disclose any conflict of interest they have in a matter and explain the nature of the conflict.  
  
The Responsible Officer reviewing this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

**Conclusion**

The revised RMF has been brought in line with *ISO 31000:2018 – Risk management guidelines,* and the new Risk Management Policy ensures accountability for risk management processes across all services and operations, which in turn strengthen the internal governance framework and provide a process to support informed decision making to achieve the best outcomes for Council.

5.5.2 Review of Council Delegations to the CEO and Members of Council Staff

**5.5.2 Review of Council Delegations to the CEO and Members of Council Staff**

**Responsible Officer** Executive Manager Governance & Strategy

**Author** Amanda Marijanovic, Coordinator Governance Administration

**In Attendance** Samantha Boyle, Unit Manager Governance & Risk

**Attachments**

1. Instrument of Delegation to CEO - June 2022 - v 6 [**5.5.2.1** - 5 pages]
2. Instrument of Delegation to Members of Staff - June 2022 - v 2 [**5.5.2.2** - 67 pages]

**Purpose**

The purpose of this report is for Council to support effective and efficient decision-making through updated Instruments of Delegation to the CEO and to members of Council staff.

**Brief Overview**

Delegations to the Chief Executive Officer (CEO) and to members of Council Staff are reviewed regularly to ensure Council’s decision-making powers are efficiently and effectively exercised.

Instrument of Delegation to the CEO

The report recommends:

* that the financial delegation to the CEO be increased from a maximum of $1,000,000 to $2,000,000 (GST inclusive) for goods and services to reflect the increased monetary value and complexity of the business carried out by the organisation; and
* that the award of insurance contracts be exempt from the CEO’s financial delegations and responsibility be delegated to the CEO irrespective of the value of the contract.

Instrument of Delegation to Members of Council Staff

The report recommends that this delegation be amended to reflect title changes and where positions no longer exist; to delegate the provisions to another role. New and changed provisions from the most recent Maddocks Lawyers update are also included under the following Acts:

* *Cemeteries and Crematoria Act 2003*;
* *Food Act 1984*;
* *Planning and Environment Act 1987*;
* *Residential Tenancies Act 1997;*
* *Road Management Act 2004*; and
* *Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020.*

Further changes are also recommended under the *Planning and Environment Act 1987* to establish best practice legacy processes which include:

1. Changes to delegations to delegate to Officers:

* River Red Gum removals;
* Building proposals in Heritage Overlays; and
* Development that ‘significantly changes the character of the area’.

1. Amendments to delegations to:

* Increase the threshold for an application to be considered by Council from five (5) to 10 objections; and
* Must also be:
  + More than three (3) storeys in height; or
  + A major non-residential use in a residential use area (for example a Church or a Medical Centre); or
  + A large subdivision with more than 100 lots with no approved Development Plan.

1. Remove the Administrator/Councillor call-in process.

**Recommendation**

**That Council:**

1. **For the Instrument of Delegation to the Chief Executive Officer (Attachment 1) and the Instrument of Delegation to Members of Council Staff (Attachment 2):**
2. **Resolve to delegate to the members of staff holding the relevant positions the powers, duties and functions set out in the Instruments;**
3. **Commence operation of the Instruments immediately upon the common seal of Council being affixed to the Instruments;**
4. **Revoke all previous Council delegations to member of Council Staff on the coming into force of the Instruments; and**
5. **Require the duties and functions set out in the Instruments to be performed, and the powers set out in the Instruments to be executed, in accordance with any guidelines or policies adopted by Council.**

**Key Information**

The *Local Government Act 2020*, and other legislation, enables Council to delegate powers to the Chief Executive Officer (CEO) and also to members of Council staff. This delegation is documented within the Instrument of Delegations and enables decisions of the delegate, for all legal purposes to be decisions of the Council. Instruments of Delegation are reviewed regularly to ensure that they are aligned with legislation, best practice and also ensure that the most appropriate members of staff are performing the relevant duty. Delegations to the CEO and to members of staff were last reviewed and adopted by Council on 6 September 2021 and 4 August 2020 respectively.

**Proposal**

**Instrument of Delegation to the CEO**

The Instrument of Delegation from Council to the CEO empowers the CEO under many Acts and Regulations enabling them to make decisions required of a CEO.

