

# Minutes

Scheduled Council Meeting

Monday 18 July 2022, commencing at 6:30 pm

In accordance with section 394 of the Local Government Act 2020 this meeting was held remotely online via Zoom and livestreamed via Council's website.

# 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

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## **1 Opening**

### **1.1 Meeting Opening and Introductions**

The Chair of Council, Lydia Wilson opened the meeting and introduced 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 introduced 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 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 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**

**Members:**

Ms Lydia Wilson Chair of Council

Ms Peita Duncan Administrator

Mr Chris Eddy Administrator

**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

## 2 Declarations of Conflict of Interest

Nil Declarations

## 3 Confirmation of Minutes of Previous Meeting/s

### COUNCIL RESOLUTION

**Moved:** Administrator Peita Duncan

**Seconded:** Administrator Chris Eddy

**THAT the following Minutes of the preceding meeting as circulated, be confirmed:  
Scheduled Meeting of Council 27 June 2022.**

**CARRIED**

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

### **4.1 Public Question Time**

#### **4.1.1 Public Question - Litter issues at Parks and Mill Park Soccer Club**

##### **Thomas Watkins of Lalor**

**Question 1:** “Over the past 12 months, I have submitted 9 complaints to Council (via Snap Send Solve and email) regarding litter issues at parks in the LGA. Littering and rubbish issues are only getting worse. What is Council doing to address litter at our parks, and why do I have to continually make complaints with no response or action?”

**Question 2:** “I have written to Council many times, and previously asked a question at a Council meeting regarding extensive litter issues after Mill Park Soccer Club events at Partridge Street Reserve in Lalor. The only time Council has done anything about this is when I contacted a local member of parliament. Why do residents have to get in touch with local members of parliament before council takes their concerns seriously?”

##### **Chief Executive Officer, Craig Lloyd**

“Dumped rubbish and litter is part of a wider community issue that Council is trying to address across the municipality. Council has recently introduced a new litter enforcement team which will work with the community to identify litter hot spots and use a range of methods including the use of cameras to investigate and track where the rubbish has come from.

“Reporting of dumped rubbish can be made via our website [whittlesea.vic.gov.au/litter](http://whittlesea.vic.gov.au/litter) or by calling 9217 2170.

“People caught dumping rubbish face fines of up to \$1,817 for individuals and \$9,087 for companies.

“We also work with local sporting clubs, reminding them of their responsibility to ensure their members and guests keep the sites clean and litter free following matches and training.

“In addition, we are developing an overall bin policy to review rubbish and recycling bins in our parks and open space as well as considering the upsizing of some of our small bins.

“In regards to your question about contacting Council, we do take customer enquiries seriously and are certainly happy to follow this particular issue up for you to ensure you receive a response.”

Council Officers will contact Mr Watkins to arrange a meeting to discuss his concerns.



#### 4.1.2 Public Question - Facilities and Infrastructure for Epping North/Wollert

**Mr Nick Brain of Epping**

“Council has:

- No plans to build a community sporting facility or public library, of any scale, in the Epping North/Wollert area for nearly a decade.
- Done no work to understand how residents without access to private transport could utilise the proposed Mernda Megaproject.

“How long does council expect local residents and ratepayers in Epping North/ Wollert to put up with being deprived of vital community facilities, whilst cross subsidising infrastructure plans that do not practically factor in their needs?”

**Chief Executive Officer, Craig Lloyd**

“Council is very aware of the challenges of building timely community infrastructure right across the municipality.

“Ensuring Council is able to continue to deliver on its capital works program for all areas in the City of Whittlesea has been a major driver of the recommendation to stage the delivery of the Regional Sports and Aquatic Facility at Mernda in the report being presented for Council’s consideration this evening.

“Council is currently developing its Long-Term Community Infrastructure Strategy to ensure we have a pipeline of community infrastructure projects ready to deliver over the next 20 years. The Strategy will be underpinned by several principles, including projects being equitable across Council’s established, growth and rural areas. We will review the timing of some of the community infrastructure as we develop the strategy and adjust it where required and feasible within Council’s budget.

