

Minutes

Scheduled Council Meeting Tuesday 20 August 2024 at 6pm

Great Hall at Civic Centre, 25 Ferres Boulevard, South Morang



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 CEO calls the first Council meeting after the October 2024 Local Government Election.

Senior Officers

Craig Lloyd Chief Executive Officer

Emma Appleton Director Planning & Development

Agata Chmielewski Director Community Wellbeing

Sarah Renner Director Customer & Corporate Services

Debbie Wood Director Infrastructure & Environment

Janine Morgan Executive Manager Public Affairs

Jacinta Stevens Executive Manager Office of Council & CEO



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1 Opening

1.1 Meeting Opening and Introductions

The Chair of Council, Lydia Wilson opened the meeting at 6pm.

"Welcome to this Council Meeting of 20 August 2024 which is being held in person in the Great Hall at Civic Centre, 25 Ferres Boulevard, South Morang and also being live streamed.

I am Lydia Wilson, Chair of Council and I would also like to introduce my Panel colleagues, Administrators Peita Duncan and Christian Zahra. I would also like to introduce our Chief Executive Officer, Craig Lloyd and ask that he in turn introduce the members of the Executive Leadership Team in attendance today."

"Good evening everyone, we also have with us:

Emma Appleton, Director Planning & Development; Agata Chmielewski, Director Community Wellbeing; Sarah Renner, Director Customer & Corporate Services; Debbie Wood, Director Infrastructure & Environment; Janine Morgan, Executive Manager Public Affairs; and Jacinta Stevens, Executive Manager Office of Council & CEO.

These members of the Executive Leadership Team will join us during the meeting."

1.2 Apologies

Nil

1.3 Acknowledgement of Traditional Owners Statement

The Chair of Council, Lydia Wilson 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."

1.4 Diversity and Good Governance Statement

The Chair of Council, Lydia Wilson 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 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."



1.5 Suspension of Standing Orders

The Chair of Council sought a procedural motion to suspend standing orders to allow for the Chief Executive Officer to make acknowledgements.

PROCEDURAL MOTION Moved: Administrator Peita Duncan Seconded: Administrator Christian Zahra	
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THAT standing orders be suspended to enable the Chief Executive Officer to make acknowledgements.

CARRIED

Standing orders were suspended at 6:03pm.

The Chair of Council sought a procedural motion to resume standing orders.

PROCEDU	PROCEDURAL MOTION		
Moved: Administrator Peita Duncan			
Seconded: Administrator Christian Zahra			

THAT standing orders be resumed.

CARRIED

Standing orders resumed at 6:24pm.



1.6 Acknowledgements

The Chair of Council, Lydia Wilson made the following acknowledgement:

Passing of Liz Kennedy

It is with deep sorrow that I share the passing of Liz Kennedy.

Liz was talented artist, dedicated tutor, and beloved member of our Greenbrook Community House family. She played a key role in establishing Greenbrook at Mernda, now Mernda Community House.

After her diagnosis with motor neurone disease in 2022, our community stood by Liz, launching a Big Freeze event in her honour. Surrounded by her family, Liz faced her challenges with real grace.

Liz will be remembered for her artistry, kindness, and the positive impact she had on so many. Our thoughts are with her family and friends.



- 2 Declarations of Conflict of Interest
- 3 Confirmation of Minutes of Previous Meeting/s

COUNCIL	COUNCIL RESOLUTION	
Moved:	Moved: Administrator Peita Duncan	
Seconded:	Seconded: Administrator Christian Zahra	

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

• Scheduled Meeting of Council held on 16 July 2024.

CARRIED



4 Public Questions, Petitions and Joint Letters

4.1 Public Question Time

Question from Matthew Fragale of Mill Park

The City of Whittlesea has declared its commitment to improve cycling infrastructure. A particular issue I find is passing under the M80 highway.

So my question is, does the council intend to make this key section of road safe for residents on bikes and if so when can that improvement be expected?

Response

Thank you for your question.

Council welcomes feedback regarding improvements that can be made to help our community to cycle more safely.

I understand your query is regarding the termination of the on-road bicycle lanes on Dalton Road north of the M80 underpass. Dalton Road is an arterial road which is under the management of the Department of Transport and Planning. Council will write to DTP requesting they investigate and respond to your request to improve cycling infrastructure on Dalton Road.

While DTP manage the traffic lanes and on road bike lanes, Council manages the space from the kerb to the property line. We have previously identified the need for a shared path on Dalton Road in our Walking and Cycling Plan 2022-2025 and will be commencing design for a path from Parklands Drive to Woods Street this financial year. This will provide an alternative off road option for cyclists.

4.2 Petitions

No Petitions

4.3 **Joint Letters**

No Joint Letters



5 Officers' Reports

5.1 Whittlesea Business Network update

Director/Executive Manager: Director Planning & Development

Report Author: Senior Business Engagement Officer

In Attendance: Senior Business Engagement Officer

Executive Summary

The purpose of this report is to present to Council an update on the membership, outcomes, and to seek endorsement of the updated Terms and Conditions of the City of Whittlesea Business Network (Network).

The Network was endorsed by Council on 21 March 2022 to enhance and complement the Economic Development departments engagement with the local business community. In the resolution it was agreed that the progress of the Network would be reported to Council.

The Network aligns with Council's Strong Local Economy Strategy 2022-2026 and the key direction to support successful, innovative local businesses to ensure a strong local economy.

Outcomes of the Network to date include:

- 378 businesses have joined the Network;
- Seven network events have been hosted and attended by 248 businesses;
- 77 members accessed business learning opportunities;
- 74 members nominated in the 2024 City of Whittlesea Business Awards;
- 254 members opted in to be listed on Council's business directory online platform;
 and
- One Network member sits on Council's Business Advisory Panel.

The Network is supported by City of Whittlesea Business Network Terms and Conditions (Terms and Conditions) that detail membership eligibility and benefits. The Terms and Conditions have been updated to support the membership needs and maintain the integrity of the Network.

After two years of operation the Network holds its position as a vital program that strengthens business to business connections and capacity building.



