

# Agenda

Scheduled Council Meeting

Tuesday 19 September 2023 at 6:30 pm

You are advised that a Meeting of Council has been called by the Chief Executive Officer on Tuesday 19 September 2023 at 6:30 pm for the transaction of the following business.

This meeting will be held in the Council Chamber at Civic Centre, 25 Ferres Boulevard, South Morang and will be [livestreamed via Council's website](#).

**C Lloyd**  
Chief Executive Officer

# Administrators

Lydia Wilson	Chair of Council
Peita Duncan	Administrator
Christian Zahra AM	Administrator

On 19 June 2020 the Acting Minister for Local Government appointed the Panel of Administrators for the City of Whittlesea and appointed Lydia Wilson as Chair of the Panel. The Panel of Administrators comprises of Lydia Wilson, Peita Duncan and Christian Zahra 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
Agata Chmielewski	Director Community Wellbeing
Sarah Renner	Director Customer & Corporate Services
Debbie Wood	Director Infrastructure & Environment
Frank Joyce	Executive Manager Strategy & Insights
Janine Morgan	Executive Manager Public Affairs
Jacinta Stevens	Executive Manager Office of Council & CEO
Sarah Rowe	Manager Economic Development

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**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 no later than 5pm the day prior to a Scheduled Council Meeting.

Priority will be given to questions or statements that relate to agenda items and those submitted no later than 5pm the day prior to the Scheduled Council Meeting. Any questions submitted after 5pm will receive a written response following the Council Meeting.

A Question to Administrators form can be downloaded from Council's website. 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 for public questions, statements, petitions or joint letters from our community to be read.

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 2170.

## **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, Peita Duncan;  
Administrator, Christian Zahra; and  
Chief Executive Officer, Craig Lloyd.

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

Agata Chmielewski, Director Community Wellbeing;  
Sarah Renner, Director Corporate and Customer Services;  
Debbie Wood, Director Infrastructure and Environment;  
Frank Joyce, Executive Manager Strategy and Insights;  
Janine Morgan, Executive Manager Public Affairs; and  
Jacinta Stevens, Executive Manager Office of Council and CEO.  
Sarah Rowe, Manager Economic Development

### **1.2 Acknowledgement of Traditional Owners Statement**

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

*“On behalf of Council, I recognise the rich Aboriginal heritage of this country and acknowledge the Wurundjeri Willum Clan and Taungurung People as the Traditional Owners of lands within the City of Whittlesea.*

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

### **1.3 Diversity and Good Governance Statement**

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

*“At the City of Whittlesea we are proud of our diversity and the many cultures, faiths and beliefs that make up our community. We strive to be an inclusive welcoming City that fosters active participation, wellbeing and connection to each other and this land. We commit as a Council to making informed decisions to benefit the people of the City of Whittlesea now and into the future, to support our community’s vision of A Place For All.”*

### **1.4 Acknowledgements**

### **1.5 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 on 15 August 2023**

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

**4.1 Public Question Time**

**4.2 Petitions**

No Petitions

**4.3 Joint Letters**

No Joint Letters

## 5 Officers' Reports

### 5.1 Liveable Neighborhoods

#### 5.1.1 Recreational Reserve Draft Master Plans Community Engagement

**Responsible Officer:** Director Infrastructure & Environment

**Author:** Coordinator Open Space Planning

**In Attendance:** Unit Manager Landscape & Open Space Planning  
Coordinator Open Space Planning

#### Attachments:

1. Lalor Reserve Master Plan [5.1.1.1 - 13 pages]
2. WA Smith Sycamore Master Plan [5.1.1.2 - 15 pages]
3. Lowalde Master Plan [5.1.1.3 - 8 pages]
4. Mernda Master Plan [5.1.1.4 - 7 pages]
5. Recreation Reserve Master Plans [5.1.1.5 - 16 pages]

#### Purpose

- To brief Council on the development of the recreation reserve master plans.
- To seek Council endorsement to exhibit the draft Recreation Reserves Master Plans for the purposes of phase 2 community consultation and engagement.

#### Brief Overview

The Open Space Strategy 2016 recommends the development of Open Space Master Plans to guide strategic and integrated development of open space in consultation with community and stakeholders.

- The recreation reserves included in this report are:
  - Lalor Recreation Reserve, Lalor
  - Lowalde Recreation Reserve, Epping
  - Mernda Recreation Reserve, Mernda
  - WA Smith Recreation Reserve, Lalor
  - Sycamore Recreation Reserve, Mill Park
- The recreation reserves draft master plans have been developed where there is an absence of strategic planning or to replace outdated master plans no longer meeting the needs of the community.
- The draft master plans have been developed with consideration of community and stakeholder engagement undertaken in 2022.
- The draft master plans require additional input from the community and stakeholders to refine proposals and develop a prioritised action plan.

## Recommendation

### THAT Council:

1. **Commence Phase 2 Community Engagement activities for the recreation reserves draft master plans.**
2. **Refine draft master plans in response to community feedback and prioritise actions for implementation.**

## Key Information

### Lalor Recreation Reserve

#### *Background*

Lalor Recreation Reserve is identified as a Municipal Open Space in the *City of Whittlesea Open Space Strategy 2016*. The reserve has an area of 5 hectares with a long frontage to Sydney Crescent. The main vehicular entry to the reserve is from Sydney Crescent and vehicles are time limited by an electronic gate. Secondary pedestrian access points include a laneway off Edmondson Street, and through the tennis club carpark on Sydney Crescent. The reserve is surrounded on three sides by the rear fences of residential properties.

The reserve is used by the football club, with a large pavilion, full size oval with fence and lighting, and circuit road. The recreation reserve also supports cricket with nets in the southeast corner of the reserve, and a pitch on the oval. The southwest corner of the reserve are the tennis courts and supporting facilities, including a dedicated carpark, fenced off pavilion and barbeque facilities.

#### *Existing Master Plan and Management Plan*

The most recent master plan for the recreation reserve was completed in 2005. Management of Lalor Recreation Reserve is guided by an *Asset Renewal and Implementation Plan* completed in 2018.

#### *Relevant Council Resolutions*

##### 6 April 2021 Council Meeting

- Resolution for item 5.3.1 - "Withdraw recommendation "2. Explore the feasibility of installing boundary soccer target goals on the oval to prevent the misuse of the coaches' boxes," from the recommendations made in the Ordinary Council Meeting held on Tuesday 4 September 2018 under "Section 6.2.1 Joint letter response - Lalor Recreation Reserve - 22 Sydney Crescent, Lalor".
- Resolution from item 5.3.2 - "Immediately restrict the social gatherings of resident sport clubs at the Lalor Football Club pavilion, 22 Sydney Crescent, Lalor, and that the restrictions take immediate effect" due to noise generated during social gatherings.

### *Phase 1 Community Consultation Findings – Information Gathering*

The opportunities and concerns revealed at the conclusion of phase 1 consultation include:

- **Safety and Access**  
Improved evening and night time visibility and safety within the reserve was a main concern raised by the community, as well safer, well-signed, all-weather walking paths.
- **Spending longer at the reserve**  
The community indicated that they would like to have longer stays at the reserve, made possible with upgraded facilities such as a play space catering to a wider age group, public toilets, and supporting public furniture (seats, bins, BBQ's).
- **Local disruptions**  
Noise and traffic are an identified issue for residents living in the area. People are known to use the reserve late into the night with the poor passive surveillance, and traffic and parking in the area is problematic on game days.

### *Proposed Draft Master Plan*

The draft Lalor Recreation Reserve master plan proposes to address community needs and the Council Resolutions. The draft master plan maintains the prominence of the football field, uplifts the street frontage to the reserve, decreases parking in the reserve, and proposes more open space areas for spectators and community use.

The main proposed items are:

- **Rejuvenation of street frontage and presentation**  
The removal of cyclone fencing along the boundary increasing physical and visual permeability and direct access into the reserve and creating a more welcoming street interface with the play space and park amenities.
- **Car Parking**  
Restricted access to vehicles parking behind the pavilion and around the oval, with the formalised car park near the entry and proposed indented parking on Sydney Crescent in line with Council's Sport and Leisure Infrastructure Plan recommendations, increasing the useable open space in the reserve for informal community recreation infrastructure.
- **Path network and seating**  
Game day informal seating areas for spectators are proposed in locations around the oval with an accessible pedestrian access path circumnavigating the oval and connecting all the areas. These areas double as social areas or informal recreation areas, and the access path is a walking or jogging route at all other times during the week.

- Park lighting  
Public area lighting is proposed for increase safety and visibility, along the main thoroughfare through the site, and in the car park. Lighting will be timed and will be to the levels defined in Australian Standards.

### **Lowalde Recreation Reserve**

#### *Background*

Lowalde Recreation Reserve is identified as a Municipal Open Space in the *City of Whittlesea Open Space Strategy*. The reserve has an area of 3.4 hectares with a Melbourne Water easement to the northern boundary, a kindergarten and on-site to the eastern edge. There are three street frontages to the recreation reserve, Savannah Crescent to the west, and two frontages on Lowalde Drive. An additional entry laneway is on Eva Place.

The reserve is frequently used by cricket clubs, despite the site having minimal supporting facilities, and the neighbouring school occasionally uses the reserve for school sports. There is a playground near the carpark which was constructed in 2008. The reserve has a network of granitic gravel paths connecting the various entries. The Melbourne Water easement is due to receive a shared path upgrade, connecting the reserve to the Darebin Creek Trail and McDonalds Road.

#### *Existing Master Plan and Management Plan*

Lowalde Recreation Reserve has no pre-existing master plan or management plan.

#### *Relevant Council Resolutions*

None

#### *Phase 1 Community Consultation Findings – Information Gathering*

The opportunities and concerns revealed at the conclusion of phase 1 consultation include:

- Walking and active recreation  
The community feedback indicated that community members would like to see Council prioritise actions to enhance the reserve for walking and active recreation. Including formalisation of existing gravel paths, better connections to wider path networks, and infrastructure to support active recreation.
- Furniture and park infrastructure  
There is a consensus within the community that the reserve is lacking furniture and park infrastructure. These items include general park furniture (seats, picnic settings, shelters, bins), lighting, fitness equipment, and public toilets.
- Enabling Sports  
The existing infrastructure provisions do not meet the needs of the three cricket clubs using the reserve, and there is a want by the community for Council to improve the facilities to enable the clubs to have year-round use.



### *Proposed Draft Master Plan*

The proposed Lowalde Recreation Reserve Master Plan emphasises a community-based reserve and retains the oval as an informal overflow field. This allows for the additional programming of the reserve to enhance community use through active and passive recreation facilitated by improved amenities, play space, walking tracks, locality connectivity and planting.

The main proposed items are:

- Car park configuration  
Reconfiguring the car park allows for the creation of an entry forecourt to the kindergarten and better visibility into the recreation reserve on Lowalde Drive.
- Public amenities  
An automated locking public toilet is proposed in the reserve, the location is near the kindergarten and visible from Lowalde Drive. This is to support the projected increased use of the reserve for informal recreation.
- Informal recreation facilities  
A much higher provision of informal recreation facilities is proposed, with the inclusion of a half size multi-use court, junior 'pump track,' outdoor fitness equipment, new play space (including nature play), and shelter.
- Park lighting  
Public area lighting is proposed for increased safety and visibility, along the pipe track shared path through the site, in the forecourt to the kindergarten, and in the car park. Lighting will be timed and will be to the levels defined in Australian Standards.

### **Mernda Recreation Reserve**

#### *Background*

Mernda Recreation Reserve has an area of 3.5 hectares, with a long frontage onto residential Heals Road, a shorter frontage to Schotters Road and the Plenty River. The Recreation reserve has a full-size oval with cricket pitch and lighting, supported by a gravel carpark and circuit road (blocked off to vehicles). The main entry is from Schotters Road with no formal pedestrian entries or connections to the surrounding footpath network.

The reserve is currently an overflow and training field with a temporary demountable pavilion installed in 2022. The reserve has a playground, dilapidated asphalt hard court, and a poor condition toilet block. The southwest corner is leased to Whittlesea community connections (WCC), with access from Heals Road. The northwest corner is leased to Preston Reservoir Adult Community Education (PRACE) and has a recently constructed demountable building with dedicated carpark, the facility faces into the park with no street activation to Schotters Road.

### *Existing Master Plan and Management Plan*

Mernda Recreation Reserve has no pre-existing master plan or management plan and was omitted from the Open Space Strategy 2016. The Mernda Recreation Reserve Future Directions Plan 2021 was developed in consultation with stakeholders to inform the preparation of the Master Plan.

### *Relevant Council Resolutions*

18 July 2023 Council Meeting

- Resolved to grant PRACE a lease extension of eleven (11) years for a maximum of twenty (20) from the existing commencement date (July 2021).

### *Phase 1 Community Consultation Findings – Information Gathering*

The opportunities and concerns revealed at the conclusion of phase 1 consultation include:

- Recreation for all users and abilities  
The community feedback indicated that community members would like to see Council prioritise actions to increase usage of the reserve by the broader community facilitated by additional park infrastructure, such as an improved play space, better path network, fitness equipment, and better community pavilion for sports and community use.
- Facilities and safety  
Safety was a priority raised by the community, requesting council look at opportunities for public amenity lighting, replacing old furniture, and mitigating potential multi-user conflicts.
- Community Spaces  
The community would like to have more of a physical presence on site through the existing community education programs offered by PRACE and the Mernda Community House, community gardens, and community events such as art or food festivals.

### *Proposed Draft Master Plan*

The proposed draft Master Plan reinforces connections to the Plenty River corridor, maintains the current level of sporting infrastructure and improves upon the quality of the facilities. The plan aims to provide more open space provision by creating better peripheral on-street carparking, formalising a smaller on-site car parking, creating better pedestrian links, and improving the informal recreation infrastructure within the reserve.

The main items proposed are:

- **Long term integration of Community House and Community Pavilion**  
The plan proposes the relocation and integration of the Community House into an integrated community pavilion, allowing for more space for the Community House to grow and provide a broader program for the community. Further investigation is required during implementation, including the feasibility and operation of such a facility. The master plan is staged to allow for the continued improvement of the reserve whilst these studies are completed, and stakeholder collaboration occurs.
- **Formalised Car Parking**  
The plan proposes to formalise all car parking on site and on street. This involves clearly delineating parking bays and constructing accessible paths from community facilities to the parking bays. The amount of parking proposed in the plan aligns with the Sports and Leisure Infrastructure Plan for the scale of community pavilion.
- **Park lighting**  
Public area lighting is proposed for increased safety and visibility, along the main paths through the site to community facilities, and in all car park areas. Lighting will be timed and will be to the levels defined in Australian Standards.
- **Informal Recreation Infrastructure**  
The plan proposes to recognise the informal recreation that occurs at the reserve by incorporating paths, seats, and amenities to allow for broader community use throughout the year. New facilities, such as the multi-use court, bocce court, exercise equipment, and new play space will enable more users to make the most of the public facilities.

### **WA Smith and Sycamore Recreation Reserves**

#### *Background*

WA Smith and Sycamore Recreation Reserves are identified as a Municipal Open Space in the *City of Whittlesea Open Space Strategy*. These two reserves straddle the Darebin Creek and form a single recreation reserve with an area of 19.4 hectares and is currently guided by an adopted Masterplan completed in 2008.

WA Smith Reserve has a large pavilion, Lalor East Preschool, carpark and play space on the Darebin Drive frontage. There are:

- two fenced fields for Rugby, AFL, and Cricket supplemented by 3 cricket nets, and high mast lighting.
- a small hardcourt with a basketball key and hoop next to a play space.
- The reserve is elevated from the Darebin Creek to create a level playing surface.

Sycamore Reserve includes:

- a former landfill site with methane gas extraction in a facility between the pump track and soccer fields. The soccer fields have a poor undulating surface influenced by the subsurface landfill movement.
- a competition BMX racetrack with club building and community dirt jump loop
- a dedicated carpark to the eastern entry from Sycamore Street.
- the Hawkes Drive entry to another carpark with a smaller pavilion with separate demountables. The smaller pavilion services 2 soccer fields, with one field fenced and lit with high mast lights.
- two cricket nets between the soccer fields and the pump track.

The Darebin Creek Trail weaves through the Sycamore Reserve, providing opportunities for increased connections with the natural environment, with new path connections to the BMX pump track facility, and power easement shared path. The path surfaces across the park are inconsistent with a mix of asphalt, and gravel surfaces. There is one bridge over Darebin Creek connecting the two reserves.

#### *Existing Management Plans*

- WA Smith and Sycamore Reserves Master Plan 2008

#### *Relevant Council Resolutions*

None

#### *Phase 1 Community Consultation Findings – Information Gathering*

The opportunities and concerns revealed at the conclusion of phase 1 consultation include:

- Community Spaces and Facilities\  
The consultation responses indicate the recreation reserves are a place for the community to be active and social. In addition to the programmed sports at the recreation reserves, the community gather there for casual social sports, to meet family and friends, and undertake active recreation. There is a call for all the facilities at the reserves to be upgraded and improved, in particular, the need to improve safety through better lighting and passive surveillance.
- Experience and connection to nature  
There is an opportunity to enhance the reserve's connection to the Darebin Creek and the natural environment through creek improvement, nature play, and visual or physical interactions with the creek.

### *Proposed Draft Master Plan*

The proposed master plan increases the informal active and passive recreation facilities in Sycamore Recreation Reserve and concentrates the formal sporting infrastructure in WA Smith Recreation Reserve. The desired outcome is to change how the reserves currently function, repurposing the Sycamore sporting fields that cannot be upgraded to meet sporting codes, for the broader community to interact with the natural environment and other forms of informal recreation.

The main items proposed are:

- **Co-location of WA Smith Community Facilities**  
The master plan proposes to locate the pavilion in a position that does not block visibility into the reserve to create better passive surveillance and safety. The new pavilion is also an opportunity to integrate or co-locate the kindergarten into the same building with the aim to reduce built form footprints in the open space, further improving open space provisions in the area and activating the community building during all hours of the day.
- **Bridge connection**  
A new bridge connection from WA Smith to Sycamore will create a more visible and safer route for park users and active transport. The bridge will need to be elevated to be outside of the required flood event areas and will provide a vantage point for passive surveillance into the park. This route will be lit to the levels defined in the Shared Path lighting guide and to Australian Standards.
- **Informal recreation facilities**  
A much higher provision of informal recreation facilities is proposed, with the inclusion of a large central play space, walking trails, and viewing platforms along the Darebin Creek.
- **Park lighting**  
Public area lighting is proposed for increased safety and visibility, along the main active transport route through the site, and in the car parks. Lighting will be timed and will be to the levels defined in Australian Standards.

## **Community Consultation and Engagement**

### **Consultation overview**

#### *Phase 1 – Information Gathering*

This first phase of consultation was designed to gauge broader community needs and values to assist in opportunities and constraints analysis. This is complimented with initial discussions with stakeholders to understand the operational requirements of sporting clubs and community groups with vested interests at the recreation reserves. Consultation feedback was primarily collected through Council's online engagement webpage utilising the multiple tools available to maximise the range and reach of submissions.

Consultation activities included:

- In person pop-ups at the Recreation Reserves, market stalls, and other local reserves.
- Face to Face meetings with sporting clubs and stakeholders.
- Phone conversations with sporting clubs and stakeholders.
- Virtual online meetings with stakeholders.

Consultation Periods and Participation:

- Lalor Recreation Reserve – 5 July to 31 July 2022
  - 469 visitors to the engagement website.
  - 42 community members contributed.
- Lowalde Recreation Reserve – 2 May to 5 June 2022
  - 614 visitors to the engagement website.
  - 122 community members contributed.
- Mernda Recreation Reserve - 15 July to 31 July, and 4 August to 26 August 2022
  - 598 visitors to the engagement website.
  - 98 community members contributed.
- WA Smith and Sycamore Recreation Reserve - 5 July to 7 August 2022
  - 288 visitors to the engagement website.
  - 89 community members contributed.

*Phase 2: Present draft concept and master plan to community for further feedback (11 September – 20 October 2023)*

For Phase 2, the draft concept and master plans will be presented to the community for feedback between 19 September and 20 October 2023. Community feedback and priorities will be sought online through Council's Engage Whittlesea platform and through direct conversation and activities at two community-based pop-ups for each reserve.

Council will share the key aspects of the plans and ask community whether they support the draft plans through a quick poll on the project Engage page enabling participants to indicate their support of the drafts using a rating scale from 'I like it a lot' to 'I don't like it at all' with five feasible options. The community will have the opportunity to download the draft master plan and featured FAQ sections for the projects and provide any further comments.

Community pop-ups will be held at Lowalde, Lalor, Mernda, WA Smith, and Sycamore reserves. Participants at community-based pop-ups will be presented with the same draft master plans and offered the opportunity to undertake the same activity on large activity boards. These boards will have the same question and responses as well as space to share any missed opportunities.

The project team will meet directly with key stakeholders including local shopkeepers and sporting groups, to show draft plans and give the opportunity to provide further feedback on the drafts.

The opportunity to participate in the phase 2 engagement will be promoted on Council's social media channels, including Facebook and Instagram.

#### *Phase 3 - Confirmation*

The final phase of community engagement for the master plans involves the exhibition of the final Council adopted plans.

#### *Discrete Projects*

Each master plan may have significant discrete projects requiring additional community engagement for detailed design development, this may include pavilions or community buildings, or land acquisition. Further project specific community engagement will be programmed into the respective project plans.

### **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.

The W2040 Goals includes an indicator to increase use of Open Space. Master plans will directly influence this goal by ensuring the management and development of open space meets the needs of the community, local and regional sporting groups and in turn increase accessibility and the value of open spaces.

### **Considerations**

#### **Environmental**

Recreation Reserve master plans clearly define actions which address management needs of the green and blue assets in the reserves with the aim of increasing environmental benefits. This occurs through enhancement of tree canopy coverage, increasing biodiversity with native plantings and habitat creation, and the implementation of water sensitive urban design principles to assist in improving our waterways. Master plan design includes increased opportunities for user connection to the natural environment and passive activities.

### **Social, Cultural and Health**

The recreation reserve master plans aim to create more social spaces for all community members enabling social gatherings whether affiliated with sporting clubs or not. In addition, the master plans ensure a continued support of established sporting clubs with the improvement of facilities. Quality public open space and interaction with the natural environment has well-documented critical benefits for community health and social cohesion.

### **Economic**

The recreation reserve master plans aim to increase patronage of our open spaces and waterways by creating welcoming public open space for the local and broader community. Increased visits to open spaces will in turn increase visits to local shopping precincts to facilitate extended stays. The improvement of public open space can also increase the property values of the locality.

### **Financial Implications**

The estimated high level budget requirements for the delivery of each master plan have been developed. All the estimates are in line with current industry rates, with the exception of WA Smith and Sycamore Recreation Reserve which is estimated to be higher due to the transformative concept proposed.

Cost estimations will be further refined during the finalisation of the master plans following community consultation. A Quantity surveyor may be engaged to develop a more detailed cost estimate to assist in actions, implementation, and project prioritisation.

Deliverable actions will be aligned with existing delivery programs in Council's established Capital Delivery Program. Larger action items will be subject to future funding consideration in Council's Long Term Financial Plan and external grant opportunities.

### **Link to Strategic Risk**

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

The recreation reserve master plans are integrated plans which are a robust way to have a long-term plan of reserve specific asset management and improvement to the service and provision levels identified in the Open Space Strategy.



The involvement of the community and stakeholders is essential in developing the vision and priorities for future reserve improvements. The multi-tiered approach to consultation and engagement ensures there are multiple opportunities for community and stakeholders to be involved in the planning process, and to ensure the actions identified meet the needs of the community.

It should be noted that the development of these master plans will be completed before the *Community Infrastructure Strategy* and the *Liveable Neighbourhood Strategy* which could instigate additional amendments to the final Master Plans.

## Implementation Strategy

### Communication

Each recreation reserve master plan has a communications plan developed with consideration of their respective engagement plans. A variety of methods will be implemented to ensure effective communication of the draft master plan consultation activities and further development, these include social media posts, articles in print and online media, site signage, direct mail, and sporting club newsletters.

Refer to consultation and engagement section above for additional information.

### Critical Dates

#### Phase 2 Community Consultation

- Stakeholder consultation – 11 September to 20 October 2023
- Broader community consultation – 19 September to 20 October 2023

## Declaration of Conflict of Interest

Under Section 130 of the *Local Government Act 2020* 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 Open Space Strategy 2016 recommends the development of Open Space Master Plans to guide strategic and integrated development of open space in consultation with community and stakeholders. Master Plans have been prepared where none previously existed, or the existing master plans are outdated and no longer effectively guide the management and improvement of their respective reserves. The draft master plans will address this gap and respond to ageing infrastructure, community needs, sporting needs, and the aims to improve the City of Whittlesea's environmental assets.

The community consultation of the draft master plan will ensure the plans have been developed with consideration of the community needs identified in phase 1 consultation and engagement activities and that the community is involved in influencing the outcomes of the recreation reserves.

This report recommends that Council endorse the Recreation Reserves Draft Master Plans for exhibition and to approve commencement of consultation and engagement activities with the community.





# 5

## Draft Master Plan



## 5.1 Overview

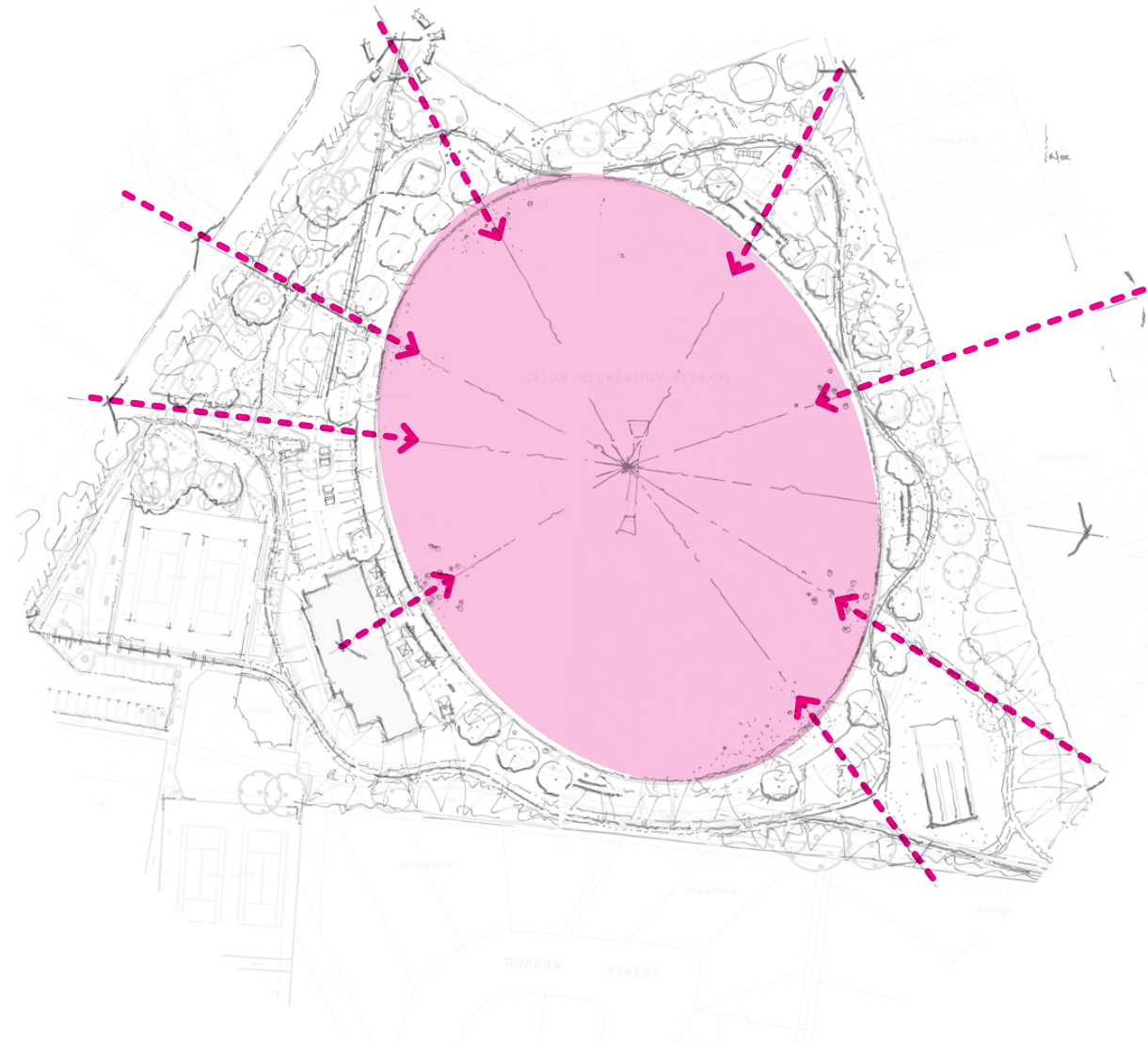
### 5.1.1 Purpose

Chapter 5 outlines the initial 100% urban and landscape detailed design and demonstrates appreciation and application of the Urban Design Vision, urban design principles and key performance indicators.

Disclaimer: XXX

### 5.1.2 Concept

'The Village Heart' uses the oval as the primary organising element. It retains the pavilion in its existing location and prioritises removing barriers between the existing surrounding public realm and the centre of the park, driving passive surveillance deep into the site and inviting users into and around the field through the improvement of the amenity to its surround.



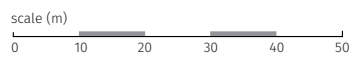
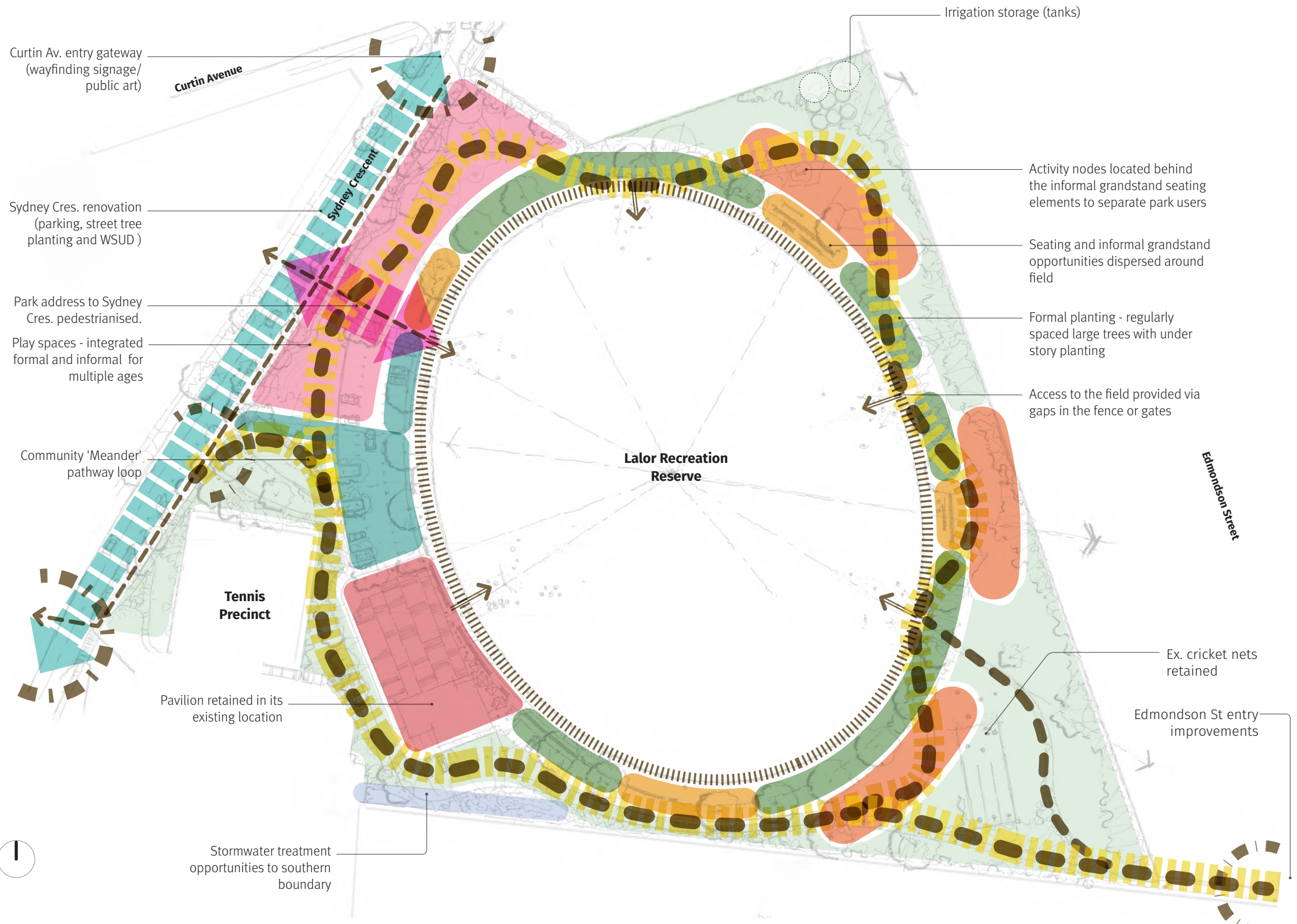
### Legend

-  Primary path sealed (3m)
-  Pathway with lighting
-  Secondary path sealed (1.8m)
-  Field access (breaks in fence/gates)
-  Park front door
-  Sydney Cres. upgrade
-  Landscape (open lawn, native grassland and planting)
-  Activity nodes (gym equip/play)
-  Play spaces (inc. shelter, BBQ, etc.)
-  Formal planting (groundcover & trees)
-  Seating/informal grandstand zone
-  Woodland planting (tree only)
-  Buildings (child care/pavilion)
-  Stormwater treatment

## 5.2 Functional Diagram

### 5.2.1 Key Areas

- Key Area 1, Sporting infrastructure;
- Key Area 2, Carparking;
- Key Area 3, Lesiure and play;
- Key Area 4, Connectivity



Diagrammatic plan - Village heart



## 5.3 Masterplan

### Legend

- 1A Oval
- 1B Running track
- 1C Fence with openings
- 1D Opening in fence
- 1E Ornamental & formal planting
- 1F Bleachers [insitu concrete with mounding]
- 2A Pavilion upgrade - Potential for future infrastructure upgrades and pavilion expansion to the south
- 2B Pavilion forecourt upgrade
- 2C Events space, maintenance court & overflow parking
- 3A Playground/ ball sports (integrated)
- 3B Nature play
- 3C Sensory/ Indigenous garden
- 4A Exercise equipment
- 4B Skating equipment
- 5A Water Sensitive Urban Design (WSUD) Intervention
- 5B Relocated irrigation header tanks
- 6A Main entrance
- 6B Secondary entrance
- 6C Parking (80 parking bays, including Sydney Crescent and temporary overflow parking)
- 6D Public health facilities (i.e., bins, toilets, water station)
- 6E Revegetation planting\*
- 6F Cultural experience / feature
- 6G Public amenity lighting\*
- 6H Sydney Crescent parking and parke edge upgrade

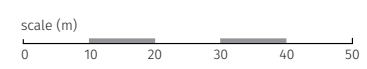
\*CPTED is addressed passively through better visual and physical connections to Sydney Crescent and greater diversity of amenity and use.