“As discussed at a meeting with Mr Brain and officers in July this year, disjointed land development and therefore access to land identified for community facilities is a challenge in the Epping North/Wollert East corridor and will impact the timing of delivery.

“Planning and feasibility for several key community and recreation facilities is scheduled to commence in the next 5 years, including the Epping North Library, a new Community Centre east of Epping Rd and an AFL/Tennis/Cricket facility in Edgars Creek. In addition, the replacement of tennis court surfaces at Epping Recreation Reserve is scheduled for 2025 and the Epping Central information and Learning Hub feasibility study will be undertaken in 2029.

“Council welcomes the opportunity for on-going discussion on these issues as we progress the Long-Term Community Infrastructure Strategy over the next 12 months.

“With regards to transport options, Council regularly meets with the Victorian Government’s Department of Transport to advocate for improvements to bus services within the municipality, especially in the municipality’s growth corridor.

“Council will continue this partnership to ensure best outcomes for our community including reviewing whether additional services will be required to improve access to the Regional Sports and Aquatic Facility from Epping/Wollert. Currently there is one service route that runs between Craigieburn Station and Mernda Station.

“A fully connected shared path network from Mernda station to the Mernda Regional Aquatic Centre will be completed as part of Bridge Inn Road duplication and Everton Drive/Plenty Road Intersection projects, allowing for active travel.

“Once Everton Drive/Plenty Road intersection is completed, it would also provide an opportunity for Council to advocate for bus services along Everton Drive providing direct connection to the Regional Sports and Aquatic Facility in Mernda.”

### **4.1.3 Public Submission - Bindts Road Discontinuance Harvest Home Road to Lehmanns Road**

#### **Ms Doretta Belot**

Ms Belot raised the following concerns:

- Could Bindts Road be closed completely or, if the north end of Bindts Road were to remain open, dust is a big issue. How will Council maintain the road?
- There is a single lane bridge and rise in the road, will the Road be updated?
- When Epping road is being upgraded, how will traffic be managed as there is already a lot of traffic coming through?
- Can the South End of Bindts Road remain open as drivers are coming through the housing estate to get from Findon Road to Lehmanns Road?
- When there is significant traffic the dust is disturbed and effects visibility and settles on Ms Belot's roof and into the property's water tank.

**Council will consider public submissions in relation to this matter later in the meeting at item 5.2.2**

#### **4.2 Petitions**

Nil Petitions

### 4.3 Joint Letters

#### 4.3.1 Joint Letter - Request for the Removal of Street Trees in University Hill Estate, Bundoora.

A joint letter has been received from five residents requesting the removal of Eucalypt Gum trees in Linacre Drive, Bundoora and the replacement with Manna Ash trees. This joint letter was received on the 15 July, 2022.

Mr Michael Elzanaty attempted to join the meeting to present the Joint Letter, however, was unsuccessful in connecting to the meeting. It was proposed that Mr Elzanaty be invited to speak at a later Council meeting while the subject is still under consideration.

#### **COUNCIL RESOLUTION**

**Moved:** *Chairperson Lydia Wilson*

**Seconded:** *Administrator Chris Eddy*

**THAT Council receive the joint letter and that a final report be presented to Council at its meeting on 17 October 2022.**

**CARRIED**

## 5 Officers' Reports

### 5.1 Connected Communities

#### 5.1.1 Aboriginal Gathering Place Business Case

<b>Responsible Officer</b>	Director Community Wellbeing
<b>Author</b>	Toni Mason, Manager Aboriginal & Cultural Diversity Agata Chmielewski, Manager Strategic Projects Stephanie Ristevska, Integrated Policy and Strategy Officer
<b>In Attendance</b>	Toni Mason, Manager Aboriginal & Cultural Diversity

#### 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.

## 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:
  - a. Option Two 'Foundational Facility' (Table 1 of this report).
  - b. An indicative phased governance and operation plan (Figure 2 of this report).
3. 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.
4. 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.
5. 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.
6. 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.