The Network is operational, and members of the Network have no delegation of authority or decision-making powers. Due to the operational and administrative nature of the Network, it is proposed that it will continue to be managed through the Economic Development department.

Officers' Recommendation

THAT Council:

- Endorse the updated City of Whittlesea Business Network Terms and Conditions at Attachment 3 and note any future updates to the Terms and Conditions will be endorse by the Director Planning and Development and approved by the Chief Executive Officer.
- 2. Note the success of the City of Whittlesea Business Network (Network) since its establishment on 21 March 2022 as outlined in the body of this report.
- 3. Note the results of the recent 'Shaping the future of the City of Whittlesea Business Network' engagement survey at Attachment 2 conducted between 5 February 2024 and 18 February 2024.
- 4. Note the Network will continue to be managed by the Economic Development department.

COUNCIL RESOLUTION		
Moved:	Moved: Administrator Christian Zahra	
Seconded: Administrator Peita Duncan		

THAT Council:

- Endorse the updated City of Whittlesea Business Network Terms and Conditions at Attachment 3 and note any future updates to the Terms and Conditions will be endorse by the Director Planning and Development and approved by the Chief Executive Officer.
- 2. Note the success of the City of Whittlesea Business Network (Network) since its establishment on 21 March 2022 as outlined in the body of this report.
- 3. Note the results of the recent 'Shaping the future of the City of Whittlesea Business Network' engagement survey at Attachment 2 conducted between 5 February 2024 and 18 February 2024.
- 4. Note the Network will continue to be managed by the Economic Development department.

CARRIED



ADMINISTRATOR/S WHO SPOKE TO MOTION

Administrator Christian Zahra

Administrator Peita Duncan

Chair of Council Lydia Wilson

VOTING				
UNANIMOUS	FOR	AGAINST	ABSTAINED	
YES				



5.2 Planning Scheme Amendment C266 - Rezoning 240 O'Herns Road, Epping - Request for Authorisation

Director/Executive Manager: Director Planning & Development

Report Author: Strategic Planner

In Attendance: Coordinator Strategic Land Use Planning

Executive Summary

The purpose of this report is to seek Council approval to request authorisation from the Minister for Planning to prepare and exhibit Planning Scheme Amendment C266 (the proposed Amendment). The proposed Amendment applies to 240 O'Herns Road, Epping (refer to Attachment 1) and proposes to rezone the subject site from the current Farming Zone to Comprehensive Development Zone Schedule 4: Aurora Comprehensive Development Plan (CDZ4). This will facilitate urban development of the site in accordance with the adopted strategic plans for the precinct.

In 2007, the majority of land in the Aurora precinct was rezoned to facilitate urban development. However, smaller individual parcels within the Aurora precinct that were in separate ownership at the time, including the subject site, were not rezoned and remained in the Farming Zone. The subject site is one of three properties remaining in the Farming Zone (refer to Attachment 2).

The initial Planning Scheme Amendment also applied planning controls to implement strategic plans to guide future development of the Aurora precinct. These plans were the *Aurora Comprehensive Development Plan (ACDP)* and the *Aurora Development Plan Part 2* (ADP2) (refer to Attachment 2 for the ADP2 Land Use Plan).

The plans nominate the subject site to be developed for a number of uses including commercial uses at the O'Herns Road frontage, mixed use incorporating high density residential in the centre of the site and medium density residential development in the northern half of the site.

The proposed Amendment will facilitate the development in accordance with the strategic plans and is limited to only changing the zoning of the land. The proposed Amendment will not apply any additional overlay or other planning controls, as they are already in place. This follows the same approach taken for other properties not rezoned by the initial Amendment.



It is a Council requirement that prior to the rezoning of land in the Aurora precinct, the landowner must enter into a standardised Section 173 Agreement to specify relevant infrastructure contribution payments to provide the Aurora Infrastructure Requirements. The landowner for 240 O'Herns Road Epping has now entered into this agreement and will make the infrastructure contribution payments upon the development of the land.

Based on alignment with the strategic plans for the area, the proposed Amendment is deemed administrative in nature. The recommendation of this report is for Council to request the Minister for Planning authorise Council to prepare and exhibit the Amendment. Given the administrative nature of the Amendment, officers intend to apply to the Minister for Planning for an exemption to give notice of the Amendment in a newspaper and the Government Gazette. Adjoining owners and occupiers and relevant government agencies will be notified.

Noting the upcoming Local Government election, the recommendation notes that should the Minister for Planning grant authorisation, that the exhibition period will not commence until after the conclusion of the Local Government elections. The Amendment process will require Council to consider any submissions received from the exhibition period to be considered at a future Council Meeting.

Officers' Recommendation

THAT Council:

- Seek authorisation from the Minister for Planning to prepare and exhibit an Amendment to the Whittlesea Planning Scheme to amend the planning controls for the land at 240 O'Herns Road, Epping as follows:
 - a) Rezone the site from Farming Zone to Comprehensive Development Zone Schedule 4 in accordance with Attachment 3.
- 2. Note, should the Minister for Planning authorise Council to exhibit the Amendment:
 - a) Under delegated authority officers will apply to the Minister for Planning in accordance with section 20(1) of the *Planning and Environment Act 1987* to exempt Council from publishing a notice of the Amendment in a newspaper and in the Government Gazette.
 - b) The exhibition of the Amendment will not commence until after the Local Government elections which conclude on 26 October 2024.
 - c) Any submissions received during the exhibition period will be subject to a subsequent report to the incoming Council.
- Note that officers will advise the owner of 240 O'Herns Road, Epping of Council's decision.



