



# **SPECIAL COUNCIL MEETING**

# **MINUTES**

**TUESDAY, 5 AUGUST 2008 AT 6.05 PM**

**Maribyrnong City Council, Cnr Hyde and Napier Sts,  
Footscray.**

**Ms Kerry Thompson  
CHIEF EXECUTIVE OFFICER**

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**Mayor:**

Cr Michelle MacDonald

**Deputy Mayor:**

Cr Catherine Cumming

**Membership:**

Mayor, Michelle MacDonald

Councillor Michael Clarke

Councillor Catherine Cumming

Councillor Dina Lynch

Councillor Janet Rice

Councillor Janis Rossiter

Councillor Sel Sanli

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## 1 WELCOME

We acknowledge that we are on traditional lands of the Wurundjeri tribe of the Kulin nation. We offer our respects to the elders of these traditional lands, and through them to all Aboriginal and Torres Strait islander people.

## 2 PRESENT

Mayor, Cr Michelle MacDonald  
Cr Michael Clarke  
Cr Catherine Cumming  
Cr Dina Lynch  
Cr Janet Rice  
Cr Janis Rossiter  
Cr Sel Sanli

### In Attendance:

Ms Kerry Thompson	Chief Executive Officer
Mr Soma Thevarjan	General Manager Infrastructure Services
Ms Helen Morrissey	General Manager Corporate Services
Mr John Luppino	General Manager Sustainable Development
Ms Jenny McMahon	General Manager Community Wellbeing
John Karageorge	Manager Urban Planning
Catherine Grgic	Council Business Officer
Andrea Jackson	Recreation Services Coordinator
Michael Byrne	Manager Community Learning and Libraries
David Walmsley	Manager Strategy and Economic Development
Nick Matteo	Manager Community Planning & Advocacy
Melanie Fleer	Manager Governance and Community Relations
Lisa King	Manager Leisure and Open Space

## 3 APOLOGIES

| Nil.

## 4 LEAVE OF ABSENCE

| Nil.

## 5 DECLARATION OF PECUNIARY INTEREST

| Nil.

## **6 BUSINESS**

### **6.1 SUSTAINABLE DEVELOPMENT**

#### **6.1.1 REDEVELOPMENT OF WHITTEN OVAL STATUS REPORT**

**File No:** Whitten Oval  
**Responsible Officer:** Mr John Luppino  
General Manager Sustainable Development  
**Authors:** Lisa King  
Manager Leisure and Open Space  
John Karageorge  
Manager Planning and Property Management

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#### **PURPOSE**

The purpose of this report is to provide Council with a status report on the Whitten Oval Redevelopment and to provide recommendations regarding Maribyrnong City Council's ongoing involvement in the project.

#### **BACKGROUND**

The Footscray/Western Bulldogs Football Club (WBFC) and Footscray/Maribyrnong City Council have enjoyed a harmonious and collaborative partnership over many decades, with the Western Bulldogs Football Club enjoying not only practical but financial support from the former Footscray City Council - now Maribyrnong City Council.

The strength of this partnership was demonstrated in 1990 when Council commenced the redevelopment of the John Gent Stand at an approximate cost of \$4 million. The cost of this redevelopment was to be shared equally between the Council and the football club. Council, as Committee of Management of the Whitten Oval, covered the entire cost of the project at the time by funding \$1.9 million to underwrite the club's contribution, and met the remaining costs from its own funds. A loan repayment agreement was set up with the club.

In November 1996, the club owed \$1,757,963 - the balance of the loan funds. The outstanding loan was reduced to \$750,000 with \$1,007,963 being written off. The \$750,000 is now secured by a registered Mortgage Debenture charge over the assets of the company. Interest is to accrue from November 2001, but to date interest has not been charged to the club.

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In 2004, Council contributed \$30,000 to the WBFC for the preparation of a feasibility study to explore the opportunities and business case for redeveloping the Whitten Oval. This study was never completed, however later in that same year, the WBFC secured funding to commence the redevelopment of Whitten Oval.

