



Agenda

Scheduled Council Meeting

Monday 18 July 2022 at 6:30 pm

You are advised that a Meeting of Council has been called by the Chief Executive Officer on Monday 18 July 2022 at 6:30 pm for the transaction of the following business.

In accordance with section 394 of the Local Government Act 2020 this meeting will be held remotely by electronic means and will be livestreamed via Council’s website.

**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

Sarah Renner Director Customer & Corporate Services

Debbie Wood Director Infrastructure & Environment

Frank Joyce Executive Manager Governance & Strategy

Order of Business

The Chief Executive Officer submits the following business:

[1 Opening 6](#_Toc108700091)

[1.1 Meeting Opening and Introductions 6](#_Toc108700092)

[1.2 Acknowledgement of Traditional Owners Statement 6](#_Toc108700093)

[1.3 Attendance 6](#_Toc108700094)

[2 Declarations of Conflict of Interest 7](#_Toc108700095)

[3 Confirmation of Minutes of Previous Meeting/s 7](#_Toc108700096)

[4 Public Questions, Petitions and Joint Letters 8](#_Toc108700097)

[4.1 Public Question Time 8](#_Toc108700098)

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[5 Officers' Reports 9](#_Toc108700101)

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[5.1.2 2022-23 Growing Suburbs Fund & Local Sports Infrastructure Fund 35](#_Toc108700104)

[5.1.3 Regional Sports and Aquatic Centre at Mernda Business Case 41](#_Toc108700105)

[5.2 Liveable Neighborhoods 59](#_Toc108700106)

[5.2.1 2022-19 Drainage Maintenance and Reinstatement 59](#_Toc108700107)

[5.2.2 Bindts Road Discontinuance Harvest Home Road to Lehmanns Road 65](#_Toc108700108)

[5.2.3 74A Church Street Whittlesea - Demolition in Heritage Overlay 71](#_Toc108700109)

[5.2.4 Proposed Planning Scheme Amendment: Application of Specific Controls Overlay at 105 Hunters Road, South Morang 79](#_Toc108700110)

[5.2.5 Domestic Animal Management Plan 2021-2025: Implementation of Cat Management Actions 88](#_Toc108700111)

[5.3 Strong Local Economy 101](#_Toc108700112)

[5.4 Sustainable Environment 101](#_Toc108700113)

[5.5 High Performing Organisation 101](#_Toc108700114)

[5.5.1 Unconfirmed Minutes of Audit & Risk Committee Meeting 101](#_Toc108700115)

[5.5.2 Governance Rules Review 104](#_Toc108700116)

[6 Notices of Motion 109](#_Toc108700117)

[7 Urgent Business 109](#_Toc108700118)

[8 Reports from Council Representatives and CEO Update 109](#_Toc108700119)

[9 Confidential Business 109](#_Toc108700120)

[9.1 Confidential Connected Communities 110](#_Toc108700121)

[9.2 Confidential Liveable Neighbourhoods 110](#_Toc108700122)

[9.3 Confidential Strong Local Economy 110](#_Toc108700123)

[9.4 Confidential Sustainable Environment 110](#_Toc108700124)

[9.5 Confidential High Performing Organisation 111](#_Toc108700125)

[9.5.1 Contracts 2020-2 Facilities Variation Contract Update 111](#_Toc108700126)

[9.6 Confidential Notices of Motion 112](#_Toc108700127)

[12 Closure 112](#_Toc108700128)

**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 Customer & Corporate Services, Ms Sarah Renner;

Director Infrastructure and Environment, Ms Debbie Wood; and

Executive Manager Governance and Strategy, Mr Frank Joyce.

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 27 June 2022**

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

**4.1 Public Question Time**

**4.2 Petitions**

Nil Petitions

**4.3 Joint Letters**

Nil Joint Letters

**5 Officers' Reports**

**5.1 Connected Communities**

5.1.1 Aboriginal Gathering Place Business Case

**5.1.1 Aboriginal Gathering Place Business Case**

**Responsible Officer** Director Community Wellbeing

**Author** Toni Mason, Manager Aboriginal & Cultural Diversity  
Agata Chmielewski, Manager Strategic Projects  
Stephanie Ristevska, Integrated Policy and Strategy Officer

**In Attendance** Toni Mason, Manager Aboriginal & Cultural Diversity

**Attachments**

1. Attachment 1 - Final Business Case - Aboriginal Gathering Place [**5.1.1.1** - 31 pages]
2. Attachment 2 - Summary of Strategic Planning and Council resolutions [**5.1.1.2** - 1 page]
3. Attachment 3 - Aboriginal Gathering Place Community Engagement Plan [**5.1.1.3** - 10 pages]

**Purpose**

The purpose of this report is to present the final business case (**Attachment One**) for the development of an Aboriginal Gathering Place in Quarry Hills Regional Parkland in Mernda. The final business case builds on extensive previous work presented at the 5 July 2021 Council meeting and has been developed in close collaboration with the Whittlesea Aboriginal Gathering Place Advisory Group. It details capital costs informed by detailed site assessments and outlines an operation and governance plan.

This report seeks Council’s endorsement of the final business case, including Council’s role and associated resourcing to support the Aboriginal Gathering Place in its establishment period. Consistent with the endorsed (5 July 2021) Whittlesea Aboriginal Gathering Place Advisory Group (WAGPAG) Terms of Reference, the final business case presents phased transition plan for governance and operation of the facility. With Council’s support, the transition proposes an evolution from a Council managed and funded facility to an Aboriginal Community Controlled Organisation leading decision making and operation of the Aboriginal Gathering Place.

Endorsement of the business case commits financial and human resources to the project.

**Brief Overview**

On 5 July 2021, Council resolved to support the establishment of a purpose-built Aboriginal Gathering Place at Quarry Hills Park in Mernda, noting that a final business case would be brought to Council in 2022.

This report presents the final business case for Council endorsement, comprising:

* Recommended Business Case Option 2 for the Aboriginal Gathering Place facility (Option Two is described as the ‘Foundational Facility model’), comprising the scope described in Table 1 of this report and an estimated capital cost of $10.8 million (design and construction).
* A phased governance and operation transition plan through which Council supports the establishment of the Aboriginal Gathering Place including a new community-controlled entity to operate the facility. The cost to Council over a six-year period would be $821,125 (operating), which includes $200,000 towards community grants specifically for Aboriginal programs and partnerships at the Aboriginal Gathering Place and the wider municipality.
* Construction commencement in 2023/24 financial year dependent on a State and/or Federal Government cash contribution of $5 million.

An Aboriginal Gathering Place has been an aspiration of community members for the past 20 years and includes a community vision for a welcoming, inclusive and culturally safe space where all Aboriginal people have a sense of belonging and have access to activities, programs and services which strengthen culture and enhance wellbeing. The Gathering Place business case has been developed for both the Aboriginal and broader community to:

* Improve social, physical, cultural, and emotional health and wellness
* Strengthen identity and wellbeing through reflection, recognition and (re)connection to culture
* Empower Aboriginal people to thrive through self-determination
* Create opportunities to educate, learn about, and celebrate Aboriginal culture through storytelling, knowledge sharing, cultural events and structured programming.

**Figure 1: Whittlesea Aboriginal Gathering Place community vision (2018)**



**Recommendation**

**That Council:**

1. **Gratefully acknowledges the leadership, knowledge, and contribution of the Whittlesea Aboriginal Gathering Place Advisory Group in developing the Final Aboriginal Gathering Place Business Case.**
2. **Endorses the Final Aboriginal Gathering Place Business Case comprising:**
3. **Option Two ‘Foundational Facility’ (Table 1 of this report).**
4. **An indicative phased governance and operation plan (Figure 2 of this report).**
5. **Notes that the transition of the Aboriginal Gathering Place governance will be community led and Council supported, subject to change as the project evolves, and also informed by the Victorian Government’s Treaty Process with Aboriginal Victorians currently underway.**
6. **Endorses an advocacy position that a partnership with the State and/or Federal Government is a pre-requisite for the Aboriginal Gathering Place and will be dependent on a $5 million contribution towards the construction of the facility.**
7. **Notes Table 6 of this report which includes the Aboriginal Gathering Place Business Case Option Two ‘Foundational Facility’ estimated capital and operational costs between the 2021/22 and 2027/28 financial years; and that future capital and operational annual budget allocations towards the project will be presented for consideration as part of Council’s annual budget processes.**
8. **Notes that Council’s Long-Term Financial Plan has been updated and will be presented to Council for endorsement as part of the 2022/23 mid-year budget process.**

**Key Information**

**Background**

Aboriginal Gathering Places are community hubs that promote the importance of culture in supporting positive health and wellbeing for Aboriginal people. Activities at Gathering Places may include sharing food, performing ceremony, exchanging knowledge, and creating supportive networks to ensure continuity of culture and traditional practices that create culturally safe places. Aboriginal Gathering Place programs and activities are developed to suit the need identified by local Aboriginal community members. Therefore, Aboriginal Gathering Place facilities, programs and activities are not exactly the same in each location.

A draft business case for the establishment of an Aboriginal Gathering Place in the City of Whittlesea was presented at the 5 July 2021 Council meeting. Council resolved to support the establishment of a purpose-built Aboriginal Gathering Place at Quarry Hills Park and consider a final business case in 2022.

This final business case has been informed by detailed site investigations, costing analysis and consultation with the Whittlesea Aboriginal Gathering Place Advisory Group (WAGPAG) about operation and governance arrangements; as well as discussion with the Traditional Owners, the Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation.

Council has undertaken considerable planning and engagement around this project with a summary of strategic planning and Council resolutions for the project to-date summarised in **Attachment Two**.

**Whittlesea’s Aboriginal Gathering Place and self-determination**

The right to self-determination is preserved within the *United Nations Declaration on the Rights of Indigenous Peoples* and Australia is a signatory. Self-determination has particular application to Aboriginal peoples as Australia’s first peoples, with the Australian Human Rights Commission identifying:

* *“…Self-determination is an ‘ongoing process of choice’ to ensure that Indigenous communities are able to meet their social, cultural and economic needs…*
* *The right to self-determination is based on the simple acknowledgment that Indigenous peoples are Australia’s first people, as was recognised by law in the historic Mabo judgement.*
* *The loss of this right to live according to a set of common values and beliefs, and to have that right respected by others, is at the heart of the current disadvantage experienced by Indigenous Australians.*
* *Without self-determination it is not possible for Indigenous Australians to fully overcome the legacy of colonisation and dispossession*…” (Source: [Right to self-determination | Australian Human Rights Commission](https://humanrights.gov.au/our-work/rights-and-freedoms/right-self-determination#:~:text=Self%20determination%20is%20an%20%E2%80%98on%20going%20process%20of,is%20not%20about%20creating%20a%20separate%20Indigenous%20%E2%80%98state%E2%80%99.))

Hence *how* Council works in partnership with community is vital to the success of the Aboriginal Gathering Place – and a partnership model which supports self-determination informs both the process as well as outcomes for the project.

Aboriginal self-determination principles are being applied with progressive governments across the world from Canada to New Zealand; and this is also reflected in the State Government’s Victorian Aboriginal Affairs Framework. The City of Whittlesea has an Aboriginal Inclusion Charter that recognises Aboriginal people as legitimate stakeholders that have rights to representation in Council decision making processes, that achieves the best outcomes for the whole community.

The City of Whittlesea will continue to support self-determination and work collaboratively with the Council endorsed Whittlesea Aboriginal Gathering Place Advisory Group to co-design a purpose-built facility and programming of the Aboriginal Gathering Place. Furthermore, Council will support the Whittlesea Aboriginal Gathering Place to become an incorporated Aboriginal Community Controlled Organisation and assume operations of the Aboriginal Gathering Place.

The local Aboriginal community has placed trust with the City of Whittlesea to work together to build an Aboriginal Gathering Place and provide governance and operational support of the facility initially and then continue to work in partnership with the newly created Aboriginal Community Controlled Organisation that provides local Aboriginal access to a culturally safe and welcoming facility; as well as encouraging non-Aboriginal people to respectfully engage in Aboriginal Cultural Awareness programs.

**Project benefits**

The community vision for the Aboriginal Gathering Place (developed as part of the *Whittlesea Aboriginal Gathering Place Feasibility, 2018*) is for “a welcoming, inclusive and culturally safe space where all Aboriginal people have a sense of belonging and have access to activities, programs and services which strengthen culture and enhance wellbeing”.

This project is a tangible way in which Council can provide a safe and welcoming space for the Aboriginal and broader community to:

* **Strengthen identity and wellbeing** through reflection, recognition and (re)connection to culture.
* Empower Aboriginal people to **thrive through self-determination** at the facility.
* Educate, learn about, and **celebrate Aboriginal culture** through storytelling, knowledge sharing, cultural events and structured programming.

In addition, this project seeks to:

* Improve overall Aboriginal **social, physical, cultural, and emotional health and wellness** needs. Social and emotional wellbeing is recognised as an important determinant of health for Aboriginal people and is interrelated with other social, cultural and political factors such as connection to country, spirituality, culture, community, family and mental and physical health.
* **Reduce inequity and access barriers** to essential health services for Aboriginal people.
* **Fill a service provision gap** in the broader Northern Metropolitan region, which has a combined Aboriginal population of 10,030 but only one Gathering Place (in Banyule City Council).
* Address local needs for a local Aboriginal cultural facility and **respond to community advocacy efforts** which commenced over 20 years ago and are at their strongest today.
* Embrace change through **innovation, resilience, and community leadership**; particularly on the codesign of the facility; proposed to take place with the Aboriginal community.
* Continue Council’s commitment to reconciliation, which commenced in 2001 with the establishment of the Whittlesea Reconciliation Group (WRG) and has resulted in the celebration of significant Aboriginal events and advocacy efforts to **build reconciliation across the community**, on the foundation of truth telling.
* Contribute toward the Whittlesea 2040 Community Vision of **‘A place for all’, particularly for Aboriginal people** who currently experience feelings of isolation, loss, and low levels of cultural safety.

**Capital delivery**

Four options for the Aboriginal Gathering Place facility were assessed as part of this business case, as detailed in Table 1:

* **Option 1: Do Nothing** - No Aboriginal Gathering Place constructed, and programs and services are expanded in Council’s existing community centres.
* **Option 2: Foundational Facility** – This option enables a range of community activities and programming opportunities as well as income generation.
* **Option 3: Intermediate Facility** – This option makes additional area allowances on Option 2 to increase programming capacity.
* **Option 4: Enhanced Facility** – Small area enhancements on Option 3 to increase programming spaces.

**Table 1. Capital delivery options assessed for the business case**

| **Option** | **Scope** | **Capital cost** |
| --- | --- | --- |
| Option 1 – Do nothing | * No dedicated facility * Programs and activities delivered in existing community centres | $0 |
| Option 2 –Foundational Facility | Approx. 650sqm facility comprising:   * Large multi-purpose space for 100 people * Multi-purpose/meeting room for 15 people * Healing/quiet room * Consultation rooms * Staff admin and storage areas * Kitchen * Foyer and circulation space * Amenities * Terrace * 30-48 car spaces * Essential landscaping and external gathering spaces * 4-5-star green star equivalent building | $10,000,000  (Based on November 2021 Quantity Surveyor report – reviewed and confirmed as accurate in June 2022. Excludes design.) |
| Option 3 –  Intermediate Facility | Approx. 1022 sq facility comprising:   * Large multi-purpose space for 100 people * Multi-purpose/meeting room for 30 people * Multiple consultation rooms * Healing/Quiet Room * Media lounge * Multipurpose space * Staff admin and storage areas * Enhanced kitchen * Foyer and circulation space * Amenities * Terrace and Balcony * 80-90 car spaces * Enhanced landscaping and external gathering spaces * 4-5-star green star equivalent building | $13,500,000  (Based on November 2021 Quantity Surveyor report with the addition of 10% escalation.  Excludes trunk works and design.) |
| Option 4 –  Enhanced Facility | Approx. 1190 sq facility comprising:   * Large multi-purpose space for 120 people * Healing Space * Multipurpose space * Multiple consultation rooms * Large communal dining space * Media lounge * Staff admin and storage areas * Enhanced kitchen * Foyer and circulation space * Amenities * Terrace and Balcony * 110-120 car spaces * Enhanced landscaping and external gathering space * 4-5-star green star equivalent building | $15,000,000  (Based on November 2021 Quantity Surveyor report with the addition of 10% escalation.  Excludes trunk works and design.) |

**Governance and operating model**

The proposed governance transition for the Aboriginal Gathering Place described in this section is consistent with the Terms of Reference developed between Council and the WAGPAG (endorsed in July 2021). Council will continue to support self-determination and work collaboratively with the WAGPAG to co-design a purpose-built facility and associated programming of the Aboriginal Gathering Place. Furthermore, Council will support the WAGPAG to become an incorporated Aboriginal Community Controlled Organisation and assume operations of the Aboriginal Gathering Place.

The local Aboriginal community has placed trust with the City of Whittlesea to work together to build an Aboriginal Gathering Place and provide governance and operational support of the facility initially and then continue to work in partnership with the newly created Aboriginal Community Controlled Organisation.

If the transition to a new entity takes longer than outlined in the Business Case, then Council will work with WAGPAG to explore other interim options such as establishing a Community Asset Committee under section 65 of the Local Government Act 2020. However, the energy, focus and resources required to establish successful Community Asset Committees are also considerable. The business plan focus will therefore be to support WAGPAG establish as new community-controlled entity.

Tables 2 to 4 outline a three-phased transition approach with indicative timelines and roles and responsibilities and Figure 2 provides summary.

**Table 2. Phase 1 governance and operations roles and responsibilities**

|  |  |
| --- | --- |
| **Phase 1**  **FY 2021/22 to 2023/24 (already commenced)** | |
| Phase 1 primarily focusses on the establishment of the formal governance structure of the WAGPAG. During this time the Aboriginal Gathering Place will be designed, and construction will commence. The operational model will be established in preparation for the facility opening. There will also be a focus on building community capacity to operate the facility and securing additional partners, external funding, and income streams. | |
| **WAGPAG role** | **Council role** |
| * Co-design the facility with Council * Build community capacity to operate the facility * Work with Council to secure and external funding and income streams * Initiate the process to become an Aboriginal Community Controlled Organisation | * Establish the WAGPAG and provide Secretariat support. The WAGPAG terms of reference will be reviewed in 2023 to include governance arrangements for the period when the facility is completed but the new entity has yet to be established (estimated to be for the years 2024/25 and part of 2025/26) * Coordination and project management with advice and input from WAGPAG and advisory community for the Aboriginal Gathering Place design * Undertake site investigations and procure design for the facility * Procure contractor and commence construction * Advocate for Federal and/or State Government funding towards construction * Develop and deliver Council programs in existing Council facilities to pilot for the Aboriginal Gathering Place |

Programming with existing Council community centres in Phase 1 provides an opportunity to test interest, uptake, and participation of various programs and services with the Aboriginal community for the future Aboriginal Gathering Place. Examples of potential programs include:

* The Elders PAG, or Elders Motivated and Deadly (EMAD) has been historically provided by Council.
* The Youth Program, or Koori Krew, was a program previously delivered by Council which could transfer to a place-based model.
* Health promotion programs or events in partnership with local service providers as well and State and Commonwealth funding programs.
* The previously trialled MCHN Playgroup presents opportunities to partner with other service providers.

