



Agenda

Scheduled Council Meeting

Tuesday 21 November 2023 at 6:30 pm

You are advised that a Meeting of Council has been called by the Chief Executive Officer on Tuesday 21 November 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 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

Emma Appleton Director Planning & Development

Agata Chmielewski Director Community Wellbeing

Sarah Renner Director Customer & Corporate Services

Debbie Wood Director Infrastructure & Environment

Frank Joyce Executive Manager Strategy & Insights

Janine Morgan Executive Manager Public Affairs

Jacinta Stevens Executive Manager Office of Council & CEO

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**Note:**

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

**Question Time:**

During the meeting, the Chief Executive Officer will answer questions from the community. Questions are required to be submitted in writing no later than 12 noon 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 will hold public question time for up to 30 minutes at each Scheduled Council Meeting to allow for public questions, statements, petitions or joint letters from our community to be read.

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

**1 Opening**

**1.1 Meeting Opening and Introductions**

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

Administrator, Peita Duncan;

Administrator, Christian Zahra; and

Chief Executive Officer, Craig Lloyd.

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

Emma Appleton, Director Planning and Development;

Agata Chmielewski, Director Community Wellbeing;

Sarah Renner, Director Corporate and Customer Services;

Debbie Wood, Director Infrastructure and Environment;

Frank Joyce, Executive Manager Strategy and Insights;

Janine Morgan, Executive Manager Public Affairs; and

Jacinta Stevens, Executive Manager Office of Council and CEO.

**1.2 Acknowledgement of Traditional Owners Statement**

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

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

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

**1.3 Diversity and Good Governance Statement**

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

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

**1.4 Acknowledgements**

**1.5 Attendance**

**2 Declarations of Conflict of Interest**

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

**Recommendation**

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

**Scheduled Meeting of Council and Confidential Meeting of Council held on   
17 October 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 Community Local Law 2024 - Final Draft for Endorsement

**5.1 Community Local Law 2024**

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

**Report Author:** Coordinator Regulatory Programs

**In Attendance:** Manager Emergency Management & Regulatory Programs

**Executive Summary**

Following an extensive review and development process, the final *Community Local Law 2024* has been prepared. This follows extensive community engagement on the draft *Community Local Law 2024* over two phases.

The City of Whittlesea *Community Local Law 2024* is designed to complement State and Federal Laws and aims to strike the right balance between personal freedom and community responsibility, to help people live harmoniously in their local community. All Councils in Victoria are required to have a Local Law to keep people safe, protect the natural environment, improve access and enjoyment of public places and respond to poor behaviour.

The final Local Law incorporates several regulatory improvements designed to enhance community safety, protect property and align with Governance Rules. The other notable change is with regard to the use of headings, grouping of local laws into relevant ‘parts’ and use of images for greater readability. Minor changes to grammar have improved accessibility of information for the community.

The finalisation of the Local Law review together with the adoption and implementation of the *Community Local Law 2024* will fulfil a key Council priority commitment in Council’s Community Plan Action Plan 2023-24.

**Officers’ Recommendation**

**THAT Council endorse the *Community Local Law 2024*, which has been legally certified as meeting the requirements of the *Local Government Act 2020* with an effective date of 1 July 2024, at which point the current *General Municipal Law 2014* and any incorporated documents to that Local Law will cease to be operational.**

**Background / Key Information**

Council is required to undertake a rigorous process in the making of a Local Law. The Act provides the context for developing local laws and gives authority for Council to make local laws which are valid for 10 years.

Council began the review of the *General Municipal Law 2014* in September 2020. The review of the General Municipal Law 2014 was undertaken in accordance with the Victorian State Government’s Guidelines for Local Laws Manual 2010.

The review identified a number of regulatory improvements and the benefit of drafting a new Local Law. The outcome of the review informed the development of the proposed *Community Local Law 2024* which seeks to provide a clear and concise direction for Council Officers, residents and the wider community.

The General Municipal Law 2014 cover the vast majority of compliance and enforcement activity undertaken by City of Whittlesea outside of the various state acts. The Local Law regulates how Council land is used and the protection of Council and community assets.

Officers have prepared the final *Community Local Law 2024* **(Attachment 1)** to be endorsed by Council.

The review and development of the Community Local Law 2024 has focussed on amending existing Local Laws where there have been issues experienced in the past and also developing additional Local Laws to address future issues expected to be experienced within the municipality.

The main changes incorporated into the final Local Law are:

* **Formatting and language** –General wording was confusing and hard to understand. It is now much simpler with the use of easy-to-understand language, use of headings and grouping of local laws into relevant ‘parts’.
* **Property** – Clearer laws around property have been included that aim to ensure the safety, attractiveness and maintenance of the municipality, including stronger laws relating to hard waste and dumping of rubbish.
* **Fire Safety** – Provisions have been added to set the requirements for fire prevention and other activities that may affect the environment including fire hazards, open-air burning and the recreational use of firepits.
* **Animals** – Stronger laws have been included to provide for the reasonable care, ownership and management of animals with a balanced approach taken towards dog controls in public places and regulating the number and types of animals allowed by a person.
* **Vehicles and Roads** – provisions have been added that aim to enhance the appearance of streets and public places by managing activities involving vehicles including long-term parking and vehicle storage.
* **Building Management** – provisions have been included to increase the control of activities around building sites to address issues of noise, waste and other disturbances caused by building works.
* **Behaviour in public places and on Council land** – new laws have been introduced that set out the manner in which a person can behave in public places and on Council land.
* **Penalty Units** – the penalty units within the new Local Law have been updated to reflect the level of breach, with offences committed by corporations being higher.

The final Local Law has been reviewed and certified by an external Australian Legal Practitioner to confirm it meets the requirements of the *Local Government Act 2020*. A copy of the certification has been provided in this report **(Attachment 2)**.

The *Local Government Act 2020* (the Act) provides the context for developing local laws and gives authority to Council to make local laws. The Local Law has many purposes, but it is principally to achieve peace, order and good governance of the municipality. The Local Law is intended to mitigate or eliminate problems and risks.

The *Local Government Act 2020* sets out a number of limitations on local laws, such as a requirement that they do not duplicate, overlap, contradict or be inconsistent with existing legislation or Planning Scheme.

**Community Transition Plan**

A Community Transition Planhas been developed to improve clarity and transparency for those affected by the Community Local Law 2024 in line with Council’s Engagement Policy.

The Community Transition Plan outlines the key audience and stakeholders, messaging, critical dates and initiatives to ensure the successful transition to the *Community Local Law 2024.*

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

**Alignment to Whittlesea 2040 and Community Plan 2021-2025:**

**Connected Communities**

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

*The Community Local Law 2024 works to ensure equitable, orderly and enjoyable use of public places and community facilities by all.*

**Liveable Neighbourhoods**

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

*The safety of public places in the City of Whittlesea is greatly enhanced by the Community Local Law 2024.*

**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.

*The Community Local Law 2024 helps to regulate activities in economic centres, including activities on roads and footpaths, signage, shopping trolleys, donation bins and antisocial behaviour such as drinking and smoking in public places. This seeks to ensure the public are safe and can participate in public life.*

**Sustainable Environment**

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

*In the City of Whittlesea, the Community Local Law 2024 helps Council regulate some pests, noxious weeds and waste management.*

**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 cost is included in the current budget.

**Community Consultation and Engagement**

Community consultation and engagement to inform the development of the *Community Local Law 2024* was undertaken across two key phases.

Overall, there were 2164 individual participants who provided feedback. This included 644 online surveys, 1509 in person conversations at 45 community pop-up events and 11 email submissions to Council. We note that a further 300 plus people attended our community-based sessions received information but did not formally provide a contribution.

The phase 1 community engagement period ran throughout January to March 2023, the community provided feedback on what matters to them regarding safety and local amenity, and how important it is for Council to monitor those activities.