Main funding contributions for the redevelopment are as follows:

- Federal Government \$8 million
- State Government \$4.2 million through various departments
- Western Bulldogs Football Club \$2.45 million
- Australian Football League \$1.5 million.

The Project Management Plan, as agreed between the key stakeholders in late 2005, identified the following proposals to be considered as part of the redevelopment:

- demolition of a number of redundant stands
- the creation of open spaces
- improved access and car parking
- state of the art administrative and training facilities for the WBFC
- facilities for other sporting organisations such as:
  - Western Regional Football League and related teams
  - Victorian Women's Football Association and related State-based teams
  - Junior teams from the Western region, wishing to train at the Whitten Oval
- regionally focused facilities, including conference, board and meeting rooms
- associated office space
- facility for the provision of child care services

*(Source: Project Management Plan - November 2005)*

The Western Bulldogs Football Club are the project proponents, however a Project Control Group (PCG) was established at the commencement of the project to oversee the planning, funding and delivery of the project and to monitor the project's completion in accordance with the agreed timeframe, budget and quality parameters.

The PCG is chaired by a Director of the WBFC. The Club is further represented by the Chief Executive Officer and a member of the Forever Foundation. Council, the Australian Football League and State Government also participate on this group. The PCG last met on 8 July 2008. Prior to this meeting the PCG had not met since December 2007.

The redevelopment commenced in late 2005 with the demolition of the EJ Smith Stand. The Main Works commenced in April 2006.

### **Council roles and responsibilities**

Council has a number of roles in relation to the Whitten Oval Redevelopment:

- Owner of Freehold Land
- Committee of Management of Crown Land and Landlord
- Funding Partner
- Responsible Authority under the Maribyrnong Planning Scheme
- A summary of the decisions made to date in relation to these different roles appears below.

### **Owner of Freehold Land/Child Care Centre**

Council owns a number of properties along Hocking Street, which are currently licensed to the WBFC and used for car parking.

As part of the original plans for the Whitten Oval Redevelopment submitted to Council in 2006, and in line with the money received from the Federal Government, the Western Bulldogs Football Club committed to the construction of a child care centre. The WBFC identified Council's freehold land as the most appropriate area on the site for a child care centre and approached Council with a view to leasing the land for this purpose.

In July 2006, Council resolved to lease the land to the WBFC at a rental determined by the market value of the land, and authorised the Chief Executive Officer to negotiate a lease with the Western Bulldogs Football Club. Additionally, Council was keen for the child care centre to be expanded to offer a greater range of services and commenced negotiations with the club offering to provide additional financial assistance and facilitate additional funding. While the WBFC was keen initially, the club decided not to pursue the expanded building/service model. In May 2007, during the ongoing lease negotiations, the WBFC approached Council with a request to purchase its freehold land.

At the 17 July 2007 Ordinary Meeting of Council, Council considered the request from the WBFC to purchase the Council's freehold properties in Hocking Street, West Footscray. At this meeting, Council resolved to retain its freehold land, but in a further attempt to facilitate the construction of the child care centre offered the WBFC a lease for 15 years at a peppercorn rental subject to the following conditions:

- The appointment of the service provider being approved by Council and that this approval shall be subject to the Council being satisfied of the 'not for profit' status of the provider, the proposed management model of the provider, including opportunities for parental involvement, the proposed schedule of fees and strategies for providing quality child care programs in community of cultural diversity.
- Any additional services proposed to be provided from the Children's Centre are approved by Council.
- Council complying with its statutory obligations under section 190 and 223 of the *Local Government Act 1989* to give public notice of its intention to enter into a lease, and hear any submissions made in respect of that public notice, before resolving whether or not to proceed with the new lease.

In early October 2007, an Outline of Lease between the Western Bulldogs Football Club and Maribyrnong City Council was signed. The purpose of the Outline of Lease was to capture the intent of the lease and to document the key terms and conditions of the lease. The Outline of Lease was expedited to allow the WBFC to commence works on its child care centre.