**Table 3. Phase 2 governance and operations roles and responsibilities**

|  |  |
| --- | --- |
| **Phase 2**  **FY 2024/25 and 2025/26** | |
| The Aboriginal Gathering Place will be constructed and operational in this phase. The WAGPAG will move towards greater independence in Phase 2 (in line with a revised Terms of Reference developed with Council in 2023). Discussions with WAGPAG at this stage will determine the timing for WAGPAG to become an Aboriginal Community Controlled Organisation (other interim arrangements may be explored at this stage such as an option for the group to become a Community Asset Committee if required). The WAGPAG and Council will deliver programs and services from the Aboriginal Gathering Place and will build capacity to become independent and secure additional partnerships and funding. | |
| **WAGPAG role** | **Council role** |
| * WAGPAG to finalise the process to become a new entity being either an Aboriginal Community Controlled Organisation (ACCO) (or a Community Asset Committee) – in the 2024/25 financial year * New entity manages the facility on behalf of Council (from financial year 2025/26 onwards) * Deliver programs and services from facility (in partnership with Council and others) * Continue to build community/ organisational capacity * Secure additional partners and external funding and build income streams * Income from facility hire and operations is received by building operator (i.e. Council in the 2024/25 financial year and then a new ACCO in 2025/26) | * Complete construction of the Aboriginal Gathering Place * Deliver Council programs from Aboriginal Gathering Place * Maintain property and utilities * Facilitate and foster partnership opportunities. * Income from facility hire and operations is received by building operator (i.e. Council in 2024/25 and then new ACCO in 25/26) * Develop a new contractual arrangement between the new entity and Council (formal agreement from financial year 2025/26 onwards) |

**Table 4. Phase 3 governance and operations roles and responsibilities**

|  |  |
| --- | --- |
| **Phase 3**  **FY 2026/27 onwards** | |
| A new entity will be operating the facility during Phase 3. A new contractual arrangement between the new entity and Council (developed during Phase 2) will be activated with the formal agreement commencing from financial year 2025/26 onwards. | |
| **WAGPAG or new entity/ACCO role** | **Council role** |
| New entity/ ACCO responsible for:   * Develop and deliver programs * Receive income from the facility hire etc * Work in partnership with Council and other partners * Source other external funding sources * Operating asset and minor maintenance * Facility outgoings * Enter into formal agreement with Council | * EFT until FY 2026/27 for Aboriginal Gathering Place including:   + Fulltime Aboriginal Gathering Place Coordinator   + 0.6 EFT Business Support Officer * Responsible for major property maintenance * Community Grants Program ($50K pa for an “Aboriginal Partnerships and Gathering Place stream”) continues – as a municipal wide resource run by Council * Enter into formal agreement with new entity |

**Figure 2. Indicative phased governance and operation plan**

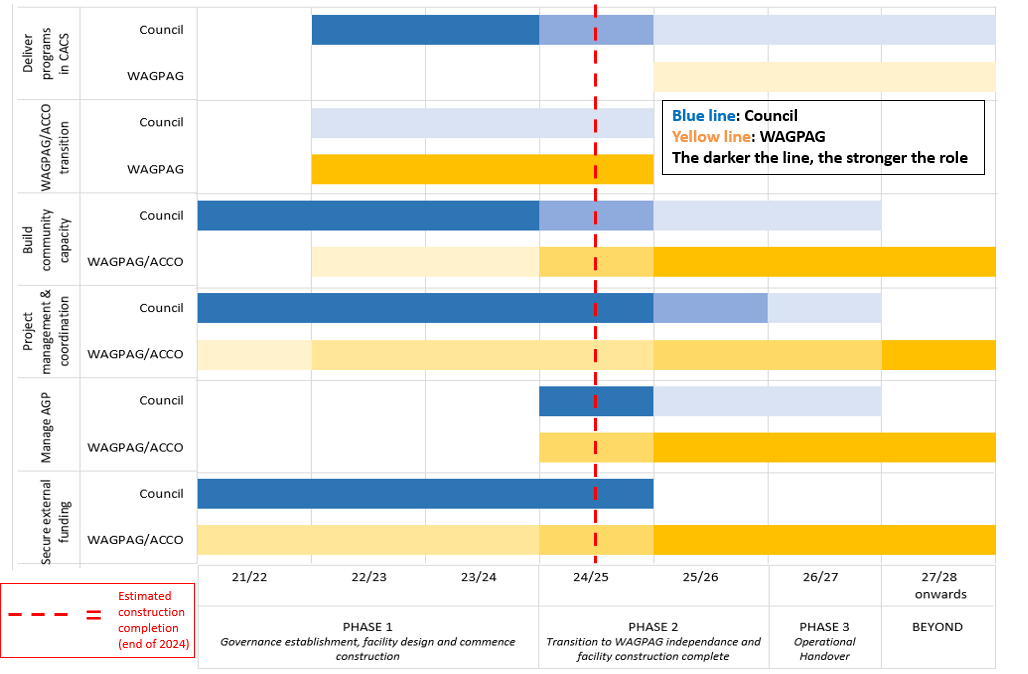
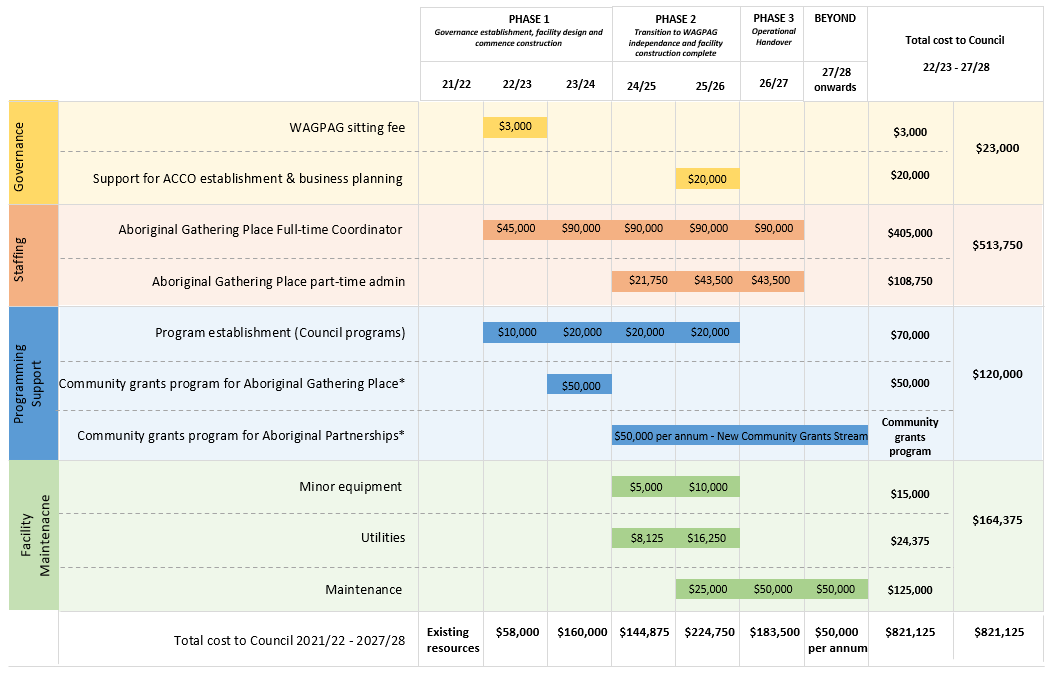


Figure 3 provides indicative operational costs to Council through implementation of the proposed phased governance and operation plan.

The total cost to Council between the 2022/23 and 2027/28 financial years would be $821,125. This figure includes $200,000 ($50,000 per annum) from the 2024/25 financial year for community grants for the Aboriginal Gathering Place and other Aboriginal programs and partnerships across the municipality.

**Figure 3. Indicative Council operational costs for Aboriginal Gathering Place**



*NB: Construction is scheduled to be completed within the 2024/25 FY. As such facility operational costs have been halved for the 2024/25 FY as the facility will only be open for a maximum of six months. Maintenance costs have been reduced across Phase 2 to account for the construction defects liability period.*

*\* The operating budget for the grants program may be incorporated into Council’s broader grant program budget, therefore reducing the Aboriginal Gathering Place operating cost to $821,125 between the 2022/23 and 2027/28 financial years.*

***Land and asset ownership***

At a workshop held 16June 2022, the WAGPAG expressed a desire for the Aboriginal Gathering Place land and asset to be transferred to an Aboriginal entity. At this stage, Council is not in a position to transfer land and assets, as:

* The WAGPAG is currently a volunteer group and not a legal entity
* Further discussion would also need to occur with Traditional Owners, the Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation
* The process would ideally align with the state-wide Victorian Treaty currently underway which is likely to inform how handing back of land is managed
* Council’s response to requests of this nature would benefit from being consistent with the State framework being developed through the Victorian Treaty process.

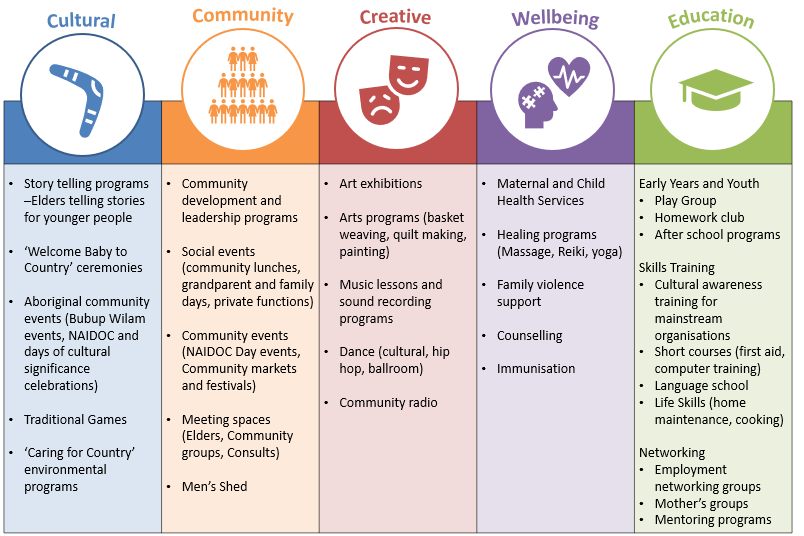
Further discussions and investigation will need to be undertaken once the matters described above are further developed.

**Potential programming**

During Phase 1, Council will pilot and test Aboriginal programs from Council’s existing community centres. Programs will be resourced by existing staff within the Aboriginal Communities Department and will be co-designed with the WAGPAG. This will assist the WAGPAG to further determine ongoing programming from the Aboriginal Gathering Place and also engage local Aboriginal community members to access programs, some of which will be new and/or re-visioned during the pilot.

An example of potential programs that may be delivered in Phase 1 and at the Aboriginal Gathering Place in future is presented in Figure 4 below.

**Figure 4. Potential programs that may be delivered from the Aboriginal Gathering Place and existing community centres**



**Income generating opportunities**

There will be potential income generating opportunities once the Aboriginal Gathering Place is operational. The first is the potential for facility hire at the Aboriginal Gathering Place during non-programming time, as detailed in Table 5. Room hire charges are based on Council’s schedule of rates for its community centres.

**Table 5. Potential annual income generation through facility hire**

| **Space** | **Potential hire frequency** | **Total income per annum** |
| --- | --- | --- |
| Large multipurpose space for 100 people | 16 hours weekly | Casual / Business $48,339.20  Regular $36,732.80  Community $25,084.80  Seniors $4,700.80  Playgroups $18,720.00 |
| Multipurpose meeting room for 15 people | 16 hours weekly | Casual / Business $25,958.40  Regular $19,718.40  Community $13,436.80  Seniors $4,700.80  Playgroups $18,720.00 |
| Community Hall Package  10 hour hire (weekends) | 20 hours weekly | Flat rate $555, 880 |
| Healing / Quiet Room | 16 hours weekly | Casual / Business $14,768  Regular $11,648  Community $7,820.80  Seniors $4,700.80  Playgroups $18,720.00 |
| Consultation Rooms x 2 |  | Casual / Business $15,184per room ($30,368)  Regular $11,648 per room ($23,296)  Community $8,028.80 per room  ($16,057.60)  Seniors $4,700.80 per room  ($9,401.60) |
| **Cultural Awareness Training** | | |
| **Space** | **Potential frequency** | **Annual income** |
| Large multipurpose space for 100 people | 8 sessions monthly | $275,600 |

The income generating opportunities described above are indicative only and will need to be explored further with the WAGPAG and community. As described in Table 5, income from facility hire and operations will be received by the building operator (i.e. Council in the 2024/25 financial year, then the new ACCO in the 2025/26 financial year onwards).

**Community Consultation and Engagement**

This project has been informed by a thorough engagement process which includes:

* Development of a feasibility study in 2018, which included input from 67 community members of the City of Whittlesea.
* Three workshops between Council officers and the WAGPAG (formally known as the Aboriginal Gathering Place Governance Group) to complete an Investment Logic Map (ILM) and establish the high-level problems, benefits, solutions and responses which needed to be explored in the final business case.
* Twelve meetings with the WAGPAG since August 2021 to discuss project needs and refine the community vision, operating model and governance model presented at the July 2021 Council meeting and in the final business case.
* Several site visits to other Gathering Places across Melbourne with the WAGPAG to learn about different approaches currently being used and key learnings from other similar projects.
* Preliminary discussions with subject matter experts (SME) from the Department of Health & Human Services (DHHS), Department of Environment, Land, Water and Planning (DELWP), Aboriginal Victoria and WRG to establish relationships and seek advice on partnership and funding opportunities and planning requirements.
* Preliminary discussions with Aboriginal Victoria, Traditional Owners from Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation (Wurundjeri), and State Government representatives to ensure this project aligns with the Victorian Government’s policy commitment to Gathering Places and self-determination including the Korin Korin Balit-Djak policy, Treaty process and the Truth and Reconciliation Commission for Aboriginal Australians. Three initial meetings with Traditional Owners from Wurundjeri have been held to commence these discussions and SME partners will join future meetings to maximise joint outcomes and collaboration.

Ongoing engagement with the WAGPAG, Subject Matter Experts and broader community will continue in line with the two-phase Community Engagement Plan presented in Attachment 3. A high-level summary of this plan is outlined in the Implementation Strategy section of this report.

**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

The Aboriginal Gathering Place is a major initiative for delivery in the City of Whittlesea Community Plan 2021-2025, with the purpose of increased connections to culture, heritage, land, and healing for Aboriginal people.

Establishment of an Aboriginal Gathering Place seeks to promote the importance of culture in supporting positive health and wellbeing for Aboriginal people in the City of Whittlesea. It aims to increase access to local services and programs and provide a safe and welcoming space for the Aboriginal community and broader community to reflect, celebrate and (re)connect to Aboriginal culture. Furthermore, it will enable self-determination through a transition of the WAGPAG to an incorporated Aboriginal Community Controlled Organisation, assuming operations of the facility and celebrating culture to support positive health and wellbeing outcomes for Aboriginal people.

This project also aligns to the following broader plans, policies, and strategies:

* **City of Whittlesea Aboriginal Inclusion Charter:** Acknowledgment of the rights of local aboriginal communities can expect to have put into practice across Council work.
* **City of Whittlesea Reconciliation Policy:** A Council policy that encourages building better relationships between Aboriginal people and the wider Australian community and for the benefit of all Australians.
* **Victorian Aboriginal and Local Government Strategy 2021:** A State Government Strategy that aims to progress Aboriginal self-determination and reconciliation through mutual control, shared power and decision-making, fairness, respect, and trust.
* **National Agreement on Closing the Gap 2020:** An Australian Government initiative which aims to overcome the inequality experienced by Aboriginal people and achieve life outcomes equal to all Australians.
* **National Aboriginal and Torres Strait Islander Health Plan 2021-2031:** An Australian Government plan that guides the development of all Aboriginal and Torres Strait Islander health policies, programs, and initiatives over the next 10 years.
* **United Nations Declaration on the rights of Indigenous Peoples 2007**: An international and universal framework that outlines the minimum standards for the survival, dignity, and well-being of the indigenous people.
* **City of Whittlesea Reconciliation Action Plan**: A Council plan that outlines targeted actions that enhance opportunities and outcomes for local Aboriginal communities.

**Considerations**

**Environmental**

The Aboriginal Gathering Place will be designed in accordance with Council’s Environmental and Sustainable Design Guidelines. The performance of this building shall exceed Environmentally Sustainable Design (ESD) performance equivalent to a 4 Star Green Star rating as an absolute minimum, with the expectation that the result will be closer to 5-star. In addition, the predicted energy performance of the building must meet a minimum equivalent 4.5+ Star NABERS Energy rating and will comply with all items listed within in the Council’s Environmental and Sustainable Design Guidelines Checklist.

A Cultural Heritage Management Plan is underway to identify and protect any local Aboriginal cultural heritage at the Quarry Hills site throughout the duration of project delivery and the project is anticipated to have ongoing positive environmental impacts as many Aboriginal Cultural practices relate to sustainable land management practices and connection to nature.

**Social, Cultural and Health**

A 2016 Melbourne University study for the Department of Health and Human Services which evaluated the health and wellbeing outcomes of the Aboriginal Gathering Place Model in Victoria found that gathering places have direct impacts on the health and wellbeing of individuals and community as they provide a safe and inclusive space to connect, support the sharing of knowledge and empower people through social, cultural, and healing activities. They are also a critical conduit to other services and link community members to specific health services.

Initial analysis of the most recent 2021 census data, identifies a 25% increase in people identifying as Aboriginal at a national level. By comparison, the number of people identifying as Aboriginal in the City of Whittlesea increased by 38.9% (well above the national average) and summarised as follows:

* 2016 Aboriginal and/or Torres Strait Islander people:         1,634
* 2021 Aboriginal and/or Torres Strait Islander people:         2,270

Therefore, this project could contribute to the following social, cultural and health benefits for the growing local Aboriginal community:

* Improved physical and mental health and wellbeing.
* Increased education and employment outcomes.
* A greater sense of historical knowledge, connections to culture and pride and strength within communities and families.
* Increased trust between government, local service providers and community.

The effect of gathering places on the wider non-Aboriginal community and government services is also pronounced as Gathering places provide opportunities for non-Aboriginal communities to engage respectfully in a cultural exchange of information to increase their cultural awareness and enhance their education on local history and build strong partnerships and networks with Aboriginal programs/providers.

**Economic**

It is estimated that up to 70 jobs (FTE) will be created throughout construction of the Aboriginal Gathering Place, and up to eight new Aboriginal jobs (FTE) as part of the long-term operation of the facility.

This project will also increase the number of local appropriate spaces for Aboriginal Community Controlled Organisations to provide services, which subsequently increases opportunities for additional local services and economic contributions. These opportunities will continue to be explored in collaboration with the WAGPAG as part of facility governance and operational planning.

**Financial Implications**

Proposed operational costs presented in this report include allowances for staff salaries, building maintenance, program establishment and support, utilities and minor equipment and consumables that will be required for facility operations. The total operational cost over the first six-year period is estimated at $821,125. Ongoing annual costs for building maintenance following this period are estimated at $50,000 per annum (with this amount scheduled to progressively increase as the building ages over its 30-year lifecycle).

The design and construction of the Aboriginal Gathering Place facility is estimated at $10.8 million ($800,000 for design and $10 million for construction). A total of $6.25 million of capital expenditure is allocated in Council’s Long-Term Financial Plan ($5.75 million for construction and $500K for design and site investigations). The $6.25 million includes $500,000 endorsed by Council across the 2021/22 and 2022/23 financial years for site investigations and detailed design.

Council received $300,000 from DELWP in the 2021/22 financial year, to support multiple projects being coordinated within the Granite Hills precinct of the Quarry Hills Regional Parkland, Granite Hills Playground and walking trails.

Given how closely the project aligns to the strategic directions outlined in existing federal and state government policies (such as the Victorian Government’s Treaty and Truth and Reconciliation Commission processes; and the Australian Government’s Closing the Gap targets and outcomes), a partnership with the State and/or Federal Government is proposed to be a pre-requisite for the Aboriginal Gathering Place and construction will be dependent on a $5 million contribution towards the construction of the facility.  This funding has been assumed for the construction of the facility in 2023/24.

