



Agenda

Scheduled Council Meeting

Tuesday 21 May 2024 at 6pm

You are advised that a Meeting of Council has been called by the Chief Executive Officer on Tuesday 21 May 2024 at 6pm for the transaction of the following business.

This meeting will be held in the Great Hall 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

Debbie Wood Director Infrastructure & Environment

Sharon Durantini Acting Director Customer & Corporate Services

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:**

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

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

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

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

Council is committed to ensuring that all residents and ratepayers of the municipality may contribute to Council’s democratic process and therefore, if you have special requirements, please telephone 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;

Debbie Wood, Director Infrastructure and Environment;

Sharon Durantini, Acting Director Customer & Corporate Services;

Janine Morgan, Executive Manager Public Affairs; and

Jacinta Stevens, Executive Manager Office of Council and CEO.

**1.2 Apologies**

**1.3 Acknowledgement of Traditional Owners Statement**

The Chair 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.”*

**1.4 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.*”

**1.5 Acknowledgements**

**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 16 April 2024.**

**Hearing of Submissions Committee Meeting held on 6 May 2024.**

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

**4.1 Public Question Time**

**4.2 Petitions**

4.3.1 Freeze Whittlesea Rates for 12 Months

**4.2.1 LGBTIQA+ Advisory Committee**

A petition has been received from 12 residents requesting that Whittlesea Council establish a LGBTIQA+ Advisory Committee.

# Recommendation

**THAT Council note the:**

1. **Petition requesting the establishment a LGBTIQA+ Advisory Committee.**
2. **Request to establish the Advisory Committee will form part of the review for all Advisory Committees for consideration by the new Council following the October 2024 Council Elections.**

**4.3 Joint Letters**

4.3.1 Freeze Whittlesea Rates for 12 Months

**4.3.1 Freeze Whittlesea Rates for 12 Months**

A joint letter has been received from three residents requesting that Whittlesea Council:

* abandon its proposed rate increase for the 2024-25 financial year; and
* freeze rates for 12 months.

We call on Council to do so in recognition of the cost of living pressures our community is experiencing.

# Recommendation

**THAT Council:**

1. **Note the joint letter seeking the freeze of Whittlesea rates for 12 months.**
2. **Consider the joint letter as part of the 2024-25 budget agenda item deliberations.**

**5 Officers' Reports**

5.1 Quarterly Corporate Performance Report - Q3 ended 31/03/2024

**5.1 Quarterly Corporate Performance Report - Q3 ended 31/03/2024**

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

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

**In Attendance:** Chief Financial Officer  
Unit Manager Financial Strategy & Performance

# Executive Summary

This report provides the Quarterly Corporate Performance (Q3) outcomes and comprehensive summary for the period ended 31 March 2024 provided at Attachment 1 relating to:

* Council’s financial performance
* Community Plan Action Plan 2023-24
* Good Governance Actions
* 2023-24 Capital Works Program

# Officers’ Recommendation

**THAT Council note the:**

**1.** **Quarterly Corporate Performance Report for the period ended 31 March 2024 at Attachment 1.**

**2. Financial performance for the period ended 31 March 2024 contained within Attachment 1.**

# Background / Key Information

**Introduction**

The Quarterly Performance Report for the period 31 March 2024 has been prepared in accordance with the *Local Government Act 2020*. This report is designed to identify major variances against the March year to date budget.

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

* Community Plan Action Plan 2023-24 to 31 March 2024;
* Good Governance actions to 31 March 2024;
* 2023-24 Capital Works Program to 31 March 2024; and
* Council’s financial performance to 31 March 2024.

The report includes the following comparisons for the nine months ended 31 March 2024:

* 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.

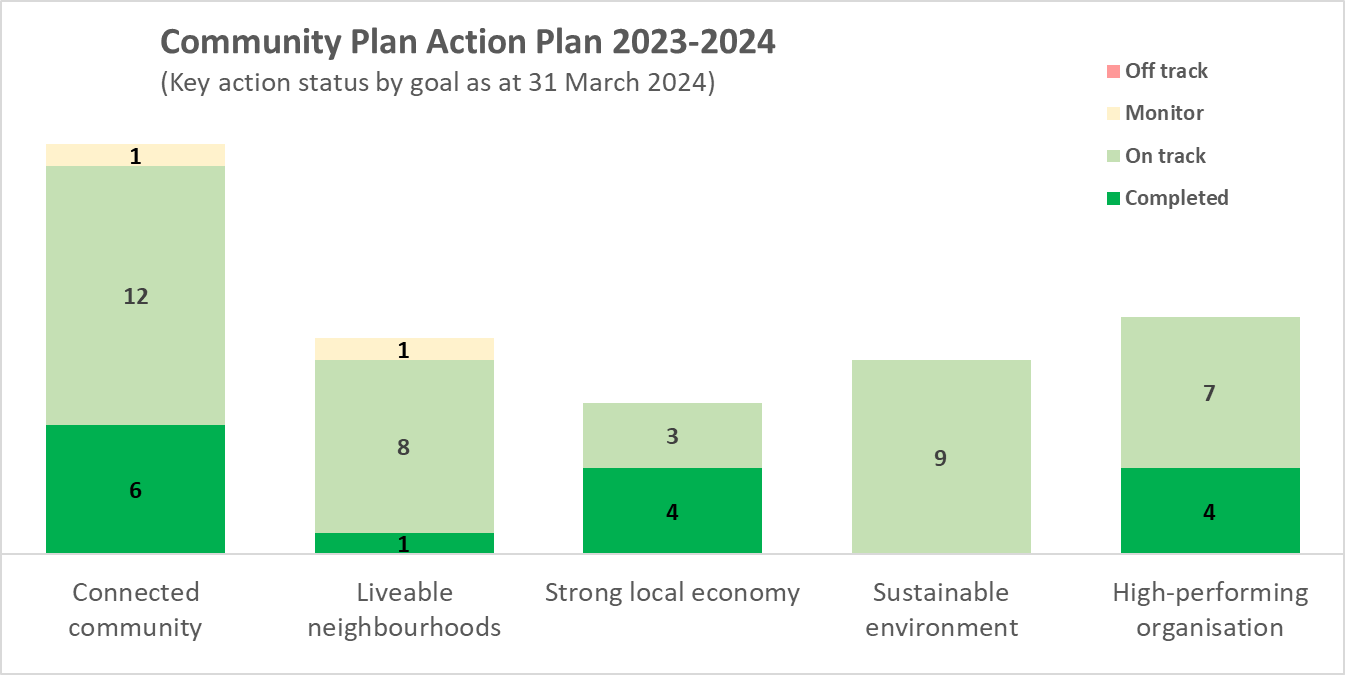
**Community Plan Performance**

The Community Plan 2021-25 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:

* 15 actions are reported “Completed”;
* 39 actions are reported “On Track”; and
* two actions are reported “Monitor”

The table below is the spread by goal of the Community Plan 2023-24 actions by their status, “On Track”, “Monitor”, “Off Track” or “Completed”:



Below are the key actions reported as “Monitor”:

Of the ten ongoing key actions included in the Community Plan Action Plan for delivery in the 2022-23 financial year, four actions have now been completed. We are closely monitoring the progress of the remaining six:

| **Project Name** | **Comment** |
| --- | --- |
| Complete the upgrade of the pavilion at HR Uren Reserve in Thomastown | Main works will reach completion in April with remaining minor works to be completed by end of June 2024. |
| Construct a basketball court, shelterand social gathering spaces and upgrade paths at the western end of Norris Bank Reserve | The design and construction of the shelter is the last component of this project. Revised scope agreed and shelter is currently being manufactured with installation by end of June 2024. |
| Construct the pedestrian bridge at Huskisson Reserve in Lalor | Design approval has been granted by Melbourne Water, and we are currently awaiting approval from Yarra Valley Water. Bridge fabrication is currently underway, and construction is planned to commence in early May 2024, with completion expected by mid-June 2024. |
| Commence upgrading the intersection at Findon Road and Williamsons Road | Construction works for service relocation will commence soon after we receive approval from the Service Authority. The tender evaluation for the signalisation construction works is in progress. |
| Refurbish Janefield Wetlands Boardwalk in Bundoora | The tender assessment for works is in progress expected to be finalised by mid-April 2024. Works are expected to commence in May and complete in June 2024. |
| Undertake condition and performance audit of roads | The report will be finalised by May 2024 and presented to Council before the end of the financial year. |

Please refer to:

* Attachment 2 for the Quarter 3 2023-24 Performance Snapshot.