On 23 October 2007, the WBFC - in conjunction with the State Government - "turned the soil" to signify the commencement of the construction. The detailed lease which has been worked on by Council officers and WBFC administrative staff remains uncompleted with only one clause outstanding. The outstanding clause relates to Council's ability to consider charging a commercial rent should the WBFC sub lease the centre to a commercial venture. This condition was originally agreed to in the Outline of Lease. Council officers have made several attempts to finalise the lease and to date this clause remains outstanding.

### **Committee of Management of Crown Land**

The Council is the Committee of Management of the land known as Whitten Oval and the Footscray Football Club Ltd (T/A WBFC) is the Lessee pursuant to a 25 year lease which commenced in 1996.

In June 2006, the WBFC submitted a request for Council, as Committee of Management, to approve the redevelopment under the terms of the current lease agreement.

At the Council Meeting on 18 July 2006, it was resolved:

*That Council, as Committee of Management, support the redevelopment of the Whitten Oval subject to the proposed uses being consistent with the governing legislation and the current lease agreement and that the proposal be referred to the Minister for Planning for approval.*



Ministerial approval was obtained for the redevelopment works within the leased area on 26 April 2007. This approval was based on the drawings endorsed as part of the Town Planning Permit issued on 16 August 2006.

Some parts of the redevelopment are proposed to be situated on land not within the current lease agreement.

### **Funding Contribution**

In April 2006, the WBFC submitted a request for funding and support towards the Whitten Oval Redevelopment. The request included:

- Cash funding of \$ 1 million dollars to be allocated over three years, and
- Release of Footscray Football Club Ltd Debenture.

At the Council Meeting on 18 July 2006, it was resolved:

*That Council refer a total of up to a total of \$1m to be funded over the 2007/08, 2008/09 and 2009/10 Capital Works Budgets to contribute to the implementation of the Landscape component of the Whitten Oval Redevelopment and that this component be delivered by Council as part of Council's annual capital works program.*

*That Council release the WBFC from their mortgage debenture following the satisfactory completion of the proposed Whitten Oval Redevelopment.*

### **Responsible Authority under the Maribyrnong Planning Scheme**

On 16 August 2006, Council resolved to issue a Planning Permit with conditions for the redevelopment.

The Planning Permit allowed buildings and works to develop an indoor recreation facility, child care centre and offices and to increase capacity for the function centre and club-associated retail space and car park construction.

Two floors of the John Gent Stand were excluded from this Planning Permit.

### **POLICY CONTEXT**

The Whitten Oval and Surrounds Master Plan was endorsed by Council in October 1999. This Master Plan provided the foundation from which to implement future decisions regarding the development of the precinct. Council and the WBFC agreed the Master Plan should be updated to bring it into line with the proposed redevelopment.

At the Council Meeting on 20 September 2005, Council resolved to execute a Heads of Agreement between Council and Footscray Football Club (WBFC) with regard to the redevelopment of the Whitten Oval. This agreement reinforces the parties' cooperative relationship and commitment to the redevelopment, outlines the various development and funding obligations, and identifies the need for a surrender of the existing lease and an agreement for a new lease.

It also outlines that Council will consider its potential to make a commitment to the redevelopment upon receipt of a fully costed concept plan and any supporting information.

At the Council Meeting on 18 July 2006, Council considered requests from the Footscray Football Club Ltd (WBFC) in relation to the redevelopment of the Whitten Oval. This meeting resolved issues in relation to Council's role as Committee of Management of Crown Land, owner of freehold land, and project funding.

### **COUNCIL PLAN**

Council's vision in the *2006-2010 Council Plan* is for "a thriving and caring community actively celebrating its cultural diversity, its unique history, and working towards a sustainable future where people enjoy safe and vibrant places and lead healthy and productive lives".

The Whitten Oval redevelopment is consistent with the strategic objective to "contribute to the well being of the diverse Maribyrnong communities and to the health and vitality of the city by ensuring access to community, leisure and cultural facilities, programs and spaces."