Phase 1 saw 1707 individual participants who feedback. This included 590 online surveys, 1106 in person conversations at 22 community pop-up events and 11 email submissions to Council. The Community Engagement (Phase 1) Report was presented to Council at the 27 June General Council Meeting.

The phase 2 community engagement period ran for six weeks from 29 June 2023 to 13 August 2023 inclusive.

During this time, members of the community were able to review the draft *Community Local Law 2024* and the Community Impact Statement and were invited to participate in the following engagement activities:

* complete a short online survey
* participate in a face-to-face questionnaire
* make an email on in-person submission or
* attend a public information session via the Community Local Law and Safer Communities Roadshow 2023.

Overall, there were 403 contributions made online or in-person. A further 181 out of 530 people who attended our community-based sessions received information but did not formally provide a contribution.

The Community Engagement (Phase 2) Report was published on the Engagement Hub and highlighted results from the community pop-ups and digital survey as well as a snapshot of general themes and feedback from phase 2.

Administrators, Executive Leadership Team, and Council officers across various departments were also consulted during the development of the final Local Law. The feedback received during the consultation process further informed the development of the final Local Law. The local laws of neighbouring Councils were also considered.

**Other Principles for Consideration as per the *Local Government Act (2020)***

**Overarching Governance Principles and Supporting Principles**

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

*The Community Local Law has been drafted in accordance with the Local Government Act 2020 and the Victorian State Government’s Guidelines for Local Laws Manual 2010. It has also been legally certified by an Australian Legal Practitioner.*

**Public Transparency Principles**

(c) Council information must be understandable and accessible to members of the municipal community.

*The Community Local Law 2024 will be made accessible to members of the municipal community in various formats including online and in hard copy and in various languages in accordance with Council’s Engagement Policy.*

**Council Policy Considerations**

**Environmental Sustainability Considerations (including Climate Emergency)**

The *Community Local Law 2024* will address new and emerging issues and have consideration to the protection of heritage and environment where applicable.

The environmental sustainability impacts are also set out in the Community Impact Statement.

**Social, Cultural and Health**

The *Community Local Law 2024* will aim to help individuals and business be aware of their compliance responsibilities and support them to meet obligations through providing information, education and awareness.

The social, cultural and health impacts are also set out in the Community Impact Statement.

**Economic**

The *Community Local Law 2024* will be fair, inclusive and equitable and aims to prioritise the support of businesses and the community as well as the creation of a liveable, safer and heathier municipality by regulating activities on Council land or may impact on urban character and local amenity.

The economic impacts are also set out in the Community Impact Statement.

**Legal, Resource and Strategic Risk Implications**

The *Community Local Law 2024* has been reviewed and certified by an external Australian Legal Practitioner to confirm it meets the requirements of the *Local Government Act 2020*.

The legal, resource and strategic risk impacts are also set out in the Community Impact Statement.

**Implementation Strategy**

**Communication**

Once the *Community Local Law 2024* is endorsed, it will be shared with the community via digital and face-to-face communications as well as direct contact with key stakeholders, updates on websites and via printed material.

The Community Transition Plan will also be shared and communicated which aims to raise awareness of the new *Community Local Law 2024* across the municipality and promote key dates.

**Critical Dates**

* Council Meeting to present final Community Local Law 2024 and Transition Plan for adoption: 21 November 2023
* Implementation and Transition period: 1 December 2023 – 31 June 2024
* *Community Local Law 2024* effective: 1 July 2024 at which point the current *General Municipal Law 2014* and any incorporated documents to that Local Law will cease to be operational.

All other critical dates have been captured throughout this report.

**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. Community Local Law 2024 - FINAL [**5.1.1** - 56 pages]
2. Community Local Law 2024 - FINAL - Solicitor Certification - 14112023 [**5.1.2** - 1 page]

5.2 Quarterly Corporate Performance Report - Q1 ended 30/9/2023

**5.2 Quarterly Corporate Performance Report - Q1 ended 30 September 2023**

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

**Report Author:** Unit Manager Financial Strategy & Performance

**In Attendance:** Chief Financial Officer

**Executive Summary**

To inform Council of the Quarterly Corporate Performance Report for the period ended 30 September 2023 (Attachment 1) including financial, capital work, good governance and Community Plan Action Plan action status.

**Officers’ Recommendation**

**THAT Council:**

**1. Note the Quarterly Corporate Performance Report for the period ended 30 September 2023 (Attachments 1 - 3).**

**2. Note the financial performance for the period ended 30 September 2023.**

**3. Approves the establishment of two new reserves, ‘Plant Replacement Reserve’ and ‘Community Grant Reserve’ to ensure Council has funds to support the replacement of Council’s plant and fleet and funding to fulfill community needs through Council driven program and initiatives.**

**Background / Key Information**

**Community Plan Action Plan**

55 of the 56 key actions included in the Community Plan Action Plan for delivery in the 2023-2024 financial year are reported completed or on track. Nine of the key actions have an operational expenditure budget allocated against them, with the budget expenditure reported on track.

**Good Governance**

In preparation for the return of an elected Council, and to enhance good governance practices the following documents have been reviewed and adopted by Council or the CEO:

l Governance Rules l Public Transparency Policy

l Election Period Policy l Public Interest Disclosure Procedures

l CEO Employment and Remuneration Policy l Audit and Risk Committee Charter

l Councillor Gift Policy l Staff Gift Policy

l Councillor Communication Policy

During this quarter, the return of elected Council program established a governance structure comprising of a Return to Elected Council Board and four program workstreams with the objectives of implementing a good governance foundation, empowering our teams, and supporting a high performing organisation.

The first of two Executive and Senior Leadership Teams (ELT/SLT) good governance workshops was facilitated by the VLGA and Hunt & Hunt Lawyers with a focus on good governance, roles and responsibilities, conduct and obligations.

The CEO Employment Matters Advisory Committee (CEMAC) undertook the 2022-2023 CEO performance appraisal which was subsequently approved by Council. In addition, the 2023-2024 CEO Key Performance Indicators were mutually agreed and adopted by Council.

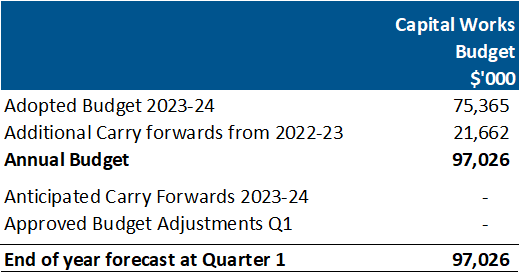
The Audit and Risk Committee considered several matters including Council’s financial, capital works and Community Plan Action Plan performance, risk management, fraud prevention systems and controls, and compliance with the overarching governance principles. The Audit and Risk Committee Independent Chair provided Council with the six-monthly report from the Committee.

All Administrators and senior staff lodged their biannual personal interest returns within the prescribed period of 30 September 2023. A summary of interest returns has been made available on Council’s website. The Audit and Risk Committee members also lodged a personal interest return declaration although there is no legislative requirement under the *Local Government Act 2020.*

**Capital Works**

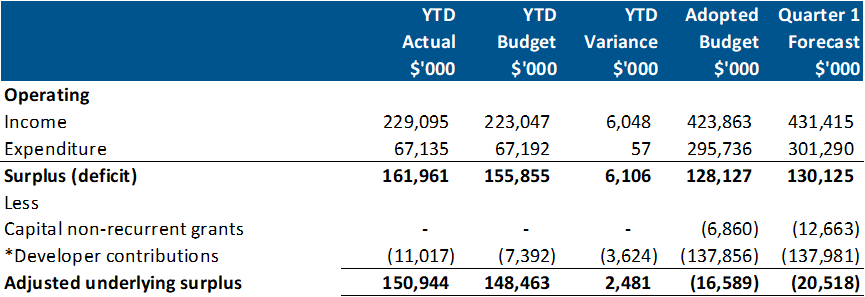
* Council adopted the 2023-2024 Capital Works Program on 27 June 2023 with a budget of $75.37 million. Capital Works Annual Budget also includes 2022-2023 carry forwards of $21.66 million, providing a total budget amount of $97.03 million.
* Year to date Capital Works actual expenditure is $11.65 million against year to date Annual Budget of $10.56 million, which is $1.09 million ahead of budget.

