

**Agenda**

**Scheduled Council Meeting**

Tuesday 18 March 2025 at 6pm

Council Chamber,

25 Ferres Boulevard, South Morang

Councillors

Cr Aidan McLindon, Mayor Kirrip Ward

Cr Daniela Zinni, Deputy Mayor Bundoora Ward

Cr Nic Brooks Thomastown Ward

Cr Blair Colwell Mill Park Ward

Cr Lawrie Cox Ganbul Gulinj Ward

Cr Deb Gunn Painted Hills Ward

Cr Stevan Kozmevski Lalor Ward

Cr Jarrod Lappin Mernda Ward

Cr David Lenberg Epping Ward

Cr Christine Stow North Ward

Cr Martin Taylor South Morang Ward

Executive Leadership Team

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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**Note:**

At the Chair’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:**

Council will hold public question time for up to 30 minutes at each Scheduled Council Meeting to allow for public questions, petitions or joint letters from our community to be read out by the Chief Executive Officers delegate and responses will be provide by the Chief Executive Officer.

Questions are required to be submitted in writing no later than 12 noon on the day prior to a Scheduled Council Meeting.

Priority will be given to questions or statements that relate to agenda items. Any questions submitted after 12 noon the day prior will be held over to the following Council Meeting.

The Public Question form can be downloaded from Council’s website. Refer: <https://www.whittlesea.vic.gov.au/about-us/council/council-meetings/>

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 Council’s Governance Team prior to any Council Meeting on (03) 9217 2170.

 **1 Opening**

 **1.1 Meeting Opening and Introductions**

The Chair, Cr Aidan McLindon will open the meeting and introduce the Councillors and Chief Executive Officer:

Cr Daniela Zinni, Deputy Mayor

Cr Nic Brooks

Cr Blair Colwell

Cr Lawrie Cox

Cr Deb Gunn

Cr Stevan Kozmevski

Cr Jarrod Lappin

Cr David Lenberg

Cr Christine Stow

Cr Martin Taylor

Craig Lloyd, *Chief Executive Officer*

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

Emma Appleton, *Director Planning and Development;*

Agata Chmielewski, *Director Community Wellbeing;*

Sarah Renner, *Director Corporate and Customer Services;*

Debbie Wood, *Director Infrastructure and Environment;*

Janine Morgan, *Executive Manager Public Affairs;* and

Jacinta Stevens, *Executive Manager Office of Council and CEO*.

 **1.2 Apologies**

 **1.3 Acknowledgement of Traditional Owners Statement**

The Chair, Cr McLindon 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.”*

 **1.4 Diversity and Good Governance Statement**

The Chair, Cr McLindon 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.*”

 **1.5 Acknowledgements**

 **2 Declarations of Conflict of Interest**

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

# Recommendation

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

* **Council Meeting held on 18 February 2025; and**
* **Unscheduled Council Meeting held on 25 February 2025.**

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

 **4.1 Public Question Time**

 **4.2 Petitions**

 4.2.1 Dust Levels - Botanica Park Residents

**4.2.1 Dust Levels - Botanica Park Residents**

A petition has been received from 25 residents of Botanica Park requesting Council investigate the levels of dust that is affecting residents of Scarlet Drive Bundoora, which is being caused by the development at McKimmies Road.

# Recommendation

**THAT Council:**

1. **Note the petition.**
2. **Refer the matter to the Chief Executive Officer for consideration.**
3. **Note the Chief Executive Officer will report back to Council at a future Council Briefing on any action taken in relation to the petition.**

 **4.3 Joint Letters**

No Joint Letters

 **5 Officers' Reports**

 5.1 Q1 & Q2 Community Grants Update

**5.1 Q1 & Q2 Community Grants Update**

**Director/Executive Manager:** Director Customer & Corporate Services

**Report Author:** Grants Coordinator

**In Attendance:** Manager, ePMO & Change

Grants Coordinator

# Executive Summary

This report is to provide a brief overview of the grants processed for the Quarter 1 and Quarter 2, 2024-2025 Financial Year, from 1 July 2024 to 31 December 2024.

As this was an election year, to ensure we adhered to the requirements during this period, notifications to grant recipients were delayed until after the election period. This did not significantly impact the grant applications submitted during this period, however, has delayed the reporting of Quarter 1.

The Grant Management Steering Group (Management Panel) met twice during this period to consider and approve medium and large grants and requests for additional funding for an addendum to the six Neighbourhood Houses across our municipality.

For Q1 and Q2 of this financial year, a total of 134 applications for grants has been received and processed across 8 programs. To date, we have managed to approve at least 50% of the applications received. This is a 6-7% increase in approval rates since the last report.

# Officers’ Recommendation

**THAT Council note:**

1. **The Quarter 1 & Quarter 2 Management Panel Report attached.**
2. **That from 1 March 2025 – 31 March 2025, small and individual grants will be off-line due to staff leave.**

# Background / Key Information

Community Grants continued to be processed during the election period this year, however, notifications on the outcome of grant applications were slightly delayed until after the election period ended.

In October 2024, clarification was received that the grants were available to community owned/ operated building projects, for “Building projects, capital works or facility maintenance fixed or permanent equipment, building maintenance or extension, capital improvements (such as heating or cooling systems, shade sails, solar panels, portable buildings etc)”. This is considered a further enhancement to the grants program for our community.

The Centralised Grants team are currently working with the Building & Planning Department on the workflows to ensure Council risk in issuing grants for this purpose is minimised. This has included adding additional requirements in the application form, to ensuring the Building & Planning Department assess and make recommendations to the Management Panel to make an informed decision on whether or not to approve grants for community owned/ operated capital.

This quarter also saw the payment of the Seniors 2024-2025 Club Grants. Due to the election period, the model for this Financial Year, a hybrid model was applied.

The model requires a minimum of 30 members in the club, includes a flat rate base rate for all clubs and per member payment according to only the number of members residing in the City of Whittlesea. Groups who met the new model were paid according to the new model, however, to ensure no groups were disadvantaged during the election period, for those not meeting the new model, these groups received the same grant amount to the 2023-2024 financial year.

All Seniors clubs for 2024-2025 were advised that the new funding model would be applied from 2025-2026.

# 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 Centralised Grants team continue to consider continuing improvement and quality assurance processes in all aspects of the grants cycle, where applicable. This includes working with internal program areas seeking funds for the grant pool to offer a Council driven program or grant initiative not otherwise available through the current Community Grants on offer.

# Considerations of *Local Government Act (2020)* Principles

Financial Management

The cost is included in the current budget.

Community Consultation and Engagement

The following presentations were delivered to community, networks and staff across the two quarters.

**Quarter 1**

* 5 September 2024 – Grant Information Sessions;
* Mernda CAC – morning session;
* North Epping/ Wollert Galada CAC – evening session; and
* 11 September 2024 – Grant Writing Workshop, Mernda Social Support Centre.

**Quarter 2**

* 1 October – Aquatic & Leisure Centre Partner Workshop;
* 10 October – Community Hubs Team; and
* 19 November – Early Years Partnership Network.

# Other Principles for Consideration

**Overarching Governance Principles and Supporting Principles**

(b) Priority is to be given to achieving the best outcomes for the municipal community, including future generations.

(e) Innovation and continuous improvement is to be pursued.

(i) The transparency of Council decisions, actions and information is to be ensured.

Public Transparency Principles

(a) Council decision making processes must be transparent except when the Council is dealing with information that is confidential by virtue of the *Local Government Act* or any other Act.