COUNCII	COUNCIL RESOLUTION	
Moved:	Moved: Administrator Peita Duncan	
Seconded:	Seconded: Administrator Christian Zahra	

THAT Council:

- 1. Seek authorisation from the Minister for Planning to prepare and exhibit an Amendment to the Whittlesea Planning Scheme to amend the planning controls for the land at 240 O'Herns Road, Epping as follows:
 - a) Rezone the site from Farming Zone to Comprehensive Development Zone Schedule 4 in accordance with Attachment 3.
- 2. Note, should the Minister for Planning authorise Council to exhibit the Amendment:
 - a) Under delegated authority officers will apply to the Minister for Planning in accordance with section 20(1) of the *Planning and Environment Act 1987* to exempt Council from publishing a notice of the Amendment in a newspaper and in the Government Gazette.
 - b) The exhibition of the Amendment will not commence until after the Local Government elections which conclude on 26 October 2024.
 - c) Any submissions received during the exhibition period will be subject to a subsequent report to the incoming Council.
- Note that officers will advise the owner of 240 O'Herns Road, Epping of Council's decision.

CARRIED

ADMINISTRATOR/S WHO SPOKE TO MOTION

Nil

VOTING			
UNANIMOUS	FOR	AGAINST	ABSTAINED
YES			



5.3 Planning Scheme Amendment C251 - Rezoning 307 Bridge Inn Road & 390 Masons Road, Mernda - Exhibition Outcomes

Director/Executive Manager: Director Planning & Development

Report Author: Strategic Planner

In Attendance: Coordinator Strategic Land Use Planning

Executive Summary

This report details the outcomes of the public exhibition of Planning Scheme Amendment C251 and includes consideration of submissions and the recommended next steps.

Amendment C251 applies to approximately 56 hectares of land across two parcels of land at 307 Bridge Inn Road and 390 Masons Road, Mernda (subject site). The sites are bisected by the Urban Growth Boundary (UGB), with the land within the UGB currently zoned Farming Zone (FZ) and the land outside the UGB zoned Green Wedge Zone (GWZ).

The Amendment proposes to rezone the urban land within both parcels, totalling 21Ha, from FZ to General Residential Zone 1 (GRZ1), apply the Development Plan Schedule 27 (DPO27), and the Vegetation Protection Overlay Schedule 1 (VPO1) to the rezoned land to guide its future development. The balance 35 hectares of non-urban land will remain in the existing Green Wedge Zone (GWZ). Please refer to Attachment 1 for a context plan of the subject sites.

The Amendment will facilitate the development of the 'urban' land for residential purposes including opportunities for housing at similar densities to adjoining residential areas and potential for retirement living and aged care, which will be further resolved at the Development Plan stage of the planning process.

The amendment also facilitates the assemblage of the Quarry Hills Regional Parkland (the Parkland), now known as Quarry Hills Parkland, with the GWZ land transferred to Council and incorporated into the Parklands. The new residential community will benefit from the amenity and recreational opportunities afforded by being in close proximity to the Parkland.

Council resolved to requested Authorisation from the Minister for Planning to prepare and exhibit the Amendment at its March 2023 Council Meeting. The Amendment (refer to Attachment 2) was then exhibited to surrounding owners, occupiers and potentially affected agencies and prescribed Ministers in August and September 2023. Sixty-eight owners and occupiers were notified, including the owners and operators of the Wollert Landfill which is approximately one kilometre to the west of the subject site.



Nine submissions were received including; one from the Landfill operator, four from residents, two from consultants (one on behalf the proponent and one on behalf of a potential purchasers), one from a local real estate agent and one from the Environmental Protection Agency (EPA). One resident's submission included a petition signed by 175 residents opposing the Amendment.

The issues raised in submissions included: land use compatibility with the nearby landfill, noise and disruption during development, impact on the road network, loss of open space and views, and current noise and odour issues from the landfill operations. These issues are discussed in more detail in the body of the report. All submissions are summarised and recommended officer responses provided in Attachment 3.

As a number of submissions cannot be resolved, the report recommends that Council request that the Minister for Planning appoints an independent Planning Panel to consider all submissions. Further, in line with standard practice, the report recommends that Council Officers be authorised to continue discussions to seek resolution of unresolved submissions in the lead up to the Planning Panel hearing.

Following the hearing, the report and recommendations of the Planning Panel will be reported to a future Council. Council will be required to consider the Panel report and make a decision on the proposed Amendment.

Officers' Recommendation

THAT Council:

- 1. Request the Minister for Planning appoint an independent Panel to consider all submissions made in relation to Planning Scheme Amendment C251 to the Whittlesea Planning Scheme.
- 2. Note that officers will refer all submissions to the Panel once appointed by the Minister for Planning.
- 3. Note that for the purposes of submissions to the Planning Panel, the preferred Amendment Documents should be generally in the form of the exhibited documents at Attachment 2.
- 4. Authorise officers to continue discussions to seek resolution of unresolved submissions prior to the Panel Hearing, consistent with the officer recommendations within this report and Attachment 3.
- 5. Advise the proponent, submitters and Planning Panels Victoria of point 1 above.



COUNCII	COUNCIL RESOLUTION	
Moved:	Moved: Administrator Christian Zahra	
Seconded:	Seconded: Administrator Peita Duncan	

THAT Council:

- Request the Minister for Planning appoint an independent Panel to consider all submissions made in relation to Planning Scheme Amendment C251 to the Whittlesea Planning Scheme.
- 2. Note that officers will refer all submissions to the Panel once appointed by the Minister for Planning.
- 3. Note that for the purposes of submissions to the Planning Panel, the preferred Amendment Documents should be generally in the form of the exhibited documents at Attachment 2.
- 4. Authorise officers to continue discussions to seek resolution of unresolved submissions prior to the Panel Hearing, consistent with the officer recommendations within this report and Attachment 3.
- 5. Advise the proponent, submitters and Planning Panels Victoria of point 1 above.