## COUNCIL RESOLUTION

**Moved:** Administrator Peita Duncan

**Seconded:** Chairperson Lydia Wilson

**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:**
  - a) **Option Two 'Foundational Facility' of approx. 650sqm (Table 1 of this report).**
  - b) **An indicative phased governance and operation plan (Figure 2 of this report).**
3. **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.**

- 4. 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 government co-contribution towards the construction of the facility.**
- 5. 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.**
- 6. 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.**

**CARRIED**

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

<b>Responsible Officer</b>	Director Customer & Corporate Services
<b>Author</b>	Amanda Reed, Coordinator Capital Programming and Reporting
<b>In Attendance</b>	Amanda Reed, Coordinator Capital Programming and Reporting

#### 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.

#### 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;**
  - a. Aboriginal Gathering Place, \$5,000,000
  - b. Whittlesea Township Park, \$500,000
  - c. Atrium Reserve at Quarry Hills Regional Parklands, \$500,000
  - d. Epping Community Services Hub Upgrade, \$375,000
  - e. Riverside Reserve Community Activity Centre and Reserve Upgrade, \$500,000
  - f. Community Energy Transition Program, \$250,000
  - g. 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;**
  - a. Doreen Dirt Jumps, \$300,000
  - b. Mill Park Reserve Softball and Baseball Practice Nets \$180,000
  - c. Master planning of three sites; Ashley Park, Edgars Creek and Alkira Blvd (SR03) Recreation Reserves, \$40,000

#### COUNCIL RESOLUTION

**Moved:** Administrator Chris Eddy  
**Seconded:** Administrator Peita Duncan

**THAT Council adopt the recommendation for 2022-23 Growing Suburbs Fund & Local Sports Infrastructure Fund.**

**CARRIED**



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

<b>Responsible Officer</b>	Director Community Wellbeing
<b>Author</b>	Agata Chmielewski, Manager Strategic Projects
<b>In Attendance</b>	Agata Chmielewski, Manager Strategic Projects

#### 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<sup>1</sup> (**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.

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<sup>1</sup> Slattery, *Mernda Aquatic & Indoor Sports Centre Peer Review REV 2*, June 2022

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.

### 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.

Chair of Council approved an additional two minutes extension of speaking time for Ms Agata Chmielewski

#### COUNCIL RESOLUTION

**Moved:** Chairperson Lydia Wilson

**Seconded:** Administrator Chris Eddy

**THAT Council adopt the recommendation for Regional Sports and Aquatic Centre at Mernda Business Case.**

**CARRIED**

#### COUNCIL RESOLUTION

**Moved:** Administrator Chris Eddy

**Seconded:** Administrator Peita Duncan

**THAT Council approve an extension of time for Chairperson Lydia Wilson to speak to the item 5.1.3**

**CARRIED**

## 5.2 Liveable Neighborhoods

### 5.2.1 2022-19 Drainage Maintenance and Reinstatement

<b>Responsible Officer</b>	Director Infrastructure & Environment
<b>Author</b>	Samuel Beshai, Senior Infrastructure Engineer
<b>In Attendance</b>	Samuel Beshai, Senior Infrastructure Engineer

#### 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)

#### 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.**
2. **Approve the funding arrangements detailed in the confidential attachment.**

#### COUNCIL RESOLUTION

**Moved:** Administrator Peita Duncan

**Seconded:** Administrator Chris Eddy

**THAT Council adopt the recommendation for 2022-19 Drainage Maintenance and Reinstatement.**

**CARRIED**

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

<b>Responsible Officer</b>	Director Infrastructure & Environment
<b>Author</b>	Paul Diffey, Project Manager
<b>In Attendance</b>	Arashdeep Singh, Manager Urban Design & Transport Paul Diffey, Project Manager

### Purpose

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

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.