**Increasing the value of the delegation**

This report recommends that the financial delegation to the CEO be increased from a maximum of $1,000,000 to $2,000,000 for goods and services.

Increases in the financial delegations of the CEO will:

* Reflect the increased monetary value and complexity of the business carried out by the organisation; and
* Improve operational efficiencies, by ensuring contract reports are only submitted to Council for consideration for relatively significant matters.

An increase to the CEO’s financial delegation empowers the CEO to continue to be able to make timely decision taking into consideration:

1. The escalation of prices of commodities in the broader market generally which impact project and operational costs. This is becoming an increasingly common occurrence.
2. Fall of the Australian dollar against the US dollar, which creates more economic pressure (Considering cost of international supply into Australia).
3. Significant disruption of supply chains due to COVID-19 and other global market fluctuations which will have long term impacts on production and logistics globally. Tied to this is the increased cost of fuel (base factor for economic production) and inflation in Australia. CPI for March 2022 (over 12 months) was 5.1%.
4. The scale and number of projects in the Council’s capital delivery program.

**Award of Insurance Contracts Exemption**

A new exemption is proposed to enable the CEO to award Insurance contracts regardless of the contract value.

There are tight timeframes between Council receiving insurance renewal terms and the expiry of current insurance policies which occurs on 30 June each year. The CEO is required to seek delegation from Council without providing details of the contract and its value as final premium negotiations for the following financial year are usually not finalised until 29 or 30 June. The new exemption enables the CEO to procure insurance; regardless of its value enabling Council to acquire insurances, such as public liability insurance, prior to their expiry, preventing gaps in coverage and ensuring ongoing financial protection for Council.

A copy of the Instrument is attached (Refer to Attachment 1).

**Instrument of Delegation to Members of Council Staff**

The Instrument of Delegation from Council to Members of Council Staff empowers staff under various Acts and Regulations. Changes in position titles have been made to align to the current organisational restructure.

**Planning Delegations**

A detailed review of Council’s planning and engagement processes has been undertaken that included benchmarking and review against best practices and other Councils. Following the review changes to delegations under the *Planning and Environment Act 1987* are recommended to establish best practice planning processes including:

1. Delegating to Officers authority for approval of:
   * River Red Gum removals;
   * Building proposals in Heritage Overlays; and
   * Development that ‘changes the character of the area’.
2. Altering planning applications required to go to Council to those that have 10 objections (previously five (5)); and must also be:

* More than three (3) storeys in height; or
* A major non-residential use in a residential use area (for example a Church or a Medical Centre); or
* A large subdivision with more than 100 lots with no approved Development Plan.

1. Removing the Administrator/Councillor call-in process.

Each proposed change is explained in further detail below:

***Altering the applications required to go to Council***

The delegation currently requires Council to consider all applications where more than five (5) objections are received. This threshold is very low when compared to best practice benchmarking with other municipalities. It is recommended that the delegation be changed to consider the number of objections received and the scale of the proposal. This ensures that Council is not considering matters that have only a limited impact and about which the planning system currently has many regulations and requirements.

In all cases, the ability for a Manager, Director and/or CEO to determine that a matter warrants Council consideration would remain.

***Removing the River Red Gum tree removal trigger***

It is understood that the requirement for Council to consider the removal of more than one River Red Gum was established to ensure that appropriate consideration was given by applicants before proposing the removal of a tree, at a time when there were reduced controls over native vegetation and extensive greenfield development. With the introduction of greater native vegetation controls and a general awareness about the value of these trees both to the visual aesthetic and environment, the matter is now less prevalent.

Utilising one specific approval trigger for delegation is not considered best practice where that matter can be managed adequately by Council policy. Given the strength of current controls and policy this trigger does not represent a matter that requires Council’s determination.

***Amending the trigger for demolition of heritage buildings***

At present a small number of applications are considered by Council for part or full demolition of heritage buildings. Following benchmarking and a review with other municipalities this is an unusual provision in a delegation deed and is related to past issues in relation to historic building demolition that are now well managed in accordance with Council policy. In most cases this type of planning matter is best managed by reference to policy and appropriate Officer advice.