### **COMMUNITY, LEISURE AND CULTURAL FACILITIES SERVICES AND SPACES**

**Key Commitment Areas:** Contribute to the wellbeing of the diverse Maribyrnong communities and to the health and vitality of the City by ensuring access to community and cultural facilities, programs and spaces.

**Strategy:** Maximise the provision of high quality community, sporting and cultural infrastructure services, programs and spaces and encourage all Maribyrnong residents and visitors to participate fully in everyday life.

### **STRATEGIC RESOURCE PLAN**

No direct implications, although significant officer time has been dedicated to this proposal.

## **SUSTAINABILITY IMPLICATIONS**

### **COMMUNITY**

The Whitten Oval redevelopment, through the establishment of a child care centre and improved sporting facilities, will provide additional services for the community.

### **ENVIRONMENT**

The WBFC has been requested to include Environmentally Sensitive Design principles into the redevelopment.

### **ECONOMIC**

The redevelopment of Whitten Oval will assist the WBFC in improving its financial position and provide Council (as Landlord) with an improved asset.

## **HUMAN RIGHTS CONSIDERATION**

This report and its contents do not impede the human rights listed in the *Charter of Human Rights and Responsibilities Act 2006*.

## **CONSULTATION**

The community was consulted on the Whitten Oval redevelopment in July 2006 when the initial planning application was submitted.

Because a significant change of use was proposed, a second application was required and lodged in April 2008. Mid way through the statutory consultation process for this application, the Minister for Planning intervened and assumed control.

On Thursday 31 July, 2008, Council held a public meeting to discuss the Minister's intervention in the redevelopment. Over 80 people attended, with participants expressing concern about the process and the potential for the Minister to exercise this control in relation to other developments within the City of Maribyrnong.

Participants also raised concerns about the proposal, including car parking, amenity issues and the possible implications of a ministerial intervention in the application for a gaming facility at Edgewater, which will be heard by VCAT.

## DISCUSSION

### **Owner of Freehold Land/Child Care Centre**

Several attempts have been made by Council to finalise the lease for the child care centre. The lease is consistent with the outline of the lease agreed to and signed in early October 2007.

Council's offer of peppercorn rental to the Western Bulldogs Football Club is borne from a genuine desire to ensure the community has access to child care facilities at the Whitten Oval. In an effort to finalise this matter and provide the community with a much needed child care service, and the Club with the security of tenure, it is recommended Council write to the club requesting:

- The finalisation of the lease within 21 days, and
- A project plan outlining the construction timelines and expected completion date of the child care centre.

### **Committee of Management of Crown Land**

#### ***Legislation and Leasing Arrangements***

Council is the Committee of Management of the land known as Whitten Oval. The Footscray Football Club (WBFC) is the Lessee pursuant to a 25 year lease which commenced in 1996.

Whitten Oval is permanently reserved for Recreation Purposes under the Crown Land (Reserves) Act 1978. Two special *Acts* of Parliament also apply specifically to the reserve, the *Footscray (Recreation Grounds) Lands Act 1968* and *Footscray (Western Oval) Lands Act 1981*.

The *1968 Act* caused the City of Footscray to be appointed as Committee of Management. The lease that commenced on 18 November 1996 was made under the *1968 Act* as amended by the *1981 Act*. In accordance with the current lease agreement, the premises cannot be assigned or sublet (other than for arrangements of a casual nature) without the Lessor's (Council's) and Minister's consent.

The specific *Acts* allow the land to be leased for the "purposes of sport or recreation or social activities or purposes connected therewith including the erection of buildings for such purposes." In accommodating any new uses, under the current lease agreement, facilities being developed for uses other than as prescribed in *the Act*, such as commercial offices for uses unrelated to sport or recreation, education and medical suites providing services for the public at large, cannot be supported or approved by Council.

Since the commencement of the project, the WBFC has proposed many organisations as potential tenants of the redeveloped facility. In order for Council to formally consider any proposed or new uses, Council requested a schedule of proposed uses on a number of occasions through the Project Working Group and Project Control Group, and reiterated this request in correspondence to the WBFC Chief Executive Officer on 20 November 2006, 23 February 2007, 19 May 2008 and in a meeting held on 13 August 2007.