CARRIED

ADMINISTRATOR/S WHO SPOKE TO MOTION

Administrator Christian Zahra

Chair of Council Lydia Wilson

VOTING			
UNANIMOUS	FOR	AGAINST	ABSTAINED
YES			



5.4 VR Michael Reserve Master Plan

Director/Executive Manager: Director Infrastructure & Environment

Report Author: Open Space Planner

In Attendance: Coordinator Open Space Planning

Executive Summary

- The VR Michael Reserve Master Plan was initiated in response to a petition tabled at the Council meeting on 12 December 2022, requesting an increase to car parking spaces and accessible parking at VR Michael Reserve in Lalor. The Council resolved to:
 - Undertake a park masterplan in the 2023-24 Financial Year for a more comprehensive approach to park planning for existing and future uses.
- The Open Space Planning Team has developed the VR Michael Reserve Master Plan which provides a vision, objectives, recommendations and prioritisation for future development of the park over 10 years.
- Consultation and engagement for the VR Michael Reserve Master Plan have now concluded, and changes have been made to the final document for endorsement.
 The consultation responses on the draft master plan demonstrate strong community support for the Master Plan.
 - As a result, nine new or amended recommendations have been included to address the community's feedback. These are outlined in the Community Consultation and Engagement section.
- The Master Plan significantly improves accessibility and car park provision in response to the petition. In addition to the recently upgraded lower car park, the master plan further recommends extending the main car park and adding a vehicle drop-off area next to the Bocce Social Club.

The purpose of the report is to:

- Provide an update on the outcomes of the community consultation for draft VR
 Michael Reserve Master Plan; and
- Seek endorsement of the VR Michael Reserve Master Plan for implementation.



Officers' Recommendation

THAT Council:

- 1. Endorse the VR Michael Reserve Master Plan;
- 2. Note the draft VR Michael Reserve Master Plan has been revised to reflect the Youth Council and broader community feedback gathered during the phase two consultation undertaken from 22 April to 20 May 2024;
- 3. Note the funding for the implementation of VR Michael Reserve master plan actions will be subject to Capital Works program budget considerations in future years; and
- 4. Thank all submitters to the VR Michael Reserve master plan for their contribution.

Administrator Zahra moved the following motion which become the Council Resolution.

COUNCII	COUNCIL RESOLUTION		
Moved:	Administrator Christian Zahra		
Seconded: Administrator Peita Duncan			

THAT Council:

- 1. Endorse the VR Michael Reserve Master Plan at Attachment 1.
- 2. Note the Master Plan was revised to incorporate feedback provided from the Youth Council and broader community gathered during the phase two consultation undertaken from 22 April to 20 May 2024.
- 3. Acknowledge the contributions made by the Youth Council and through the Chief Executive Officer request officers present back to the Youth Council on how their feedback contributed to the final Master Plan.
- 4. Note funding for the implementation of the Master Plan actions will be subject to Capital Works program budget considerations in future years.
- 5. Thank all submitters to the Master Plan for their contribution.

CARRIED

ADMINISTRATOR/S WHO SPOKE TO MOTION

Administrator Christian Zahra

Administrator Peita Duncan

Chair of Council Lydia Wilson

VOTING			
UNANIMOUS	FOR	AGAINST	ABSTAINED
YES			



5.5 Delegation to Register for Carbon Offsets

Director/Executive Manager: Director Infrastructure & Environment

Report Author: Sustainable Organisation Officer

In Attendance: Sustainable Organisation Officer

Executive Summary

The City of Whittlesea applied and has been offered a grant as part of the State Government's BushBank program to revegetate a section of the Quarry Hills Parkland. There is the potential to generate carbon offsets as part of the project in the form of Australian Carbon Credit Units. The registration of carbon credits occurs under the *Carbon Credits* (Carbon Farming Initiative) Act 2011 with the Clean Energy Regulator.

To enable Council to register with the Clean Energy Regulator, Council must provide evidence that the executive officer has authority to act and sign on behalf of our organisation. The officer recommendation is seeking the necessary authority for the CEO to progress the registration process.

Officers' Recommendation

THAT Council:

- 1. Authorise the Chief Executive Officer to act on Council's behalf under the *Carbon Credits (Carbon Farming Initiative) Act 2011.*
- 2. Authorise the Chief Executive Officer to sign and execute agreements with the Clean Energy Regulator on behalf of Council.

COUNCIL RESOLUTION	
Moved:	Administrator Christian Zahra
Seconded:	Administrator Peita Duncan

THAT Council:

- 1. Authorise the Chief Executive Officer to act on Council's behalf under the *Carbon Credits (Carbon Farming Initiative) Act 2011.*
- 2. Authorise the Chief Executive Officer to sign and execute agreements with the Clean Energy Regulator on behalf of Council.

CARRIED



ADMINISTRATOR/S WHO SPOKE TO MOTION

Administrator Christian Zahra

Chair of Council Lydia Wilson

VOTING			
UNANIMOUS	FOR	AGAINST	ABSTAINED
YES			



5.6 Tender Evaluation Report 2024-56 Hilltop Playground & Splash Park

Director/Executive Manager: Director Infrastructure & Environment

Report Author: Unit Manager Parks Development

In Attendance: Senior Landscape Architect

Executive Summary

This report summarises the evaluation of the tender submissions received for the Tender 2024-56, Construction of Hilltop Playground & Splash Park.

The Tender Evaluation Panel advises that:

- 12 tenders were received for Separable Portion A (Park and Landscape Works).
- 11 tenders were received for Separable Portion B (Car Park Works).
- The recommended tenderer was the highest ranked and is considered best value.
- This contract relates to a Federal and State Government grant funded project.

Officers' Recommendation

THAT Council:

- 1. Resolve to award the Hilltop Playground & Splash Park, Contract 2024-56 Parts A and B, to Warrandale Industries Pty Ltd at a lump sum price of \$2,465,529 excl.
- 2. Note any price variations will be in accordance with the provisions as set out in the conditions of contract.
- 3. Approve the funding arrangements as detailed in the confidential attachment to this report.
- 4. Authorise the Chief Executive Officer to sign and execute the contract on behalf of Council.



COUNCIL RESOLUTION	
Moved:	Administrator Christian Zahra
Seconded:	Administrator Peita Duncan

THAT Council:

- 1. Resolve to award the Hilltop Playground & Splash Park, Contract 2024-56 Parts A and B, to Warrandale Industries Pty Ltd at a lump sum price of \$2,465,529 excl. GST.
- 2. Note any price variations will be in accordance with the provisions as set out in the conditions of contract.
- 3. Approve the funding arrangements as detailed in the confidential attachment to this report.
- 4. Authorise the Chief Executive Officer to sign and execute the contract on behalf of Council.