When accounting for Council’s existing budget allocation ($6.25 million) as well as $5.3 million of external funding ($5 million in State and/or Federal grant funding and $300,000 already received from DELWP), the total capital funding would be $750,000 more than current project estimates. It is proposed that this $750,000 provides an interim contingency to account for any site complexities, conditions or management requirements that may be identified through the Cultural Heritage Management Plan or further site investigations. Relevant updates will be presented to Council as part of the 2022/23 financial year mid-year budget review.

Market conditions will need to be closely monitored as they have changed dramatically. The COVID-19 pandemic has created significant challenges for the construction industry, which have been further exacerbated by the war in Ukraine and major flooding events which occurred on Australia’s eastern seaboard earlier this year. Construction costs have been escalating at a rate that far exceeds annual inflation projections and material and labour shortages are prevalent across the country, as the local construction industry relies heavily on foreign market supplies for key building materials.

Market conditions and project costs will be reviewed throughout the project lifecycle and have been considered in the project risk assessment, as detailed in Section 4.5 of the final business case (**Attachment One**).

**Table 6: Aboriginal Gathering Place financial implications summary**

| **Year:** | **Project Status** | **Total capital cost** | **Capital Budget** | | **Proposed**  **Operational Budget** | **Potential income** |
| --- | --- | --- | --- | --- | --- | --- |
| **Existing LTFP allocation** | **External funding** |
| **2021/22** | Governance establishment and initial site investigations | $550,000 | $250,000\* | $300,000\*\*  (from DELWP for associated parkland works) | $0 | N/A |
| **2022/23** | WAGPAG incorporation, Interim program delivery in Community centres, establishment of a community grant stream and facility design | $250,000 | $250,000\* | N/A | $58,000 | N/A |
| **2023/24** | Continued delivery of programming, construction commencement | $5,250,000 | $1,000,000 | State Government funding - estimated at $5,000,000 | $160,000 | N/A |
| **2024/25** | Construction completion and facility opening | $4,750,000 | $4,750,000 | $144,875 | N/A |

| **Year:** | **Project Status** | **Total capital cost** | **Capital Budget** | | **Proposed**  **Operational Budget** | **Potential income** |
| --- | --- | --- | --- | --- | --- | --- |
| **Existing LTFP allocation** | **External funding** |
| **2025/26** | Governance transition to new entity operating facility commences with some shared functions with Council | N/A | N/A | N/A but possible future grant opportunities | $224,750 | < $10,000 per annum |
| **2026/27** | Governance transition to new entity operating facility finalised | N/A | N/A | N/A | $183,500 | < $10,000 per annum |
| **2027/28 onwards** | Governance transition completed – new entity operate facility | N/A | N/A | N/A | $50,000  per annum | N/A |
|  | **TOTAL** | **$10,800,000** | **$6,250,000** | **$5,300,000** | **$821,125** | **<$20,000** |

\* Council endorsed $250,000 in both the 2021/22 and 2022/23 financial years for site investigations and detailed design.

\*\* Council received $300,000 from DELWP in the 2021/22 financial year to support multiple projects within the Granite Hills precinct of the Quarry Hills Regional Parkland; Granite Hills Playground, Aboriginal Gathering Place and walking trails.

Once the Aboriginal Gathering Place opens, there will be income generating opportunities that the WAGPAG can explore. As further strategic planning around income and opportunities with or by the WAGPAG are still required, income estimates cannot yet be confidently quantified.

**Link to Strategic Risk**

**Strategic Risk** *Service Delivery - Inability to plan for and provide critical community services and infrastructure impacting on community wellbeing*   
  
**Strategic Risk** *Community and Stakeholder Engagement - Ineffective stakeholder engagement resulting in compromised community outcomes and/or non-achievement of Council's strategic direction*

The final business case is an integral part of the project planning and due diligence processes. It has been informed by detailed site investigations, costing analysis and consultation with the WAGPAG.

A risk assessment is provided in Section 4.5 of the final business case (**Attachment One**).

**Implementation Strategy**

**Communication**

A two-phase Community Engagement Plan (**Attachment Three**) has been developed to guide ongoing communications for the project. A summary is provided in Table 7:

**Table 7: Aboriginal Gathering Place Community Engagement Plan Summary**

| **Phase Description** | **Key Tasks** | **Desired Outcomes** |
| --- | --- | --- |
| *Phase 1: Inform*  *Broad City of Whittlesea engagement to inform and raise awareness about the Aboriginal Gathering Place* | 1. Inform residents that the Aboriginal Gathering Place is proposed to be built within the Quarry Hills Regional Parkland 2. Explain the purpose of an Aboriginal Gathering Place, who it is for and what activities may take place there 3. Seek feedback and identify emerging wider community issues, opportunities, risks etc to inform design process. | * Introduce the project to the broader community. * Obtain input to complete the facility detailed design. |
| *Phase 2: Involve*  *Community engagement for the purpose of the Planning Scheme Amendment application* | 1. Communicate and engage with key stakeholders that Council is seeking State Government rezoning to use the site as a ‘place of assembly’ 2. Seek feedback on design principles for proposed ‘place of assembly’ use such as:    * Minimise environmental impact    * Address site landscape & conservation requirements 3. Provide drawings of proposed facility | * Inform impacted stakeholders of rezoning proposal. * Compliance to planning scheme requirements to complete rezoning. * Obtain approval of the facility detailed design. |
| *Phase 3: Inform*  *Ongoing communication until project completion* | 1. Provide ongoing communication until project complete using traditional and digital communication channels | * Community is informed about the project |

**Critical Dates**

**Table 8: Aboriginal Gathering Place key dates**

| **Date** | **Item** |
| --- | --- |
| **March 2022** | Architect tender review and award complete |
| **April to early July 2022** | Traditional Owners representatives invited to WAGPAG and facility functional brief re-approved. Design consultants proceed with external, environmental and service design |
| **July 2022** | * Final Business Case presented to Council for endorsement. * Commence Phase 1 Community Engagement. |
| **July to September 2022** | (once functional brief re-approved) Plans/elevations completed by Architects for community engagement |
| **October 2022** | Council approval of design for community engagement |
| **November 2022** | Commence Phase 2 Community engagement |
| **December 2022** | Feedback review and update of documentation |
| **2023** | WAGPAG terms of reference reviewed in preparation for building opening |
| **2023/24** | New ‘Aboriginal Partnerships and Gathering Place Community Grants’ introduced as a sub-stream of Council’s Community Grants program |
| **2024/25** | Construction completion and facility opening – governance / facility coordinated by Council in partnership with WAGPAG |
| **2025/26** | Governance transition to new entity operating facility commences with some shared functions with Council. Council and new entity enter into formal agreement for management of the Gathering Place outlining roles and responsibilities of each party. |
| **2026/27** | Governance transition to new entity operating facility finalised |
| **2027/28 onward** | Governance transition completed –new entity operate facility |

**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.

**Conclusion**

The establishment of an Aboriginal Gathering Place in the City of Whittlesea will increase access to local services and programs and provide a safe and welcoming space for the Aboriginal community and broader community to reflect, celebrate and (re)connect to Aboriginal culture – for both Aboriginal and non-Aboriginal community members.

This business case proposes that Council continues to support self-determination and work with the Whittlesea Aboriginal Gathering Place Advisory Group to co-design and construct a purpose-built facility and associated programming. With Council’s support, a phased transition will ultimately see an Aboriginal Community Controlled Organisation leading decision making and operation of the Aboriginal Gathering Place.

5.1.2 2022-23 Growing Suburbs Fund & Local Sports Infrastructure Fund

**5.1.2 2022-23 Growing Suburbs Fund & Local Sports Infrastructure Fund**

**Responsible Officer** Director Customer & Corporate Services

**Author** Amanda Reed, Coordinator Capital Programming and Reporting

**In Attendance** Amanda Reed, Coordinator Capital Programming and Reporting

**Attachments**

1. Growing Suburbs Fund - Priority Projects [**5.1.2.1** - 10 pages]
2. CEO Letter - GSF [**5.1.2.2** - 1 page]
3. Local Sports Infrastructure Fund - Priority Projects [**5.1.2.3** - 1 page]

**Purpose**

This report provides an overview of the current grant programs open for application and seeks endorsement to proceed applications for funding as noted below.

**Brief Overview**

Applications for the 2022-23 Growing Suburbs Fund (GSF) opened on 23 May 2022 and closed 4 July 2022. Council has submitted applications for seven projects, totalling $7,600,000 which will need to be matched by Council funding.

Applications for the 2022 Local Sports Infrastructure Fund (LSIF) opened on 19May 2022 and closed 12 July 2022. Council has submitted applications for three projects totalling $520,000 which must be matched by Council funding.

Both funding program guidelines require a council resolution to support the project applications in priority order.

Due to the submission periods not aligning with Council meeting schedules, confirmation has been received from both Department of Jobs, Precincts & Regions (DJPR) and Sport Recreation Victoria (SRV) that Council can provide a letter from the CEO confirming the prioritised list of projects along with the submission of applications. Council’s resolution can then be submitted after the 18 July Council Meeting.

**Recommendation**

**That Council:**

1. **Provides retrospective approval and support of the submission of the following projects in priority order through the 2022-23 Growing Suburbs Fund;**
   1. **Aboriginal Gathering Place, $5,000,000**
   2. **Whittlesea Township Park, $500,000**
   3. **Atrium Reserve at Quarry Hills Regional Parklands, $500,000**
   4. **Epping Community Services Hub Upgrade, $375,000**
   5. **Riverside Reserve Community Activity Centre and Reserve Upgrade, $500,000**
   6. **Community Energy Transition Program, $250,000**
   7. **Mill Park Reserve Connecting Shared Trail, $475,000**
2. **Provides retrospective approval for the submission of the following three projects through the 2022 Local Sports Infrastructure Fund;**
   1. **Doreen Dirt Jumps, $300,000**
   2. **Mill Park Reserve Softball and Baseball Practice Nets $180,000**
   3. **Master planning of three sites; Ashley Park, Edgars Creek and Alkira Blvd (SR03) Recreation Reserves, $40,000**

**Key Information**

**2022-23 Growing Suburbs Fund**

The 2022-23 Growing Suburbs Fund will contribute to meeting critical local infrastructure needs for communities in our changing and fast-growing outer suburbs. It is positioned to quickly respond to the pressures being experienced by interface and peri-urban communities by accelerating infrastructure projects that will make a difference to the liveability and resilience of these areas.

Grants will be targeted towards high priority community infrastructure projects that contribute to:

* the social and economic recovery of communities and groups impacted by Coronavirus (COVID-19);
* the needs of rapidly growing communities;
* local employment creation in both the construction phase and the ongoing operation;
* improved local economic conditions in interface and peri-urban communities;
* improved capacity for councils to respond to changing community needs and demands;
* the delivery of innovative models of integrated/shared community infrastructure;
* creating a safe and engaging environment for vulnerable and isolated community members;
* progressing key priorities of the Victorian Closing the Gap implementation plan by delivering important cultural community infrastructure, and further enhancing the partnership between government sectors, Aboriginal community-controlled organisations, and the wider community.

A cross-organisation working group was established to identify opportunities in the Capital Works Program and shortlist projects that best met the grant guidelines.  Meetings with the funding agency, (DJPR) helped inform the likely strength of the shortlisted projects against the grant fund objectives and criteria.  

The projects listed below were identified as best meeting the grant funding objectives and criteria and are listed in priority order:

1. Aboriginal Gathering Place, $5,000,000

2. Whittlesea Township Park, $500,000

3. Atrium Reserve at Quarry Hills Regional Parklands, $500,000

4. Epping Community Services Hub Upgrade, $375,000

5. Riverside Reserve Community Activity Centre and Reserve Upgrade, $500,000

6. Community Energy Transition Program, $250,000

7. Mill Park Reserve Connecting Shared Trail, $475,000

Applications for the 2022-23 Growing Suburbs Fund opened on 23 May 2022 and closed 4 July 2022. Council has submitted applications for seven projects, totalling $7,600,000 which must be matched by Council funding. Further information on the projects can be found in Attachment 1 presented to DJPR on the 11 May 2022.

The GSF guidelines require a council resolution to support the project applications in priority order. The next available Council meeting is 18 July 2022, which is after the applications closing date of 4 July 2022. Confirmation has been received from DJPR that Council can provide confirmation of the prioritised listing of projects via a letter from the CEO at the time of submission and provide the Council resolution after the 18 July Council meeting.

**2022 Local Sports Infrastructure Fund**

The 2022 Local Sports Infrastructure Fund (LSIF) will invest in proposals that can demonstrate commitment to the following outcomes:

* More participation opportunities made available through the development of new or upgraded existing multi-use, sport, and active recreation infrastructure;
* Improved participation of those who participate less in community sport and recreation, particularly those from communities experiencing long-term socio-economic disadvantage, growth and regional areas and areas affected by natural disaster;
* More equitable and inclusive participation of women and girls in local sport by investing in well-designed and high-quality facilities;
* Improved sustainable design and planning to ensure infrastructure investment is building better and more liveable communities;
* Increased local economic activity through the planning, building, management, and activation of redeveloped or new infrastructure.

The LSIF guidelines state that construction commencement for eligible projects must be within 6 months of the execution of the funding agreement, April 2023, and construction completion by October 2024.

The projects listed below have been identified as best meeting the grant funding objectives and criteria:

* Community Facilities: Doreen Dirt Jumps $300,000,
* Community Facilities: Mill Park Softball & Baseball Practice Nets $180,000,
* Planning: Master planning of three sites; Ashley Park, Edgars Creek, and Alkira Blvd (SR03) Recreation Reserves $40,000.

A working group was established to identify potential capital works projects suitable to each funding stream and discussions held with Sport and Recreation Victoria representatives to provide feedback on the suitability of each project to the program guidelines.

Applications opened on the 19 May 2022 and closed 12 July 2022. Guidelines also state a council resolution is required on all project submissions, however, as with the GSF program the dates did not align to provide this in time for inclusion with the submission. Confirmation has been received that Council can provide a letter from the CEO in lieu of this, and an official Council resolution be provided after the 18 July 2022 Council meeting.

**Community Consultation and Engagement**

A cross-organisation working group was established to identify opportunities within the 4 Year Capital Works Program and shortlist projects that best met the grant guidelines. Meetings with the funding agencies, Department of Jobs, Precincts & Regions and Sport & Recreation Victoria helped inform the likely strength of the shortlisted projects against the grant fund objectives and criteria.

Community consultation to date has included liaising with local stakeholders, residents, local sporting clubs, community groups and service providers and will comprise various methods to ensure involvement reflective of the local community.

**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.

**Considerations**

**Environmental**

Replacing the gas appliances at Council owned facilities will not only make the facilities more sustainable and reduce Council’s GHG emissions, it will show the community the economic and environmental benefits of not using gas.

**Social, Cultural and Health**

Successful applications will bring forward delivery of infrastructure to promote healthy and active lifestyles and provide places and spaces for community connections.

**Economic**

No implications

**Financial Implications**

The nominated projects are currently listed with forecast budgets in the 4 Year Capital Works Program. If the grant applications are successful, this will reduce Council’s financial contribution to the future Capital Works Program.

**Link to Strategic Risk**

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

This report provides Council with oversight of proposed grant applications that will result in the delivery of important infrastructure to the community and will reduce Council’s financial contribution.

**Implementation Strategy**

**Critical Dates**

The closing dates for applications were:

Growing Suburbs Fund – 4 July 2022

Local Sports Infrastructure Fund 12 July 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**

After extensive consideration of the projects currently listed in Council’s 4 Year Capital Works Program the projects identified within this report were found to best meet the criteria and are recommended for Council approval for submission to the 2022-23 Growing Suburb Fund and 2022 Local Sports Infrastructure Fund grant programs.

5.1.3 Regional Sports and Aquatic Centre at Mernda Business Case

**5.1.3 Regional Sports and Aquatic Centre at Mernda Business Case**

**Responsible Officer** Director Community Wellbeing

**Author** Agata Chmielewski, Manager Strategic Projects

**In Attendance** Agata Chmielewski, Manager Strategic Projects

**Attachments**

1. Attachment 1 - RSAC at Mernda Final Business Case [**5.1.3.1** - 105 pages]
2. Appendix C - Active Xchange Social Value Model report [**5.1.3.2** - 2 pages]
3. Appendix F - Options Assessment Paper [**5.1.3.3** - 48 pages]
4. CONFIDENTIAL REDACTED - Appendix G - Aquatics Capital Projects Lessons Learned [**5.1.3.4** - 9 pages]
5. CONFIDENTIAL REDACTED - Appendix H - Project Development and Due Diligence Assessment [**5.1.3.5** - 2 pages]
6. CONFIDENTIAL REDACTED - Appendix I - Procurement Options Paper [**5.1.3.6** - 18 pages]
7. CONFIDENTIAL REDACTED - Appendix J - Peer Review Cost Plan [**5.1.3.7** - 78 pages]
8. CONFIDENTIAL REDACTED - Appendix K - Financial Assumptions and CBA Methodology [**5.1.3.8** - 11 pages]
9. CONFIDENTIAL REDACTED - Appendix L - Preliminary Risk Register [**5.1.3.9** - 3 pages]
10. Attachment 2 - Previous planning and Council decisions for RSAC [**5.1.3.10** - 2 pages]

These attachments have been designated as confidential by the Director Community Wellbeing, 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 attachments contain information that includes budget details and may prejudice future procurement processes

**Purpose**

The purpose of this report is to present the business case for the Regional Sports and Aquatic Centre (RSAC) at Mernda for endorsement and outline the proposed approach for design, delivery and funding of the key project stages.

Council sought independent advice to optimise community benefits and determine the most financially responsible approach to delivering RSAC. Deloitte Australia were subsequently engaged as the lead consultant to prepare the RSAC business case. The RSAC Business Case (the Business Case, **Attachment One**) provides Council with robust and independent project assessment, including market conditions, financial implications and projected delivery timelines.

The Business Case and other analysis including a cost review[[1]](#footnote-1) (**Attachment One, Appendix H (confidential)**) identifies the constraints and challenges of major infrastructure delivery in the current operating environment and evaluates the organisational impacts of various project delivery options. In short, COVID-19’s impact on the industry and associated global supply chain and labour pressures mean construction costs are at an all-time high. This has contributed to a significant increase in forecast project costs for RSAC; with the total project cost increasing to $180.53 million from $113.4 million since the scope was endorsed by Council in December 2021.

In line with the December 2021 Council report, delivery of RSAC is dependent on a significant financial contribution ($80 million) from the State and/or Federal government. That is, the project cost is beyond the financial capacity of Council to deliver on its own, and a partnership with other levels of government is fundamental to Council’s ability to realise this project. A staged delivery of the much-needed RSAC is proposed to maximise external funding opportunities; reduce the financial and delivery impact on Council’s operating environment; and better position Council to ensure it can continue to invest in capital projects across the municipality.

In light of the significant increase in cost, it is proposed that Council also builds into project design and development a scope review process that seeks to reduce the capital and operational cost to Council and the community. Council would be regularly updated in regard to the scope review component of the project; and this process would also be communicated as part of community engagement processes.

Community engagement will be designed in response to the approved Business Case option and delivery approach; with the establishment of a Stakeholder Reference Group for Stage 2 being the initial priority.

Endorsement of the business case commits financial and human resources to the project.

**Brief Overview**

Council endorsed the project scope for the Regional Sports and Aquatic Centre at Mernda (RSAC) at the 6 December 2021 Council meeting subject to the development of a detailed business case.

The business case has been prepared by external consultants Deloitte (with input from other external experts) to provide Council with a robust and independent project assessment, including the constraints and challenges of major infrastructure delivery in the current operating environment and the organisational impacts of project options.

Due to current and projected future market conditions, the estimated cost of delivering RSAC has increased to $180.53 million from $113.4 million since financial modelling was last presented to Council in December 2021.