The table below includes a summary of the Capital Works program.



**Financial Performance**

For the three months ended 30 September 2023, Council recorded an operating surplus of $161.96 million, which is $6.11 million favourable to the year to date budget.



*\* Includes gifted assets which do not convert into cash*

*\* Includes developer contributions which are restricted by legislation and must be used for future infrastructure investment*

This surplus as reported includes all revenue recognised in the financial period, including gifted assets (non-monetary), developer contributions and grants towards capital works projects. It is important to note that the operating surplus is not a cash surplus; therefore, it does not convert to immediately available cash for Council. Significant amounts of the surplus are restricted by legislation and must be used for future infrastructure investment.

**Key Information**

**Introduction**

The Quarterly Performance Report for the period 30 September 2023 has been prepared in accordance with the regulation of the *Local Government Act 2020*. This report is designed to identify major variances against the September year to date budget.

The attached report (Attachment 1) includes a comprehensive summary of:

* Community Plan Action Plan 2023-24 to 30 September 2023;
* Good Governance actions to 30 September 2023;
* 2023-2024 Capital Works Program to 30 September 2023; and
* Council’s financial performance to 30 September 2023.

To comply with the Act, the report includes the following comparisons for the three months ended 30 September 2023:

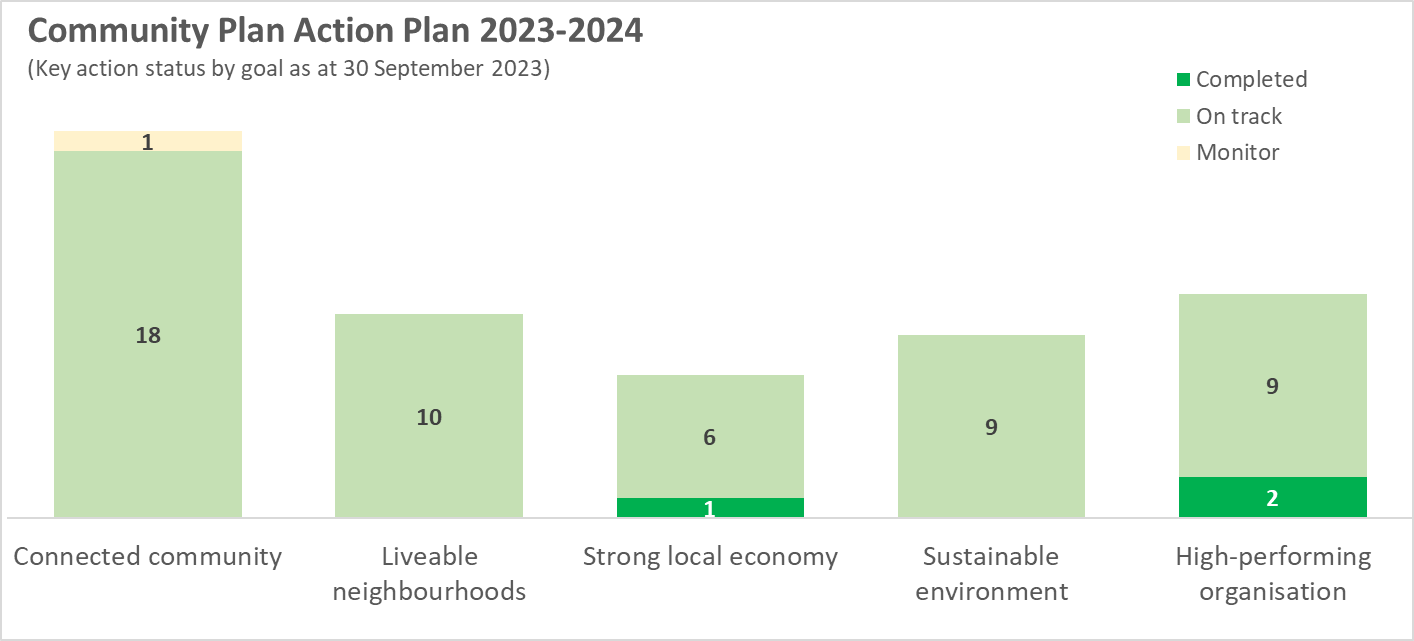
* actual and budgeted operating revenues and expenses;
* actual and budgeted capital revenues and expenses;
* actual movements in the balance sheet; and
* actual movements in the cash flow statement.

**Community Plan Performance**

The Community Plan 2021-2025 includes 61 key initiatives. 56 related key actions are included in the Community Plan Action Plan for delivery in the 2023-24 financial year. Of the 56 key actions included in the Community Plan Action Plan 2023-24:

* Three actions are reported “Completed”;
* 52 actions are reported “On Track”; and
* One action is reported “Monitor”.

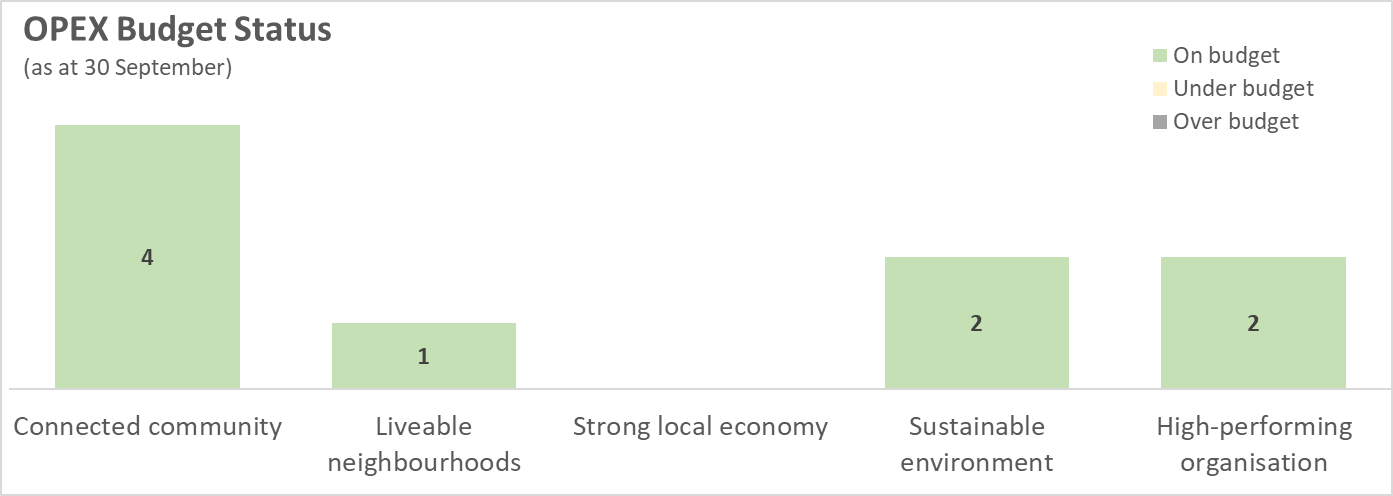
These are the key actions currently reported “On Track”, “Monitor” or “Completed”:



Below is the key action reported as “Monitor”:

|  |  |  |  |
| --- | --- | --- | --- |
| **Key actions** |  | **Progress Status** | **OPEX Budget Status** |
| **Goal 1: Connected community** | | | |
| Adopt the Whittlesea Reconciliation Action Plan 2023-2027 | | Monitor | N/A |
| Comment: This year has been a particularly significant and sensitive time for Aboriginal and Torres Strait Islander people. We have been working with our local community and stakeholders to ensure they have the opportunity for meaningful input in the development of the Reconciliation Action Plan whilst respecting their need for space and flexibility in the current environment. | | | |

Nine of the 56 key actions have an operational expenditure budget allocated against them; all key action budget expenditure is reported on track:



Please refer to Attachment 2 for the Quarter 1 2023-24 Performance Snapshot.