Additional lighting requirements to primary paths are to be investigated as a part of future stages.

NOTE: Recently upgraded lighting to the tennis center has improved the perception of safety to the rear of the pavilion.



### 5.3 Masterplan







6

**Draft Playground  
Concept**



## 6.1 Benchmarking

Ballam Park, Frankston VIC



Seabrook Reserve, Broadmeadows VIC



Pityarilla / Pelzer Park, Adelaide SA



Royal Park Nature Play, Parkville VIC





## 6.2 Play Experience

### Solitary and Parallel Play

Independent play or playing alongside others without active interaction.



WAX Design - Glenelg Foreshore Playspace

### Cooperative Play

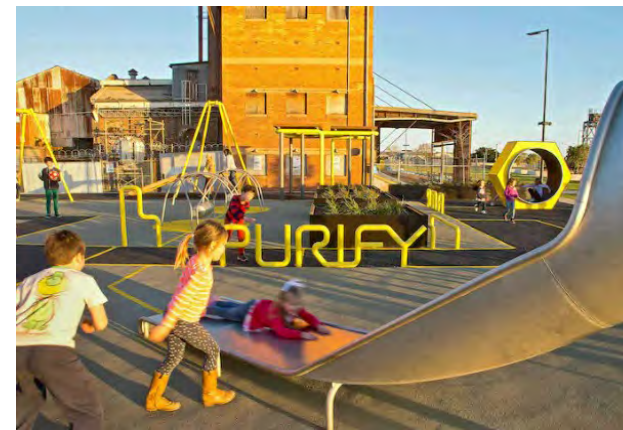
Group play or play that involves direct cooperation with others.



WAX Design - Glenelg Foreshore Playspace

### Functional Play

Repetition of actions and exploring the mechanisms of things.



ASPECT Studios - Harts Mill Playspace

### Sensory Play

Play that develops the sense; touch, taste, smell, sound and visual.



WAX Design - Suneden Special School



Swanbury Penglase - Pedare College Mega Sandpit



WAX Design - Adelaide Zoo Nature Playspace





## 6.2 Play Experience

### Constructive Play

Play with objects to construct from their own imagination.



Peter Semple LA - Mukathi Nature Playspace

### Imaginative and Sociodramatic Play

Make believe play and imaginative play with others



Peter Semple LA - Mukathi Nature Playspace

### Symbolic Play

Play that uses objects symbolically in place of other objects.



### Educational Play

Play that involves literacy, games with rules, block and construction, music, puzzles and manipulation, phonics, fine motor skills and/or science.



Cairns Regional Council - Centenary Lakes Nature Playspace



ASPECT Studios - Felixstow Reserve Playspace





### 6.3 Overall Concept Design



🕒 **Concept Plan**  
1:500 @ A3  
**aurecon**  
*This document is a draft only for review.*

Note: Tree Protection Zones shown is an estimation only. TPZ for existing trees to be retained and protected to be obtained during design development of any further designs.



### 6.4 Playspace Concept Design



Picnic area with shelters, BBQs, picnic tables and seating

DDA compliant seating disbursed throughout playspace

Main entrance with oversized sculptural wayfinding and totem pole fencing

**Concept Plan**

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**aurecon**

*This document is a draft only for review.*

Note: Tree Protection Zones shown is an estimation only. TPZ for existing trees to be retained and protected to be obtained during design development of any further designs.

Lalor Recreation Reserve Master Plan | Draft 33



## 6.5 Play Elements

### Formal Play

Structured play and/or off the shelf elements.



01  
Carousel (inclusive)



04  
In-ground trampoline (inclusive)



07  
Bespoke story telling signage (inclusive)



10  
POPP table



02  
Talking tubes (inclusive)



05  
Drums (inclusive and sensory)



08  
Fitness equipment (inclusive and aged friendly options)



11  
Bespoke play tower with slide



03  
Hammock swing (inclusive)



06  
Bespoke playboards (inclusive)



09  
5 a side basketball court



## 6.5 Play Elements

### Informal Play

Nature play elements.



Teepee



Log steppers



Sensory garden with quiet space (inclusive)



Bespoke play mound with climbing ropes



Balancing ropes / stilt



Stone steppers



Surface treatment games (inclusive)



Bespoke split play mound with rope bridge



Balancing logs



Bespoke sight sensory element (inclusive)



Bespoke pole Maze



Nature play making/creating space





5

Draft Master Plan



## 5.1 Overview

### 5.1.1 Purpose

Chapter 5 outlines the initial 100% urban and landscape detailed design and demonstrates appreciation and application of the Urban Design Vision, urban design principles and key performance indicators.

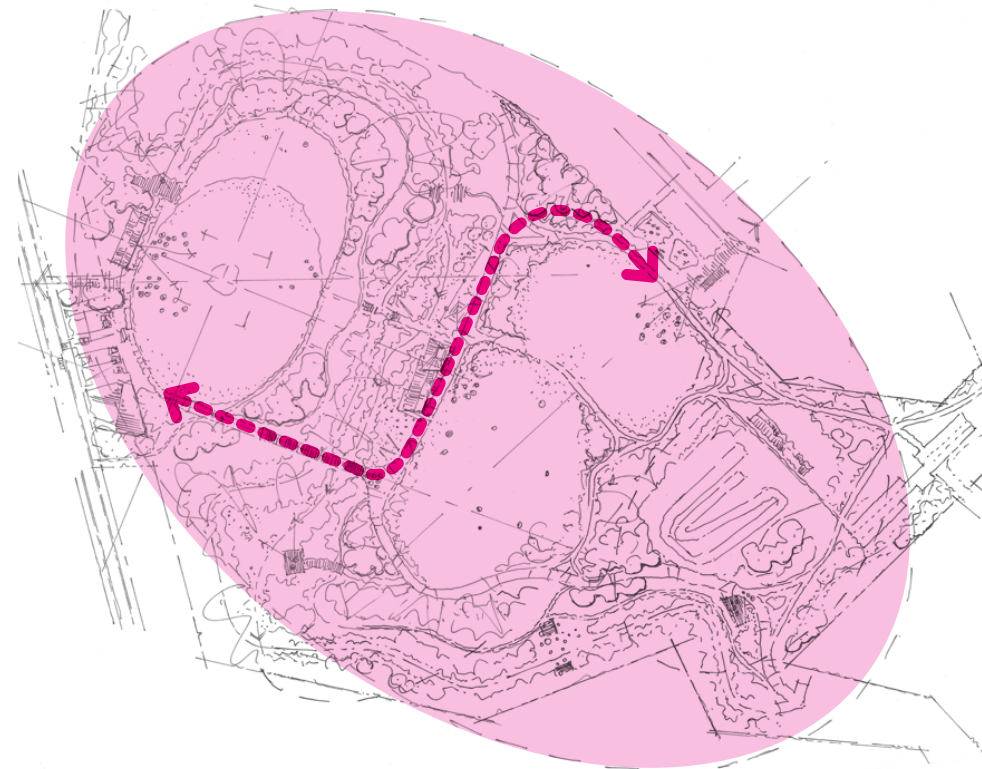
Disclaimer: XXX

### 5.1.2 Concept

'One Park' uses the strong visual connection between the western park arrival, Darebin Creek, and the Sycamore Reserve Park Entry (the parks two highest points) and connects the two via a new amenity 'spine' and cross community connection.

The focus of the 'One Park' is in defining the park as single place through the design of a safe 'cross park' connection route with amenity distributed along its length.

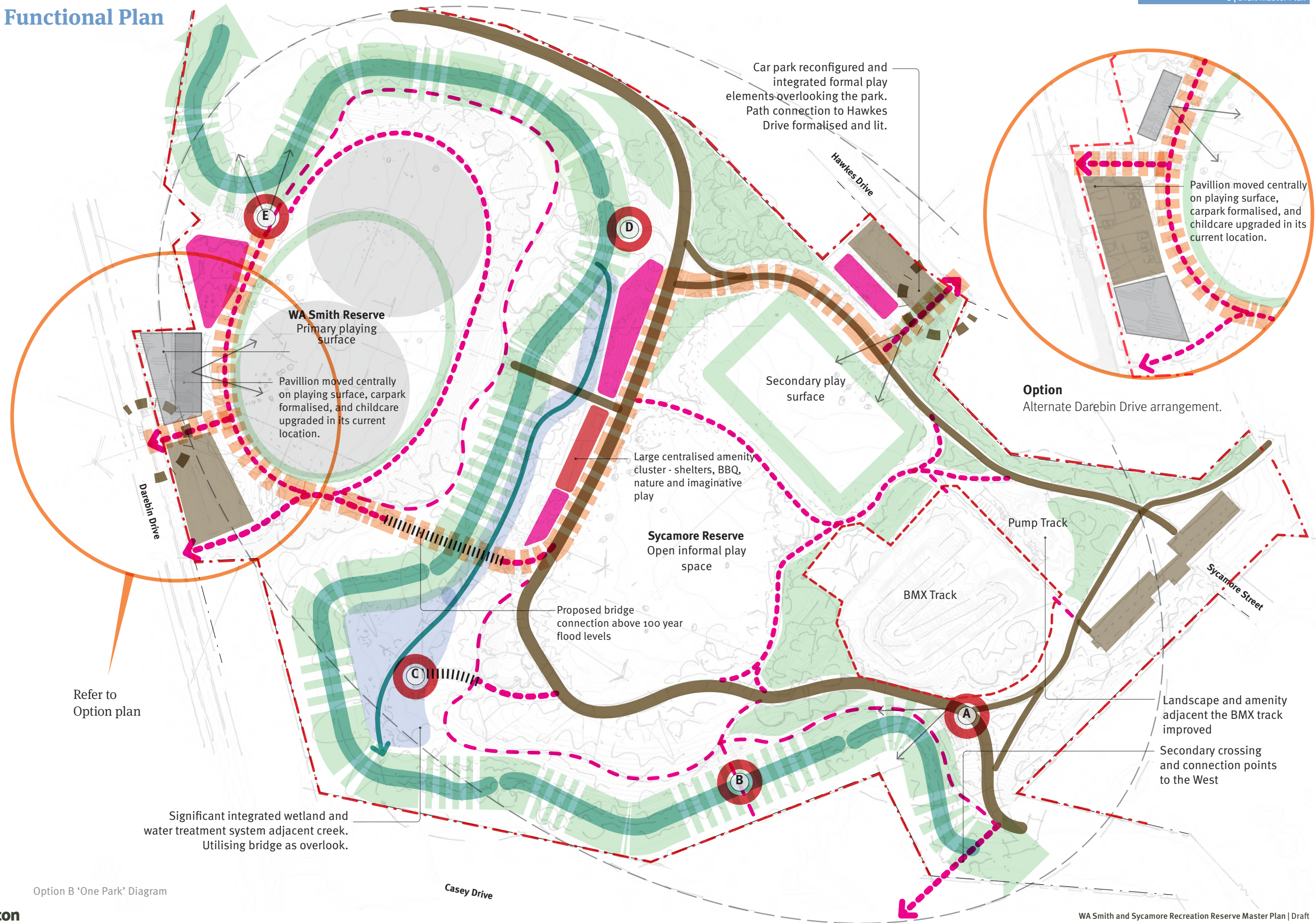
The design provides safe, legible and immediate access to the parks primary natural assets and distributes the amenity where access between the Darebin Creek Trail and the waters edge is most easily traversed safely.



### Legend

-  Darebin Creek Trail (existing)
-  Secondary paths (existing)
-  Proposed sealed paths
-  Proposed unsealed trail
-  Pathway with lighting
-  Bridge or elevated boardwalk
-  Amenity (shelter, BBQ, Tables)
-  Play space
-  Buildings (child care/ pavillion)
-  Car Park
-  Darebin Ck. main channel
-  Darebin Ck. revegetation
-  Inline water treatment & wetlands
-  Existing vegetation
-  Proposed vegetation
-  Darebin Creek experiences
  - [A] Lookout entry gateway
  - [B] Rock hopping habitat
  - [C] Wetland boardwalk
  - [D] Water touch point
  - [E] Bends overlook
-  Existing cricket ovals

### 5.2 Functional Plan

























Option B 'One Park' Diagram













## 5.3 Master Plan

### Legend

-  Boundary
-  Extent of work Methane extraction building and BMX track [existing and not a part of this Master Plan]
-  1A Formal playing fields
-  1B Informal park spaces
-  1C Creek revegetation
-  1D Tree planting
-  2A Integrated community building (childcare, pavillion & other community amenity)
-  2B Childcare
-  2C Bridge
-  3A Formal integrated Play
-  3B Nature play
-  4A Shelter structure and amenity
-  4B Creek points of interest

-  5A WSUD Intervention (Stormwater)
-  5B Wetlands
-  6A Main entrance
-  6B Secondary entrance
-  6C Parking
-  6D Primary path network [sealed]
-  6E Secondary trail network [unsealed]
-  6F Cultural experience / feature\*
-  Viewlines beneficial for CPTED

### Inset Legend

-  AA Formal playing fields
-  AB Tree planting
-  BA Pavilion
-  BB Childcare
-  EA WSUD Intervention (Stormwater)
-  FA Main entrance
-  FB Secondary entrance
-  FC Parking
-  FD Primary path network
-  FE Cultural element\*





🕒 **Concept Plan**  
1:2000 @ A3





6

**Draft Playground  
Concept**



## 6.1 Benchmarking

Ballam Park, Frankston VIC



Seabrook Reserve, Broadmeadows VIC



Pityarilla / Pelzer Park, Adelaide SA



Royal Park Nature Play, Parkville VIC





## 6.2 Play Experience

### Solitary and Parallel Play

Independent play or playing alongside others without active interaction.



WAX Design - Glenelg Foreshore Playspace

### Cooperative Play

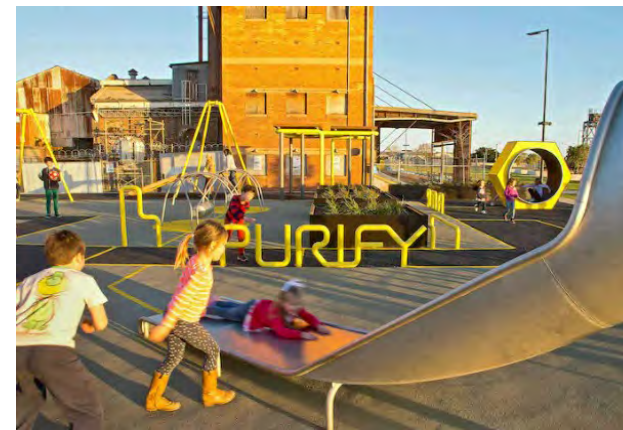
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WAX Design - Glenelg Foreshore Playspace

### Functional Play

Repetition of actions and exploring the mechanisms of things.



ASPECT Studios - Harts Mill Playspace

### Sensory Play

Play that develops the sense; touch, taste, smell, sound and visual.



WAX Design - Suneden Special School



Swanbury Penglase - Pedare College Mega Sandpit



WAX Design - Adelaide Zoo Nature Playspace





## 6.2 Play Experience

### Constructive Play

Play with objects to construct from their own imagination.



Peter Semple LA - Mukathi Nature Playspace

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Make believe play and imaginative play with others



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### Symbolic Play

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### Educational Play

Play that involves literacy, games with rules, block and construction, music, puzzles and manipulation, phonics, fine motor skills and/or science.



Cairns Regional Council - Centenary Lakes Nature Playspace



ASPECT Studios - Felixstow Reserve Playspace





### 6.3 WA Smith and Sycamore - Overall Concept Design



🕒 **Concept Plan**  
1:2000 @ A3

**aurecon**  
*This document is a draft only for review.*



### 6.4 WA Smith and Sycamore - Formal Playspace Concept Design



① Detailed Concept Plan  
1:500 @ A3

**aurecon**  
*This document is a draft only for review.*



### 6.5 WA Smith and Sycamore - Central Nature Playspace Concept Design



① Detailed Concept Plan  
1:500 @ A3

**āurecon**  
*This document is a draft only for review.*



### 6.6 WA Smith and Sycamore - Nature Playspace Concept Design



🕒 Detailed Concept Plan  
1:500 @ A3

**āurecon**  
*This document is a draft only for review.*



## 6.7 WA Smith and Sycamore - Play Elements

### Formal Play

Structured play and/or off the shelf elements.



01 Carousel (inclusive)



04 In-ground trampoline (inclusive)



07 Bespoke story telling signage (inclusive)



10 Flying fox (inclusive options)



02 Talking tubes (inclusive)



05 Musical tubes (inclusive and sensory)



08 Digger (inclusive options)



11 Climbing structure / tower



03 Basket swing (inclusive)



06 Bespoke playboards (inclusive)



09 Water pump and channel blocks



12 Embankment slide



### 6.7 WA Smith and Sycamore - Play Elements

#### Informal Play

Nature play elements.



13 Teepee



16 Log steppers



19 Sensory garden with quiet space (inclusive)



22 Nature play making/creating space



14 Climbing logs



17 Stone steppers



20 Surface treatment games (inclusive)



23 Climbing structure



15 Balancing logs



18 Bespoke sight sensory element (inclusive)



21 Dry creek bed with bridge crossings



24 Sandpit table



## 2 MASTERPLAN CONCEPT PLAN

The landscape masterplan illustrates and incorporates key design initiatives informed by site analysis, issues and opportunities and community and stakeholder workshops.



## 2 LANDSCAPE MASTERPLAN

### Design initiatives

- Lowalde Recreation Reserve is a community-based reserve.
- The car park is reconfigured and shifted north to create space for the pedestrian entry. The proposed main pathway is aligned with the existing childrens' crossing.
- Creation of a strong, visible and inviting main entrance.
- Improved path network to include a shared pathway linking to the Yan Yean Pipetrack (potential future shared path network) and a walking loop within the reserve. This includes seating and bicycle station/pump node. The track connects to the exercise and multi-use softfall area.
- The oval is an informal overflow sports field with no formal outline markings.
- Potential toilet location near the kindergarten / main path to ensure passive surveillance and easy access
- Upgraded playground with nature-play and sensory elements that is suited to all abilities and range of ages.
- Large shelter with picnic settings & BBQ located centrally for parents, children and the general community to enjoy.
- Outdoor classroom located near kindergarten and on the way to school to provide additional learning space and connection with nature
- Open grass areas with shade trees areas for rest and interaction.
- Fitness zone and half court with rebound wall for exercise, sports practice and play.
- Natural shade provision and biodiversity improvements by increasing native tree and shrub planting coverage.
- CCTV and lighting within the car park to create a sense of safety and to deter illegal activity.
- Solar lighting along the shared path to increase safety and create an inviting space.
- Gentle viewing mounds with tree copses for shade to the perimeter of the oval.

### Strengths

#### ACCESS AND CIRCULATION

- Reconfiguration of the car park will integrate WSUD treatments and planting as well as trees for shade.
- Proposed car park orientation and location will separate pedestrian and vehicular movement.
- High-quality path network will include main entry path, walking and exercise circuit/loop and shared path along the western boundary.
- Open lawn area will allow for multi-use sports and activities. There is no formal oval.
- Seats with backrest and armrests will be located along the walking route to allow for rest.

#### GENDER-NEUTRAL AND ALL ABILITIES ACCESSIBLE SPACES

- Outdoor gym will offer exercise options for all ages and abilities.
- Upgrade to path quality and network will improve accessibility.
- Proposed toilets to accommodate access for all.
- The playground will offer sensory play elements designed for children with special needs.
- Play equipment and surfacing will create play opportunities for all abilities.

#### SAFE AND INCLUSIVE SPACES FOR WOMEN AND CHILDREN

- Key sitting, play and exercise areas will have good passive surveillance.
- Platform seating near half court will create alternative space to 'hang out'.
- CCTV and solar lighting integrated throughout the site will improve safety.
- Planting adjacent to carpark and pathways to maintain view lines for passive surveillance and safety.
- Proposed toilets located to ensure passive surveillance.

#### BUILDINGS, FACILITIES AND AMENITIES

- Various sitting nodes throughout the park will create opportunities for gatherings, learning, creativity and play.
- Bench seats along the paths will offer quiet space for reflection and respite.
- Centrally located shelter with picnic settings will cater for larger groups
- New playspace, active zone, upgraded/new drinking fountains with dog bowls, bins, bicycle racks, variety of seating options will attract community use throughout the year.

### TOPOGRAPHY AND VIEWS

- Gentle turf mounding with tree planting along the perimeter of the oval will offer viewing options and provide visual interest.
- Clear trunk trees in locations where passive surveillance is important.

### VEGETATION

- All mature trees will be retained and protected unless otherwise advised by the arborist.
- The biodiversity of the reserve will be enhanced through new tree and shrub planting.
- Avenue type trees planted along the main paths will create pleasant walking environment.
- Trees planted throughout the playspace will provide summer shade.



### Masterplan Concept Plan

**LEGEND**

























- Site boundary
-  Existing tree planting
-  Proposed tree planting
-  1 Car park reconfiguration  
22 car spaces & 1 DDA
-  2 Main entry point
-  3 Secondary entry point
-  4 Multi-use oval 100m dia
-  5 Outdoor classroom - nature play
-  6 Multi-age playground (to further detail)
-  7 Large shelter with picnic settings and BBQ
-  8 Sitting area
-  9 Half court with basketball ring and hit up wall
-  10 Fitness zone - outdoor gym suitable for seniors
-  11 Junior pump track
-  12 Viewing mounds with shade trees  
Gentle mounds to maintain sight lines for surveillance
-  13 Entry node with seating
-  14 Loop path with bench seats
-  15 Shared path linking to pipetrack
-  16 Bike repair station with seating
-  17 Garden beds to soften property fences
-  18 Existing toilets and cricket storage available  
for community club use
-  19 Cricket wicket & pitch
-  Proposed signage location
-  Potential toilet location
-  Potential solar lighting along key routes



Figure 1 Masterplan Concept Plan



# COMMUNITY-BASED RESERVE

**RUN  
WALK  
BIKE**



**PIPETRACK**



**RESERVE  
SHARED PATH**

**LEARN**

**PLAY**

**MOUNDING**

**SOLAR LIGHTING  
SUSTAINABILITY**





Precedent Imagery

RECREATION



NATURE PLAY



MULTI-AGE PLAY EQUIPMENT



NATURE PLAY



TURF MOUNDS



WALKING PATHS



PUMP TRACK



HIT-UP WALL



HALF COURT



OUTDOOR GYM



OUTDOOR CLASSROOM

BUILDINGS, FACILITIES & AMENITIES



SITTING



SHELTER & SEATING



SHELTER & SEATING



BBQ AREA



WATER FOUNTAIN & DOG BOWL



SEATING



SEATING



SITTING



BENCH SEATS



BIKE PUMPING STATION



### Precedent Imagery

#### GENDER-NEUTRAL, ALL-ABILITIES & SAFE SPACES



SENSORY PATH



SENSORY WALL



SENSORY WALL



ALL ACCESS PLAY



CCTV



BENCH SEATS WITH ARMRESTS



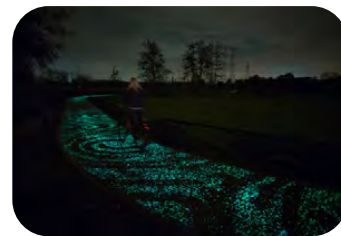
LARGE BASKET SWING



SOLAR POLE LIGHTING



HANG-OUT SPOTS



GLOW IN THE DARK PATH

#### VEGETATION



BASALT PLAINS GRASSLAND



RIVER RED GUM GRASSY WOODLAND



SWAMP SCRUB



RIPARIAN FOREST



BOX-STRINGYBARK WOODLAND



MOUNDING



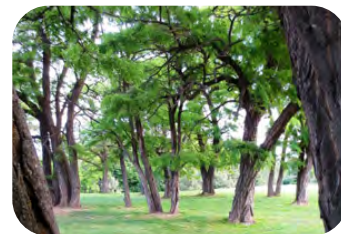
OPEN GRASS AREAS



MOUNDING



BIRD BOXES



TREE COPSE



Precedent Imagery

ACCESS & CIRCULATION



PATH LINKAGES



SHARED PATHWAY



SHADED PATHWAYS



CAR PARK WSUD



CAR PARK PERMEABLE PAVING



BIKE RIDE TO SCHOOL & KINDERGARTEN



FEATURE ENTRY PATH

STUCTURES, SIGNAGE & WAYFINDING



ENTRY SIGNAGE



ENTRY SIGNAGE



WAYFINDING



EDUCATIONAL SIGNAGE



EDUCATIONAL SIGNAGE







## 2 MASTER PLAN CONCEPT PLAN

The landscape masterplan illustrates and incorporates key design initiatives informed by site analysis, issues and opportunities and community and stakeholder workshops.





## 1.3 Landscape Masterplan

### Design initiatives

- Mernda Recreation Reserve is a space for everyone and welcomes the wider community, local community groups, PRACE students and staff and sporting users.
- Retain PRACE in its current location and recognise their recent procurement of the adjoining property.** It is assumed the existing PRACE building will remain and expand next door for both concept designs.
- Retain sports oval in its current location and size.** Refurbish turf extent and install wider cricket pitch and nets.
- Retain Community Hub in its current location and expand** to accommodate for growing services and expansion/new building with a general shed integrated, outdoor storage space and veggie garden.
- Creation of a strong and visible main entrance on Schotters Road with a secondary entrance along Heals Road.
- A shared path network within the reserve with strong internal circulation with a shared track around the existing oval.
- Strong links to Municipal Reserve, Burnside tree Reserve, Plenty River Trail and Mernda Train Station and car park. Including cycle/pedestrian shared council paths.
- Informal car parking within the reserve and additional car parking along Heals Road.
- A multi-use pavilion with sporting facilities, all-abilities and gender accessible changing rooms, toilets, common spaces, training and learning spaces.
- Play Node - Upgrade and expansion of nature and adventure-play playground with sensory elements suited to all abilities.
- Exercise Node - Inclusion of fitness and exercise area.
- Rest Node - Rest and respite area at the high point at the eastern end of the reserve. The area serves as an outlook for Plenty River and intimate gathering space.
- Social Node - Seating, BBQ, and shelter node for the general public to use and enjoy.
- Bush play area utilising the existing trees to learn, explore and play. Inclusion of small details that creates an element of surprise and curiosity.
- Upgraded multi-purpose sports court (netball, basketball & tennis) with colourful and creative line-marking amongst existing indigenous trees. Inclusion of bocce court.
- Solar lighting throughout the reserve to increase safety and create an inviting and welcoming space.

### Strengths

#### ACCESS AND CIRCULATION

- Creation of a new and clear main entrance and pathway to the Reserve.
- Improved visual streetscape elements including creative and colour crossing and path graphics. Clear, creative, and inviting wayfinding and signage.
- High-quality path network including main entry path, secondary entry, exercise and walking track, shared path network linking to Plenty River Track and play loop.
- Creation of a bush play and learning area amongst the existing tress for learning, exploration, and play. This area is designed to spark curiosity utilising minimal and nature design interventions.
- Additional car parking spaces along Heals Road and informal car parking within the reserve.

#### GENDER-NEUTRAL AND ALL ABILITIES ACCESSIBLE SPACES

- Multi-use pavilion offer gender-neutral and all abilities facilities.
- Upgrade to path quality and network suited to all abilities.
- The playground and fitness area offers sensory play and all-abilities accessible elements designed for people with special needs.
- Clear wayfinding and interpretive signage.
- A general shed to accommodate for a diverse range of users, skills and abilities.

#### SAFE AND INCLUSIVE SPACES FOR WOMEN AND CHILDREN

- Sufficient, well-lit and warm lighting throughout the reserve with multiple sources of light.
- CCTV and solar lighting integrated throughout the site.

#### BUILDINGS, FACILITIES AND AMENITIES

- Nodes for play, rest and exercise. These nodes facilitate community and social interaction through providing spaces for play, exploration and sharing/cooking food.
- Multi-use pavilion to cater for sports, workshops, training and learning.
- General upgrades to furniture such as bins, seating, bike parking and drinking fountains.

#### TOPOGRAPHY AND VIEWS

- Space for reflection, respite and mindfulness at the high-point of the reserve.
- Upgrade boundary fencing (south) to accommodate secondary entrance and use of material/colours to create an inviting space.
- Natural screening to Mernda North Sewer Pumping Station.

### VEGETATION

- Retain and protect existing trees.
- Enhance biodiversity and habitat through native/indigenous plant species.
- Bush play area introduces native and edible plant 'patchwork' or 'clusters'.
- Increase natural shade provision and biodiversity by increasing native tree and shrub planting species, especially to the east, to form stronger connections and habitat links with the Plenty River's riparian zone.

### Weaknesses

- Play, exercise and rest nodes are contained and are separated zones as there is minimal space to create a combined and interconnected area.
- Nodes are limited in size due to restricted available space.
- Pinch point between the existing oval and Mernda North Sewer Pumping Station. As both elements are constraints, natural screening is proposed to the services to soften the space.

### Outcomes and Impacts

The functional layout plan take into consideration the short-term and long-term deliverables for the reserve.

#### Short term (1 – 5 years)

- Upgrade the existing changing facilities/toilets to be all abilities and gender accessible.

#### Medium term (5 – 10 years)

- Connecting shard pathways to surrounding reserves and main hubs including Mernda Train Station, Municipal Reserve and Plenty River Trail.

#### Long term (10 – 15 years)

- Future proofing the multi-use pavilion to allow for extension and expansion to adapt to increased activity at the site.
- The community house is relocated and integrated into the community pavilion.