RSAC will be Council’s single-biggest investment in health and wellbeing infrastructure to date. An $80 million contribution from State and/or Federal Government and a staged delivery approach is critical for delivering RSAC to ensure Council remains financially sustainable and is able to continue to deliver a comprehensive program of infrastructure and facilities across the entire municipality.

**Recommendation**

**That Council:**

1. **Receives the Regional Sports and Aquatics Centre in Mernda Business Case (Attachment One), developed in accordance with the Victorian Department of Treasury and Finance High Value High Risk (HVHR) Framework for projects requiring significant investment.**
2. **Endorses Option 2 in the Regional Sports and Aquatics Centre in Mernda Business Case summarised in Table 3 of this report.**
3. **Endorses the Regional Sports and Aquatics Centre in Mernda project to move to Stage 2 commencement, which includes construction of indoor and outdoor courts, and detailed design for Stage 3 (aquatics and leisure), subject to external funding (detailed at Recommendation 7 below).**
4. **Notes that construction of Stage 2 is proposed to commence in the 2024/25 financial year, subject to external funding.**
5. **Approves the allocation of Council’s financial contribution for Stage 2 (including detailed design of Stage 3) of $47.99 million comprising Council cash, reserves and borrowings.**
6. **Notes that approval for funding for Stage 3 (aquatics and leisure) construction will be presented to Council for consideration in the 2025/26 financial year, noting the current volatility of the construction industry.**
7. **Endorses an advocacy position that a partnership with State and/or Federal Government is a pre-requisite for the Regional Sports and Aquatics Centre in Mernda’s delivery; with Council seeking $40 million for Stage 2.**
8. **Notes that Council’s Long-Term Financial Plan has been updated and will be presented to Council for endorsement as part of the 2022/23 mid-year budget process.**
9. **Notes that community and stakeholder engagement for the Regional Sports and Aquatics Centre in Mernda will be designed in response to the approved Business Case option and delivery approach; with the establishment of a Stakeholder Reference Group (including community representatives) for Stage 2 as the initial priority.**

**Key Information**

**BACKGROUND**

A significant amount of planning, research, options analysis and community and stakeholder consultation has been undertaken over the past ten years to ensure a sports court, aquatic and leisure facility in Mernda meets community needs and expectations and that Council’s investment delivers maximum community benefit.

Most recently, Council resolved to adopt the recommended provision of leisure, aquatics and sports court facilities in Mernda at the 6 December 2021 Council meeting, which included:

* A 50-metre multipurpose pool with boom wall
* Warm water program pool, teaching pool, leisure pool, spa, steam and sauna
* Gymnasium, group fitness, program rooms
* Health consulting and wellness suites
* Six indoor sports courts (including show court) and eight outdoor floodlit netball courts.

A summary of strategic planning and Council resolutions for the project to-date is provided in **Attachment Two**.

**Business case methodology**

The December 2021 Council resolution also noted the importance of actively pursuing external funding opportunities for an investment of this magnitude from other levels of government. To align with government requirements, the business case for the Regional Sports and Aquatic Facility at Mernda (RSAC) was written according to the Victorian Department of Treasury and Finance High Value High Risk (HVHR) Framework. The HVHR Framework seeks to ensure that projects requiring significant investment have been subject to a robust planning and procurement process and that delivery risks have been identified and thoroughly considered.

The HVHR business case process required Council to explore different options to solve the ‘problem’ the business case is seeking to address. Four facility options were assessed which included different combinations of leisure, aquatic and sport elements endorsed by Council for further exploration (December 2021).

**Preferred option**

Option 2 achieved the highest overall score against the criteria and was the preferred option progressed through the business case. It included all the elements endorsed in December 2021 (outlined above). Option 2 was found to align to government policy most strongly, best meet the needs and expectations of the community and was more strongly placed for financial sustainability. The full options assessment is provided in **Attachment One, Section 4 and Appendix F (confidential)**.

**PROJECT BENEFITS AND RATIONALE**

**Benefits to be delivered**

Building on work conducted by Council (and outlined in **Attachment Two**), the Business Case identified three key benefits which were weighted in accordance with the Department of Treasury and Finance’s Investment Management Standard. Table 1 summaries these benefits and their weightings, with further detail provided in **Attachment One, Section 2.**

**Table 1: Overview of benefits identified**

| Benefit | Benefit summary | Weighting |
| --- | --- | --- |
| **Benefit 1: Whittlesea is a place for all** | * The City of Whittlesea Council is committed to fostering a healthy community of all backgrounds, ages, and abilities that can easily access support services. * Increasing social and civic engagement amongst the community, particularly within priority groups, will foster a socially cohesive, healthy, and participating community in Whittlesea LGA. * Removing the barriers for women and girls to participate in physical activity is crucial for their development and health and wellbeing. | 50% |
| **Benefit 2: Improved health, wellbeing, and social inclusion** | * Increased physical activity directly contributes to improved health and wellbeing among residents, leading to a happier and higher quality life. * Improving the health and wellbeing among residents of Whittlesea LGA will also benefit the economy through increased productivity and a reduced burden on the healthcare system. | 30% |
| **Benefit 3: Safer people and places** | * Increased participation in swimming lessons and water safety activities will reduce the risk of drownings, particularly in children * Community infrastructure fosters a safer community with an increased sense of pride, helping to attract and retain future residents and visitors. | 20% |

**Rationale**

Almost 45 per cent of adults residing in the City of Whittlesea undertake insufficient physical activity – the second highest proportion in north-eastern Melbourne.

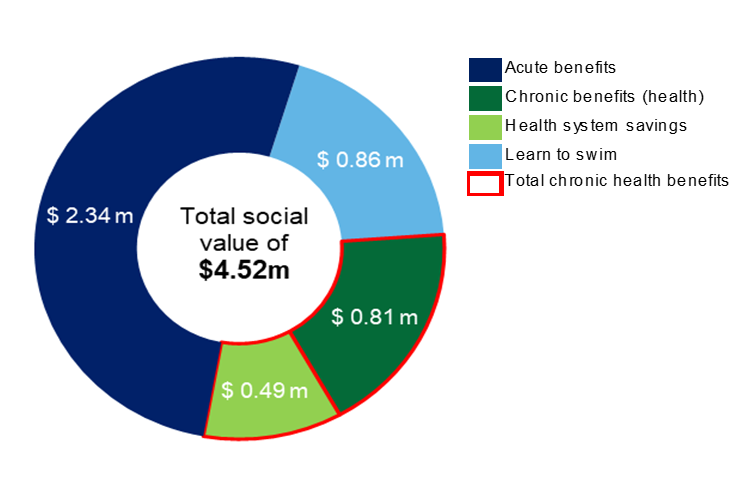
The City of Whittlesea also has:[[2]](#footnote-2)

* the highest proportion of adults who are overweight in north-eastern Melbourne – 58 per cent
* the sixth highest proportion of adults with heart disease in Victoria – 7 per cent
* the third highest proportion of adults with type 2 diabetes in Victoria – 6 per cent
* high rates of adults with arthritis (25 per cent) and osteoporosis (20 per cent).

Increasing the rate of physical activity by just 10% can reduce disease and death related to physical inactivity by 13 per cent and 15 per cent per year respectively.[[3]](#footnote-3) Research shows the following benefits of increased participation in sport and physical activity:[[4]](#footnote-4)

The Business Case also used the ActiveXchange Social Value Model[[5]](#footnote-5) to quantify in dollar terms the health system savings that result from lower incidence of disease and better managed mental health issues including lower wait times, less congestion and health cost savings. The analysis conducted for the City of Whittlesea suggests that reducing residents’ risk of chronic health conditions would prevent disease and save the health care system almost $0.5 million in 2022 alone as shown in Figure 1.

Further benefits are outlined in the ‘*Social, Cultural and Health’* section of this report.



**Figure 1: Health system savings per annum (in 2022 figures) *(Source:*** *ActiveXchange 2022 (refer to* ***Attachment One, Section 2.1.2****)*

**STAGING, COST AND SCOPE**

**Cost escalations and instability in the construction sector**

A global supply chain crisis has been escalated in the past six months due to a number of factors including: the on-going impact on materials supply and labour as a result of the Covid-19 pandemic; the war in Ukraine; and major flooding on Australia’s eastern seaboard. The Australian construction industry has been impacted through an unprecedented scarcity of construction materials. The resulting surge in local demand has seen material and labour cost escalations far exceeding annual inflation projections.

The Australian construction industry is largely dependent on foreign trade for common construction materials including fabricated steel, stone and timber. Many of the international factories that produce these materials have closed or are experiencing significant delays, creating a premium for these sought-after products.[[6]](#footnote-6)

The cost of steel products experienced an annual increase of 42.1 per cent to March 2022. Structural timber products and electrical equipment rose in cost by 39.2 per cent and 13.9 per cent respectively.[[7]](#footnote-7) Similarly, shipping costs have skyrocketed in the last 12-18 months, with an increase of 300 per cent contributing to the volatile materials market.[[8]](#footnote-8)

The current instability in the construction sector is further impacted by larger contractors with greater purchasing power purporting to stockpile key materials to hedge against rising costs on long term projects.

To counter the economic impact of the pandemic, governments are investing heavily in infrastructure to energise state economies.[[9]](#footnote-9) Major government infrastructure projects (many of which are not scheduled to be complete for 8-10 years) have significantly stimulated the industry over the last few years, further impacting ongoing resource and labour pressures.

The industry’s inability to attract labour resources, including engineers, consultants, and contractors, will also continue to put pressure on pricing, signalling project delays throughout the sector.

These supply chain issues, material cost increases and labour shortages will significantly and adversely affect the delivery of RSAC, as cost escalations and tightening supply are predicted to continue.

**CONSTRUCTION INDUSTRY IMPACTS ON THE COST OF DELIVERING RSAC**

In view of the recent and ongoing price volatility in the construction industry, Council engaged independent consultant Satterley to review the RSAC cost estimates presented to Council in December 2021.

The cost review (**Attachment One, Appendix H (confidential)**)found that the cost of delivering the endorsed RSAC scope as a single-stage construction had increased from an estimated $113.4 million in December 2021 to $141million in June 2022[[10]](#footnote-10). A staged construction was estimated at approximately $161 million, depending on the timing of the stages and associated escalation.

The increase in cost between December 2021 and June 2022 is directly attributed to the unprecedented cost increases in the construction industry[[11]](#footnote-11), which have a flow-on effect on project contingency, escalation, and non-construction costs (consultants, project management etc). [[12]](#footnote-12)

**RSAC COST ESCALATION IMPACTS ON COUNCIL’S LONG-TERM FINANCIAL PLAN**

Financial modelling was undertaken by Council to understand the impact of the RSAC cost escalations (**Attachment One, Appendix H (confidential)**)on Council’s Long-Term Financial Plan and determine the most financially sustainable delivery option.

Assumptions applied in the modelling are described in Tables 2 and 3.

**Table 2. Long-Term Financial Plan modelling for RSAC - assumptions**

| **Assumption summary** | **Description** |
| --- | --- |
| 1. **Mix of Council- controlled project funding sources** | A mix of Council-controlled funding sources is important for a project of this magnitude. It ensures Council can continue to deliver required infrastructure and facilities across the municipality and distributes the cost of RSAC equitably across current and future generations of residents who will benefit from the facility. Funding sources include:   * Cash funds allocated for capital works: paid for by the ratepaying population of the year in which the works are undertaken. * Council cash reserve funds: paid for by ratepayers in years where the funds were set aside. * Loan borrowings: paid for the by the ratepaying population which will benefit from using RSAC in the future. |
| 1. **External funding** | The financial modelling was based on a $80 million cash co-contribution towards the project from State and/or Federal Government. |
| 1. **Cost escalation** | Cost escalation rates of:   * 5% for the 2022/23 financial year * 3.5% per annum for the 2023/2024 financial year and beyond |
| 1. **Construction contingency** | A construction contingency of 10 per cent, which is the standard contingency applied to Council’s capital projects. |
| 1. **Additional items** | Inclusion of additional items that were not in the costings for the June 2022 cost estimate, including:   * Retractable grandstand seating * Authority charges * Information technology fit-out costs * Gym equipment. |
| 1. **Project staging** | A staged construction of RSAC outlined in **Table 3** to maximise opportunities for Council to secure funding from other levels of government through infrastructure funding programs and election cycles. |

Council’s Long-Term Financial Plan modelling showed that the total cost of constructing RSAC in the stages and timeframes outlined in Table 3 will be $180.53 million, which is $19.5 million more than the $161 million staged construction estimate provided in June 2022 (**Attachment One, Appendix H (confidential)**).

The higher project cost in Council’s financial modelling compared to the June 2022 cost review (**Attachment One, Appendix H (confidential)**) is attributed to:

* The addition of the items listed in Table 2 that were not included in the June 2022 cost review.
* The application of Council’s standard construction contingency of 10 percent in Council’s modelling, which is higher than the 7.5 percent in the June 2022 cost estimates.
* Higher cost escalation rates applied in Council’s modelling for the 2024/25 financial year and beyond (3.5 per cent) than the June 2022 cost review (3 per cent).

Table 3 below identifies the proposed stages and associated scope and costs, including:

* **Stage 1:** Early works and detailed design for Stage 2
  + Early works commenced in FY 2021/22
  + Detailed design for Stage 2 to commence in FY 2022/23
* **Stage 2:** Indoor and outdoor courts and detailed design for Stage 3
  + Stage 2 construction scheduled to commence in FY 2024/25, subject to external funding
  + Detailed design for Stage 3 to commence in FY 2034/24
* **Stage 3:** Aquatics and leisure scheduled to commence in FY 2027/28, subject to external funding

The proposed staging approach prioritises delivery of the indoor and outdoor sports courts because community demand for courts already far exceeds capacity. The *Whittlesea Netball Basketball Plan*, 2019 (WNBP) found that there is a significant shortage of suitable indoor and outdoor sports courts in the municipality with approximately half of registered netball and basketball players having to leave the City of Whittlesea to play their sport. In Mernda and Doreen specifically, the WNBP identified that an additional 13 indoor courts and up to 18 floodlit outdoor netball courts are required to meet recommended facility provision ratios. RSAC will significantly increase much-needed netball and basketball participation opportunities.

Whilst Stage 1 (Early Works) has been included in Table 3 to illustrate the entirety of the project, only Stages 2 and 3 are the subject of the business case. Stage 1 has already commenced and has an endorsed budget of $13.27 million in the Long-Term Financial Plan. It should be noted that financial modelling in the Business Case (**Attachment One**) only includes the cost of Stages 2 and 3.

**Table 3. RSAC Business Case (Option 2): Staged construction, scope and estimated cost approach for RSAC**

| **Stage** | **Financial Year/s** | **Estimated Cost** | **Scope (aligned to December 2021 Council resolution)** |
| --- | --- | --- | --- |
| **Stage 1 (Early Works and Stage 2 detailed design)** | Early works commenced in FY 2021/22  Detailed design for Stage 2 to commence in FY 2022/23 | $13.27 million | * Early works including Plenty Road intersection upgrade and connecting road to Everton Drive * Bulk earthworks and rock removal * Retarding basins and drainage connection * Service connections to site * Detailed design for Stage 2 |
| **Stage 2 (Indoor and Outdoor Courts and Stage 3 detailed design)** | Stage 2 construction scheduled to commence in FY 2024/25, subject to external funding  Detailed design for Stage 3 to commence in FY 2034/24 | $87.99 million | * Six indoor sports courts (including show court) * Eight outdoor floodlit netball courts * Foyer and support areas for the sports courts and future aquatic facilities * Changing Places facilities * Environmental design elements associated with Stage 2 * Detailed design for Stage 3 |
| **Stage 3 (Aquatics and Leisure)** | Stage 3 construction scheduled to commence in FY 2027/28, subject to external funding | $79.28 million | * 50-metre multipurpose pool with boom wall * Warm water program pool, teaching pool, leisure pool, spa, steam and sauna * Gymnasium, group fitness, program rooms, occasional care * Health consulting and wellness suites. * Environmental design features associated with Stage 3 * A café, family change village and Changing Places facilities |

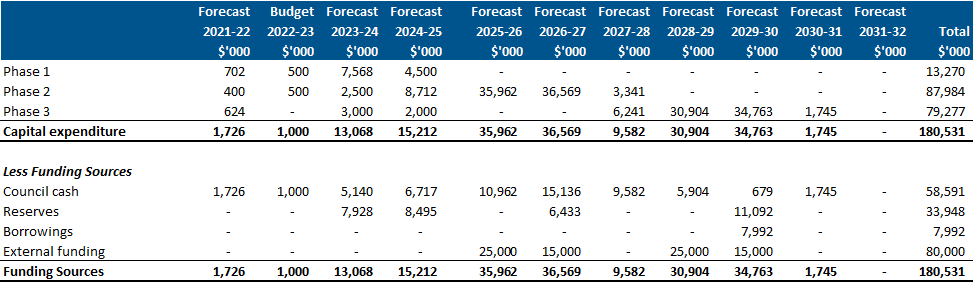
Given the significant increase in cost, it is proposed that Council also builds into project design and development a scope review process that seeks to reduce the capital and operational cost to Council and the community. Council would be regularly updated regarding the scope review component of the project. This process would also be communicated as part of community engagement.

Table 4 below models how the delivery of RSAC could be accommodated in Council’s Long-Term Financial Plan according to the stages outlined in Table 3. Without external funding from State and/or Federal Government, Council would need significant loan borrowings which would reduce its future capacity to deliver on its ongoing capital works program in other geographic and service areas of the municipality.

In light of this, the optimal funding mix for Council to deliver Stages 1, 2 and 3 of the $180.53 million RSAC project is shown in Table 4 and has been identified as:

1. $80 million of funding from State and/or Federal Government
2. $58.59 million of Council cash
3. $33.95 million of Council cash reserves
4. $7.99 million of loan borrowings.

**Table 4. Proposed RSAC funding and delivery timelines**



**Community Consultation and Engagement**

Council has undertaken four community consultations since 2013 on a regional sports and aquatic centre in Mernda which have demonstrated significant community support for a facility. In the most recent consultation in 2020, 72% of survey respondents rated the centre’s importance at 7/10 and 45% rated it at 10/10.

Council will continue to identify and consult with key stakeholders during each stage of the project, including the design development stage. This will include development of stakeholder reference groups by the project team to inform key development stages.

It will be important to manage community expectations around the delivery and timeframe of this high-profile project throughout its lifespan.

Council will ensure the community is kept informed about the project and its progress as well as Council’s advocacy efforts via Council’s communication and community engagement channels.

**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

The provision of leisure and aquatic facilities within the municipality strongly aligns with the

Whittlesea 2040 strategic priority of ‘Connected Community’ as the provision of sport and

recreation infrastructure supports the key directions of encouraging a socially cohesive,

participating and healthy and safe community. This project is identified in two key initiatives

in the Community Plan 2021-2025:

1. Commence construction of a leisure and wellbeing facility in Mernda; and

2. Build additional outdoor netball courts in a number of neighbourhoods including

Epping, Doreen, Mill Park, Whittlesea, South Morang and Mernda.

The Community Plan Action Plan 2021-22 includes an action to advocate for a regional

indoor netball basketball centre. Community Plan consultation identified that to help

recovery from COVID-19, the community asked Council to focus on:

* Health promotion, emphasising mental health and wellbeing; natural environments and green open space; connected walking and cycling paths and trails, safety in public places and opportunities for social connection and exercise.
* Community connections, including supporting vulnerable people and providing facilities and spaces for groups of people to meet.