**Good Governance**

Council is committed to good governance and undertakes actions for continuous improvement throughout the year. Additionally, Council’s preparation for the return to an elected Council has commenced through three of the four workstreams to put measures in place to establish a good governance foundation through processes, policies and guidelines. The four workstream commences in the next quarter with all four workstreams continuing through to October 2024.

The key achievements this quarter relating to continuous and improved good governance included:

• Scheduled Council meetings held monthly to facilitate Council decision-making. An additional unscheduled Council meeting was held in July to address a confidential matter.

• The Audit and Risk Committee, consisting of two Administrators and four independent members met on 5 and 12 September 2023 and considered a number of matters including Council’s financial and performance reporting, external audit outcomes, risk management, internal audit outcomes, systems of internal control, fraud prevention systems and controls, and legislative compliance.

• At the September Council meeting, the Audit and Risk Committee’s Independent Chair provided Council with the six-monthly report from the Committee, outlining the activities undertaken by the Committee.

• Biannual Personal Interest Returns were completed on time by all Administrators and senior staff. Although Audit and Risk Committee members are not required to complete personal interest returns, interest return declarations were submitted by the Audit and Risk Committee members.

• Reviewing and updating policies and procedures to continue to improve governance across Council and operations for example conflict of interest, Councillor and Staff Interaction Protocol.

**Capital Program**

Council adopted the 2023-24 Capital Works Program on 27 June 2023 with a budget of $75.37 million. Capital Works Annual Budget also includes 2022-23 carry forwards of $21.66 million, providing a total budget of $97.03 million.

The financial expenditure performance of the Capital Works Program to 30 September 2023 is detailed below:



As at 30 September 2023, capital expenditure of $11.65 million was $1.09 million ahead of budget.

**Infrastructure Grants**

A summary of recent infrastructure grants outcomes is included in the Grants Status Report (Attachment 3). A total of $14.88 million in applications have been successful to date this financial year. Applications to the value of $4.01 million are awaiting outcomes/ announcements.

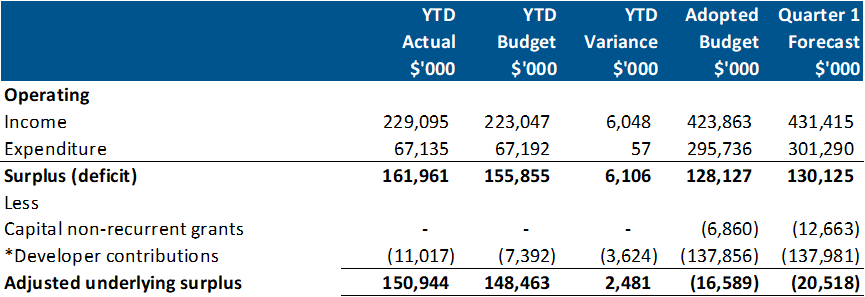
**Program Impacts and Carry forwards**

The delivery of many projects within the 2022-23 capital works program were impacted throughout the year. Due to delays to planning, tendering and construction activities throughout the year, $21.66 million has been carried forward to the 2023-24 financial year to enable completion of these works.

**Financial Performance**

The Financial Performance Report for the period ended 30 September 2023 includes the following financial statements included in the Corporate Performance Report (Attachment 1):

* Comprehensive Income Statement;
* Balance Sheet;
* Statement of Cash Flows;
* Statement of Capital Works; and
* Summary of Reserves.



\*Includes gifted assets which do not convert into cash

\*Includes developer contributions which are restricted by legislation and must be used for future infrastructure investment

For the three months ended 30 September 2023, Council recorded an operating surplus of $161.96 million, which is $6.11 million favourable to the year to date budget.

This surplus as reported includes all revenue recognised in the financial period, including gifted subdivisional assets (non-monetary), developer contributions and grants towards capital works projects. It is important to note that the operating surplus is not a cash surplus; therefore, it does not convert to immediately available cash for Council. Significant amounts of the surplus are restricted by legislation and must be used for future infrastructure investment.

The operating result is a key figure to assess Council’s financial performance. Although Council is a not-for-profit organisation, it should still generate a surplus to ensure future financial sustainability.

**Reserves**

Council recommends establishing two new reserves, ‘Plant Replacement Reserve’ and ‘Community Grant Reserve’. The Plant Replacement reserve will ensure Council have adequate funds for the replacement of Council’s plant and fleet program. The Community Grant reserve will ensure the repurposing of community grant underspend to fulfil community needs through Council driven programs and initiatives.

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

Alignment to Whittlesea 2040 and Community Plan 2021-25:

**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**

All matters raised in this report, which have a financial implication, have been reflected in the Corporate Performance Report for the three months ended 30 September 2023 (Attachment 1).

**Community Consultation and Engagement**

The Community were extensively engaged and consulted in developing the 2022-23 Community Plan actions and budget.

**Other Principles for Consideration**

**Overarching Governance Principles and Supporting Principles**

(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.

**Council Policy Considerations**

**Environmental Sustainability Considerations (including Climate Emergency)**

No Implications.

**Social, Cultural and Health**

No Implications.

**Economic**

No Implications.

**Legal, Resource and Strategic Risk Implications**

No Implications.

**Implementation Strategy**

**Communication**

Reported information has been sourced and discussed with line management and project managers across the organisation. Consultation has also been undertaken with the Executive Leadership Team.

**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. Corporate Performance Report [**5.2.1** - 20 pages]
2. 2021-2025 Performance Snapshot Q1 Jul- Sept 2023 [**5.2.2** - 1 page]
3. Capital Grants Status Update Report - September 2023 [**5.2.3** - 1 page]
4. Reserve September 2023 [**5.2.4** - 3 pages]

5.3 Community Grants Quarterly Update

**5.3 Community Grants Quarterly Update**

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

**Report Author:** Manager EPMO & Change

**In Attendance:** Manager EPMO & Change

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 regarding funding to community groups.

**Executive Summary**

This report is to provide an overview of community grant funding that has been approved in Q1 FY2023-2024.

**Officers’ Recommendation**

**THAT Council:**

**1.** **Notes the groups, funding and approvals for Q1 FY2023-2024 at Attachment 1.**

**2.** **Notes the steps being taken for continuous improvement and awareness as stated in Attachment 1.**

**Background / Key Information**

Council introduced new community grant guidelines in FY2023-2024. As part of the new process, a quarterly community grants report would be introduced for council. This report included an overview of funding applications received and successful applicants.

**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.

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

**Financial Management**

The cost is included in the current budget.

**Community Consultation and Engagement**

Not applicable.

**Other Principles for Consideration as per the *Local Government Act (2020)***

**Overarching Governance Principles and Supporting Principles**

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

(h) Regional, state and national plans and policies are to be taken into account in strategic planning and decision making.

**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.

**Council Policy Considerations**

**Environmental Sustainability Considerations (including Climate Emergency)**

No Implications.

**Social, Cultural and Health**

No Implications.

**Economic**

No Implications.

**Legal, Resource and Strategic Risk Implications**

No Implications.

**Implementation Strategy**

**Communication**

Not Applicable.

**Critical Dates**

This report covers 3 July 2023 to 29 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.