The consideration of Council matters that can be effectively managed by Council adopted policy is not considered best practice. Best practice indicates this should be delegated to Council Officers to make decisions in accordance with adopted Council policy.

***Any application within an established urban residential area that ‘significantly changes the nature and character of the area’***

This is an unusual provision in the delegation and is not replicated by other Councils benchmarked. The provision is not one that is especially relevant to Whittlesea; as all municipalities may have applications for development that is out of character with the area. The other recommended delegation triggers relating to objections and substantial public interest, adequately address this issue. In addition, the State planning provisions and Council’s policies regarding character and design adequately enable Council Officers to resolve such applications.

The Whittlesea Planning Scheme contains extensive controls and planning policies, such as those relating to River Red Gum protection, heritage, building design and residential development, and provides sufficient guidance to assess and determine planning permit applications.

The current delegation triggers do not represent best practice and can be altered while still ensuring that development that is out of character within an area would not be approved. Council’s existing Whittlesea Planning Scheme and associated policies provide sufficient guidance to manage these applications successfully and should there be any issues that Officers consider should be determined by Council it will be referred.

**Administrator/Councillor Call-in process**

In considering the ongoing appropriateness of Administrator/Councillor ‘call-in’ opportunities it must be recognised that the call-in process can give rise to perceptions of corruption as recently found in an Ombudsman report regarding another Victorian Council. There is potential for otherwise straight forward planning decisions to be subject to inappropriate political pressure. This process has not been used during the period in which the Council has had Administrators appointed. In the interests of maintaining the Council focus on policy and broader strategic governance it is recommended that the ‘call-in’ process be removed.

**New and Changed provisions from the Maddocks Lawyers Update**

New and changed provisions from the most recent Maddocks Lawyers update have been added under the following Acts:

* *Cemeteries and Crematoria Act 2003*;
* *Food Act 1984*;
* *Planning and Environment Act 1987*;
* *Residential Tenancies Act 1997;*
* *Road Management Act 2004*; and
* *Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020*

Please note all provisions from the Environmental Protection Act 1970 are superseded by the Environmental Protection Act 2017; and the Rail Safety (Local Operations) Act 2006 was repealed on 2 December 2019 by section 118 of the Rail Safety Legislation Amendment (National Delivery and Related Reforms) Act 2019; and there are no provisions to delegate in the S6 delegation under these Acts.

A copy of the Instrument is also attached (Refer to Attachment 2).

*Delegations Protocols*

The revised Instruments will ensure that the CEO and Officers are delegated appropriate powers to carry out their duties and that delegations are made to the lowest competent level in the organisation. This streamlines decision-making processes while ensuring accountability.

Some delegated powers have limitations and conditions which are recorded in the Instrument. Similar to the CEO delegations, Council has the option of adding additional limitations and conditions or putting in place policies and guidelines under which certain delegations are exercised.

Delegations are made to positions and not to individuals. This ensures that delegations do not become obsolete or ineffective in the event of a position being vacant or a delegate being absent on leave. In such instances, delegated powers are automatically transferred to staff acting in their positions.

It should be noted that Councillors/Administrators must not direct, or seek to direct, a member of Council Staff in the exercise of a delegated power, or the performance of a delegated duty or function of the Council.

*Conflict of Interest Disclosures by Delegates*

The *Local Government Act 2020* imposes obligations on members of Council Staff who have delegated powers to act impartially and with integrity including avoiding conflicts of interest.

A Council delegate is prohibited from exercising a Council Power, duty or function if they have a conflict of interest in a matter and must disclose the type and nature of the interest.

**Community Consultation and Engagement**

The delegations outlined in this report were discussed with Administrators at the Council Briefing on 6 June 2020. No public consultation is required in relation to the proposed Instruments and relevant Council Officers were consulted on the proposed amendments.

**Alignment to Community Plan, Policies or Strategies**

Alignment to Whittlesea 2040 and Community Plan 2021-2025:

**High performing organisation**

We engage effectively with the community, to deliver efficient and effective services and initiatives, and to make decisions in the best interest of our community and deliver value to our community.

The review is carried out in accordance with Council’s Delegations Policy (corporate) and section 11 of the *Local Government Act 2020*. Delegating specific functions to staff members is administratively efficient and enables decisions to be made promptly and effectively.