Council received no information from the WBFC, however, the first PCG meeting since late 2007 was held on 8 July 2008. At this meeting, a report tabled by Case Meallin and Associates, the independent Project Managers for the redevelopment, reported on the status of the WBFC's tenancy and sub leasing arrangements. This report notes a range of groups proposed to be operating from Whitten Oval.

The WBFC has not engaged Council in discussions regarding these proposed sub leasing arrangements, despite the clear obligation in the lease agreement to obtain Council's consent.

### ***Proposal to accommodate Victoria University***

In relation to the proposal to accommodate Victoria University (VU) at Whitten Oval, in mid 2007, Council became aware of negotiations between the Department of Planning and Community Development (DPCD), the Department of Sustainability and Environment (DSE), the WBFC and VU, regarding the prospect of the University undertaking teaching and research activity in the redeveloped Whitten Oval. On 13 August 2007, staff of the DPCD, accompanied by DSE, chaired a meeting between the WBFC, VU and Council to discuss this proposal and process related to the Crown Land legislation requirements. The agreed process was for the WBFC to submit a Planning Permit for areas (2 floors of stands) still subject to a planning permit, outlining details related to the VU proposal. The Crown Land and Lease requirements could then be considered once a planning permit was considered.

Council, as Committee of Management, has not considered the proposal to accommodate Victoria University at Whitten Oval. Council's consent is required for this proposal to proceed and for any works to commence on the 2nd and 3rd levels of the JG Gent Stand.

On 22 July 2008, Council received correspondence from the Minister for Environment and Climate Change (the Minister responsible for the ownership and management of Crown Land). This correspondence urges Council to give favourable and urgent consideration to the proposed incorporation of Victoria University at Whitten Oval. Further, the Minister indicates that the State Government will examine and, if necessary, amend the *Whitten Oval Act* to ensure that it better reflects the modern uses of the site and equally, providing security of planning outcomes for the precinct and tenure for the club's long term future.

As the Minister's offer has been made, and given the differences that now exist between the Council and the WBFC, it is recommended that Council respond to the Minister requesting the Minister examine and amend the legislation with a view to removing Council as the Committee of Management of the Crown land. This would enable the State Government's desire to see a campus of Victoria University accommodated at Whitten Oval and also enable the State Government to more directly influence and manage the mix of tenants proposed by the WBFC.

### ***Mortgage Debenture***

In 1996, the WBFC and Council entered into a Mortgage Debenture of \$750,000. The agreement provides for the immediate payment of this sum should the club merge with another sporting club or ceases to exist as an AFL club.

The debenture appears on the Balance Sheet of the WBFC and may limit the Club's capacity to borrow into the future.

Council had resolved to release the WBFC from this debenture following the 'satisfactory completion' of the redevelopment.

From Council's perspective, 'satisfactory completion' entails delivery of the components that meet a demonstrable and identified need within the Maribyrnong community and which have been documented in the Project Management Plan.

These components include:

- demolition of a number of redundant stands
- the creation of open spaces
- improved access and car parking
- state of the art administrative and training facilities for the WBFC
- facilities for other sporting organisations such as Western Regional Football League
- regionally focused facilities, including conference, board and meeting rooms
- associated office space
- facility for the provision of child care services.

A decision on whether to release the WBFC from the debenture should be made once Council is satisfied the above outcomes have been delivered.

***\$1 million Council Contribution***

A resolution of Council on both 18 July 2006 and 17 July 2007 provided for the sum of \$1 million to be allocated to the project over 3 years as per the following:

*That Council refer a total of up to a total of \$1m to be funded over the 2007/08, 2008/09 and 2009/10 Capital Works Budgets to contribute to the implementation of the Landscape component of the Whitten Oval Redevelopment and that this component be delivered by Council as part of Council's annual capital works program.*

To date no funds from this allocation have been expended as the project is not at the stage of requiring landscaping. Recent media reports and statements by the club have highlighted the Western Bulldogs Football Club's precarious financial situation. As is common practice for Council in the way that it deals with any community body that it provides funding for, Council has a legal obligation and responsibility to manage ratepayer funds responsibly.