**Attachments**

1. CONFIDENTIAL REDACTED - Quarterly Community Grants Report - Q 1 F Y 2324 [**5.3.1** - 9 pages]

5.4 Endorsement of the marram baba Merri Creek Regional Parklands Future Directions Plan

**5.4 Endorsement of the marram baba Merri Creek Regional Parklands Future Directions Plan**

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

**Report Author:** Unit Manager Conservation Management

**In Attendance:** Unit Manager Conservation Management

**Executive Summary**

The purpose of this report is to seek endorsement for the marram baba Merri Creek Regional Parklands Future Directions Plan.

The marram baba Future Directions Plan (FDP) provides strategic direction for this future regional park along the Merri Creek. The proposed parkland extends over 2778 hectares from the Western Ring Road in Thomastown to Bald Hill in Beveridge.

The creation of the marram baba Merri Creek Regional Parklands was a 2018 election commitment by the Victorian State Government and would become Melbourne’s second largest regional park. This project was delivered under the Suburban Parks Program by the Department of Environment, Energy and Climate Action (DEECA). The FDP has been supported with a $1 million investment from DEECA in park works and infrastructure that includes trails, interpretive signage, and opportunities for traditional owners to deliver works on country.

The City of Whittlesea is one of seven stakeholders involved in the project control and working groups along with the Wurundjeri, Hume City Council, Mitchell Shire, Melbourne Water, Yarra Valley Water, Merri Creek Management Committee and Parks Victoria. The FDP establishes a common vision and guiding principles for the regional park and provides directions and actions for a more consistent approach by all stakeholders participating in co-management.

DEECA is now seeking endorsement from all stakeholder organisations prior to finalising the marram baba Future Directions Plan (Attachment 1).

**Officers’ Recommendation**

**THAT Council:**

1. **Endorse the marram baba Merri Creek Parklands Future Directions Plan.**
2. **Note the CEO will write to Department of Environment, Energy and Climate Action confirming Council’s endorsement of the marram baba Future Directions Plan.**
3. **Write to stakeholders involved in the marram baba Merri Creek Parklands Future Directions Plan to congratulate them on the development of the plan.**

**Background / Key Information**

The initial parkland concept was presented to Council's Executive Leadership Team (ELT) in July 2022 prior to being taken to public consultation and ideas gathering. From the initial consultation, a draft plan was developed and presented to ELT and Council Briefing in February 2023. The draft document was then presented to stakeholders and the community for further comment and feedback which has now been incorporated.

Community consultation for the FDP was led by DEECA with support of all stakeholder organisations. Initial community consultation on the regional park concept occurred during July and August 2022. The DEECA led consultation included opportunities to provide written input and leave comments on maps via its online Engage platform, participation in online information sessions, postcard mail outs to surrounding landowners and residents, distribution of information posters in community gathering spaces, and pop-up consultation events in local shopping centres and at established areas of the park. Consultation materials was distributed in English, Arabic and Punjab to align with community demographics.

Following the drafting of the plan, stakeholder endorsement was sought to go back to public consultation in April and May of 2023 using many of the same mediums for consultation.

Overall, the feedback from the different methods of engagement showed high levels of support for the FDP and the overall vision for the regional park. A summary of community consultation is provided in Attachment 2.

Additional input and suggested changes were received by stakeholders including traditional owners (right-holders), Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation. The feedback from Traditional Owners was received following a separate investigation in the form of a Cultural Values Assessment.

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

Alignment to Whittlesea 2040 and Community Plan 2021-2025:

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

The plan supports the ongoing creation of a large interconnected open space alongside the municipality's western boundary. This plan supports the delivery of missing links in out walking and cycling network, included important east-west connections with our neighbouring Councils.

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

The partnership with all stakeholders in creating the marram baba Merri Creek Parklands and the FDP is supported by the Sustainable Environment Strategy 2022-32 Key Direction 1, ‘Valued Natural Landscapes’ and the project outputs align with Outcomes 1.1 ‘Our landscapes, waters and species are protected, improved, and valued’ and Outcome 3.2 ‘Our water resources are managed in an integrated way’.

The Sustainable Environment Strategy 2022-32 includes action *“Continue to partner with neighbouring councils to act and advocate for biodiversity and waterway health including but not limited to via the Merri Creek Management Committee, Darebin Creek Management Committee, Melbourne Strategic Assessment Local Government Liaison Group, Biodiversity Planning Network and Bushland Managers Network”.*

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

**Environmental**

The FDP recognises the changing land use context of most of the upper reaches of the Merri Creek in the Whittlesea, Hume and Mitchell municipalities. It reinforces the necessity of protecting the existing natural values of the Merri Creek, surrounding public open space, and important landscapes for biodiversity protection.

**Social, Cultural and Health**

The FDP includes cultural asset protection and cultural land management as priority strategies for managing the marram baba Merri Creek Regional Parklands.

The FDP considers existing passive park uses such as walkers and cyclists and seeks to develop links that will create richer experiences and greater connections between surrounding land. The infrastructure investment by DEECA for the marram baba project included funding for tracks in Campbellfield and Thomastown on Parks Victoria owned land, as well as design and construction funding for the creation of interpretive and wayfinding signage. This signage suite will continue to be rolled out in future growth areas as the park extends further north up the Merri Creek corridor into suburbs such as Donnybrook, Kalkallo, and Beveridge.

**Economic**

No implications.

**Financial Implications**

The FDP Action remains high-level, noting the financial constraints and competing priorities of all partner organisations and land managers. In endorsing this plan each stakeholder aspires to continue to manage their sections of the regional park in such a way as to be consistent with the principles of the FDP. Council will support the delivery of actions via existing capital and operational budgets and new initiative bids over the life of the plan.

**Other Principles for Consideration as per the *Local Government Act (2020)***

**Overarching Governance Principles and Supporting Principles**

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

**Public Transparency Principles**

(a) Council decision making process 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.

**Council Policy Considerations**

**Environmental Sustainability Considerations (including Climate Emergency)**

No Implications

**Social, Cultural and Health**

No Implications

**Economic**

No Implications

**Legal, Resource and Strategic Risk Implications**

No Implications

**Implementation Strategy**

**Communication**

The communications on Council’s endorsement of the FDP will be communicated via email directly to the relevant DEECA area that manages the Suburban Parks Program. Once all stakeholders have provided endorsement and support for the FDP it is anticipated that Council will be invited by DEECA to the official launch with all relevant stakeholders.

**Critical Dates**

DEECA seeks to endorse the plan and launch the plan in late November/early December.

**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. ATTACHMENT 1 - Future Directions Plan marram baba Merri Creek [**5.4.1** - 83 pages]
2. ATTACHMENT 2 - marram baba Merri Creek engagement summary report [**5.4.2** - 33 pages]

5.5 Nick Ascenzo Reserve Master Plan

**5.5 Nick Ascenzo Reserve Master Plan**

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

**Report Author:** Open Space Planner

**In Attendance:** Coordinator Open Space Planning

**Executive Summary**

The purpose of the report is to:

* Provide an update on the outcomes of the community consultation for draft Nick Ascenzo Reserve Master Plan;
* Seek endorsement of the Nick Ascenzo Reserve Master Plan for implementation.
* As part of the Alexander Avenue Town Centre revitalisation, the need for a master plan for Nick Ascenzo Reserve was identified to meet community needs.
* Engagement with the community and key stakeholders was undertaken which identified a desire for a safer, vibrant, and activated open space.
* Consultation and engagement for the Nick Ascenzo Reserve Master Plan has now concluded, and changes have been made to the final document for endorsement.
* The master plan guides and provides direction for future upgrades and improvements to Nick Ascenzo Reserve. The master plan responds to ageing infrastructure, safety concerns, connectivity and community needs along with recommendations to improve the natural environment.