CARRIED

ADMINISTRATOR/S WHO SPOKE TO MOTION

Administrator Peita Duncan

VOTING			
UNANIMOUS	FOR	AGAINST	ABSTAINED
YES			



5.7 Tender Evaluation - Contract No 2024-55 - Quarry Hills Regional Park, Trunk Services Infrastructure, Civil and Associated Works

Director/Executive Manager: Director Infrastructure & Environment

Report Author: Senior Project Manager

In Attendance: Unit Manager Community Infrastructure Delivery

Executive Summary

This report summaries the evaluation of the six tender submissions received for Contract No. 2024-55, Granite Hills Major Community Parklands and Aboriginal Gathering Place, located in Quarry Hills Regional Parkland.

The tender evaluation panel advises that:

- 6 tenders were received.
- The recommended tenderer was ranked equal highest and is considered best value and least risk because of the demonstrated capability and capacity to deliver this project in accordance with Council's specified requirements, as well as the reduced contractual risk as explained in the confidential attachment.

Officers' Recommendation

THAT Council:

- 1. Resolve to award the Quarry Hills Regional Parkland, Trunk Services Infrastructure, Civil and associated works, Contract number 2024-55, to 2Construct Pty Ltd at a lump sum price of \$6,264,469 excl. GST.
- 2. Note price variations will be in accordance with the provisions as set out in the conditions of contract.
- 3. Approve the funding arrangements as detailed in the confidential attachment to this report.
- 4. Authorise the Chief Executive Officer to sign and execute the contract on behalf of Council.



COUNCIL RESOLUTION	
Moved:	Administrator Peita Duncan
Seconded:	Administrator Christian Zahra

THAT Council:

- 1. Resolve to award the Quarry Hills Regional Parkland, Trunk Services Infrastructure, Civil and associated works, Contract number 2024-55, to 2Construct Pty Ltd at a lump sum price of \$6,264,469 excl. GST.
- 2. Note price variations will be in accordance with the provisions as set out in the conditions of contract.
- 3. Approve the funding arrangements as detailed in the confidential attachment to this report.
- 4. Authorise the Chief Executive Officer to sign and execute the contract on behalf of Council.

CARRIED

ADMINISTRATOR/S WHO SPOKE TO MOTION

Administrator Peita Duncan

VOTING			
UNANIMOUS	FOR	AGAINST	ABSTAINED
YES			



5.8 Contract Award: 2024-44 Peter Hopper Lake Rehabilitation Works

Director/Executive Manager: Director Infrastructure & Environment

Report Author: Coordinator Civil Engineering Delivery

In Attendance: Manager Capital Delivery

Executive Summary

It is proposed that Contract Number 2024-44 Peter Hopper Lake Rehabilitation Works, Mill Park is awarded to Field Form Pty Ltd for the lump price of \$2,533,035.95 (excluding GST).

The Tender Evaluation Panel advises that:

- This contract was publicly tendered on 24 April 2024 and tenders closed on 4 June 2024;
- Five tenders were received;
- The recommended tenderer is the highest ranked and has demonstrated the required capability, capacity and qualification;
- Collaborative tendering was not undertaken in relation to this procurement because this contract relates to a unique need for the City of Whittlesea; and
- This contract commits capital budget in the 2024-25 Council Budget.

Officers' Recommendation

THAT Council:

- 1. Resolve to award the Peter Hopper Lake Rehabilitation Works, Contract number 2024-44 to Field Form Pty Ltd at a lump sum price of \$2,533,036 excl. GST.
- 2. Note price variations will be in accordance with the provisions set out in the conditions of contract.
- 3. Approve the funding arrangements as detailed in the confidential attachment to this report.
- 4. Authorise the Chief Executive Officer to sign and execute the contract on behalf of Council.



COUNCIL RESOLUTION	
Moved:	Administrator Peita Duncan
Seconded:	Administrator Christian Zahra

THAT Council:

- 1. Resolve to award the Peter Hopper Lake Rehabilitation Works, Contract number 2024-44 to Field Form Pty Ltd at a lump sum price of \$2,533,036 excl. GST.
- 2. Note price variations will be in accordance with the provisions set out in the conditions of contract.
- 3. Approve the funding arrangements as detailed in the confidential attachment to this report.
- 4. Authorise the Chief Executive Officer to sign and execute the contract on behalf of Council.

CARRIED

ADMINISTRATOR/S WHO SPOKE TO MOTION

Administrator Peita Duncan

Administrator Christian Zahra

Chair of Council Lydia Wilson

VOTING			
UNANIMOUS	FOR	AGAINST	ABSTAINED
YES			



5.9 Regional Sports Precinct - Early Works Package Tender

Director/Executive Manager: Director of Infrastructure & Environment

Report Author: Unit Manager Procurement

Executive Summary

This report summaries the evaluation of the tender submissions received for Tender 2024-37, Regional Sports Precinct - Early Works Package.

The tender evaluation panel advises that:

- 3 tenders were received.
- The recommended tender was the highest ranked and is considered best value.
- In accordance with the *Local Government Act 2020*, this procurement process meets the requirements of collaborative procurement as it was or undertaken using the State Government Department of Transport Prequalified Panel arrangement.
- This contract relates to a unique need for the City of Whittlesea.
- This contract relates to a Federal or State Government grant funded project.

Officers' Recommendation

THAT Council:

- Resolve to award the Regional Sports Precinct Early Works Package, Contract number 2024-37, to Unyte Southern Pty Ltd at a lump sum price of \$5,867,560 excl. GST.
- 2. Note price variations to be in accordance with the provisions as set out in the conditions of contract.
- 3. Approve the funding arrangements as detailed in the confidential attachment to this report.
- 4. Authorise the Chief Executive Officer to sign and execute the contract on behalf of Council.