Recommendations regarding the changes to the Planning Delegations are the result of detailed research involving best practice reviews againstmany similar Councils across metropolitan Melbourne. The analysis found there are instances where current practices can be streamlined to improve transparency and efficiency with decisions made in accordance with relevant policies and controls contained within the Whittlesea Planning Scheme.

# Considerations

**Environmental**

No implications

**Social, Cultural and Health**

No implications

**Economic**

No implications

**Financial Implications**

The costs associated with amending these Instruments of Delegation are included within the relevant operational budgets. Financial savings are made from the time efficiencies that are gained from decisions made by Officers under delegation rather than being referred to Council.

**Link to Strategic Risk**

**Strategic Risk** *Governance - Ineffective governance of Council’s operations and activities resulting in either a legislative or policy breach*

Instruments of delegation are re-made regularly to ensure that they remain current, are aligned with best practice and cover all relevant provisions.

**Implementation Strategy**

**Communication**

Once the common seal is affixed to the Instruments they will be published on Council’s website in accordance with Council’s Public Transparency Policy and Council Officers will be advised of these changes.

**Critical Dates**

It is proposed that the revised Instruments come into force once the common seal is affixed to the Instrument.

**Declaration of Conflict of Interest**

Under Section 130 of the *Local Government Act 2020* and Rule 47 of the Governance Rules 2021, officers providing advice to Council are required to disclose any conflict of interest they have in a matter and explain the nature of the conflict.  
  
The Responsible Officer reviewing this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

**Conclusion**

It is recommended that the revised Instruments of Delegation be adopted by Council. The updated delegations will facilitate Council’s decision-making processes by ensuring that the CEO and relevant Council Officers have the appropriate powers to effectively and efficiently carry out their Council duties.

5.5.3 Asset Plan and Asset Management Plans

**5.5.3 Asset Plan and Asset Management Plans**

**Responsible Officer** Director Infrastructure & Environment

**Author** Punam Rana, Asset Officer

**In Attendance** Jim Karabinis, Manager Assets & Facilities

**Attachments**

1. Community Consultation and Engagement - Overview [**5.5.3.1** - 5 pages]
2. Parks and Open Space Asset Management Plan - POSPAMP [**5.5.3.2** - 36 pages]
3. Transport Asset Management Plan - TAMP [**5.5.3.3** - 37 pages]
4. Asset Plan [**5.5.3.4** - 20 pages]
5. Buildings and Facilities Asset Management Plan\_-\_ BAMP [**5.5.3.5** - 32 pages]

**Purpose**

The purpose of the report is to present a range of Asset Management Plans (Plans) for Council adoption. The Plans profile Council's commitment to the management of council-controlled infrastructure for the next ten years.

**Brief Overview**

The City of Whittlesea manages its assets and open spaces to facilitate the delivery of services, connect communities and create opportunities that positively impact the health and wellbeing of the community. The Plans serve to meet the community's expectations in a safe, effective, and co-efficient manner and feature a strategic overview of associated costs, risk mitigation and continuous improvement measures.

The Asset Plan has been prepared as a requirement of the Local Government Act 2020, and requires Council endorsement by 30 June 2022. The development of the Plans included extensive community consultation and engagement. To ensure a strategic and comprehensive approach to asset management, the project scope was extended to include the development of the Buildings and Facilities Asset, Parks and Open Space, and Transport Asset Management Plans.

**Recommendation**

**That Council:**

1. **Acknowledges the community engagement process undertaken in the preparation of the Asset Management Plan.**
2. **Adopt the City of Whittlesea Asset Plan 2022.**
3. **Adopt the City of Whittlesea Buildings and Facilities Asset Management Plan 2022.**
4. **Adopt the City of Whittlesea Parks and Open Space Asset Management Plan 2022.**
5. **Adopt the City of Whittlesea Transport Asset Management Plan 2022.**

**Key Information**

In accordance with the Local Government Act 2020 (Act), the Asset Plan is a strategic public facing document that informs the community of how council-controlled infrastructure is to be managed over the next 10 years. The Act specifies Council’s obligation to develop the Plan using a community engagement approach and for the Plan to be endorsed by 30 June 2022.

