



Agenda

Scheduled Council Meeting

Tuesday 18 July 2023 at 6:30 pm

You are advised that a Meeting of Council has been called by the Chief Executive Officer on Tuesday 18 July 2023 at 6:30 pm for the transaction of the following business.

This meeting will be held in the Council Chamber at Civic Centre, 25 Ferres Boulevard, South Morang and will be [livestreamed via Council’s website](https://www.whittlesea.vic.gov.au/about-us/council/council-meetings/).

**C Lloyd**

**Chief Executive Officer**

Administrators

Lydia Wilson Chair of Council

Peita Duncan Administrator

Christian Zahra AM Administrator

On 19 June 2020 the Acting Minister for Local Government appointed the Panel of Administrators for the City of Whittlesea and appointed Lydia Wilson as Chair of the Panel. The Panel of Administrators comprises of Lydia Wilson, Peita Duncan and Christian Zahra AM who will undertake the duties of the Council of the City of Whittlesea until the October 2024 Local Government Election.

Senior Officers

Craig Lloyd Chief Executive Officer

Agata Chmielewski Director Community Wellbeing

Sarah Renner Director Customer & Corporate Services

Debbie Wood Director Planning & Development

Amanda Dodd Acting Director Infrastructure & Environment

Janine Morgan Executive Manager Public Affairs

Sarah Rowe Interim Executive Manager Office of Council & CEO

Andrew Mason Acting Executive Manager Strategy & Insights

Order of Business

The Chief Executive Officer submits the following business:

[1 Opening 6](#_Toc140140415)

[1.1 Meeting Opening and Introductions 6](#_Toc140140416)

[1.2 Acknowledgement of Traditional Owners Statement 6](#_Toc140140417)

[1.3 Diversity and Good Governance Statement 6](#_Toc140140418)

[1.4 Attendance 6](#_Toc140140419)

[2 Declarations of Conflict of Interest 7](#_Toc140140420)

[3 Confirmation of Minutes of Previous Meeting/s 7](#_Toc140140421)

[4 Public Questions, Petitions and Joint Letters 8](#_Toc140140422)

[4.1 Public Question Time 8](#_Toc140140423)

[4.2 Petitions 8](#_Toc140140424)

[4.3 Joint Letters 8](#_Toc140140425)

[5 Officers' Reports 9](#_Toc140140426)

[5.1 Connected Communities 9](#_Toc140140427)

[5.1.1 Petition - Assessment of Street Trees along Wingspan Avenue & Plenty Road, South Morang 9](#_Toc140140428)

[5.1.2 Trunk Services Infrastructure & Civil Works – Quarry Hills Regional Park 14](#_Toc140140429)

[5.1.3 PRACE Lease Extension - Mernda Recreation Reserve 19](#_Toc140140430)

[5.2 Liveable Neighborhoods 26](#_Toc140140431)

[5.3 Strong Local Economy 26](#_Toc140140432)

[5.4 Sustainable Environment 26](#_Toc140140433)

[5.5 High Performing Organisation 27](#_Toc140140434)

[5.5.1 Unconfirmed Audit and Risk Committee 25 May 2023 Meeting Minutes 27](#_Toc140140435)

[6 Notices of Motion 30](#_Toc140140436)

[7 Urgent Business 30](#_Toc140140437)

[8 Reports from Council Representatives and CEO Update 30](#_Toc140140438)

[9 Confidential Business 30](#_Toc140140439)

[9.1 Confidential Connected Communities 30](#_Toc140140440)

[9.2 Confidential Liveable Neighbourhoods 30](#_Toc140140441)

[9.3 Confidential Strong Local Economy 30](#_Toc140140442)

[9.4 Confidential Sustainable Environment 30](#_Toc140140443)

[9.5 Confidential High Performing Organisation 30](#_Toc140140444)

[10 Closure 30](#_Toc140140445)

**Note:**

At the Chair of Council’s discretion, the meeting may be closed to the public in accordance with Section 66(2)(a) of the *Local Government Act 2020*. The provision which is likely to be relied upon to enable closure is set out in each item. These reports are not available for public distribution.

**Question Time:**

During the meeting, the Chief Executive Officer will answer questions from residents and ratepayers. Questions are required to be submitted in writing no later than 5pm the day prior to a Scheduled Council Meeting.