(b) Council information must be publicly available unless—

(i) the information is confidential by virtue of the *Local Government Act* or any other Act; or

(ii) public availability of the information would be contrary to the public interest.

# Council Policy Considerations

Environmental Sustainability Considerations

In Quarter 1, Deakin University was approved for the ‘Building for a Greener Future: Promoting Sustainable Housing Practices Through Community Education’.

The Management Panel approved the grant with the following conditions to work collaboratively with Deakin University:

1. Information to be developed in conjunction with Council's sustainability department.
2. Council's branding to be included in the information and for Council to be invited to community sessions.
3. Council's access to intellectual property for the videos (to host them on our website) and to be considered a partner for the initiative.

Social, Cultural and Health

The Centralised Grants was the first program to test the Gender Impact Assessment process developed and delivered through the Change team.

Economic

The Management Panel approved $12,000 to allow the six Neighbourhood Houses to provide support to communities it services during the Christmas period. This was approved due to the limited support available across the municipality during this period.

**Legal, Resource and Strategic Risk Implications**

Exploring the operational delivery of allowing grant applicants to seek a grant for community owned/operated capital will require staff in these teams to review and assess applications for capital.

# Implementation Strategy

Communication

Centralised Grants team to work with Communications Team regarding advice of grants going off-line. Targeted communication will go out to the following key teams:

* + Community Wellbeing.
	+ Economic Development.

Critical Dates

1 March to 31 March – small and individual grants will be taken off-line.

# 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.

# Attachments

1. 2024-2025 Q1 Q2 Overview Report [**5.1.1** - 9 pages]

 5.2 Sarissa Street, Lalor - proposed partial road discontinuance and sale

**5.2 Sarissa Street, Lalor - Proposed Partial Road Discontinuance and Sale**

**Director/Executive Manager:** Director Planning & Development

**Report Author:** Project Manager Community Infrastructure

**In Attendance:** Manager Strategic Property & Portfolio Development

Project Manager Community Infrastructure

# Executive Summary

The purpose of this report is to seek Council approval to finalise the statutory procedures under the *Local Government Act 1989* and *Local Government Act 2020* for the discontinuance and potential future sale of a section of road in Sarissa Street, Lalor (including road splays).

This report seeks to inform Council of the submissions received in response to the public notice for the proposal to discontinue and sell part of Sarissa Street, Lalor, and to provide recommendations for a Council decision.

The discontinuance of Sarissa Street in Lalor will remove the ‘road’ status and formally nullify the identified section as a road. The section of road being considered for discontinuance and potential sale is shown as the 184sqm approx. highlighted area marked ‘Subject Land’ on the road discontinuance and sale plan (Attachment 1) and is contained in certificate of title Volume 11355 Folio 699, registered in Council’s name. It forms part of Plan of Subdivision PS634223T.

The proposal forms part of the Downs Road residential development project, identified in the *Whittlesea Public Gardens master plan* 2018 (Attachment 2), endorsed by Council in September 2018. The plan identified a 25-lot residential subdivision along the Public Garden edge, which would provide housing close to amenity and improve public safety of the park.

The section of Sarissa Street being considered for discontinuance and potential future sale connects to the former Downs Road, an 8,495sqm (approx.) section of road that was formally discontinued in 2019 as it was no longer reasonably required for general public use.

**Key considerations**

* Commencement of the statutory processes for the proposed discontinuance and sale of the section of road was authorised, under delegation, by Council’s Chief Executive Officer on 20 November 2024.
* The statutory process commenced on 26 November 2024 with a public notice of the intention published in the *Whittlesea Review* newspaper and on Council’s website for the duration of the statutory 28-day submission period. The consultation period ended on 23 December 2024.
* Letters were issued to 54 neighbouring residents and landowners informing them of the process, including the landowner directly adjacent to the Subject Land at 107 Sarissa Street, Lalor.
* Three submissions were received during the public notice period from residents and landowners, opposing the discontinuance. One submission was received regarding a perceived absence of public toilets in the area and two submissions were received regarding the perceived impacts of possible social housing in the new residential development.
* No submitters wished to be heard in support of their submission.
* An officer’s consideration of the submissions confirms that new public toilet facilities are available nearby, within the recently upgraded Whittlesea Public Gardens, and that the inclusion of any social housing will be addressed in the project business case for the residential development. Respondents have been advised that community consultation about the proposed residential development and the possible inclusion of affordable housing is proposed to follow this statutory discontinuance and sale process, if approved.
* Consultation regarding the proposed discontinuance and sale of part of Sarissa Street was also undertaken with service authorities during the public notice period, with service authorities seeking clarification that easement rights be saved.

# Officers’ Recommendation

**THAT Council:**

1. **In accordance with section 114 of the *Local Government Act 2020* and sections 206, 207A and 223 of the *Local Government Act 1989*:**
2. **by giving public notice in the *Whittlesea Review* newspaper on 26 November 2024;**
3. **having received and considered three submissions in response to the public notice; and**
4. **by recording that no submitters requested to be heard.**

**Forms the view that the 184sqm section of road located adjacent to 107 Sarissa Street, Lalor (Subject Land), forming part of the Plan of Subdivision PS634223T and contained in Volume 11355 Folio 699, is no longer reasonably required for general public use for the following reasons. The proposal:**

1. **does not restrict any public rights of use or access as the road is unused;**
2. **will not affect neighbouring properties as the road is not used for vehicular access by neighbouring properties;**
3. **will not impact on the movement of pedestrians or vehicles within the vicinity of the road; and**
4. **will not impede access to services, through maintenance or relocation of Council and/or service authority assets.**
5. **Resolve to discontinue and sell the Subject Land and publish a notice in the *Victoria Government Gazette* confirming the discontinuance and proposed sale, in accordance with section 206 and clause 3(a) of Schedule 10 to the *Local Government Act 1989* and section 114 of the *Local Government Act 2020*.**
6. **Resolve that the north-eastern splay of the Subject Land will be offered for sale by private treaty to the owner of 107 Sarissa Street, Lalor.**
7. **Authorise the negotiation and coordination with service authorities, where relevant, for the relocation of service assets to enable the residential development.**
8. **Direct that any easements, rights, or interests required to be created or saved over the road by any public authority, and which cannot be relocated, be applied.**
9. **Authorise the amendment of Council’s Register of Public Roads to reflect the discontinuation of the section of road following publication of the Resolution in the *Victoria Government Gazette*.**
10. **Notify all submitters who have made written submissions of Council’s decision and reasons for the decision.**
11. **Authorise the Chief Executive Officer, or any such person whom the Chief Executive Officer delegates, to sign all documents relating to the sale of the discontinued road (Subject Land) including the splays, and any other action required to affect the land sale.**

# Background / Key Information

Council, at its meeting held on 4 September 2018, endorsed the *Whittlesea Public Gardens master plan* (Attachment 2), which provided a blueprint for redeveloping the park to meet the recreation needs of Lalor’s changing community.

The master plan recommended the establishment of a ‘new road and residential housing facing onto the gardens, along Downs Road, to improve passive surveillance and public safety in the reserve’ (Attachment 2, page 6).