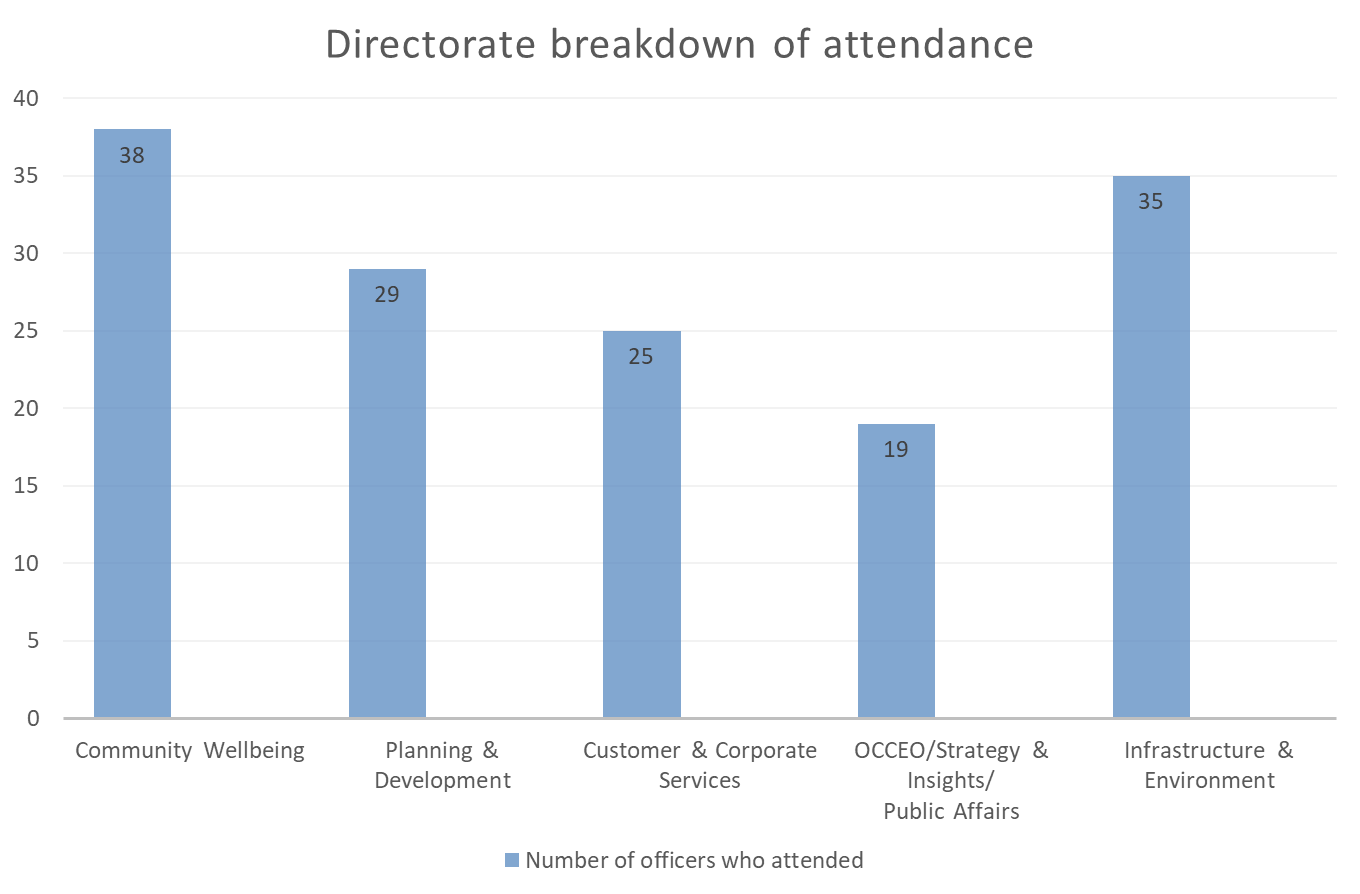
**Good Governance**

Council continues to be committed to good governance and transparent decision making. During the third quarter several actions were undertaken to ensure continuous improvements were made, and in preparation for the return of an elected Council.

Council’s preparation for the return to an elected Council is well progressed across all four workstreams: Empowering our People, IT and the Customer, Communicating our needs, and Ensuring Good Governance delivering against the Program vision.

Between the period November 2023 to March 2024, approximately 146 staff across 8 sessions attended the effective report writing workshops with a focus on Council’s reporting template, including officer recommendations. (figure 1 below).

Figure 1



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

* Scheduled Council meetings continued to be held monthly, except for January, to facilitate Council open and transparent decision-making. In this reporting period 20 Council resolutions remain open.
* In January officers inducted the newly elected Youth Council consisting of thirteen passionate young people from across the City of Whittlesea.  The first official meeting of the Youth Council meeting was held on the 5 February 2024 where they agreed on their key focus areas for 2024.  In March 2024, the election of the Youth Mayor and Youth Deputy Mayor was conducted where Zachary Melvaine was elected as Youth Mayor and Kaynat Virk as Youth Deputy Mayor.
* The Audit and Risk Committee, consisting of two Administrators and four independent members met on 13 February 2024 to consider several matters including Council’s financial and performance reporting, risk management, internal assurance plan progress, internal and external audit outcomes, systems of internal control, governance, and compliance.
* A high-quality revision of the Privacy and Data Protection Policy was conducted with the final version being presented to ELT for endorsement on the 3 April 2024.
* An organisational draft Compliance Framework has been developed. Consultation on the draft Framework was sought from the Compliance Committee. The draft framework will be presented to ARC at their 14 May 2024 meeting for feedback, prior to ELT consideration and endorsement.
* A full revision of CEO to staff delegations was conducted to incorporate recent legislative amendments. The draft version has been circulated to each directorate for review prior to CEO approval.
* The Audit and Risk Committee Charter was reviewed, including extensive consultation with the Committee. The final Charter will be presented to ARC of their 14 May 2024 meeting, prior to presentation to Council.

**Transparency**

In accordance with the *Local Government Act 2020*, biannual personal interest returns were circulated to relevant staff on 1 March for completion no later than 31 March 2024. Due to technical difficulties and one officer being on leave, three officers missed the due date. All three officers completed their returns by 3 April 2024.

In relation to Freedom of Information, during this quarter there were:

|  |  |
| --- | --- |
| New FOI Applications Received | 22 |
| Completed/Closed FOI Requests | 13 |
| Current FOI’s In Progress | 18 |

During this period, four privacy complaints were received all of which were determined not to be breaches.

**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 below table includes a summary of the Capital Works program:



The financial expenditure performance of the Capital Works Program to 31 March 2024 is detailed below:



As at 31 March 2024, capital expenditure of $42.52 million was $5.88 million behind budget.

**Infrastructure Grants**

A summary of recent infrastructure grants outcomes is included in the Grants Status Report (Attachment 3). A total of $17.47 million in applications have been successful to date this financial year. Applications to the value of $17.08 million are awaiting outcomes/ announcements.

**Program Impacts and Carry Forwards**

The delivery of projects within the 2023-24 capital works program have been impacted throughout the year due to the following themes;

* Service authority approvals
* Lead times in receiving materials
* Resource constraints

This has resulted in an estimated forecast of $14.76 million to be carried over into 2024-25. Project progress will continue to be reported to the Enterprise Program Board to assist in early identification and mitigation of risks to delivering this year’s capital works program.

**Financial Performance**

The Financial Performance Report for the period ended 31 March 2024 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.