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

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

Council will hold public question time for up to 30 minutes at each Scheduled Council Meeting to allow for public questions, statements, petitions or joint letters from our community to be read.

Council is committed to ensuring that all residents and ratepayers of the municipality may contribute to Council’s democratic process and therefore, if you have special requirements, please telephone the Governance Team prior to any Council Meeting on (03) 9217 2170.

**1 Opening**

**1.1 Meeting Opening and Introductions**

The Chair of Council, Lydia Wilson will open the meeting and introduce the Administrators and Chief Executive Officer:

Administrator, Peita Duncan;

Administrator, Christian Zahra AM; and

Chief Executive Officer, Craig Lloyd.

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

Director Community Wellbeing, Agata Chmielewski;

Director Corporate and Customer Services, Sarah Renner;

Director Planning and Development, Debbie Wood;

Acting Director Infrastructure and Environment, Amanda Dodd;

Executive Manager Public Affairs, Janine Morgan;

Acting Executive Manager Strategy and Insights, Andrew Mason; and

Interim Executive Manager Office of Council and CEO, Sarah Rowe.

**1.2 Acknowledgement of Traditional Owners Statement**

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

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

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

**1.3 Diversity and Good Governance Statement**

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

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

**1.4 Attendance**

**2 Declarations of Conflict of Interest**

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

**Recommendation**

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

* **Scheduled Meeting of Council held on 27 June 2023.**

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

**4.1 Public Question Time**

**4.2 Petitions**

No Petitions

**4.3 Joint Letters**

No Joint Letters

**5 Officers' Reports**

**5.1 Connected Communities**

5.1.1 Petition - Assessment of Street Trees along Wingspan Avenue & Plenty Road, South Morang

**5.1.1 Petition - Assessment of Street Trees along Wingspan Avenue & Plenty Road, South Morang**

**Responsible Officer:** ActingDirector Infrastructure & Environment

**Author:** Senior Arborist Planning & Risk

**In Attendance:** Senior Arborist Planning & Risk

**Attachments:** No attachments.

**Purpose**

The purpose of this report is to outline the response to a petition received from 25 residents, requesting that Council assess the debris created by the street trees along Wingspan Avenue and 1045-1063 Plenty Road, South Morang. The petitioner felt leaf and twig drop from the street trees was excessive and the maintenance requirement for them was unreasonable.

**Brief Overview**

There are currently 33 street trees in Wingspan Avenue and the section of Plenty Road (1045-1063) relating to this petition. All 33 trees are semi-mature to mature evergreen Peppercorn trees (*Schinus molle*).

A meeting with the lead petitioner and one neighbour was held on 1 June 2023. The meeting was attended by the Acting Director Infrastructure & Environment, Acting Manager Maintenance & Operation and Senior Arborist Risk & Planning. The lead petitioner's daughter was also in attendance and provided language translation for the duration of the meeting.

At this meeting, the lead petitioner further detailed their issues, explaining that the residents had concerns regarding the debris from the trees collecting in their gardens, on the footpath and in the stormwater pits.

The stormwater pits were assessed, and debris cleaned out on 8 June 2023. No major blockages were found during the inspection.

**Recommendation**

**THAT Council in response to the petition received from 25 residents of Wingspan Avenue and 1045-1063 Plenty Road, South Morang, write to the Head Petitioner to advise that:**

1. **An independent arboricultural report has been completed on all trees concerned in Wingspan Avenue and Plenty Road, South Morang. None of the trees posed any safety risks that required their removal.**
2. **Minor canopy pruning will be carried out to 11 trees in the next 12 months and all trees will continue to be monitored and maintained as part of Council’s biennial inspection program.**
3. **Street sweeping is carried out every 8-12 weeks and the program will be monitored to ensure debris will not pose issues to road and guttering.**

**Key Information**

A petition was received by Council on 11 January 2023 from 25 residents of Wingspan Avenue and Plenty Road, South Morang requesting Council assess the “mess” created by the street trees and concerns regarding excessive leaf drop.

There are currently 33 Peppercorn (*Schinus molle*) trees planted in the nature strips along Wingspan Avenue and Plenty Road. In addition to Council’s own arboricultural inspections, an independent arboricultural consultancy was commissioned to inspect existing trees for structure and condition. The independent report found all trees to be in good to fair condition with Useful Life Expectancies (‘ULE’) of 50 years. There were no significant defects or health issues associated with the trees.