### Masterplan Concept Plan

#### LEGEND

- - - Site boundary
- Existing tree planting to be retained
- Existing tree planting to be removed  
- Refer to Preliminary Arboricultural Assessment prepared by Greenwood Consulting dated 27 June 2022
- Proposed tree planting
- Existing car parking
- 1 Car parking  
Additional 35 car spaces within the reserve & 55 along Heals Road
- 2 Existing PRACE
- 3 Removable bollards
- 4 Feature shelter
- 5 Feature paving treatment
- 6 Water Sensitive Design (ephemeral)
- 7 Community pavilion including sports & amenities
- 8 Community Garden
- 9 Garden beds with seating
- 10 Rocky swales
- 11 Boardwalk connection to Parks Vic trail
- 12 Gravel bed with exercise equipment and seating
- 13 Mounded landform
- 14 Viewing deck/platform with shelter and seating in gravel bed
- 15 Screen planting
- 16 BBQ facilities
- 17 Play fort
- 18 Rubber flooring
- 19 Bridge
- 20 Fairy tree circle walk
- 21 Nature play area with nature trail, fairy tree circle walk & natural play elements
- 23 Multi-court and bocce court
- 24 Play areas
- 25 Shared path (bicycles & pedestrian)
- 26 Shared access way (vehicular & pedestrian)
- Proposed signage location
- T Potential toilet location
- Potential solar lighting along key routes

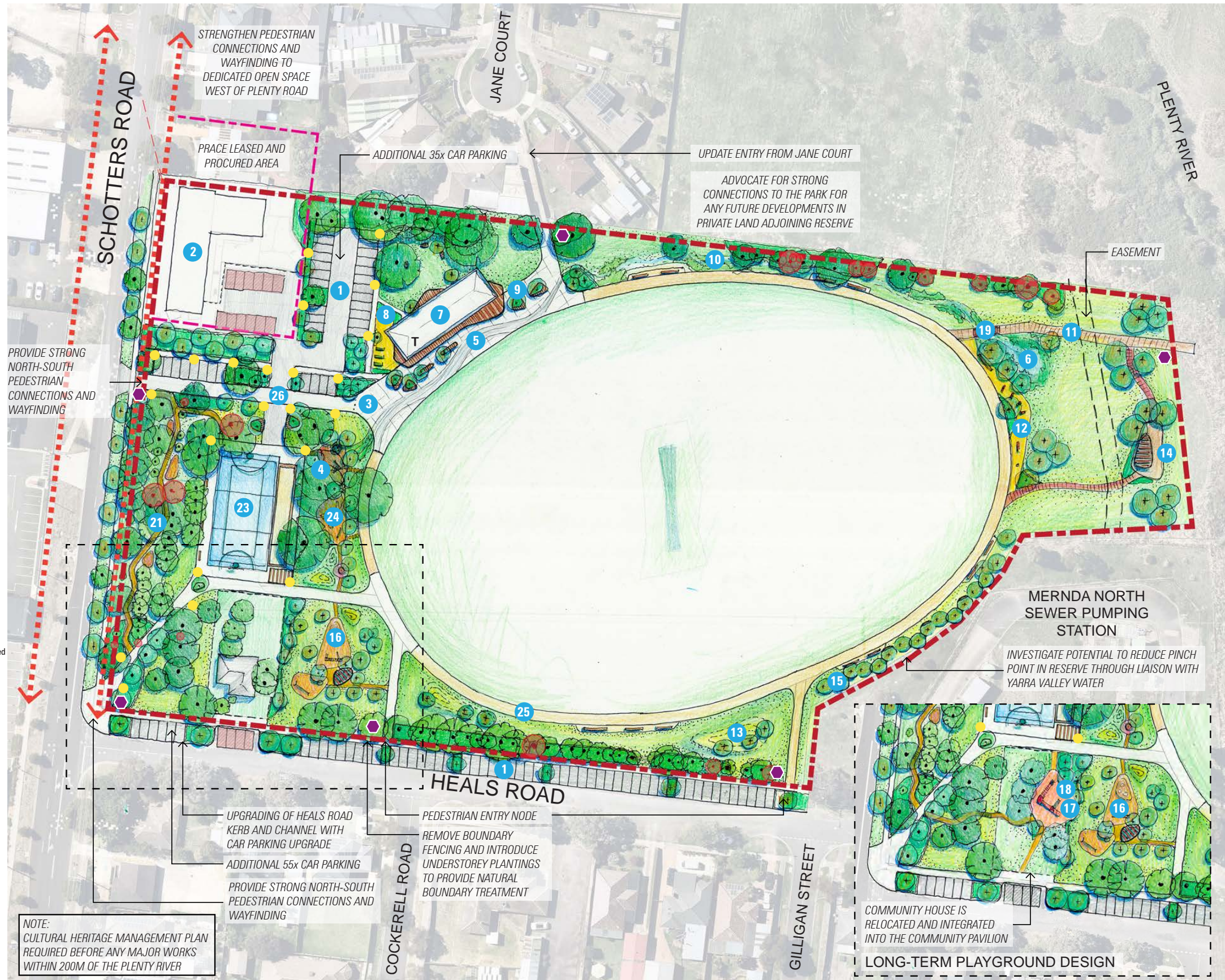


Figure 1 Masterplan Concept Plan



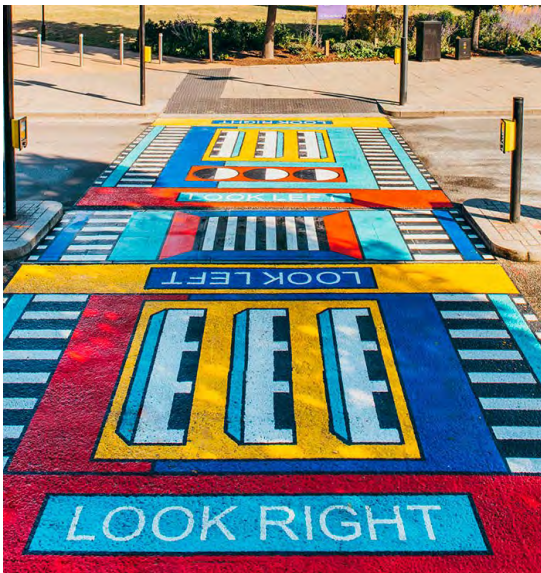


# CONCEPT IDEAS SPORTS PAVILION

PLENTY RIVER



SOLAR LIGHTING  
SUSTAINABILITY



RESERVE  
CYCLE TRACK ↕

EXERCISE  
TRACK

VIEWING AREA



Precedent Imagery

ACCESS & CIRCULATION



TRAFFIC CALMING GRAPHIC



FEATURE PAVING



FEATURE PAVING



PERMEABLE CAR PARK



WALKWAY/ BOARDWALK



RUBBER FLOORING



GRAVEL PATH



SHARED PATHWAY



PATH LINKAGES



REMOVABLE BOLLARD

BUILDINGS, FACILITIES & AMENITIES



SPORTS PAVILION



SHELTER & SEATING



SHELTER & SEATING



BBO AREA



COMMUNITY HUB



ROCKWORK SEATING



SEATING



SHELTER



SHELTER



BIKE PUMPING STATION



Precedent Imagery

RECREATION



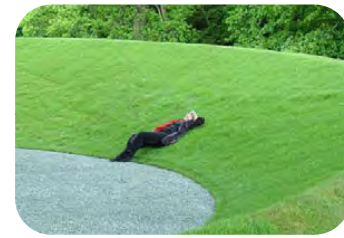
NATURE PLAY



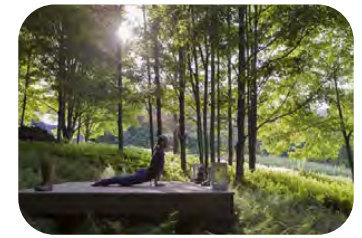
NATURE PLAY



RUBBER MOUNDS



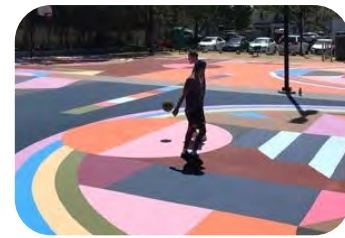
TURF MOUNDS



YOGA/ VIEWING DECK



OUTDOOR FITNESS EQUIPMENT



MULTI-SPORT COURT



WATER PLAY



BOCCE BALL COURT



PLAY FORT

GENDER-NEUTRAL, ALL-ABILITIES & SAFE SPACES



SENSORY PATH



SENSORY GARDENBEDS WITH SEATING



SENSORY SIGNAGE



MULTI-USE PLATFORM/ DECK



FAIRY TREE CIRCLE



QUIET PLAY



ACCESSIBLE RAISED GARDEN BED



DDA FURNITURE



SOLAR POLE LIGHTING



ACCESSIBLE FITNESS EQUIPMENT



Precedent Imagery

STUCTURES, SIGNAGE & WAYFINDING



ENTRY SIGNAGE



WAYFINDING



WAYFINDING



EDUCATIONAL SIGNAGE



EDUCATIONAL SIGNAGE



BRANCH SHELTER



SITE SPECIFIC COMMISSIONED SCULPTURE

VEGETATION



BASALT PLAINS GRASSLAND



RIVER RED GUM GRASSY WOODLAND



SWAMP SCRUB



RIPARIAN FOREST



BOX-STRINGYBARK WOODLAND



MOUNDING



ROCK SWALE WITH WSUD PLANTING



NATIVE SENSORY GARDEN BEDS



BIRD BOXES



PLANTING ALONG PATHS AND BOUNDARIES



# Recreation Reserve Master Plans

Lalor Recreation Reserve, Lalor  
Lowalde Recreation Reserve, Epping  
Mernda Recreation Reserve, Mernda  
WA Smith Recreation Reserve, Lalor  
Sycamore Recreation Reserve, Mill Park



**City of  
Whittlesea**





*City of*  
**Whittlesea**

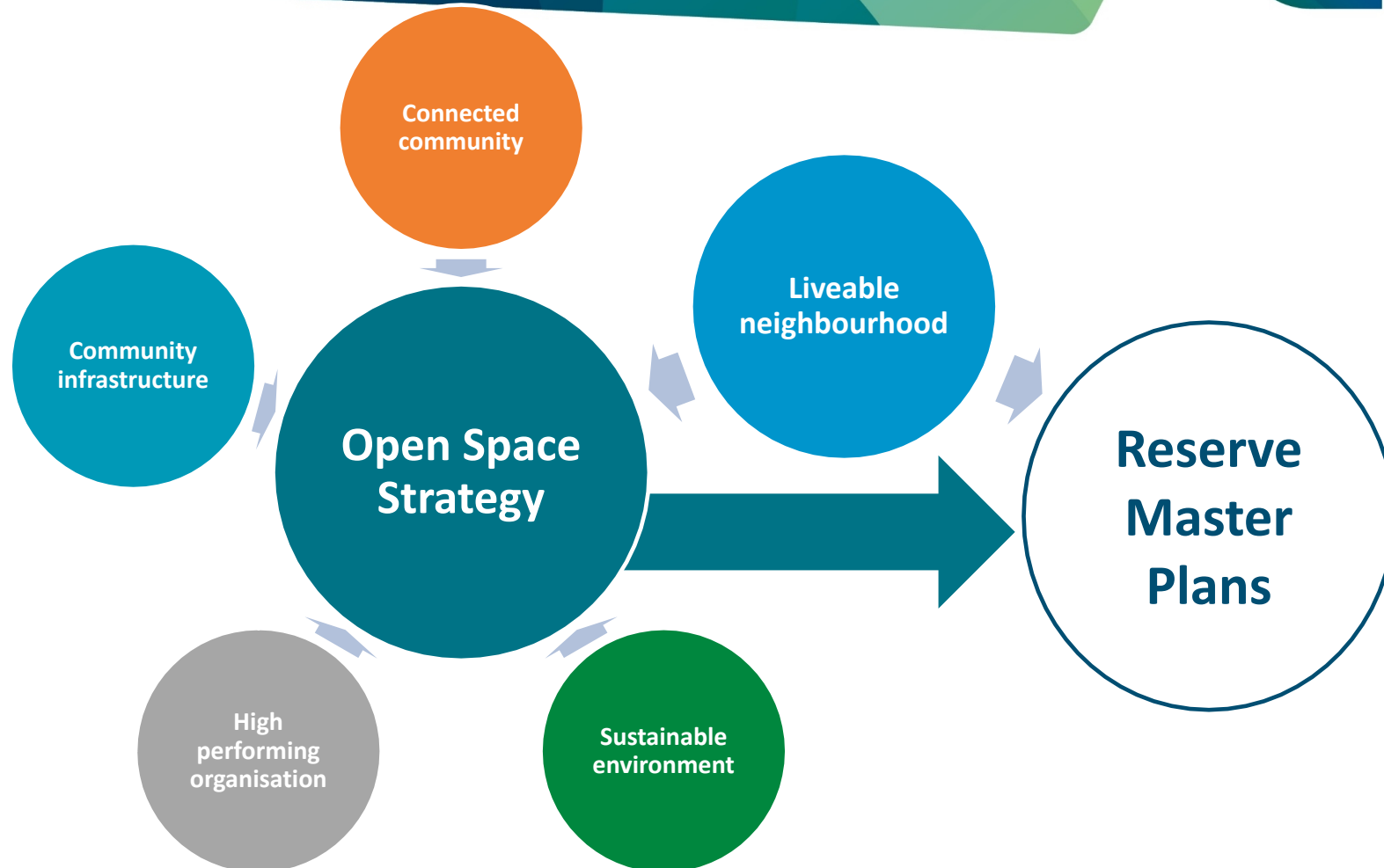


## **Acknowledgement**

We recognise the rich Aboriginal heritage of this country and acknowledge the Wurundjeri Willum Clan and Taungurung People as the Traditional Owners of lands within the City of Whittlesea.

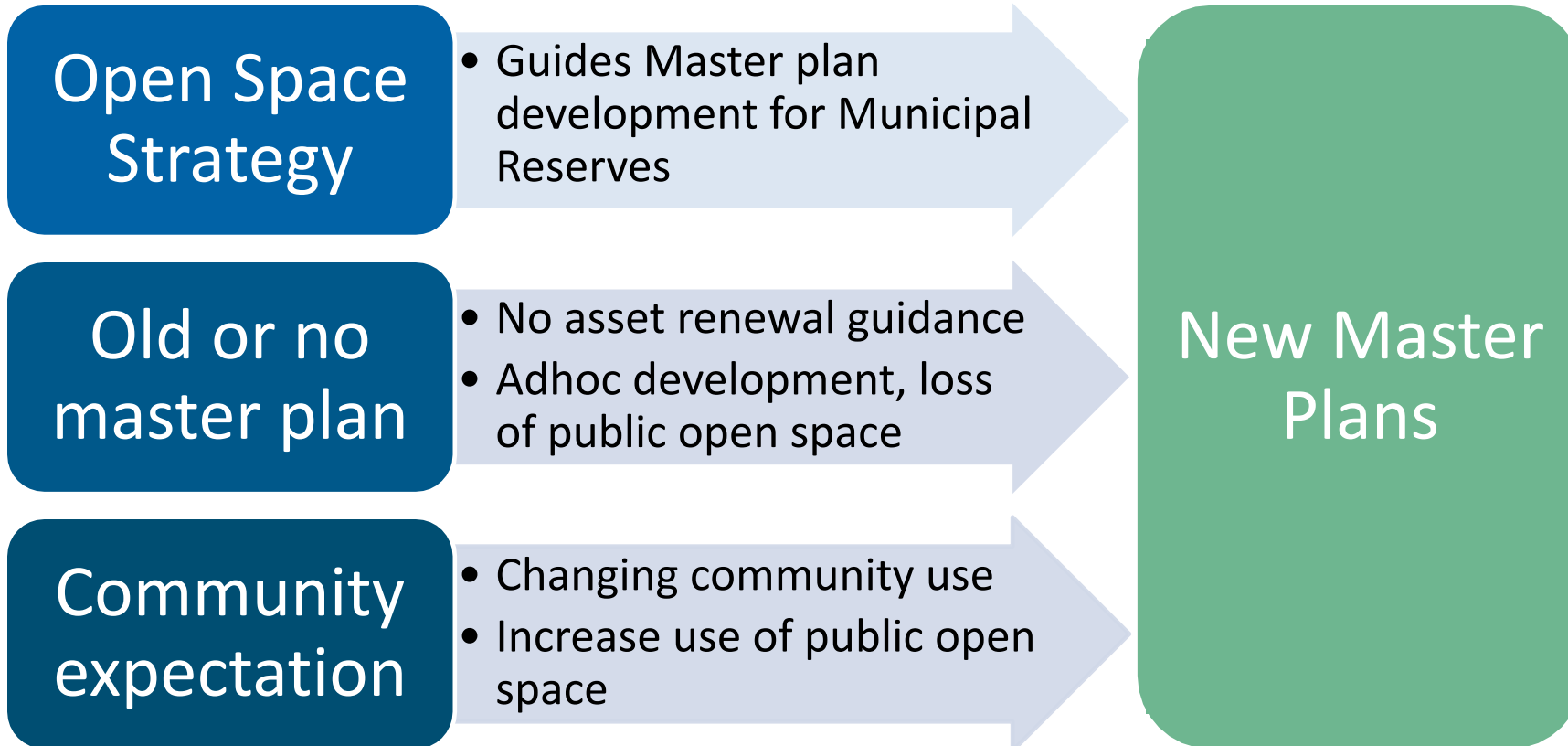


# Strategic Context





# Overview



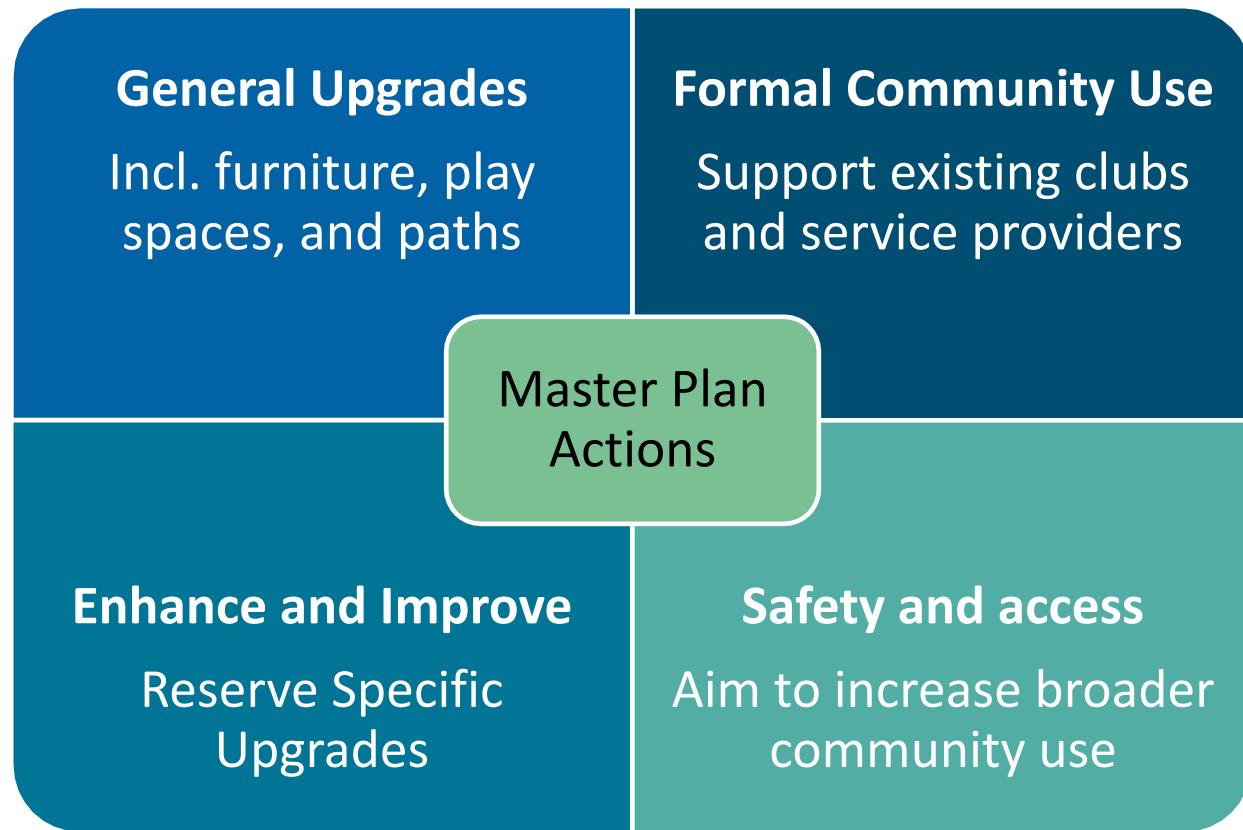


# Work completed to date





# Overview



Intention of this report is to gain endorsement for the second round of consultation and engagement activities.



# The reserves





# Lalor Recreation Reserve



## Strategy Guidance

- Master Plan 2005, Asset renewal and implementation plan 2018
- 2 relevant council Resolutions
- **Initial Community Comments**
- Safety and Access
- Spending longer at the reserve
- Local disruptions

Formal Sport Area	Informal Open Space	Buildings / Car Park
16,235 sqm	14,515 sqm	6,900 sqm





# Lalor Recreation Reserve



## Main actions proposed

- Improved street frontage
- Formalised on-street and on-site car park
- New path network and seating
- Park amenity lighting (main pedestrian thoroughfare and car park only)



Formal Sport Area	Informal Open Space	Buildings / Car Park
16,235 sqm (=)	16,200 sqm (+)	5,200 sqm (-)



# Lowalde Recreation Reserve



## Strategy Guidance

- Ad-hoc, No pre-existing plan

## Initial Community Comments

- Walking and active recreation
- Park infrastructure
- Enabling sports



Formal Sport Area	Informal Open Space	Buildings / Car Park
11,895 sqm	22,360 sqm	1,950 sqm



# Lowalde Recreation Reserve



## Main actions proposed

- Reconfigured car-park with forecourt to kindergarten
- Public automated toilet for broader public use
- Informal recreation facilities such as fitness equipment, bike loop, play space
- Park amenity lighting



Formal Sport Area	Informal Open Space	Buildings / Car Park
11,895 sqm (=)	22,260 sqm (-)	2,050 sqm (+)



# Mernda Recreation Reserve



## Strategy Guidance

- Future Directions Plan 2021

## Initial Community Comments

- Recreation for all users
- Facilities and safety
- Community spaces

Formal Sport Area	Informal Open Space	Buildings / Car Park
15,705 sqm	12,350 sqm	6,550 sqm





# Mernda Recreation Reserve



## Main actions proposed

- Formalised car park (on-site and Heals Rd)
- Co-located pavilion and community house (long term)
- Informal recreation facilities such as fitness equipment, oval loop path, play space, Plenty River viewing platform
- Park amenity lighting

Formal Sport Area	Informal Open Space	Buildings / Car Park
15,705 sqm (=)	15,650 sqm (+)	3,250 sqm (-)





# WA Smith and Sycamore Recreation Reserve



## Strategy Guidance

- Master Plan 2008

## Initial Community Comments

- Community spaces and facilities
- Experience and connection to nature

Formal Sport Area	Informal Open Space	Buildings / Car Park
41,450 sqm	150,195 sqm	8,230 sqm





# WA Smith and Sycamore Recreation Reserve



5 | Draft Master Plan

## Main actions proposed

- WA Smith as the formal sports reserve
- Sycamore more of a passive open space
- Co-located pavilion and Kindergarten
- New bridge connections
- New central play space
- Enhanced connections with the Creek





# What next?





## 5.2 Strong Local Economy

### 5.2.1 Yarra Plenty Regional Library Service Review

**Responsible Officer:** Director Community Wellbeing

**Author:** Unit Manager Leisure & Recreation

**In Attendance:** Manager Active & Creative Communities  
Unit Manager Leisure & Recreation  
Projects & Planning Officer

**Attachments:**

1. Library Service Review Implementation Actions [5.2.1.1 - 2 pages]

#### Purpose

The purpose of this report is to update Council on the outcomes and recommendations of the Library Service Review.

The review was undertaken to determine the strategic direction of library services over the next twenty years and inform transition of the Yarra Plenty Regional Library Corporation to a new entity as required under the *Local Government Act 2020*.

This report presents the findings of the Library Service Review from both a service and infrastructure perspective.

The report also seeks endorsement for staffing of future community library hubs, and to make the current trial library community hub at Galada Community Centre in Epping North permanent.

#### Brief Overview

At its December 2022 meeting, Council:

- Noted the commencement and scope of the Library Services Review and the engagement of an independent consultant.
- Endorsed the establishment of a library and community space in a shop front in the Mernda Town Centre.
- Endorsed the establishment of a Library Hub at the Kirrip Community Centre in Wollert.



The Library Service Review was undertaken in response to two actions in the Strong Local Economy goal of the Community Plan 2021-2025:

1. Review the library service to inform transition to a new entity as required under the *Local Government Act 2020*.
2. Increase participation and access to library services through additional 'satellite' library programming at community centres.

The Library Service Review was designed to:

- Be a starting point for Council to determine the strategic direction of library services over the next twenty years and the facilities needed to deliver services.
- Inform strategies in Council's Integrated Planning Framework, including the Connected Communities Strategy, Liveable Neighbourhoods Strategy and Long-Term Community Infrastructure Plan.
- Guide City of Whittlesea's input into planning for the transition of Yarra Plenty Regional Library Corporation (YPRL) into a new entity by June 2031 as required by the *Local Government Act 2020*.

Underpinned by the findings of the Library Service Review, this report recommends the following strategic directions for library services:

- To continue a shared service business model with YPRL, Nillumbik Shire Council and Banyule City Council.
- Increase the agility of the library service in the western growth corridor as the population increases significantly over the next ten years.
- Co-locate library services with complimentary services to enhance community access and partnership opportunities.
- Assess the service level offered at each location with a place-based lens to ensure responsiveness to community needs.
- Develop a framework for Council's relationship with YPRL to improve strategy alignment and reporting.

Key actions from the City of Whittlesea Library Service Review Implementation Actions 2023 – 2031 at **Attachment 1** include:

- Improve reporting and alignment to Council's strategies in a new service agreement with YPRL.
- Develop and implement a relationship matrix in the new service agreement with YPRL to elevate library strategy and reporting.
- Partner with YPRL in trialling a 24/7 library model.
- Develop and trial with pop-up services to activate Council assets and/or other facilities and locations across the municipality.
- Adapt the mobile library route to deliver services to the north-west growth corridor.



## Recommendation

### THAT Council:

1. Endorses the continuation of a regional shared service model with the Yarra Plenty Regional Library Corporation, Nillumbik Shire Council and Banyule City Council for the delivery of library services in the City of Whittlesea.
2. Delegates authority to the CEO to enter into a new service agreement with Yarra Plenty Regional Library Corporation for 2025-2031 upon expiry of the current agreement in 2025.
3. Notes Council Officers have commenced planning with Yarra Plenty Regional Library Corporation, Nillumbik Shire Council and Banyule City Council to ensure the Yarra Plenty Regional Library Corporation transitions successfully to a new entity as required under the *Local Government Act 2020*.
4. Notes the Library Service Review Implementation Actions 2023-2031 at Attachment 1.
5. Notes that actions relating to library infrastructure in Attachment 1 will be incorporated into Council's Long-Term Community Infrastructure Plan.
6. Endorses a staffed library service delivery model for future community library hubs, subject to business cases and Council's budget processes.
7. Authorises the CEO to increase the level of service in Council's existing service agreement with the Yarra Plenty Regional Library Corporation (2021-2025) to transition the trial library hub at Galada Community Centre in Epping North to a permanent library hub in January 2024. The increased level of service comprises additional part time staffing cost of \$110,750 per annum, which will be funded through Council's operational savings.

## Key Information

### BACKGROUND

#### Delivery of library services in the City of Whittlesea

Library services in the City of Whittlesea are delivered on behalf of Council by the Yarra Plenty Regional Library Corporation (YPRL) through a service agreement. The regional library model includes Banyule City Council and Nillumbik Shire Council. The structure has been in place since 1995 and the agreement has been renewed every five years. While the service is operated by YPRL, Council has representation on the YPRL Board with Council officers supporting the implementation of the service agreement and managing the relationship with the YPRL.



The City of Whittlesea library service currently includes one destination library (Mill Park), three branch libraries (Lalor, Thomastown, Whittlesea), two Click and Collect Hub libraries (Galada Community Centre, Epping and Olivine Place, Donnybrook), the mobile library bus service and outreach programs. The mobile library provides access to books via a large-scale heavy vehicle that delivers to residents unable to travel to library facilities. This service currently stops in Epping North, Doreen, and Mernda.

At its December 2022 meeting, Council endorsed a proposal to extend the library community hub model into Kirrip Community Centre (Wollert) as well as establish a mini branch model in a shop front in the Mernda Town Centre, both on a medium-term basis.

### **Changes to the *Local Government Act 2020***

Existing library corporations including YPRL were formed under the *Local Government Act 1989*. Under the new *Local Government Act 2020*, library services remain the responsibility of local government, but the Act contains specific provisions that require all existing regional library corporations to be ‘wound up’ and transitioned to a new corporate entity by 2031.

The new entities will be governed by s.110, the Beneficial Enterprises section of the *Local Government Act 2020*. The intent is to remove redundant legislative provisions and potentially use existing incorporation provisions already existing in Victorian or Commonwealth legislation.

The following provisions in the *Local Government Act 2020* have underpinned the Library Service Review:

- Under s.330, no new library corporation can be formed, and no additional Council can become a member of an existing library corporation.
- Existing library corporations must be wound up under the provisions of the *Local Government Act 1989* within 10 years (by 30 June 2031) of the commencement of s.110 Beneficial Enterprises.
- Operations of the existing library corporation can be transferred to a new corporate operating structure if desired.

### **LIBRARY SERVICE REVIEW KEY FINDINGS AND RECOMMENDATIONS**

This report recommends that Council continues with a shared library services model with existing member Councils and develops a relationship framework to support the YPRL service agreement to improve reporting and strategy implementation.



### **The evolution of libraries as a service**

The purpose of libraries is evolving, and they have become much more than a place to borrow books. Libraries provide a range of recreational, educational, social, information and employment-related benefits for community members of all ages, interests, and backgrounds. This includes involvement in programs and services, accessing computers and other technology, interacting with staff and undertaking informal recreation. There is a much higher demand for program and activities and less emphasis on borrowings and loans in the City of Whittlesea. Future facilities will need to orient the allocation of floor space and resources (staffing) towards programs and activities. A place-based assessment of the service level will need to be undertaken at each location to ensure the community is well supported in accessing facilities and programs.

Delivery of library services as part of a broader integrated suite of services is an effective way of service delivery and using space in a more efficient manner with complimentary services. It also potentially attracts new and different users to the library by allowing cross service collaboration.

The City of Whittlesea is a high-growth municipality with very high levels of demand for new facilities and infrastructure in growth areas and renewal / replacement of assets and facilities in established areas. There is a need to increase the agility of the library service, particularly in the north-western growth corridor as the population increases significantly over the next ten years.

### **Future library service model**

Three potential models were analysed for the future library service, including:

1. Shared Service Model – This is the model currently in operation and involves a service arrangement and regional partnership with YPRL and partner Councils Banyule City Council and Nillumbik Shire Council.
2. In-house Service Model – Service is wholly managed and delivered by staff employed by Council.
3. Contractor or Commissioned Provider – Service is contracted out to a third-party entity.

This report recommends that the City of Whittlesea continues with a shared service model for the future delivery of library services. This model has a demonstrated history of high visitation, delivering community outcomes, increased efficiencies and economies of scale.



If Council endorses the continuation of this model, elements including strategic alignment, integration with broader Council services and operations and adapting to changing community need will be addressed through the development of a relationship framework. This framework will define authority, set service requirements and improve accountability for delivery of community outcomes. The benefits of shared service models include economies of scale and efficiencies based on opportunities for staffing and resources being shared across member Councils.

A key measure to ensure effective transition to a new corporate entity has been the establishment of a joint planning initiative between the City of Whittlesea, YPRL, Nillumbik Shire Council and Banyule City Council. A sub-committee of the YPRL Board comprising member Council Executive Officers as well as the YPRL CEO has been established to lead this work.

### **YPRL Service Agreement**

Library services are an important but wholly discretionary service and therefore the establishment of clear policy and service standards to guide delivery is integral. An arm's length entity for delivery of services has advantages (efficiency and scale) but requires mechanisms to ensure clear definition of requirements, performance measurement and accountability to Council and community.

Through the Library Service Review, it was identified that City of Whittlesea as a member Council plays a stronger role in setting vision, strategy, policy, and quality standards for YPRL.

The *Local Government Act 2020* requires that all library corporations in Victoria transition to a new entity by June 2031. Council's existing agreement with YPRL is from 2021-2025. This report proposes that:

- A new service agreement is negotiated for 2025-2031 whilst the joint planning initiative is undertaken for the entity transition in line with the 2031 timeline. Officers will work directly with YPRL Executive to incorporate key recommendations of this report into the next service agreement. The new service agreement will incorporate the following elements:
  - A more robust relationship framework between Council and YPRL which defines authority, sets service requirements, and improves accountability for delivery of community outcomes.
  - Enhanced strategic and operational alignment – aligning library services closely with Council strategies, community programs and activities.



## LIBRARY INFRASTRUCTURE

Patterns of library visitation in the City of Whittlesea indicate a much higher demand for program and activities and less emphasis on borrowings and loans. This means that future facilities will need to orient the allocation of floor space towards programs and activities and economic development to compliment collections and traditional library services. This will include the trial of community access to a library 24/7 to support the changing needs of our community.

Delivery of library services as part of a broader integrated suite of services under a community hub model is an effective way of using space in an efficient manner and potentially attracts new and different users to the library by allowing cross service collaboration. Delivering library services in a co-located model enables the community to access multiple services in a single location.

Library infrastructure requirements will be assessed and prioritised through Council's Long Term Community Infrastructure Plan with plans to create 'library centric' hubs in the short to medium term.

### **Progressing Community Library Hubs and satellite sites**

In December 2022, Council endorsed a proposal to extend the library service into Kirrip Community Centre (Wollert) and a shop front in the Mernda Town Centre. This is an extension of the 'click and collect' models trialled in Olivine Place in Donnybrook and Galada Community Centre in Epping North.

While Olivine Place has served the community as it has grown, visitation has decreased over time. There is limited space to display a collection, the site does not have a YPRL staff member present and there is no integration with other services. This site will be repurposed when the library service at the Kirrip Community Centre in Wollert is established. This change will bring opportunity for a larger collection in addition to place-based programming and events as requested by community members.

The Galada Community Centre trial has run in a similar way to Olivine Place in that it offers 'click and collect' borrowings within a community centre setting and is unstaffed by YPRL. The Galada Community Centre site has been a success with growing visitation, borrowing and programming from the Thomastown Library. The strength and success of the library service in the Galada Community Centre is highlighted by the collection's prominence in the community foyer.



While the 'click and collect' model of service is user friendly, the Library Service Review identified that for the service to continue to grow and flourish, a minimum service level of one librarian is required to provide onsite assistance and increased access to facilities such as computers, printing and public Wi-Fi. Due to the success of this site, this report proposes that the Galada Community Centre community library hub becomes permanent, with the addition of staffing for consistent programming and daily on-site processing of collections.