## COUNCIL RESOLUTION

**Moved:** *Chairperson Lydia Wilson*

**Seconded:** *Administrator Chris Eddy*

**THAT Council adopt the recommendation for Bindts Road Discontinuance Harvest Home Road to Lehmanns Road.**

**CARRIED**

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

<b>Responsible Officer</b>	Director Planning & Development
<b>Author</b>	Lachlan Yuill, Planning Officer
<b>In Attendance</b>	Lachlan Yuill, Planning Officer

<b>Applicant</b>	<b>City of Whittlesea</b>
<b>Zoning</b>	<b>Public Use Zone 7 – Other Public Use</b>
<b>Overlay</b>	<b>Heritage Overlay Schedule 34</b>
<b>Referral</b>	<b>N/A</b>
<b>Objections</b>	<b>One objection</b>

#### 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.

## 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 29<sup>th</sup> November 2021 and prepared by Architecture and Access (Aust) Pty Ltd but modified to show:
  - a. Colour and material schedule to the satisfaction of the Responsible Authority.****

### **Layout Not Altered**

- 2. 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.**
- 3. 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.**
- 4. 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.**
- 5. All batters resulting from excavation or filling shall be properly stabilised and vegetated to prevent erosion.**
- 6. Outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect to adjoining land.**
- 7. 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.**
- 8. The operational hours of the toilet facility are restricted to the following hours:
  - a. Monday – Sunday: 6:00am – 8:00pm****
- 9. 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.**



10. 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 overflows onto adjoining land. Prior to occupation and/or use of the building, all litter shall be completely removed from the site.

**Permit Expiry**

11. In accordance with the Planning and Environment Act 1987 a permit for the use and development expires if:
- (a) the development is not commenced within two years after the issue of the permit; or
  - (b) 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.

**COUNCIL RESOLUTION**

**Moved:** Administrator Peita Duncan

**Seconded:** Administrator Chris Eddy

**THAT Council adopt the recommendation for 74A Church Street Whittlesea - Demolition in Heritage Overlay.**

**CARRIED**

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

<b>Responsible Officer</b>	Director Planning & Development
<b>Author</b>	George Saisanas, Manager Strategic Futures
<b>In Attendance</b>	George Saisanas, Manager Strategic Futures

### 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.

### 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;
  - a) request an exemption to the notice requirements under section 20(2) of the *Planning and Environment Act 1987*.
  - b) 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*.

### COUNCIL RESOLUTION

**Moved:** Administrator Chris Eddy  
**Seconded:** Administrator Peita Duncan

**THAT Council adopt the recommendation for Proposed Planning Scheme Amendment: Application of Specific Controls Overlay at 105 Hunters Road, South Morang.**

**CARRIED**

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

<b>Responsible Officer</b>	Director Planning & Development
<b>Author</b>	Debbie Blandford, Manager Compliance & Environmental Health
<b>In Attendance</b>	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 Council [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.

### 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.

## COUNCIL RESOLUTION

**Moved:** Chairperson Lydia Wilson

**Seconded:** Administrator Chris Eddy

**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.
5. The 12 Month Transition Plan to come back to Council by the October 2022 Council meeting including full details of the proposed communication plan, practical support initiatives and educational activities and associated resourcing requirements and advice from those Councils that have already implemented 24 hour cat curfews.
6. Request the CEO to write to his counterparts at all abutting municipalities advising them of Council’s resolutions in relation to cat confinement and mandatory cat desexing and seeking to work co-operatively in relation to potential joint approaches.

**CARRIED**

### 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

**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.**

#### COUNCIL RESOLUTION

**Moved:** Administrator Chris Eddy

**Seconded:** Chairperson Lydia Wilson

**THAT Council adopt the recommendation for Unconfirmed Minutes of Audit & Risk Committee Meeting.**

**CARRIED**

## 5.5.2 Governance Rules Review

<b>Responsible Officer</b>	Executive Manager Governance and Strategy
<b>Author</b>	Nicole North-Vanner, Internal Assurance and Governance Advisor
<b>In Attendance</b>	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.