Council carries out a biennial inspection of all nature strip trees by qualified Arborists and performs maintenance of these street trees as prescribed in keeping with Council’s ‘Street Tree Management Plan 2019-2029’.

The trees were last inspected in July 2021 with no significant health or structural issues identified. The trees are due to be reinspected again in July 2023.

An independent arboricultural assessment was carried out on the trees in April 2023 and a report has been prepared for Council.

**Community Consultation and Engagement**

A meeting with the lead petitioner and one other petitioner was held on 1 June 2023. He was also advised about potentially accessing home maintenance services and to contact Council’s Ageing Well team.

**Alignment to Community Plan, Policies or Strategies**

Alignment to Whittlesea 2040 and Community Plan 2021-2025:

**Liveable neighbourhoods**   
Our City is well-planned and beautiful, and our neighbourhoods and town centres are convenient and vibrant places to live, work and play.  
  
**Sustainable environment**  
We prioritise our environment and take action to reduce waste, preserve local biodiversity, protect waterways and green space and address climate change

**Considerations**

**Environmental**

The retention of mature trees in urban streetscapes is a key tenet of the Greening Whittlesea Strategy (2021) and the subordinate Street Tree Management Plan (2019). A goal of the Greening Whittlesea Strategy is to increase canopy cover in urban areas by twenty percent over a 2019 benchmark. Every mature tree that is removed, impacts on the ability to achieve this goal.

The total estimated canopy cover provided by the 33 trees is currently estimated to be 10,340 square metres or 1.034 hectares. Tree canopy coverage is important because shading benefits reduce air and ground temperatures, making urban areas safer and more liveable. Replacement trees take considerable time to establish and reach maturity and will not be considered as achieving sufficient canopy cover until approximately five years after they are planted. The current trajectory for increasing canopy cover amid global climate change impacts, needs to be enhanced according to Greening Whittlesea Strategy, due to urban densification. This is despite Council planting four thousand trees per year and developers handing over six thousand trees per year. Council removes approximately one thousand five hundred trees per year, because of tree decline, death and storm damage.

**Social, Cultural and Health**

The Greening Whittlesea Strategy outlines the social, cultural and health benefits of street trees that are widely acknowledged and documented in academic literature.

**Economic**

The Greening Whittlesea Strategy outlines the economic benefits of street trees that are widely acknowledged and documented in academic literature.

**Financial Implications**

A valuation was completed using the Revised Burnley Method. The valuation varied with size and tree condition, ranging from $300 to $95,500.

The total value of the tree asset within the streets to the nearest $100 was $785,800. The cost of any prescribed tree maintenance activity and the costs associated with the independent arboricultural assessments and testing, are included in the current operational budget.

**Link to Strategic Risk**

**Strategic Risk** *Climate Change - Failure to mitigate or adapt to the risks of climate change  
Community and Stakeholder Engagement - Ineffective stakeholder engagement resulting in compromised community outcomes and/or non-achievement of Council's strategic direction*

A pro-active response to petitions enables residents to have their concerns considered and independently evaluated. The health and structure of the trees concerned have been assessed and comply with Council’s Street Tree Management Plan. A Risk Assessment was also carried out with the trees and the ISA Tree Risk Assessment (TRAQ) determined the overall risk level to be a low at this time.

The independent report stated that, taking into account the trees’ structural condition, potential for failure within normal weather conditions and surrounding targets, all trees currently present a low risk within the landscape.

A comprehensive risk management approach demonstrates how Council is mitigating any risks associated with its street trees, whilst recognising the greater financial and environmental benefits that trees provide in the city.

**Implementation Strategy**

**Communication**

An onsite meeting with the lead petitioner (and translator) took place on 1 June 2023.

**Critical Dates**

The implementation of any works resulting from the Arborists assessments will be carried out within prescribed timeframes.

**Declaration of Conflict of Interest**

Under Section 130 of the *Local Government Act 2020* officers providing advice to Council are required to disclose any conflict of interest they have in a matter and explain the nature of the conflict.  
  