For the nine months ended 31 March 2024, Council recorded an operating surplus of $204.4 million, which is $58.9 million favourable to the year to date budget. The forecast for the year ending 30 June 2024 is expected to have an operating surplus of $184.08 million, which is $55.95 million favourable to the Adopted 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.

# 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**

All matters raised in this report, which have financial implications, have been reflected in the Corporate Performance Report for the nine months ended 31 March 2024 (Attachment 1).

Community Consultation and Engagement

The Community were extensively engaged and consulted in developing the 2023-24 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**

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 [**5.1.1** - 24 pages]
2. 2021-2025 Performance Snapshot Q3 January to March 2024 [**5.1.2** - 1 page]
3. Capital Grants Status Update - March 2024 [**5.1.3** - 2 pages]
4. Reserves March 2024 [**5.1.4** - 3 pages]

5.2 Budget 2024-25 and Community Plan Action Plan 2024-25 - Adoption and Declaration of Rates

**5.2 Budget 2024-25 and Community Plan Action Plan 2024-25 - Adoption and Declaration of Rates**

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

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

**In Attendance:** Chief Financial Officer  
Unit Manager Financial Development & Accountability

# Executive Summary

The purpose of this report is for Council to consider the Budget 2024-25 (the ‘Budget’, Attachment 2), and the Community Plan Action Plan 2024-25 (the ‘Action Plan’, Attachment 3) which have been prepared in accordance with the requirements of the Local Government Act 2020. The Budget and Action Plan have been developed to align with community priorities identified through consultation and Council’s key strategic directions.

# Officers’ Recommendation

**THAT Council:**

1. **Note all submissions received regarding the Proposed Budget 2024-25 and the Proposed Community Plan Action Plan 2024-25 at Attachment 1.**
2. **Note officers will notify submitters, who nominated to be advised of the outcome, that Council considered their submission relating to the Proposed Budget 2024-25 and Proposed Community Plan Action Plan 2024-25 and will thank them for their contributions.**
3. **Resolve the financial changes increasing the operating 2024-25 budget surplus by $1.14 million, noting it mainly relates to additional rate revenue as a result of supplementary rates processed.**
4. **Adopt the:**
   1. **Budget 2024-25 at Attachment 2.**
   2. **Community Plan Action Plan 2024-25 at Attachment 3.**
5. **Resolves to raise the general rates by $189,415,620 and to such further amount as lawfully levied as a consequence of this resolution.**
6. **Authorise the Chief Executive Officer to give public notice of the Council resolution in relation to the 2024-25 Budget and 2024-25 Community Plan Action Plan.**
7. **Authorise the Chief Executive Officer to effect administrative and wording changes to the final Budget and Community Plan Action Plan documents, if required.**

# Background / Key Information

The Budget has been carefully drafted to ensure it supports our community’s immediate needs while ensuring long-term financial sustainability.

Council will continue to deliver 147 services to our community including kerbside waste collection, home support services and maternal and child health. The Budget provides for this ongoing service delivery, the upgrade of our existing facilities and assets, ensures we maintain and protect our natural environment and open spaces, and deliver new infrastructure projects that will accommodate our rapidly growing diverse community.

In 2024-25 Council will spend $422.69 million to deliver community services and invest in essential new infrastructure. This includes a $107.5 million capital works program.

**Background**

The Budget (Attachment 2) has been prepared on the principles of responsible financial management to ensure Council maintains long-term financial sustainability. It has been designed with consideration of the very real impact increasing costs are having such as interest rate rises and inflation.

As at March 2024 quarter inflation was 3.6 per cent, and this has placed significant pressure on Council through contracts linked to the Consumer Price Index (CPI) and escalating costs for the delivery of our capital works program related to materials and labour supply challenges. To ensure our financial sustainability, officers have proactively identified significant operational savings in the development of the budget.

Additionally, Council has continued support for those experiencing financial hardship. Assistance is provided in the form of payments of rates and charges (including deferrals, payment plans, and waivers of interest and collection costs). Other assistance is also provided in the form of food and material aid through our multiple community support agencies and partners.

Council continues to subsidise State/Federal contracted services, such as Aged Care services, noting how critical these services are to some of the most vulnerable members of our community.

Council has continued its significant funding for community grants to foster community connection, wellbeing, vibrant events and provide tangible support for local volunteers at an amount of $2.69 million.

The Budget invests in the resources needed to support critical service delivery for our growing population, whilst continuing to drive efficiencies.

Population projections are for unprecedented growth, with the number of people calling the City of Whittlesea home expected to increase by 13.8 per cent by 2028; more than 6,000 new residents each year.

The rate cap continues to have a significant ongoing impact on Council’s ability to keep pace with the service delivery and infrastructure requirements of our growing community. Through rigorous budgeting and identifying operational efficiencies, Council can continue to deliver our critical services within an average rate increase of 2.75 per cent in line with the Victorian Government’s Fair Go Rates System.

Determining how much each property pays involves determining the total amount of rate revenue required and dividing this across the total value of all properties in the municipality to establish a rate in the dollar. The rate in the dollar is then applied to each individual property’s value to calculate its rates.

Council is cognisant of cost pressures on individuals and businesses and despite higher inflation rates of 3.6 per cent as at the March 2024 quarter, Council will not be seeking a variation to the rate cap for the 2024-25 year and is proposing to increase the majority of non-statutory fees and charges by no more than 2.75 per cent.

**Waste Charges**

In 2018-2019 the City of Whittlesea introduced the itemisation of waste charges on rates notices to provide transparency on the costs associated with this service provision. The cost of providing waste services continues to increase each year due to various factors including the Victorian Government’s Landfill Levy and the requirement to transition to a four-bin collection system in line with the Victorian Government’s, Recycling Victoria Strategy.

Historically, Council has subsidised the cost of the provision of kerbside waste collection services to rate payers in our municipality, including the increasing State Government’s Landfill Levy.

Given the current economic climate and increasing cost of living pressures being experienced by our community, Council will continue in 2024-25 to subsidise waste charges by 22.8 per cent at a cost of $1.86 million.

Waste charges in 2024-25 are to increase by 20 per cent or $36.60 per household which will mean a total charge of $219.90 for the average residential household, noting the inclusion of the fee for glass collection service this year, in line with the Victorian Government Circular Economy Plan.

Council is proposing to continue to subsidise the State Government mandated Landfill Levy; instead of passing on the full charge of $89.40. Waste charges provide for a weekly garbage collection, fortnightly recycling, and monthly glass bin collection for residential households. A food and garden waste bin is optional for eligible properties at an additional cost of $105.15 per annum.

Waste charges for commercial properties will be $267.30 with a subsidised landfill levy of $19.80. This provides for a weekly garbage and fortnightly recycling kerbside collection.

Waste charges for the properties with no bin service will be $16.65.

**Budget Highlights**

Key highlights from Council's Budget include:

Operating revenue of $459.55 million (including 34.1% or $156.94 million of total revenue relating to developer contributions, non-monetary assets and non-recurrent capital grants).

* Operating expenditure of $315.19 million.
* Adjusted underlying deficit of $12.58 million (excluding developer contributions, non-monetary assets and non-recurrent capital grants). Council anticipates being in a surplus position once reserve funding for operating expenditure is taken into consideration.
* Continue investing in essential services for our community such as:
* Waste, recycling and environment $38 million.
* Family, children, youth and aged services $25 million.
* Parks and open space $22 million.
* Roads and footpaths $20 million.
* Supporting local business and communities $16 million.
* Leisure, recreation and community facilities $10 million.
* Continue building and maintaining essential roads and infrastructure and investing in new facilities such as libraries, community activity centres, parks and playgrounds.
* Increase community emergency resilience and preparedness, including at-risk people and communities.
* Improve access to Prevention of Violence Against Women programs, services, and resources, including among culturally and linguistically diverse community groups.
* Continue to collaborate with partners to advocate and prevent gambling harm.
* Partner with community housing organisations to plan and commence delivering affordable homes on Ashline Street, Wollert.
* Encourage and promote active travel through the production of maps and improved signage.
* Investigate the need for supporting businesses to undertake inclusive recruitment and employment.
* Continue to deliver a Work Ready volunteer program for qualified and newly arrived migrants.
* Develop and implement a waste diversion plan.
* Continue to implement the Gender Equality Action Plan to ensure a safe and equal workplace and progress towards becoming an Employer of Choice.