The proposed facility also aligns with the following Council-endorsed policies and key strategy documents:

* Whittlesea 2040: *A Place for All*, 2019
* Community Plan 2021-2015
* Mernda Aquatic Centre Planning Study, 2018
* Major Leisure and Aquatic Facility Strategy, 2014
* Mernda Strategy Plan 2011 (amended 2016)
* Mernda Regional Recreation Reserve Master Plan, 2011 (draft)
* Whittlesea Netball and Basketball Plan 2019-2041
* Active Whittlesea Policy, 2019
* Whittlesea Water for All 2020 – 2030
* Zero Net Emissions Plan 2022

**Considerations**

**Environmental**

***Environmental and cultural heritage investigations***

Council engaged relevant independent consultants to undertake flora and fauna studies, heritage investigations and a Cultural Heritage Management Plan (CHMP) for the Mernda Sports Hub site on which RSAC will be located.

The findings of these investigations are provided in **Attachment One, Section 7** as well as actions Council will undertake to mitigate any potential environmental and cultural heritage impacts.

***Environmentally Sustainable Design (ESD)***

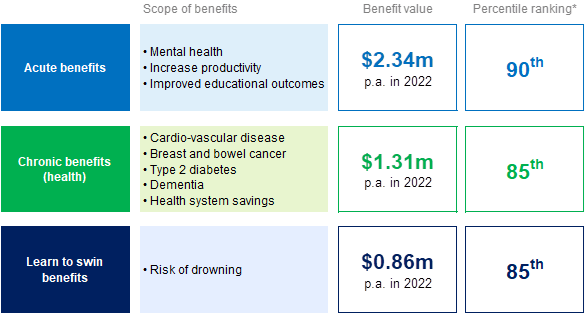
The design for RSAC will support Council in achieving its zero-emission target by 2022 through energy efficiency, sourcing renewable energy (avoiding the use of natural gas) and sustainable building design including photovoltaic solar panels and rainwater collection. It will also incorporate water sensitive urban design elements.

The cost estimates include a three per cent allowance for Environmentally Sensitive Design (ESD) initiatives. ESD initiatives will be explored and refined through the detailed design process.

**Social, Cultural and Health**

RSAC will provide significant opportunities for participation in active recreation, leisure activities and structured sport; resulting in positive physical, mental and social health outcomes for decades to come.

As illustrated in Figure 2, investment in RSAC will deliver over $4.5 million of social value per year by providing a contemporary, industry leading aquatic, leisure and sports centre tailored to the needs of the City of Whittlesea community. Over a 30-year period, RSAC will deliver $784 million in social value. Improved physical activity and social engagement among City of Whittlesea residents would deliver exceptional health benefits. Relative to comparable facilities, RSAC would be in the top 90 per cent for acute benefits and top 85 per cent for both chronic benefits and learn to swim benefits.



**Figure 2. Social value of RSAC**

A full description of social, cultural and health benefits is provided in **Attachment One,**

**Section 2.1** and summarised below:

* Providing an inclusive environment for social engagement through adopting universal design principles that consider the community’s abilities, needs and preferences.
* Increased rates of participation in structured and unstructured physical activity (starting at around 474,601 annual visits to gym and aquatics facilities alone).
* Providing spaces that support flexibility in programming (such as the ability to host female-only swim and gym sessions) can provide greater opportunities for females to participate in inclusive activities that are in culturally appropriate and welcoming environments, without fear of judgement.
* Meeting current and future demand for court sports (including badminton, basketball, netball, table tennis, volleyball) which encompasses both casual demand (34,600 people) and organised demand (2,213 people after drive time).
* Increased participation in a broader range of activities beyond active recreation including supporting community service providers in assisting priority groups within the community.
* Increased opportunities for residents, particularly children, to develop swimming skills and water safety education with 1,720 members projected to partake in learn to swim activities.

**Economic**

A Cost Benefit Analysis (CBA) for RSAC was undertaken using forecasted attendances, memberships and associated benefits. The resulting Benefit Cost Ratio (BCR) for RSAC is 1.15, which means that it is projected to create $1.15 in value for every dollar invested. The RSAC BCR is a conservative estimate and is consistent with community infrastructure projects. It generates a net economic gain of $255.5 million.

There are also numerous benefits that RSAC will deliver that are not typically captured in Cost Benefit Analysis. These include intangible social and community benefits and several unquantified benefits such as job creation and improved injury rehabilitation from co-location of allied health and aquatic facilities. These types of benefits were considered in **Attachment 1, Section 2 and Section 4**. RSAC is expected to create over 430 jobs in the City of Whittlesea during construction and 54 ongoing jobs for day-to-day operations of the facility.

**Financial Implications**

**Costs**

The cost implications of RSAC are detailed earlier in this report. The costs on which financial modelling was based exclude finance costs, cost escalations outside of those outlined in this report and costs associated with potential Green Star accreditation.

Risks identified in the June 2022 cost estimate (**Attachment One, Appendix H (confidential)**) which could require additional expenditure include:

* *Asbestos/hazardous material removal*: It is unlikely that the site has had prior use but there remains a possibility for localised in-ground pockets of contaminated material. The overall risk is considered low.
* *Relocation or upgrade of existing services and infrastructure:* The June 2022 cost estimate includes $300K for bulk earthworks / site levelling and a further $1 million contingency item for abnormal ground conditions. However, abnormal ground conditions remain a critical project risk until the design of the facility is developed further and design directed geotechnical investigations are undertaken.
* *Market conditions/cost escalation:* If costs escalate further than accounted for in the cost estimates presented in this report, there may be a need to undertake value management exercise/s. Any significant proposed scope changes will be brought back for Council consideration.

**Profit projections**

RSAC is forecast to run at a slight profit in Year 1 of operations (2027-28, courts only), then at a loss in Year 4 (2030-31, courts and aquatic) which is when the full facility is operational and lifecycle costs begin to be incurred. Financial performance is expected to improve over time. By 2045-46 the facility breaks even and in the final year of modelling (2051-52) it returns a profit of $215,000. Further detail is provided in **Attachment One, Section 9.**

**Link to Strategic Risk**

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

A preliminary project risk register was developed as part of the business case which identifies and scores foreseeable project risks. The full preliminary risk register is provided in **Attachment One, Section 10 and Appendix L (confidential)**. It includes 32 risks relating to project delivery, timing, budget and future operations of the facility.

Once the business case for RSAC is endorsed, Council’s Strategic Risk Framework will be used to develop a Risk Management Plan specific to the delivery of RSAC. Project risks will be continuously monitored, assessed and managed during the development and delivery of the facility.

**Implementation Strategy**

**Communication**

Council will keep community and stakeholders updated and informed on the status and progress of the project across a range of Council’s channels including print, digital, social media, web, e-news, newsletters, advertising, and Council’s engagement platform engage.whittlesea.vic.gov.au.

The communications strategy will be tailored to the endorsed approach to the project rollout to effectively manage community expectations in relation to project delivery.

The communications narrative will highlight Council’s’ fiscally responsible approach to delivering this much-needed project within the constraints of the challenging capital delivery environment.

**Critical Dates**

A project of this magnitude has critical lead times for design and procurement. Project timelines will need to be reviewed regularly and adjusted in response to market conditions and external funding opportunities as the project evolves. Significant changes in project timeframes will be brought to Council for consideration.

**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 RSAC Business Case identifies some key community benefits including:

* Increased rates of participation in structured and unstructured physical activity -particularly for women and girls
* Increased participation in a broader range of non-physical activities (particularly for low-income groups and other cohorts who experience comparatively greater barriers to sport, leisure and recreation)
* Increased social value and community connection
* Increased water safety and education.

In addition, the RSAC Business Case identifies that current market conditions in the construction industry present significant challenges for major infrastructure projects such as RSAC. The cost of delivering RSAC is beyond the financial capacity of Council to deliver on its own and a partnership with other levels of government is fundamental to Council’s ability to realise this project.

This report proposes a staged delivery of the much-needed RSAC to maximise external funding opportunities; ensure Council remains financially sustainable; and can continue to deliver a comprehensive program of infrastructure and facilities across the entire municipality.

**5.2 Liveable Neighborhoods**

5.2.1 2022-19 Drainage Maintenance and Reinstatement

**5.2.1 2022-19 Drainage Maintenance and Reinstatement**

**Responsible Officer** Director Infrastructure & Environment

**Author** Samuel Beshai, Senior Infrastructure Engineer

**In Attendance** Samuel Beshai, Senior Infrastructure Engineer

**Attachments**

1. CONFIDENTIAL REDACTED - 2022-19 Drainage Maintenance and Reinstatement Evaluation Summary [**5.2.1.1** - 5 pages]
2. CONFIDENTIAL REDACTED - Awarded Schedule of Rates [**5.2.1.2** - 2 pages]

 These attachments have 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 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. They also contain details of credit and reference checks about the tenderers provided to Council in confidence. The release of this information could reasonably be expected to prejudice the commercial positions of the persons who supplied the information or to confer a commercial advantage on a third party.

**Purpose**

It is proposed that contract number **2022-19** for Drainage Maintenance and Reinstatement is awarded to the following panel of providers:

* ELS Environmental Location Systems for Separable Portion A (Street Sweeping)
* Environmental Services Group Pty Ltd (TDG) for Separable Portion B (Drainage Maintenance)

**Brief Overview**

The tender evaluation panel advises that:

* 6 tenders were received.
* 2 tenderers are recommended.
* The recommended tenderers were the highest ranked.
* 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 other identified opportunities for collaboration were considered unlikely to achieve an advantageous value for money outcome for the Council.

**Recommendation**

**That Council:**

1. **Accept the tenders submitted by ELS** **Environmental Location Systems for Separable Portion A (Street Sweeping) and Environmental Services Group Pty Ltd (TDG) for Separable Portion B (Drainage Maintenance) for the following contract:**

**Number:** **2022-19**

**Title:** **Drainage Maintenance and Reinstatement**

**Cost:** **The accepted schedule of rates is detailed in the confidential attachment. Total expenditure is limited to $2,925,000 (excluding GST) unless otherwise approved by Council.**

**Term:** **1 August 2022 to 31 July 2025**

**Options:** **Term extensions for any period up to 31 July 2027**

**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.**

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

**Key Information**

The City of Whittlesea owns and maintains a road network over 1,200km long and a drainage network nearly 2,000km long including 70,000 pits and 200 GPTs and does so through internal resources and external service providers.

The purpose of this contract is to enable the procurement of external sweeping and drainage services which are required to streamline maintenance delivery and address the gaps with internal capabilities and capacities.

Tenders for the contract closed on 31 May 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 designed 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 the following pre-determined criteria and weightings:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Separable Portion A:** | | | **Separable Portion B:** | | |
|  | Price | 60 % |  | Price | 50 % |
|  | Capability | 15 % |  | Capability | 20 % |
|  | Capacity | 15 % |  | Capacity | 20 % |
|  | Sustainability | 10 % |  | 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 competitive were fully scored. Tender submissions that were evaluated as non-conforming or not sufficiently 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:

Separable Portion A

| **Tenderer** | **Conforming** | **Competitive** | **Score** | **Rank** |
| --- | --- | --- | --- | --- |
| ELS Environmental Location Systems | Yes | Yes | 93.2 | 1 |
| Tenderer B | Yes | Yes | 91.8 | 2 |

Separable Portion B

| **Tenderer** | **Conforming** | **Competitive** | **Score** | **Rank** |
| --- | --- | --- | --- | --- |
| Environmental Services Group Pty Ltd (TDG) | Yes | Yes | 98.9 | 1 |
| Tenderer B | Yes | Yes | 95.9 | 2 |
| Tenderer C | Yes | Yes | 93.6 | 3 |
| Tenderer D | Yes | Yes | 89.6 | 4 |
| Tenderer E | Yes | Yes | 89.5 | 5 |
| Tenderer F | No | N/A | N/A | N/A |

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 it is not listed in the Northern Councils Alliance consolidated contract register and other identified opportunities for collaboration were considered unlikely to achieve an advantageous value for money outcome for the Council.

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.

**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

Council will be able to streamline the service delivery of street sweeping and drainage maintenance throughout the municipality.

**Considerations**

**Environmental**

Tenderers were required to demonstrate their commitment to social and environmentally

sustainable work practices.

**Social, Cultural and Health**

No implications

**Economic**

No implications

**Financial Implications**

Sufficient funding for this contract is available in the budget for drainage maintenance and various capital delivery projects.

**Link to Strategic Risk**

**Strategic Risk** *Emergency Management - Failure to manage and respond to emergency events which may be detrimental to community health and wellbeing*   
  
**Strategic Risk** *Service Delivery - Inability to plan for and provide critical community services and infrastructure impacting on community wellbeing*  
  
**Strategic Risk** *Life Cycle Asset Management - Failure to effectively plan for the construction, on-going maintenance and renewal of Council’s assets*

By establishing a contract for street sweeping and drainage maintenance, Council will be able to streamline the delivery of these services through external providers.

**Implementation Strategy**

**Communication**

There is no requirement to communicate the decision of this report to the community.

However individual items of work may require information to be provided to the community.

**Critical Dates**

The Initial contract term will commence on 1 August 2022 and end on 31 July 2025.

Options exist to extend the contract up to 31 July 2027. A separate report requesting Council approval will be presented before the exercise of any optional extension which results in an increase in limit of the contract sum.

**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 tenders from ELS Environmental Location Systems and Environmental Services Group Pty Ltd (TDG) were determined to provide best value and it is considered that these companies can perform the contract to the required standards.

5.2.2 Bindts Road Discontinuance Harvest Home Road to Lehmanns Road

**5.2.2 Bindts Road Discontinuance Harvest Home Road to Lehmanns Road**

**Responsible Officer** Director Infrastructure & Environment

**Author** Paul Diffey, Project Manager

**In Attendance** Arashdeep Singh, Manager Urban Design & Transport  
 Paul Diffey, Project Manager

**Attachments**

1. Locality Plan [**5.2.2.1** - 1 page]
2. DOT Letter Bindts Road [**5.2.2.2** - 1 page]
3. CONFIDENTIAL REDACTED - Bindts Road closure Response summary [**5.2.2.3** - 3 pages]

Attachment *Bindts Road closure Response summary* has been designated as confidential by the Director 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 personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs. In particular the attachment contains information regarding formal responses to the proposal by members of the public with identifying information.

**Purpose**

The purpose of this report is to resolve road discontinuance of Bindts Road between Harvest Home Road and Lehmanns Road in Wollert

**Brief Overview**

At its meeting on 8 November 2021, Council resolved to commence the formal consultation for the permanent discontinuance of Bindts Road between Harvest Home Road and Lehmanns Road, in Wollert, in accordance with Section 12 of the Road Management Act (2004).

The Quarry Hills PSP (Precinct Structure Plan) identifies that Bindts Road is not required as a local access road and will eventually be combined into the E6 Freeway road reserve. Also, if Bindts Road is not closed, to ensure safety and operational access, the current extension of Whitebark Street across Bindts Road, as part of Riverhills Development, requires the construction of a crossroad intersection.

There have been two fatal crashes and several casualty crashes on Bindts Road in recent years. The road closure proposal has significant potential to improve road safety risks and also reduce maintenance obligations to Council.

The consultation was carried out between November 2021 and April 2022 with the community, adjoining landowners, local residents, emergency services, utility service providers, local public transport providers, the Department of Transport and other interested parties invited to respond.

Located in Wollert, Bindts Road is a local rural access road with spray seal surface that runs north-south between Bridge Inn Road and Harvest Home Road. This road was previously an access road for rural properties along its frontage however has been identified to be discontinued and combined into the E6 corridor. As such it is to be closed as part of the approved Quarry Hills development plan. A locality plan is provided in attachment 2.

Bindts Road between Harvest Home Road and Lehmanns Road is currently closed due to the approved traffic management plan for the Riverhills Estate. It is proposed to make this closure permanent.

The closure of the road is not considered to have any effect on local traffic as all abutting properties are now undergoing development and no longer require access and the construction of Saltlake Boulevard provides alternative north-south access between Harvest Home Road and Lehmanns Road.

**Recommendation**

**That Council:**

1. **Note that public submissions on the proposed permanent closure of Bindts Road between Harvest Home Road and Lehmanns Road were invited in accordance with section 12 of the Road Management Act 2004 and that three public submissions were received at the close of the submission period.**
2. **Proceed to permanently discontinue Bindts Road between Harvest Home Road and Lehmanns Road by installing road closure measures after the 1 August 2022.**
3. **Notify emergency service authorities of the proposed permanent road discontinuance date; and**
4. **Write to all parties who made formal submissions as part of the consultation, adjoining property owners and occupiers advising them of Council’s decision and the expected timeframe to complete the road discontinuance.**

**Key Information**

Bindts Road runs north-south between Bridge Inn Road and Harvest Home Road, Wollert. Bindts Road is constructed to a rural standard, with gravel surface between Bridge Inn Road and Lehmanns Road, and light sealed sections between Lehmanns Road and Harvest Home Road. The local PSP’s and long-term strategy call for Bindts Road to be decommissioned as a local road once all accesses to it have been altered by the construction of the E6 Freeway or other localised urban development. Bindts Road between Lehmanns Road and Harvest Home Road will eventually be subsumed by the E6 Freeway road reservation.

The City of Whittlesea has completed its required consultation under the Road Management Act to discontinue Bindts Road between Harvest Home Road and Lehman's Road.

Council has received supportive responses from Victoria Police, utility services providers Ausnet, Melbourne Water, NBN and Telstra, and residents in the immediate vicinity of Bindts Road.

No response was received from the CFA, Ambulance Victoria, or SES. Council officers took all reasonable measures to get a response including extending the deadline, calling contacts, and emailing officials however no response was received.

There is a section of the wider community that want to reopen the closed section of Bindts Road as an alternative to Epping Road and Saltlake Boulevard.

**Community Consultation and Engagement**

Following the Council resolution to commence the consultation process on the proposed road discontinuance of Bindts Road between Harvest Home Road and Lehmanns Road the City of Whittlesea has carried out a consultation process as per Section 12 of the Road Management Act for the discontinuance.

**Statutory process**

Notices were sent to adjoining property owners and occupiers on 9 November 2021 notifying them of the proposed road closure and inviting submissions to be made. Notices of the proposed road closure were also placed in the Whittlesea Review. An additional letter was sent to each emergency service organisation on 16 November 2021.

Under Schedule 12 of the Road Management Act 2004, Council must consider a report from VicRoads (now Department of Transport (DOT)) on the proposed road closure. The Department of Transport was consulted on the proposal and provided a Report that states DOT does not object to the proposal. (See Attachment 3).

**Community Feedback**

The proposal has been endorsed by Victoria Police, including all local stations and the Greensborough Highway Patrol, as they have safety and operational concerns with the road.

The proposal has been endorsed by AusNet, Telstra, NBN and Melbourne Water under the condition that they retain maintenance access to the land to service any infrastructure still in the road reservation. This will be done by providing keys to the locks on gates at both ends of the closure.

Council officers have not received feedback from the CFA, SES or Ambulance Victoria on the proposal. Council officers had extended the due date and followed up with the emergency services regional offices via phone and email seeking comments however none have been forthcoming.

Council received three written responses from the community, two in favour and one against. Note that the two in favour are residents of the area and the one against is a resident of Kinglake West. All three respondents have been formally contacted and given an opportunity to speak in support of their submission at the Council meeting.

Engage Whittlesea consultation received 121 responses, of which 53 live within 500m of Bindts Road and supported the proposal with 70% in favour and 30% against. There were 22 residents of the Epping North and Wollert area who live further away from the road who opposed the proposal unanimously. There were also an additional 46 responses from people who live outside the Epping North and Wollert area, of which 7% supported the proposal and 93% opposed the proposal.

The general feedback from the responses on Council’s Engage Whittlesea Platform were that these residents want to reopen Bindts Road as an alternative route and short cut to Epping Road. Considering the recent completion of Saltlake Boulevard, cost of maintaining and upgrading Bindts Road to a satisfactory level of service and the crash rate prior to the closure, Council officers advise against reopening Bindts Road between Harvest Home Road and Lehmanns Road.