**Community Consultation and Engagement**

The community consultation and engagement strategy for the development of the Asset Plan and Asset Management Plans was conducted from 3 May 2022 to 30 May 2022.

The community engagement strategy included the following:

* The establishment of an Asset Management page on the Engage Whittlesea platform that exhibited the draft Plans and allowed for the input of feedback
* Production of posters, flyers, and direct digital communications distributed to community facilities and community groups
* Coordination of pop-up stalls in Thomastown, South Morang, Epping, and Mill Park
* Listed features on Plenty Valley FM, Whittlesea Review and Northern Star Weekly and City of Whittlesea’s social media channels.

The social media posts were highly effective, reaching over 14,000 people’s social media accounts and resulted in 170 individuals directly accessing Engage Whittlesea with a final total of 676 views on Engage Whittlesea. The pop-up stalls attracted 85 people with 35 feedback forms completed.

The consultation provided the community to view the draft Asset Plan and Asset Management Plans and provide feedback on the proposed management of Council’s assets for the next 10 years. The draft Plans were also presented to the Risk and Audit Committee with all feedback received was considered. The nature of the feedback did not indicate the need for notable change. The Plans have been finalised and presented as Attachments to the report for endorsement.

**Alignment to Community Plan, Policies or Strategies**

Alignment to Whittlesea 2040 and Community Plan 2021-2025:

**Connected communities**  
We work to foster and inclusive, healthy, safe, and welcoming community where all ways of life are celebrated and supported  
  
**Liveable neighbourhoods**   
Our City is well-planned and beautiful, and our neighbourhoods and town centres are convenient and vibrant places to live, work and play.

**Strong local economy**  
Our City is a smart choice for innovation, business growth and industry as well as supporting local businesses to be successful, enabling opportunities for local work and education  
  
**Sustainable environment**  
We prioritise our environment and take action to reduce waste, preserve local biodiversity, protect waterways, and green space and address climate change  
  
**High performing organisation**  
We engage effectively with the community, to deliver efficient and effective services and initiatives, and to make decisions in the best interest of our community and deliver value to our community.

In accordance with the *Victorian Local Government Act 2020*, the Asset Plan informs the community on how council-controlled infrastructure is to be managed to achieve the Whittlesea 2040 Goals.

**Considerations**

**Environmental**

The management and renewal of Council’s assets will consider environmentally responsible strategies to minimise Council’s carbon footprint.

**Social, Cultural and Health**

The proactive management of Council's assets and open spaces will significantly and directly contribute to the positive impact on the health and wellbeing of the community.

**Economic**

No implications

**Financial Implications**

Budget forecasts have been included in the draft 2022-22 Capex and Opex budgets and included in Councils long term financial plan.

**Link to Strategic Risk**

**Strategic Risk** *Not linked to the risks within the Strategic Risk Register as it is an emerging risk*

**Implementation Strategy**

**Communication**

Acknowledge feedback received from both internal and external stakeholders.

The adopted Asset Plan and Asset Management Plans will be published on Council’s website.

**Critical Dates**

It is a legislative requirement under the Local Government Act Council is required to have an endorsed Asset Management Plan by 30 June 2022

**Declaration of Conflict of Interest**

Under Section 130 of the *Local Government Act 2020* and Rule 47 of the Governance Rules 2021, officers providing advice to Council are required to disclose any conflict of interest they have in a matter and explain the nature of the conflict.  
  
The Responsible Officer reviewing this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

**Conclusion**

The Asset Management and associated Plans have been developed in consultation with the community to ensure community expectations are met in a safe, effective, and co-efficient manner. The Plans are a strategic tool for Council as they provide an informed profile of Council managed building assets, the associated costs, and the risk mitigation measures.

The Asset Plan has been prepared as a requirement of the Local Government Act 2020, which requires Council endorsement by 30 June 2022.

5.5.4 Annual Budget 2022-23 - Adoption & Declaration of Rates

**5.5.4 Annual Budget 2022-23 - Adoption & Declaration of Rates**

**Responsible Officer** Interim Director Corporate & Shared Services

**Author** Aaron Gerrard, Acting Chief Financial Officer

**In Attendance** Aaron Gerrard, Acting Chief Financial Officer

**Attachments**

1. Budget Submissions [**5.5.4.1** - 25 pages]
2. Adopted Budget 2022-23 [**5.5.4.2** - 112 pages]

**Purpose**

It is proposed that Council consider the inclusion of recommendations of the Budget Submissions Advisory Committee and Officers in determining the Budget 2022-23 for adoption.