The Responsible Officer reviewing this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

**Conclusion**

The submission by the 25 petitioners was considered and an independent arboricultural consultant report was commissioned as a result. The trees were all determined to have a useful life expectancy of 50 years or more. There were no compelling reasons for the trees to be renewed as part of Councils’ Street Tree Renewal program.

Where possible, mature canopy trees should be retained if they benefit the streetscape in which they are planted.

Mature canopy trees:

• contribute towards the overall canopy cover targets for the municipality;

• help to moderate hot temperatures by shading areas, cooling, and moderating heat radiated from urban buildings, structures, or surfaces;

• may serve as a windbreak, as well as provide protection from rainfall;

• filter the air we breathe and remove airborne particulates whilst releasing oxygen into the atmosphere.

The street trees will be inspected on a biennial basis to monitor their health to ensure their ongoing vitality.

5.1.2 Trunk Services Infrastructure & Civil Works – Quarry Hills Regional Park

**5.1.2 Trunk Services Infrastructure & Civil Works – Quarry Hills Regional Park**

**Responsible Officer** Acting Director Infrastructure & Environment

**Author** Senior Project Manager

**In Attendance** Manager Capital Delivery

**Attachments**

1. CONFIDENTIAL REDACTED - Confidential attachment v1 [**5.1.2.1** - 5 pages]

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 Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released. In particular the attachment contains information of a proposed contract.

**Purpose**

The purpose of this report is to seek endorsement of the award of Contract Number 2022-107 for the construction of Trunk Services Infrastructure and Civil Works for the Granite Hills Major Community Park and Aboriginal Gathering Place at the Quarry Hills Regional Parkland.

**Brief Overview**

The Tender Evaluation Panel advises that:

* Two tender submissions were obtained.
* The recommended tender was the highest ranked and is considered best value because it is the lowest tender lump sum price and has demonstrated that it has the ability to deliver this project in accordance with Council’s specified requirements.

**Recommendation**

**THAT Council:**

1. **Accept the tender submitted by MACA Civil Pty Ltd for the sum of $3,979,749.26 (excluding** **GST) for the following contract:**

**Contract** **No:** **2022-107**

**Title:** **Trunk Services Infrastructure & Civil Works**

**Subject to the following conditions:**

* 1. **Tenderer to provide proof of currency of insurance cover as required in the tender documents.**
  2. **Price variations to be in accordance with the provisions as set out in the tender documents.**
  3. **Tenderer to provide contract security as required in the tender documents.**

1. **Approve the funding arrangements detailed in the confidential attachment.**

**Key Information**

**Background**

The purpose of this report is to seek endorsement of the award of Contract Number 2022-107 for the Trunk Services Infrastructure and Civil Works for the Aboriginal Gathering Place and the Granite Hills Major Community Park, in the Quarry Hills Regional Parkland.

At the Council Meeting of the 6 December 2021, Council endorsed the business case for the construction of the Granite Hills Major Community Park at Quarry Hills Regional Parklands. At the Council Meeting of 18 July 2022, Council endorsed the business case for the construction of the Aboriginal Gathering Place at Quarry Hills Regional Parklands.

Both business cases included a commitment for construction of trunk services infrastructure and civil works to service the above two facilities in the park.

The delivery of this contract will provide 500 metres of access road, 104 car parks and 440 metres of trunk services (ie electricity, lighting, water and sewer services).

Tenders for the contract closed on the 4 May 2023. The tenderer prices and a summary of the evaluation are detailed in the confidential attachment.

**Evaluation**

No member of the Tender Evaluation Panel declared any conflict of interest in relation to this tender evaluation.

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 involving scoring of conforming and competitive tenders according to these pre-determined criteria and weightings:

|  |  |
| --- | --- |
| **Criteria** | **Weightings** |
| Price | 60% |
| Capability | 20% |
| Capacity | 15% |
| 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 for 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** |
| MACA Civil Pty Ltd | N | Yes | 94.1 | 1 |
| Tenderer B | N | Yes | 86.1 | 2 |

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

The Tender Evaluation Panel recommends the tender from MACA Civil Pty Ltd as it is the highest ranked, achieves the project objectives and is value for money.

**Community Consultation and Engagement**

The trunk services infrastructure and civil works was included in the community consultation and engagement process for the Granite Hills Major Community Park masterplan in 2017. Further community consultation will be undertaken for the Aboriginal Gathering Place project for the future extension of the trunk services infrastructure and civil works that is proposed.