At the Council meeting held on 5 March 2019, Council resolved to undertake the statutory process required to discontinue the land known as Downs Road and invite submissions on the proposal. Following this community consultation process, at the Council meeting held on 7 May 2019 (meeting minutes included as Attachment 3), Council resolved to discontinue the section of Downs Road under Section 206 of the *Local Government Act 1989* for the purpose of consolidation and potential sale as part of a new residential subdivision overlooking Whittlesea Public Gardens. The *Victoria Government Gazett*e notice was published on 16 May 2019 and later corrected in a subsequent notice issued on 23 July 2020 to include easement rights for Yarra Valley Water.

The section of Downs Road, south of Sarissa Street, has been discontinued and the road status has been removed. However, the concept plan of subdivision (Attachment 4) proposes the development of a section of Sarissa Street, north of the former Downs Road. The development proposes the subdivision of a portion of road that was not part of the earlier Downs Road discontinuance process, specifically where the former Downs Road meets Sarissa Street.

On 20 November 2024, the Chief Executive Officer, under delegation, authorised the commencement of the statutory process for the discontinuance of part of Sarissa Street, Lalor, where it intersects with the former Downs Road, labelled ‘Subject Land’ in Figure 1.



*Figure 1:* *Location plan, Sarissa Street part discontinuance*

A public notice for the discontinuance and sale of part of Sarissa Street was published in the *Whittlesea Review* newspaper (Attachment 5) and on Council’s website on 26 November 2024. A letter was also issued to 54 neighbouring residents and landowners advising of the proposal, the planning permit advertising period, and the broader residential development project. A webpage was also created for the proposal, inviting submissions, and linking to the broader residential development project webpage.

Submissions were open from 26 November 2024 until 23 December 2024, as per the statutory requirement.

Three submissions were received during the community engagement period; all opposed to the discontinuance and sale of part of Sarissa Street, Lalor. The submissions are included in Attachment 6 and a summary and consideration of the feedback is provided in Table 1.

**Table 1 – Summary and consideration of submissions**

| **Submission** | **Feedback (summary)** | **Officer consideration** |
| --- | --- | --- |
| 1 | Subject Land better suited as a public toilet. | A public toilet is provided within the Whittlesea Public Gardens, near the playground, approximately 250 metres from Subject Land and approximately 40 metres from the children’s play tower. |
| 2 & 3 | Social housing could negatively impact the estate and surrounding areas. | The discontinuance does not commit Council to allocating the land for affordable housing. The inclusion of affordable housing in the proposed residential development is a matter to be explored as part of a project business case.If affordable housing is to be an integrated component, a model managed by a Community Housing Provider would prioritise long-term stability and a strong sense of community while maintaining high standards of oversight and care. |

If resolved by Council, the north-eastern splay of the Subject Land (approx. 4.325m2) will be offered for sale by private treaty to the owner of 107 Sarissa Street, Lalor (refer attachment 7 for approximate size and location).

# 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 discontinuance and proposed sale of part of Sarissa Street in Lalor aligns with Council’s goal of being a High Performing Organisation by ensuring that decisions are made in the best interest of the community through effective engagement and transparent decision-making.

By following the statutory process and providing opportunities for public input, including a public notice and direct mailout, demonstrates the project’s commitment to engaging the community in decisions that affect them.

The proposal also reflects Council's focus on delivering commercially viable initiatives, as the proposal will support the broader Downs Road residential development project, which aims to enhance public safety, increase housing options, and create a revenue stream for Council to reinvest into community infrastructure and/or services.

# Considerations of *Local Government Act (2020)* Principles

Financial Management

The cost of the discontinuance process is included in the current project budget. No further funds are being sought to enable the discontinuance of part of Sarissa Street.

As part of the Downs Road residential development project, a certified valuation will be obtained post-discontinuance, and within 6 months of any potential sale of land or residential lots, to ensure that the land is transacted in accordance with section 114 of the *Local Government Act 2020*.

Community Consultation and Engagement

Community consultation and engagement for the proposed discontinuance and sale of part of Sarissa Street, Lalor, has been conducted in accordance with statutory requirements and Council’s *Community Engagement Policy* *2023-2027*.

A public notice outlining the proposal was published in the *Whittlesea Review* newspaper and on Council’s website on 26 November 2024, with submissions open for the statutory 28-day period. To ensure stakeholders were informed of the discontinuance and sale, letters were sent to 54 neighbouring properties. A dedicated webpage was created to facilitate online submissions and provide project details. This approach allowed the community to provide feedback via an online form, in addition to email, phone or post, and linked to the broader residential development project page, ensuring transparency and accessibility in the consultation process.

The following service authorities have been advised of the proposed discontinuance and sale of part of Sarissa Street, Lalor, and have been asked to respond to the question of whether they have any existing assets in the road, with rights that should be saved under section 207C of the *Local Government Act 1989*:

* APA Group;
* AusNet;
* Jemena;
* Melbourne Water;
* NBN;
* Optus;
* Telstra;
* VicRoads; and
* Yarra Valley Water.

APA Group, Jemena, Melbourne Water, Telstra and Optus have advised that they do not hold any objections to the proposal. Yarra Valley Water and AusNet have both requested easement rights to be saved over the Subject Land. As the registration of easements over the Subject Land would impede the ability to build a dwelling on the land, the relocation of services has been explored in the development’s draft civil drawings and will be further negotiated and coordinated with the relevant service authorities ahead of the detailed design process. NBN provided no comment or response to the proposal.

As part of the consultation process, Officers also engaged with internal departments to seek their feedback on the proposed discontinuance and sale of part of Sarissa Street, Lalor. The Urban Design and Transport department noted the location of existing drainage, which will be addressed as part of the detailed design process for the road and civil infrastructure of the residential development.

The Development Engineering team noted the original development plan’s intention to create a north-south connection from the Mosaic Living estate to Barry Road, which has already been considered as part of the discontinuance of Downs Road. No further internal responses were received.

In addition, and aligned with this discontinuance process, the community has also been engaged in a formal planning permit process for the subdivision of this and the former Downs Road land. Coordinated by the Planning department, it is anticipated that this matter will be brought for consideration at a future Council meeting.

Internal partners and external stakeholders will continue to be engaged as part of the Downs Road residential development project and contribute to the project’s detailed design and construction phases.

# Other Principles for Consideration

**Overarching Governance Principles and Supporting Principles**

1. Council decisions are to be made and actions taken in accordance with the relevant law.

(g) The ongoing financial viability of the Council is to be ensured.

Public Transparency Principles

(a) Council decision making processes must be transparent except when the Council is dealing with information that is confidential by virtue of the *Local Government Act* or any other Act.

(b) Council information must be publicly available unless—

(i) the information is confidential by virtue of the *Local Government Act* or any other Act; or

(ii) public availability of the information would be contrary to the public interest.

# Council Policy Considerations

Environmental Sustainability Considerations

The proposed discontinuance of part of Sarissa Street, Lalor does not have any environmental sustainability considerations in itself, however, the future development and sale of the land will adhere to environmental sustainability principles, including the use of energy-efficient building practices, waste reduction strategies, and the incorporation of green spaces into the urban design. Furthermore, the project provides an opportunity to create a sustainable, well-integrated community that supports environmental goals in the context of urban growth.

Social, Cultural and Health

The proposed discontinuance of part of Sarissa Street and the proposed residential development will contribute to the community's social fabric by providing new housing options that face onto Whittlesea Public Gardens, promoting a sense of connection and safety. The development aims to enhance public safety by improving passive surveillance, which is expected to have positive effects on the wellbeing of residents and park users. Moreover, the development will consider the inclusion of social housing, which, if included, will contribute to improving housing affordability in the area.