**Brief Overview**

The City of Whittlesea’s Budget 2022-23 has been carefully and responsibly developed to ensure Council is prepared to respond to community needs both now and into the future, while maintaining a strong long-term financial position.

The Budget is $296.92 million, which includes an operating budget of $245.25 million and a capital works program of $51.67 million to deliver new and improved infrastructure and upgrade roads and facilities around the City.

The 2022-23 capital program resets our approach to capital delivery in a post-COVID environment and focuses on:

* delivering critical new projects
* delivering projects which were delayed due to the impacts of COVID on staff, resources and supplies across the construction industry
* strengthening our pipeline of shovel-ready projects for grant funding.

The capital budget of $51.67 million excludes the anticipated carry forward of $22 million from 2021-22. When incorporated – the total capital program for 2022-23 will be $73.67 million.

The budget invests in the resources to support service delivery to respond to projections of unprecedented growth with our population expected to increase by 32% by 2030 with the addition of 8,000+ new residents each year and more than 60 babies born each week.

It invests in local leadership development to ensure our community has the skills to be our next elected officials and strengthens our investment in economic development activities.

Average rates in 2022-23 will increase by 1.75 per cent, in line with the rate cap set by the Victorian Government’s Fair Go Rates Policy.

The Proposed Budget was advertised on Wednesday 30 March 2022, allowing public comments and submissions to be received up until 5pm Tuesday 26 April 2022.

Following the budget submission period, 23 written submissions were received.

A Budget Submissions Advisory Committee of Council (the Committee) Meeting was held on Monday 6 June 2022 to enable community members to speak to their submission.

The Committee considered all written and oral submissions that were received and has recommended financial support for eight submissionsnominating works at Sycamore Recreation Reserve (BMX - Finish Line) totalling $100,000.

The final Budget is scheduled to be adopted by Council at a Council Meeting to be held on Monday 27 June 2022 following consideration of any submissions by Council.

If the Committee and Officer recommendations are accepted, Council’s budgeted 2022-23 cash result is anticipated to be $14.42 million, which is proposed to be transferred into a newly created Regional Sports and Aquatic Fund to help fund the delivery of a new regional state-of-the-art centre to support the City of Whittlesea community to lead healthy and active lifestyles.

**Recommendation**

**That Council:**

1. **Accept the recommendations of the Council Budget Advisory Committee outlined in Attachment 1, following its hearing and consideration of public submissions on the Proposed 2022-23 Budget, noting that the Committee’s recommendation is to add capital expenditure of $100,000 to the budget for the works at Sycamore Recreation Reserve (BMX - Finish Line).**
2. **Notify all submitters that Council has considered their submissions relating to the Proposed Budget 2022-23 and that the submitters be advised of the outcome of the consideration as it relates to their specific submission, and they be thanked for their contribution.**
3. **Accept officer recommendations of financial changes to decrease the operating surplus in the Budget 2022-23 by $672,000** **mainly relating to contract escalations and an update of rates and charges to reflect most up to date assessment information.**
4. **Adopt the Budget 2022-23 (Attachment 2), noting that the Budget 2022-23 has been updated in accordance with recommendation 1.**
5. **Declare that the amount which Council intends to raise by general rates is $171,137,986 and such further amount as lawfully levied as a consequence of this resolution.**
6. **Declare that the general rate be declared in respect of the 2022-23 financial year.**
7. **Resolve on establishment of a new reserve ‘Regional Sports and Aquatic Fund’ and make a proposed transfer to the reserve of $14.42 million.**
8. **Authorise the Chief Executive Officer to give public notice of the decision to adopt the Budget.**
9. **Authorise the Chief Executive Officer to effect administrative and wording changes to the final Budget document that may be required.**

**Key Information**

This Budget has been carefully drafted over many months and balances the competing interests of catering to immediate needs whilst ensuring long-term financial sustainability.