**Officers’ Recommendation**

**THAT Council:**

1. **Endorse the Nick Ascenzo Reserve Master Plan.**
2. **Note the draft master plan has been revised to reflect the community feedback.**
3. **Note the funding for the implementation of master plan actions will be subject to Capital works program budget considerations in future years.**
4. **Thank all submitters to the master plan for their contribution.**

**Background / Key Information**

* Nick Ascenzo Reserve is identified in the City of Whittlesea Open Space Strategy as a Municipal Open Space Reserve. The Open Space Strategy recommends *“Preparation of a Landscape Masterplan to guide future upgrades and use of this park for structured and unstructured sport and recreation use. This review is to consider the car parking facility location (including the play area); improving the connection between the adjoining shopping precinct and the park; and improving visual access into the park through trimming selected vegetation.”*
* Nick Ascenzo Reserve is situated in Thomastown in the southwest of the municipality. Thomastown is approximately 15 square kilometres in size. Although known as a residential area, it has a significant industrial area. Thomastown is bordered by Merri Creek in the west and Darebin Creek in the east. Thomastown has a shortage of open space with Nick Ascenzo Reserve being the only park in this area.
* Key data for Thomastown include:
* 20,234 residents in 2021
* 42.1% of households are couples with children
* 35.4% of households are couples without children
* 27.5% of Population are 60+ years of age
* 27% of Population are less than 25 years of age
* Median age is 39
* 56.4% were born overseas
* 71.8% Speak a language other than English at home
* 7.02% canopy cover (Greening Whittlesea City Forest Strategy, 2020-2040)
* 23 square meters provision of usable (unencumbered) open space per resident (2023)
* 17 square meter projected provision of usable open space per resident (projected population 2041)
* In May 2021, the Alexander Avenue Enhancement Group organised a meeting with Council officers, Thomastown East Primary School, and local shop owners to address safety concerns around the Alexander Avenue precinct including around the school, public toilets, and shops. Consultation on the Thomastown and Lalor Place Framework also received considerable feedback on Nick Ascenzo Reserve.
* Nick Ascenzo Reserve is a major open space north of the Metropolitan Ring Road between High Street and Dalton Road. The reserve is the largest informal recreation open space in Thomastown (no formal organised sport), with an area of approximately 3.5 hectares which is characterised by open grass surrounded by garden beds and mature trees offset from the reserve boundaries. The reserve comprises facilities including playground, rock climbing wall, bocce rink, half basketball court, table tennis, picnic facilities, public toilet, car parking, football and soccer goals, community hall and scout hall. Infrastructure in the park is aging, and in some cases inadequate.
* A 60m transmission easement runs through the reserve, dividing the site into two parts physically and visually. This creates a major design and use constraint and prohibits the central lawn for structured sport, however there is an opportunity to have informal activities.
* The Master Plan will provide the City of Whittlesea with a vision, objectives, recommendations, and prioritisation for future development over the next 5 to 10 years. As a Municipal Open Space, the reserve will be improved to augment connections with the streetscape, town centre and neighbourhood, and meet community needs.
* The Nick Ascenzo Reserve Masterplan and recommendations will be adaptative to the Community Infrastructure Plan when finalised.

The vision of the draft Master Plan is:

Nick Ascenzo Reserve is an inclusive and distinctive park that provides a range of recreation, informal sport, and social opportunities for all people to enjoy whilst enhancing the natural values of the park. It provides an environment that is accessible, well-connected, attractive and sustainably managed.

The objectives are:

* Establish a well-maintained reserve;
* Invite and inspire people of all ages and abilities;
* Promote and facilitate social community use and events;
* Upgrade informal sporting infrastructure and community facilities;
* Promote environmental sustainability and landscape character;
* Provide clear sight lines across the reserve and activate during night and day to improve perceptions of safety in the area;
* Provide well-defined, safe, and accessible connections within the reserve and the Alexander Avenue shops and Thomastown East Primary School.

The Nick Ascenzo Reserve Master Plan sets out recommendations which are articulated through the key themes of Movement and Access, Informal Recreation and Park Infrastructure, and Environment and Landscape (Attachment 1) will achieve the following outcomes for the community.

**Movement and Access:**

**Enhanced Accessibility:** The realigned and upgraded circuit path, along with the proposed concrete footpath, will make the park more accessible to a wider range of community members, including those with mobility challenges.

**Improved Entrance Experience**: Upgraded entrances with signage, lighting, and landscaping will create a more welcoming and aesthetically pleasing entrance, enhancing the park's overall appeal.

**Better Parking Facilities**: The proposed footpath from Boronia Street to the carpark and the upgraded car park with a water-sensitive approach will not only enhance access to the park but also prioritise safety and sustainability

**Informal Recreation and Park Infrastructure:**

**Versatile Recreational Space:** The proposed running loop, nature play, fitness stations, scooter/skate and multi-purpose court will provide a versatile recreational space that caters to a wide range of activities at different times, serving as a vibrant hub for school groups and individuals.

**Diverse Play Experiences:** The proposed playground with nature-based play elements and the scooter, skate, and BMX loop will provide a range of recreational options for children and teenagers, promoting active and creative play.

**Fitness and Exercise Opportunities:** The multi-purpose court and fitness/exercise station will encourage physical activity, promoting a healthier lifestyle within the community.

**Community Spaces:** The flexible central lawn, expanded picnic area, outdoor gathering spaces and plaza space will serve as venues for community events, picnics, and social gatherings, fostering a sense of community.

**Environment and Landscape:**

**Improved Biodiversity:** Planting additional trees and low-maintenance garden beds will enhance the park's ecological diversity and sustainability.

**Enhanced Safety and Aesthetics:** Thinning out overgrown understory planting, improving lighting, and removing certain trees will create a more visually appealing and safer environment.

**Shade and Comfort:** More canopy cover around the play space and walking track will provide shade, making the park more comfortable for outdoor activities during hot weather.

Refer to Appendix 1 (Nick Ascenzo Reserve Master Plan Report) for more details on specific actions.

**Community Consultation and Engagement**

Feedback from the community and stakeholders have informed the development of the Nick Ascenzo Reserve Master plan. The engagement comprised of two phases (Refer to Attachment 2 - Engagement Summary Report):

1. Phase one, Information Gathering,
2. Phase Two, Draft Master Plan Exhibition.

The second phase of consultation was undertaken between the 19th of May 2023 to the 25th of June 2023 and involved engaging the broader community through pop-up sessions and on Council’s digital engagement platform. The purpose of this engagement was to receive community feedback on the Draft Nick Ascenzo Reserve Master Plan and key recommendations, and their preferred priority upgrades to ensure that the future of the reserve reflects our community’s needs. Council officers continued engagement with key stakeholders during phase two consultation.

The project engage page received 268 visitors with 33 community members providing feedback or completing the survey during the consultation period.

Council Officers spoke with a further 14 people across the two community pop-ups, and had separate workshops with Alexander Avenue Shop Precinct traders and the Principal of Thomastown East Primary School.

The following stakeholders were consulted.

External stakeholders

* Traders on Alexander Avenue (1:1 conversations)
* Thomastown East Primary School- Principal (In-person meeting, pop-up consultation and project engage page)
* Community Activity Centre Users (Pop-up consultation)
* Visitors to the Shops (Pop-up consultation)
* Community (Pop-up consultation & project engage page)

There were 33 contributions to the online survey with most respondents supportive of the Master Plan and recommendations.

The following masterplan recommendations have been identified as the communities’ top nine priorities for improvement:

1. Expand the picnic area to the south-west with new shelter, seating, drinking fountain and bins
2. Installation of exercise station
3. Investigate potential upgrade to existing toilet block including possible relocation as part of the Community Centre's future upgrade
4. New multi-purpose court next to Thomastown Primary School
5. Proposed lighting along the path from the bus stop to the community centre and car park
6. Expand the play space to include nature-based play
7. Upgrade entrances to the park with wayfinding signage, feature paving, lighting, and landscaping
8. Improve sightlines into the reserve by thinning out understory planting and replace with low maintenance plants
9. Realign and upgrade circuit path with granitic sand

The consultation responses demonstrate the community supports the Master Plan with the inclusion of the below new or amended recommendations:

* Create a new path from the car park to the Community Centre
* Linemark the proposed circuit path with distance markers to allow for running
* Provide additional park furniture such as drinking fountains and seating, and review waste bins locations around the park
* Incorporate rock climbing elements as part of the playground expansion
* Investigate the development of a new path next to the playground which allows skating, skateboarding, scooter and BMX
* Investigate the development of a water play area in other larger parks in Thomastown or neighbouring suburbs

Note: Nick Ascenzo Reserve is limited due to the high voltage powerlines and does not allow for water play and associated infrastructure.