### 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.

### COUNCIL RESOLUTION

**Moved:** Chairperson Lydia Wilson

**Seconded:** Administrator Peita Duncan

**THAT Council adopt the recommendation for Governance Rules Review.**

**CARRIED**

## **6 Notices of Motion**

Nil Notices of Motion

## **7 Urgent Business**

Nil Urgent Business

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

### **8.1 Administrator Peita Duncan Report**

Administrator Duncan's report was provided verbally at the 18 July 2022 Scheduled Council Meeting. Since the last Council Meeting, Administrator Duncan attended:

- Community meeting at Barry Road Community Centre
- Epping Views Family & Children's Centre
- Epping Memorial Hall
- Epping Community Services Hub for 1 year celebration of being the coordinators of this Hub

### **8.2 Administrator Chris Eddy Report**

Administrator Eddy's report was provided verbally at the 18 July 2022 Scheduled Council Meeting. Mr Eddy noted his absence at the June Scheduled Council Meeting due to illness. Since the May Council Meeting, Administrator Eddy attended:

- National General Assembly in Canberra, Meeting the new Federal Minister for Local Government, The Hon. Kristy McBain MP
- Coffee with Council at Doreen
- Citizenship Ceremony on 12 July 2022, standing in for Chair of Council

### **8.3 Chair of Council, Lydia Wilson Report**

Chairperson Wilson's report was provided verbally at the 18 July 2022 Scheduled Council Meeting. Since the last Council Meeting, Chairperson Wilson attended:

- Yarra Plenty Regional Library Corporation CEO Employment Matters Sub-Committee
- Chaired the Finance Audit and Risk Sub Committee of Whittlesea Community Connections
- An ABC Radio interview with Waleed Aly during the 'Meet Your Mayor' segment
- Site visits already mentioned by Administrator Duncan
- NAIDOC week celebrations at Council

#### **8.4 Chief Executive Officer, Craig Lloyd Update 18 July 2022**

The Chief Executive Officer's report was provided verbally at the 18 July 2022 Scheduled Council Meeting.

The Chief Executive Officer provided an update on the current COVID situation, noting the following:

- There has been a significant increase in case numbers and modelling suggests a further significant increase over the next four to five weeks
- City of Whittlesea are sitting in the 4th position in municipality rankings for the highest number of cases
- Has the second lowest 3rd vaccine rate in the state at 64%
- Highest hospitalisation rate of all councils
- 3rd highest death rate of any municipality in the state
- State government is leading a new drive to encourage vaccines
- Wearing masks is encouraged in settings where the 1.5m distancing cannot be maintained, such as working in close proximity, out shopping etc.
- Health services are under considerable strain
- Government has announced an expansion of the virtual Emergency Department service which can be accessed in order to receive advice as to whether it is appropriate for a person who is ill to attend the Emergency Department or their GP.

The Chief Executive Officer advised that news had just been received that, at the Australian Reporting Awards held 18 July 2022, the City of Whittlesea has been awarded a Silver award for our 20-21 Annual Report. This is the first time Council has entered this competition.



## 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.**

### COUNCIL RESOLUTION

**Moved:** Administrator Peita Duncan

**Seconded:** Administrator Chris Eddy

**THAT Council adopt the recommendation for Close Meeting to the Public.**

**CARRIED**

#### 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

<b>Responsible Officer</b>	Director Infrastructure & Environment
<b>Author</b>	Jim Karabinis, Manager Assets & Facilities
<b>In Attendance</b>	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.

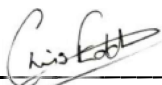
### 9.6 Confidential Notices of Motion

Nil Confidential Notices of Motion

## 12 Closure

There being no further business the Chair of Council closed the Scheduled Council Meeting 18 July 2022 at 9:02 PM.

Confirmed this 15<sup>th</sup> day of August 2022



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**Chris Eddy**  
**Administrator**