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

**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.

**Considerations**

**Environmental**

The contract management includes Key Performance Indicators that relate to the management of environment, waste and site throughout the contract.

**Social, Cultural and Health**

The contract management will include Key Performance Indicators that relate to Occupational Health & Safety and traffic & pedestrian management to ensure a safe work site is maintained throughout the contract.

**Economic**

The project will provide infrastructure that will enable community use of the Granite Hills Major Community Park and the Aboriginal Gathering Place.

**Financial Implications**

The financial details are included in the confidential attachment.

**Link to Strategic Risk**

**Strategic Risk** *Service Delivery - Inability to plan for and provide critical community services and infrastructure impacting on community wellbeing***Strategic Risk** *Contractor Management - Failure to manage contractors to deliver agreed outcomes*

Awarding this contract will enable Council to provide the community with adequate and safe community infrastructure that meet current needs of the community and increase community participation.

**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 social media communication channels and also to relevant stakeholders.

**Critical Dates**

The completion date for this contract is anticipated for mid-2024.

**Declaration of Conflict of Interest**

Under Section 130 of the *Local Government Act 2020* officers providing advice to Council are required to disclose any conflict of interest they have in a matter and explain the nature of the conflict.  
  
The Responsible Officer reviewing this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

**Conclusion**

The tender from MACA Civil Pty Ltd was determined to be best value and it is considered that this company can undertake the contract to the required standards and minimal impact to Council.

5.1.3 PRACE Lease Extension - Mernda Recreation Reserve

**5.1.3 PRACE Lease Extension - Mernda Recreation Reserve**

**Responsible Officer:** Director Customer & Corporate Services

**Author:** Unit Manager Strategic Property

**In Attendance:** Unit Manager Strategic Property

**Attachments:**

1. Attachment A - Locality Plan [**5.1.3.1** - 1 page]

**Purpose**

The purpose of this report is to:

* inform Council of the outcome of the community consultation undertaken in relation to Council’s intention to extend the current lease term with the Preston and Reservoir Adult Community Education (PRACE) from nine (9) years to twenty (20) years, ending in 2041 if all options for further terms are exercised by PRACE; and
* seek Council approval to extend the current lease term.

**Brief Overview**

Council, at its meeting of 20 July 2020, resolved to support PRACE establishing a temporary community facility at the Mernda Recreation Reserve with the primary focus on intervention education services for young people at risk of disengagement from education, training and employment.

The Mernda Recreation Reserve and PRACE facility at 54-68 Schotters Road, Mernda is shown in orange on the Locality Plan (refer to Attachment A).

A land-only lease between Council and PRACE commenced in July 2021 for an initial five (5) year term and with an option for a further term of four (4) years (a total of nine (9) years).

The success and commitment in offering education and community services at this location and the need for further investment and the security of tenure by PRACE from their premises at Mernda Recreation Reserve has led to a request by PRACE to extend the term of their land-only lease with Council from a maximum term of nine (9) years to twenty (20) years ending in 2041 if all options for further terms are exercised by PRACE.

Council has undertaken community consultation about PRACE’s request to extend the term initially as part of the Mernda Recreation Reserve master planning in 2022 and more recently via a public notice as part of the statutory process pursuant to S115 of the *Local Government Act* 2020.

No expansion of PRACE’s facilities into open space is proposed and the benefits of PRACE’s delivery of services to the community is highlighted in the 51 out of 53 responses received as part of the first phase of community consultation in relation to the draft Mernda Recreation Reserve Master Planning.

No submissions have been received in response to the statutory public notice and the extension of PRACE’s lease is recommended.