**Formal Responses**

Under Section 12 of the Road Management Act (2004) any person who has made a written submission to Council is entitled to appear in person or by a person appearing on their behalf to speak in support of their submission at the meeting that the decision is to be determined.

Victoria Police and utility services authorities have already advised that they do not wish to speak at this meeting.

Please refer to Attachment 4 for the list of formal submissions with summary of their submission.

**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.

As per the reasons outlined in the discussion above, Bindts Road is no longer required as an access road. This discontinuance is identified in Council’s Quarry Hills PSP and E6 strategy. Due to ongoing maintenance expenses, development in the area and most importantly road safety it is recommended to commence the discontinuance of Bindts Road in the section described above.

**Considerations**

**Environmental**

Existing Bindts Road carriageway will be decommissioned with the asphalt surface removed and regeneration of native grassland allowed to take place. The land can be revegetated as a wildlife corridor and walking track.

**Social, Cultural and Health**

The proposal to close Bindts Road is supported by the majority of the residents in the immediate vicinity to Bindts Road and the Victoria Police.

**Economic**

No implications

**Financial Implications**

Road maintenance costs on Bindts Road are approximately $52,000 per annum for the full length of Bindts Road. By closing the southern section, the potential reduction will be from $52,000 to under $30,000.

The cost to administer the road closure is estimated around $10,000. This will be sourced from identified savings in the new works program.

**Link to Strategic Risk**

**Strategic Risk** *Community and Stakeholder Engagement* - *Ineffective stakeholder engagement resulting in compromised community outcomes and/or non-achievement of Council's strategic direction*

Council has engaged in a level of community and stakeholder consultation that exceeds its obligations under section 12 of the Road Management Act (2004).

Closing Bindts Road is identified in several Council strategic documents and local development plans. This was discussed further in the original Council report.

**Implementation Strategy**

**Communication**

The local community and identified stakeholders were notified about the opportunity to have their say during the consultation period.

**Critical Dates**

Report to Council Meeting – 18 July 2022

Notice of closure – 1 August 2022

Date of permanent closure – 30 September 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 officers have completed the required stakeholder consultation to discontinue Bindts Road between Harvest Home Road and Lehmanns Road. Based on feedback received it is recommended that Council proceed with the permanent closure of Bindts Road between Harvest Home Road and Lehmanns Road.

5.2.3 74A Church Street Whittlesea - Demolition in Heritage Overlay

**5.2.3 74A Church Street Whittlesea - Demolition in Heritage Overlay**

**Responsible Officer** Director Planning & Development

**Author** Lachlan Yuill, Planning Officer

**In Attendance** Lachlan Yuill, Planning Officer

**Attachments**

1. Locality Maps [**5.2.3.1** - 2 pages]
2. Architectural Plans [**5.2.3.2** - 6 pages]

**Applicant** **City of Whittlesea**

**Zoning** **Public Use Zone 7 – Other Public Use**

**Overlay** **Heritage Overlay Schedule 34**

**Referral** **N/A**

**Objections** **One objection**

**Purpose**

The City of Whittlesea Infrastructure and Environment Department is the applicant for this planning permit and the proposal involves the demolition of an existing toilet facility under a heritage overlay and the construction of a self-cleaning automated toilet as a replacement to the existing toilet block.

The existing toilet facility is being removed to allow for an upgraded facility with the expectation to enhance maintenance efficiency, improve community safety, hygiene, water consumption and reduce vandalism. The proposed building is a prefabricated automated toilet facility named the Jupiter model Exeloo system. It will be enclosed by a shell constructed of brick materials and incorporate a gabled roof form constructed of Colourbond steel to improve the integration with existing heritage structures on site. The proposed brick and roof colours have not been determined.

The new toilet facility is proposed to have dimensions of 6.5 metres by 5 metres with a total floor area of 32.5 sqm. The new facility will be located 3.45 metres from Beech Street and 3.95 metres from the closest boundary to the east. It will be located approximately 15 metres from the Courthouse heritage building.

The existing pathway around the existing facility is to be removed and replaced to allow for the placement of the new structure with appropriate access. The new pavement will match the existing sections of pavements. Additional landscaping is proposed in the location of the existing facility between the Whittlesea Court House and new facility, along the street frontage including new seating and bicycle racks. The existing white picket fence is to be retained.

**Brief Overview**

The proposal is a City of Whittlesea initiated project for the demolition of a toilet facility and the construction of a new automated toilet facility within a Heritage Overlay.

Notification of the application was undertaken and one objection was received. The grounds of objection relate to the proposed operational hours of the upgraded facility. The hours have since been clarified and objection has been withdrawn.

The proposal is consistent with the objectives of the relevant Whittlesea Planning Policy and Heritage Overlay and approval of the proposal is recommended.

**Recommendation**

**THAT Council approve Planning Application No PLN-38040 and issue a Permit for the demolition of a building and the construction of an amenity facility within a heritage overlay in accordance with the endorsed plans and subject to the following conditions:**

**Plans Required**

1. **Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be generally in accordance with the plans dated 29th November 2021 and prepared by Architecture and Access (Aust) Pty Ltd but modified to show:**
   1. **Colour and material schedule to the satisfaction of the Responsible Authority.**

**Layout Not Altered**

1. **The development allowed by this permit and shown on the plans and/or schedules endorsed to accompany this permit shall not be amended for any reason without the consent of the Responsible Authority.**
2. **Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority. Should the development cease for a period of more than two years, all buildings and works shall be removed from the site at the written direction of the Responsible Authority.**
3. **No native vegetation, other than that shown on the endorsed plan, shall be destroyed, felled, lopped, ring barked or uprooted, without the consent of the Responsible Authority.**
4. **All batters resulting from excavation or filling shall be properly stabilised and vegetated to prevent erosion.**
5. **Outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect to adjoining land.**
6. **Before the development (including demolition) starts, fencing must be erected between the heritage buildings and works to the satisfaction of the Responsible authority. The fencing must not be removed or replaced at any time during demolition and construction without the prior written consent of the Responsible Authority.**
7. **The operational hours of the toilet facility are restricted to the following hours:**
   1. **Monday – Sunday: 6:00am – 8:00pm**
8. **Upon completion of all buildings and works authorised by this permit the permit holder must notify the Responsible Authority of the satisfactory completion of the development and compliance with all relevant conditions.**
9. **Any litter generated by building activities on the site shall be collected and stored in an appropriate enclosure, which complies with Council’s Code of Practice for building/development sites. The enclosures shall be regularly emptied and maintained such that no litter overspills onto adjoining land. Prior to occupation and/or use of the building, all litter shall be completely removed from the site.**

**Permit Expiry**

1. **In accordance with the Planning and Environment Act 1987 a permit for the use and development expires if:**
2. **the development is not commenced within two years after the issue of the permit; or**
3. **the development is not completed within four years after the issue of the permit**

**The responsible authority may extend the periods referred to above if a request is made in writing. This request must be made before or within 6 months after the permit expiry date where the development has not yet started and within 12 months after the permit expiry date where the development allowed by the permit has lawfully started before the permit expires.**

**Site and Surrounding Area**

The subject site has an area of 1291 m² and is located on 74 Church Street Whittlesea. The existing toilet facility is located within the site under a separate address of 74A Church Street. The Whittlesea Court House is the predominant building on site and is protected by the Heritage Overlay pursuant to the Whittlesea Planning Scheme. This heritage building is also protected under the National Trust Heritage Register.

The Whittlesea Courthouse was constructed in 1864 and is one of the oldest functional buildings in the municipality. It is a brick building with a slate roof constructed on bluestone footings. Court hearings and meetings of the Whittlesea Roads Board were held at the site after its construction. The building has continued to operate after being restored in 1996 currently operating as the visitor information centre. A single cell lockup constructed in 1859 built to serve the Yan Yean area is located on site and is registered on the Victorian Heritage Database.

The site immediately east is also covered by Heritage Overlay Schedule 131. This heritage building is a federation residence constructed at the beginning of the 20th Century. Other heritage buildings include the Whittlesea House, opposite the subject site, and the Masonic Hall further along Beech Street.

The surrounding area is characterised by varying uses. The north, east and west is dominated by single storey dwellings which incorporate hipped roof forms and consistently contain moderate front setbacks with generous rear setbacks. The Whittlesea Town Centre is located to the south along Church Street and contains numerous commercial and office uses.

**Restrictions and Easements**

The Certificate of Title for the property shows that the site is not affected by any encumbrances or restrictions. There are no easements on the site.

**Public Notification**

The application was advertised by the way of letters to adjoining property owners and a sign placed on site for a period of 14 days. Advertising of the application has resulted in one objection being received. The grounds of objection can be summarised as follows:

1. Clarification on proposed hours of operation.

The proposed operational hours have since been provided and will be imposed as a permit condition, the objector is satisfied with the hours and has withdrawn the objection.

**Community Consultation and Engagement**

The community was notified of the proposal via a sign placed on site during the advertising period. The sign and letters to adjoining property owners invited the community to view and comment on the proposal.

The objector was contacted once a response from the applicant clarifying the operational hours was received. The objector was advised of the hours and was satisfied that the upgraded facility would have no further impact. The objector has since withdrawn their objection.

The City of Whittlesea Infrastructure and Environment Department has also consulted with members of the Whittlesea Courthouse Association to ensure that the proposal will not impact the heritage value of the site.

**Planning Controls and Assessment**

The following State Planning Policies, Local Planning Policies and particular provisions of the Whittlesea Planning Scheme (the Scheme) are considered relevant to this application.

**Planning Policy Framework**

*Clause 15.03-1S – Heritage Conservation*

The strategies of this state policy are to identify buildings and structures of historical significance and ensure the protection and enhancement through their inclusion within the Planning Scheme.

The site is covered by the Schedule 34 to the Heritage Overlay which is implemented to enforce protection of the Whittlesea Court House. The Court House holds significance within the local area which has served the community for over a century, however, the toilet block was constructed at a far later date and is not considered significant relative to the history of the site.

*Clause 15.03-1L - Heritage conservation in Heritage Overlay areas*

The strategy of this local policy is to enhance the protection of heritage elements through the control of signage, vegetation, fences and demolition within a Heritage Overlay.

The proposal is consistent with the objectives and strategies of the policy as it has no immediate impact on the heritage value of the heritage structure. The construction of the toilet facility does not involve any alterations or changes to the Whittlesea Court House. Additionally, the application proposes the retention of the existing fence along Church Street which contributes to the significance of a heritage place*.*

There is a strong emphasis on avoiding the demolition of a heritage building within the overlay. As discussed later in this report, the existing toilet facility is not considered a building of heritage value, therefore the guidelines are not relevant to the proposal.

**Zoning and Overlay Provisions**

**The land is within the following zones:**

*Public Use Zone*

The purpose of this zone is:

* *To recognise public land use for public utility and community services and facilities*
* *To provide for associated uses that are consistent with the intent of the public land reservation or purpose.*

Pursuant to Clause 36.01-1 a permit *is required Construct a building or construct or carry out works for any use in Section 2 of Clause 36.01-1.* The construction of service and utility undertaken by the Public Land Manager (City of Whittlesea) is listed under a Section 1 use. Therefore, a planning permit is not required under the zoning provision.

**The land is affected by the following overlays:**

*Heritage Overlay – Schedule 34*

The purpose of this overlay is:

* *To conserve and enhance heritage places of natural or cultural significance.*
* *To conserve and enhance those elements which contribute to the significance of heritage places.*
* *To ensure that development does not adversely affect the significance of heritage places*
* *To conserve specified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.*

Pursuant to Clause 43.01-1 a permit is required *to demolish or remove a building* and *Construct a building or construct and carry out works.*

Schedule 34 to this overlay relates specifically to the Whittlesea Court House. The Whittlesea Court House is listed in the National Heritage Trust Register while the single cell lockup also located on site is listed the within Victorian Heritage Database. There is no mention of the existing toilet facility within any heritage register and it does not hold any significance relative to the Court House. It was constructed sometime after 1972 and is inspired by architectural design of the 1960s and 70s reflecting the standard architecture of government amenity blocks constructed throughout Australia in the 50s and 60s.

The toilet facility has no clear association with any events, period or process within the municipality's history. Additionally, a heritage consultant valuated the building and concluded that the structure holds no historical significance relative to the site and surrounding areas when assessed against the criteria within Planning Practice Note 1 – *Applying the Heritage Overlay.* There is minimal historical association with existing toilet facility, therefore, the removal of it is unlikely to be of detriment to the historical significance of the site.

While it is important the new toilet facility does not imitate the heritage building, it must also not be striking in its appearance. It is proposed to construct the building using face brickwork with a Colourbond roof, providing a shell for an automated Exeloo Box beneath the eastern pitch of the roof, with a verandah beneath the western pitch. Materials, roof form and the small size of the amenities building provides context with the existing heritage buildings while allowing for clear interpretation of a new built form.

The new toilet facility covers a total area of 32.5sqm as opposed to the 40sqm currently occupied by the existing facility. Additionally, of this area 14sqm is open verandah and the new facility has been reorientated not to detract from the single cell lock up.

The new toilet facility is located further to the east improving views onto the courthouse from the streetscape and its modern design is unlikely to detract from the building. The facility is to be appropriately screened, with landscaping, located in the place of the existing facility further lowering its visibility from the streetscape, neighbouring properties and within the site. Additionally, the building has been sited with appropriate setbacks, so it does not impact on adjoining buildings.

The automated toilet facility will enhance maintenance efficiency, improve community safety, hygiene, and water consumption. The facility reduces vandalism through its durable galvanised heavy duty steel construction which incorporates high-grade stainless steel components along with improved lighting promoting passive surveillance. Furthermore, the new facility will improve community amenity with the inclusion of two public seating areas and two stainless steel bicycle racks.

The facility is proposed to operate during the hours of 6:00am – 8:00pm throughout the week, consistent with the current dawn to dusk operating hours.

Given there is no historical significance associated with the existing toilet facility, the location, scale and design of the new facility is considered appropriate when assessed against the relevant decision guidelines of Clause 43.01 of the Whittlesea Planning Scheme.

**Referral**

The application was referred to Council’s Contract Heritage Advisor to assess the accuracy of the submitted Heritage Report. Council’s Contract Heritage Advisor confirmed the information contained within the report was factually correct and supported the approval of the proposal.

**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**

On balance, it is considered that the proposal to demolish the existing toilet facility and construct a new toilet facility is consistent with the Heritage Overlay, the relevant Particular Provisions, and the decision guidelines of Clause 43.01 of the Whittlesea Planning Scheme. The proposed new self-cleaning automated toilet will ultimately improve the site and facility, while respecting the heritage elements within the site.

A recommendation for approval is based on the above assessment of the application against the relevant requirements of the Whittlesea Planning Scheme. It is therefore recommended that a Planning Permit be issued.

5.2.4 Proposed Planning Scheme Amendment: Application of Specific Controls Overlay at 105 Hunters Road, South Morang

**5.2.4 Proposed Planning Scheme Amendment: Application of Specific Controls Overlay at 105 Hunters Road, South Morang**

**Responsible Officer** Director Planning & Development

**Author** George Saisanas, Manager Strategic Futures

**In Attendance** Liam Wilkinson, Coordinator Strategic Planning & Economic Development

**Attachments**

1. Precinct Plan- 105 Hunters Road, South Morang [**5.2.4.1** - 1 page]
2. Proposed Special Control Overlay [**5.2.4.2** - 1 page]

**Purpose**

The purpose of this report is to commence a Planning Scheme Amendment process to facilitate the Aboriginal Gathering Place (AGP) in the Quarry Hills Regional Park. The proposed Amendment will apply a Specific Controls Overlay to the site at 105 Hunters Road, South Morang to permit the land to be used and developed as a gathering place.

**Brief Overview**

The delivery of an Aboriginal Gathering Place (AGP) is an important project for the City of Whittlesea and the Aboriginal community. The preferred location for the AGP has been identified at 105 Hunters Road, South Morang in the Quarry Hills Regional Park.

An amendment to the Whittlesea Planning Scheme Amendment is required to facilitate the project on the preferred site. It is proposed to apply a Special Controls Overlay (SCO) to the subject land which will permit use and development of the site for the AGP.

It is recommended that Council requests that the Minister for Planning expedite the Amendment process and prepare and approve the Amendment under section 20(4) of the Planning and Environment Act 1987, which is considered a ‘fast track’ process. This will remove the need for formal statutory notice being given on the Amendment and enable the controls to be implemented early to provide certainty in respect to the planning for the AGP and application to Federal and State Governments for funding in respect to the facility. It is noted that Council is planning to undertake communications and engagement with the local community on the proposed design of the AGP and service delivery at this location.

Should the Minister elect not to approve the Amendment under section 20(4) of the Planning and Environment Act 1987 its recommended that Council request authorisation from the Minister to prepare the Amendment.

**Recommendation**

**That Council:**

1. **Write to the Minister for Planning to request that the Minister prepare and approve an Amendment to the Whittlesea Planning Scheme pursuant to section 20(4) of the *Planning and Environment Act* 1987*,* to apply a Specific Controls Overlay to part of the land at 105 Hunters Road, South Morang to facilitate the use and development of the site for an Aboriginal Gathering Place;**
2. **In the circumstance that the Minister for Planning does not agree to prepare an Amendment to the Whittlesea Planning Scheme, that Council request authorisation from the Minister for Planning to prepare an Amendment to the Whittlesea Planning Scheme and;**
3. **request an exemption to the notice requirements under section 20(2) of the *Planning and Environment Act* 1987.**
4. **should the Minister for Planning not grant an exemption to the notice**  **requirements under section 20(2), that Council exhibit the Amendment in**  **accordance with section 19 of the *Planning and Environment Act 1987.***

**Key Information**

**Background**

With a growing Aboriginal and Torres Strait Islander population within the City of Whittlesea, a vital need for culturally appropriate services has been identified. The City of Whittlesea has the second largest population of Aboriginal residents in metropolitan Melbourne which has more than doubled in the last ten years.

After significant investigation and consultation, the provision of an AGP has been identified as integral to improving the health and wellbeing of the Aboriginal community.

The AGP project is an important project for Council and the community. The project scope for the AGP, includes the facility, car park and external spaces. A range of services will be delivered from the facility. After the review of multiple potential sites for the new Aboriginal Gathering Place, 105 Hunters Road, South Morang (also known as Quarry Hills Regional Parkland) has been endorsed as the preferred site for the AGP by Council.

The site is part of the Quarry Hills Regional Parkland which is zoned Rural Conservation Zone (RCZ) in part due to areas of significant environmental and landscape values. Under the Whittlesea Planning Scheme, the AGP is defined as a ‘place of assembly’ which is not a permissible land use in the RCZ. To facilitate the delivery of this project the AGP an amendment to the Planning Scheme is required to allow the project to proceed.

**Site Context**

The subject land at 105 Hunters Road, South Morang and proposed location for the AGP is shown in Attachment 1. The site is part of the Quarry Hills Regional Park which is a large park that encompasses the Quarry Hills and contains areas of environmental and cultural value.

The subject property is owned by Council and currently has an existing disused residential dwelling. The nearby shed within the park, known as ‘Habitat House’ is used as an environmental education centre and is a staging place for environmental programs. There is also an existing Yarra Valley water storage facility in proximity to the site.

The part of the land where the proposed AGP will be located (as shown in Attachment 1) is on an elevated plateau and benefits from its connection to the natural environment, surrounding views, opportunities for privacy and access to surrounding outdoor places that could support activities for a Gathering Place. This area is also considered suitable for a future facility due to its already disturbed ground and siting within the park. The existing gravel road will also need to be upgraded / widened to support vehicle access and services provided to the site.

There are some constraints to the subject site. The ultimate development of the AGP project may result in the removal of some existing vegetation and the site is also located within a bushfire prone area. These issues will be addressed as part of the detailed design and planning for the facility on the site.