Residents were able to provide their suggestions for inclusion into this budget during community consultation in September 2021 and April 2022. The engagement was conducted online via the engage Whittlesea website and 23 submissions were received.

* In 2022-23 Council will spend $296.92 million to deliver community services and invest in essential new infrastructure. This includes a $51.67 million capital works program.
* The proposed rate increase is 1.75 per cent, in line with the order by the Minister for Local Government on 29 December 2021. Council will not be seeking a variation to the rate cap for the 2022-23 year.
* Council introduced a separate waste charge in 2018-19 and this charge will continue in 2022-2023 with an increase to the waste charge of 13.8% to achieve full cost recovery by 2025-26.
* Council’s anticipated budgeted cash result is $14.42 million, which is proposed to be transferred into a newly created Regional Sports & Aquatic Fund to help fund the delivery of a new state-of-the-art centre to support the City of Whittlesea community to lead healthy and active lifestyles.

**Background**

The Budget (Attachment 2) has been prepared on the principles of responsible financial management to achieve an operating surplus that ensures and maintains long term financial sustainability and on a cash basis to deliver a surplus to fund new works.

The compilation of the Budget has responded to the challenge to deliver services to a growing community, whilst improving organisational efficiencies and business processes.

Whilst always difficult to raise revenue, especially in times of economic uncertainty, the rate increase proposed is in line with the rate cap set by the Victorian State Government and provides for a responsible mix of recurrent and capital budget expenditures.

**Budget highlights**

Key highlights from Council's Budget 2022-23 include:

* Operating revenue of $256.98 million (excluding developer contributions, non-monetary assets and non-recurrent capital grants)
* Operating expenditure of $245.25 million
* Local roads restoration and resurfacing works of $11.96 million
* Upgrade of parks and open spaces including Whittlesea Public Gardens, Kelynack Reserve and Redleap Reserve
* Delivery of actions from the Investment Attraction Plan and Strong Local Economy Strategy Action
* Increase in Kindergarten spaces to help meet the needs of our growing population
* Design of an Aboriginal Gathering Place
* Continuing to make it easier for residents to interact with Council through the ongoing delivery of our Customer First project
* Consultation with community on the drafting of a new Green Wedge Management Plan
* Implementation of the Rethinking Waste Plan including the provision of glass bin recycling service
* Increasing our tree canopy cover as part of the Greening Whittlesea Strategy.

**Service delivery**

This Budget marks the start of a strategic investment in staffing resources to keep pace with our growth in population and development.

We have strategically increased resourcing into areas to support delivery of our community plan, to meet the requirements of the Local Government Act 2020 and the changing service delivery environment across tiers of government.

Some services will be brought in-house to enable greater transparency, increase efficiencies, and increase the ability to be responsive to changing community expectation.

Increasing staffing costs have been carefully considered in line with the offsets and savings in our operating budget from reduced consultancy and agency fees as well as our ability to deliver effectively what our community expects in the short, medium, and long term.

**Capital works**

Our Budget 2022-23 delivers a focused $51.67 million capital program that reflects the ongoing challenges to the supply and availability of labour and materials as a result of the pandemic and invests in planning for shovel-ready projects to maximise our opportunities for grant funding in future years.

Highlights include:

* Completion of Mill Park Basketball Stadium Redevelopment
* Completion of the Mernda Social Support Centre
* Continue improvements to Whittlesea Public Gardens which will include a skate park, rock climbing wall, basketball courts, barbeque and shelter area and a car park
* Construct a basketball court, shelter and social gathering spaces and upgrade paths at the western end of Norris Bank Reserve
* Norris Bank Tennis Courts Redevelopment (design)
* Commence designing the Patterson Drive Community Centre/Kindergarten in Donnybrook
* Commence foundational infrastructure for development of the Quarry Hills precinct including drainage and trails
* Commence construction of a new playground, shelters and a multipurpose court at Kelynack Reserve
* Minor planned renewal works
* Street light bulb replacement program
* Ongoing programs to upgrade playgrounds and general landscapes
* Implementation of Greening Whittlesea including tree planting programs.

**Waste charge**

The City of Whittlesea has been and continues to significantly subsidise the cost of waste provision to ratepayers.