The proposed development's design will also ensure that the community's cultural and recreational needs are met, offering improved access to public spaces and facilities that support physical and mental health.

Economic

The proposed discontinuance and sale of part of Sarissa Street will have a positive economic impact by facilitating the development of residential housing that will help meet local demand. The project is expected to generate increased economic activity through the construction phase, creating job opportunities and local business engagement. Additionally, the proposed sale of the land will contribute to Council's financial resources, which could be reinvested into other community infrastructure projects. The introduction of new residents to the area will also have long-term benefits, such as increased local spending and the potential for new businesses and services to cater to the growing population.

**Legal, Resource and Strategic Risk Implications**

The statutory process for the discontinuance and sale of part of Sarissa Street is being carried out in compliance with the *Local Government Act 1989* and the *Local Government Act 2020*, ensuring that all legal requirements are met. However, there are strategic risks associated with potential opposition to the broader residential development project, particularly regarding concerns about the inclusion of social housing and the impact on surrounding properties.

These risks are being actively managed through community consultation and engagement, as well as a clear communication strategy that clarifies the scope of the project. Resource implications are being closely monitored, with sufficient staff and financial resources allocated to manage the statutory process and ensure the successful delivery of the project.

# Implementation Strategy

Communication

If the discontinuance and sale is approved by Council, a formal notice will be published in the *Victoria Government Gazette*, confirming the discontinuance and sale of the land. Additionally, Officers will update the dedicated webpages with the outcome, providing clear details about the decision and next steps.

A follow-up communication, via email or direct letter, will be sent to the submitters, thanking them for their input and outlining how their concerns were addressed in the decision-making process. Local residents and other key stakeholders will be notified of the outcome through a letter to ensure transparency.

Critical Dates

Council decision date: 18 March 2025

Date of the Council meeting where the discontinuance and sale proposal is considered.

Government Gazette Notice: A formal notice will be published in next available edition of the *Victoria Government Gazette* confirming the discontinuance and potential sale of the land (or once agreement on the relocation of service assets has been reached).

Update Council website: Within 2 days of the Council meeting, the dedicated project and proposed discontinuance webpages will be updated with the decision and any relevant details about the next steps, including the outcome of the consultation and how concerns were/will be addressed.

Notification to submitters: Within 7 days of the Council meeting, a letter or email will be sent to the submitters, thanking them for their feedback and outlining how their concerns were considered in the decision.

Stakeholder notification: Within 7 days of the Council decision, letters will be sent to local residents and landowners to inform them of the outcome and provide additional information on the project’s next steps.

# 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.

# Attachments

1. Road discontinuance and sale plan [**5.2.1** - 1 page]
2. Whittlesea Public Gardens master plan [**5.2.2** - 21 pages]
3. Council Meeting Minutes - 7 May 2019 [**5.2.3** - 6 pages]
4. Concept plan of subdivision [**5.2.4** - 1 page]
5. Whittlesea Review - Public Notice - Sarissa Street, Lalor - 26 November 2024 [**5.2.5** - 1 page]
6. Sarissa Street part-discontinuance - Submissions [**5.2.6** - 2 pages]
7. Land (splay) offered for potential sale Sarissa Street Lalor [**5.2.7** - 1 page]

 5.3 Tender Evaluation 2024-114: Regional Sport Precinct Main Works - Stage 2

**5.3 Tender Evaluation 2024-114: Regional Sport Precinct Main Works - Stage 2**

**Director/Executive Manager:** Director Infrastructure & Environment

**Report Author:** Acting Unit Manager Procurement

This attachment has been designated as confidential in accordance with sections 66(5) and 3(1) of the *Local Government Act 2020* on the grounds that it contains private commercial information, being information provided by a business, commercial or financial undertaking that:

1. relates to trade secrets; or
2. if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

# Executive Summary

This report summaries the evaluation of the five tender submissions received for the Regional Sport Precinct Main Works - Stage 2.

The tender evaluation panel advises that:

* Five tenders were received.
* Council engaged Anne Dalton and Associates as the independent probity advisors to oversee the integrity of the RFT process.
* The recommended tender was not the highest ranked but is considered best value because it offers a better risk profile for Council compared to the highest-ranked tenderer.
* Collaborative tendering was not undertaken in relation to this procurement because it is not listed in the Northern Councils Alliance consolidated contract register and this contract relates to a unique need for the City of Whittlesea.

# Officers’ Recommendation

**THAT Council:**

1. **Resolve to award the following contract to Devco Project & Construction Management Pty Ltd:**

**Number: 2024-114**

**Title: Regional Sports Precinct Main Works – Stage 2**

**Cost: A lump sum of $42,140,000 (excluding GST)**

**subject to the following conditions:**

1. **Contractor providing contract security and proof of currency for insurance cover as required in the tender documents.**
2. **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.**
4. **Authorise the Chief Executive Officer to sign and execute the contract on behalf of Council.**
5. **Request the Chief Executive Officer to investigate options and related costs for the inclusion of retractable ‘Grandstand’ style seating to be provided, as part of the construction of the Stadiums Show Court, and report back to Council for consideration as part of the budget process.**

# Background / Key Information

The purpose of this contract is to deliver the Main Works package as part of the Regional Sports Precinct project. The project involves the delivery of four indoor sports courts and eight outdoor sports courts with the inclusion of amenities for players and staff, such as bathrooms, office space, meeting rooms, first aid room, storage areas, reception, a kitchen/kiosk, and an outdoor pavilion. A significant portion of the project also involves landscaping, footpaths, and roads connecting the indoor and outdoor courts, as well as the entrances, exits, and car parks.

The Main Works contract follows on from the Early Works contract 2024-37.

Tenders for the contract closed on 20 December 2024. The tendered prices and a summary of the evaluation are detailed in the confidential attachment.

One member of the Tender Evaluation Panel declared a conflict of interest, but it was deemed not to affect the evaluation. The member remained on the panel, and the evaluation proceeded fairly. Importantly, this tender was scrutinised by an independent tender probity advisor throughout all stages of the tender evaluation, including development of the Request for Tender Documentation and the Tender Probity and Evaluation Plan.

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

* Price 50%
* Capability 27.5%
* Capacity 17.5%
* Sustainability 5%

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

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

The evaluation outcome was as follows:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Tenderer** | **Conforming** | **Competitive** | **Score** | **Rank** |
| Tenderer A  | Yes | Yes | 71.4 | 4 |
| Tenderer B | Yes | Yes | 92.6 | 1 |
| Tenderer C  | Yes | Yes | 75.0 | 3 |
| Tenderer D - Devco Project & Construction Management Pty Ltd | Yes | Yes | 86.6 | 2 |
| Tenderer E | No | N/A | N/A | N/A  |

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

The highest ranked tenderer was not recommended for award of this contract because they presented a higher risk profile, which could lead to greater challenges for Council, and their proposal did not offer the best value for money.

# Alignment to Community Plan, Policies or Strategies

Alignment to Whittlesea 2040 and Community Plan 2021-2025:

**Connected Communities**

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

**Liveable Neighbourhoods**

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

**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 of *Local Government Act (2020)* Principles

Financial Management

Sufficient funding for this contract is available in the budget for Regional Sport Precinct Project.

**Community Consultation and Engagement**

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

Collaborative tendering was not undertaken in relation to this procurement because this contract relates to a unique needs for the City of Whittlesea.