* Investigate increasing the playground surface material from organic mulch to rubber
* Expand the proposed fitness and exercise equipment to allow for different user groups
* Investigate the potential for providing an open unstructured dog off-leash area with the review of the ‘Dog off-leash Area Policy and Management Plan’ and ‘Open Space Plan’

Note: The development of the VR Michael Reserve Master plan includes the investigation of an open unstructured dog off-leash area. VR Michael Reserve is an 8min drive, or 3km walk from Nick Ascenzo Reserve.

* Investigate the potential for providing physical barriers around the multi-purpose court due to nearby streets
* Incorporate reserve lighting in warm colours at the reserve entrances, and light at varying levels to cover planting and pathways

Note: Lighting the reserve’s internal paths and elements will be further investigated in future with the holistic Public Realm Lighting Plan

* Investigate the traffic calming initiatives at the Waratah Street and Myrtle Street intersection near the north east reserve entry

Note: Installing a speed hump or raised intersection at the Waratah Street and Myrtle Street intersection is out of the scope of the project and needs further investigation by the Traffic Team.

The successful implementation of the actions/recommendations outlined in the master plan is contingent upon securing adequate funding and alignment with the priorities of Council’s capital works program. In the event of sufficient budgetary allocation, it is anticipated that these actions could commence as early as the next financial year (2024-2025). Refer to financial implications for more information.

**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.

Well-planned, accessible open space is proven to have preventative health benefits including opportunities for the community to socially interact and undertake physical activities. The W2040 Liveable Neighbourhoods goal includes an indicator to increase use of open space. Providing additional value in existing open spaces and increased accessibility to these facilities is important to the health of the community.

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

**Environmental**

The Nick Ascenzo Reserve Master Plan will contribute to a healthier and more sustainable environment through increased tree canopy cover, biodiversity, and water sensitive urban design.

**Social, Cultural and Health**

The Nick Ascenzo Reserve Master Plan will provide opportunities for physical activity, recreation, and relaxation. It can foster a sense of community and provide spaces for residents to come together, leading to improved social cohesion.

**Economic**

The Nick Ascenzo Reserve Master Plan proposes upgrades to facilities which will assist in activating the Alexander Avenue shops, will attract more people to the local area, enhance passive surveillance, improve perception of safety of the precinct, increase property values, and provide a positive impact on the local economy contributing to economic growth.

**Financial Implications**

The estimated budget required to implement the complete Master Plan is subject to further design development and market conditions at procurement for design and/or construction. The initial high-level opinions of probable costs estimate the total cost of master plan implementation to be approximately $3.8m. The inclusion of CPI adjustments over the assumed 10-year life of the master plan estimates overall implementation to be approximately $4.5m.

Many of the actions and improvements will be subject to further consideration as projects within Council Capital Works programs and Asset Renewal Programs, including the Playground Renewal Program and Greening Whittlesea. Items requiring additional funding will be referred to Council’s annual budget process and subject to external grant opportunities.

Of the required $3.8m of funding, approximately $820,000 will be funded by existing asset renewal programs.

The operational and maintenance estimate to maintain the fully implemented master plan is $10,800 p/a, this figure is in addition to maintaining existing elements retained.

**Other Principles for Consideration as per the *Local Government Act (2020)***

**Overarching Governance Principles and Supporting Principles**

(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**

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.

**Council Policy Considerations**

**Environmental Sustainability Considerations (including Climate Emergency)**

No Implications

**Social, Cultural and Health**

No Implications

**Economic**

No Implications

**Legal, Resource and Strategic Risk Implications**

No Implications

**Implementation Strategy**

**Communication**

Two phases of the consultation were undertaken as follows:

* 1 to 31 August 2022: Community Engagement Phase one (Information Gathering)
* 19 May 2023 to 25 June 2023: Community Engagement Phase Two (Draft Master Plan Exhibition)

**Critical Dates**

21 November 2023: Council meeting

30 November: Closing the loop and providing update to the community with final Master Plan

**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. COW Nick Ascenzo Reserve Masterplan with Appendices [**5.5.1** - 83 pages]
2. Nick Ascenzo MP Engagement Summary [**5.5.2** - 15 pages]

5.6 Council Meetings Schedule for 2024

**5.6 Council Meetings Schedule for 2024**

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

**Report Author:** Coordinator Governance Administration

**Executive Summary**

The purpose of this report is for Council to adopt the proposed Council Meeting schedule for the period 1 January 2024 to 30 June 2025.

Council Meetings are conducted monthly so that Council can make formal decisions and to give the community an opportunity to participate in this decision-making process.

In accordance with the Governance Rules, Council must adopt the proposed schedule for the following year and advise the community of the meeting schedule.

It is proposed that Council Meetings are conducted on the third Tuesday of the month commencing each year in February. It is also proposed due to Council Elections in October 2024, and caretaker requirements, Council meetings will not be scheduled for September and October 2024.

**Officers’ Recommendation**

**THAT Council:**

**1. Adopt the Council meeting schedule for 1 January 2024 to 30 June 2025 as follows:**

|  |  |
| --- | --- |
| **2024** | **2025** |
| **Tuesday 20 February 2024** | **Tuesday 18 February 2025** |
| **Tuesday 19 March 2024** | **Tuesday 19 March 2025** |
| **Tuesday 16 April 2024** | **Tuesday 15 April 2025** |
| **Tuesday 21 May 2024** | **Tuesday 20 May 2025** |
| **Tuesday 18 June 2024** | **Tuesday 17 June 2025** |
| **Tuesday 16 July 2024** |  |
| **Tuesday 20 August 2024** |  |
| **Tuesday 26 November 2024** |  |
| **Tuesday 17 December 2024** |  |

**2.** **Resolve that all Council meetings will commence at 6:30pm and be held at the Civic Centre, Ferres Boulevard South Morang.**

**3.** **Note officers will give public notice of the Council meeting schedule for 2024 and first six months of 2025.**

**Background / Key Information**

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 third Tuesday of the month commencing in February.

**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.

In accordance with the *Local Government Act 2020* and Council’s Governance Rules, Council is required to set the date, time and place of Scheduled Council Meetings and that reasonable notice be provided to the public. In accordance with Council’s Public Transparency Policy 2023, Scheduled Council Meetings promote openness and transparency in Council decision-making processes and raise public awareness of the availability of Council information.

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

**Financial Management**

The cost is included in the current budget.

**Community Consultation and Engagement**

Not applicable.

**Other Principles for Consideration as per the *Local Government Act (2020)***

**Overarching Governance Principles and Supporting Principles**

1. 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.

**Council Policy Considerations**

**Environmental Sustainability Considerations (including Climate Emergency)**

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 and Local Scoop Magazine. Members of the community will be encouraged to attend Council meetings in person or watch by live-stream or recording at their convenience.

**Critical Dates**

The Council meeting schedule for is required to be adopted to enable meeting dates for 2024 to be publicly advertised.

**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**

**Attachments:** Nil

5.7 Councillor Gift Policy

**5.7 Councillor Gift Policy**

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

**Report Author:** Coordinator Governance Administration

**Executive Summary**

Section 138 of the *Local Government Act 2020 (*Act) requires Council to adopt a Councillor Gift Policy that includes procedures for the maintenance of a gift register and any matters prescribed by the regulations. Section 138(3) of the Act allows for Council to review and update the Councillor Gift Policy (Policy).