**Capital Works**

Our Budget delivers a focused $107.5 million capital works program that reflects the ongoing challenges to the supply and availability of labour and materials and invests in planning for shovel-ready projects to maximise our opportunities for grant funding in future years.

Highlights include:

* Commence construction of the Regional Sports Precinct.
* Continue the construction of the Granite Hills Major Community Park.
* Complete the construction of the Aboriginal Gathering Place.
* Continue the construction of Patterson Drive community activity centre in Donnybrook.
* Complete design and commence construction of West Wollert Community Centre.
* Continue the upgrade of Peter Hopper Lake in Mill Park.
* Commence construction of the Doreen Splash Park and Playground.
* Delivery of local road restoration and resurfacing.
* Ongoing programs to upgrade playgrounds and landscaping.

**Community Plan Action Plan 2024-25**

The Action Plan comprises 59 key actions for the year along with the 147 services already being delivered through Council’s strategic planning framework, including our Community Plan 2021-2025. The Action Plan covers all five goals under our Whittlesea 2040 vision of A Place for All; Connected Community, Liveable Neighbourhoods, Strong Local Economy, Sustainable Environment and High-Performing Organisation.

**Local Government Performance Reporting Framework (LGPRF) – Target Indicators**

Under the Local Government (Planning and Reporting) Regulations 2020, Council is setting targets for four service performance indicators:

1. G2 - Governance – Consultation and engagement
2. SP2 - Statutory Planning – Service standard
3. R2 - Roads – Condition
4. WC5 - Waste management – Waste diversion

And four financial indicators:

1. E2 - Financial efficiency – Expenditure
2. S1 - Financial stability – Rates concentration
3. L1 - Financial liquidity – Working capital
4. O5 - Financial obligations – Asset renewal

In setting these targets, Council considered guidance provided by the Department of Jobs, Skills, Industry and Regions (Local Government Victoria), local government benchmarks, Council’s historical performance, relevant emerging trends as well as operational improvements likely to have a beneficial impact on the performance, providing a link between the budget and the annual report.

# 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 Budget is a key tool for planning and managing Council’s financial sustainability.

The Action Plan articulates the key actions Council prioritises for delivery in the financial year 2024-25; it serves the purpose of specifying the program of work with a view towards implementing the Community Plan 2021-2025 effectively.

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

Financial Management

The cost is included in the current budget.

Community Consultation and Engagement

In 2021 the feedback of more than 1500 people and 26 community organisations helped shape our Community Plan 2021-2025. The Community Plan Action Plan 2024-25 is the last year of the Community Plan 2021-2025 and draws on this community feedback.

Throughout July-August 2023 Council asked the community to tell us what was important to them to help shape the 2024-25 Budget and Community Plan Action Plan. More than 500 people shared their thoughts both online and at 14 community-based pop-ups.

Our community told us their priorities were health services, roads, public safety, sports and recreation facilities, education and learning opportunities, waste management, community facilities, events/arts and festivals, affordable housing, access to local shops, shared use paths, biodiversity, support for local businesses, climate change, and local employment.

We again checked in with the community during September and October to confirm the priorities identified.

The feedback from both these phases of consultation has been used to help shape the Budget and Action Plan.

The community was invited to provide their suggestions for inclusion, support or changes to the Proposed Budget and the Proposed Action Plan for a two-week community consultation period from Thursday 21 March 2024 to Friday 5 April 2024. Throughout the stages of consultation, we have initiated community conversation through various channels including digital and traditional media and Local Scoop.

Respondents were also provided with the option to speak to their submission in person at the Hearing of Submissions Committee of Council held on Monday 6 May 2024.

# 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

The Budget and the Action Plan prioritise the City of Whittlesea’s key actions in the environmental space for the financial year 2024-25, in line with the community vision articulated in ‘Whittlesea 2040 A Place for All’, and the Community Plan 2021-2025.

Social, Cultural and Health

The Budget and the Action Plan prioritises the City of Whittlesea’s key actions in the social, cultural and health space for the financial year 2024-25.

Economic

The Budget and the Action Plan prioritise the City of Whittlesea’s key actions in the economic space for the financial year 2024-25.

**Legal, Resource and Strategic Risk Implications**

In 2024-25 Council will spend $422.69 million to deliver 147 community services and invest in essential infrastructure.

This includes a focused $107.5 million capital works program, with projects to build and upgrade community centres, sporting facilities, playgrounds, roads, bike paths and footpaths across our new and established areas.

# Implementation Strategy

Communication

The Budget and the Action Plan will go through a robust campaign across Council’s channels including digital, Local Scoop and in the information supplied with the rates notice. We will close the loop with those who have provided feedback throughout the consultation program and ensure the engagement summary is presented on Engage Whittlesea website.

Critical Dates

* Community consultation to inform drafts was undertaken in July-August 2023 and September-October 2023.
* Council endorsed the Proposed Budget and Proposed Action Plan to be released for further community consultation at Council Meeting on Tuesday 19 March 2024.
* Consultation was from Thursday 21 March 2024 to Friday 5 April 2024, 5pm.
* The Hearing of Submissions Committee met to consider community feedback and submissions on Monday 6 May 2024.
* Under section 94 of the Local Government Act 2020, a “Council must prepare and adopt a budget for each financial year and the subsequent 3 financial years by (a) 30 June each year”, i.e., 30 June 2024 for the 2024-25 financial year.

# 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. Budget and CPAP Submissions [**5.2.1** - 14 pages]
2. City of Whittlesea Budget 2024-25 [**5.2.2** - 104 pages]
3. Community Plan Action Plan 2024-2025 [**5.2.3** - 7 pages]

5.3 Contract 2024-2 - Partridge Street Reserve East Soccer Pitch Redevelopment

**5.3 Contract 2024-2 - Partridge Street Reserve East Soccer Pitch Redevelopment**

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

**Report Author:** Senior Parks Project Manager

**In Attendance:** Senior Parks Project Manager

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

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

# Executive Summary

This report summaries the evaluation of tender submissions received for the redevelopment of the Partridge Street Reserve East Soccer Pitch.

The tender evaluation panel advises that:

* 10 tenders were received.
* the recommended tender was the highest ranked.
* collaborative tendering was not undertaken in relation to this procurement because it is not listed in the Northern Councils Alliance consolidated contract register and this contract relates to a unique need for the City of Whittlesea.
* this contract commits budget in the 2024/25 Council Budget under the Capital Program.

# Officers’ Recommendation

**THAT Council:**

1. **Resolve to award the following contract to Tiger Turf Australia Pty Ltd:**

**Number: 2024-2**

**Title: Partridge Street Reserve East Soccer Pitch Redevelopment**

**Cost: A lump sum of $2,352,348.95 (excluding GST)**

**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.**
4. **Approve the funding arrangements detailed in the confidential attachment.**
5. **Authorise the Chief Executive Officer to sign and execute the contract on behalf of Council.**

# Background / Key Information

The purpose of this contract is to design and construct a FIFA accredited synthetic soccer pitch and for the installation of new LED sportsfield lighting on the eastern pitch of the Partridge Street Recreation Reserve in Lalor.

These works will see the conversion of a natural turf soccer pitch into a synthetic field that will enhance the usability of the reserve for the host club and the broader community.

The contract scope includes:

* Removal of the existing natural playing surface, fencing, sportsfield lighting and infrastructure;
* Civil earthworks;
* Formalised drainage;
* Installation of new energy efficient LED sportsfield lighting;
* Spectator and ball protection fencing;
* Installation of a rubber shockpad and synthetic field to a FIFA Quality rating;
* Storage areas;
* New player benches and referee shelters;
* Installation of new goals; and
* 12 month maintenance period.