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

# Other Principles for Consideration

**Overarching Governance Principles and Supporting Principles**

(b) Priority is to be given to achieving the best outcomes for the municipal community, including future generations.

(e) Innovation and continuous improvement is to be pursued.

Public Transparency Principles

(a) Council decision making processes must be transparent except when the Council is dealing with information that is confidential by virtue of the *Local Government Act* or any other Act.

(b) Council information must be publicly available unless—

(i) the information is confidential by virtue of the *Local Government Act* or any other Act; or

(ii) public availability of the information would be contrary to the public interest.

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

# Council Policy Considerations

Environmental Sustainability Considerations

Considerations have been made to ensure that environmental sustainability practices are adopted which includes the reuse of excavated materials on-site, sourcing local quarry materials to reduce emissions, and use of recycled materials where practicable.

Social, Cultural and Health

Socially, supporting local talent through training programs and procuring materials from within the City of Whittlesea region.

**Economic**

Economically, to support and promote resource efficiency and stimulate the local economy by prioritising local suppliers and contractors.

**Legal, Resource and Strategic Risk Implications**

Contractor Management - Failure to manage contractors to deliver agreed outcomes. Suitably qualified, experienced, and supported Council staff will oversee the construction activities. The project will be delivered in partnership by contractors with a proven record for delivering projects of a similar scale and scope.

# Implementation Strategy

Communication

There is no requirement to communicate the contract award decision of this report to the community beyond the Council minutes. However, information regarding the proposed works will be provided via Council’s communication channels and also to relevant stakeholders.

Critical Dates

It is anticipated that the project will commence in April 2025 with an estimated timeline of completion of November 2026.

# 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.

# Attachments

1. CONFIDENTIAL REDACTED - 2024 114 Council evaluation report [**5.3.1** - 11 pages]

 5.4 Waste Taskforce - Preventing Illegal Dumping

**5.4 Waste Taskforce - Preventing Illegal Dumping**

**Director/Executive Manager:** Director Infrastructure & Environment

**Report Author:** Manager Assets & Facilities

**In Attendance:** Manager Assets & Facilities

# Executive Summary

Despite the comprehensive and environmentally sustainable hard waste services provided by Council, there has been an unprecedented increase in illegal dumping. This is often linked to seasonal times and is usually noticeable over the summer and holiday periods and remains an ongoing issue.

Illegally dumped rubbish has severe environmental, health, social, and economic impacts. It pollutes land, waterways, and air, harming ecosystems. Additionally, it negatively affects the community’s well-being, creating a sense of neglect and reducing the perception of public safety.

The escalating cost of cleaning up illegal dumping falls on Council, with financial implications that divert resources from essential services and key priorities.

In response to this escalating matter, Council has established a dedicated Waste Taskforce comprising key business units working collaboratively to implement prevention strategies. The Taskforce aims to enhance community safety and well-being, protect public health through swift waste management, and safeguard the environment by preventing long-term damage. It also focuses on reducing clean-up costs through proactive enforcement, holding offenders accountable to deter future dumping, and promoting responsible waste disposal through public education. Additionally, by maintaining clean public spaces, the initiative seeks to boost community pride, improve liveability, and attract investment.

# Officers’ Recommendation

**THAT Council:**

1. **Note this report and the additional efforts being taken to address illegal dumping.**
2. **Request the Chief Executive Officer write to the local State Members of Parliament, Minister for Environment and Treasurer to request funding from the Landfill Levy be provided to Council to offset expenses associated with the increase of illegal dumping.**
3. **Request the Chief Executive Officer to, as part of the plans to promote the services available to our community, and the work being undertaken to address illegal dumping, consider:**
	1. **publicising when offenders are caught illegally dumping commercial quantities of waste. This may include:**
		1. **publicly disclosing their names, photos, and details of the offending (where legally permissible), through official media and social media channels.**

# Background / Key Information

In addition to proactive collections conducted by the Council's Manual Litter Unit, residents have reported 3,242 cases of illegally dumped rubbish since 11 September 2024, when the Council launched the Customer Portal. This raises significant concerns, including:

* Health and amenity risks to the community;
* The increasing rate and volume of illegally dumped rubbish; and
* Escalating financial costs for the Council to mitigate risks and dispose of waste.

There are several reasons why illegal dumping continues to occur, including:

* A lack of community knowledge regarding available waste disposal options and proper disposal practices;
* A disregard for environmental regulations;
* Avoidance of disposal costs, as some individuals and businesses choose to illegally dump rather than pay for proper disposal;
* Restricted operating hours of landfill sites; and
* Escalating costs to residents and Council through increases in the State Government Waste Levy.

Illegal dumping often occurs in areas and at times when enforcement is minimal—during late evenings, weekends, or holiday periods, as was evident during the January 2025 holiday period. Dumped rubbish is frequently observed in remote or secluded locations, including newly developed estates such as Mason Quarter, The Patch, Wollert Rise, Findonview, Stonefields, Lyndarum North, and Arramont Estates, which have now been identified as hotspots.

Illegal dumping encompasses a wide range of waste types, including:

* Household items
* Construction materials
* Hazardous material
* Electronic waste
* Green waste, and
* Automotive parts.

Each type of waste poses distinct environmental and public health risks, and Council incurs significant financial costs to dispose of waste, with escalated expenses associated with both the type and volume of material.

**Appendix 1, Dumped Rubbish at the City of Whittlesea** provides a visual demonstration of the hotspots for illegally dumped rubbish. Wollert reported the highest number of incidents at 680, followed by Epping at 628, Thomastown at 477, Lalor at 268, South Morang at 250, and Mill Park at 236 incidents.

Addressing the issue of illegal dumping of rubbish requires stricter enforcement, increased public awareness, and improved waste management options. Therefore, the newly developed Taskforce has adopted a three-pronged approach to prevent the illegal dumping of rubbish. These include:

**1. Prevention**

* *Strengthening Council policies and regulations* by collaborating with relevant authorities to ensure legislative compliance by builders and developers in verifying the disposal of commercial and construction waste.
* *Increasing surveillance and enforcement* through a proposed joint effort with the Environmental Protection Authority, Victoria Police, WorkSafe, and Council’s Enforcement Units to conduct both covert and publicised compliance operations targeting hot spots and the building, developer, and business sectors.
* *Developing community education and awareness campaigns* for schools, youth, adults, community groups, sporting organisations, and seniors, focusing on the impacts of illegally dumped rubbish and highlighting available, responsible hard waste disposal services.
* *Launching a communication campaign*, including the relaunch of the ‘Love Where You Live’ campaigns.
* *Behavioural Change* applying behavioural science to the problem of curb side illegal dumping.

**2. Rapid Response**

* *Establishing a dedicated reporting line* for illegally dumped rubbish allowing an expedited response by Council’s enforcement teams.
* *Exposing offenders,* Council is committed to enforcing strict measures and holding offenders to account. Those who blatantly violate waste disposal laws will be identified and publicised through approved social media, publications, and other strategies, reinforcing Council’s commitment to a cleaner community.
* *Publicising the success of enforcement interventions* to serve as a deterrent and informing the community of social justice outcomes.
* *Establishing dedicated rapid collection teams* for the proactive collection of illegally dumped rubbish across the city.
* *Expanding the Council’s waste disposal options* to include white goods and other recycling opportunities.
* *Partnering with community groups and businesses* to educate new residents and local businesses on the options and responsibilities for preventing illegal dumping on their properties.