COUNCIL RESOLUTION	
Moved:	Administrator Christian Zahra
Seconded:	Administrator Peita Duncan

THAT Council:

- 1. Resolve to award the Regional Sports Precinct Early Works Package, Contract number 2024-37, to Unyte Southern Pty Ltd at a lump sum price of \$5,867,560 excl. GST.
- 2. Note price variations to be in accordance with the provisions as set out in the conditions of contract.
- 3. Approve the funding arrangements as detailed in the confidential attachment to this report.
- 4. Authorise the Chief Executive Officer to sign and execute the contract on behalf of Council.

CARRIED

ADMINISTRATOR/S WHO SPOKE TO MOTION

Administrator Christian Zahra

Administrator Peita Duncan

VOTING			
UNANIMOUS	FOR	AGAINST	ABSTAINED
YES			



5.10 Terms of Reference - Whittlesea managed Advisory Committees

Director/Executive Manager: Executive Manager Office of Council & CEO

Report Author: Unit Manager Governance

Executive Summary

In preparation for the return of elected Councillors a review of all external facing Community Advisory Committees (Committees) that require Councillor appointments was conducted.

Following the review, the following Terms of References (ToR) outlined in Table 1 required a refresh to ensure a consistent approach to enhanced governance and transparency practices, for example the expression of interest recruitment processes, membership eligibility, reporting back to Council and the requirement to have Committee agendas, minutes and membership being published on Council's website.

The ToR for the City of Whittlesea Community Awards Committee, which is also an external facing Committee and represents a cross-section of the community to promote and administer the City of Whittlesea awards, had a slight delay with the review therefore will be presented to the incoming Council for their consideration and adoption.

Table 1 - Advisory Committees

Advisory Committee	Committee Summary
City of Whittlesea	The Business Advisory Panel enables business members to
Business Advisory Panel	work together with Council in delivering the key objective and
	advocacy for a Strong Local Economy (one of the four
	overarching objectives in the Council's 2040 Plan).
Visual Art & Civic	The Acquisitions Advisory Group is established to make
History Collections	recommendations to Council regarding acquisitions and
Acquisitions Advisory	deaccessions for the City of Whittlesea's Visual Art and Civic
Group	History Collections, as guided by the Visual Art and Civic
·	History Collections Policy.
Whittlesea	The Group commenced in 2001 as a community-based
Reconciliation Group	committee to be a key reference group for Council on the
	continuing reconciliation process and to foster understanding
	of historical, cultural and contemporary issues impacting
	Aboriginal and Torres Strait Islander communities. This is a key
	reference group for Council.



Officers' Recommendation

THAT Council:

- 1. Adopt the Terms of Reference at Attachments 1 to 3 to this report.
- 2. Note the Terms of References will come into effect upon the incoming Council appointing Councillor members to all Advisory Committees, external organisations, and Board at its December 2024 Council meeting.
- 3. Note the City of Whittlesea Community Awards Committee Terms of Reference will be presented to the incoming Council for their consideration and adoption.
- 4. Note the Terms of References at Attachments 1 to 3 will be made publicly available on Council's website after the December 2024 Council meeting.

COUNCIL RESOLUTION		
Moved:	Administrator Christian Zahra	
Seconded:	Administrator Peita Duncan	

THAT Council:

- 1. Adopt the Terms of Reference at Attachments 1 to 3 to this report.
- 2. Note the Terms of References will come into effect upon the incoming Council appointing Councillor members to all Advisory Committees, external organisations, and Board at its December 2024 Council meeting.
- 3. Note the City of Whittlesea Community Awards Committee Terms of Reference will be presented to the incoming Council for their consideration and adoption.
- 4. Note the Terms of References at Attachments 1 to 3 will be made publicly available on Council's website after the December 2024 Council meeting.

CARRIED

ADMINISTRATOR/S WHO SPOKE TO MOTION

Nil

VOTING			
UNANIMOUS	FOR	AGAINST	ABSTAINED
YES			



5.11 Governance Report

Director/Executive Manager: Executive Manager Office of Council & CEO

Report Author: Unit Manager Governance

Executive Summary

In accordance with best practice, good governance principles, transparent and accountable reporting, officers deem it appropriate to consolidate governance and administrative reports into one standing report to provide a single reporting mechanism for a range of statutory compliance, transparency and governance matters. This also ensures compliance with the requirements of the *Local Government Act 2020*, Council's Governance Rules and related regulations.

The purpose of this report is to provide information and endorsement or noting for the following related matters:

- Summary of Informal Meetings of Administrators.
- Five Council policies and two Council Strategies which have been identified as no longer relevant to Council's function.
- Instrument of Sub-Delegation under the Environment Protection Act 2017 (s18).
- Instrument of Appointment and Authorisation under the *Planning and Environment Act 1987* (s11A).
- Election Period Policy seeking endorsement to go out for community engagement.
- 2024-25 Statutory Fees set by State Government, effective 1 July 2024.
- Findon Pony Club location, transition and future sale of land.

Further information on the above listed matters are located within the body of this report.

Officers' Recommendation

THAT Council:

- 1. Note the Governance Report for August 2024.
- 2. Note the summary of Informal Meetings of Administrators for the period June to August 2024 at Attachment 1.
- 3. Resolve to rescind the following policies and strategies:
 - a) Capital Management Policy;
 - b) Council Official Logo Policy;
 - c) Multiple Sports Strategy;
 - d) Aboriginal Reconciliation Policy;
 - e) Soccer Strategy;
 - f) Sports Club Contribution Policy; and
 - g) Sports Lighting Policy.