Public tenders for the contract closed on 27 February 2024. The tendered prices and a summary of the evaluation are detailed in the confidential attachment.

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

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

* Price 60%
* Capability 15%
* Capacity 15%
* Sustainability 10%

The weightings reflect the relative importance of each element to this particular contract. Each weighting was determined as being most appropriate after considering numerous factors including (but not limited to) time, quality risk and contract management requirements to achieve best value.

Council received 10 tender submissions. Of the ten submissions received, three submissions were non-conforming with departures to contract conditions. One submission was deemed non-competitive by exceeding the Average Tender Price by more than 20%. The remaining six submissions were evaluated based on price and contract conformance.

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

The evaluation outcome was as follows:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Tenderer** | **Conforming** | **Competitive** | **Score** | **Rank** |
| Tender A  **Tiger Turf Australia Pty Ltd** | Yes | Yes | 98.1 | 1 |
| Tender D | Yes | Yes | 90.9 | 2 |
| Tender H | Yes | Yes | 81.6 | 3 |
| Tender G | Yes | Yes | 79.7 | 4 |
| Tender I | Yes | Yes | 79.6 | 5 |
| Tender F | Yes | Yes | 79 | 6 |

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

# 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.

Converting the existing natural playing surface to a synthetic field and improvements in sportsfield lighting will enable safe community and competition level soccer within Lalor and surrounding areas.

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

Financial Management

Sufficient funding for this contract is available in the Capital Program for Partridge Street Reserve East Soccer Pitch Redevelopment.

Community Consultation and Engagement

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

Collaborative tendering was not undertaken in relation to this procurement because it is not listed in the Northern Councils Alliance consolidated contract register.

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

# Other Principles for Consideration 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.
2. Priority is to be given to achieving the best outcomes for the municipal community, including future generations.
3. The economic, social, and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.
4. The municipal community is to be engaged in strategic planning and strategic decision making.
5. Innovation and continuous improvement are to be pursued.

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.
2. Council information must be publicly available unless— (i) the information is confidential by virtue of the *Local Government Act* or any other Act; or (ii) public availability of the information would be contrary to the public interest.
3. Council information must be understandable and accessible to members of the municipal community.
4. Public awareness of the availability of Council information must be facilitated.

# Council Policy Considerations

Environmental Sustainability Considerations

Considerations have been made where possible to salvage or repurpose site material through the contract delivery. Recyclable material will be separated from general waste and disposed of at registered local recycling facilities.

The installation of a rubber shockpad underlay is estimated to divert approximately 75 tonnes of plastic waste and 70 tonnes of rubber waste from landfill while an innovative olive pit organic infill will be used, removing the need for rubber granules as an infill material.

The installation of energy efficient LED sportsfield lighting will reduce ongoing maintenance and operational costs to both Council and the tenant soccer club.

Social, Cultural and Health

The award of this contract will provide a compliant, accessible, and safe synthetic soccer pitch and lighting infrastructure that maximises participation opportunities for the tenant soccer club and community groups, thus encouraging and improving community connection. It will reflect Council’s commitment to universal access, environmental sustainability, gender equity principles and practices and the provision of facilities that provide inclusive and healthy environments for all users.

Economic

Economic benefits may be realised by utilising local organisations during the construction period thus benefiting the local economy. The preferred tenderer is a local business based in Thomastown with some employees residing in the City of Whittlesea area.

**Legal, Resource and Strategic Risk Implications**

***Service Delivery*** *- Inability to plan for and provide critical community services and infrastructure impacting on community wellbeing.*

Redevelopment of the soccer pitch and sports lighting responds directly to community need and delivers actions from both the Active Whittlesea Strategy 2019‐2028 and the City of Whittlesea Soccer Strategy.

***Life Cycle Asset Management*** *- Failure to effectively plan for the construction, on-going maintenance and renewal of Council’s assets.*

Internal stakeholder engagement included the preparation and endorsement of a Business Case, sharing detailed plans and seeking input from various departments and subject matter experts so that the sports facility assets can be managed and maintained effectively. All new assets will be added to Council’s Asset Management System to inform future maintenance and renewal programs.

***Contractor Management*** *- Failure to manage contractors to deliver agreed outcomes.*

Suitably qualified, experienced, and supported Council staff will oversee the design and construction activities. The project will be delivered in partnership by contractors with a proven record for delivering projects of a similar scale and scope.

# Implementation Strategy

Communication

The decision to award this contract will be communicated via the standard process for Council Meeting outcomes. In addition, given this will be a project of high interest among the Whittlesea sporting community, there will be communication prior and during each of the design and construction phases via Council’s communication channels.

**Critical Dates**

Preliminary investigation and detail design phases are expected commence in June 2024 and is programmed for completion by August 2024. Project construction is expected to begin in September 2024 and is programmed for completion by early 2025. Construction works will commence at the conclusion of the 2024 soccer season to minimise disruption to users.

# Declaration of Conflict of Interest

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

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

# Attachments

1. CONFIDENTIAL REDACTED - 2024 2 Contract Tender Evaluation Report [**5.3.1** - 10 pages]

5.4 Tender Report - 2023-144 Recycling Receipt and Sorting

**5.4 Tender Report - 2023-144 Recycling Receipt and Sorting**

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

**Report Author:** Unit Manager Resource Recovery

**In Attendance:** Unit Manager Resource Recovery

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

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

# Executive Summary

This report summarises the evaluation of one tender submission received for contract 2023-144 Recycling Receipt and Sorting

The tender evaluation panel advises that:

* One tender was received from Cleanaway Pty Ltd.
* The recommended tender was the highest ranked.
* Consideration was given to collaboration with other councils and public bodies or utilising collaborative procurement arrangements, however no other willing partner could be identified that could align with Whittlesea timeline.

# Officers’ Recommendation

**THAT Council:**

1. **Resolve to award the following contract to Cleanaway Pty Ltd:**

**Number: 2023-144**

**Title:**  **Recycling Receipt and Sorting**

**Cost:** **The accepted schedule of rates is detailed in the confidential attachment. Total expenditure is limited to $31,206,167.11 (excluding GST)**

**Term:** **1 July 2024 to 30 June 2031**

**Options:** **Term extensions up to 30 June 2034**

**subject to the following conditions:**

1. **Contractor providing contract security and proof of currency for insurance cover as required in the tender documents.**

**b)** **Price variations to be in accordance with the provisions as set out in the conditions of contract.**

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

**3.** **Authorise the Chief Executive Officer to sign and execute the contract on behalf of Council and approve optional extensions up to three years, subject to future approved budget allocations and satisfactory performance.**

# Background / Key Information

The purpose of this contract is for the receipt, sorting and processing of mixed recycling material from across the municipality.

Tenders for the contract closed on Tuesday 27th February 2024. The tendered prices and a summary of the evaluation are detailed in the confidential attachment.

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

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

|  |  |
| --- | --- |
| Price | 60 % |
| Capability | 15 % |
| Capacity | 15 % |
| Sustainability | 10 % |

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.

An external probity advisor was appointed by council to oversee the evaluation process and to ensure a fair and transparent process, in line with the evaluation plan and probity requirements.

The evaluation outcome was as follows:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Tenderer** | **Conforming** | **Competitive** | **Score** | **Rank** |
| Tenderer A  **Cleanaway PTY LTD** | Yes | Yes | 100.2 | 1 |

# Alignment to Community Plan, Policies or Strategies

Alignment to Whittlesea 2040 and Community Plan 2021-2025:

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

This recycling contract will move our community forward to transition to a circular economy.

A robust kerbside recycling processing service will support a reduction of material sent to landfill and contribute to councils' goal of diverting 80% of waste from landfill by 2030. Recovering waste was identified as a priority target withinCouncil’s *Rethinking Waste Plan 2021-2030.*

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

Financial Management

Sufficient funding for this contract is available in the budget recycling and sorting processing, 42015.47400. For the initial term of the contract. Subsequent years, including the optional extension periods will be subject to approved budget allocations.

**Community Consultation and Engagement**

Community consultation and engagement was not required for this item as it relates to confidential commercial arrangements and contractual obligations.