**3. Short- to Medium-Term Solutions**

* *Utilising smart technology* to enhance hard waste service bookings, reporting of dumped rubbish, and expanding the use of CCTV surveillance cameras.
* *Beautifying illegal dump hotspots* by transforming them into community areas of interest—either as open spaces or with added amenities—to restore community pride.
* *Advocating* to the State Government for the cost of the Landfill Levy for the disposal of illegally dumped rubbish to be reinvested into preventative and mitigation strategies.

**Outcomes from Waste Taskforce Interventions**

In addition to the hard waste collection and manual litter services provided by the Council, and since the establishment of the Taskforce in early February 2025, several noticeable outcomes have been achieved:

1. Two dedicated rapid collection crews have been established, operating five days per week with the capacity to collect hard waste from up to 50 sites per day or use heavy equipment to remove commercial waste from designated sites, with the ability to collect up to 2.1 tonnes of waste.
2. Two designated compliance and enforcement operations were conducted targeting Mason Quarter, The Patch, Wollert Rise, Findonview, Stonefields, Lyndarum North, and Arramont Estates. These operations responded to 403 incidents of illegally dumped rubbish, resulting in the issuing of 179 Notices to Comply instructing the removal of illegally dumped rubbish within a specified period from private properties, 58 infringements, and the removal of dumped rubbish from 63 public sites.
3. Between 1 February 2025 and 19 February 2025, Council’s Enforcement Teams—including Litter Enforcement, City Compliance, and Asset Protection—issued a combined total of 196 Notices to Comply and 230 infringements related to illegally dumped rubbish and damages to Council assets, totalling $467,000.

This has resulted in noticeable improvements, with additional operations scheduled for Donnybrook on 5 March 2025, Epping on 19 March 2025, and Wollert on 27 March 2025.

By taking a firm stance, Council aims to deter unlawful dumping and ensure residents witness visible action against those disregarding the law.

A comprehensive approach that integrates preventive, response, and long-term measures is essential for effectively combating illegal dumping, ensuring a cleaner environment, greater community accountability, and long-term cost savings.

# Alignment to Community Plan, Policies or Strategies

Alignment to Whittlesea 2040 and Community Plan 2021-2025:

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

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

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

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

# Considerations of *Local Government Act (2020)* Principles

Financial Management

The Taskforce, which will operate for five months, has several financial commitments totalling $251,000.

Resources will be managed within existing budgets and monitored accordingly.

Community Consultation and Engagement

Community feedback across all channels has informed the development of the Taskforce and the action plan.

# Other Principles for Consideration

**Overarching Governance Principles and Supporting Principles**

1. Council decisions are to be made and actions taken in accordance with the relevant law.
2. Priority is to be given to achieving the best outcomes for the municipal community, including future generations.
3. The economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

(e) Innovation and continuous improvement is to be pursued.

(f) Collaboration with other Councils and Governments and statutory bodies is to be sought.

(g) The ongoing financial viability of the Council is to be ensured.

(i) The transparency of Council decisions, actions and information is to be ensured.

Public Transparency Principles

1. Council decision making processes must be transparent except when the Council is dealing with information that is confidential by virtue of the *Local Government Act* or any other Act.

(b) Council information must be publicly available unless—

(i) the information is confidential by virtue of the *Local Government 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.

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

# Council Policy Considerations

Environmental Sustainability Considerations

The deliverables of the Waste Taskforce align with the Environmental Sustainability Strategy 2022-32, delivering on:

* Valuing natural landscape and natural diversity; and
* Clean sustainable city.

Social, Cultural and Health

Illegally dumped rubbish poses significant social, cultural, and health risks. It degrades public spaces, reduces community pride, and increases crime while impacting on Council’s resources. It discourages social engagement and reflects environmental neglect. Health hazards may include the spread of disease, pollution of air and water, and physical dangers from hazardous waste. Addressing this issue requires enhanced enforcement, public education, and sustainable waste management solutions.

Economic

Illegally dumped rubbish has significant economic consequences, affecting Council’s finances with clean-up costs, with the potential to divert funds from essential services and delivery of priority projects. It has an impact on the reputation and liveability of the City of Whittlesea, impacting the value of property and investment by business.

**Legal, Resource and Strategic Risk Implications**

**Legal Risks:** Illegal dumping constitutes non-compliance with various laws, including environmental regulations and local laws, posing potential legal risks to Council, especially if enforcement efforts are insufficient. Establishing the Taskforce requires strict adherence to legislative compliance and prosecution laws, ensuring diligence in investigations, fines, and prosecutions while mitigating the risk of legal challenges from offenders.

**Resource Risks**: Implementing the Taskforce requires substantial financial, operational, and human resources. Costs include staffing, surveillance technology, enforcement actions, and awareness campaigns. Without adequate funding and support, the effectiveness of the Taskforce may be compromised, leading to inefficiencies in combating illegal dumping.

**Strategic Risks:** Failure to address illegal dumping effectively can undermine public confidence, environmental sustainability, and overall liveability. Resistance from stakeholders, lack of community engagement, and insufficient interagency collaboration can further hinder its effectiveness.

# Implementation Strategy

Communication

A detailed communication plan has been developed and will operate for five months from the adoption of this report.

Critical Dates

* Taskforce will operate for five months commencing from February 2025 to the end of June 2025.
* Monthly Progress Reports will be provided to Council with a formal evaluation report provided to Council in June 2025.

# 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.

# Attachments

1. Appendix 1 Dumped Rubbish at the City of Whittlesea [**5.4.1** - 1 page]

 5.5 Internal Resolution Procedure

**5.5 Internal Resolution Procedure**

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

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

# Executive Summary

The purpose of this report is to provide Councillors with the Internal Resolution Procedure (**Procedure**) which encourages Councillors to resolve a dispute in a manner that enables the Councillors to move forward and maintain an effective working relationship.

The Procedure has been developed in accordance with the requirements under section 140 of the *Local Government Act 2020* (**Act**), regulation 12A and Schedule 1A of the *Local Government (Governance and Integrity) Regulations 2020* (**Regulations**)*.* Further, the Regulations require Council to adopt the prescribed Procedures by 1 July 2025.

It should be noted that the Procedure will not be suitable for all disputes between Councillors, as such a Councillor or group of Councillors may wish to proceed directly to Internal Arbitration (misconduct), Councillor Conduct Panel (serious misconduct) or VCAT (Gross misconduct) depending on the nature of the alleged breach.

Information on the prescribed Procedures are outlined in the background/key information section of this report.

# Officers’ Recommendation

**THAT Council:**

1. **Adopt the Internal Resolution Procedure at Attachment 1 to this report.**
2. **Note the Internal Resolution Procedure only covers the first stage – Discussion; and second stage – Conciliation in attempt to resolve disputes for alleged breaches of the Model Councillor Code of Conduct.**
3. **Note the processes for making application for alleged breaches of the Model Councillor Code of Conduct through Internal Arbitration, Councillor Conduct Panel or VCAT must be done in accordance with the *Local Government Act 2020.***

# Background / Key Information

To ensure good governance and standards of conduct are observed and maintained by Council, the *Local Government Amendment (Governance and Integrity) Act 2024* introduced the requirement for Council’s to adopt Procedures dealing with alleged breaches of the Model Councillor Code of Conduct (**Code**).

The Regulations specify the Procedures must include a conciliation process that is to be conducted by the Mayor, or if the Mayor is a party to the matter or unable to perform the role, functions and duties of the conciliator for any reason, the Deputy Mayor or another person, and may include any other process Council considers appropriate.