Accordingly, Council will need to consider carefully the allocation of Council funds to this project. A way forward would be to request copies of the Western Bulldogs Football Club audited financial statements and assessment of their financial capacity to complete this project

***Responsible Authority under the Maribyrnong Planning Scheme***

Planning approval has been granted for the redevelopment of the current site, including a children's hub. Planning permit TP06/0176 was issued on 16 August 2006. The permit had conditions requiring amended plans. All plans and outstanding matters were endorsed on 8 February 2007. The endorsed plans included areas of the building - the future use of which was unspecified. WBFC had moved away from the function rooms facility originally included in the plans submitted with the application. The endorsed plans clearly stipulated that these areas will be subject to future planning approval. This is the area now being considered for use by VU.

During 2007 there were discussions to amend the Planning Scheme to enable use of part of the site for uses that are currently prohibited by the Scheme. The specific uses are a medical centre and offices for community uses. Council officers had agreed on a Planning Scheme amendment with representatives of the club and DSE officers. The amendment was dealt with by the Minister without exhibition. The particular uses will allow the WBFC to have medical practitioners operating from the site for the club and also for the general public. The other community offices uses will be restricted to bone fide community uses with links to the region and demonstrated not for profit uses. The amendment was approved by the Minister on 20 December 2007. The amendment requires the club to provide Council with a list of the uses and submit justifications for these uses.

To date this information has not been provided. The club will be required to provide the Responsible Authority with a list of the uses and submit the justifications.

The discussion mentioned above between DSE, WBFC, VU and Council relating to the VU locating educational facilities at Whitten Oval were not part of the planning scheme amendment discussions held between Council officers, DSE officers and representatives of the WBFC.

The strategic intent is to ensure the site is not used for office uses that would be more suitably located in the Footscray Principal Activity Centre. The development of significant offices, including any significant educational facility in this location, would be contrary to State and Local policy in the Planning Scheme. Council officers, in consultation with officers of DPCD and the planning consultant for the WBFC, liaised and reached an agreement on an appropriate workable solution and wording of a planning scheme amendment. The amendment was approved by the Minister for Planning on 20 December 2007.

### ***Planning Application for Educational Use at Whitten Oval***

On 3 April 2008, an application was lodged with Council seeking approval to use two floors of the redeveloped John Gent stand to house a faculty of Victoria University. No pre application discussions occurred as is normally the case with planning application of this nature.

The proposal included facilities for 175 students, 45 staff and waiving of car parking. Council officers sought further information by letter on 1 May 2008. The letter also outlined Council's concerns with the proposal. These concerns related to the inappropriate strategic location of the proposal in the context of Footscray Principle Activity Centre/Transit City and amenity issues with the insufficient carparking.

Council requested the application go through normal public consultation and directed advertising of the application. The advertising process was due to end on 1 August 2008 and the application was to be reported to 16 September 2008 Council Meeting.

### ***Ministerial Intervention***

On 24 July 2008, Council was informed the Minister for Planning had used his powers under the *Planning and Environment Act* to amend the Planning Scheme. Amendment C75 effectively allows an educational use to operate from Whitten Oval without any planning approval. There are some conditions relating to endorsement of plans and hours of operation. The amendment also made the Minister the Responsible Authority under the Planning Scheme for 417 Barkly Street, Footscray (Whitten Oval). This effectively takes all planning powers away from Council.



***Relocation of the Western Region Football League to Whitten Oval***

Up until recently, the relocation of the WRFL administration centre was still being negotiated between the WRFL and the WBFC.

This move would have seen a strategic co-location at Whitten Oval, which would be considered to be the centre of AFL in the West.

A report tabled by Case Meallin and Associates, the independent Project Managers for the redevelopment, at the PCG meeting of 8 July 2008, revealed the WRFL has formally declined an offer. The WBFC had not advised Council that an agreement had failed to be reached on this matter.