The two new library service locations at Kirrip Community Centre and Mernda Town Centre will provide growth corridor communities greater access to localised services. At Kirrip Community Centre, the library will be integrated within the foyer and include a dedicated library area with bookshelves and seating. In addition, mobile bookshelves, a self-checkout, and a returns area will encourage library users to walk past the program noticeboard, see other activities and engage with facility staff. Library collection items will also be available in various community languages.

The Mernda Town Centre location will be a new model in the library service hierarchy referred to as a 'mini-branch'. It will have a bigger footprint than the community hub model and have a fulltime YPRL staff member. The mini-branch model is intended to offer increased collection, facilities and opportunities to network through place-based events and programming. It will also offer computer and printing access and public Wi-Fi.

Patterson Drive Community Centre in Donnybrook (currently being designed) will also be a hub of integrated services with a staffed, mini-branch library being central. In the interim, to respond to growing and changing community needs in the Wollert and Donnybrook growth areas, Council will work with YPRL to review mobile library stops.

### **Future libraries**

As Council's two major growth areas increase in population the following actions will be undertaken:

- Investigate implementing a library service in Doreen
- Investigate growing the Patterson Drive Community Centre library from a mini-branch to a branch

## **Community Consultation and Engagement**

YPRL, Nillumbik Shire Council and Banyule City Council have been engaged throughout the Library Service Review.

The YPRL Board was presented with key findings of the Library Service Review at its meeting on 31 August 2023.



A working group of member Council officers has been established to participate in the joint planning required to transition the library service into a new entity as per the *Local Government Act 2020*.

Given the extensive community interest in libraries, it is proposed that a public report is made available on Council's website. The report provides detail about the library service, the service review and outlines how Council will continue to deliver library services for our growing community.

### Alignment to Community Plan, Policies or Strategies

Alignment to Whittlesea 2040 and Community Plan 2021-2025:

#### **Strong Local Economy**

This report responds to two actions within the Strong Local Economy goal of the Community Plan:

- Review the library service to inform transition to a new entity as required under the *Local Government Act 2020*.
- Increase participation and access to library services through additional 'satellite' library programming at community centres.

#### **Connected Communities**

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

#### **Liveable Neighbourhoods**

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

### Considerations

#### **Environmental**

The construction of new library facilities will consider Council's Environmental and Sustainable Design Guidelines.

Alignment to Council's environmental sustainability goals will form part of Council's new 2025-2031 service agreement with YPRL.

Council will work with and support YPRL to minimise waste by reusing books and upcycling materials, moving towards a localised circular economy.



### **Social, Cultural and Health**

Libraries are known as an important universal service that provide free, safe and accessible places and resources to support community development, and the creation of a distinct sense of place.

### **Economic**

The opportunity to utilise the programming space in the Mernda Town Centre min-branch to trial additional service mix options will provide case study data to inform the design, functionality and partnership opportunities to deliver a permanent facility in the longer term that maximises local economic benefits.

### **Financial Implications**

#### ***Capital***

This report does not propose any new capital funding. All future infrastructure requirements are either already budgeted in Council's Long-Term Financial Plan or will be considered as part of the Long-Term Community Infrastructure Plan.

#### ***Operational***

It is proposed that mini-branch libraries will have a fulltime staffing model. The operational cost of this model for the Mernda Town Centre mini-branch library was endorsed by Council at its December 2023 meeting and incorporated into Council's Long-Term Financial Plan. Staffing for the library service at the Patterson Drive Community Centre and any future mini branches will be subject to business cases and future Council budget processes.

A shared staffing model for the network of community hub locations is proposed that provides daily part time onsite staff for programming, processing of collection and courier services. At its December 2023 meeting, Council endorsed part time staffing at Kirrip Community Centre in Wollert linked to an existing branch library to the value of \$100,250.

It is proposed that the trial library hub at the Galada Community Centre in Epping North becomes permanent, with the same network part-time staffing model as the Kirrip Community Centre. The additional cost to Council of staffing would be \$110,750 per annum.

### **Link to Strategic Risk**

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

Libraries are a valued service to the community that to adapt and build facilities in the right location at the right time.

## Implementation Strategy

### Communication

The Library Service Review will be made available on the Council website.

### Critical Dates-

- **October 2023** – Commence review of mobile library service stop locations
- **October 2023** – Launch mini branch at Mernda Town Centre
- **December 2023** – Launch library hub at Kirrip Community Centre, Wollert
- **December 2023** – Repurpose library hub at Olivine Place, Donnybrook
- **December 2023** – Council endorsement of Long-Term Community Infrastructure Plan which will include future library infrastructure requirements

## Declaration of Conflict of Interest

Under Section 130 of the *Local Government Act 2020* 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

This report outlines the recommendations from the Library Service Review including that library services continue to be delivered via a shared-service model.



# Library Service Review



## Implementation Actions 2023-2031

With needs, trends and challenges considered, City of Whittlesea has developed an action-based plan to continue to deliver library services to the community in an enhanced and co-located way. The implementation actions have been informed by a Library Service Review are designed to establish new methods of service delivery while improving strategy and reporting through to 2031.

Council plans to deliver on its approach by completing the following actions:

### 1. Continue with a shared service model

1a. If endorsed by Council, negotiate a new service agreement with the Yarra Plenty Regional Library Corporation for 2025-2031 (by June 2025).

1b. Work with Yarra Plenty Regional Library Corporation, Nillumbik Shire Council and Banyule City Council to successfully transition the Yarra Plenty Regional Library Corporation to a new entity as required by the Local Government Act 2020 (by October 2028).

### 2. Take a service-driven and evidence-based approach to library planning

2a. Ensure library infrastructure requirements are built into the City of Whittlesea Long-Term Community Infrastructure Plan (by December 2023).

2b. Trial pop-up library service for innovative sites and to activate underutilised places (by June 2025).

2c. Develop and implement a Relationship Framework with Yarra Plenty Regional Library Corporation to guide reporting requirements and communication ensuring ongoing service alignment to Council's Community Plan (by June 2024).

### 3. Plan for multipurpose 'library centric' community hubs that meet a range of needs

3a. Co-locate libraries with compatible services that support community need (ongoing).

3b. Design fluid and versatile library spaces to allow for changing need and place demographics at the Patterson Drive Community Centre in Donnybrook (by December 2026).

3c. Support YPRL to minimise waste, upcycle materials and move towards a localised circular economy (ongoing).

### 4. Continue to activate existing community centres using library services

4a. Repurpose Olivine Place library hub in Donnybrook when the library hub opens at Kirrip Community Centre in Wollert (by February 2024).

4b. Consider relocating a mobile library stop location to the proposed location of Patterson Drive Community Centre in Donnybrook until it opens (by February 2024).

4c. If endorsed by Council, implement the library hub at the Galada Community Centre in Epping North on a permanent basis with an increased service level of a daily part-time librarian presence for programming and collection management (by February 2024).

# Library Service Review



4d. Investigate implementing a library service in Doreen (by October 2028).

4e. Monitor demand and investigate growing the Patterson Drive Community Centre in Donnybrook library from a mini-branch to a branch (by October 2028).

4f. Investigate improving wayfinding within precincts towards libraries (by June 2026).

4g. Improve street appeal or signage at facilities where libraries are present (by December 2025).

## 5. Develop a hierarchy of library services

5a. Establish a mini branch model of service with full time librarians to complement the existing hierarchy established by the Yarra Plenty Regional Library Corporation (by December 2023).

5b. Develop a level of service for librarian resources to service the network of library hubs (by December 2023).

5c. Continue to provide and expand the network of hub libraries in community centres to supplement and support areas where libraries are yet to be built (ongoing).

## 6. Manage growth with agility

6a. Adapting the mobile library route to be more agile with location setting and being responsive to growth areas, specifically the North-Western Growth corridor (by February 2024).

6b. Explore embedding library collections at innovative spaces such as train stations, shopping centres, aquatic centres, Growling Frog Golf Course and Plenty Ranges Arts and Convention Centre (by June 2025).

6c. Trial a 24/7 community access library (by June 2026).

6d. Deliver library programming, events and collection from public precincts such as shopping centres at community events (by June 2025).



### 5.3 Sustainable Environment

No reports

### 5.4 High Performing Organisation

#### 5.4.1 Public Transparency Policy

**Responsible Officer:** Executive Manager Office of Council & CEO

**Author:** Executive Manager Office of Council & CEO

**Attachments:**

1. Public Transparency Policy August 2023 [5.4.1.1 - 10 pages]

#### Purpose

To seek Council's consideration and adoption of the Public Transparency Policy.

#### Brief Overview

In accordance with s 57 of the *Local Government Act 2020*, Council is required to adopt and maintain a Public Transparency Policy (Policy).

Following the Council resolution of 15 August 2023, officers made the Policy publicly available between 18 August and 1 September 2023 on Council's engagement page seeking community feedback. The engagement page attracted 70 views however, no feedback was provided.

The revised Policy ensures compliance with the Public Transparency Principles and includes additional information around what public transparency means in relation to Council's obligations in sharing information with the community.

#### Recommendation

**THAT Council:**

1. **Adopt the Public Transparency Policy attached at Attachment 1.**
2. **Note the Public Transparency Policy will be made available on Council's website.**

#### Key Information

The Public Transparency Policy promotes openness and transparency in Council decision making processes and raises public awareness on the type of information easily accessible publicly to the community.

To highlight the importance of open and transparent governance, the following key Policy amendments were made:

- Definition of ‘What is Public Transparency’ in the local government context.
- Inclusion of Public Transparency Principles as defined in s 58 of the *Local Government Act 2020*.
- Expansion of the Decision Making at Council Meetings section to include information on when a meeting is closed or partially closed to the public and where Council decisions are unable to be made public.
- Inclusion of Council’s commitment to proactive and informal release of information to minimise the requirement for community members lodging Freedom of Information requests.
- Inclusion of availability and accessibility of Council information.
- Inclusion of the Public Interest Test and how Council will apply it when assessing whether to make certain information publicly available.

Other minor administrative amendments were made to ensure ease when navigation through the Policy.

### Community Consultation and Engagement

The Policy was made available on Council’s engagement page between 18 August and 1 September 2023 seeking community feedback. While there were 70 views of the engagement page no feedback was provided.

### 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 Public Transparency Policy is a requirement under s 57 of the *Local Government Act 2020*.

### Considerations

#### Environmental

No Implications

#### Social, Cultural and Health

The Policy promotes openness and transparency encouraging proactive release of Council Information to increase community confidence and trust in Council’s decision making.



### **Economic**

No Implications

### **Financial Implications**

There are no financial implications with the proposed Policy.

### **Link to Strategic Risk**

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

Council is required to adopt and maintain a Public Transparency Policy in accordance with s 57 of the *Local Government Act 2020*.

### **Implementation Strategy**

#### **Communication**

The revised Policy will be made publicly available on Council's website and circulated to all staff.

#### **Critical Dates**

There are no critical dates associated with the adoption of the revised Policy.

### **Declaration of Conflict of Interest**

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

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

### **Conclusion**

The revised Public Transparency Policy provides for greater clarity to ensure the community is fully informed on the type of Council decision information that can be made publicly available.



## Public Transparency Policy 2023

### Policy statement

The City of Whittlesea acknowledges the importance of open and accountable government and sets out what Council information is to be made publicly available.

### Purpose

The Public Transparency Policy will promote openness and transparency in Council decision-making processes and raise public awareness of the availability of Council information.

The policy seeks to achieve the objective by:

- Increasing community confidence and trust in Council's decision-making processes by providing access to Council information
- Promoting greater understanding and awareness by the community of how Council's decisions are made
- Facilitating public access to information that is current, easily accessible, plain English and disseminated in a timely manner
- Ensuring that our community trusts and has confidence in the City of Whittlesea
- Reassuring the community that Council is properly managing public funds and
- Reducing the need for the public to access information through the Freedom of Information (FOI) process.

### Scope

This policy applies to Councillors and members of Council staff.

### Alignment to Whittlesea 2040

The Public Transparency Policy primarily guides Council's work toward the following Goal as outlined in *Whittlesea 2040: A place for all: High Performing Organisation*.

This policy enables the achievement of a High Performing Organisation Key Direction 5.2 *More informed Council decisions based on strong advice and community consultation and engagement*.

Additionally, this Policy is informed by:

Council's Governance Rules

Council's Privacy and Data Protection Policy

The Charter of Human Rights and Responsibilities Act 2006

Freedom of Information Act 1982

Local Government Act 2020

Privacy and Data Protection Act 2014

Equal Opportunity Act 2010.

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### What is Public Transparency

Transparency and accountability go hand in hand. Openness, accountability, and honesty define local government transparency and Council’s obligations to share information with the community.

Transparency is central to the ability of the community to hold its elected and appointed officials accountable. Public transparency, in the local government context, requires that the work of the Council is:

- conducted openly;
- accompanied by information made freely and proactively available to the community and stakeholders; and
- supportive of participation in decision making.

Expectations should be minimal and in accordance with the law. An explanation should always be provided as to why information will not be released or why a decision cannot be made with full transparency.

### Overarching Governance Principles

The development of this Policy considered the *Local Government Act 2020’s* Overarching Governance Principles and the following were applied:

Lawful	<input checked="" type="checkbox"/>	Community engagement	<input checked="" type="checkbox"/>
Best community outcome	<input checked="" type="checkbox"/>	Transparent	<input checked="" type="checkbox"/>

### Public Transparency Principles

Council commits to the following principles for Public Transparency as set out in s 58 of the Act:

- a) Council decision making processes must be transparent except when the Council is dealing with information that falls under the confidential provisions of the Act or any other Act.
- b) Council information must be publicly available unless:
  - i. The information is confidential by virtue of the Act or any other Act; or
  - ii. Public availability of the information would be contrary to the public interest.
- c) Council information must be understandable and accessible to members of the municipal community.

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- d) Public awareness of the availability of Council information must be facilitated.

Council will give effect to and implement the Public Transparency Principles in accordance with this Policy.

### Definitions of Key Terms

For the purposes of this Policy, Council adopts the following definitions:

<b>Act</b>	means the <i>Local Government Act 2020</i> (Vic)
<b>Closed Meeting</b>	means Council resolves to close the meeting to the public to consider confidential information such as legal advice, commercial business information, contractual information and information containing personal affairs.
<b>Community engagement</b>	means the process of seeking input on a matter.
<b>Governance Rules</b>	means the governance rules adopted by Council under section 60 of the Act, as amended from time to time.
<b>Municipal community</b>	means residents and ratepayers, traditional owners of land in the municipal district and people and bodies who conduct activities in the municipal district of Council.
<b>Public Interest Test</b>	means the standard test Council will apply when determining whether release of information is contrary to the public interest. Council will consider the harm likely to be created by releasing the information and the public benefit in being transparent.
<b>Public Participation</b>	means a range of public involvement, from informing people about Council matters through to delegating decision making to the municipal community.
<b>Stakeholder</b>	means an individual or group with an interest in the decisions of Council and who are directly impacted by the outcomes.
<b>Transparency</b>	means enabling others to see and understand how the organisation operates in an honest way. It also means to ensure the availability of all information needed in order to collaborate, cooperate and make decisions effectively.

### Context/Rationale

Council must adopt and maintain a public transparency policy under section 57 of the *Local Government Act 2020* (the Act). This Policy also gives effect to the *Public Transparency Principles* outlined in section 58 of the Act.

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### Decision Making at Council Meetings

Council must make decisions in accordance with its obligations under the Act, Rules and adopted policies.

Council must ensure that decisions made at Council meetings are:

- a) undertaken in accordance with the Act and the Governance Rules.
- b) conducted in an open transparent forum, unless closed in accordance with the provisions in the Act and Governance Rules.
- c) informed through community engagement, in accordance with the Community Engagement Principles and Council's Community Engagement Policy.
- d) made fairly and on the merits, and where any person whose rights will be directly affected by a decision of the Council, that person will be entitled to communicate their views and have their interests considered, in accordance with the law.

Decisions made at Council meetings are informed by Council reports that are prepared by officers and included in the agenda. Council meetings agendas are made available to the community in advance of each meeting in accordance with the Governance Rules. Council meetings will be open to the public to attend or view unless closed in accordance with the provisions of the Act and Governance Rules.

Council must display records of its meetings in accordance with the Governance Rules. The public will be able to access the minutes and video recording of meetings via Council's website.

Where Council closes a meeting to the public, or closes part of a meeting to the public, on the grounds that an item is confidential, it will specify the title of that matter in agenda and the legal basis upon which the meeting is closed in accordance with the Act. The meeting minutes will also show the basis on which the meeting is closed.

Where possible, resolutions that are made when a meeting is closed for confidentiality, the item will include provision for all or part of the information to be made public providing that release of the information:

- is not contrary to law; or
- is not in breach of contractual requirements; or
- would be contrary to the public interest.

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## COUNCIL INFORMATION

### Availability and Accessibility of Council Information

Council delivers a range of services to residents, businesses and visitors to the municipality and our services and functions are documented. Council will publish information about Council services and administration activities on Council's website or will make them available upon request.

All Council information will be made available to the public, unless the:

- Council information is Confidential information; or
- Release of the Council information is assessed by the Chief Executive Officer as being contrary to the public interest.

A list of available information is provided in the Part II Statement (Statement) published on Council's website in accordance with the Freedom of Information (FOI) Act. The Statement requires government agencies and local councils to publish a number of statements designed to assist members of the public in accessing the information it holds.

Information will be made available and maintained on the Council website in a timely manner, accessible in plain language, format and provision of a multi-lingual interpreting service.

The Freedom of Information Act 1982 (FOI Act) gives person right of access to documents that Council hold. Council is committed to proactive and informal release of information in accordance with the Freedom of Information Professional Standards issued by the Victorian Information Commissioner.

Community members who cannot find the information sought are encouraged to call Council before making an FOI application. An application may not be required to get the documents. Council staff will advise the requestor what documents are available for inspection and assist with getting the requested information.

Requests for information will be responded to in alignment with this policy and the Public Transparency Principles and the FOI Act. Consideration will be to accessibility and cultural requirements.

Information requested to be released will be assessed with regard to confidentiality in accordance with the Act and public interest test where appropriate. This may include providing a copy, arranging inspection or viewing or otherwise providing access to the document. An application may otherwise be advised that access to a document can be obtained via another method such as a statutory release or for purchase.

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### Information Not Available

Some Council information that informs decision making by Council may not be made publicly available. This will only occur if the information is confidential information (see Confidential Information section below) or if its release would be contrary to the public interest or not in compliance with the *Privacy and Data Protection Act 2014* (Vic).

In the interest of transparency, Council may, by resolution, determine to release information to the public even though it is confidential information. However, this will not happen if the release:

- is contrary to law; or
- is in breach of a contractual requirement; or
- would be contrary to the public interest.

### Public Interest Test

When determining whether release would be contrary to the public interest, Council will apply the Public Interest Test.

When assessing whether making certain Council information publicly available would be contrary to the public interest, the Chief Executive Officer will have regard to, among other things:

- a) the sensitivity of the Council information;
- b) whether the Council information comprises a draft, or otherwise is no longer current; and
- c) any adverse effect that releasing the Council information would have on the effectiveness of Council decision making process.

Without limiting the above, factors that might lead to a decision that the release of Council information is contrary to the public interest might include whether release would be likely to:

- a) disclose personal information or health information
- b) disclose information or opinions of a preliminary nature such that they might:
  - i. mislead the community with respect to Council's position on a matter; or
  - ii. have a substantial adverse effect on the economy of the municipal district.
- c) prejudice discussions or negotiations between Council and any other party, in relation to a contract, legal proceedings or any other matter;
- d) relate to internal working documents that have not been approved or submitted to Council, especially where the release may mislead the public;
- e) impair or otherwise impact on:
  - i. Council's ability to obtain information in future that is similar in nature to the Council information;
  - ii. Negotiations with respect to employment arrangement for the CEO or officers; or
  - iii. Defence, prosecution and settlement of legal proceedings; or

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- f) impact on the reasonable allocation of Council's resources, including in responding to requests for Council information that are assessed by the Chief Executive Officer as being frivolous, vexatious or repetitious in nature.
- g) relate to directions to Council staff regarding negotiations in contractual or civil liability matters, where release may damage the Council's capacity to negotiate the best outcome for the community; and
- h) relate to correspondence with members of the community, where release may inappropriately expose a person's private dealings.

### Information Publicly Available

The following information will be available publicly, either by way of electronic publication on Council's website, inspection or on request, to ensure the municipal community is informed and can benefit from access to information regarding Council's functions and operations:

- Practice notes and operating procedures
- Application processes for approvals, permits, grants and access to Council services
- Decision making processes
- Guidelines and manuals adopted by Council
- Community engagement processes
- Complaints handling processes
- Council meeting agendas and minutes (excluding information considered at a confidential meeting)
- Terms of Reference and/or Minutes relating to relevant Council Advisory Committees Meetings
- Council Plan and Annual Budget
- Councillor and employee register of gifts
- Councillor expenses
- Election campaign donation returns
- Conflicts of Interest disclosed by Councillors
- Submissions made by Council to other level of government
- Registers of leases entered into by Council, as lessor and lessee
- Register of Delegations to members of Council staff
- Any other Policies or Records required by legislation or determined to be in the public interest

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- Summary of Personal Interests returns

Refer to the Council's website for further information on documents available for public inspection via [Publicly available documents - Whittlesea Council](#)

### Publications

Council publishes a number of newsletters and reports that can be download from the website. Some of these publications are available at the Council offices or Council libraries.

Access to information will be made available on Council's website, at the Civic Centre or by request. Consideration will be given to accessibility and cultural requirements in accordance with the *Charter of Human Rights and Responsibilities Act 2006* and to confidentiality in accordance with the *Act* and public interest test where appropriate.

Council will respond to requests for information in accordance with the *Act* including the Public Transparency Principles and this Policy.

Council information that is deemed confidential may not be made publicly available. This will only occur if the information is confidential information or if its release would be contrary to the public interest and must take into consideration the requirements of the *Freedom of Information Act 1982 (Vic)* and *Privacy and Data Protection Act 2014*.

### Confidential Information

Confidential information is defined in section 3 of the *Local Government Act 2020* and includes the types of information listed in the following table.

Type	Description
Council business information	Information that would prejudice the Council's position in commercial negotiations if prematurely released.
Security information	Information that is likely to endanger the security of Council property or the safety of any person if released.
Land use planning information	Information that is likely to encourage speculation in land values if prematurely released.
Law enforcement information	Information which would be reasonably likely to prejudice the investigation into an alleged breach of the law or the fair trial or hearing of any person if released.
Legal privileged information	Information to which legal professional privilege or client legal privilege applies.
Personal information	Information which would result in the unreasonable disclosure of information about any person or their personal affairs if released.
Private commercial information	Information provided by a business, commercial or financial undertaking that relates to trade secrets or that would unreasonably expose the business, commercial or financial undertaking to disadvantage if released.

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Confidential meeting information	Records of a Council and delegated committee meetings that are closed to the public to consider confidential information.
Internal arbitration information	Confidential information relating internal arbitration about an alleged breach of the councillor code of conduct.
Councillor Conduct Panel confidential information	Confidential information relating to a Councillor Conduct Panel matter.
Confidential information under the 1989 Act	Information that was confidential information for the purposes of section 77 of the <i>Local Government Act 1989</i> .

### Responsibilities

The following tables outlines the roles and responsibilities for various parties who may be involved.

Party	Roles and responsibilities
Council	Champion the commitment and principles for public transparency through leadership, modelling practice and decision-making.
Executive Leadership Team	Champion behaviours that foster transparency and drive the transparency principles through policy, process and leadership. Monitor implementation of this Policy.
Senior Leadership Team	Manage areas of responsibility to ensure public transparency, good governance and community engagement is consistent with this Policy.
Executive Manager Office of Council & CEO	To monitor implementation of this policy and conduct periodic reviews to drive continuous improvement.
All Staff	Public transparency is the responsibility of all employees as appropriate to their role and function.  Staff must respond to requests for information and facilitate provision of information in consultation with their Manager, consistent with this Policy.

### Complaints Process

If a person is not satisfied with a decision about the release of information, this should be raised directly with the officer handling the matter in the first instance. If the person is still not satisfied, the matter should be referred to the Coordinator Governance Administration for an independent review. The outcome of the independent review will be referred to the Executive Manager, Office of Council and CEO for approval.

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If the person is not satisfied with Council’s response, they have the right to take their complaint to the Victorian Ombudsman’s Office on (03) 9613 6222. or via the website – [www.ombudsman.vic.gov.au](http://www.ombudsman.vic.gov.au).

**Review**

Council is committed to monitoring processes, information sharing and decision making to understand the success of the Policy.

A periodic review of this Policy will be carried out every four years, or earlier if required, to ensure any changes required to strengthen or update the Policy are made in a timely manner.

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## 5.4.2 Governance Rules

**Responsible Officer:** Executive Manager Office of Council & CEO

**Author:** Executive Manager Office of Council & CEO

**Attachments:**

1. Governance Rules - September 2023 [5.4.2.1 - 37 pages]
2. Election Period Policy September 2023 [5.4.2.2 - 11 pages]

### Purpose

To seek approval of the amended Governance Rules, incorporating the Election Period Policy following the community feedback process.

### Brief Overview

In accordance with s 60(3) of the *Local Government Act 2020* Council may amend its Governance Rules in line with Council's Community Engagement Policy.

On 15 August 2023, Council endorsed the amended Governance Rules and Election Period Policy to be made publicly available for community feedback.

During 18 August and 1 September 2023, the Governance Rules and Election Period Policy were available on Council's Engage Whittlesea page which attracted 81 views with no feedback provided on either document.

### Recommendation

**THAT Council:**

1. **Resolve to adopt the Governance Rules effective 20 September 2023 attached at Appendix 1.**
2. **Resolve to adopt the Election Period Policy attached at Appendix 2.**
3. **Note the Election Period Policy will be imbedded in the Governance Rules as required under section 69 of the *Local Government Act 2020*.**

### Key Information

At the 15 August 2023 Council meeting when seeking endorsement to proceed to community consultation, it was highlighted in preparation for the October 2024 general Council elections, and transition from appointed Administrators to an elected Council, it was timely to review both the Election Period Policy and Governance Rules at the same time.



The amendments to the Governance Rules focused on continuous improvements and covered the following key changes:

- time limits for meetings;
- speaking times against each agenda item;
- strengthening requirements for the lodgement of Notice of Motions and the grounds by which the CEO may reject a Notice of Motion;
- recording in the meeting minutes the names of Councillors who spoke on each agenda item;
- recording in the meeting minutes the names of Councillors who voted for and against each motion without the need to call for a division;
- requirement to consider each agenda item and not move agenda items en-bloc;
- strengthen reasons why the CEO may disallow a public question, petition or joint letter.

The Election Period Policy incorporated the following key amendments:

- the CEO can publicly correct inaccurate information or statements made by candidates;
- strengthen the use of Council resources during the caretaker period;
- extension of the Policy to cover both Federal and State elections;
- access to information and candidate information to align with Council's Public Transparency Policy;
- inclusion of a section relating to staff member obligations should they wish to stand as a candidate;
- expansion of the definition section to provide greater clarity.

### Community Consultation and Engagement

Between the period 18 August and 1 September 2023, the Governance Rules and Election Period Policy was publicly made available on Council's Engage Whittlesea page seeking community feedback.

The page attracted 81 views from community members however, no feedback was provided.

### 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 Governance Rules incorporating the Election Period Policy were developed in accordance with the relevant provisions of the *Local Government Act 2020*.

### Considerations

#### Environmental

No Implications

#### Social, Cultural and Health

The Governance Rules allow for members of the public to participate in Council meetings either through public question time, providing a petition or joint statement on matters important to the community.

#### Economic

No Implications

#### Financial Implications

There are no financial implications.

### Link to Strategic Risk

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

There are no strategic risks associated with the Governance Rules.

### Implementation Strategy

#### Communication

The Governance Rules will be made available on Council's website.

#### Critical Dates

There are no critical dates associated with the Governance Rules

### Declaration of Conflict of Interest

Under Section 130 of the *Local Government Act 2020* 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 Governance Rules have been developed to provide detailed information on when and how business may be transacted at a Council meeting in preparation for the return of an elected Council.



# Governance Rules

September 2023

Date of Adoption	Next Review Date	Directorate Responsible
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**GOVERNANCE RULES****Introduction****1. Nature of Rules**

These are the Governance Rules of **Whittlesea City Council**, made in accordance with section 60 of the *Local Government Act 2020*.

**2. Date of Commencement**

These Governance Rules commence on 20 September 2023.

**3. Contents**

These Governance Rules are divided into the following Chapters:

<b>Chapter</b>	<b>Name</b>
Chapter 1	Governance Framework
Chapter 2	Meeting Procedure for Council Meetings
Chapter 3	Meeting Procedure for Delegated Committees
Chapter 4	Disclosure of Conflicts of Interest
Chapter 5	Miscellaneous
Chapter 6	Election Period Policy

**4. Definitions**

In these Governance Rules, unless the context suggests otherwise the following words and phrases mean:

*Abstain* means a Councillor present at the meeting who does not vote and is taken to have voted against the motion.

*Act* means the *Local Government Act 2020*.

*Attend, attending and in attendance* include attend, attending or in attendance by electronic means.

*Chief Executive Officer* includes an Acting Chief Executive Officer.

*Community Asset Committee* means a Community Asset Committee established under section 65 of the Act.

*Council* means Whittlesea City Council.

*Council meeting* has the same meaning as in the Act.

*Councillor* has the same meaning as in the Act (and includes Administrator until 2024)

*Delegated Committee* means a Delegated Committee established under section 63 of the Act.

*Mayor* means the Mayor of Council (or Chair Administrator until October 2024)

*these Rules* means these Governance Rules.

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## Chapter 1 – Governance Framework

### 1. Context

*These Rules* should be read in the context of and in conjunction with:

- (a) the overarching governance principles specified in section 9(2) of the *Act*; and
- (b) the following documents adopted or approved by *Council*:
  - Community Engagement Policy;
  - Public Transparency Policy;
  - Councillor Code of Conduct;
  - Code of Conduct for Staff;
  - Complaints Policy;
  - Unreasonable Complaints Procedure.

### 2. Decision Making

- (a) In any matter in which a decision must be made by *Council* (including persons acting with the delegated authority of *Council*), *Council* must consider the matter and make a decision:
  - (i) fairly, by giving consideration and making a decision which is balanced, ethical and impartial; and
  - (ii) on the merits, free from favouritism or self-interest and without regard to irrelevant or unauthorised considerations
- (b) *Council* must, when making any decision to which the principles of natural justice apply, adhere to the principles of natural justice (including, without limitation, ensuring that any person whose rights will be directly affected by a decision of *Council* is entitled to communicate their views and have their interests considered).
- (c) Without limiting anything in paragraph (b) of this sub-Rule:
  - (i) before making a decision that will directly affect the rights of a person, *Council* (including any person acting with the delegated authority of *Council*) must identify the person or persons whose rights will be directly affected, give notice of the decision which *Council* must make and ensure that such person or persons have an opportunity to communicate their views and have their interests considered before the decision is made;
  - (ii) if a report to be considered at a *Council meeting* concerns subject-matter which will directly affect the rights of a person or persons, the Report must record whether the person has, or persons have been provided with an opportunity to communicate their views and have their interests considered;
  - (iii) if a report to be considered at a *Delegated Committee* meeting concerns subject-matter which will directly affect the rights of a person or persons, the Report must record whether the person has, or persons have been provided with an opportunity to communicate their views and have their interests considered; and
  - (iv) if a member of Council staff proposes to make a decision under delegation and that decision will directly affect the rights of a person or persons, the member of Council staff must, when making that decision, complete a Delegate Report that records that notice of the decision to be made was given to the person or persons and such person or persons were provided with an opportunity to communicate their views and their interests considered.
- (d) Council will ensure reasonable adjustments are made to encourage community member participation at *Council meetings* using Council's Guide to Minimum Accessibility Requirements for Community Meetings, Consultations and Events.

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**3. Respectful Debate and Discussions**

- (a) Councillors will listen and participate in discussion and debate respectfully in accordance with the Councillor Code of Conduct and will not:
  - i. make any defamatory, indecent, abusive, offensive, or disorderly statement, and if requested by the *Chair* will unreservedly withdraw the statement;
  - ii. interrupt others while speaking, except to raise a Point of Order;
  - iii. address the public gallery and must direct all commentary and procedural requests through the *Chair*.
- (b) Where discussion is adjourned by a resolution, the Councillor moving the adjournment has the right to speak first when the discussion is resumed.
- (c) When exercising a right of reply, the Councillor must not introduce new or additional matters.
- (d) The *Chair* can adjourn, postpone or cancel a Council meeting, if order cannot be obtained and will report on the circumstances of the adjournment, postponement, or cancellation at the next scheduled Council meeting.

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## Chapter 2 – Meeting Procedure for Council Meetings

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**Part A – Introduction****1. Title**

This Chapter will be known as the "Meeting Procedure Chapter".

**2. Purpose of this Chapter**

The purpose of this Chapter is to:

- 2.1 provide for the election of the Mayor and any Deputy Mayor;
- 2.2 provide for the appointment of any Acting Mayor; and
- 2.3 provide for the procedures governing the conduct of *Council meetings*.