- 4. Resolve to delegate to the members of staff holding the relevant positions the powers, duties and functions set out in the Instrument of Sub-Delegation (S18) under the *Environment Protection Act 2017* (s18) attached at Attachment 2.
- 5. Resolve to commence operation of the Instrument of Sub-Delegation (S18) under the *Environment Protection Act 2017* at Attachment 2 immediately upon the common seal of Council being affixed to the Instrument.
- 6. Resolves to appoint the Council Officer as an Authorised Officer as set out in the Instrument of Appointment and Authorisation (s11A) under the *Planning and Environment Act 1987* at Attachment 3.
- 7. Resolve to commence the operation of the Instrument of Appointment and Authorisation (s11A) under the *Planning and Environment Act 1987* at Attachment 3 immediately upon the common seal of Council being affixed to the Instrument.
- Resolve to release the amended Election Period Policy at Attachment 4 for community feedback between the period 21 August 2024 to 27 August 2024 on Council's Engage web page. Note following engagement, a further report will be presented at a future Council meeting seeking adoption of the revised Election Period Policy.
- 9. Note the State Government Statutory Fees came into effect on 1 July 2024 and will be made available on Council's website.
- 10. Note during the adoption of the 2021-22 Budget, officers were to report back to Council on the status of the Findon Pony Club. An updated status is outlined in the body of this report.

COUNCIL RESOLUTION	
Moved:	Administrator Christian Zahra
Seconded:	Administrator Peita Duncan

THAT Council:

- 1. Note the Governance Report for August 2024.
- 2. Note the summary of Informal Meetings of Administrators for the period June to August 2024 at Attachment 1.
- 3. Resolve to rescind the following policies and strategies:
 - a) Capital Management Policy;
 - b) Council Official Logo Policy;
 - c) Multiple Sports Strategy;
 - d) Aboriginal Reconciliation Policy;
 - e) Soccer Strategy;
 - f) Sports Club Contribution Policy; and
 - g) Sports Lighting Policy.



- 4. Resolve to delegate to the members of staff holding the relevant positions the powers, duties and functions set out in the Instrument of Sub-Delegation (S18) under the *Environment Protection Act 2017* (s18) attached at Attachment 2.
- 5. Resolve to commence operation of the Instrument of Sub-Delegation (S18) under the *Environment Protection Act 2017* at Attachment 2 immediately upon the common seal of Council being affixed to the Instrument.
- 6. Resolves to appoint the Council Officer as an Authorised Officer as set out in the Instrument of Appointment and Authorisation (s11A) under the *Planning and Environment Act 1987* at Attachment 3.
- 7. Resolve to commence the operation of the Instrument of Appointment and Authorisation (s11A) under the *Planning and Environment Act 1987* at Attachment 3 immediately upon the common seal of Council being affixed to the Instrument.
- 8. Resolve to release the amended Election Period Policy at Attachment 4 for community feedback between the period 21 August 2024 to 27 August 2024 on Council's Engage web page. Note following engagement, a further report will be presented at a future Council meeting seeking adoption of the revised Election Period Policy.
- 9. Note the State Government Statutory Fees came into effect on 1 July 2024 and will be made available on Council's website.
- 10. Note during the adoption of the 2021-22 Budget, officers were to report back to Council on the status of the Findon Pony Club. An updated status is outlined in the body of this report.

CARRIED

ADMINISTRATOR/S WHO SPOKE TO MOTION

Nil

VOTING			
UNANIMOUS	FOR	AGAINST	ABSTAINED
YES			



5.12 Final Administrators Report

Director/Executive Manager: Executive Manager Office of Council & CEO

Report Author: Executive Manager Office of Council & CEO

Chair of Council, Lydia Wilson made the following comments:

It is normal practice for officers to introduce agenda items, however as this agenda item relates to the Administrators final report, I will be introducing this agenda item, and as Chair of Council I will also be moving this report.

Our report has already been provided to the Minister for Local Government and to her Department, Local Government Victoria and we are now publicly presenting this report for transparency purposes as we have done throughout our term.

I would really encourage community members and our staff alike to read the Panel of Administrators' report as I can proudly say we have very effectively discharged our responsibilities and, in partnership with the organisation, achieved enormous things.

Executive Summary

The purpose of this report is to publicly present the final Administrators report which incorporates the significant achievements during their four-year term.

The attached detailed report provides:

- Highlights of key achievements during the Administrators four-year term
- The status of actions implemented to address the Municipal Monitor's recommendations which led to the appointment of the Panel of Administrators
- Outcomes of the Good Governance Action Plan established at the outset of the Administrators appointment
- The status of processes and practices undertaken and embedded to restore and enhance good governance

The detailed report highlights an incredibly successful and rewarding four-year term with significant achievements not only in relation to good governance but also in strategic planning, responsible financial management, innovation, community engagement, which collectively have created a stable high performing organisation.

A busy and productive four years have seen the organisation transform with fit-for-purpose processes and technology that make it easier for the community to interact with Council, a comprehensive integrated planning framework, best practice governance, exemplary customer service and a comprehensive community engagement program.



Officers' Recommendation

THAT Council:

- 1. Note the final Administrator report at Attachment 1 for the period of June 2020 to August 2024.
- 2. Note a copy of the final Administrator report was provided to the Hon. Melissa Horne, Minister for Local Government and Executive Director Local Government Victoria on 15 August 2024.

COUNCIL RESOLUTION	
Moved:	Chair of Council Lydia Wilson
Seconded:	Administrator Peita Duncan

THAT Council:

- 1. Note the final Administrator report at Attachment 1 for the period of June 2020 to August 2024.
- 2. Note a copy of the final Administrator report was provided to the Hon. Melissa Horne, Minister for Local Government and Executive Director Local Government Victoria on 15 August 2024.

CARRIED

Extension of Speaking Time

The Chair of Council, Lydia Wilson exercised their discretion to extend the speaking time from three minutes to five minutes for myself as the mover and from two minutes to four minutes for my colleagues in accordance with Governance Rule 35.5.

The Chair of Council sought a procedural motion to extend the speaking time for up to an additional one minute.

PROCEDURAL MOTION	
Moved:	Administrator Christian Zahra
Seconded:	Administrator Peita Duncan

THAT the speaking time be extended for up to an additional one minute.

CARRIED



Administrator Duncan sought a procedural motion to extend the speaking time for up to an additional two minutes.

PROCEDURAL MOTION	
Moved:	Administrator Christian Zahra
Seconded:	Chair of Council Lydia Wilson

THAT the speaking time be extended for up to an additional two minutes.