While the circumstances around why an agreement was unable to be reached have not been discussed, inability to reach agreement will mean the WBFC is unable to fulfil one of the key outcomes expected by Council to be delivered through the redevelopment.

**RESOURCE IMPLICATIONS**

Council has made an allocation of up to \$1 million for the delivery of components of the redevelopment that meet a demonstrable and identified need within the Maribyrnong community. These funds have been budgeted for over three financial years.

**CONCLUSION**

The Western Bulldogs Football Club has claimed that it sought, and was successful, in convincing the Minister for Planning to intervene in the statutory planning process for the Whitten Oval redevelopment. The basis of the club's request to the Minister is the club's assertion that it would be facing financial hardship if the Minister had not intervened.

While this action will enable the club to secure a planning permit for the redevelopment, it does not resolve the outstanding issues which Council needs to consider as Committee of Management in relation to the Victoria University's occupancy and lease of Whitten Oval.

The Club did not contact Council prior to the club president's announcement on national television on Thursday 24 July 2008, nor has there been any contact since.

The Minister for Planning has not contacted Council to offer an explanation.

Council has received a very clear message from the State Government that the Government is supportive of the Victoria University proposal, despite the fact the community of Maribyrnong has not been consulted.

The WBFC have publicly accused Maribyrnong City Council of being responsible for the financial position the club now finds itself in.

When entering into the partnership with the WBFC and other key stakeholders in 2004, the redevelopment of the Whitten Oval represented an excellent opportunity for the club to consolidate its home in the west while also upgrading a deteriorating public asset and introducing a range of services to benefit the community of Maribyrnong and the western region.

Given the events which that occurred over the last ten days, Council now needs to consider whether it continues to have a role in a project that raises serious governance concerns and will not fulfil the expectations Council had anticipated.

#### **OFFICER RECOMMENDATION:**

**That:**

- 1. Council write to the Western Bulldogs Football Club requesting the club demonstrate, in writing within 21 days, the extent to which the redevelopment will deliver the outcomes Council was seeking on behalf of it's community, as documented in the Project Management Plan, and additionally, provide independently audited financial statements in regard to the club's ability to financially complete the project.**
- 2. Council seek an assurance from the Western Bulldogs Football Club that the club still intends to proceed with the proposed child care centre and that this commitment be demonstrated by signing the lease for the land and providing timelines for completion of the project, within 21 days.**
- 3. Council respond to the correspondence from the Minister for Environment and Climate Change, dated 22 July 2008, accepting the Minister's offer to examine and amend the governing legislation and additionally, consider removing Council as the Committee of Management of the Crown Land at Whitten Oval.**
- 4. Council officers provide an update report on the status of the above recommendations at the Council Meeting on 16 September 2008.**

**COUNCIL RESOLUTION:**

- 1. Council write to the Western Bulldogs Football Club requesting the club demonstrate, in writing within 21 days, the extent to which the redevelopment will deliver the outcomes Council was seeking on behalf of it's community, as documented in the Project Management Plan, and additionally, provide independently audited financial statements in regard to the club's ability to financially complete the project.**
- 2. Council seek an assurance from the Western Bulldogs Football Club that the club still intends to proceed with the proposed child care centre and that this commitment be demonstrated by signing the lease for the land and providing timelines for completion of the project, within 21 days.**
- 3. Council respond to the correspondence from the Minister for Environment and Climate Change, dated 22 July 2008, accepting the Minister's offer to examine and amend the governing legislation and additionally, request the removal of Council as the Committee of Management of the Crown Land at Whitten Oval.**
- 4. Council officers provide an update report on the status of the above recommendations at the Council Meeting on 16 September 2008.**
- 5. That Council write to the Premier of Victoria:**
  - Providing a copy of this report and resolution**
  - Asking the reasons for the State Government's actions and for assurances that the funding provided to the Western Bulldogs has been expended in accordance with the agreed project objectives.**

**Moved by: Cr Clarke**

**Seconded by: Cr Rice**

**CARRIED.**

## **7 MEETING CLOSURE**

| There was no further business; the Mayor declared the meeting closed at 6.45pm.