**3. Definitions and Notes**

3.1 In this Chapter:

"*absolute majority*" means the number of Councillors which is greater than half the total number of the Councillors of a Council;

"*agenda*" means the notice of a meeting setting out the business to be transacted at the meeting;

"*Chair*" means the Chairperson of a meeting and includes a Councillor who is appointed by resolution to chair a meeting under section 61(3) of the *Act*;

"*municipal district*" means the municipal district of *Whittlesea Council*;

"*notice of motion*" means a notice setting out the text of a motion, which it is proposed to move at the next relevant meeting;

"*notice of rescission*" means a *notice of motion* to rescind a resolution made by *Council*;

"*resolution*" means a final decision made by the *Council*; and

"*written*" includes duplicated, lithographed, photocopied, printed and typed, and extends to both hard copy and soft copy form, and *writing* has a corresponding meaning.

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## Part B – Election of Mayor

**Introduction:** This Part is concerned with the annual or bi-annual election of the *Mayor*. It describes how the *Mayor* is to be elected.

### 4. Election of the Mayor

The *Chief Executive Officer* must facilitate the election of the *Mayor* in accordance with the provisions of the *Act*.

### 5. Method of Voting

The election of the *Mayor* must be carried out by a show of hands or such other visual or audible means as the *Chief Executive Officer* determines.

### 6. Determining the election of the Mayor

6.1 The *Chief Executive Officer* must open the meeting at which the *Mayor* is to be elected and invite nominations for the office of *Mayor*.

6.2 Any nominations for the office of *Mayor* must be seconded by another Councillor.

6.3 Once nominations for the office of *Mayor* have been received, the following provisions will govern the election of the *Mayor*.

#### *Single Nomination*

6.4 If there is only one nomination, the candidate nominated must be declared to be duly elected.

#### *Multiple Nominations and Candidate Elected On First Vote*

6.5 If there is more than one nomination, the Councillors *in attendance* at the meeting must vote for one of the candidates.

6.6 In the event of a candidate receiving the votes of an absolute majority of Councillors, that candidate is declared to have been elected.

#### *Three or More Nominations and No Candidate Obtaining Absolute Majority On First Vote*

6.7 In the event that:

6.7.1 there are three or more candidates;

6.7.2 no candidate receives the votes of an absolute majority of Councillors; and

6.7.3 it is not resolved to conduct a new election at a later date and time,

the candidate with the fewest number of votes must be declared to be a defeated candidate. The Councillors *in attendance* at the meeting will then vote for one of the remaining candidates.

6.8 If one of the remaining candidates receives the votes of an absolute majority of Councillors, that candidate is duly elected. If none of the remaining candidates receives the votes of an absolute majority of Councillors and it is not resolved to conduct a new election at a later day and time, the process of declaring the candidates with the fewest number of votes a defeated candidate and voting for the remaining candidates must be repeated until one of the candidates receives the votes of an absolute majority of Councillors. That candidate must then be declared to have been duly elected.

6.9 For the purposes of sub-Rules 6.7 and 6.8 if no candidate can be determined to have the fewest number of votes due to two or more candidates having an equality of votes then the candidate who is to be declared a defeated candidate will be determined by lot.

6.10 If a lot is conducted, the *Chief Executive Officer* will have the conduct of the lot and the following provisions will apply:

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- 6.10.1 each candidate who has an equal number of votes with another candidate or candidates will draw one lot;
- 6.10.2 the order of drawing lots will be determined by the alphabetical order of the surnames of the Councillors who received an equal number of votes except that if two or more such Councillors' surnames are identical, the order will be determined by the alphabetical order of the Councillors' first names; and
- 6.10.3 as many identical pieces of paper as there are Councillors who received an equal number of votes must be placed in a receptacle. If the lot is being conducted to determine who is a defeated candidate, the word "Defeated" shall be written on one of the pieces of paper, and the Councillor who draws the paper with the word "Defeated" written on it must be declared the defeated candidate (in which event a further vote must be taken on the remaining candidates until one of those candidates receives the votes of an absolute majority of Councillors).

*Two Nominations or Two Remaining Candidates and No Candidate Obtaining an Absolute Majority on First Vote*

- 6.11 In the event of two candidates being nominated or remaining, and neither candidate receiving the votes of an absolute majority of Councillors, the Councillors *in attendance* at the meeting will consider whether to resolve to conduct a new election at a later date and time.
- 6.12 If:
  - 6.12.1 it is resolved to conduct a new election at a later date and time a new election will take place at on the date and at the time resolved upon. In that event the provisions of this Rule 6 will continue to govern the election of the Mayor, and ultimately any candidate whose nomination is the sole nomination or any candidate who receives the votes of an absolute majority of Councillors will be declared duly elected; and
  - 6.12.2 it is not resolved to conduct a new election at a later date and time Councillors must continue to vote until one of the candidates receives the votes of an absolute majority of Councillors, at which point that candidate will be declared duly elected. If, after two or more further votes are taken neither candidate receives the votes of an absolute majority of Councillors, the provisions of sub-Rule 6.11 and this sub-Rule 6.12 must again be followed.

## **7. Election of Deputy Mayor and Chairs of Delegated Committees**

Any election for:

- 7.1 any office of Deputy Mayor; or
- 7.2 Chair of a *Delegated Committee*

will be regulated by Rules 4-6 (inclusive) of this Chapter, as if the reference to the:

- 7.3 *Chief Executive Officer* is a reference to the *Mayor*; and
- 7.4 *Mayor* is a reference to the Deputy Mayor or the Chair of the *Delegated Committee* (as the case may be).

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## Part C – Meetings Procedure

**Introduction:** This Part is divided into a number of Divisions. Each Division addresses a distinct aspect of the holding of a meeting. Collectively, the Divisions describe how and when a meeting is convened, when and how business may be transacted at a meeting.

### Division 1 – Notices of Meetings and Delivery of Agendas

#### 8. Dates and Times of Meetings Fixed by Council

*Council* must from time to time fix the date, time and place of all *Council meetings*.

#### 9. Council May Alter Meeting Dates

*Council* may change the date, time and place of any *Council meeting* which has been fixed by it and must provide reasonable notice of the change to the public.

#### 10. Meetings Not Fixed by Council (Unscheduled Meetings)

- 10.1 The *Mayor* plus one other Councillor or at least 3 Councillors may by a *written* notice call an unscheduled *Council meeting*.
- 10.2 The *written* notice must specify:
- (a) the business to be transacted and rationale for calling the unscheduled *Council meeting*; and
  - (b) the proposed date and time of the unscheduled *Council meeting*; and
  - (c) reason why it cannot be safely or conveniently be considered at the next scheduled *Council meeting*.
- 10.3 The *Chief Executive Officer* will either approve or refuse the request for an unscheduled *Council meeting* within (3) working days from date of request.
- 10.4 In consideration of the request, the *Chief Executive Officer*, must also determine if the proposed date and time is suitable to meet administrative requirements.
- 10.5 Notwithstanding sub-Rule 10.4 the *Chief Executive Officer* can, at their discretion, amend the date and time of the requested unscheduled *Council meeting* to a more appropriate date and time.
- 10.6 The *Chief Executive Officer* will give notice to Council and the public as soon as practical and publish relevant details on the Council website prior to the planned meeting.
- 10.7 Unless all Councillors are *in attendance* and unanimously agree to deal with any other matter, only the business specified in the *written* notice can be transacted at the *Council meeting*.
- 10.8 The Council may by resolution call an unscheduled *Council meeting* by specifying the date and time and business to be transacted. The date and time must not be prior to 6pm on the day following a scheduled *Council meeting* at which the resolution was made.

#### 11. Notice Of Meeting

- 11.1 A notice of meeting, incorporating or accompanied by an *agenda* of the business to be dealt with, must be delivered or sent electronically to every Councillor for all *Council meetings* at least 3 days before the meeting.
- 11.2 Notwithstanding sub-Rule 11.1, a notice of meeting need not be delivered or sent electronically to any Councillor who has been granted leave of absence unless the Councillor has requested the *Chief Executive Officer* in *writing* to continue to give notice of any meeting during the period of their absence.

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- 11.3 Reasonable notice of each *Council meeting* must be provided to the public. *Council* may do this:
- 11.3.1 for *Council meetings* which it has fixed by publishing on Council's website and in each of its Customer Service Centres as soon as practical after Council's endorsement.
- 11.3.2 notwithstanding sub-Rule 11.3.1, the *Chief Executive Officer* can change the time, date and location of a fixed scheduled *Council meeting* and must give *written* notice to Councillors.

## Division 2 – Quorums

### 12. Inability To Obtain a Quorum

If after 30 minutes from the scheduled starting time of any *Council meeting*, a quorum cannot be obtained:

- 12.1 the meeting will be deemed to have lapsed;
- 12.2 the *Mayor* must convene another *Council meeting*, the *agenda* for which will be identical to the *agenda* for the lapsed meeting; and
- 12.3 the *Chief Executive Officer* must give *written* notice to each Councillor of the date, time and place to which the meeting stands adjourned and of the business remaining to be considered.

### 13. Inability To Maintain a Quorum

- 13.1 If during any *Council meeting*, a quorum cannot be maintained then Rule 12 will apply as if the reference to the meeting is a reference to so much of the meeting as remains.
- 13.2 Sub-Rule 13.1 does not apply if the inability to maintain a quorum is because of the number of Councillors who have a conflict of interest in the matter to be considered.
- 13.3 Subject to sub-rule 13.2, the *Chair*, can at their discretion, seek a procedural motion to:
- (a) split the motion into separate parts to enable a quorum to be reached;
- (b) make decision on component parts of matters, which will be resolved when a quorum can be reached at a future meeting;
- (c) establish a Delegated Committee made up of Councillors not conflicted and any other suitable people.

Where sub-Rule 13.3(c) applies, the decisions of the Delegated Committee will be reported at the next scheduled *Council meeting*.

### 14. Adjourned Meetings

- 14.1 *Council* may adjourn any meeting to another date or time but cannot in the absence of disorder or a threat to the safety of any Councillor or member of Council staff adjourn a meeting in session to another place.
- 14.2 The *Chief Executive Officer* must give *written* notice to each Councillor of the date, time and place to which the meeting stands adjourned and of the business remaining to be considered.
- 14.3 If it is impracticable for the notice given under sub-Rule 14.2 to be in *writing*, the *Chief Executive Officer* must give notice to each Councillor by telephone or in person.

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**15. Time limits for Meetings**

- 15.1 A *Council meeting* must not continue after 10.30pm unless a majority of Councillors who are *in attendance* vote in favour of it continuing.
- 15.2 A meeting must not be continued for more than one (1) additional 30 minutes by way of a Procedural Motion for a continuance and is carried (with a mover and seconder, and no debate).
- 15.3 In the absence of such continuance, the meeting must stand adjourned to a time, date and place announced by the *Chair* immediately prior to the meeting standing adjourned. In that event, the provisions of sub-Rules 14.2 and 14.3 apply.
- 15.4 Notwithstanding sub-Rule 15.3, the *Chair* may seek agreement from Councillors not to adjourn the *Council meeting* to a subsequent day, if the *Chair* reasonably believes the remaining business will take less than 15 minutes to transact.

**16. Cancellation or Postponement of a Meeting**

- 16.1 The *Chief Executive Officer* may, in the case of an emergency necessitating the cancellation or postponement of a *Council meeting*, cancel or postpone a *Council meeting*.
- 16.2 The *Chief Executive Officer* must present to the immediately following *Council meeting* a *written* report on any exercise of the power conferred by sub-Rule 16.1.

**Division 3 – Business of Meetings****17. Agenda and the Order of Business**

- 17.1 The *agenda* for and the order of business for a *Council meeting* is to be determined by the *Chief Executive Officer* so as to facilitate and maintain open, efficient and effective processes of government.
- 17.2 The *Chief Executive Officer* will ensure the *agenda* and Council officer reports address the Strategic Planning Formula at Appendix 1.
- 17.3 The *Chief Executive Officer* will seek advice from the Mayor when setting the *Council meeting* agenda.
- 17.4 The *Chief Executive Officer* may, prior to the scheduled *Council meeting*, withdraw an agenda item. The CEO will notify Council and the community the reason for withdrawal either:
  - (a) at the scheduled *Council meeting*; or
  - (b) publishing the change on Council's website.

**18. Change To Order of Business**

Once an *agenda* has been sent to Councillors, the order of business for that *Council meeting* may be altered via a Procedural Motion (mover and seconder and no debate).

**19. Urgent Business**

If the *agenda* for a *Council meeting* makes provision for urgent business, business cannot be admitted as urgent business other than by resolution of *Council* and only then if it:

- 19.1 relates to or arises out of a matter which has arisen since distribution of the *agenda*; and
- 19.2 cannot safely or conveniently be deferred until the next *Council meeting*; and
- 19.3 circulated to all Councillors for information at the same time as lodging it with the *Chief Executive Officer*.
- 19.4 Notwithstanding sub-Rules 19.1, 19.2 and 19.3, the *Chief Executive Officer* may admit to the agenda, without a resolution of the Council, an item they have determined as Urgent Business.

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## Division 4 – Motions and Debate

### 20. Councillors May Propose Notices of Motion

Councillors may request that an issue is listed on an *agenda* by lodging a *Notice of Motion*.

### 21. Notice Of Motion

21.1 A *notice of motion* must:

- (a) be in *writing* using the *notice of motion* template (Appendix 2);
- (b) signed by at least one (1) other Councillor;
- (c) be lodged with or sent to the *Chief Executive Officer* no later than 12 noon 7 days prior to the scheduled *Council meeting* to allow sufficient time for the *Chief Executive Officer* to include the *notice of motion* in agenda papers for a *Council meeting*; and
- (d) to give each Councillor at least 48 hours' notice of such *notice of motion*.

21.2 The *Chief Executive Officer* may reject any *notice of motion* which, in their opinion:

- 21.2.1 is vague or unclear in intention;
- 21.2.2 is not signed by at least one (1) other Councillor;
- 21.2.3 affects the levels of Council service;
- 21.2.4 is inconsistent with the strategic objectives of the Council as outlined in the Community Plan;
- 21.2.5 is the same as, or similar in intent to, a Notice of Motion or other motion (including lost and lapsed motions) that has been considered by Council in the preceding six (6) months;
- 21.2.6 commits Council to expenditure greater than \$5,000 that is not included in the Budget;
- 21.2.7 proposes to establish, amend or extend an adopted Council policy or position;
- 21.2.8 commits Council to any contractual arrangement;
- 21.2.9 it is beyond *Council's* power to pass; or
- 21.2.10 if passed would result in *Council* otherwise acting invalidly.

21.2 The *Chief Executive Officer* must give the Councillor who lodged the *Notice of Motion* which has been rejected the reasons for the rejection and 24 hours to amend it prior to making a final decision.

21.3 The full text of any *notice of motion* accepted by the *Chief Executive Officer* must be included in the *agenda*.

21.4 The *Chief Executive Officer* must cause all notices of motion to be numbered, dated and entered in the notice of motion register in the order in which they were received.

21.5 Except by resolution of *Council*, each *notice of motion* before any meeting must be considered in the order in which they were entered in the notice of motion register.

21.6 If a Councillor who has given a *notice of motion* is absent from the meeting or fails to move the motion when called upon by the *Chair*, any other Councillor may move the motion.

21.7 If a *notice of motion* is not moved at the *Council meeting* at which it is listed, it lapses for want of a seconder.

### 22. Chair's Duty

Any motion which is determined by the *Chair* to be:

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- 22.1 defamatory;
- 22.2 objectionable in language or nature;
- 22.3 vague or unclear in intention;
- 22.4 outside the powers of *Council*; or
- 22.5 irrelevant to the item of business on the *agenda* and has not been admitted as urgent, or purports to be an amendment but is not,

must not be accepted by the *Chair*.

### 23. Introducing a Report

- 23.1 Before a *written* report is considered by *Council* and any motion moved in relation to such report, a member of Council staff may introduce the report by indicating in not more than 2 minutes:
  - 23.1.1 its background; or
  - 23.1.2 the reasons for any recommendation which appears.
- 23.2 Unless *Council* resolves otherwise, a member of Council staff need not read any written report to *Council* in full.

### 24. Introducing A Motion or an Amendment

The procedure for moving any motion or amendment is:

- 24.1 the mover of an officer recommendation must state the motion they are moving without speaking to it;
- 24.2 the motion must be seconded and the seconder must be a Councillor other than the mover or the *Chair*. If a motion is not seconded, the motion lapses for want of a seconder;
- 24.3 if a motion is moved and seconded the *Chair* must ask:  
"Is the motion opposed? Does any Councillor wish to speak to the motion?"
- 24.4 if no Councillor indicates opposition or a desire to speak to it, the *Chair* may declare the motion carried without discussion;
- 24.5 if a Councillor indicates opposition or a desire to speak to it, then the *Chair* must call on the mover to address the meeting;
- 24.6 after the mover has addressed the meeting, the seconder may address the meeting;
- 24.7 after the seconder has addressed the meeting (or after the mover has addressed the meeting if the seconder does not address the meeting,) the *Chair* must invite debate by calling on any Councillor who wishes to speak to the motion;
- 24.8 if, after the mover has addressed the meeting, the *Chair* has invited debate and no Councillor speaks to the motion, then the *Chair* must put the motion to the vote.

### 25. Right Of Reply

- 25.1 The mover of a motion has a right of reply to matters raised during debate.
- 25.2 After the right of reply has been taken but subject to any Councillor exercising their right to ask any question concerning or arising out of the motion, the motion must immediately be put to the vote without any further discussion or debate.
- 25.3 The mover of an amended motion does not have any right of reply.

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**26. Moving An Amendment**

- 26.1 Subject to sub-Rule 26.11 a motion which has been moved and seconded may be amended by leaving out or adding words. Any added words must be relevant to the subject of the motion.
- 26.2 An amendment may be proposed or seconded by any Councillor, except the mover or seconder of the original motion or the *Chair*.
- 26.3 Any number of amendments may be proposed to a motion but only one amendment may be accepted by the *Chair* at any one time.
- 26.4 Any one Councillor cannot move more than two amendments in succession.
- 26.5 No second or subsequent amendment, whether to the motion or an amendment of it, may be taken into consideration until the previous amendment has been dealt with.
- 26.6 An amended motion may be proposed or seconded by any Councillor, except the mover and seconder of the original motion or the *Chair*.
- 26.7 If a Councillor proposes an amended motion and the original mover and seconder of the motion both indicate their agreement with the amended motion, the amendment becomes the substantive motion without debate or vote.
- 26.8 If there is no seconder for the amended motion, the amendment will lapse for want of a seconder.
- 26.9 If there is a seconder for the amended motion, the amended motion will be debated in accordance with Rule 24.
- 26.10 A Councillor may speak on any amendment once, whether or not they have spoken to the original motion, but debate must be contained to the terms of the amended motion.
- 26.11 A motion to confirm a previous resolution of *Council* cannot be amended.
- 26.12 An amendment must not be directly opposite to the motion.

**27. An Amendment Once Carried**

- 27.1 If the amendment is carried, the motion as amended then becomes the motion before the meeting, and the amended motion must then be put to vote.
- 27.2 The mover and seconder of the original motion remain the mover and seconder of the amended motion even if they voted in opposition of the carried amendment.
- 27.3 The mover of the original motion retains the right of reply to the substantive motion before the *Council meeting*.

**28. Foreshadowing Motions**

- 28.1 At any time during debate a Councillor may foreshadow a motion so as to inform *Council* of their intention to move a motion at a later stage in the meeting, but this does not extend any special right to the foreshadowed motion.
- 28.2 A motion foreshadowed may be prefaced with a statement that in the event of a particular motion before the *Chair* being resolved in a certain way, a Councillor intends to move an alternative or additional motion.
- 28.3 The *Chief Executive Officer* or person taking the minutes of the meeting will not record foreshadowed motions in the minutes until the foreshadowed motion is formally moved.
- 28.4 The *Chair* is not obliged to accept foreshadowed motions.

**29. Withdrawal Of Motions**

- 29.1 Before any motion is put to the vote, it may be withdrawn by the mover and seconder with the leave of *Council*.

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29.2 If the majority of Councillors objects to the withdrawal of the motion, it may not be withdrawn.

**30. Motion Moved in a Block**

The *Chair* must not allow any agenda items to be moved in a block (en bloc).

**31. Priority of address**

In the case of competition for the right of speak, the *Chair* must decide the order in which the Councillors concerned will be heard.

**32. Motions In Writing**

32.1 The *Chair* must require all motions (including amended motions) be detailed in writing.

32.2 The *Chair*, at their discretion, may adjourn the *Council meeting* for 10 minutes without a Council resolution while the motion is being *written*.

**33. Repeating Motion and/or Amendment**

The *Chair* may request the *Chief Executive Officer* or Executive Manager Office of Council & CEO to read the motion or amendment to the meeting before the vote is taken.

**34. Debate Must Be Relevant to The Motion**

34.1 Debate must always be relevant to the motion before the Chair, and, if not, the *Chair* must request the speaker to confine debate to the motion.

34.2 If after being requested to confine debate to the motion before the Chair, the speaker continues to debate irrelevant matters, the *Chair* may direct the speaker to be seated and not speak further in respect of the motion then before the Chair.

34.3 A speaker to whom a direction has been given under sub-Rule 34.2 must comply with that direction.

**35. Speaking Times**

35.1 The *Chief Executive Officer* can ask a Council Officer to give a verbal report on an agenda item which must not exceed 3 minutes.

35.2 A Councillor can seek clarification from a Council Officer after their verbal report. The Councillor must not provide any preamble leading into their clarification question.

35.3 The *Chair* must allow the *Chief Executive Officer* to clarify a misrepresentation or misunderstanding or to respond to a request for more information.

35.4 A Councillor must remain seated during debate and discussion, and when speaking.

35.5 The Chair will allow the following speaking times unless the *Chair* at their discretion allows an extension of a further 2 minutes. No more than one extension, per Councillor speaking on an agenda item will be permitted by the *Chair*:

35.6 the mover of a motion 3 minutes;

35.7 any other Councillor 2 minutes; and

35.8 the mover of an original motion exercising a right of reply: 2 minutes.

**36. Addressing the Meeting**

If the *Chair* so determines:

36.1 any person addressing the *Chair* must refer to the *Chair* as:

36.1.1 Mayor; or

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- 36.1.2 Chair; or
- 36.1.3 Chairperson; or
- 36.1.4 Deputy Mayor;
- as the case may be;
- 36.2 all Councillors, other than the *Mayor*, must be addressed as  
**Cr .....(surname).**
- 36.3 all members of Council staff, must be addressed by their position title or as Officer.

**37. Right to Ask Questions**

- 37.1 A Councillor may, when no other Councillor is speaking, ask any question concerning or arising out of the motion or amendment before the Chair.
- 37.2 The *Chair* has the right to limit questions and direct that debate be commenced or resumed.

**Division 5 – Procedural Motions**

**38. Procedural Motions**

- 38.1 Unless otherwise prohibited, a procedural motion may be moved at any time and must be dealt with immediately by the *Chair*.
- 38.2 Procedural motions require a seconder.
- 38.3 Notwithstanding any other provision in this Chapter, procedural motions must be dealt with in accordance with the following table:

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**PROCEDURAL MOTIONS TABLE**

<b>Procedural Motion</b>	<b>Form</b>	<b>Mover &amp; Seconder</b>	<b>When Motion Prohibited</b>	<b>Effect if Carried</b>	<b>Effect if Lost</b>	<b>Debate Permitted on Motion</b>
1. Adjournment of debate to later hour and/or date	That this matter be adjourned to *am/pm and/or *date	Any Councillor who has not moved or seconded the original motion or otherwise spoken to the original motion	(a) During the election of a Mayor (b) When another Councillor is speaking	Motion and any amendment postponed to the stated time and/or date	Debate continues unaffected	Yes
2. Adjournment of debate indefinitely	That this matter be adjourned until further notice	Any Councillor who has not moved or seconded the original motion or otherwise spoken to the original motion	(a) During the election of a Mayor or temporary Chair; (b) When another Councillor is speaking; or (c) When the motion would have the effect of causing <i>Council</i> to be in breach of a legislative requirement	Motion and any amendment postponed but may be resumed at any later meeting if on the agenda	Debate continues unaffected	Yes
3. The motion be put to vote	That the motion be now put to vote	Any Councillor who has not moved or seconded the original motion or otherwise spoken to the original motion	During nominations for Chair	Motion or amendment in respect of which the closure is carried is put to the vote immediately without debate of this motion, subject to any Councillor exercising their right to ask any question concerning or arising out of the motion	Debate continues unaffected	No
4. To lay a motion on the table	That the motion is unclear in its intent or subject to misinterpretation and be laid on the table until the next Council meeting	Any Councillor who has not moved or seconded the original motion	During the election of the Mayor and Deputy Mayor	Motion carried to the next scheduled Council meeting	Meeting continues	No

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<b>Procedural Motion</b>	<b>Form</b>	<b>Mover &amp; Seconder</b>	<b>When Motion Prohibited</b>	<b>Effect if Carried</b>	<b>Effect if Lost</b>	<b>Debate Permitted on Motion</b>
5. Continuance of Meeting	That the meeting continue for a further 30 minutes	Any Councillor	When the meeting has already been extended to the maximum time allowed	The meeting will continue for an additional 30 minutes	Where all business is not disposed of, the meeting will stand adjourned at the time of the scheduled closure	No
6. Extend speaking time	That the time available for the speaker be extended by a further ____ minutes	Any Councillor	Not applicable	Extend the time available for the speaker	No change to the time available for speaker	No
7. Urgent Business	That the matter of _____ be admitted as urgent business	Any Councillor	During the election of the Mayor and Deputy Mayor	The item is admitted to agenda for discussion and debate	No change to the agenda	Limited to the provision of Rule 19. No right of reply
8. Alter the order of business	The item listed at xx on the agenda be considered before/after the item listed as xx	Any Councillor	During the election of the Mayor and Deputy Mayor During any debate on an item	Alters the order of business	Item/s remain as listed in the agenda	Limited to 1 minute as to why the order should not be altered

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**Division 6 – Rescission Motions****39. Notice of Rescission**

- 39.1 A Councillor may propose a *notice of rescission* provided:
- 39.1.1 it has been signed and dated by at least three Councillors;
  - 39.1.2 the resolution proposed to be rescinded has not been acted on; and
  - 39.1.3 the *notice of rescission* is delivered to the *Chief Executive Officer* within 24 hours of the resolution having been made setting out -
    - (a) the resolution to be rescinded; and
    - (b) the meeting and date when the resolution was carried.

*It should be noted that a notice of rescission is a form of notice of motion.*

- 39.2 A resolution will be deemed to have been acted on if:
- 39.2.1 its contents have or substance has been communicated in *writing* to a person whose interests are materially affected by it; or
  - 39.2.2 a statutory process has been commenced
- so as to vest enforceable rights in or obligations on *Council* or any other person.
- 39.3 The *Chief Executive Officer* or an appropriate member of Council staff must defer implementing a resolution which:
- 39.3.1 has not been acted on; and
  - 39.3.2 is the subject of a *notice of rescission* which has been delivered to the *Chief Executive Officer* in accordance with sub-Rule 39.1.3;
- unless deferring implementation of the resolution would have the effect of depriving the resolution of efficacy.

**40. If Not Moved**

If a motion for rescission is not moved at the meeting at which it is listed, it lapses.

**41. May Be Moved by Any Councillor**

A motion for rescission listed on an *agenda* may be moved by any Councillor *in attendance* but may not be amended.

**42. When Not Required**

- 42.1 Unless sub-Rule 42.2 applies, a motion for rescission is not required where *Council* wishes to change policy.
- 42.2 The following standards apply if *Council* wishes to change policy:
- 42.2.1 if the policy has been in force in its original or amended form for less than 12 months, a *notice of rescission* must be presented to *Council*; and
  - 42.2.2 any intention to change a *Council* policy, which may result in a significant impact on any person, should be communicated to those affected and this may include publication and consultation, either formally or informally.

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**Division 7 – Points of Order****43. Chair to Decide**

- 43.1 The *Chair* must decide all points of order by stating the provision, rule, practice or precedent which they consider applicable to the point raised without entering into any discussion or comment.
- 43.2 The *Chair* has discretion to refuse a point of order (without discussion) where two (2) point of orders against the same Councillor has already been raised while they remain within their current allocated speaking time.
- 43.3 Notwithstanding sub-Rule 43.2, where the *Chair* reasonably believes a Councillor is breaching any sub-Rules, the *Chair* must ask the Councillor to either refrain from such behaviour or retrack their comments. The Councillor must not unreasonably refuse to do so.

**44. Chair May Adjourn to Consider**

- 44.1 The *Chair* may adjourn the meeting without a resolution to consider a point of order but otherwise must rule on it as soon as it is raised.
- 44.2 All other questions before the meeting are suspended until the point of order is decided.

**45. Dissent From Chair's Ruling**

- 45.1 A Councillor may move that the meeting disagree with the *Chair's* ruling on a point of order, by moving:  
"That the *Chair's* ruling [setting out that ruling or part of that ruling] be dissented from".
- 45.2 When a motion in accordance with this Rule is moved and seconded, the *Chair* must leave the Chair and the Deputy Mayor (or, if there is no Deputy Mayor or the Deputy Mayor is not *in attendance*, temporary *Chair* elected by the meeting) must take their place.
- 45.3 The Deputy Mayor or temporary *Chair* must invite the mover to state the reasons for their dissent and the *Chair* may then reply.
- 45.4 The Deputy Mayor or temporary *Chair* must put the motion in the following form:  
"That the *Chair's* ruling be dissented from."
- 45.5 The *Chair* who's ruling has been dissented from is entitled to vote on the Deputy Mayor or temporary *Chair* motion.
- 45.6 If the vote is in the negative, the *Chair* resumes the Chair and the meeting proceeds.
- 45.7 If the vote is in the affirmative, the *Chair* must then resume the Chair, reverse or vary (as the case may be) their previous ruling and proceed.
- 45.8 The defeat of the *Chair's* ruling is in no way a motion of censure or non- confidence in the *Chair* and should not be so regarded by the meeting.

**46. Procedure For Point of Order**

A Councillor raising a point of order must:

- 46.1 state the point of order; and
- 46.2 state any section, Rule, paragraph or provision relevant to the point of order.

**47. Valid Points of Order**

A point of order may be raised in relation to:

- 47.1 a motion, which, under Rule 22, or a question which, under Rule 48, should not be accepted by the *Chair*;

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- 47.2 a question of procedure; or  
47.3 any act of disorder.

A difference of opinion or to contradict a speaker is not a point of order.

## Division 8 – Public Question Time

### 48. Question Time

- 48.1 There must be a public question time at every public *Council meeting* fixed under Rule 48 to enable members of the public to submit questions to *Council*.
- 48.2 Sub-Rule 48.1 does not apply during any period when a meeting is closed to members of the public in accordance with section 66(2) of the *Act*, at a meeting scheduled for the election of the Mayor and Deputy Mayor, an unscheduled meeting or during an Election caretaker period.
- 48.3 Public question time will not exceed 30 minutes in duration.
- 48.4 Questions submitted to *Council* must be:
- 48.4.1 in *writing*, state the name and address of the person submitting the question and generally be in a form approved or permitted by *Council*; and
- 48.4.2 question submitted be received no later than 12 noon on the day prior to the scheduled *Council meeting*.
- 48.4.3 no question will be taken from members of the public in *attendance* on the night of a *Council meeting*.
- 48.5 Any question submitted that is received after the closing time stipulated in sub-Rule 48.4 will be held over to the next scheduled *Council meeting*.
- 48.6 No person may submit more than one questions at a meeting, and the question must not be a multi-part question.
- 48.7 No introductory or background statements in relation to a question will be read out at the *Council meeting*.
- 48.8 The Council will ensure member of the public can submit a question and will make reasonable adjustments to enable participation by helping them lodge their question. Assistance may include physical assistance and/or translation services.
- 48.9 A member of Council staff nominated by the *Chief Executive Officer* will read at the meeting questions which has been submitted in accordance with Rule 48.
- 48.10 A question, petition or joint letter may be disallowed by the *Chief Executive Officer* if they determine that it:
- 48.10.1 relates to a matter outside the duties, functions and powers of *Council*;
- 48.10.2 is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance;
- 48.10.3 deals with a subject matter already answered;
- 48.10.4 is aimed at embarrassing a Councillor or a member of Council staff;
- 48.10.5 is directed at an individual Councillor or a member of Council staff;
- 48.10.6 relates to personnel matters;
- 48.10.7 relates to the personal hardship of any resident or ratepayer;
- 48.10.8 relates to industrial matters;
- 48.10.9 relates to contractual matters;

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- 48.10.10 relates to proposed developments;
- 48.10.11 relates to legal advice;
- 48.10.12 relates to matters affecting the security of *Council* property; or
- 48.10.13 relates to any other matter which *Council* considers would prejudice *Council* or any person.
- 48.11 All questions and answers must be as brief as possible, and no discussion may be allowed other than by *Councillors* for the purposes of clarification.
- 48.12 Like questions may be grouped together and a single answer provided at the *Council meeting*.
- 48.13 The *Chief Executive Officer* will respond to questions submitted in accordance with Rule 48.
- 48.14 The question and answer provided to public questions will be recorded in the minutes of the meeting and not responded to each individual member of the public.