**Recommendation**

**THAT Council:**

1. **Notes that public notice was given on 19 April 2023 in respect to the proposed extension of the current term of the Lease Agreement with PRACE from nine (9) years to twenty (20) years and ending in 2041 if all further-term options are exercised by PRACE, on part of Council’s land located within the Mernda Recreation Reserve at 54-68 Schotters Road, Mernda pursuant to Section 115 of the *Local Government Act 2020*.**
2. **Notes that no submissions and/or requests to be heard by Council were received.**
3. **Resolves to grant PRACE a lease extension of eleven (11) years for a maximum lease period of twenty (20) years from the existing commencement date (July 2021).**
4. **Authorises the Chief Executive Officer to formalise and execute a deed of variation of lease between Council and PRACE for its premises located within the Mernda Recreation Reserve, 54-68 Schotters Road, Mernda.**

**Key Information**

Mernda Reserve Master Plan

Work on the Mernda Recreation Reserve master plan recommenced in April 2023 following the completion of pavilion audits. The draft Mernda Reserve Master Plan includes a community pavilion based on reference design massing with extra flexibility for co-location of the community house in the long-term.

The draft Mernda Reserve Master Plan is scheduled to be presented to Council in late August following an internal review and the second phase of community engagement and consultation is expected to follow.

The draft Mernda Reserve Master Plan:

* proposes many improvements and upgrades to enhance the recreation reserve for all community users. Listing a few, improvements to the playground, car parking, lighting, seating, multi-purpose courts, integrated water management, informal recreation, organised sports, and connectivity to adjacent natural areas;
* does not support the expansion of PRACE into public open space and PRACE’s occupancy does not involve an expansion into the public open space;
* attempts to create a better interface between PRACE and the public open space;
* supports the long-term vision of an integrated pavilion and community house, with more public open space returned to the community, whilst supporting the important community services offered by the Community House; and
* has considered an arboricultural assessment of all trees on the site and proposed facilities in the reserve will not adversely impact the trees.

PRACE

In July 2020, a report was presented to Council with a request from PRACE seeking access to a small parcel of Council land to build a relocatable community facility to act as a youth intervention and adult and community education centre.

The social wellbeing of communities in growth areas is significantly lower than expected, closely correlated to the issue of the lack of adequate social support services and infrastructure. High levels of family violence, substance abuse, gambling losses, child protection orders and, significant for this proposal, youth disengagement, are now a reality of growth areas in general, and Mernda/Doreen in particular.

A number of these factors are closely related, with one or more present in cases of young people who become disengaged from education. A failure to intervene once a young person is at risk, significantly increases the likelihood of issues becoming entrenched, leading to a further burden on both the individual and the community.

PRACE is a Non-Government Organisation (NGO) which has been providing a range of education and support services for Whittlesea residents for some years and is a member of the Whittlesea Community Futures Partnership. PRACE provides a specialist intervention service for vulnerable young people at risk of becoming disengaged as well as adult education services. In 2018, whilst most participants already came from the City of Whittlesea, PRACE was receiving an increasing number of new enquiries from secondary schools in the Mernda/Doreen corridor on behalf of at-risk students.

In response to this increased demand, in 2019 PRACE enquired with Council as to whether a site might be made available for a community education facility from which to deliver expanded services. Council officers undertook an extensive search with only one site identified as suitable, being the Mernda Recreation Reserve.

Council, at its meeting of 7 July 2020 considered PRACE’s proposal to deliver this facility to meet a significant social need on a site adjacent to the existing Mernda Neighbourhood House; consolidating community activity and education in Mernda but also servicing residents from Doreen, Whittlesea Township and South Morang.

The PRACE youth intervention service offers Victorian Certificate of Applied Learning (VCAL), pre-VCAL and Vocational Education and Training (VET) courses that are tailored to the individual’s needs. PRACE also works with local employers and Melbourne Polytechnic to place their students into work, further study, pre-apprenticeships, or other productive directions, and therefore, makes an important contribution to local economic development.

Council considered the area proposed to be occupied by the PRACE building and a pertinent factor was that it did not form part of the active open space portion of the recreation reserve given that the proposal included the relocation and replacement of an existing playground with a new facility as part of the project.

The area of the reserve to be occupied by PRACE is less than 3.5% of the total Mernda Recreation Reserve area and Council offered PRACE a short-term lease of up to nine years in this location because it did not impact any long-term outcomes that may be identified in a future master planning process (currently underway).

PRACE’s success in providing education and community services including language, literacy and numeracy, and vocational training to adults from its existing facilities under the short- term lease at Mernda Reserve and additional facilities secured by PRACE on land adjacent to the reserve to service the emerging needs of our community requires the security of tenure of an additional 11 years i.e., a 20-year lease in total.