# Other Principles for Consideration

**Overarching Governance Principles and Supporting Principles**

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

(c) The economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

(g) The ongoing financial viability of the Council 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

Council’s current kerbside service (Rubbish, Recycling and Glass), with opt-in Food Organics Garden Organics, allows households to sort their waste which supports the efficient recovery of resources.

This contract relates to the processing of materials collected through the Recycling stream. Ensuring that recycling material is processed with maximum recovery as a priority to ensure that highest amount of material is diverted from landfill. The greater the quality of recyclable material delivered to the processing contractors, the higher the potential for re-use, and the lower the volume of material being sent to landfill or sourced from natural resource reserves, supporting the circular economy and reducing waste to landfill.

Increasing community waste diversion rates is a key environmental target of council adopted Rethinking Waste Plan (2021-2030).

This contract will further support council delivery of the Rethinking Waste Plan by supporting our waste education program and includes optional provisions for trials for new materials to be sent through the recycling bin for processing.

Social, Cultural and Health

Ensuring that recycling material is sent to a high-quality recycling sorting and processing facility will help to build trust and respect with the community for the recycling process. Building capacity within the service will contribute to a cleaner product and allow for higher recovery rates. This contract includes increased reporting requirements and increase public transparency on end of processing outcomes for recycled materials.

The contract includes provisions to support the council community waste education program.

Economic

Improving the overall quality of collected recyclable material increases its commodity value and facilitates the development of a viable circular economy.

Ensuring community education occurs to a high level and reducing the contamination rate of collected material will directly reduce contamination fees charged, reducing the cost of the service.

**Legal, Resource and Strategic Risk Implications**

The delivery of Council’s kerbside service is in line with the Circular Economy (Waste Reduction and Recycling) Act 2021.

# Implementation Strategy

Communication

A decision to award this contract will be communicated via the standard communication channels for Council Meeting outcomes and Council’ engagement platform.

The community will experience no change in the day-to-day operation of the kerbside recycling services.

Critical Dates

The initial contract term will commence on 01 July 2024 and end on 30 June 2031.

Options exist to extend the contract up to 30 June 2034. A separate report requesting CEO approval will be presented before the exercise of any extension options.

# 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 - Tender Evaluation Summary [**5.4.1** - 5 pages]

5.5 Tender Evaluation Report - Contract 2023-118 - Provision of Parks and Open Space Maintenance Services for the City of Whittlesea

**5.5 Tender Evaluation Report - Contract 2023-118 - Provision of Parks and Open Space Maintenance Services for the City of Whittlesea**

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

**Report Author:** Unit Manager Parks & City Forest

**In Attendance:** Unit Manager Parks & City Forest

The attachments have been designated as confidential in accordance with sections 66(5) and 3(1) of the *Local Government Act 2020* on the grounds that they contain private commercial information, being information provided by a business, commercial or financial undertaking that—

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

# Executive Summary

The purpose of this report is to seek approval to enter into four separate contracts against Contract Number 2023-118 for the provision of Parks and Open Space Maintenance Services following a competitive public Request for Tender (RFT) process.

The initial contract term is for six years with an optional extension of up to four years subject to available approved budget and satisfactory performance of the contractors.

Prior to releasing the RFT, Procurement Australia (PA) was engaged to assist with the end-to-end procurement process. Council also engaged Pitcher Partners as the independent probity advisors to oversee the integrity of the RFT process.

The RFT opened on 1 November 2023 and closed on 20 December 2023. The RFT sought suitably qualified suppliers to tender for one or more of the following separable portions:

* Portion A – Parks Maintenance Services, broken up into three separate zones:
  + - East;
    - West; and
    - North.
* Portion B – Sports Fields Maintenance
* Portion C – Parks Infrastructure Services

The parks maintenance portion of this contract has traditionally been delivered by one supplier. As the municipality has grown and continues to grow, it is no longer feasible for one supplier to effectively service all of Council’s parks and open spaces.

To ensure our community receives the expected level of service, the new contract seeks to divide parks maintenance into three geographic zones with each being managed by a different supplier.

It should be noted that prior to releasing the RFT, it was agreed that no tenderer would be awarded a contract for all categories and a minimum of three suppliers would be awarded across all five categories. This approach is to mitigate risks associated with service delivery and performance.

On 13 November 2023, a hybrid industry briefing and site visits were convened at Mill Park All Abilities Play Space, Redleap Reserve and Mernda Villages Wetland for suppliers who attended the briefing in person.

Council received 11 tendered submissions of which two were deemed non-compliant against the mandatory criteria (refer to Confidential Attachment 1) leaving nine submissions to evaluate.

Full details of the RFT evaluation scoring matrix, including financials, are contained within Confidential Attachment 1.

# Officers’ Recommendation

**THAT Council:**

1. **Resolve to award Contract 2023-118 for the provision of Parks and Open Space Maintenance Services as follows:**
   1. **Separable Portion A Parks Maintenance zone East to Tenderer A between the period 1 April 2025 to 31 March 2031.**
   2. **Separable Portion A Parks Maintenance zone West to Tenderer B between the period 1 April 2025 to 31 March 2031.**
   3. **Separable Portion A Parks Maintenance zone North to Tenderer C between the period 1 April 2025 to 31 March 2031.**
   4. **Separable Portion B Sports Fields Maintenance to Tenderer A between the period 1 April 2025 to 31 March 2031.**
2. **Note the total expenditure over the initial six-year period for Separable Portions A and B is limited to $136,756,903 (excl. GST).**
3. **Note the contract awards are subject to each contractor providing contract security and relevant insurance Certificate of Currency.**
4. **Resolve to approve an optional extension of up to four years for Separable Portions A and B at an additional cost not exceeding $133,297,530 (excl. GST) subject to future approved budget allocations and performance, to the satisfaction of the Chief Executive Officer, of the individual contractors.**
5. **Note any price variations will be in accordance with the provisions set out in the conditions of contract.**
6. **Approve the funding arrangements as detailed in Confidential Attachment 2.**
7. **Note Separable Portion C Parks Infrastructure Maintenance will not, at this stage, be awarded to any tenderer.**
8. **Authorise the Chief Executive Officer to sign and execute the contracts related to Separable Portions A and B on behalf of Council, and to authorise optional extension periods up to four years, subject to future approved budget allocations and satisfactory performance of individual contractors.**
9. **Resolve to publicly release the successful tenderer company names and awarded contract separable portions within 90 days of this Council resolution.**

# Background / Key Information

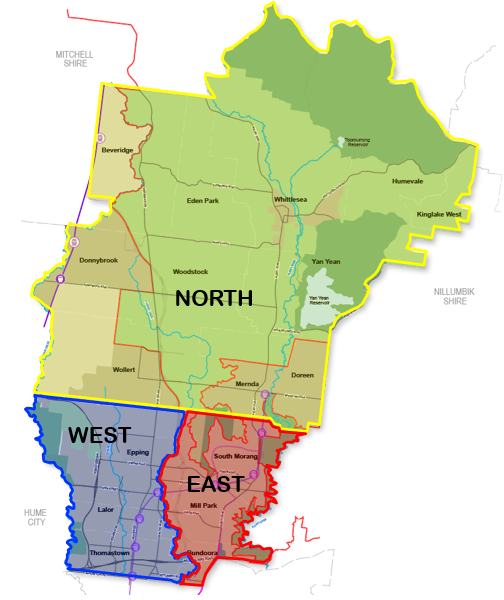
Council recognises how important parks and open spaces are to our community and acknowledges that these assets directly contribute to our community’s lifestyle and the beauty of our municipality.

The parks maintenance portion of this contract has traditionally been delivered by one supplier. Council acknowledges that the service does not always meet Council or community expectations under this model.

As the municipality has grown and continues to grow, it is no longer feasible for one supplier to effectively service all of Council’s parks and open spaces.

To ensure our community receives the expected level of service, the new contract seeks to divide parks maintenance into three geographic zones with each being managed by a different supplier.