In addition, the Procedure must:

* detail how a matter subject to an alleged breach of the Code is to be dealt with, including circumstances in which the available processes may be used to deal with a matter; and
* detail how a Councillor can access the Procedure, including how a Councillor may initiate a request to have a matter dealt with through the available processes; and
* detail, for the purposes of the conciliation process, the:
	+ roles and responsibilities of the parties to a matter; and
	+ the role, functions and duties of the person responsible for conducting the relevant process; and
	+ any support Council is to make available to the parties or the person conducting the relevant process; and
	+ the form and availability of a record of any agreement, resolution or outcome reached through the process.

The Procedure clearly outlines circumstances not covered under the Procedure; such as:

1. differences between Councillors in relation to policy or decision making, which are appropriately resolved through discussion and voting in Council meetings;
2. complaints made against a Councillor or Councillors by a member or members of Council staff, or by any other external person;
3. allegations of sexual harassment;
4. disclosures made about a Councillor under the *Public Interest Disclosures Act 2012*, which can only be made to the Independent Broad-based Anti-corruption Commission; and
5. allegations of criminal misconduct, which should be immediately referred to Victoria Police or the relevant integrity authority.

# Alignment to Community Plan, Policies or Strategies

Alignment to Whittlesea 2040 and Community Plan 2021-2025:

**High Performing Organisation**

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

# Considerations of *Local Government Act (2020)* Principles

Financial Management

There are no financial implications with the adoption of the Internal Resolution Procedures. Should Councillors determine alleged breaches of the Model Councillor Code of Conduct are better suited to Internal Arbitration, Councillor Conduct Panel or VCAT process, depending on the nature of the alleged breach, there are financial implications as they relate to the appointment of external arbitrators, transcription and recording services and potential legal representation costs.

Community Consultation and Engagement

There are no requirements for the Procedure to undertake a community consultation process.

# Other Principles for Consideration

**Overarching Governance Principles and Supporting Principles**

(i) The transparency of Council decisions, actions and information is to be ensured.

Public Transparency Principles

(a) Council decision making processes must be transparent except when the Council is dealing with information that is confidential by virtue of the *Local Government Act* or any other Act.

(b) Council information must be publicly available unless—

 (i) the information is confidential by virtue of the *Local Government 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.

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

# Council Policy Considerations

Environmental Sustainability Considerations

No implications.

Social, Cultural and Health

The Procedure has been developed to encourage early resolution of disputes between Councillors and to minimise potential health and wellbeing impacts on parties should disputes go unresolved.

Economic

No implications.

**Legal, Resource and Strategic Risk Implications**

The Internal Resolution Procedure has been developed by Council’s lawyers to maximise compliance with the *Local Government Act 2020* and *Local Government (Governance and Integrity) Regulations 2020.*

# Implementation Strategy

Communication

Once adopted, a copy of the Internal Resolution Procedure will be provided to all Councillors and placed on the Councillor Portal.

Critical Dates

The Internal Resolution Procedure must be adopted by 1 July 2025.

# 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.

# Attachments

1. Internal Resolution Procedure [**5.5.1** - 6 pages]

 5.6 Election Period Policy

**5.6 Election Period Policy**

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

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

# Executive Summary

The purpose of this report is to seek Council’s consideration and approval of the Election Period Policy (**Policy**) following community consultation between the period 26 February 2025 and 12 March 2025.

Three community members advised they understood the amendments made comment to the draft Policy with no feedback provided. Further information on the community engagement is contained within the Community Consultation and Engagement section of this report.

The amendments made to the Policy, as outlined in the Background/Key Information section of this report, are primarily enhancements to strengthen the obligations of Council officers should they nominate as a candidate in any local, state or federal election.

# Officers’ Recommendation

**THAT Council resolve to adopt the Election Period Policy at Attachment 1.**

# Background / Key Information

Section 69 of the *Local Government Act 2020* requires an Election Period Policy (**Policy**) to be established and incorporated in Council’s Governance Rules. The proposed amendments to the Policy have no impact on any aspect of the Governance Rules.

To ensure prospective candidates and nominated candidates, whether a Councillor or Council officer, maintain integrity leading up to and during an election, the Policy was slightly amended to strengthen the requirements, primarily for any officers considering candidacy. The Policy also provides for minor administrative updates.

An example of amendments made to the Policy are:

* Councillors are prohibited from promoting their election campaign or individual policy positions during any Council meeting.
* Council officers are prohibited from approaching Councillors leading up to an election in attempt to gain an advantage or benefit in exchange for a formal decision to be made by the Council.
* A Councillor or Council officer must not place any election materials on or in any Council owned or operated facility or land.
* A Council officer will not use their position or their access to other Council officers and resources to gain media attention in support of an election campaign.

# Alignment to Community Plan, Policies or Strategies

Alignment to Whittlesea 2040 and Community Plan 2021-2025:

**High Performing Organisation**

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

# Considerations of *Local Government Act (2020)* Principles

Financial Management

There are no costs associated with amending the Policy.

Community Consultation and Engagement

In accordance with Council’s Community Engagement Policy, officers sought community feedback on the draft Policy during the period 26 February to 12 March 2025. At the time of closing there were 91 unique public visitors and four contributions made by three contributors. Of the contributions made, no feedback or suggested amendments were provided.

# Other Principles for Consideration

**Overarching Governance Principles and Supporting Principles**

(a) Council decisions are to be made and actions taken in accordance with the relevant law.

(b) Priority is to be given to achieving the best outcomes for the municipal community, including future generations.

(i) The transparency of Council decisions, actions and information is to be ensured.

Public Transparency Principles

(a) Council decision making processes must be transparent except when the Council is dealing with information that is confidential by virtue of the *Local Government Act* or any other Act.

(b) Council information must be publicly available unless—

 (i) the information is confidential by virtue of the *Local Government 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.

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

# Council Policy Considerations

Environmental Sustainability Considerations

No implications.

Social, Cultural and Health

No implications.

Economic

No implications.

**Legal, Resource and Strategic Risk Implications**

The Policy complies with the requirements of the *Local Government Act 2020.*

# Implementation Strategy

Communication

The Policy will be made available on Council’s website.

Critical Dates

It is proposed that Council adopt the Policy prior to the upcoming Federal Election.

# 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.

# Attachments

1. Election Period Policy Final - March 2025 [**5.6.1** - 11 pages]

 5.7 Governance Report

**5.7 Governance Report**

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

**Report Author:** Manager Community Strengthening

 Unit Manager Council Governance

 Compliance & Governance Officer

Attachment 1 has been designated as confidential in accordance with sections 66(5) and 3(1) of the *Local Government Act 2020* on the grounds that it contains personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.

# 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:

* Whittlesea Reconciliation Group Membership Endorsement;
* Summary of Informal Meetings of Council;
* Council Meetings Schedule for July 2025 to December 2025;
* Unconfirmed Minutes of the Audit and Risk Committee held on 25 February 2025; and
* Rescinding the Event Approvals Policy.