The land is currently leased from Council for a five-year term that commenced in July 2021 with the option of a further four-year extension. PRACE have requested to extend the term of their current lease arrangement with Council by a further 11 years, which will be broken up into several additional terms that are exercisable by PRACE. In 2022, Council included PRACE’s request for a lease term extension as part of the Mernda Recreation Reserve master planning community consultation process.

Community members were asked the following questions:

* if they supported a request by PRACE from Council to extend the existing lease by 11 years; and
* to outline their reasons as to why they are opposed or support the request.

There were 53 responses to the consultation and of the responses received, 51 were supportive of an extension to the PRACE lease and 2 were not supportive on the basis that it is claimed that:

* the PRACE occupancy competes with the need for open space;
* the facility does not deliver a substantial benefit to the community; and
* Council offered PRACE a lease for nine years with little public consultation.

Given the considerable support received, Council commenced the statutory process pursuant to S. 115 of the *Local Government* Act 2020 under delegation with the CEO approving the public notice placed on Council’s website and engage page on 19 April 2023.

The public notice advised the community of Council’s intention to extend the term of the current lease agreement by 11 years to 20 years, and in accordance with Council’s Community Engagement Policy, invited community members to make a submission/s. Respondents of the initial consultation phase for the draft Mernda Recreation Reserve Master Planning that did not support the PRACE lease extension were advised of the public notice placed on Council’s website and engagement page.

All submissions were to be made in writing within 28 days of the date of publication. Submissions closed on 18 May 2023 at 5.00pm. Each submitter was also afforded an invitation and the opportunity to be heard at a Council meeting.

No submissions have been received.

**Community Consultation and Engagement**

Council has reached-out to the community about PRACE’s request for a lease extension as part of the Mernda Recreation Reserve master planning in 2022 and subsequently as part of the statutory process pursuant to S. 115 of the *Local Government Act* 2020 that forms the subject of this report.

The section states that if the proposed lease was not included in the budget, where a proposed lease term is for 10 years of more, then Council is required to undertake a community engagement process in accordance with its community engagement policy.

Given the request for the extension of the lease term from nine years to 20 years, Council was required to undertake a statutory community engagement process. Consultation was undertaken in April 2023 with the public notice of the terms and conditions of the lease being placed on Council’s website and engage page on 19 April 2023. The process allowed the community (including respondents to the draft Mernda Master Planning initial consultation that were not in support of the PRACE lease extension 28 days to provide feedback on the extension of the Lease, which closed on 18 May 2023.

**Alignment to Community Plan, Policies or Strategies**

Alignment to Whittlesea 2040 and Community Plan 2021-2025:

**Strong local economy**

Our City is a smart choice for innovation, business growth and industry as well as supporting local businesses to be successful, enabling opportunities for local work and education.

**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.

As per the reasons above, the services offered by PRACE make allow our young adults the opportunity to participate in education and community services including language, literacy and numeracy, and vocational training.

**Considerations**

**Environmental**

There are no environmental implications in relation to this matter.

**Social, Cultural and Health**

There are no social, cultural and health implications in relation to this matter.

**Economic**

There are no economic implications in relation to this matter.

**Financial Implications**

The cost is included in the current budget.

**Link to Strategic Risk**

**Strategic Risk** - There are no Strategic Risks in relation to this matter. The area that the portable was built on was not part of the active open space portion of the recreation reserve and was equivalent to around 3.5% of the open space reserve. Relevant internal stakeholders agreed to the initial lease in 2020.

**Implementation Strategy**

**Communication**

The public notice was placed on Council’s website and engage page on 19 April 2023 and allowed the community 28 days to provide feedback on the extension of the Lease, which closed on 18 May 2023.

**Declaration of Conflict of Interest**

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

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

**Conclusion**

The Mernda Doreen area has significant social issues including high levels of youth disengagement and few adult and community education opportunities. PRACE offers the youth of our community education and community services including language, literacy and numeracy, and vocational training to adults and is committed to delivering services to the community from the current location.

PRACE is seeking an extension on their current Lease agreement with Council by a further 11 years. We are asking Council to support the extension of the current lease from nine years to 20 years and allow officers to vary the current Lease agreement by way of Deed of Variation to allow for the additional further term/s.