CARRIED

ADMINISTRATOR/S WHO SPOKE TO MOTION

Chair of Council Lydia Wilson

Administrator Peita Duncan

Administrator Christian Zahra

VOTING			
UNANIMOUS	FOR	AGAINST	ABSTAINED
YES			



6 Notices of Motion

No Notices of Motion

7 Urgent Business

No Urgent Business

8 Reports from Council Representatives and CEO Update

8.1 Administrator Peita Duncan's Report

- Plenty Valley FM Drive Program on 18 July 2024
- Citizenship Ceremony Session 1 on 22 July 2024
- Plenty Valley FM Drive Program on 15 August 2024
- Scheduled Council Meeting on 20 August 2024

8.2 Administrator Christian Zahra's Report

- Plenty Valley FM Drive Program on 27 June 2024
- Council Briefing on 2 July 2024

8.3 Chair of Council Lydia Wilson's Report

- Yarra Plenty Regional Library CEO Employment Matters Sub Committee on 17 July 2024
- Internal Event: Mernda Mini-Branch Library Official Opening on 18 July 2024
- Municipal Association of Victoria Metro North Regional Meeting on 18 July 2024
- Citizenship Ceremony Session 1 on 22 July 2024
- Citizenship Ceremony Session 2 on 22 July 2024
- Northern Councils Alliance on 25 July 2024
- Council Briefing on 6 August 2024
- Plenty Valley FM Drive Program on 8 August 2024
- Joint meeting with Mitchell Shire Council and Minister Danny Pearson Re: Beverage Intermodal Freight Precinct on 14 August 2024
- External Event: Interface Week 2024 Keynote Event on 14 August 2024
- Scheduled Council Meeting on 20 August 2024



8.4 Chief Executive Officer, Craig Lloyd Update

Epping Community Services Hub

Earlier this month it was my pleasure to join with Bronwyn Halfpenny MP, staff and our partner organisations to celebrate the completion of a \$750,000 refurbishment of the Epping Community Services Hub.

The works, including construction of three additional consulting rooms, two breakout rooms and an expanded office space, will ensure residents can continue to access vital support services.

Currently 13 partner organisations provide services such as employment, disability, financial, mental health and family violence support, as well as emergency relief and family counselling, from the hub.

The \$750,000 project was made possible through matching \$375,000 contributions from Council and the Victorian Government through its Growing Suburbs Fund.

Doreen Dirt Jumps

Despite some challenges posed by the wet weather late last month, construction of the dirt jumps circuit at Painted Hills Recreation Reserve in Doreen is progressing well.

Council has worked closely with local riders to design a dirt jumps track suitable for beginner, intermediate and advanced users in a safe, convenient location.

The track will be shaped and tested over the next week or so and construction is expected to finish at the end of the month.

Capital Works program

We have reached milestones in some other important Capital Works projects:

- The new library hub in the Kirrip Community Centre is expected to open next month, giving users access to a wealth of information. The centre's lounge has been renovated to create space for about 2000 books, a self-serve electronic kiosk and areas for private work and study. Library users will have access to Yarra Plenty Regional Library's extensive catalogue of books, magazines and other resources via its 'Click and Collect' service.
- Council has constructed two raised pedestrian crossings also known as wombat crossings – in Macedon Parade and Osmond Crescent in Wollert. The crossings will improve safety for road users and pedestrians, especially students, in and around the nearby Edgars Creek Primary School and Edgars Creek Secondary College precinct.



 The Barry Road Tennis Club in Thomastown is benefiting from the installation of new long-life, energy-efficient LED court lighting. The upgraded lighting will result in improved experience for players.

Candidate Information Sessions

Last month we held a very successful information session for prospective candidates in upcoming Local Government elections. Community members who are considering standing for Council came together to gain an understanding of the election process, what is involved in being a Councillor and had an opportunity to discuss all things Council with some of our staff.

There are two upcoming information sessions run by the Victorian Electoral Commission taking place on 4 and 5 September, here at the Civic Centre. These sessions will provide important information about the process to nominate as a candidate. Details and a link to register is available on our website.

Vale Basil Stafford

It is with deep sadness that I share the news of the passing of Basil Stafford of Elliot Stafford & Associates. For over three decades, Basil served as Council's lead Local Government Solicitor and Barrister, specialising in enforcement prosecution.

His unwavering commitment to enhancing the sector while supporting our community and residents was truly exceptional. Many of our team members had the privilege of knowing and working with Basil for extended periods—some for as long as 25 years. He will be deeply missed and we send our condolences to his family and friends.

Extension of Speaking Time

The Chair of Council, Lydia Wilson exercised her discretion to extend the CEO speaking time for a further two minutes in accordance with Governance Rule 35.5.

Aged Care Employees Day

On Wednesday 7 August, we celebrated Aged Care Employee Day. At the City of Whittlesea we have 111 dedicated staff working in aged care, including 80 home support workers.

Their combined efforts have delivered 78,000 hours of direct one-on-one service, 19,000 meals to our community and 15,000 hours of group activities every year.

Thank you for making such a positive difference in the lives of our senior residents.



National Tree Day

On Sunday 28 July, members of our Sustainable Environment team were delighted to be joined by 100 members of the community to mark National Tree Day in Mernda. Braving cold conditions, together the group planted native trees and wildflowers and enjoyed a range of free family-friendly activities.

We're proud to be able to work with our community as we strive towards our Greening Whittlesea goals of creating a greener and more sustainable environment for all.



9 Confidential Business

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

Recommendation

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

- 9.1 Contract 2016-201B Tree Maintenance Variation Report
- 9.2 Garden Bed Contract CT2023-1 Council Variation Report

COUNCIL RESOLUTION		
Moved:	Administrator Peita Duncan	
Seconded:	Administrator Christian Zahra	

THAT Council adopt the recommendation to close the meeting to the public.

CARRIED

10 Closure

There being no further business the Chair of Council formally closed the meeting at 7:56pm.

Confirmed this 3rd day of September 2024.

Lydia Wilson	
Chair of Council	