**Planning Context**

The site at 105 Hunters Road, South Morang is currently affected by the following planning controls:

* Rural Conservation Zone – Schedule 1
* Heritage Overlay (HO124 and HO188)
* Significant Landscape Overlay – Schedule 2

The subject site is additionally affected by:

* A section 173 Agreement (which facilitated the land be transferred to Council as part of the Quarry Hills Regional Parkland)
* Designated bushfire prone area
* Part of the land is within an area of cultural heritage sensitivity.

Under the Victorian Planning Provisions Schedule 73.03 the AGP is characterised as a “Place of Assembly” and is defined as “land where people congregate for religious, spiritual or cultural activities, entertainment, or meetings”. A “Place of Assembly” is not permitted on the site under the existing controls. Therefore, either the land is required to be rezoned or a Special Control Overlay (SCO) applied to the site/part of the site to facilitate the project.

**Planning Scheme Amendment Proposal**

The proposed Amendment is to apply the Special Control Overlay (SCO) to part of the land at 105 Hunters Road, South Morang to the area indicatively shown in Attachment 2. The SCO is a bespoke planning tool that can be used to permit use and development on a site in extraordinary circumstances.

The SCO is considered the most appropriate tool in this circumstance as the existing Rural Conservation Zone (RCZ) is considered to be an appropriate zone given the surrounding context of the site and therefore rezoning is not preferred.

The preparation for the Amendment will include the drafting of an Incorporated Document by Council officers which will state the AGP is permitted on the subject land without the need for a planning permit. The Incorporated Document may also outline conditions to be complied with in respect to the proposed use and development.

A planning permit may be required for future buildings, works or native vegetation removal on the site (unless there is an exemption under the Whittlesea Planning Scheme or the under Incorporated Document).

In order to expedite the process, it is recommended that Council request that the Minister for Planning exercises powers on this matter and prepares and approves the Amendment under section 20(4) of the *Planning and Environment Act*. This would significantly ‘fast track’ the Amendment process by avoiding the need to give formal notice of the proposed Amendment. This would also provide greater certainty for the planning of the project and mitigate risks of delays.

The Minister has the ability to exercise powers on matters of state and regional significance. Given, the significance of the project to the broader Aboriginal community and the importance of facilitating its timely delivery (including applications for funding), it is considered that the project can meet this threshold.

Should the Minister choose not to exercise powers, it is recommended that Council request authorisation from the Minister to prepare and exhibit the Amendment either through a normal Planning Scheme Amendment process or with restricted notice under s20(2) of the Planning and Environment Act. It is noted that the community will be engaged as part of the AGP project regardless of whether formal notice is given.

**Community Consultation and Engagement**

There has been significant engagement with the local Aboriginal Community on the proposed AGP including through the preparation of the feasibility study and various governance and advisory groups which have overseen the project.

A Whittlesea Aboriginal Gathering Place Advisory Group (WAGPAG) which includes members of the local Aboriginal community, was established in 2021 to work in partnership with Council on this project including the intent to use the land for an AGP.

A comprehensive multi-phased communications and engagement approach that informs, consults and involves the Whittlesea community, WAGPAG and key stakeholders has been developed to enable the provision of feedback on design principles and the service delivery model of the Aboriginal Gathering Place.

Given community engagement processes undertaken and proposed in respect to the project and the existing Council resolution to support the Aboriginal Gathering Place at the Quarry Hills Park, it is considered that formal notice as part of this Amendment process is not necessary. Therefore, it is recommended that Council request a ‘fast track’ Amendment process which exempts formal notice being given as part of the Amendment noting the community engagement to be undertaken on the planning and design for the facility.

**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

The Planning Scheme Amendment aligns with the directions of Whittlesea 2040. The amendment will help facilitate the AGP which implements Councils Reconciliation Action Plan and will assist with fostering an inclusive, healthy, safe and welcoming community.

**Considerations**

**Planning Assessment**

Whittlesea Planning Policy

The Amendment is consistent with and implements the following planning policy:

* Clause 02.03-9 – Infrastructure – Community Facilities “Council aims to: Enhance community wellbeing through building social and physical infrastructure that facilitated community connections, [and] generates social capital.”

Comment: The facility will enhance social wellbeing particularly for the Aboriginal community.

* Clause 13.02-1 – Bushfire planning “to strengthen community resilience to bushfire and grassfire and protect environmental and cultural values.”

Comment: The site is in a Bushfire Prone Area. A bushfire management plan will be required to be prepared as part of the design phase to manage bushfire risk.

Ministerial Directions

The Amendment will be prepared considering the following ministerial directions:

* Ministerial Direction: The Form and Content of Planning Schemes
* Direction No. 11: Strategic Assessment of Amendment

Planning Practice notes

The Amendment documents will be prepared considering the following practice notes:

* PPN29: Ministerial Powers of Intervention in Planning and Heritage Matters
* PPN46: Strategic Assessment Guidelines

A Practitioner’s Guide to Victoria’s Planning Schemes

The Amendment controls will be drafted with reference to this guide.

City of Whittlesea Stretch Reconciliation Action Plan (2017-2020)

The Amendment supports the Action Plan item 1.11 – Gathering Place, which involves completing models of delivery and establishment of an Aboriginal Gathering Place.

Quarry Hills Bushland Park Master Plan

The subject site is located within the Quarry Hills Regional Parkland and the plans for the development will consider the Quarry Hills Bushland Park Master Plan. This includes consideration of the bushfire risks and native vegetation on site.

**Social and Environmental Impacts**

The Amendment will facilitate the AGP which will have significant social benefits particularly for the local Aboriginal community.

Environmental considerations including native vegetation, environmental sustainable design (ESD), bushfire risk will be considered in more detail as part of the design of the facility.

A Cultural Heritage Management Plan (CHMP) is also under preparation for the project.

**Discussion**

This Amendment seeks to facilitate the development of the AGP project in the most effective and timely manner.

The application of a SCO is considered the best tool to facilitate the project. The SCO is a flexible planning tool that can be used to permit use and/or development without the need the for a planning permit. This done via the drafting of an Incorporated Document.

The proposed Incorporated Document which is to accompany the SCO in this circumstance will allow the use and development of the site for the AGP without the need for a planning permit. This will streamline the approval process and provide greater certainty for the project post the Planning Scheme Amendment process.

The use of the SCO also avoids the need to rezone the site and ensures that it can be retained in the RCZ consistent with the environmental and landscape values of the site and the broader Quarry Hills Parklands.

In respect to Planning Scheme Amendments pathways, the request for the Minister to exercise powers under section 20(4) of the Planning and Environment Act is recommended as it is the best option to expedite the approval of the Amendment. It is considered that the projects meets the criteria for the Minister to exercise powers given the regional significance of the project.

Whilst, this process will avoid formal notice being given, the decision on the preferred location has already been endorsed by Council and consultation with the community is proposed as part of preparing plans for the proposed facility.

**Financial Implications**

The cost of preparing and resourcing the Amendment is covered in the current budget.

**Link to Strategic Risk**

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

The Planning Scheme Amendment is necessary to facilitate the AGP project. The AGP will be an important facility for the community and for community wellbeing.

**Strategic Risk** *Community and Stakeholder Engagement - Ineffective stakeholder engagement resulting in compromised community outcomes and/or non-achievement of Council's strategic direction*

Whilst formal notice is not proposed to be given as part of this Amendment process, broader communication and more direct consultation with residents and stakeholders will be undertaken as part of the AGP project. There has been significant engagement undertaken to date with key stakeholders in respect to the project and the location of the AGP.

**Implementation Strategy**

**Communication**

Given this is a statutory process communication will be in accordance with the statutory requirements of the Planning and Environment Act, should the Amendment be prepared and approved by Minister for Planning under 20(4) Planning and Environment Act there will be no formal notice given.

Communication to the community and stakeholders will be conducted by the project team in accordance with the Communication and Engagement Plan for the AGP project.

**Next Steps**

* Prepare Planning Scheme Amendment documentation including Incorporated Document.
* Submit proposed Planning Scheme Amendment documentation to Minister for Planning with request to prepare and approved Amendment under 20(4) Planning and Environment Act. Should a 20(4) ‘fast track’ Amendment not be supported, request authorisation from the Minister for Planning for Council to prepare the Amendment
* Whilst the Planning Scheme Amendment is underway continue to progress the planning and design for the AGP facility, including engagement with the community and key stakeholders.
* Finalisation and approval of plans / permits (if required) for buildings and works for proposed AGP facility, following completion of community engagement.

**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 AGP is an important project that will support the local and regional Aboriginal community. The proposed site for the facility is located in the Quarry Hills Regional Park at 105 Hunters Road, South Morang.

A planning scheme amendment is required to facilitate the project at this site. It is proposed to apply a Special Controls Overlay to the site (refer to Attachment 2) to permit the use and development of the site for an AGP.

Given the regional significance of the project and the need to provide certainty in respect to its location, it is recommended that Council request the Amendment be approved by the Minister for Planning via a ‘fast track’ process. This would limit formal notice as part of the Amendment noting that there will community engagement as part of the planning and design for the facility.

5.2.5 Domestic Animal Management Plan 2021-2025: Implementation of Cat Management Actions

**5.2.5 Domestic Animal Management Plan 2021-2025: Implementation of Cat Management Actions**

**Responsible Officer** Director Planning & Development

**Author** Debbie Blandford, Manager Compliance & Environmental Health

**In Attendance** Debbie Blandford, Manager Compliance & Environmental Health  
Ben Durant, Unit Manager Animal Management

**Attachments**

1. FINAL Cat Orders 20220712 (1) [**5.2.5.1** - 1 page]
2. Cat Management Engagement Findings Report FINAL 20220701 Counci [**5.2.5.2** - 64 pages]

**Purpose**

To present recommendations in relation to introducing cat confinement laws (a “cat curfew”) and mandatory cat desexing for newly registered cats.

**Brief Overview**

As an action arising from the Domestic Animal Management Plan 2021-2025, Council is considering the introduction of two key cat management initiatives:

1. Cat confinement laws (a “cat curfew”)
2. Mandatory cat desexing for newly registered cats.

This report presents recommendations in relation to both cat confinement laws and mandatory cat desexing. Proposed new laws are attached at Attachment 1.

The recommendations are based on consideration of cat welfare, environmental impact, feedback from recent community engagement, industry stakeholder feedback, benchmarking with other councils and Council’s ability to enforce the laws.

If either initiative is introduced, it is proposed that they come into effect on 1 August 2023 to allow sufficient time for Council to transition cat owners to the new requirements.

**Recommendation**

**That Council:**

1. **Write to participants to thank them for their submission on the cat management initiatives and advise of the outcome.**
2. **Make an Order under Section 25 of the Domestic Animals Act 1994 to introduce 24 hour cat confinement laws (a “cat curfew”) within the City of Whittlesea, taking effect from 1 August 2023 (in accordance with Attachment 5.2.5.1).**
3. **Under Section 10A of the Domestic Animals Act 1994, resolve that all cats being registered for the first time (new registrations) must be desexed, taking effect from 1 August 2023. Exemptions include any cat registered with the City of Whittlesea before 31 July 2023 and animals exempt under the Domestic Animals Act 1994 (in accordance with Attachment 5.2.5.1).**
4. **Develop and implement a 12 month transition plan to support the community to transition to the cat curfew and mandatory cat desexing on 1 August 2023.**

**Key Information**

Over the past 12 months, Council has undertaken benchmarking and significant community consultation relating to dogs and cats to help inform its Domestic Animal Management Plan 2021-2025.

An action arising from the Domestic Animal Management Plan was for Council to conduct specific community engagement regarding the potential introduction of two key cat management initiatives:

1. Cat confinement laws (a “cat curfew”)
2. Mandatory desexing for all newly registered cats.

Extensive community engagement was undertaken from March to May 2022 to obtain community feedback in relation to each of these proposals. More information about the engagement program is outlined further in this report.

**Cats in Whittlesea**

Since October 2017, 16,859 cats have been brought into the Epping Animal Welfare Facility. Of these, 8,810 (52%) have come from the City of Whittlesea, with the remaining 48% coming from two other council areas (Moreland and Darebin).

This compares to 6,688 dogs brought into the Facility in the same period, with 3,888 (58%) of these from the City of Whittlesea.

These figures indicate a significant issue with an overpopulation of cats within the City of Whittlesea.

Mandatory cat desexing and a cat curfew would complement the work already being undertaken by Council to address this issue, including:

* Offering subsidised cat desexing, including to pensioners and health care card holders
* A free cat trapping program
* An excess animal permit system to manage the number of cats per property, including assisting with cat hoarding issues.

**Cat Welfare and Impacts**

According to ‘[Safe Cat, Safe Wildlife](http://www.safecat.org.au/)’, a joint initiative of Zoos Victoria and RSPCA Victoria, one undesexed female cat and her female offspring can have over 2,000 kittens in two years.

Undesexed male cats can mate with multiple females and can be responsible for an even higher number of kittens in the same period.

With 60% of the City of Whittlesea comprising green wedge and rural areas, and an abundance of wildlife native to our municipality, it is timely for Council to consider introducing cat management initiatives to protect the welfare of both cats and local wildlife.

Keeping cats confined reduces the risk of cats:

* Sustaining traumatic injuries from cars and other animals
* Contracting common cat diseases such as cat flu, ringworm and Feline Immunodeficiency Virus (FIV)
* Being accidentally poisoned by toxic plants, pesticides or being bitten by snakes or spiders
* Getting lost
* Being exposed to extreme weather.

In addition to protecting our cats, there are also benefits for local wildlife. Around 46% of Australia’s endangered wildlife can be found in towns and cities (Ives et al. 2015), so it is important to consider wildlife in both an urban and rural context.

The City of Whittlesea is home to several species of wildlife which cats prey upon as natural hunters.

Some of the more common local wildlife at risk from cats include marsupials such as ringtail possums, sugar gliders and brush-tailed phascogales; reptiles such as lizards and skinks; and native birds.

‘Safe Cat, Safe Wildlife’ states that many unwanted cats and kittens are abandoned, which is a poor cat welfare outcome and also increases the threat to wildlife.

Introducing mandatory desexing in combination with cat confinement laws will result in fewer unwanted litters, which is a positive outcome for both cats and the local ecosystem.

**Community Engagement**

Throughout the community engagement process it was important to inform community members about how each of these proposed initiatives would work in practice if they were introduced so that their opinion was informed.

A total of 1,833 people participated in the engagement program. The full findings report is attached at Attachment 2.

***Cat Curfew***

Over 80% of participants supported the introduction of some form of cat curfew, including:

* 44.9% in favour of a 24 hour curfew
* 35.6% in favour of a dusk to dawn curfew
* 16.6% opposed a curfew.

A cat curfew would not require cats to be kept solely indoors but would require cat owners to keep their cats contained to their property or under effective control whilst outside their property, such as in a cat carrier/backpack, cat pram or on a leash. This is consistent with current rules related to dogs.

***Mandatory Cat Desexing***

Over 82% of respondents supported the introduction of mandatory cat desexing for newly registered cats, including:

* 64.1% supporting mandatory desexing
* 18.5% supporting mandatory desexing if the cost was subsidised
* 10.6% opposed mandatory cat desexing.

It is important to note that if mandatory desexing rules were implemented, these would not apply to cats already registered in the City of Whittlesea, but require newly registered cats to be desexed.

***Industry Expert Stakeholders***

Ten industry expert stakeholders were also surveyed to help inform Council to make its decision and balance industry expertise with community sentiment.

The industry stakeholders who participated in our interviews were:

* Cat Protection Society
* Merri Creek Management Committee
* Maneki Neko Cat Rescue
* Wildlife Victoria
* Brunswick Communities for Nature
* Bundoora/Mill Park Vets
* RSPCA
* Westside Community Desexing
* Second Chance Animal Rescue
* Darebin Creek Management Committee.

The interviews undertaken will also help inform Moreland City Council’s current cat consultation, hence some Moreland-based stakeholders were also interviewed.

A mix of veterinary practitioners, animal welfare and rescue groups, wildlife groups and environmental committees were chosen to ensure various perspectives and priorities were captured.

Industry stakeholders focussed on the need for long-term, community-wide solutions, along with measures that educate and support the community to be responsible pet owners and to transition to any new laws that may be introduced.

Stakeholders agreed that cat confinement laws would help to reduce the cat population to a manageable level and removing cats from native ecosystems is a positive step. They also provided feedback that whilst the proposed laws would assist in reducing impacts on native wildlife and natural areas, to fully protect native wildlife, council also needs to implement cat trapping programs in parkland areas.

**Benchmarking**

In addition to community engagement, benchmarking was also undertaken with each of the 79 Victorian councils, which found that:

* 10 councils have a 24 hour cat curfew
* 27 councils have a sunset to sunrise cat curfew
* 17 councils are considering introducing a cat curfew
* 25 councils do not have plans to introduce a curfew
* 24 councils have mandatory cat desexing.

It is noted that when the majority of these councils introduced cat confinement laws, euthanasia rates decreased, some by as much as 13%.

Of the 27 councils that currently have a sunset to sunrise curfew in place, 10 are currently considering extending their existing confinement laws to a 24 hour curfew.

Most recently, in early July 2022, Bass Coast Shire Council in Gippsland announced that they would transition from a sunset to sunrise curfew to a 24 hour curfew from 1 July 2023.

This decision was made as they have found that sunset to sunrise curfews are ineffective at addressing cat welfare, wildlife and nuisance concerns (such as trespassing cats and noise from cat fights) as these issues occur around the clock and are not exclusive to the night.

**Other Considerations**

Whilst there was more support for a 24 hour cat curfew, there was also significant support from our community for a sunset to sunrise curfew.

Introducing a sunset to sunrise curfew was considered, however as demonstrated by other councils, overnight curfews are ineffective at addressing cat and wildlife welfare issues and common nuisance complaints from the community.

A sunset to sunrise curfew would place additional operational burden on both Council officers and community members who report cats at large. For example, if a resident captured a cat in a Council cat trap, it is very difficult to prove whether the cat was captured before or after sunrise, particularly as the seasons change and daylight hours vary.

This additional complexity has proven to result in very unsatisfactory outcomes for residents in other council areas who are seeking action on cat issues.

The implementation of a 24 hour curfew would introduce consistent requirements for both dog and cat owners in that their pets must be securely confined to their property or under effective control when outside the owner’s property.

**Options and Impacts**

The following summarises the options, and the impacts of each option:

**Cat Curfew**

***Option 1 – No Curfew***

This option would retain the current status.

Under this model, it is expected that over 1,600 cats from the City of Whittlesea would continue to be impounded each year, with only 6 to 8% of these cats being reclaimed by their owners.

Over the past five years, over 5,300 cats (60%) impounded from the City of Whittlesea have needed to be rehomed, and over 2,300 cats (27%) were euthanised. The remaining cats were sent to foster carers or rescue groups. This model would continue to require Council to find a new homes for a large number of cats.

This model does not meet the expectations of the community, where 80% of people supported some type of cat curfew being introduced.

Cats would also continue to have their current impact on local wildlife.

***Option 2 – Sunset to Sunrise Cat Curfew***

It is expected that this model would introduce some improvement to the number of cats impounded and the impact cats have on native wildlife. A reduction in the number of cats impounded is also expected to result in a decrease in the number of cats euthanised in accordance with the experience of other councils that have introduced cat confinement laws.

However, as experienced by other councils, this model is extremely difficult to administer effectively, and could lead to further community frustration, and an additional operational burden. This is because proving the time of day when cats are at large is difficult and the two sets of rules for night and day often confuses the community.

This model maintains different responsibilities for dog and cat owners.

This was the community’s second preference behind a 24 hour cat curfew.