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 March 2025.**
2. **Approve the Whittlesea Reconciliation Group (WRG) membership contained within the confidential Attachment 1, Table 1, for an initial period of 12 months and acknowledge and thank community members for their interest in WRG expression of interest.**
3. **Note the summary of Informal Meetings of Council for the period 11 November 2024 to 11 March 2025 at Attachment 2.**
4. **Adopt the Council meeting schedule for the remainder of 2025, noting all meetings will commence at 6pm and public notice will be given for the below Council meetings:**

|  |  |
| --- | --- |
| **COUNCIL MEETING DATE** | **LOCATION** |
| **Tuesday 22 July 2025 – Scheduled Council Meeting** | **Council Chamber** **Civic Centre****25 Ferres Boulevard South Morang** |
| **Tuesday 19 August 2025 – Scheduled Council Meeting** | **Council Chamber** **Civic Centre****25 Ferres Boulevard South Morang** |
| **Tuesday 23 September 2025 – Scheduled Council Meeting** | **Council Chamber** **Civic Centre****25 Ferres Boulevard South Morang** |
| **Tuesday 21 October 2025 – Scheduled Council Meeting** | **Council Chamber** **Civic Centre****25 Ferres Boulevard South Morang** |
| **Tuesday 18 November 2025 – Scheduled Council Meeting** | **Council Chamber** **Civic Centre****25 Ferres Boulevard South Morang** |
| **Tuesday 16 December 2025 – Scheduled Council Meeting** | **Council Chamber** **Civic Centre****25 Ferres Boulevard South Morang** |

1. **Note the 25 February 2025 Unconfirmed summary minutes of the Audit and Risk Committee at Attachment 3 to this report.**
2. **Resolve to rescind the Event Approvals Policy.**

# Background / Key Information

**Whittlesea Reconciliation Group Membership Endorsement**

Seeking endorsement of the recommendations for Whittlesea Reconciliation Group (WRG) membership.

The purpose of the WRG is to strengthen relationships between First Peoples and Council and provide advice to Council on policies, programs, and decisions that affect First Peoples communities.

The WRG Terms of Reference were adopted by Council in December 2024, following which a 10-week membership Expression of Interest Process (EOI) was undertaken. The EOI was advertised on Council’s website, on social media, through stakeholders and community networks.

An assessment of applications was undertaken based on eligibility criteria and ensuring diverse representation of the local community as per the Terms of Reference. An initial proposed list of members for the first year is provided for Council’s endorsement in confidential Attachment 1, Table 1**.** The remaining three vacancies will continue to be advertised and presented for Council’s future endorsement.

**Informal Meetings of Council**

Chapter 5 of the Council Governance Rules requires a summary of the matters discussed at a meeting of Councillors that:

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

The summary of matters discussed at the meeting must be:

* tabled quarterly at Council meetings; and
* recorded in the minutes of that Council meeting.

The record of Informal Meetings of Council at Attachment 2 is reported to Council in accordance with this requirement.

**Council Meetings**

Council Meetings are conducted throughout the year so that Council can make formal decisions and to give the community an opportunity to participate in this decision-making process on issues that affect the community. Council Meetings also provide the community with the ability to participate in Council Meetings through Public Question Time.

At the City of Whittlesea, Council Meetings are conducted monthly in accordance with the Governance Rules. It is proposed that Council Meetings will be held on the last Tuesday of the month.

**Unconfirmed Minutes of the Audit and Risk Committee held on 25 February 2025**

The Audit and Risk Committee (Committee), an independent advisory committee of Council, has the responsibility of reporting to the Council and offering expert advice and recommendations on matters brought before it. The Committee fulfills this role by monitoring, reviewing, and providing guidance on issues relating to financial matters, risks and supporting the Council in meeting its governance obligations to the community.

The Committee discussed the following matters at the scheduled meeting of 25 February 2025:

* The quarterly Risk Management Report detailing risk treatment plans for both strategic and operational risks along with Business Continuity activities.
* The fraud and corruption risk report detailing the roles and responsibilities of Council staff against the Fraud and Corruption Control System.
* The IT and Cybersecurity Risk Report detailing Council’s cybersecurity profile, phishing exercises and training initiatives.
* The progress of the 2023-2024 and 2024-2025 Annual Internal Audit Programs, including completed internal audit reports, endorsed internal audit scope, and actions arising from previous audits.
* The Corporate Performance Report.
* The Local Government Performance Reporting Framework Report including an update on Quarter 2 2024-2025.
* The bi-annual report on Council’s Policy and Procedure governance.
* The bi-annual report on the progress of the CX/DX Program implementation.
* The Internal Assurance Report outlining the 2024-2025 Internal Assurance Program and its implementation progress.
* Compliance and governance matters as detailed in the Committee’s Annual Work Plan.

To provide transparency and to comply with the requirements of the Committee’s Charter, the unconfirmed meeting minutes is provided at Attachment 3 for noting by Council.

**Rescinding of Council Policy**

The Event Approvals Policy was initially adopted by Council on 5 April 2016, providing a framework for regulating outdoor events held in public spaces across the City of Whittlesea. The policy established guidelines for event organisers to ensure compliance with relevant regulations and alignment with community standards.

On 26 June 2024, the Executive Leadership Team (ELT) approved a new Event Permit Policy. This updated policy is designed to streamline the event approval process, improve operational efficiency, and incorporate current best practices in event management.

In the light of the new adopted Event Permit Policy on the 26 June 2024, it is recommended that Council formally rescind the Event Approvals Policy adopted in 2016.

# Alignment to Community Plan, Policies or Strategies

Alignment to Whittlesea 2040 and Community Plan 2021-2025:

**High Performing Organisation**

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

# Considerations of *Local Government Act (2020)* Principles

Financial Management

There are no financial implications relating to this report.

Community Consultation and Engagement

Consultation is required for community feedback from the period 21-27 August on the amended Election Policy. Following consultation, a further report will be prepared seeking the formal adoption of the policy.

# Other Principles for Consideration

**Overarching Governance Principles and Supporting Principles**

(a) Council decisions are to be made and actions taken in accordance with the relevant law.

(i) The transparency of Council decisions, actions and information is to be ensured.

Public Transparency Principles

(a) Council decision making processes must be transparent except when the Council is dealing with information that is confidential by virtue of the *Local Government Act* or any other Act.

(b) Council information must be publicly available unless—

 (i) the information is confidential by virtue of the *Local Government 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.

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

# Council Policy Considerations

Environmental Sustainability Considerations

No implications.

Social, Cultural and Health

No implications.

Economic

No implications.

**Legal, Resource and Strategic Risk Implications**

No implications.

# Implementation Strategy

Communication

Council will provide public notice of Council’s meeting schedule on Council’s website and the schedule will be promoted through Council’s social media platforms. Members of the community will be encouraged to attend Council meetings in person or watch by live-stream or recording at their convenience.

Updates to the Policy and Strategy lists are communicated via several communication channels. Council-endorsed policies are made available on Council’s website.

Critical Dates

The Council meeting schedule is required to be adopted to enable meeting dates for the remainder of 2025 to be publicly advertised.

Additional policy reviews and rescissions may be brought to Council at future Council meetings.

# 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.

# Attachments

1. CONFIDENTIAL REDACTED - Table 1 WRG Member Recommendations [**5.7.1** - 2 pages]
2. Informal Meetings of Council [**5.7.2** - 21 pages]
3. Unconfirmed Summary Minutes Audit and Risk Committee Meeting Minute [**5.7.3** - 16 pages]

 **6 Notices of Motion**

No Notices of Motion

 **7 Urgent Business**

 **8 Reports from Councillors and CEO Update**

 **9 Confidential Business**

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

# Recommendation

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

 9.1 CEO Employment Matters - Mid-term Review

**9.1 Variation to Parks Maintenance Contract CT 2023 - 118**

 **10 Closure**