In preparation for the return of an elected Council, the attached Policy replaces the previously adopted Administrator Gifts and Benefits Policy 2021.

**Officers’ Recommendation**

**THAT Council adopt the Councillor Gift Policy attached at Attachment 1.**

**Background / Key Information**

The amended Councillor Gift Policy has taken into consideration discussions held on   
26 September 2023.

The Policy has been reviewed to align with:

* The wording of section 138 of the Act; namely ‘Councillor Gift Policy’.
* The GIFT test (as developed by the Victorian Public Sector Commission) for Councillors to consider when accepting or declining a gift.
* The HOST test (as developed by the Victorian Public Sector Commission) for Councillors to consider when putting on functions, events or providing gifts to external stakeholder to ensure community trust.
* The value of the Australian dollar and what gift or hospitality you could get for $20 that would not reasonably be perceived to influence or raise a conflict of interest as it applies to decision making.
* Transparency to the public on the amount Council spends on a gift at the end of a Mayoral term ($150) and Deputy Mayor term ($50). These nominal amounts are in addition to a personalised memento album presented to the Mayor and Deputy Mayor at the conclusion of their term. Similarly, for transparency the amount Council administration may pay for a gift for Councillors at the end of their four-year Council term ($100 per Councillor).

Other administrative amendments were made within the Policy to ensure consistency and clarity.

**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 associated with this report.

**Community Consultation and Engagement**

The Act does not require community consultation when amending the Policy.

**Other Principles for Consideration as per the *Local Government Act (2020)***

**Overarching Governance Principles and Supporting Principles**

1. The transparency of Council decisions, actions and information is to be ensured.

**Public Transparency Principles**

(e) NA

**Council Policy Considerations**

**Environmental Sustainability Considerations (including Climate Emergency)**

No Implications

**Social, Cultural and Health**

No Implications

**Economic**

No Implications

**Legal, Resource and Strategic Risk Implications**

There are legislative risks associated with Councillors not declaring gifts, benefits or hospitality, and gifts not recorded on the gift register and made publicly available in accordance with the Act.

**Implementation Strategy**

**Communication**

If adopted, the Policy will be placed on Council’s website and CoWHUB (Intranet).

**Critical Dates**

There are currently no critical dates associated with the adoption of this policy.

**Declaration of Conflict of Interest**

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

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

**Attachments**

**Attachments:**

1. Draft Councillor Gift Policy [**5.7.1** - 10 pages]

5.8 Councillor Expense, Reimbursement and Support Policy

**5.8 Councillor Expense, Reimbursement and Support Policy**

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

**Report Author:** EA to Council

**Executive Summary**

Section 41 of the *Local Government Act* requires Council to adopt and maintain a Policy in relation to reimbursement of out-of-pocket expenses for Councillors and members of delegated Committees.

**Officers’ Recommendation**

**THAT Council endorse the Councillor Expense, Reimbursement and Support Policy at Attachment 1.**

**Background / Key Information**

The Councillor Expense, Reimbursement and Support Policy was previously adopted by the Council on 4 August 2020 and has now been rewritten and reviewed in preparation for the return of an elected Council in October 2024.

The Policy ensures reimbursement of expenses is in accordance with the *Local Government Act*, meets the Act’s principles and public transparency, achieves the best outcomes for the municipality community and ensures the ongoing financial viability of the Council.

Some key information to note:

* A Smart Phone and an iPad or Laptop will be provided;
* Requirements for interstate and international travel;
* Approval process child or dependent care when on official Council business;
* A home office will not be provided;
* Process for claiming reimbursements;
* A Mayoral vehicle will not be provided; and
* Training and development budget of $10,000 per financial year, per Councillor will be allocated noting training and development will not be approved in the final six (6) months of the Council term.

**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**

The cost associated with setting up Councillors for success will be included in 2024-2025 budget.

**Community Consultation and Engagement**

The Act does not require community consultation when amending the Policy.

**Other Principles for Consideration as per the *Local Government Act (2020)***

**Overarching Governance Principles and Supporting Principles**

1. The transparency of Council decisions, actions and information is to be ensured.

**Public Transparency Principles**

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

**Council Policy Considerations**

**Environmental Sustainability Considerations (including Climate Emergency)**

No Implications

**Social, Cultural and Health**

No Implications

**Economic**

No Implications

**Legal, Resource and Strategic Risk Implications**

No Implications

**Implementation Strategy**

**Communication**

The Policy will be placed on Council’s website and CoWHUB (Intranet).

**Critical Dates**

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

**Declaration of Conflict of Interest**

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

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

**Attachments**

**Attachments:**

1. Councillor Expense Reimbursement and Support Policy Draft [**5.8.1** - 16 pages]

5.9 Instrument of Appointment and Authorisation under the Planning and Environment Act 1987

**5.9 Instrument of Appointment and Authorisation under the Planning and Environment Act 1987**

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

**Report Author:** Coordinator Governance Administration

**Executive Summary**

The *Planning and Environment Act 1987* requires that Council by resolution to appoint Authorised Officers to exercise their powers under the Act. This power cannot be delegated to the CEO.

An Instrument of Appointment and Authorisation (the Instrument) in relation to the administration and enforcement of the *Planning and Environment Act 1987* by various Officers across the organisation has been prepared and requires authorisation.

**Officers’ Recommendation**

**THAT Council:**

**1.** **Appoints the Council Officers referred to in the instrument in Attachment 1 as Authorised Officers under section 147(4) of the *Planning and Environment Act 1987* and section 313 of the *Local Government Act 2020*.**

**2.** **Notes the Instrument will come into effect immediately it is signed, and the common seal affixed.**

**3.** **Notes the Instrument will remain in force until Council determines to vary or revoke it.**

**Background / Key Information**

The Instrument has been prepared for the Officers named who require authorisation in relation to the administration and enforcement of the *Planning and Environment Act 1987* and carry out the functions outlined in Section 313 of the *Local Government Act 2020*.

This enables the Officers to effectively perform duties including enforcing and implementing the planning scheme, entering land and bring a planning and environment matter to court if required.

The Instrument will come into effect when it is executed and will remain in force until Council decides to vary or revoke it.

**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 Instrument of Delegation will enable the authorised Officers to fulfill their statutory duties.

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

**Financial Management**

The cost is included in the current budget.

**Community Consultation and Engagement**

Relevant Council Departments who require this authorisation have been consulted on the drafted Instrument.

**Other Principles for Consideration as per the *Local Government Act (2020)***

**Overarching Governance Principles and Supporting Principles**

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

**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.

**Council Policy Considerations**

**Environmental Sustainability Considerations (including Climate Emergency)**

This authorisation gives the relevant Council Officers the power to perform their duties as prescribed under the *Planning and Environment Act 1987* in order to avoid potential negative impacts on the community and the environment. Potential negative impacts may include noise, odour, dust, air pollutants and stormwater contamination. The surrounding environment can also affect land uses.

For example, from contamination from land and groundwater or landfill gas migration. This authorisation promotes the protection of land and environment, and proficient land use planning which ensures that risks are identified early in the planning process and that harmful outcomes are avoided.

**Social, Cultural and Health**

No Implications

**Economic**

No Implications

**Legal, Resource and Strategic Risk Implications**

No Implications

**Implementation Strategy**

**Communication**

Confirmation of the Instrument will be shared with relevant Departments and individual officers named on the Instrument.

**Critical Dates**

It is important that this Instruments of Appointment and Authorisation is executed at the 21 November 2023 Council Meeting to ensure the Council Officers named have the essential authorisations to carry out the required duties.

**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. S 11 A - Delegations - Instrument of Appointment (PE Act) November 2023 [**5.9.1** - 2 pages]

**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 Reports**

No Reports

**10 Closure**