***Option 3 – 24 Hour Cat Curfew***

This model would have the biggest impact on both cat welfare and reducing the detrimental impacts cats can have on wildlife. This model would have a greater improvement than the dusk to dawn curfew option to the number of cats impounded and the impact cats have on native wildlife. A greater reduction in the number of cats impounded is also expected to result in a decrease in the number of cats euthanised in accordance with the experience of other councils that have introduced cat confinement laws.

It is a simpler, clearer model for the community to follow and avoids ambiguity when Council is trying to resolve nuisance cat issues.

Under this model, cats can still be outside either contained to the owner’s property, or outside the owner’s property if they are under effective control, such as on a cat harness, pram or backpack.

This model would introduce the same responsibilities for dog and cat owners in relation to securely confining pets.

**Mandatory Cat Desexing for New Registrations**

***Option 1 – No Change***

As per retaining the current status in regards to a cat curfew, this option would also result in over 1,600 cats from the City of Whittlesea being impounded each year, with very low reclaim rates.

The current overpopulation problem would not be resolved and it is expected the City would see an ever increasing number of semi-owned and feral cats.

The increasing number of cats would have a significant impact on local wildlife.

This model does not meet the expectations of the community, where 82% of people supported mandatory cat desexing being introduced.

***Option 2 – Mandatory Desexing for all Newly Registered Cats***

This model would have the biggest impact on the overpopulation of cats in the City of Whittlesea as it would limit the number of cats able to breed.

Currently, 95% of cats registered in the City of Whittlesea are desexed.

Mandatory cat desexing would complement the work already being done by Council to offer subsidised cat desexing, with a focus on lower socio-economic areas and areas where there is an abundance of ‘semi-owned’ cats to encourage the people feeding them to take full responsibility as pet owners.

In accordance with the State Government Domestic Animals Act 1994, there are exemptions to mandatory cat desexing that cannot be amended by Council and would remain in place if mandatory cat desexing is introduced. These are:

* A cat that is owned by a registered domestic animal business where the cat is used for breeding purposes in connection with that business.
* A cat that is the subject of written veterinary advice that the health of the cat is liable to be significantly impacted if it is desexed.
* A cat that is owned by a person who is a current member of an “applicable organisation” as determined by the State Government. Both the cat’s owner and cat must be members of an applicable organisation.

**Transitioning to New Laws**

If the proposal to introduce new cat management laws is adopted by Council, it is proposed that these are introduced from 1 August 2023.

This will enable a 12 month transition plan to be implemented which would include:

* A robust communications plan, including using information from Safe Cats, Safe Wildlife and sharing information and practical tips for how to transition cats to a confined lifestyle
* Promoting Council’s subsidised cat desexing program
* Exploring partnerships with community groups such as men’s sheds to produce   
   do-it-yourself cat enclosure workshops
* Producing videos with practical tips and advice from Council’s Animal Management Unit
* An educational approach to introducing the new laws rather than an enforcement approach.

**Community Consultation and Engagement**

In addition to the feedback obtained through the Domestic Animal Management Plan engagement, an extensive community engagement program was undertaken from March to May 2022 specifically relating to cat curfews and mandatory cat desexing, which included:

* Ten community pop-up stalls (344 participants), including:
  + South Morang Farmers Market, South Morang
  + March Council Meeting, Whittlesea township
  + Whittlesea Community Festival, South Morang
  + Westfield Plenty Valley, Mill Park
  + Pacific Epping Shopping Centre, Epping
  + Laurimar Town Centre, Doreen
  + Bundoora Square, Bundoora
  + May Road Shopping Centre, Lalor
  + The Stables Shopping Centre, Mill Park
  + Aurora Village, Epping North
* Ten industry stakeholder interviews, including with veterinary practitioners, animal welfare and rescue groups, wildlife groups and environmental committees
* An online survey (1,459 participants)
* An online question and answer session (20 participants).

Approximately 80 per cent of participants chose to engage via the online survey. Google Translate was added to the Engage Whittlesea platform to ensure that residents from culturally and linguistically diverse (CALD) communities could participate in their preferred language.

Based on postcode data collected from participants, the majority of responses came from residents of Doreen and Mernda (572 participants), followed by South Morang (231), Mill Park (224), Epping (200), Whittlesea, Kinglake West and Eden Park (119), Lalor (83), Thomastown and Wollert (73) and Bundoora (66).

The 45-59 year age group had the highest rate of participation with 538 participants (31%), followed by the 35-44 year age group with 489 participants (28%).

**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 cat management community engagement program was undertaken in accordance with Council’s Community Engagement Policy and in response to feedback obtained from the community whilst developing the Council’s Domestic Animal Management Plan 2021-2025.

**Considerations**

**Environmental**

If a cat curfew and mandatory cat desexing are introduced, it is anticipated to have a positive impact on the environment by helping to reduce the local overpopulation of cats and reducing the harm caused to wildlife as cats are natural hunters.

**Social, Cultural and Health**

If a cat curfew and mandatory cat desexing are introduced, it is anticipated that nuisance complaints from the community will decrease. The most common nuisance complaints Council receives regarding cats include trespassing cats, noise from cats fighting, roaming cats upsetting household pets and cat faeces being left in yards.

**Economic**

No implications

**Financial Implications**

The Cities of Whittlesea and Moreland jointly appointed Conversation Caravan to drive this engagement program. The total cost is $44,000, of which half will be borne by the City of Whittlesea.

Council currently offers subsidised cat desexing to encourage people to take ownership of ‘community’ cats that are often fed but not medically cared for. This program will continue in 2022/23, with a budget allocation of $24,000 which will allow for up to 240 cats to be desexed.

These costs have been included in the current budget.

Grant funding opportunities are also regularly available through the Victorian Government’s Animal Welfare Fund Grants Program to allow for increased subsidised desexing and Council will continue to apply for relevant government grants as they become available.

In addition to current subsidised cat desexing in the 2022/23 council budget, it is proposed to consider further subsidies as part of the preparation of the 2023/24 council budget.

**Link to Strategic Risk**

**Strategic Risk** *Community and Stakeholder Engagement - Ineffective stakeholder engagement resulting in compromised community outcomes and/or non-achievement of Council's strategic direction*

Whilst there are varying views on cat curfews and mandatory cat desexing, Council has given the community two opportunities to engage and provide feedback about these proposals.

Appointing engagement specialists to assist officers to run this engagement and analyse the feedback has assisted Council to effectively engage with our community on these issues.

**Implementation Strategy**

**Communication**

The outcomes of this decision will be communicated through Council’s Engage City of Whittlesea platform, directly to participants via email and through a variety of Council’s communication channels.

**Critical Dates**

* Throughout 2021 – Domestic Animal Management Plan consultation
* November 2021 – Domestic Animal Management Plan 2021-2025 adopted
* March to May 2022 – cat management community engagement pop-up stalls, online survey, online question and answer session and industry stakeholder interviews are undertaken
* July 2022 – Council to determine whether to proceed with a cat curfew and/or mandatory cat desexing
* July/August 2022 – outcome to be shared with participants and the broader community
* July 2022 to July 2023 – deliver a transition plan to assist cat owners to adjust to the new laws if adopted
* 1 August 2023 – the new laws will come into effect if either proposal is adopted

**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**

Whilst varying views on both the cat curfew and mandatory cat desexing exist within our community, the overwhelming majority support both of these initiatives being introduced.

There are several advantages to introducing both initiatives, including:

* Reducing the number of unwanted litters of kittens
* Protecting cats from harm from other cats, animals and traffic accidents
* Reducing the spread of feline disease
* Decreasing nuisance complaints regarding cats
* Protecting our local wildlife.

It is acknowledged that a strong plan would be needed to assist our community to transition their cats to any new laws. If the new laws are introduced, a 12 month transition plan would be implemented including a robust communications plan and practical support for cat owners.

**5.3 Strong Local Economy**

Nil reports

**5.4 Sustainable Environment**

Nil reports

**5.5 High Performing Organisation**

5.5.1 Unconfirmed Minutes of Audit & Risk Committee Meeting

**5.5.1 Unconfirmed Minutes of Audit & Risk Committee Meeting**

**Responsible Officer** Executive Manager Governance & Strategy

**Author** Nicole North-Vanner, Internal Assurance and Governance Advisor

**Attachments**

1. Audit\_\_ Risk Committee Meeting 26 May 2022 v 5 [**5.5.1.1** - 27 pages]

**Purpose**

To enable Council to have oversight and understanding of the Audit & Risk Committee operations and as required under Council’s Audit & Risk Committee Charter, this report presents the Unconfirmed Minutes of the Audit & Risk Committee meeting held on 26 May 2022.

**Recommendation**

**That Council note the unconfirmed minutes of the Audit & Risk Committee meeting held on 26 May 2022.**

**Key Information**

The Audit & Risk Committee is an independent advisory committee of Council and its role is to report to Council and provide appropriate advice and recommendations on matters presented to it. It acts in this capacity by monitoring, reviewing and advising on issues within its scope of responsibility and assisting Council’s governance obligations to its community.

**Audit & Risk Committee Meeting 26 May 2022**

The Audit & Risk Committee considered several reports at the meeting held on 26 May 2022 (Attachment 1), as well as confirming minutes from the previous meeting held on 25 November 2021.

Main agenda items included:

* CEO’s Update
* Corporate Performance Report for the Period Ended 31 March 2021
* Risk Management Update
* Internal Audit:
  + Internal Audit Status Report
  + Internal Audit Reviews
  + Outstanding Action Items from Internal and Compliance Audit Reports
  + Strategic Internal Audit Plan
* External Audit Interim Management Letter for the year ending 30 June 2022
* External Agency Examination of Business Continuity Planning
* Draft Asset Plans and Asset Management Plans

**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 establishment of the Audit & Risk Committee and the reports it receives are reflective of Council’s commitment to the implementation of good governance principles. The Committee provides advice to Council to assist in fulfilling its oversight responsibilities for the financial and non-financial reporting processes, internal controls, the audit process, risk management and Council’s process for monitoring compliance with legislation and regulations and the Code of Conduct.

**Link to Strategic Risk**

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

The Audit & Risk Committee assists Council in monitoring its governance requirements and provides advice to Council to assist with fulfilling its oversight responsibilities.

**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 Audit & Risk Committee met on 26 May 2022. The unconfirmed minutes of that meeting are attached to this report for noting by Council.

5.5.2 Governance Rules Review

**5.5.2 Governance Rules Review**

**Responsible Officer** Executive Manager Governance and Strategy

**Author** Nicole North-Vanner, Internal Assurance and Governance Advisor

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

**Attachments**

1. DRAFT Governance Rules REVIEW 2022 v2 [**2.9.1** - 44 pages]

**Purpose**

The *Regulatory Legislation Amendment (Reform) Act 2022* introduces new provisions into the *Local Government Act 2020* requiring Council Governance Rules (the Rules) to include procedures relating to virtual meetings. Accordingly, the Rules were reviewed to include rules enabling virtual meetings, and in addition, they were refreshed to make them easier to understand.

**Brief Overview**

The *Governance Rules* detail the way in which Council Meetings are conducted, decisions are made and communicated and elections of Mayor and Deputy Mayor are managed.

The current *Governance Rules 2021* were approved by Council on 1 June 2021 and commenced operation on 2 June 2021. At the time of endorsement Council also confirmed that a review of the Governance Rules would be conducted by July 2022. This review enabled the opportunity to create an entirely new ‘user friendly’ document. The reviewed rulesincrease access and understanding for all stakeholders including community, Council Officers and Councillors (in preparation for the 2024 general election).

Plain English and gender-neutral language has been used to demystify Council Meeting procedures, and incorporates:

* The addition of reasonable adjustments to enable participation for Councillors and community members
* Provisions to accommodate virtual meetings, including the process for Council to request and record attendance virtually
* Acknowledgement of traditional owners
* A diversity governance statement in line with Council’s vision: A place for all, (this will be stated instead of the prayer)
* Non gender specific references
* Rules detailing the process for the election of Mayor and Deputy Mayor including direction on how to determine the elected candidate when two or more candidates have equal votes.

**Recommendation**

**That Council:**

1. **Endorse the updated Governance Rules for community consultation from 25 July 2022 until 21 August 2022.**
2. **Consider the feedback from the community consultation on the revised Governance Rules for adoption in September 2022.**

**Key Information**

The Governance Rules detail Council decision-making processes including, how Council Meetings are conducted, how decisions are made and communicated, and how the elections of Mayor and Deputy Mayor are managed.

The Governance Rules in Attachment 1, have been revised to include:

* Non gender specific references
* The addition of reasonable adjustments to enable participation to ensure all our Community have fair and equal access to participate in Council processes.

This includes making reasonable adjustments for Council participation, where required, as well as for the Community. Assistance may include physical assistance and/or translation services. The Governance Rules will be supported by internal Protocols to support access and engagement.

* Clearer language for better community understanding and practices
* A commitment to review the Rules within 12 months following a general election
* Acknowledgement of traditional owners and diversity governance statement. Previous versions of the Rules included that minutes would record if a prayer, good governance pledge or reconciliation statement was read at the Meeting. Past practice has been that the Chair reads an acknowledgement of traditional owners statement and a religious prayer is read by the CEO, praying for blessing to make informed and good decisions. The new version proposes to embed the following:
* Acknowledgement of traditional owners
* A diversity governance statement in line with Council’s vision: A place for all.
* Rules to detail the process for the Election of Mayor and Deputy Mayor (if any)
* Provisions for virtual meetings, including:
* Voting methods
* Provision for the CEO to change the meeting to a virtual platform when deemed necessary
* Process for Councillors to request attendance via a virtual platform
* Method for approval of Councillor attendance at a Council Meeting virtually
* Public Question Time
* Provision for the CEO to read a public question when the person who has submitted the question is unable to
* Allowance for public question time to be extended (at the discretion of Council) for up to 30 minutes
* Public statements as well as public questions being able to be read at a Council Meeting.
* Priority given to questions received by 12pm on the day of a meeting (adjusted from up until the start of the meeting). This will allow time for Council Officers to provide appropriate background information
* Procedures for accommodating more than two questions or statements per person
* Questions to be dealt with on an On Notice basis only where the entire question and appropriate contact details have been provided in writing. Incomplete questions will not to be prioritised during public question time.
* Petitions and Joint Letters
* Ability for the CEO and Chairperson to reject Petitions and Joint Letters that are matters outside Council jurisdiction
* Ability to address petitions in conjunction with a related Agenda Item;
* Direction that no motion is to be made on a petition, or joint letter until (at least) the next Council meeting after that at which it was presented – with the exception of those that Council agrees to consider in conjunction with a current, relevant Agenda item
* Definitions of Meeting Roles to assist the community and new Councillors to understand the role of participants at the Council Meeting
* Method for documenting apologies and absences in the Council Meeting minutes to ensure that Councillor attendance is recorded accurately.

**Community Consultation and Engagement**

There was significant community consultation undertaken in early 2021 which was considered prior to endorsing the *Governance Rules 2021.*

The Whittlesea Interfaith Network was consulted on 22 June 2022 to obtain their feedback on moving from stating a prayer to stating a diversity statement at Council Meetings. The Whittlesea Interfaith Network supported the proposal of a governance and diversity statement with inclusion of reference to diverse cultures, faiths and beliefs. The Whittlesea Interfaith Network will be consulted again on the proposed wording during the community consultation period.

The community will be invited to provide feedback on the Governance Rules during a four-week period commencing in late July. The Community will have the opportunity to have their say via Council’s communication channels.

In addition to the consultation outlined above, various community groups; including the Whittlesea Disability Network, Whittlesea Multicultural Network and the Youth Advisory Group will be consulted to promote engagement and participation in Council decision making processes.

**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.

Clear *Governance Rules* promote effective management of Council Meetings and decision- making processes and de-mystify proceedings, enabling community participation.

**Considerations**

**Environmental**

No implications

**Social, Cultural and Health**

The amended Rules will facilitate Council Meetings and improve community access and understanding.

**Economic**

No implications

**Financial Implications**

Any costs associated with amending the *Governance Rules* are covered in the existing Council operating budget.

**Link to Strategic Risk**

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

The efficiency and effectiveness of decision-making processes, especially during Council Meetings would be affected if Council fails to regularly review the Governance Rules. Council may be found in breach of legislative requirements if it fails to regularly review for changes in legislation that relate to the Governance Rules.

**Implementation Strategy**

**Communication**

If endorsed, community consultation will be undertaken on the Governance Rules, including the key changes to embedding the diversity statement, additional adjustments to improve access to Council for the community and consideration of processes for virtual meetings.

Council’s communication channels will be used and community groups including the Whittlesea Disability Network, Whittlesea Interfaith Network, Whittlesea Multicultural Network and Youth Advisory Group; will be engaged to obtain feedback during the consultation period.

**Critical Dates**

If endorsed by Council, community consultation will be undertaken for the period 25 July 2022 until 21 August 2022.

Following the consultation period and consideration of community feedback, it is planned for a final updated version of the Governance Rules to be brought to the 19 September 2022 Council Meeting for adoption.

**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 Council endorse the updated *Governance Rules* as contained in Attachment 1 for community consultation.

**6 Notices of Motion**

Nil Notices of Motion

**7 Urgent Business**

Nil 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**

Nil Reports

**9.2 Confidential Liveable Neighbourhoods**

Nil Reports

**9.3 Confidential Strong Local Economy**

Nil Reports

**9.4 Confidential Sustainable Environment**

Nil Reports

**9.5 Confidential High Performing Organisation**

9.5.1 Contracts 2020-2 Facilities Variation Contract Update

**9.5.1 Contracts 2020-2 Facilities Variation Contract Update**

**Responsible Officer** Director Infrastructure & Environment

**Author** Jim Karabinis, Manager Assets & Facilities

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

This report has been designated as confidential by the Director 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 report contains information regarding information classified as Commercial in Confidence as it includes contract pricing at time of tender.

**9.6 Confidential Notices of Motion**

Nil Confidential Notices of Motion

**12 Closure**

1. Slattery, *Mernda Aquatic & Indoor Sports Centre Peer Review REV 2*, June 2022 [↑](#footnote-ref-1)
2. Victorian Population Health Survey, 2017, *Dashboard, selected results and quick statistics for local government areas and time series data (2015-2017), LGA Snapshot.* [↑](#footnote-ref-2)
3. Boston Consulting Group, 2017, *Intergenerational review of Australian sport.*  [↑](#footnote-ref-3)
4. KPMG, 2020*, The value of community sport and active recreation infrastructure*. [↑](#footnote-ref-4)
5. ActiveXchange is a consultancy that specialises in capturing and analysing sport and leisure data. Their Social Value Model used for the business case quantifies the social impact of community infrastructure. [↑](#footnote-ref-5)
6. Marcum Accountants and Advisors, *Cost Inflation: Construction Costs and the COVID-19 Pandemic,* October 2021 [↑](#footnote-ref-6)
7. Australian Financial Review, June 2022 [↑](#footnote-ref-7)
8. Slattery, *Mernda Aquatic & Indoor Sports Centre Peer Review REV 2*, June 2022 [↑](#footnote-ref-8)
9. BCG, *The Role of Infrastructure Stimulus in the COVID-19 Recovery and Beyond*, September 2020 [↑](#footnote-ref-9)
10. Slattery, *Mernda Aquatic & Indoor Sports Centre Peer Review REV 2*, June 2022 [↑](#footnote-ref-10)
11. The December 2021 and June 2022 estimates costed the same project elements (i.e. both adopted the same inclusions and exclusions). When not taking escalation into consideration, the variance between the December 2020 and July 2021 cost estimates was negligible (i.e., 1 per cent). The increase in cost between the two estimates is only due to escalation in the construction industry. [↑](#footnote-ref-11)
12. Slattery, *Mernda Aquatic & Indoor Sports Centre Peer Review REV 2*, June 2022 [↑](#footnote-ref-12)