### Division 9 – Petitions and Joint Letters

#### 49. Petitions and Joint Letters

- 49.1 Members of the public are encouraged to provide input to Council's decision making through a petition or joint letter.
- 49.2 Council will, through Public Question Time, accept a maximum of one (1) standalone joint letter or petition from each person or entity, that will read out if the *Chair* determines there is adequate time.
- 49.3 The petition or joint letter must not be more than 200 words in length, be submitted within the time frame specified in sub-Rule 48.4.2 and must not breach the requirements set out in sub-Rule 48.9.
- 49.4 Every petition or joint letter presented to *Council* must be in *writing* (other than pencil), contain the request of the petitioners or signatories and be signed by at least 12 people.
- 49.5 Every petition or joint letter must be signed by the persons whose names are appended to it by their names or marks, and, except in cases of incapacity or sickness, by no one else and the address of every petitioner or signatory must be clearly stated.
- 49.6 Any signature appearing on a page which does not bear the text of the whole of the petition or request may not be accepted by the *Chief Executive Officer* or considered by *Council*.
- 49.7 Every page of a hard copy petition or joint letter must be a single page of paper and not be posted, stapled, pinned or otherwise affixed or attached to any piece of paper other than another page of the petition or joint letter.
- 49.8 Electronic or online petitions or joint letters, or like applications must contain the name and email address of each petitioner or signatory, which details will, for the purposes of this Rule 49 qualify as the address and signature of such petitioner or signatory.
- 49.9 If a petition or joint letter relates to an operational matter, the *Chief Executive Officer* will instead address it directly through Council's service operations or complaint handling program.

### Division 10 – Voting

#### 50. How Motion Determined

To determine a motion before a meeting, the *Chair* must first call for those in favour of the motion and then those opposed to the motion and must then declare the result to the

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meeting. If a Councillor in *attendance* does not vote (abstains), their vote will be taken to have voted against the motion.

**51. Casting Vote**

51.1 In the event of a tied vote, the *Chair* must exercise a casting vote either in favour or against the motion.

51.2 The *Chair* may adjourn a meeting to consider how their casting vote will be cast.

**52. How Votes Are Cast**

Voting on any matter is by show of hands or such other visible or audible means as the *Chief Executive Officer* determines.

**Division 11 – Minutes**

**53. Recording of Motions**

40.1 The *Council meeting* minutes will record the names of Councillors who spoke on each motion; and

40.2 any amendments to a motion and final motion as resolved by the Council; and

40.3 the names of Councillors who voted in favour, in opposition or abstained from a vote against each motion.

**54. Confirmation of Minutes, Footage and Record Keeping**

54.1 The *Chief Executive Officer* will determine the form of *Council meeting* minutes, which will include:

54.1.1 opening items of the *Council meeting* as per agenda preparation and publishing;

54.1.2 date, time and place of the *Council meeting* the time it commenced, ended and any times which it was adjourned and resumed;

54.1.3 names of Councillors and whether they were present, an apology or on approved leave of absence;

54.1.4 councillor arrival and departure times during the *Council meeting*;

54.1.5 any Conflict of Interest disclosed and actions taken in relation to such conflicts;

54.1.6 title of Council Officer's presenting;

54.1.7 formal reports by Councillors appointed as a Council representative of another body/committee;

54.1.8 first name, last name and suburb of a member of the public who submitted a public question, petition or joint letter and discussion of topic;

54.1.9 details of failure to achieve or maintain a quorum;

54.1.10 the reason for any adjournment and the time the *Council meeting* was adjourned, and if applicable resumed; and

54.1.11 any other matter the *Chief Executive Officer* deems necessary to record or redact to protect Council against any civil legal action.

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- 54.2 Once the minutes are resolved by the Council, the minutes of a *Council meeting* will be saved electronically and stored in accordance with the Public Records Office Victoria standards.
- 54.3 The *Chief Executive Officer* will ensure the electronic confirmed *Council meeting* minutes are:
- (a) provided to each Councillor at least three (3) days prior to the next scheduled *Council meeting*;
  - (b) published on Council's website within two (2) weeks of the *Council meeting*
  - (c) available on Council's website for at least twelve (12) months;
  - (d) recorded electronically by Council; and
  - (e) recorded electronically and stored in accordance with the Public Records Office Victoria standards.
- 54.4 The *Chief Executive Officer* can decide to publish footage of the *Council meeting* on Council's website and any other electronic application determined by the *Chief Executive Officer*. If the footage is published it:
- (a) Can be redacted to protect Council against any civil legal action; and
  - (b) Will be copyright protected.
- 54.5 Unless otherwise resolved or required by law, minutes of a *Delegated Committee* requiring confirmation by *Council* must not be available to the public until confirmed by *Council*.

## 55. Form and Availability of Minutes

- 55.1 The *Chief Executive Officer* (or other person authorised by the *Chief Executive Officer* to attend the meeting and to take the minutes of such meeting) must keep minutes of each *Council meeting*, and those minutes must record:
- 55.1.1 the date, place, time and nature of the meeting;
  - 55.1.2 the names of the Councillors *in attendance* and the names of any Councillors who apologised in advance for their non-attendance;
  - 55.1.3 the names of the members of Council staff *in attendance*;
  - 55.1.4 any disclosure of a conflict of interest made by a Councillor, including the explanation given by the Councillor under Chapter 4 and whether the conflict of interest was said by the Councillor to be a general conflict of interest or a material conflict of interest;
  - 55.1.5 arrivals and departures (including temporary departures) of Councillors during the course of the meeting;
  - 55.1.6 each motion and amendment moved (including motions and amendments that lapse for the want of a seconder);
  - 55.1.7 the vote cast by each Councillor and any abstention from voting;
  - 55.1.8 questions upon notice;
  - 55.1.9 the failure of a quorum;
  - 55.1.10 any adjournment of the meeting and the reasons for that adjournment; and
  - 55.1.11 the time at which standing orders were suspended and resumed.
- 55.2 The *Chief Executive Officer* must ensure that the minutes of any *Council meeting* are:
- 55.2.1 published on *Council's* website; and

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55.2.2 available for inspection at *Council's* office during normal business hours.

- 55.3 Nothing in sub-Rule 55.2 requires *Council* or the *Chief Executive Officer* to make public any minutes relating to a *Council meeting* or part of a *Council meeting* closed to members of the public in accordance with section 66 of the *Act*.

## Division 12 – Behaviour

### 56. Public Attending and Addressing the Meeting

- 56.1 To ensure a safe and efficient *Council meeting* for all attendees, the *Chief Executive Officer* or their delegate may at their discretion, request members of the public immediately prior to being granted access to the public *Council meeting*, to provide and or show:
- (a) first and last name;
  - (b) current home address;
  - (c) current driving licence; or
  - (d) passport; or
  - (e) government issued identification card, for example veterans' card, seniors' card;
  - (f) other form of identification deemed suitable by officers.
- 56.2 If in the opinion of the *Chief Executive Officer* or their delegate, a member of the public has not provided sufficient identification, entry to the *Council meeting* will be denied.
- 56.3 If a member of the public's first and last name and current address is recorded, Council will dispose of the information in accordance with Council's Privacy and Data Protection Policy.
- 56.4 Any member of the public currently subject to a Restriction of Access Notice, issued by the *Chief Executive Officer* in accordance with Council's Unreasonable Complaints Procedure, will be denied entry.
- 56.5 A member of the public *in attendance* at a *Council meeting* must not disrupt the meeting and must take direction from the *Chair* whenever called on to do so.

### 57. Chair May Remove

The *Chair* may order and cause the removal of any person, other than a Councillor, who disrupts any meeting or fails to comply with a direction given under sub-Rule 56.5.

### 58. Chair may adjourn disorderly meeting

If the *Chair* is of the opinion that disorder at the *Council* table or in the gallery makes it desirable to adjourn the *Council meeting*, the *Chair* may adjourn the meeting to a later time on the same day or to some later day as they think proper. In that event, the provisions of sub-Rules 14.2 and 14.3 apply.

### 59. Removal from Chamber

The *Chair*, or *Council* in the case of a suspension, may ask the *Chief Executive Officer* or a member of the Victoria Police to remove from the Chamber any person who acts in breach of this Chapter and whom the *Chair* has ordered to be removed from the gallery under Rule 57.

## Division 13 – Additional Duties of Chair

### 60. The Chair's Duties and Discretions

In addition to the duties and discretions provided in this Chapter, the *Chair*:

- 60.1 must not accept any motion, question or statement which is derogatory, or defamatory of any Councillor, member of Council staff, or member of the community; and

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- 60.2 must call to order any person who is disruptive or unruly during any meeting; and
- 60.3 must allow the *Chief Executive Officer*, in their opinion, the opportunity to correct factual errors or incorrect assertions that arise during the meeting; and
- 60.4 may adjourn the *Council meeting* at any time for a period of up to 10 minutes without a Council resolution.

#### **Division 14 – Suspension of Standing Orders**

##### **61. Suspension of Standing Orders**

- 61.1 To expedite the business of a meeting, *Council* may resolve to suspend standing orders.
- 61.2 The suspension of standing orders should not be used purely to dispense with the processes and protocol of the government of *Council*. An appropriate motion would be:  
"That standing order be suspended to enable discussion on....."
- 61.3 No motion can be accepted by the *Chair* or lawfully be dealt with during any suspension of standing orders.
- 61.4 Once the discussion has taken place and before any motions can be put, the resumption of standing orders will be necessary. An appropriate motion would be:  
"That standing orders be resumed."

#### **Division 15 – Physical and Remote Attendance**

##### **62. Mode of Attendance**

- 62.1 Each notice of meeting must indicate whether the relevant *Council meeting* is to be conducted:
  - 62.1.1 wholly in person;
  - 62.1.2 wholly by electronic means; or
  - 62.1.3 partially in person and partially by electronic means.
- 62.2 The indication in the notice of meeting must be consistent with any Resolution of *Council* that has expressed a preference for, or otherwise specified, when *Council meetings* are to be conducted:
  - 62.2.1 wholly in person;
  - 62.2.2 wholly by electronic means; or
  - 62.2.3 partially in person and partially by electronic means.
- 62.3 If a *Council meeting* is to be conducted wholly in person a Councillor may nonetheless request to attend by electronic means.
- 62.4 Any request made under sub-Rule 62.3 must:
  - 62.4.1 be in writing to the *Chief Executive Officer* no later than 24 hours prior to the commencement of the relevant *Council meeting*; and
  - 62.4.2 specify the reasons why the Councillor is unable or does not wish to attend the *Council meeting* in person.
- 62.5 The *Chief Executive Officer* must ensure that any request received in accordance with sub-Rule 62.4 and any other request received from a Councillor to attend by electronic means is made known at the commencement of the relevant *Council meeting*.
- 62.6 *Council* may approve and must not unreasonably refuse any request.

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- 62.7 A Councillor who is *attending* a *Council meeting* by electronic means is responsible for ensuring that they are able to access such equipment and are in such an environment that facilitates participation in the *Council meeting*.
- 62.8 Without detracting from anything said in sub-Rule 62.7, a Councillor who is *attending* a meeting by electronic means must be able to:
- 62.8.1 hear the proceedings;
- 62.8.2 see all Councillors and members of Council staff who are also *attending* the *Council meeting*, at least while a Councillor or member of Council staff is speaking;
- 62.8.3 be seen by all Councillors, members of Council staff and members of the public who are physically present at the *Council meeting*; and
- 62.8.4 be heard when they speak.
- 62.9 If the conditions of sub-Rule 62.8 cannot be met by one or more Councillors *attending* a *Council meeting*, whether because of technical difficulties or otherwise:
- 62.9.1 the *Council meeting* will nonetheless proceed as long as a quorum is present; and
- 62.9.2 the relevant Councillor (or Councillors) will be treated as being absent from the *Council meeting* or that part of the *Council meeting* unless the *Council meeting* has been adjourned in accordance with *these Rules*.
- 62.10 Nothing in this Rule 62 prevents a Councillor from joining (or re-joining) a *Council meeting* at the time that they achieve compliance with sub-Rule 62.8 even if the *Council meeting* has already commenced or has continued in their absence.

### 63. Meetings Conducted Remotely

If a *Council meeting* is conducted wholly or partially by electronic means, the *Chair* may, with the consent of the meeting, modify the application of any of the Rules in this Chapter to facilitate the more efficient and effective transaction of the business of the meeting.

## Division 16 – Miscellaneous

### 64. Procedure not provided in this Chapter

Where the Meeting rules do not provide for a procedure for a *Council meeting*, the *Chair* will determine the procedure to be followed.

### 65. Councillor / CEO Reports

- 65.1.1 Councillors may provide a verbal report prior to the closure of the *Council meeting* on activities including representation on committees and participation in community events for up to two (2) minutes.
- 65.1.2 The *Chief Executive Officer* may provide a verbal report prior to the closure of the *Council meeting* about Council business for up to two (3) minutes.
- 65.1.3 Should the *Council meeting* stand adjourned in accordance with Rule 15, Councillors and the *Chief Executive Officer* reports will be held over to the following scheduled *Council meeting*.

### 66. Compliance with these Rules

66.1.1 The *Chief Executive Officer* or delegate can inform and advise the *Chair* during the *Council Meeting* of any operational, financial or risk arising from a proposed resolution, or non-compliance with *these Rules*, law, and the implicants of such.

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**Chapter 3 – Meeting Procedure for Delegated Committees and Sub Committees****1. Meeting Procedure Generally**

If *Council* establishes a *Delegated Committee*:

- 1.1 all of the provisions of Chapter 2 apply to meetings of the *Delegated Committee*; and
- 1.2 any reference in Chapter 2 to:
  - 1.2.1 a *Council meeting* is to be read as a reference to a *Delegated Committee* meeting;
  - 1.2.2 a Councillor is to be read as a reference to a member of the *Delegated Committee*; and
  - 1.2.3 the Mayor is to be read as a reference to the Chair of the *Delegated Committee*.

**2. Meeting Procedure Can Be Varied**

Notwithstanding Rule 1, if *Council* establishes a *Delegated Committee* that is not composed solely of Councillors:

- 2.1 *Council* may; or
- 2.2 the *Delegated Committee* may, with the approval of *Council*

resolve that any or all of the provisions of Chapter 2 are not to apply to a meeting of the *Delegated Committee*, in which case the provision or those provisions will not apply until *Council* resolves, or the *Delegated Committee* with the approval of *Council* resolves, otherwise.

**3. Sub-Committees**

- 3.1.1 Council may from time to time establish a sub-committee to hear submissions from community members, for example submissions relating to the budget.
- 3.1.2 A sub-committee has no delegated powers to make a decision on behalf of the Council and is only established to hear submission prior to Council making a decision.
- 3.1.3 Where a sub-committee is established, members of the public wishing to make a submission must be *in attendance* or have a representative *in attendance* on their behalf.
- 3.1.4 Members of the public will be provided 2 minutes speaking time to present their verbal submission.
- 3.1.5 Notwithstanding sub-Rule 3.1.4 the *Chair* may, at their discretion extend speaking time to 3 minutes.
- 3.1.6 All other provisions contained within *these Rules* will apply to sub-committees.

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## Chapter 4 – Disclosure of Conflicts of Interest

### 1. Definition

In this Chapter:

- 1.1 “*meeting conducted under the auspices of Council*” means a meeting of the kind described in section 131(1) of the Act, and includes a meeting referred to in Rule 1 of Chapter 6 (whether such a meeting is known as a ‘Councillor Briefing’ or by some other name); and
- 1.2 a member of a *Delegated Committee* includes a Councillor.

### 2. Disclosure of a Conflict of Interest at a Council Meeting

A Councillor who has a conflict of interest in a matter being considered at a *Council meeting* at which they:

- 2.1 are *in attendance* must disclose that conflict of interest by explaining the nature of the conflict of interest to those *in attendance* at the *Council meeting* immediately before the matter is considered and indicating whether it is a general conflict of interest or a material conflict of interest; or
- 2.2 intend to *attend* must disclose that conflict of interest by providing to the *Chief Executive Officer* before the *Council meeting* commences a written notice:
- 2.2.1 advising of the conflict of interest;
- 2.2.2 explaining the nature of the conflict of interest and indicating whether it is a general conflict of interest or a material conflict of interest; and
- 2.2.3 detailing, if the nature of the conflict of interest involves a Councillor’s relationship with or a gift from another person, the:
- (a) name of the other person;
- (b) nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and
- (c) nature of that other person’s interest in the matter,

and then immediately before the matter is considered at the meeting announcing to those *in attendance* that they have a conflict of interest and that a written notice has been given to the *Chief Executive Officer* under this sub-Rule.

The Councillor must, in either event, leave the *Council meeting* immediately after giving the explanation or making the announcement (as the case may be) and not return to the meeting until after the matter has been disposed of.

### 3. Disclosure of Conflict of Interest at a Delegated Committee Meeting

A member of a *Delegated Committee* who has a conflict of interest in a matter being considered at a *Delegated Committee* meeting at which they:

- 3.1 are *in attendance* must disclose that conflict of interest by explaining the nature of the conflict of interest to those *in attendance* at the *Delegated Committee* meeting immediately before the matter is considered and indicating whether it is a general conflict of interest or a material conflict of interest; or
- 3.2 intend to *attend* must disclose that conflict of interest by providing to the *Chief Executive Officer* before the *Delegated Committee* meeting commences a written notice:

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- 3.2.1 advising of the conflict of interest;
- 3.2.2 explaining the nature of the conflict of interest and indicating whether it is a general conflict of interest or a material conflict of interest; and
- 3.2.3 detailing, if the nature of the conflict of interest involves a member of a *Delegated Committee's* relationship with or a gift from another person the:
  - (a) name of the other person;
  - (b) nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and
- 3.2.4 nature of that other person's interest in the matter,

and then immediately before the matter is considered at the meeting announcing to those *in attendance* that they have has a conflict of interest and that a written notice has been given to the *Chief Executive Officer* under this sub-Rule.

The member of a *Delegated Committee* must, in either event, leave the *Delegated Committee* meeting immediately after giving the explanation or making the announcement (as the case may be) and not return to the meeting until after the matter has been disposed of.

#### **4. Disclosure by Members of Council Staff Preparing Reports for Meetings**

- 4.1 A member of Council staff who, in their capacity as a member of Council staff, has a conflict of interest in a matter in respect of which they are preparing or contributing to the preparation of a Report for the consideration of a:
  - 4.1.1 *Council meeting*;
  - 4.1.2 *Delegated Committee* meeting;

must, immediately upon becoming aware of the conflict of interest, provide a written notice to the *Chief Executive Officer* disclosing the conflict of interest and explaining the nature of the conflict of interest and indicating whether it is a general conflict of interest or a material conflict of interest.

- 4.2 The *Chief Executive Officer* must ensure that the Report referred to in sub-Rule 4.1 records the fact that a member of Council staff disclosed a conflict of interest in the subject-matter of the Report.
- 4.3 If the member of Council staff referred to in sub-Rule 4.1 is the *Chief Executive Officer*:
  - 4.3.1 the written notice referred to in sub-Rule 4.1 must be given to the *Mayor*; and
  - 4.3.2 the obligation imposed by sub-Rule 4.2 may be discharged by any other member of Council staff responsible for the preparation of the Report.

#### **5. Disclosure of Conflict of Interest by Members of Council Staff in the Exercise of Delegated Power**

- 5.1 A member of Council staff who has a conflict of interest in a matter requiring a decision to be made by the member of Council staff as delegate must, immediately upon becoming aware of the conflict of interest, provide a written notice to the *Chief Executive Officer* explaining the nature of the conflict of interest and indicating whether it is a general conflict of interest or a material conflict of interest.
- 5.2 If the member of Council staff referred to in sub-Rule 5.1 is the *Chief Executive Officer*, the written notice must be given to the *Mayor*.

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**6. Disclosure by a Member of Council Staff in the Exercise of a Statutory Function**

- 6.1 A member of Council staff who has a conflict of interest in a matter requiring a statutory function to be performed under an Act by the member of Council staff must, upon becoming aware of the conflict of interest, immediately provide a written notice to the *Chief Executive Officer* explaining the nature of the conflict of interest and indicating whether it is a general conflict of interest or a material conflict of interest.
- 6.2 If the member of Council staff referred to in sub-Rule 6.1 is the *Chief Executive Officer*, the written notice must be given to the *Mayor*.

**7. Retention of Written Notices**

The *Chief Executive Officer* must retain all written notices received under this Chapter for a period of three years.

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## Chapter 5– Miscellaneous

### 1. Informal Meetings of Councillors

If there is a meeting of Councillors that:

- 1.1 is scheduled or planned for the purpose of discussing the business of *Council* or briefing Councillors;
- 1.2 is attended by at least one member of Council staff; and
- 1.3 is not a *Council meeting* or *Delegated Committee* meeting

the *Chief Executive Officer* must ensure that a summary of the matters discussed at the meeting are:

- (a) tabled at the next convenient *Council meeting*; and
- (b) recorded in the minutes of that *Council meeting*.

### 2. Confidential Information

2.1 If the *Chief Executive Officer* is of the opinion that information relating to a meeting is confidential information within the meaning of the *Act*, they may designate the information as confidential and advise Councillors and/or members of Council staff in writing accordingly.

2.2 Information which has been designated by the *Chief Executive Officer* as confidential information within the meaning of the *Act*, and in respect of which advice has been given to Councillors and/or members of Council staff in writing accordingly, will be presumed to be confidential information.

2.3 Nothing in sub-Rule 2.2 will, without more, mean that information designated by the *Chief Executive Officer* under sub-Rule 2.1 satisfies the definition of “confidential information” contained in section 3(1) of the *Act*.

### 3. Opening the Council Meeting

The *Chair* will open every public *Council meeting* with:

- (a) A Statement to Acknowledge Traditional Owners; and
- (b) The Diversity and Good Governance Statement.

The adopted Statement to Acknowledge Traditional Owners is as follows:

“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”

The adopted Diversity and Good Governance Statement is as follows:

“At the City of Whittlesea we are proud of our diversity and the many cultures, faiths and beliefs that make up our community. We strive to be an inclusive welcoming City that fosters participation, wellbeing and connection to each other and this land. We commit as a Council to making informed good decisions to benefit the people of the City of Whittlesea now and in the future to support our community’s vision of A Place For All.”

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### Chapter 6 – Election Period Policy

#### Election period

1. For the purposes of section 69 of the Act this [[election period policy-hyper link](#)] is incorporated into these Governance Rules.
2. This policy must be reviewed not later than 12 months prior to the commencement of an election period.

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**Appendix 1 – Strategic Planning Formula**

Must apply this column to decision-making for all decisions	Must apply these columns where relevant to decision-making				
Overarching Governance Principles	Community Engagement Principles	Strategic Planning Principles	Financial Management Principles	Service Performance Principles	Public Transparency Principles
Lawful	Any decision likely to affect human rights to be considered against the Charter of Human Rights & Responsibilities 2006 & the Equal Opportunity Act 2010.	In accordance with the Council / Community Plan.	Australian Standards & Legislation		Council decision making processes are transparent except when the Council is dealing with information that is confidential in accordance with <i>the Local Government Act 2020</i> or any other Act.
Achieve best outcomes for the community into the future	A community engagement plan clearly defines objectives and scope  The community engagement plan is implemented.	Addresses the community vision and demonstrates benefit. Monitors performance through reporting. Identifies and manages implementation risks.	Considers the financial impact to the community.	Services provided are accessible, equitable, diverse and represent community need. Fair and effective processes for considering and responding to service performance complaints.	Written record of a decision affecting the rights of a person will record the opportunity provided to the person to have their views considered.
Economically, socially and environmentally sustainable		Ensures sufficient finances and resources to implement the strategy.	Identifies, monitors and manages financial risks.  Financial risks must be monitored and managed prudently having regard to economic circumstances.	Quality and costs standards for services provide good value to the community.	Reported in the Annual Report and other Performance Reporting
Community engagement in strategic planning & decision making	Managed in accordance with Council’s Community Engagement Policy.				Council information must be publicly available unless it’s confidential. Council information must be understandable and accessible to members of the municipal community.
Innovation & continual improvement		Strategies are informed with data		Performance is analysed for continual improvement.	

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Must apply this column to decision-making for all decisions	Must apply these columns where relevant to decision-making				
Overarching Governance Principles	Community Engagement Principles	Strategic Planning Principles	Financial Management Principles	Service Performance Principles	Public Transparency Principles
Collaboration with other Councils/ Government /Statutory bodies	Networked to increase reach	Granting opportunities	Economy of scale		
Financially viable			Revenue, expenses, assets, liabilities, investments and financial transactions must be managed in accordance with financial policies and strategic plans		
Consistent with regional, state & national plans					
Transparent	<p>Community has access to objective, relevant &amp; timely information to inform participation.</p> <p>Participants are given reasonable support to enable meaningful and informed engagement.</p> <p>Participants are informed how the community engagement will influence Council decision making.</p>		Accounts and records that explain the financial operations & financial position are to be kept.		<p>Managed in accordance with Council’s Public Transparency Policy.</p> <p>Council information must be publicly available unless—</p> <p>(i) the information is confidential by virtue of this Act or any other Act; or</p> <p>(ii) public availability of the information would be contrary to the public interest.</p> <p>Public awareness of the availability of Council information must be facilitated.</p>

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**Appendix 2 - Notice of Motion Template**

**NOTICE OF MOTION NO ##**  
<Title>

**To All Councillors**

**Please TAKE NOTICE that it is my intention to move at the Scheduled Meeting of Council to be held on <insert date> at <insert time>pm:**

**PREAMBLE**

<enter preamble>

**Motion**

That Council:

**Cr <Name>** .....  
**Date: <insert date>**

Acknowledged by the CEO on .....  
*(signature and date)*

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## Appendix 2 – Election Period Policy

### Policy statement

This Policy has been developed in order to ensure that general elections and by-elections for the Council are conducted in a manner that is ethical, fair and equitable, and are publicly perceived as such.

It specifies procedures intended to ensure the Council makes appropriate decisions, takes appropriate actions or uses resources appropriately during the Election Period before a general election, a by election and at other times as specified in this policy.

Further, this policy:

- facilitates the continuation of the ordinary business of local government in the Council throughout the Election Period in a responsible and transparent manner;
- ensures the authority of an incoming council is not restricted by decisions to which it may find itself unreasonably bound and unable to change. This could include significant contractual matters;
- establishing procedures to ensure that access to information held by Council is made equally available and accessible to candidates during the Council, Federal or State elections;
- places limits on public consultation and the scheduling of Council events during the Election Period;
- requires that materials produced by the Council and Whittlesea Council must not contain matter that will affect voting at the election;
- sets out the requirements for a Councillor who is a candidate in an election, including a Council, Federal or State election.

### Background

This policy has been prepared in accordance with the *Local Government Act 2020* (Vic) which requires Council to include an election period policy in its Governance Rules to be applied by Council during the election period, a by election and at other times as specified in this policy.

### Scope

This Policy relates to the Council, Councillors, Council Committees, the CEO and Council officers, their behaviour and decision making during the 'caretaker' period.

This policy replaces and overrides any previous policy that refers to the Election Period.

### Relevant Documents

All City of Whittlesea policies comply with:

Victorian Charter of Human Rights and Responsibilities  
*Local Government Act 2020* (Vic)  
*Freedom of Information Act 1982* (Vic)  
 Public Transparency Policy



## Procedural Guidelines

### 1. Application of Policy

Council will function in accordance with this Policy during the election period commencing on **midnight on Tuesday 24 September 2024 and ending 6pm on Saturday 26 October 2024**.

While nominations for the general election will close at noon on 24 September 2024, the definition of the term "election period" in the Act indicates that the "election period" commences at the beginning of that day – that is, immediately after midnight.

#### 1.1 Role of Chief Executive Officer

In addition to the CEO statutory responsibilities, the CEO has the following responsibilities in supporting the implementation and application of the Policy:

- All Councillors and Council Officers are informed of and supported in the application of this policy at least 30 days prior to the commencement of the Election Period;
- Make a public statement or media release that corrects inaccurate information or statements about Council made by candidates without naming the candidate, where they deem it appropriate; and
- Matters of Council business requiring decisions prohibited during the Election Period by this Policy or the Act are, where possible, scheduled for Council to enable resolution prior to the commencement of the Election Period or deferred where appropriate for determination by the incoming Council.

### 2. Decisions by Council

- 2.1.1 In accordance with section 69 of the Act Council is prohibited from making any decisions during the Election Period for a general election that:
- (a) relates to the appointment or remuneration of the CEO, but not to the appointment or remuneration of an Acting CEO;
  - (b) commits the Council to expenditure exceeding one per cent of the Council's income from general rates, municipal charges and service rates and charges in the preceding financial year;
  - (c) the Council considers could be reasonably deferred until the next Council is in place; or
  - (d) the Council considers should not be made during an Election Period.
- 2.1.2 Council is prohibited from making any Council decisions during the Election Period for a general election or a by election that would enable the use of Council's resources in a way that is intended to influence, or is likely to influence, voting at the election.
- 2.1.3 During the Election Period, the Council, a Committee of Council, the CEO, of Council officer acting under delegation will not:





- (a) approve, amend or repeal any policy, plan or strategy, including those contained in or related to the Whittlesea Council Planning Scheme, which has been adopted by the Council; or
- (b) use their position to influence Council officers, or access Council resources of information in support of any election campaign or candidacy.

2.1.4 A Council decision made in contravention of subsection (a) or (b) above is invalid under the Act.

2.1.5 Council can continue to make town planning decisions under the *Planning and Environment Act 1987* during the election period and they will still be processed in accordance with usual practices and statutory timelines.

### 2.2.1 Prohibition on Council

Council or a Council Officer under delegation is unable to make Major Policy Decisions and any major policy decision made during the election period is deemed to be invalid under the Act and may be compensable.

### 2.1.3 Extraordinary Circumstances

If Council considers that there are extraordinary circumstances which require the making of a major policy decision during the Election Period that in doing so would breach the Act, the Council may apply in writing request an exemption from the Minister for Local Government.

## 2.2 Council Meetings

Scheduled Council meetings will continue to take place during the Election Period. However, the following adjustments will be made to the Agenda:

- (a) Public Question Time will be suspended;
- (b) Notice of Motions will not be allowed;
- (c) Councillors will limit their discussion during debate to the topic under consideration and will avoid raising Electoral Matter; and
- (d) Reports for the consideration of Council will be referred to the CEO for approval before inclusion on the meeting agenda.

## 3. Application of Resources

- 3.1.1 The use of Council resources, including, but not limited to, vehicles, staff, services, property, equipment, stationery, websites, social media and hospitality for any Council, Federal or State election campaign purposes is prohibited.
- 3.1.2 Where the use of Council resources appears to relate to the election campaign of a Councillor standing in or for re-election, the matter must be referred to the CEO or their delegate.
- 3.1.3 In accordance with section 304 of the Act, a Councillor or Council officer must not use Council resources in a way that is intended to or is likely to affect the result of



an election under this Act.

3.1.4 A Councillor or Council officer must not use Council resources to intentionally or recklessly print, publish or distribute or cause, permit or authorise to be printed, published or distributed any electoral material during the Election Period on behalf of, or purporting to be on behalf of, the Council unless the electoral material only contains information about the election process or is otherwise required in accordance with, or under, any Act or regulations.

3.1.5 A Councillor or Council officer must not at any time disclose, use or release information provided to them in the course of their role which is confidential.

#### 4. **Candidacy**

A Councillor must not use Council resources for candidacy, or any purpose that may be perceived as being used either as an individual or political party. This applies to a Councillor standing in a Council, Federal or State election, and for any other elected position, for example, positions on boards. Such use would constitute misuse of position.

#### 5. **Federal and State Government Elections**

5.1.1 Councillor will ensure there is a demonstrable distinction between their obligations to Council and their personal interests as a candidate, or member of a political party, in an election period prior to a Federal or State election.

5.1.2 Once a Councillor becomes an endorsed candidate of a registered political party or publicly expresses an intention to run as a candidate in a Federal or State election, is a 'Prospective Candidate' will provide written advice to the CEO, as soon as practicable. The CEO will then advise all Councillors.

#### 6. **Public Consultation and Council Events**

6.1.1 Public consultation activities may be necessary during the election period to ensure that the community is continuing to be consulted in decision making processes. Where it is within Council's control to do so, Council will seek to avoid actions which will require Councillor public consultation during the election period. Councillors will not attend or be involved in public consultation.

6.1.2 Any public consultation will avoid express or implicit links to the election.

#### 7. **Council Events**

Council will ensure that any significant Council events are scheduled to occur outside the election period. Where a Council event must be held during the election period, Councillor involvement will be minimised.





## **8. Council Publications**

### **8.1 Prohibition on Publishing Material during the Election Period**

- 8.1.1 The Chief Executive Officer will only certify electoral advertisements and information about the election process.
- 8.1.2 A Councillor or Council Officer will not print, publish or distribute, or be involved in the printing, publishing or distribution of an electoral advertisement, handbill, pamphlet or notice during the election period if the electoral advertisement, handbill, pamphlet or notice has not been certified by the Chief Executive Officer.

### **8.2 Certification of Publications**

- 8.2.1 Election process publications which require certification include:
- (a) Brochures, pamphlets, handbills, flyers, magazines and books;
  - (b) Reports (other than Agenda papers and Minutes);
  - (c) Advertisements and notices, except newspaper notices of Meetings;
  - (d) New website material;
  - (e) Social media publications (which includes Facebook and Twitter posts and video footage);
  - (f) Emails with multiple addresses, used for broad communication with the community;
  - (g) Mass mail outs or identical letters sent to a large number of people by or on behalf of the Council;
  - (h) Media releases;
  - (i) Material to publicise a function or event; and
  - (j) Any publication or distribution of Councillor's speeches.
- 8.2.2 Application should be made to the Chief Executive Officer who will seek certification of the publication of election advertisements.
- 8.2.3 Copies of all certified documents and applications will be retained for three (3) years by the City of Whittlesea.