**5.2 Liveable Neighborhoods**

No reports

**5.3 Strong Local Economy**

No reports

**5.4 Sustainable Environment**

No reports

**5.5 High Performing Organisation**

5.5.1 Unconfirmed Audit and Risk Committee 25 May 2023 Meeting Minutes

**5.5.1 Unconfirmed Audit and Risk Committee 25 May 2023 Meeting Minutes**

**Responsible Officer:** Acting Executive Manager Strategy & Insights

**Author:** Unit Manager Risk & Assurance

**In Attendance:** Unit Manager Risk & Assurance

**Attachments:**

1. Unconfirmed Audit Risk Committee Meeting Minutes May 2023 [**5.5.1.1** - 32 pages]

**Purpose**

To enable Council to have oversight and understanding of the Audit and Risk Committee operations and as required under Council’s Audit and Risk Committee Charter, this report presents the unconfirmed Minutes of the Audit and Risk Committee meeting held on 25 May 2023.

**Brief Overview**

The minutes from the Audit and Risk Committee meeting held on 25 May 2023 are provided to inform Council of the Committee’s discussions and resolutions.

**Recommendation**

**THAT Council note the unconfirmed minutes of the Audit and Risk Committee meeting held on 25 May 2023.**

**Key Information**

The Audit and Risk Committee is an independent advisory committee of Council and its role is to report to Council and provide appropriate advice and recommendations on matters presented to it. It acts in this capacity by monitoring, reviewing and advising on issues within its scope of responsibility and assisting Council’s governance obligations to its community.

The Audit and Risk Committee considered a number of reports at the meeting held on 25 May 2023. The main agenda items included:

* Audit & Risk Committee Work Plan.
* Risk Management.
* Corporate Performance Report.
* Delegations of Authority.
* Information Services, Integration and Cybersecurity update.
* Internal Assurance update and Social Club Governance Report.
* Third Party Service Provider Assurance.
* Internal Audit Reviews completed:
  + Whittlesea Community Connections.
  + Fraud and Corruption.
  + Follow Up of Completed Internal Audit Actions.
  + Various Financial Controls.
* Outstanding Action items from Previous Internal Audits.
* Interim Management Letter year ending 30 June 2023.
* Management responses to Integrity Body Reports.

**Community Consultation and Engagement**

The Audit and Risk Committee is an advisory Committee to Council, therefore, no community consultation and engagement is undertaken. Membership to the Committee consists of two Administrators and 4 independent members.

**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 Audit and Risk Committee and the reports it receives are reflective of Council’s commitment to the implementation of good governance principles. The Committee provides advice to Council to assist with fulfilling its oversight responsibilities for the financial and non-financial reporting process, internal controls, the audit process, risk management and Council’s process for monitoring compliance with legislation and regulations and the Code of Conduct.

**Considerations**

**Environmental**

No implications.

**Social, Cultural and Health**

No implications.

**Economic**

No implications.

**Financial Implications**

The cost is included in the current operating budget.

**Link to Strategic Risk**

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

The Audit and Risk Committee assists Council to monitor governance, risk and compliance by making recommendations to Council.

**Implementation Strategy**

**Communication**

Outcomes of the resolution of Council will be advised to the Audit and Risk Committee at the next meeting.

**Critical Dates**

It is intended that the Audit and Risk Committee will confirm the minutes at the next quarterly meeting, on 12 September 2023.

**Declaration of Conflict of Interest**

Under Section 130 of the *Local Government Act 2020* officers providing advice to Council are required to disclose any conflict of interest they have in a matter and explain the nature of the conflict.  
  
The Responsible Officer reviewing this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

**Conclusion**

The Audit and Risk Committee met on 25 May 2023. That unconfirmed minutes of that meeting are attached to this report for noting by Council to inform it of Committee resolutions and discussions.

**6 Notices of Motion**

No Notices of Motion

**7 Urgent Business**

No Urgent Business

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

**9 Confidential Business**

**9.0.0 Close Meeting to the Public**

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

**Recommendation**

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

**9.1 Confidential Connected Communities**

No Reports

**9.2 Confidential Liveable Neighbourhoods**

No Reports

**9.3 Confidential Strong Local Economy**

No Reports

**9.4 Confidential Sustainable Environment**

No Reports

**9.5 Confidential High Performing Organisation**

No Reports

**10 Closure**