The cost of providing waste services continues to increase each year due to various factors including the Victorian Government’s Landfill Levy and the requirement to transition to a 4-bin collection system in line with the Victorian Government’s, Recycling Victoria Strategy.

Council will continue to subsidise the cost of waste services for the next four years, increasing its waste charge by 13.8% a year until we achieve full cost recovery.

The City of Whittlesea’s waste charges remain significantly less than other Victorian councils who are facing similar challenges.

The 2022-2023 waste service charges are as follows:

* Garbage (Red/Dark Green lid) and Recycling (Yellow lid) Bins
  + Combined charge of $130.20 per annum for residential and farming properties
  + Combined charge of $199.40 per annum for commercial and industrial properties
* Glass (Purple-lid) Bin to be rolled out in 2022-23
  + $22.55 per annum pro rata, based on when service is introduced
* Food and Garden Waste (Light green lid) Bin – OPTIONAL for eligible properties $87.63 per annum.

**Community Consultation and Engagement**

The community was invited to provide their suggestions for inclusion, support or changes to the proposed budget during community consultation in September 2021 and April 2022 including having their say on the Proposed Budget and Proposed Community Plan Action via a submission form on the Engage Whittlesea platform. We have initiated community conversation through digital and traditional media and Local Scoop.

Respondents were also provided with the option to request to speak to their submission in person at the Budget Submissions Advisory Committee of Council Meeting.

We have also used the existing community touch points across the consultation period to inform the community about their opportunity to have their say including at the South Morang Farmers and Makers Market in April.

**Alignment to Community Plan, Policies or Strategies**

Alignment to Whittlesea 2040 and Community Plan 2021-2025:

**High performing organisation**

We engage effectively with the community, deliver efficient and effective services and initiatives, make decision in the best interest of our community and deliver value to our community.

**Considerations**

**Environmental**

No implications

**Social, Cultural and Health**

No implications

**Economic**

No implications

**Financial Implications**

In 2022-2023 Council will spend $296.92 million to deliver more than 100 community services and invest in essential new infrastructure.

This includes a $51.67 million capital works program, with projects to build and upgrade community centres, sporting facilities, playgrounds, roads, bike paths and footpaths across our new and established areas.

**Link to Strategic Risk**

**Strategic Risk** *Financial Sustainability - Inability to meet current and future expenditure*

The budget is the key tool to manage Council's short-term financial sustainability.

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**Implementation Strategy**

**Communication**

Communication method to be discussed.

**Critical Dates**

* Community consultation period in September 2021
* Council approved Proposed Budget 2022-23 for public notice on 21 March 2022
* Community consultation period in April 2022
* Budget Submissions Advisory Committee met to consider submissions on 6 June 2022
* Council meeting to adopt the Budget 2022-23 on 27 June 2022

**Declaration of Conflict of Interest**

Under Section 130 of the *Local Government Act 2020* and Rule 47 of the Governance Rules 2021, officers providing advice to Council are required to disclose any conflict of interest they have in a matter and explain the nature of the conflict.  
  
The Responsible Officer reviewing this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

**Conclusion**

Council has developed a responsible and financially sustainable budget that puts the City of Whittlesea in a strong fiscal position to manage future impacts of the pandemic and provide for the needs of our rapidly growing community.

**6 Notices of Motion**

No Notices of Motion

**7 Urgent Business**

No Urgent Business

**8 Reports from Council Representatives and CEO Update**

**9 Confidential Business**

Under section 66(2) of the *Local Government Act 2020* a meeting considering confidential information may be closed to the public. Pursuant to sections 3(1) and 66(5) of the *Local Government Act 2020*.

**Recommendation**

**THAT the Chair of Council recommends that the meeting be closed to the public for the purpose of considering details relating to the following confidential matters in accordance with Section 66(2)(a) of the *Local Government Act 2020* as detailed.**

**9.1 Confidential Connected Communities**

No Reports

**9.2 Confidential Liveable Neighbourhoods**

No Reports

**9.3 Confidential Strong Local Economy**

No Reports

**9.4 Confidential Sustainable Environment**

No Reports

**9.5 Confidential High Performing Organisation**

No Reports

**9.6 Confidential Notices of Motion**

No Confidential Notices of Motion

**12 Closure**