As a result, a decision was made to go out to market again and to separate the contract into five separate components, with three geographic parks and open space maintenance zones (North, East and West as shown in the map below), sports field maintenance and park infrastructure maintenance.



Prior to releasing the RFT, it was agreed that no tenderer would be awarded a contract for all categories and a minimum of three suppliers would be awarded across all five categories. This approach is to ensure that our parks and open spaces are maintained to a high standard.

This service contract is one of the largest that Council has considered in its history. The initial six-year term of the current Parks and Open Space Maintenance contract (Contract 2016-201A), which is a consolidated single contract awarded to our incumbent contractor, will expire on 31 March 2025.

Council engaged Procurement Australia, a professional procurement and consulting firm, to manage the procurement process as well as Pitcher Partners as its Probity Advisors, for the awarding of this tender.

A Request for Tender was released by Procurement Australia on 1 November 2023. Tenders for the contract closed on 13 December 2023. The tendered prices and a summary of the evaluation are detailed in the Confidential Attachment 1.

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

* Price 50%
* Capability 25%
* Capacity 20%
* Sustainability 5%

**Price** weighting decreased from 60% to 50% to reflect the importance of this contract. Council wanted to ensure that more weighting was put behind the Capability and Capacity of the contractor/s to ensure suppliers could deliver the required level of service.

**Capability** weightingincreasedfrom 15% to 25% reflecting the preference to ensure we engage a contractor with demonstrated strong experience, qualifications, strong methodology and innovation.

**Capacity** weighting increased from 15% to 20%, reflecting the need to engage a contractor with both physical and support resources to ensure contract delivery.

Whilst the capacity of a contractor to deliver the required services is important, the contract being split into smaller geographic zones meant that it was not weighted as high as Capability which was seen as the most important non-financial criteria and is weighted slightly higher at 25%.

**Sustainability** decreased from10% to 5%. This is not a reflection ofthe importance Council places on sustainability. There were mandatory requirements within the contract specifications that required the contractor to deliver sustainable outcomes such as creating employment opportunities for people living in the municipality (75% workforce requirement) and people that come from disadvantaged backgrounds who are engaged in job training programs (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.

During the tender evaluation, a further ‘preference bonus’ was applied in accordance with Council’s Procurement Policy, for a local or Indigenous business (5%) and any business that demonstrated other desirable sustainability practices and outcomes (up to an additional 5%).

Only tenders that were conforming and competitive were fully scored. Tender submissions that were evaluated as non-conforming or not sufficiently competitive were set aside from further evaluation. Refer to the Confidential Attachment 1 for further details of the evaluation of all tenders.

# 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 of *Local Government Act (2020)* Principles

**Financial Management**

It is recognised that the cost of this contract is significantly higher than the current contract and as a result, there is currently insufficient budget available for Parks Maintenance.

Each year, the Institute of Public Works Engineering Australasia measures the performance of Councils in relation to parks maintenance.

The City of Whittlesea is significantly lower than similar growth area councils in Melbourne, which has resulted in a service that does not meet community expectations. A table outlining the cost per hectare for park maintenance for similar Growth Area Councils is in Confidential Attachment 2.

Even with the cost increase, the projected cost will still be lower at the City of Whittlesea in comparison to other similar Melbourne growth councils.

The higher cost can be attributed to:

* Additional resourcing – between them, the contractors will employ at least 23 additional staff, which will ensure an improved level of service.
* Growth – Council inherits more parks to maintain as the municipality grows. Throughout the life of this contract, it is expected the number of parks Council is responsible for maintaining will increase by 8% annually on average.

A lump sum cost figure has been provided for Year 1 of the contract based on maintenance rates for different elements but this will vary from quarter to quarter as new assets are taken on by Council from developers.

**Community Consultation and Engagement**

In accordance with the *Local Government Act 2020*, consideration was given as to whether there were any opportunities to collaborate with other Councils and public bodies or to use any existing collaborative procurement arrangements. This was not pursued because of the size of the service contract being tendered, the timing for the new contract to come into effect and that we engaged an external procurement specialist, Procurement Australia.

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

# Other Principles for Consideration

**Overarching Governance Principles and Supporting Principles**

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

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

(c) The economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

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

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

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

**Public Transparency Principles**

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

(b) Council information must be publicly available unless— (i) the information is confidential by virtue of the *Local Government Act* or any other Act; or (ii) public availability of the information would be contrary to the public interest.

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

# Council Policy Considerations

**Environmental**

Tenderers were required to demonstrate their commitment to social and environmentally sustainable work practices such as independently certified environmental management systems and sustainable procurement monitoring. All tenderers have nominated to transition their vehicles, plant and equipment to electric or hybrid options wherever possible to reduce carbon emissions and noise.

**Social, Cultural and Health**

Well maintained parks and open space throughout the municipality fosters improved health and wellbeing outcomes, promotes both active and passive recreation, and enhances social cohesion and connectedness. As a condition of contract, all tenderers must employ at least 5% of staff from disadvantaged backgrounds to foster employment opportunities.

**Economic**

As a condition of contract, all tenderers must employ 75% of their staff from the City of Whittlesea municipality, ensuring local employment opportunities (an estimated 127 positions). Contractors will also generate business for local suppliers and businesses. Long term supply contracts also foster improved efficiencies and enable suppliers to invest in fleet, heavy plant and equipment.

**Legal, Resource and Strategic Risk Implications**

Contractors must comply with, and ensure that its employees, subcontractors and agents comply with, any Acts, Regulations, Local Laws and By-Laws applicable to the performance of this contract's services. The contractors’ responsibilities extend to include any statutory requirements that may be specific to Local Government entities.

The contract includes stringent provisions for resource and risk management and provides for Council to terminate the contract for unsatisfactory performance. The fact that the contract has multiple contractors also enables Council to terminate the services of one provider and transfer responsibility to either of the remaining contractors.

# Implementation Strategy

**Separable Portion C – Park Infrastructure Maintenance**

The Tender Evaluation Panel determined that tender submissions received for this portion only did not achieve best value against the evaluation criteria and will not be awarded to any tenderer.

Officers will undertake a review of the Park Infrastructure Maintenance portion to determine how best to proceed with the service. This review will include options for retendering as a standalone contract or alternate delivery methods.

**Communication**

It is acknowledged that the awarding of this contract will be of interest to our community and that communication should be undertaken to announce the successful tenderers.

In order to enable contractual and commercial agreements to be signed and to enable communication with the incumbent contractor and their staff, it is recommended that details be announced to the community after 90 days from the Council resolution.

Once the contracts commence, contractor vehicles will be co-branded with the City of Whittlesea logo to ensure visibility of the services.

**Critical Dates**

The initial contract term will commence on 1 April 2025 and end on 31 March 2031.

Options exist to extend the contract up to 31 March 2035. A separate report requesting Council approval will be presented before the exercise of any optional extension.

# 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 - 2023-118 Parks Open Space RFT - Evaluation Report [**5.5.1** - 87 pages]
2. CONFIDENTIAL REDACTED - Contract Tender Evaluation Report [**5.5.2** - 12 pages]

5.6 RFT 2023-165 Design and Construction of the West Wollert Community Centre - Tender Evaluation

**5.6 RFT 2023-165 Design and Construction of the West Wollert Community Centre - Tender Evaluation**

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

**Report** **Author:** Unit Manager Community Infrastructure Delivery

**In** **Attendance:** Unit Manager Community Infrastructure Delivery

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

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

# Executive Summary

This report summaries the evaluation of the tender submissions received for the award of Contract Number 2023-165 for the Design and Construction of the West Wollert Community Centre, located at the corner of Jardin Road and Meadow Lane, Wollert.

The tender evaluation panel advises that:

* 9 tender submissions were received.
* The recommended tender was the highest ranked and is considered the best value as they successfully demonstrated the ability to deliver the project in accordance with Council specifications.
* Collaborative tendering was not undertaken in relation to this procurement because it is not listed in the Northern Councils Alliance consolidated contract register and this contract relates to a unique need for the City of Whittlesea.