### **8.3 Prohibited Material**

'Electoral matter' is taken to be intended or likely to affect voting in an election if it contains an express or implicit reference to, or comment on:

- (a) The election;
- (b) A candidate in the election; or
- (c) An issue submitted to, or otherwise before, the voters in connection with the election.

It's therefore likely that "electoral matter" will include material which:



- (d) Publicises the strengths or weaknesses of a candidate;
- (e) Advocates the policies of the Council or of a candidate;
- (f) Responds to claims made by a candidate; or
- (g) Publicises the achievements of the elected Council or particular Councillors.

#### **8.4 Council Publications Including Councillor Information**

Council publications printed, published or distributed during the election period will not include any reference to individual Councillors, unless Council is legally obliged to include any such reference.

#### **8.5 Website**

- 8.5.1 Councillor contact information will remain available on the website during the election period, but Councillors' profiles will be removed.
- 8.5.2 Any news published on Council's website during the election period must be certified by the Chief Executive Officer.

#### **8.6 Annual Report**

- 8.6.1 Council is required to produce and put on public display a copy of its Annual Report. The Annual Report may be published by the CEO, or delegate during the election period. The Annual Report will not contain any electioneering or material that could promote individual Councillors.
- 8.6.2 The Annual Report does not require certification by the CEO; however, any publication of an extract or summary of the Annual Report will require certification.

#### **8.7 Council and Committee Agendas and Minutes**

Agenda papers and Minutes of Council and Committee Meetings do not require certification by the CEO, or delegate, unless they are printed or published for wider distribution.

#### **8.8 Social Media**

- 8.8.1 Any publication on social media sites including Facebook, Twitter, blogs and wiki pages during the election period must be certified by the CEO, or delegate.
- 8.8.2 Staff responsible for administering Council's social media sites will monitor them during the election period and use moderation features where available to ensure no electoral matter is posted.





## **9. Council Resources**

### **9.1 Application of Resources**

9.1.1 Council resources, including email addresses, photos, offices, vehicles, staff, hospitality, services, property (including intellectual property), equipment and stationery must be used exclusively for normal Council business during the election period and must not be used in connection with any election campaign or issue.

9.1.2 Any Councillor misusing their position to gain or attempt to gain, directly or indirectly, an advantage for themselves or any other person or to cause or attempt to cause detriment to Council or another person may breach section 76D of the Act. Circumstances involving the misuse of a position include using public funds or resources in a manner that is improper or unauthorised may be prosecuted.

### **9.2 Role of Executive Assistant to Mayor**

The Mayor's Executive Assistant cannot be asked to undertake any tasks connected directly or indirectly with a Councillor's election campaign.

### **9.3 Use of Council Equipment by Councillors**

Councillors (including those standing for re-election) must give back all Council owned equipment (such as laptops, printers, security passes etc.) prior to 6pm on the day of the election. The timing is to be agreed prior to the election period. Councillors standing for re-election must not use Council equipment such as printers as a resource to assist with election campaigns.

### **9.4 Councillors Entitlement to Reimbursement**

Reimbursements of Councillors' out-of-pocket expenses during the election period will only apply to costs that have been incurred in the performance of normal Council duties and not for expenses that support or relate to a candidate's election campaign.

### **9.5 Council Branding**

Council logos, letterheads, or other corporate branding or intellectual property must not be used for, or linked in any way to, a candidate's election campaign.

### **9.6 Officers' Discretion**

Where the use of Council resources appears to relate to the election campaign of a Councillor standing for re-election, the matter must be referred to the CEO or Delegate.

## **10. Media Services**

### **10.1 Restriction on Services**

10.1.1 During the election period, the Council's Public Affairs and Customer Service Departments' services must not be used in any way that might promote a Councillor as an election candidate.



10.1.2 Council publicity during the election period will be restricted to communicating normal Council activities and initiatives and is subject to CEO, or delegate approval and certification.

**10.2 Media Releases/Spokespersons**

10.2.1 Media releases will minimise references to specific Councillors and will not promote a Councillor as an election candidate. The CEO or Delegate will be referenced instead.

10.2.2 Media releases will require certification by the CEO or delegate.

**10.3 Councillors**

Councillors will not use their position as elected representatives or their access to Council Officers and other Council resources to gain media attention in support of an election campaign.

**10.4 Council Employees**

In accordance with the staff Code of Conduct, during the election period, no Council employee may make any public statement that relates to an election issue unless prior approval has been obtained from the CEO or Delegate.

**11. Assistance to Candidates**

**11.1 Role of Returning Officer**

All election related enquiries from candidates, whether sitting Councillors or not, will be directed to the Returning Officer or, where the matter is outside the responsibilities of the Returning Officer, to the CEO or Delegate.

**11.2 Candidate Information**

11.2.1 Council will provide candidates with a Councillor Candidate Information Kit to assist them in running and nominating for Council.

11.2.2 Candidates will complete a Nomination Form, which will be available from the Returning Officer, accompanied by the prescribed nomination fee.

11.2.3 Candidates will complete and submit an Election Campaign Donation Return in the prescribed form within 40 days after election day. The return must contain details of any campaign donation or gift valued at more than the gift disclosure threshold (currently \$500 as at June 2022) which was received between the date 30 days after the previous election and the date 30 days after the current election.

**11.3 Access to Information & Candidate Information**

11.3.1 A Councillor may continue to access Council information only as it is necessary for them to perform their role as a Councillor.





- 11.3.2 All election candidates have equal rights to Council information relevant to their election campaign from the Council administration in accordance with the Council's Public Transparency Policy and the *Freedom of Information Act 1982* (Vic).
- 11.3.3 Neither Councillors nor Candidates will receive information or advice from Council officers that may improperly advantage Candidates in the election.
- 11.3.4 Council will provide Candidates with a copy of a Councillor Candidate Information Kit (if any) produced by the Victorian Electoral Commission to assist them in running and nominating for Council.

#### 11.4 Information Request Register

The Governance team will maintain and Information Request Register during the Election Period.

#### 12 Staff member as a candidate

- 12.1.1 Section 34 of the Act prohibits a person who is a staff member of Whittlesea City Council serving as a Whittlesea City Council Councillor.
- 12.1.2 Under Section 256(8) of the Act a member of Staff is not prevented from nominating as a candidate at an election if for the duration of the Election Period for that election if:
  - (a) the person has taken leave from that office or position; and
  - (b) the person does not perform any of the duties of that office or position.
- 12.1.3 A Staff Member cannot take the oath or affirmation of office as a Whittlesea City Council Councillor unless they resign from that office or position before taking the oath or affirmation of office.
- 12.1.4 In the event that a Council officer nominates as a candidate for a Council, Federal or State election, the officer will immediately notify their Director or Executive Manager in writing with a copy to the Executive Manager Office of Council & CEO. On receiving such notice the relevant manager will enter into an agreed work plan with the staff member to ensure:
  - There is no conflict of interest between the staff member's duties as a Council employee or access to information and their role as an election candidate;
  - The staff member does not have access to information that would place them at an advantage over other candidates in the election; or
  - No Council resources are used in support of the staff member's candidacy.
- 12.1.5 The agreed work plan must be approved by the relevant Director and forwarded to the CEO and Executive Manager Office of Council & CEO.



## Definitions

Where terms used in this Policy are defined in the *Local Government Act 2020* (Act), their use in this Policy is consistent with the definitions in the Act.

Words	Meaning/Definition
<b>Act</b>	means the <i>Local Government Act 2020</i> (Vic).
<b>Candidate</b>	means a person who is nominated to stand for a Council, Federal or State election.
<b>Chief Executive Officer</b>	means the person appointed by Council to be its Chief Executive Officer, or any person acting in that position.
<b>Community Consultation</b>	means the process in which City of Whittlesea and Municipal Community connect with each other to exchange views, ideas and information to: <ul style="list-style-type: none"> <li>(a) inform decisions;</li> <li>(b) build capacity; and</li> <li>(c) strengthen relationships.</li> </ul>
<b>Councillor</b>	A person who holds the office of Member of Council or a person appointed as an Administrator for City of Whittlesea who performs the role of a Councillor for the purposes of section 28 of the Act.
<b>Councillor Candidate Information Kit</b>	means the Councillor Candidate Information Kit provided by the Victorian Electoral Commission.
<b>Council Meeting</b>	means a Council meeting that complies with the Act.
<b>Delegate</b>	means a Director or Executive Manager as appointed.
<b>Election Day</b>	means the day of an election as determined under the Act.
<b>Election period</b>	has the same meaning as 'election period' in section 3(1) of the Act and means the period that starts on the last day on which nominations for that election can be received and ends at 6pm on election day.
<b>Electoral advertisement, handbill, pamphlet or notice</b>	means any document that is produced for the purpose of communicating with the community and which contains electoral matter, such as: <ul style="list-style-type: none"> <li>(a) Newsletters and other circulars (including those sent by email);</li> <li>(b) Media releases;</li> <li>(c) Leaflets, pamphlets, handbills, flyers, magazines and brochures;</li> <li>(d) Any new email, web based publications or social media posts; and</li> <li>(e) Mailouts to multiple addresses.</li> </ul>
<b>Electoral Material</b>	means an advertisement, handbill, pamphlet or notices that contains Electoral Matter, but does not include an advertisement that is only announcing the holding of a meeting.
<b>Electoral Matter</b>	means matter which is intended or likely to affect voting in an election but does not include any electoral material produced by or on behalf of the election manager for the purposes of conducting an election. Electoral matter is to be taken to be intended or likely to affect voting in an election if it contains an express or implicit reference to, or comment on: <ul style="list-style-type: none"> <li>(a) the election; or</li> <li>(b) a candidate in the election; or</li> <li>(c) an issue submitted to, or otherwise before, the voters in connection with the election</li> </ul>



<b>Inappropriate decisions</b>	Includes any of the following: (a) decisions that would affect voting in an election; or (b) decisions that could reasonably be made after the election.
<b>Information Request Register</b>	This Information Request Register will be a public document that records all requests relating to Electoral Matters and non-routine requests for information by Councillors and Candidates, and the responses given to those requests.
<b>Member of Council Staff</b>	means a natural person appointed by the Chief Executive Officer (other than an independent contractor under a contract for services or a volunteer) to enable: (a) the functions of the Council to be carried out; and (b) the Chief Executive Officer to carry out their functions. The Chief Executive Officer is also a member of Council Staff.
<b>Public consultation</b>	A process that involves an invitation or invitations to individuals, groups or organisations or the community generally to comment on an issue, proposed action or proposed policy, and includes discussion of that matter with the public.
<b>Publish</b>	means publish by any means including by publication on the internet.
<b>Major Policy Decision</b>	Is defined by the Act to mean a decision (a) Relating to the employment or remuneration of a CEO, other than a decision to appoint an acting CEO; (b) To terminate the appointment of a CEO; To enter into a contract the total value of which exceeds 1% of Council's total revenue from rates and charges in the preceding financial year.
<b>Significant decision</b>	In the context of this policy, significant decisions include: (a) decisions that may irrevocably commit the incoming Council to substantial expenditure or to other significant actions; and (b) decisions that may have an irrevocable and significant impact on the municipality or a significant section of the community.



### 5.4.3 Updated Community Engagement Policy

**Responsible Officer:** Executive Manager Public Affairs

**Author:** Manager Communications & Engagement

**In Attendance:** Manager Communications & Engagement

**Attachments:**

1. Community Engagement Policy 2023 [5.4.3.1 - 11 pages]

#### Purpose

To present an update to Council's Community Engagement Policy and to seek endorsement to proceed to community consultation for a period of four weeks.

#### Brief Overview

The City of Whittlesea is committed to ensuring the voices of its community are heard and considered in Council decision-making.

As required by the *Local Government Act 2020 (Vic)*, the City of Whittlesea adopted a Community Engagement Policy, *A Voice for All*, on 1 March 2021. The Policy has now been updated following an internal review as well as benchmarking against best practice community engagement in the public sector.

The City of Whittlesea's Community Engagement Policy establishes a framework for inclusive and effective community engagement practices to ensure the diverse voices of the community are considered in shaping the city's direction and service delivery. The Policy aligns with Whittlesea 2040, the City's long-term vision, and complies with relevant legal frameworks and principles.

Whilst the updated policy is not substantially different in intent to the original, it seeks to reflect the maturation of the engagement function at the City of Whittlesea in recent years.

Key differences include:

- a clearer focus on clarifying expectations and articulating our commitment to the engagement principles as outlined in the *Local Government Act 2020 (Vic)*.
- clarifying for community in respect to their level of influence; community feedback is one of a number of factors considered in decision-making.
- transparency around circumstances where engagement may be limited or not appropriate.
- ensuring all relevant legislation is referred to clearly.

The policy outlines Council's focus areas for this iteration of the policy including:

- further developing our consultation practices with traditionally harder to reach and under-represented cohorts.
- continuing to evolve our journey towards more deliberative practices.

The Policy encompasses a range of principles and commitments to promote meaningful engagement, accountability and transparency. It applies to various stakeholders involved in community engagement activities, including Councillors, Council officers, contractors, consultants, project partners and volunteers.

This Policy does not replace statutory processes relating to permit applications and planning scheme amendments governed by the *Planning and Environment Act 1987* and associated regulations. Nor does it apply to other council processes such as service requests or complaints.

The Policy outlines the roles and responsibilities of various stakeholders, including the Mayor, Councillors, CEO, Executive Leadership Team, and the Community Engagement Team.

It explains how Council is committed to reducing physical, social and cultural barriers to participation that may include Aboriginality, age, ability, ethnicity, gender identity, race, religion, sexual orientation and other attributes.

The policy also describes instances where community engagement may be limited due to various factors such as legal requirements, immediate resolutions, technical expertise needs, or confidentiality concerns. It acknowledges that during these times, the level of community influence might be restricted.

The City of Whittlesea has committed to releasing the draft updated policy for community feedback before its final adoption.

### Recommendation

**THAT Council endorse the draft of the updated Community Engagement Policy 2023 for a four-week period of community consultation from 2-29 October 2023.**

### Key Information

In accordance with the *Local Government Act 2020* (Vic), Council will provide purposeful, genuine and meaningful opportunities for our diverse community to share ideas and provide feedback about activities, projects and issues that are important to them.

The updated Community Engagement Policy recognises the significance of the view of community to inform decision-making and underscores Council's commitment to fostering a culture of engagement.

The Policy will:

- foster community connection and collaboration by involving and consulting with community.
- promote inclusive decision-making.
- build trust between the community and the City of Whittlesea whereby opinions are sought, valued and considered and used to shape the future of the City.
- contribute to exemplary governance with informed and responsible decisions informed by community input.
- remain transparent by being clear on why and how we engage our community and how feedback is used to inform the decisions of Council.
- promote civic participation and foster a sense of ownership and shared responsibility.
- promote accountability and support inclusivity by outlining how Council will provide a range of tailored engagement opportunities for our diverse community.
- ensure legislative compliance with the *Local Government Act 2020* (Vic).

The Policy highlights two primary types of engagement: consultative engagement and deliberative engagement. Consultative engagement involves seeking feedback, opinions, and ideas from the community, while deliberative engagement encourages critical analysis, collaboration, and consensus-building on more complex issues. These engagement types align with the International Association of Public Participation (IAP2) Spectrum of Engagement, which is recognised as a best practice framework.

The Policy is proposed to be reviewed again in 2025 and updated in 2027.

### **Community Consultation and Engagement**

A four-week period of community consultation on the update to the Policy is proposed in accordance with the *Local Government Act 2020* (Vic). Council will use a mix of engagement methodology to ensure a broad and representative range of community members can participate in the consultation process.

### **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 Policy seeks to build community connectedness and social cohesion through informed and considered participation.



### 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

Council's community engagement activities support our W2040 goal of a sustainable environment by seeking to reduce printed materials where possible and considering the environmental impact of any engagement activities.

#### Social, Cultural and Health

Council's community engagement activities support our W2040 connected community goal by providing the opportunity for the community and collaborate with Council to achieve beneficial social, cultural and health outcomes. Authentic and meaningful engagement contributes to building trust, increasing community connectedness and community strengthening.

#### Economic

Council's community engagement activities support our W2040 goal of a strong local economy by including the opportunity for local business to participate in our consultation. Council also aims to choose local providers to supply resources for community engagement events where practicable.

#### Financial Implications

The cost of the delivery of this Policy is included in Council's operating 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*

Council is required under the *Local Government Act 2020 (Vic)* to create a Community Engagement Policy to ensure the delivery of a robust engagement program.

### Implementation Strategy

#### Communication

The opportunity for community to have their say on the updated draft Community Engagement Policy will be promoted via Council's communication channels and the Engage Whittlesea website. Upon adoption, the Policy will be included in Council's policy framework and published on Council's website. We will close the loop with those who provided feedback on the draft via our Engage Whittlesea website.

### **Critical Dates**

- 2 – 29 October 2023: Community consultation
- 19 December 2023: updated policy presented to Council Meeting for final endorsement

### **Declaration of Conflict of Interest**

Under Section 130 of the *Local Government Act 2020* 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 City of Whittlesea's Community Engagement Policy serves as a comprehensive guideline for fostering effective and inclusive community participation which will ensure our community's voices are heard, valued and considered in decision-making processes.



## Community Engagement Policy

### Policy statement

The City of Whittlesea is committed to providing a structured and transparent framework for purposeful, genuine and meaningful community engagement. This policy sets out how Council will provide opportunities for our diverse community to share ideas, opinions and feedback about activities, projects and issues that are important to them.

Council commits to engage in a deliberative, proactive and flexible way to ensure the voices of its community are heard and considered in Council decision-making.

### Purpose

The purpose of the Community Engagement Policy is to:

- a) **promote inclusive decision-making** by ensuring community members have the opportunity to have their say on matters and decisions that impact their life
- b) **build trust** between the community and the City of Whittlesea whereby opinions are sought, valued and considered and used to shape the future of the City
- c) **contribute to exemplary governance** with informed and responsible decisions informed by community input
- d) **remain transparent** by being clear on why and how we engage our community and how feedback is used to inform the decisions of Council
- e) **foster community connection and collaboration** by involving and consulting with community
- f) **promote civic participation** and foster a sense of ownership and shared responsibility
- g) **promote accountability and support inclusivity** by outlining how Council will provide a range of tailored engagement opportunities for our diverse community
- h) **ensure legislative compliance** with the *Local Government Act 2020* (Vic).

### Scope

This Policy applies to all City of Whittlesea Councillors, Council Officers, contractors, external consultants, project partners, volunteers or any other persons engaged by Council to deliver community engagement activities.

Council will use community feedback to inform decision-making alongside other factors including research, best-practice, specialist technical advice, legislation, risk, safety, budget implications, best value and planning.

As defined in the *Local Government Act 2020* (Vic) the Council is the decision maker on matters of policy and governance. The Chief Executive Officer (CEO) ensures the effective and efficient management of the day-to-day operations of the Council and is responsible for overseeing the implementation of Council decisions.

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This policy does not replace legislative requirements and statutory processes including those relating to permit applications and planning scheme amendments governed by the *Planning and Environment Act 1987* and associated Regulations. Nor does it apply to other council processes such as service requests or complaints.

**Alignment to Whittlesea 2040**

The Community Engagement Policy primarily guides Council’s work toward the following Goal as outlined in *Whittlesea 2040: A place for all: High Performing Organisation*

This Policy enables the City of Whittlesea to meaningfully engage with community on impactful projects, services and plans, and incorporate outcomes into planning and decision-making as projects unfold.

Additionally, this Policy is informed by:

- [Local Government Act 2020](#)
- [Local Government Act 1989](#)
- [Equal Opportunity Act 2010](#)
- [Disability Act 2006](#)
- [Privacy and Data Protection Act 2014](#)
- [Planning and Environment Act 1987](#)
- [Road Management Act 2004](#)
- [Multicultural Victoria Act 2011](#)
- [Subordinate Legislation Act 1994](#)
- [Public Health and Wellbeing Act 2008](#)
- [Gender Equality Act 2020](#)
- [Charter of Human Rights and Responsibilities Act 2006](#)
- [Public Administration Act 2004](#)
- [Child Safe Standards, Victorian Commission for Children and Young People](#)
- [Victorian Privacy and Data Protection Act 2014](#)

**Overarching Governance Principles**

The development of this Policy considered the *Local Government Act 2020*’s Overarching Governance Principles and the following were applied:

Lawful	<input checked="" type="checkbox"/>	Community engagement	<input checked="" type="checkbox"/>	Financially viable	<input type="checkbox"/>
Best community outcome	<input checked="" type="checkbox"/>	Innovation & improvement	<input checked="" type="checkbox"/>	Consistent with government plans	<input type="checkbox"/>
Sustainable	<input type="checkbox"/>	Collaboration with government	<input type="checkbox"/>	Transparent	<input checked="" type="checkbox"/>

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**Lawful:** This Policy has been developed in accordance with the requirement for local governments to develop a Community Engagement Policy per the *Local Government Act 2020*.

**Best community outcome:** This Policy ensures that decision-making at the City of Whittlesea is informed by the interests of our diverse community, and that steps are taken to proactively ensure all representative voices are heard.

**Community engagement:** This Policy informs a best-practice approach to all community engagements with the City of Whittlesea community, to ensure all Council decisions are made in the interest of community.

**Innovation & improvement:** This Policy and related processes will be reviewed periodically with a focus on continuous improvement and innovation to ensure they remain relevant with legislation and community priorities.

**Transparent:** Council is accountable for the decisions it has been entrusted to make. This Policy ensures that Council is clear on why and how we engage our community to inform these decisions.

**Gender Equality, Human Rights and Child Safe Compliance** The City of Whittlesea commits to actively seeking representation from all diverse groups within the municipality. Inclusive stakeholder engagement recognises the diversity within each community and of individuals. It also recognises that intersectionality can further exacerbate barriers to public participation and engagement.

Applying a gender lens to stakeholder engagement means taking time to actively seek out the knowledge, perspectives and experiences of women, men and gender diverse groups on all policies, programs and services, not just initiatives targeted at them. It is about creating a more empowering space for all members of the community to take part.

All engagement with children will be delivered in alignment with the City of Whittlesea's *Child Safe Policy*.

All City of Whittlesea policies comply with the *Victorian Charter of Human Rights and Responsibilities*, *Gender Equality Act*, *Climate Change Act* and the *Child Safe Standards*.

**Definitions** **Act** means the *Local Government Act 2020* (Vic)

**Chief Executive Officer (CEO)** means the person appointed by Council to be its Chief Executive Officer; or any person acting in that position.

**City** means the City of Whittlesea

**Council** means the City of Whittlesea, or City, being a body corporate constituted as a municipal Council under the *Local Government Act 2020* (Vic)

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<b>Councillors</b>	means the individuals holding the office of a member of Whittlesea Council or an appointed Administrator
<b>Community</b>	means the people who live, work, visit, study, or do business in the City of Whittlesea
<b>Community Engagement</b>	(also known as stakeholder engagement, public participation or community consultation) means a planned process with the specific purpose of encouraging active participation from the community in decisions that impact them or are of interest to them
<b>Council officer</b>	means the Chief Executive Officer and staff of Council appointed by the Chief Executive Officer
<b>Consult</b>	means obtaining public feedback and analysis, alternatives and/or decisions
<b>Consultation</b>	means the planned engagement process of seeking feedback or advice on a specific project or topic
<b>Collaborate</b>	means to partner with the community in each aspect of the decision including the development of alternatives and identification of preferred solutions
<b>Deliberation</b>	means careful and comprehensive consideration or discussion and movement toward consensus
<b>Deliberative engagement</b>	means a well-planned engagement process that encourages the community to critically test, weigh up and consider a range of information, perspectives, inputs and evidence to reach a consensus or make recommendations
<b>Diverse communities</b>	means individuals or groups who live, work, play, visit, study or invest in our City. Often defined by specific geographic locations, or those with common interests, practices, affiliations or identities.
<b>Empower</b>	means to place final decision making in the hands of the public
<b>Gender equality</b>	means the equal rights, responsibilities and opportunities of women, men and Trans and gender-diverse people. Equality does not mean that women, men and trans and gender/non-binary people will become the same, but that their rights, responsibilities and opportunities will not depend on their gender
<b>IAP2 Spectrum of Engagement</b>	means the International Association of Public Participation engagement spectrum that ranges from providing information to inform the community (low level of influence on a project/decision) through to collaborating with and empowering the community in decision-making (high level of influence on a project/decision)

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<b>Inform</b>	means providing the community with information to assist them understanding the problem, alternatives, opportunities and/or solutions
<b>Intersectionality</b>	means the interconnected social categorisations such as race, class, and gender as they apply to a given individual or group
<b>Involve</b>	means working directly with the community throughout the engagement process to ensure their concerns and aspirations are consistently understood and considered
<b>Mayor</b>	means the councillor elected to the Office of Mayor of the City, Deputy Mayor acting in the role of Mayor or any person appointed by Council to be acting as Mayor, or an appointed Chair of a panel of Administrators
<b>Stakeholder</b>	means an individual or group that has an interest in or may be impacted by a project decision or who can influence the decision-making

#### **Our commitment to engage**

The *Local Government Act 2020* (Vic) articulates Council's responsibility to conduct community engagement. The Act states that Councils must adopt and maintain a community engagement policy.

The City of Whittlesea will identify individuals and groups who may be impacted or interested in the project or decision and encourage participation in the engagement.

The City of Whittlesea will endeavour to reduce physical, social and cultural barriers to participation in community engagement activities that may include Aboriginality, age, ability, ethnicity, gender identity, race, religion, sexual orientation and other attributes.

In accordance with the *Local Government Act 2020* (Vic) Council must specifically engage on the following:

- Community Vision
- Council Plan
- Financial Plan
- Asset Plan
- Making a Local Law
- Acquiring or selling land, or leases in prescribed circumstances.

The City of Whittlesea may also engage with the community when:

- a proposed change to Council activities or strategic direction may significantly impact the community in terms of the economy, lifestyle, environment, wellbeing or amenity of the municipality
- when developing new or reviewing existing policies or strategies

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- introducing a new service, discontinuing an existing service or substantially changing or reviewing a service that may significantly affect how services are provided
- planning and development of major projects and capital works, including public buildings, centres, other infrastructure or parks
- urban development/redevelopment proposals, such as structure plans, that may significantly alter the existing amenity or characteristics of a geographic area.

In addition to formal engagement, Council invites our community to engage with us at any time and in any way that is appropriate, respectful and constructive.

#### **What is Community Engagement?**

Community engagement is a planned process that provides a range of opportunities for public involvement in Council's decision-making, relationship building and community strengthening

Community engagement has the specific purpose of encouraging active participation from the community in decisions that impact them or are of interest to them. Engagement can take many forms including:

- sharing information, educating the community and providing updates
- seeking community perceptions, opinions, feedback and ideas
- collaborating with key stakeholders to address specific local issues.

#### **When community engagement may be limited**

There are times when Council's level of engagement with the community and key stakeholders may be limited. In some circumstances, Council may only be able to inform the community and stakeholders of Council's decisions and actions.

This may occur when:

- a) Council is not the lead agency
- b) an immediate resolution is required
- c) specialist or technical expertise is required
- d) there are no negotiables or opportunities to influence the decision
- e) an initiative involves confidential or commercial information
- f) there are clear and defined legislative responsibilities that must be met
- g) developing or reviewing internal policies and procedures
- h) there is a risk to public safety.

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**The spectrum of engagement**

Council’s approach to community engagement is guided by the International Association of Public Participation (IAP2) Spectrum of Engagement, which is recognised world-wide as the best practice tool for community engagement.

The IAP2 Spectrum identifies five levels of engagement with corresponding goals and actions. It makes clear the role of the community in decision-making at each level.

	Inform Low level of public engagement	Consult	Involve Mid level of public engagement	Collaborate	Empower High level of public engagement
	<b>Inform</b>	<b>Consult</b>	<b>Involve</b>	<b>Collaborate</b>	<b>Empower</b>
<b>Goal</b>	One-way communication to provide balanced and objective information to assist understanding about something that is going to happen or has already happened.	Two-way communication process aimed at obtaining feedback on ideas, alternatives and proposals to inform our decision-making.	Participatory process designed to help identify issues and views to ensure that concerns and aspirations are understood and considered.	Working together to develop an understanding of all issues and interests to work out alternatives and identify preferred collective solutions.	To build the capacity of the community to lead their own plans for change.
<b>Role of community and/or stakeholders</b>	<b>Listen</b>	<b>Contribute</b>	<b>Participate</b>	<b>Partner</b>	<b>Lead</b>
<b>Our promise to the public</b>	We will keep you informed.	We will keep you informed, listen to and acknowledge concerns and aspirations and provide feedback on how public input influenced the decision. We will seek your feedback on drafts and proposals.	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	We will work together with you to formulate solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	We will implement what you decide.
<b>Engagement type</b>	<b>Consultative</b>			<b>Deliberative</b>	
<b>Examples when this engagement level may be appropriate</b>	<ul style="list-style-type: none"> <li>Naming of an asset</li> <li>In the event of an emergency</li> <li>Undertaking a playground redevelopment</li> </ul>			<ul style="list-style-type: none"> <li>Seeking input from Advisory Committees on key initiatives, strategies and plans</li> <li>Facilitated discussions on developing community vision key directions</li> <li>Development of the Community Vision, Council Plan, Financial Plan and Asset Plan</li> </ul>	
<b>Possible methods in the City of Whittlesea</b>	<ul style="list-style-type: none"> <li>Advertisements</li> <li>Fact sheets</li> <li>Newsletter</li> <li>Public Notices</li> <li>Social media</li> <li>Websites</li> </ul>	<ul style="list-style-type: none"> <li>Focus groups</li> <li>Public exhibition</li> <li>Surveys</li> </ul>	<ul style="list-style-type: none"> <li>Workshops</li> <li>Advisory committees</li> </ul>	<ul style="list-style-type: none"> <li>Consensus building</li> <li>Facilitated workshops</li> </ul>	<ul style="list-style-type: none"> <li>Community panel</li> <li>Deliberative workshops</li> <li>Deliberative focus groups</li> </ul>





**Types of engagement**

Council undertakes a range of community engagement activities and engagement can occur at multiple stages across a project.

The two main types of community engagement are:

*Consultative or participatory engagement*

This has a lower level of influence, generally aligning with the ‘Inform’ or ‘Consult’ range of the IAP2 spectrum. Participation at this level usually includes a broad range of community members and stakeholders and occurs when views, opinions or ideas are invited on a specific project, draft policy, plan or document.

Examples of consultative engagement practices include:

- surveys
- polls
- ideas boards
- listening posts and pop-up stalls
- formal submissions.

*Deliberative engagement*

This practice has the highest level of influence, generally aligning with the ‘Involve’, ‘Collaborate’ or ‘Empower’ range of the IAP2 spectrum. It encourages community members to critically test, weigh up and consider a range of information, perspectives, inputs and evidence to make a recommendation or reach consensus if needed.

Deliberation can be scaled to suit a project based on its scope, complexity or impact and may require independent facilitation to ensure a fair and equitable process.

Examples of a deliberative practice includes:

- working with committees, advisory groups or reference groups over time
- panels of community members
- focus groups and workshops.

**Principles and commitments**

The City of Whittlesea is committed to the community engagement principles outlined in section 56 (a) to (e) of the *Local Government Act 2020*. These principles emphasise the importance of accessibility, inclusivity, transparency, timeliness, accountability and continuous improvement.

Community Engagement Principle	Our commitment
A community engagement	<ul style="list-style-type: none"> <li>• All community engagements are planned in line with this policy and identify the purpose, scope and objectives of the</li> </ul>

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process must have a clearly defined objective and scope	<p>project/decision</p> <ul style="list-style-type: none"> <li>• Council will clearly inform participants and the community what they can and cannot influence, how they can participate, and what opportunity there is for them to influence a decision</li> </ul>
Participants in community engagement must have access to objective, relevant and timely information to inform their participation	<ul style="list-style-type: none"> <li>• Council will provide the community with objective, relevant and timely information that provides all necessary information for community to participate meaningfully in the engagement</li> <li>• Information will be presented in plain language that is easily understood</li> <li>• Council will make use of accessible formats and information in other languages where appropriate to support participation in the community engagement</li> <li>• Council will use a variety of traditional and digital communication channels to inform about the opportunity to engage</li> <li>• All relevant information will be made available on Council's Engage Whittlesea platform, which is translatable into several languages spoken by the City of Whittlesea's diverse community</li> </ul>
Participants in community engagement must be representative of the persons and groups affected by the matter that is the subject of the community engagement	<ul style="list-style-type: none"> <li>• Council will identify individuals and groups who may be impacted or interested by the project or decision and encourage participation in the engagement</li> <li>• Council will use different engagement methods to ensure it hears from key stakeholders and our community at a time and in a way that suits them</li> <li>• Council will undertake activities that seek to hear from a representative cross-section of the community</li> <li>• Council will utilise existing networks and groups to increase inclusiveness and reach</li> <li>• Where appropriate Council will partner with other organisations to maximise collective effort, impact and the opportunity to engage with the community</li> </ul>
Participants in community engagement are entitled to reasonable support to enable meaningful and informed engagement	<ul style="list-style-type: none"> <li>• Council will design engagement opportunities that are inclusive and accessible and make reasonable adjustments where necessary to remove barriers to participation</li> <li>• Council will provide sufficient time to provide feedback to ensure those impacted can participate in a meaningful way</li> <li>• For community who may experience barriers to participation, additional resources may be considered</li> <li>• Council will work with participants to reduce physical, social and cultural barriers to their participation.</li> <li>• Consideration will be given to time, location and methodology such as face-to-face or online engagement activities</li> </ul>
Participants in community engagement are informed	<ul style="list-style-type: none"> <li>• Council will identify the appropriate level of engagement as outlined in this policy</li> <li>• Council will advise key stakeholders and the community as part of</li> </ul>

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of the ways in which the community engagement process will influence Council decision making	<p>the engagement scope how community input will be considered as part of Council’s decision-making</p> <ul style="list-style-type: none"> <li>• Council will communicate how and when the decision will be made and identify other factors that will influence the decision-making process</li> <li>• Council will report back to the community in a timely manner to share what we heard and how that community feedback informed the decision-making process</li> </ul>
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**Block out periods**

Council will endeavour to avoid carrying out formal consultation around key dates such as Christmas/New Year, long weekends and school holidays, where possible unless it allows specific groups more opportunity to participate.

**Elections**

In the lead up to Council elections, community engagement will be guided by Council’s *Election Period Policy*.

**Roles and responsibilities**

Community engagement is part of Council’s core business and is the responsibility of all Council business areas and employees. Our specific roles and responsibilities are outlined in the table below.

Role	Responsibilities
Mayor and Councillors	Champion the commitment and principles of engagement through leadership, modelling best-practice and decision-making.
CEO and Executive Leadership Team	Stewardship of a culture that fosters best-practice engagement and model the principles through leadership, process and implementation of this policy.
Council officers	Ensure their community engagement planning and delivery is consistent with this policy and as appropriate to their role and function.
Community Engagement Team	Oversee adherence to the Community Engagement Policy and support the development and delivery of Council’s community engagement program practice through the provision of advice, training and mentoring, resources and tools. The team is responsible for building organisational capacity and knowledge in community engagement.
Community members	<p>Constructively participate in engagement processes by sharing local knowledge, values and perceptions while being respectful of the engagement process, Councillors, Council Officers and the ideas and opinions of other community members.</p> <p>The City of Whittlesea is committed to being accessible and responsive to all customers willing to participate in community engagement activities. However, any unreasonable customer conduct, which may negatively impact on our staff’s safety and wellbeing will be responded to in</p>

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alignment with Council's <i>Unreasonable Complainant Conduct Guidelines</i> .
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### **Beyond planned engagement**

Council welcomes community feedback at any time and will always respect, gather and be receptive to community input via our customer channels and community interactions.

### **How was the policy developed?**

First adopted by Council in 2021, the *A Voice For All* Community Engagement Policy 2021 was refreshed in 2023.

Since the Policy's inception Council has continued to foster community participation and has shaped the update of this policy in line with ongoing community feedback.

The policy was updated following an internal review as well as benchmarking best practice community engagement in the public sector.

The draft Community Engagement Policy 2023 will be released for community feedback before being adopted by Council.

### **Privacy statement**

As part of our engagement process Council may at times collect demographic data. We are committed to the responsible collection and handling of personal information, consistent with the principles in the Privacy and Data Protection Act. If you believe we have handled your personal information inappropriately, please contact the Information Privacy Officer on 03 9217 2170 or email [privacy@whittlesea.vic.gov.au](mailto:privacy@whittlesea.vic.gov.au).

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#### 5.4.4 Councillor Communications Policy

**Responsible Officer:** Executive Manager Public Affairs

**Author:** Manager Communications & Engagement

**In Attendance:** Manager Communications & Engagement

**Attachments:**

No attachments

#### Purpose

To seek Council endorsement of the draft Councillor Communications Policy.

#### Brief Overview

The Councillor Communications Policy supports the delivery of exemplary external communications with the diverse City of Whittlesea community through media and communication channels.

The Policy articulates the roles of Mayor, Councillors, CEO, members of the executive, the Public Affairs Department and Council staff in the delivery of impactful external communications to effectively engage the City of Whittlesea community.

The Policy is underpinned by principles of accessibility, inclusivity, transparency, timeliness, responsiveness and accuracy.

This Policy extends to all City of Whittlesea Councillors, Council staff, and contractors involved in communication efforts.

#### Recommendation

**THAT Council endorse the draft Councillor Communication Policy.**

#### Key Information

The Councillor Communications Policy is a new policy that replaces the Communications and Public Comment Policy. It aligns to the Councillors Code of Conduct and the City of Whittlesea Staff Code of Conduct. During a Federal, State or Council election period it should be read in conjunction with the City of Whittlesea Election Period Policy.

The Councillor Communications Policy is underpinned by the following principles:

- the City of Whittlesea commits to providing information that is accurate, transparent, and responsive through public forums and communication channels
- a broad mix of communication channels will be utilised to inform the community of Council decisions, services, events, initiatives and foster civic pride and participation

- communication will be inclusive, tailored for the diverse community of Whittlesea, and presented in an accessible format
- external communication will demonstrate a strategic approach encompassing audience, desired outcomes, efficacy of channels, community impact, risk, government relations, reputation management and legal considerations
- external communication will not be used for the promotion of individual Councillors or political parties or affiliations for political advantage.

### **Roles and responsibilities**

The Policy articulates the delineation in the role of spokesperson for the City of Whittlesea; the Mayor as the spokesperson on strategic matters of public interest and the CEO to be the spokesperson on operational matters and officer recommendations prior to their endorsement at a Council Meeting. The Mayor and CEO may delegate this authority as appropriate.

The Public Affairs Department manages media relations and a broad mix of communication channels, tools and tactics to engage with our diverse community including websites, social media channels, photography, videography, advertising, newsletters, direct mail and signage.

The Policy is proposed to be reviewed in 2025 and updated in 2027.

### **Community Consultation and Engagement**

Targeted internal consultation has informed the development of this policy. Due to the operational nature of the Policy, it is not proposed to be released for public consultation.

### **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 draft Councillor Communications Policy will ensure a clear and transparent process to deliver effective and impactful communication to the City of Whittlesea community.



## Considerations

### Environmental

Council's communication activities support our W2040 goal of a sustainable environment by seeking to reduce printed materials where possible and considering the environmental impact of any communication activities. An example of this is the community newsletter which is distributed to all households and businesses - printed on Australian-made PEFC certified paper (sustainably forested) using vegetable inks.

### Social, Cultural and Health

Council's communications activities support our W2040 connected community goal through the delivery of open, accessible and inclusive communications. Ensuring the community is informed and engaged is essential to building trust, increasing community connectedness and encourage participation in the local community.

### Economic

Council's communication activities support our W2040 goal of a strong local economy by informing and connecting the community with business and encouraging local spending and investment.

### Financial Implications

The cost is included in the current operational 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 Councillor Communication Policy clarifies roles and responsibilities for the Mayor and Councillors, ensuring external communication is aligned with the obligations and functions of the roles and the Councillor Code of Conduct.

## Implementation Strategy

### Communication

Upon adoption, the Councillor Communications Policy will be included in Council's policy framework and published on Council's website. It will be included as part of the planned induction for the return of Council and circulated to relevant stakeholders. Ongoing promotion and reminders of the principles of the Policy will be communicated at regular intervals.

### Declaration of Conflict of Interest

Under Section 130 of the *Local Government Act 2020* 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 Councillor Communications Policy is designed to create a structured approach for transparent, responsive, and accurate external communication. By clarifying roles, emphasising ethical conduct, and identifying principles, this policy aims to enhance the Council's interaction with its diverse community while maintaining standards of professionalism and accountability.



## Councillor Communications Policy

### Policy statement

The City of Whittlesea aims to ensure the delivery of clear, timely, transparent, responsive and accurate information in public forums and communication channels.

The Mayor and Councillors play an important role in supporting Council's communication to our community about our key priorities, programs, services and initiatives.

This policy ensures roles are clear and councillors and Council staff are empowered to deliver excellent external communication to the City of Whittlesea community in line with their roles, responsibilities and obligations.

### Purpose

The Councillor Communications Policy:

- provides a framework for the Mayor and Councillors to effectively use external communications to support the delivery of clear, timely, transparent, responsive and accurate information to the community
- outlines appropriate communication activities for the Mayor and Councillors aligned to the Councillor Code of Conduct
- facilitates adherence to the Councillor Code of Conduct, in particular the standards of conduct required of a Councillor
- outlines the role of the CEO, Executive, the Public Affairs Department and other Council staff.

During a Federal, State or Council election period this policy must be read in conjunction with the City of Whittlesea Election Period Policy.

### Scope

This policy applies to all Councillors of the City of Whittlesea and relevant Council staff and contractors.

### Alignment to Whittlesea 2040

This policy primarily guides Council's work toward the following Goal as outlined in *Whittlesea 2040: A place for all: High Performing Organisation & Connected Community*

### Overarching Governance Principles

The development of this policy reflects consideration of the *Local Government Act 2020 (Act)* Overarching Governance Principles, and, in particular, the following:

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Lawful	<input type="checkbox"/>	Community engagement	<input checked="" type="checkbox"/>	Financially viable	<input type="checkbox"/>
Best community outcome	<input checked="" type="checkbox"/>	Innovation & improvement	<input type="checkbox"/>	Consistent with government plans	<input checked="" type="checkbox"/>
Sustainable	<input type="checkbox"/>	Collaboration with government bodies	<input type="checkbox"/>	Transparent	<input checked="" type="checkbox"/>

**Gender Equality, Climate Change, Human Rights and Child Safe Compliance**

All City of Whittlesea policies comply with the *Victorian Charter of Human Rights and Responsibilities, Gender Equality Act, Climate Change Act* and the *Child Safe Standards*.

**Definitions**

In this policy, unless the context or subject-matter indicates otherwise:

- Act** means the *Local Government Act 2020*.
- Chief Executive Officer (CEO)** means the person appointed by Council to be its Chief Executive Officer, or any person acting in that position.
- Confidential Information** has the same meaning as in section 3(1) of the Act.
- Council** means Whittlesea City Council.
- Councillors** means the individuals holding the office of a member of Council or an appointed Administrator.
- Councillor Code of Conduct** means the Councillor Code of Conduct developed by Council under s139 of the Act.
- Council officer** means the Chief Executive Officer and staff of Council appointed by the Chief Executive Officer.
- Mayor** means the Councillor elected to the office of Mayor of Council, the Deputy Mayor if the Mayor is unavailable, any person appointed by Council to be Acting Mayor, or an appointed Chair of a Panel of Administrators.
- media** includes but is not limited to print, electronic and broadcast news/information outlets.
- online and social media** includes any digital space where people are able to share information, including but not limited to websites, Facebook, Instagram, LinkedIn, Twitter, YouTube and podcasts.
- Standards of Conduct** means the Standard of Conduct outlined in Schedule 1 to the *Local Government (Governance and Integrity) Regulations 2020*.

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## Principles

Council aims to ensure the delivery of clear, timely, transparent, responsive and accurate information in public forums and communication channels.

Council will strive to communicate openly and honestly and to maximise public knowledge of our activities.

Communication is delivered in an accessible and inclusive format with consideration given to the City of Whittlesea's diverse community.

External communication is based on a considered strategy with a clear understanding of audience, desired outcome, appropriate channels, impacts on community, government relationships, reputation management and legal liability.

Council's external communication channels will be used to:

- a) inform the community of key Council decisions, services, programs, events and initiatives; and
- b) build civic pride; and
- c) promote transparency and accountability of Council's decision-making processes; and
- d) promote opportunities for community participation and engagement.

Council's external communication channels will not be used to promote individual Councillors.

In accordance with the Act, individual Councillors must not direct any Council officer in relation to communications activities.

Council's external communication channels will not favour any particular candidate or Councillor, political party or faction. Channels may be used to acknowledge funding contributions, advocacy outcomes or election commitments.

All external communications will be consistent with any adopted or established Council position. Where there is not a Council position, a Councillor must not portray that they are commenting on behalf of Council.

## Media Relations

Council acknowledges the important role of the media to report on issues of interest to the community, including Council activities. Council will strive to maintain positive and respectful relationships with media outlets.

The Public Affairs Department is responsible for proactive and reactive media management. It will issue media releases, manage responses to media enquiries and be responsible for liaising with journalists.

Councillors should refer journalists to the Public Affairs Department to seek an official Council response to ensure messaging to community is consistent.

Councillors should take all reasonable steps to ensure any public comment they provide as an individual is portrayed as their own and not as a representative of Council. Councillors should inform journalists *"These are my individual comments and opinions and not those of Council"* (or similar).

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All media responses on behalf of the Council will be prepared by the Public Affairs Department in collaboration with the relevant officers and approved by the relevant spokesperson.

Responses are to be in the best interests of Council and not for the personal advantage of any individual Councillor, ward or political party.

The Public Affairs Department is responsible for establishing and maintaining Council's media profile.

Regular summaries of media coverage will be provided to Councillors, including transcripts and videos as appropriate.

Council will offer all Councillors media training, which will be included in the Councillor Training Plan.

### Public comment and spokespeople

The Mayor (or a Councillor authorised by the Mayor) and/or Chief Executive Officer (or a Council officer authorised by the Chief Executive Officer) are the official spokespersons of Council.

The Mayor is the official spokesperson on decisions of Council. The Mayor may authorise to the Deputy Mayor/s or another relevant Councillor to act as Council's official spokesperson, as appropriate.

The CEO is the official spokesperson for Council operations, including staffing, organisation structure and issues relating to day-to-day service provision. The CEO is the official spokesperson for officer recommendations on matters prior to their endorsement at a Council Meeting. The CEO may authorise one of the Directors or Executive Managers (or in some circumstances other relevant Council officers) to act as Council's official spokesperson on such issues, to ensure the most authoritative person on a particular issue provides public comment.

Individual Councillors wishing to initiate their own communication, through any channel including media, must make it clear that they are expressing their 'individual' view and not the 'official' view of Council. Councillors are responsible for ensuring that information they are commenting on or providing is accurate and consistent with legislation and policies.

Any public comment must not disclose confidential information.

Neither the Mayor nor Councillors must provide public comment on operational matters/staffing issues, relations between officers and Councillors, breaches of the Staff Code of Conduct or those matters set out in ss46-49 of the Act.

Nothing in this policy precludes the Mayor from publicly announcing the appointment or reappointment of the CEO and any process relating to such appointment or reappointment.

### Media roles and responsibilities

Role	Responsibilities as spokesperson
Mayor	Official spokesperson on all strategic matters and decisions of Council
Deputy Mayor	Acts as the Mayor's spokesperson if the Mayor is unavailable or the Mayor has authorised to be official spokesperson
Councillors	May speak publicly on behalf of Council if authorised by the Mayor

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	Councillors speaking in their capacity as individual Councillors must make it clear they are expressing their 'individual' view and not the 'official' view of Council.
CEO	Official spokesperson on high-level operational matters or Council officer recommendations prior to Council consideration of an Officer Report
Directors and Executive Managers	Official spokespersons on operational matters when authorised by the CEO.
Public Affairs Department	Responsible for Council's external and internal communication channels, including coordinating media responses and providing information to the media on behalf of Council
Other Council Staff	No media role unless requested to provide subject matter expertise to inform the formulation of a response to a media enquiry in line with the Staff Code of Conduct.

### Promoting Council business

The Public Affairs Department is responsible for developing, approving and implementing Council's external communications strategies.

Council's communications will be apolitical and not used to promote any individual Councillor or Council officer views on agendas that are inconsistent with or contrary to those of Council.

Council decisions should be respected by individual Councillors as a collective. Councillors must not misrepresent any Council decision.

State and Federal politicians will only be represented through Council's media and external communication strategies where necessary to reasonably inform the community of important news or as part of Council's advocacy program.

It is the responsibility of the Mayor and Councillors to ensure that the messages they communicate on external channels are clear and consistent, accurate and factual and do not seek to deliberately harm the reputation of the Council or defame individuals.

### Councillors as candidates

Council's media activities and external communications are not to be used for political advantage by Councillors who are candidates in a Local, State or Federal Government election.

Councillors must abide by Council's Election Period Policy.

### Photography and videography

All Councillors will have an official Councillor portrait photograph to be used during their Councillor term. All official Councillor portraits will be up-to-date and consistent in their aesthetic, to present a unified and modern look, in line with corporate branding. Official Councillor portraits will be taken by a Council photographer within the first month of a new Council being elected.

Councillors cannot supply their own image to be used as the official Councillor portrait.

Official Councillor portraits remain the property of Council at the end of a Council term. These portraits must not be used in candidacy for State, Federal or Council elections.

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High quality images/videography taken by or of Councillors (for example, at community events) may be passed to the Public Affairs Department for consideration for use in Council communications if Council's Photography and Videography Permission Form has been signed by people featured in the supplied photographs.

Council officers and contractors will only attend and take photographs/videography at official Council events, at the discretion of the Executive Manager Public Affairs. All photos taken will be required to have Council's Photography and Videography Permission Form signed.

The Public Affairs Department may supply Councillors with photographs/videography taken at official events, if deemed appropriate and appropriate authorisations have been obtained by people in the image/s.

Council-supplied photographs/videography must not be passed onto a third party for any purpose, without the written authorisation of the Executive Manager Public Affairs.

Copyright of images/videos remains with Council.

### **Speeches at events**

The Mayor and/or CEO (or delegate) are the official spokespersons of Council at events. Council resources will support the preparation of speeches for the official spokesperson/s or delegate only.

Speeches will include an Acknowledgement of Traditional Owners.

### **Community newsletter**

Council produces and distributes a regular publication for all households and businesses, to provide proactive and direct information to the community about Council decisions, policies, initiatives, services and events.

It must not be used for political purposes, to promote individual agendas, or criticise Councillors, Council decisions, community members, members of the Government or Opposition, or Council officers.

### **Websites**

Council's websites are key digital communication tools that host a range of content specific to the services, events and programs offered by Council.

Councillors will each have a profile on Council's corporate website that features their contact information, a photograph, Council committee memberships and a short biography.

### **Newsletters**

Individual Councillor newsletters will not be produced or funded by the organisation and any unofficial newsletters produced by Councillors must not include the City of Whittlesea brand or logo.

Councillors must ensure that the information in any of their own produced material complies with the requirements outlined in this policy and is consistent with the Councillor Code of Conduct.

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## Social Media

Council will maintain a corporate social media presence. The posting of content and moderating posts on Council's official social media channels is the responsibility of the Public Affairs Department.

Council's corporate social media channels may include a dedicated Mayor's Facebook page or profile. The Public Affairs Department is responsible for the management and posting to this account and posts will require pre-approval by the Mayor.

Council's social media accounts will allow public comments during business hours but Council may choose to limit commenting at any time if it is deemed there is a high risk of defamatory, offensive or unreasonable content in a particular post.

The Public Affairs Department maintains the right to hide comments and block users that contravene social media guidelines as displayed on relevant channels.

Participants on Council's social media channels are also governed by Council's unreasonable complainant procedures.

Councillors may utilise online channels and social media networks to engage with the community. To provide clarity for the public between 'individual' views and the 'official' view of Council, the following disclaimer should be displayed on any channel where a Councillor represents themselves as a Councillor:

*"These are my individual comments and opinions and not those of Council" (or similar).*

Any online/social media channels used by a Councillor are not considered an official Council channel. Council's logo and branding must not be used on any social media sites established by a Councillor (VCAT has determined that where a Councillor uses a social media channel for a mixture of personal and Council purposes, the content may be regarded as having been published by a Councillor in their capacity as a Councillor, thereby engaging the Councillor Code of Conduct).

If a Councillor wishes to develop an individual social media account for the duration of their term the following naming convention should apply: Councillor [insert surname], [Ward Name], City of Whittlesea

Councillors are responsible for maintaining and monitoring their own individual social media accounts and accept all legal responsibilities for them.

Use of online and social media channels in the role of a Councillor should be consistent with the Councillor Code of Conduct and relevant legislation and policies.

## Branding

Any use of the City of Whittlesea logo must be in accordance with Council's Brand Guidelines.

### Contravention of this policy

Contravention of this policy by Councillors will be addressed through the Councillor Code of Conduct.

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### 5.4.5 Advisory Committee - Epping Cemetery Trust

**Responsible Officer:** Director Customer & Corporate Services

**Author:** Unit Manager Strategic Property

**In Attendance:** Unit Manager Strategic Property

**Attachments:**

1. ECT and Committee diagram [5.4.5.1 - 1 page]
2. Terms of Reference [5.4.5.2 - 2 pages]
3. Epping Cemetery Locality Plan showing conservation layer [5.4.5.3 - 1 page]

#### Purpose

To inform Council that the Epping Cemetery Trust (ECT) at its meeting of 22 August 2023, resolved to:

- Expand the number of trustees of the ECT currently comprising three (3) Administrators acting as trustees, to a maximum of five (5) trustees comprising a minimum of three (3) Councillors and up to two (2) Council officers nominated by the Chief Executive Officer; and
- Ask Council to establish a committee to assist the ECT to manage the Epping Cemetery and encourage the establishment of a Friends Group.

To ask Council to establish a Community Asset Committee (Committee) pursuant to S65 of the *Local Government Act 2020* to assist the ECT to manage the Epping Cemetery as a community asset and encourage the formation of a 'Friends of Epping Cemetery Community Group'.

The relationship between the ECT, Council and the Committee requested to be established by Council as a Community Asset Committee to manage the Epping Cemetery which is a Crown Land Reserve shown in the diagram (refer to Attachment 1).

#### Brief Overview

The Epping Cemetery is a Class B cemetery and the ECT trustees are currently Council's three (3) Administrators appointed by the Governor in Council on the recommendation of the Minister. Epping Cemetery is a closed cemetery and management decisions of the ECT can be validated by one (1) trustee.

An expansion of the ECT from three (3) Administrator trustees to a maximum of five (5) trustees comprising a minimum of three (3) Councillors and up to two (2) Council officers nominated by the Chief Executive Officer was considered and supported by the ECT to assist in satisfying the ECT's statutory and fiduciary obligations.

In general, trustees are appointed for a term not exceeding five (5) years and the instrument of appointment may need to be structured to ensure that there is alignment between each trustee appointment and the term of a Councillor's appointment or Council officer's employment term.

The establishment of a Committee by Council resolution has been requested by the ECT and is recommended as an effective means of ensuring community engagement and input into the ECT's management decisions.

The Terms of Reference of the Committee are attached (refer to Attachment 2).

### Recommendation

#### THAT Council:

- 1. Notes the Epping Cemetery Trust's decision to increase the number of trustees in future from three (3) Administrator trustees to a maximum of five (5) trustees comprising a minimum of three (3) Councillors and up to two (2) Council Officers nominated by the Chief Executive Officer.**
- 2. Authorises the Chief Executive Officer to finalise the Terms of Reference of the Epping Cemetery Trust Community Asset Committee.**
- 3. Authorises the Chief Executive Officer to commence the statutory process to establish a Community Asset Committee pursuant to S65 of the *Local Government Act 2020* by Council to assist the Epping Cemetery Trust to manage the Epping Cemetery as a community asset.**
- 4. Supports the establishment of a 'Friends of the Epping Cemetery Group' to promote the cultural and historical importance of the Epping Cemetery and community input regarding cemetery operations and upkeep.**

### Key Information

The expansion of the ECT membership to a maximum of three (3) Councillors and up to two (2) Council Officers nominated by the Chief Executive Officer is an important step towards ensuring that the ECT trustees have the available information necessary to make informed management decisions on behalf of the ECT.

At the ECT meeting on 28 March 2023, the ECT trustees asked Council officers to look at how input could be sought from community members and particularly from persons that have a connection with the Epping Cemetery and/or experience with cemetery administration processes.

The Epping Cemetery is a closed Class B cemetery with historical and regional aesthetic significance. It is also a site of national significance for threatened natural grassland and plains and grassy-woodland vegetation (refer to Locality Plan – Attachment 3).

The objective conferred by the ECT trustees in requesting the establishment of the Committee is to encourage community participation and not to assume trustee responsibilities and the establishment of a Committee under S65 of the *Local Government Act 2020* would serve as an effective vehicle to assist the ECT in ensuring community input in decisions involving the management of the Epping Cemetery as a community asset. It is noted that S6(3) of the *Cemeteries and Crematoria Act 2003* permits closed Class B cemetery trusts like the Epping Cemetery Trust to operate with a sole trustee.

The ECT trustees have also asked Council to consider promoting the establishment of a 'Friends of Epping Cemetery Group' to promote the cultural and historical importance of the Epping Cemetery and community input regarding cemetery operations and upkeep.

### Community Consultation and Engagement

The approach suggested is aligned with ensuring community consultation and engagement informs the ECT in managing the Epping Cemetery.

### Alignment to Community Plan, Policies or Strategies

Alignment to Whittlesea 2040 and Community Plan 2021-2025:

#### Connected communities

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

The Epping Cemetery has cultural, historical and biodiversity value to our community and the loss and celebration of life and human emotions is understood and respected by all.

### Considerations

#### Environmental

No Implications and an opportunity to improve.

#### Social, Cultural and Health

No adverse implications and an opportunity to improve.

#### Economic

No Implications.

#### Financial Implications

No significant implications. A separate reserve fund has been established for the ECT. A grant will also be sought.



### 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*

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

The establishment of a committee with clear terms of reference is focused on maximising engagement with the community, families and the public who appreciate cultural and historical content and the importance of protecting vegetation of national significance.

### Implementation Strategy

#### Communication

Communication will be through engagement and media platforms to establish suitable Committee members.

#### Critical Dates

Review and approval of the final terms of reference by the ECT.

### Declaration of Conflict of Interest

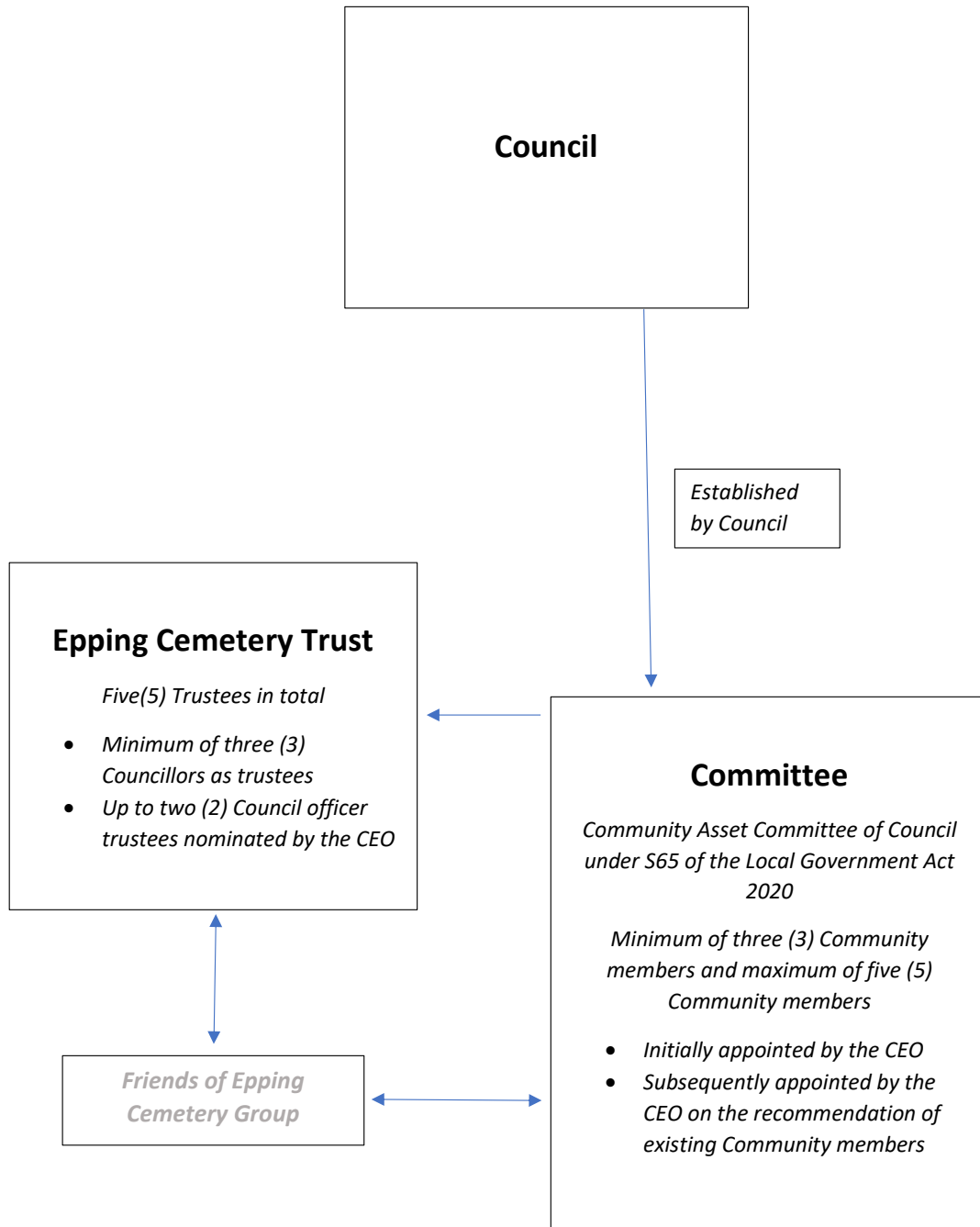
Under Section 130 of the *Local Government Act 2020* officers providing advice to Council are required to disclose any conflict of interest they have in a matter and explain the nature of the conflict.

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 establishment of a Committee by Council pursuant to S65 of the *Local Government Act 2020* and under terms of reference recommended would provide the means for the ECT to engage with family members and the Whittlesea community about an important community asset.

## Diagram



## EPHING CEMETERY COMMUNITY ASSET COMMITTEE

### Terms of Reference

#### Purpose

To encourage and facilitate community engagement through the establishment of a Community Asset Committee to enable Council's Epping Cemetery Trust (ECT) to manage the Epping Cemetery as a community asset in the City of Whittlesea. Essentially, the ECT is seeking to better understand and consider the needs and preferences of family members and the Whittlesea community in general when exercising its fiduciary duties and statutory obligations under the *Cemeteries and Crematoria Act 2003*.

The Community Asset Committee (Committee):

- provides advice, from family member and community perspectives, in relation to the Trust's current obligations and initiatives to improve public awareness of the Epping Cemetery and the Trust's role; and
- where authorised by Council (or under the authority delegated by Council to the Chief Executive Officer) at the request of the ECT assists with:
  - administrative and management obligations of the ECT such as improving the cemetery's presentation through grants and community participation; and
  - sharing information, furthering community education and promoting community participation in the cultural, historical and environmental significance of the cemetery.

#### Objectives

The Committee is a Community Asset Committee appointed by Council pursuant to s65 of the *Local Government Act 2020* to assist Council and the ECT and, as such, has no authority unless specifically conferred by Council's Chief Executive Officer to member/s under delegation.

The objectives of the Committee are to:

- provide family members and the Whittlesea community with an opportunity to provide input/feedback;
- advocate on behalf of family members, the Whittlesea community and/or groups that have a cultural, historical or environmental interest; and
- where authorised by Council at the request of the ECT, assist with administrative and management functions.

#### Term of Committee Membership

All Committee member appointments made by the Chief Executive Officer shall be for a period of between one and three years and will be advertised locally through Council's community media platforms.

Appointments may vary in term to ensure continuity.



**Membership Composition**

*(as determined by the Chief Executive Officer, and consistent with the Community Asset Committee).*

Consistent with guidelines issued by the Secretary of the Department of Health & Human Services for Class A cemeteries, the Committee shall comprise persons whose skills and experience reflect and are aligned with the diversity of the communities which the Trust serves.

Committee members shall reflect the needs and interests of a broad range of interest groups by with a particular focus on family members and the Whittlesea community including people from diverse backgrounds and emerging communities.

The Chief Executive Officer will give preference to Community members who are not funeral directors, stonemasons or holders of a similar position or registered cemetery providers or directly involved in the provision of cemetery sector services currently employed or engaged in the provision of cemetery sector services.

**Members**

The Committee will comprise a minimum of three (3) and a maximum of five (5) community representatives appointed by the Chief Executive Officer on the recommendation of existing Committee members once established.

**Meetings**

Meetings shall be held at least four (4) times per year.

Members are required to attend at least 75% of scheduled meetings annually, unless absence has been approved by the Committee Chair. The Committee permits members to participate in a meeting by phone or videoconference and a member who participates in such a way is deemed to be present at the meeting.

**Terms and Vacancies**

All appointments made by the Chief Executive Officer shall be for a period of between one (1) and three (3) years.

**Quorum**

A quorum consists of 50% of members, inclusive of one ECT trustee.

A Council officer may if requested, assist the Committee by being the Secretariat of the Committee.

**Decision Making**

Decisions shall be reached by consensus.

**Agendas**

The Agenda will be circulated, together with relevant meeting papers, one week prior to the scheduled meeting date.

**Minutes**

The minutes of the Committee are to be provided to the Trust to keep the ECT informed of the Committee's activities and recommendations.



# Epping Cemetery Locality Plan



**Parks asset - Site**

- 
- 
- 
- 

**Property**

- 

**PostCode**

- 

**Suburb**

- 

**Parks\_ConservationManagement**

- 

**Body Corporate**

- 

**Parcel (proposed)**

- 

**Road Names - Local**

- 

**Roads - Main**

- Primary Arterial
- Secondary Arterial

**Road Names - Main**

- 

**Nearmap\_South\_19022022 (RGB)**

- Red: Red
- Green: Green
- Blue: Blue



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Map Scale: 1 : 5000  
Date: 27/06/2023  
Produced By: gsv