# Officers’ Recommendation

**THAT Council:**

**1.** **Resolve to award the following contract to Bowden Corporation Pty Ltd:**

**Number: 2023-165**

**Title:** **Design and Construction of the West Wollert Community Centre**

**Cost:** **A lump sum price of $13,084,695 (excluding GST)**

**subject to the following conditions:**

1. **Contractor providing contract security and 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.**

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

**3.** **Authorise the Chief Executive Officer to sign and execute the contract on behalf of Council.**

# Background / Key Information

The purpose of this contract is for the design and construction of the West Wollert Community Centre.

The West Wollert Community Centre will provide a space where people of all ages and abilities can learn, participate, access services, and improve their mental social, and physical wellbeing.

The proposed facility will include a kindergarten, maternal and child health consulting/program rooms, community hall and kitchen, flexible meeting/activity rooms, mini branch library and community lounge, landscaped outdoor spaces, carparking and accessible amenities.

Tenders for the contract closed on 27 February 2024. The tendered prices and a summary of the evaluation are included in the confidential attachment.

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

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

* Price 60%
* Capability 15%
* Capacity 15%
* Sustainability 10%

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.

An external probity advisor was appointed by Council to oversee the evaluation process and to ensure a fair and transparent process, in line with the evaluation plan and probity requirements.

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

The evaluation outcome was as follows:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Tenderer** | **Conforming** | **Competitive** | **Score** | **Rank** |
| Tenderer D  Bowden Corporation Pty Ltd | Yes | Yes | 92.0 | 1 |
| Tenderer C | Yes | Yes | 86.3 | 2 |

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

# 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

Sufficient funding for this contract is available in the capital program for construction of the West Wollert Community Centre. This includes funding from developer contributions, State Government grant (Building Blocks Partnership) and Council. Further grant applications will be made for the mini library component.

Community Consultation and Engagement

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

# Other Principles for Consideration

**Overarching Governance Principles and Supporting Principles**

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

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

The contract specification includes key performance requirements around environmental sustainability design and also the management of the site environment / waste during the construction.

Social, Cultural and Health

The contract includes key performance indicators that relate to Occupational Health & Safety, traffic and pedestrian management to ensure a safe work site is maintained throughout the construction period. The contract also includes safety in design requirements to ensure that the facility is safe for community use.

Economic

The project will provide the community with a fit for purpose, compliant and accessible facility that will create jobs during both the design and construction process.

**Legal, Resource and Strategic Risk Implications**

Service Delivery Risk – Not proceeding with the Community Centre would create an inability to plan for and provide critical community services and infrastructure that would impact on community wellbeing. The delivery of this facility will meet important service needs for the community as outlined in Council’s service strategies.

# 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

It is anticipated that design process will commence in June 2024 with the construction activity to commence in March 2025, with completion planned in mid to late 2026.

# Declaration of Conflict of Interest

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

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

# Attachments

1. CONFIDENTIAL REDACTED - Contract 2023 165 Confidential Tender Evaluation Summary [**5.6.1** - 6 pages]

5.7 Tender Evaluation Report - Contract 2023-110 - Facilities Management

**5.7 Tender Evaluation Report - Contract 2023-110 - Facilities Management**

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

**Report Author:** Manager Assets & Facilities

**In Attendance:** Manager Assets & Facilities

Unit Manager Facilities Management

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

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

# Executive Summary

The purpose of the report is to seek Council endorsement for the awarding of the Facilities Management Contract Number 2023-110 for a period of four years with an optional extension of up to four years following a competitive tender process.

The Contract is for the coordination and delivery of a range of maintenance services across 199 Council buildings with the ability to adjust the number of assets and level of service to ensure the financial sustainability of the Council whilst balancing the needs and expectations of the community.

To ensure a competitive process was undertaken, a Request for Tender was publicly advertised and open between 1 November 2023 to 19 December 2023. At the time of closing, five compliant tender submissions were received. The tender evaluation process is outlined in the body of this report. Full details of the evaluation and tendered pricing can be found in the confidential attachment to this report.

In accordance with the *Local Government Act 2020*, a collaborative procurement process was not undertaken due to the specific and unique service requirements to Council.

# Officers’ Recommendation

**THAT Council:**

1. **Resolve to award Contract No. 2023-110 to Platinum FM for the provision of Facility Management Services and pay a one-off transition in fee of $19,800 (excl. GST) and an annual management fee of $1,204,515.40 (excl. GST) for a period of four years commencing on 1 October 2024.**
2. **Note the contract value inclusive of the management and transition in fees, planned/preventative and reactive maintenance programs, minor capital renewal program and out-of-hours call out expenses for the initial four-year term is $57,394,247 (excl. GST).**
3. **Resolve to approve optional extensions of up to four years at a cost of $53,104,929 (excl. GST), subject to available and approved budget.**
4. **Note on an annual basis, Officers will establish the planned/preventative and reactive maintenance, and minor capital renewal programs subject to available and approved budgets.**
5. **Note the award of the Contract is subject to Platinum FM providing contract security and proof of currency for insurance cover as required in the Request for Tender (RFT) specifications.**
6. **Authorise the Chief Executive Officer to sign and execute the contract on behalf of Council and authorise optional extensions up to four years subject to future approved budget allocations and satisfactory performance.**

# Background / Key Information

The Council has an existing Facilities Management Contract (Contract No. 2020-2) with an initial contract term of 1 October 2020 to 30 September 2024. The contract also allows for two-by-two year optional extensions beyond 30 September 2024.

A review of the current Facility Management Contract identified a range of significant constraints including:

1. Limited control and accountability over performance;
2. Absence of key performance indicators (KPIs); and
3. Ability to accommodate growth or agility to respond to the changing needs of the Council and the community.

Due to the contractual changes required, it was deemed they were not minor material changes, rather significant changes, therefore requiring a new public tender process to be undertaken.

The Facilities Management Contract (the Contract) delivers on the City of Whittlesea’s vision of ‘A Place for All’ by linking service expectations to deliver on the Council’s Asset Plan, Buildings and Facilities Asset Management Plan with the Council’s respective policies and guidelines.

Through appointing a facilities management company, they will be responsible for managing services such as electrical, cleaning, plumbing etc. including the procurement and management of subcontractors.

**Contract Objective**

The Contract provides a strategic management framework to maintain Council buildings and associated assets to a high standard for the effective delivery of services, allowing for opportunities for community connections that positively impact the health and well-being of everyone.

To successfully achieve this objective, the Contract has a greater focus on a preventative approach to maintenance, enabling the Council to minimise disruptions, drive performance and prolong the life of its’ buildings and facilities.

**Overview of Contract Scope**

The Contractor is required to provide a holistic management service, comprising of Preventative Planned Maintenance, Reactive Maintenance including Out-of-Hours and critical response for emergencies, the project management of Minor Capital Renewal Works (<$50k) and other related services associated with the provision of the Facilities Management Contract. The Contract scope extends to Municipal Emergency requiring the Contractor, as instructed by the Council, to provide management, support and appropriate resources as required.

The Request for Tender (RFT) specifications clearly articulated to tenderers what the Council requires, including integrated information management in line with the Council’s Customer Experience Standards, occupational health and safety requirements, financial management, reporting, meetings and achievement of key performance indicators (KPIs). This will enable the Council to measure and manage the Contractor’s performance and ensure the objectives and outcomes are achieved.

**Industry Briefing**

Prior to the RFT closing date, an online industry briefing was conducted on 21 November 2023 and attended by 16 interested parties comprising of facility management and trade-specific companies. The industry briefing included an overview of the Council’s building stock, procurement process, key provisions within the contract including the introduction of quarterly financial audits, KPIs, and abetments. This briefing gave prospective tenderers the opportunity to seek further clarification relating to the publicly released RFT specifications.

**Evaluation Process**

Prior to the RFT closing, the evaluation panel (Panel) consisting of:

* Three voting members: two technical experts and one independent.
* One non-voting member responsible for coordination of the evaluation process completed and signed the Tender Probity and Evaluation Plan (Plan).

An external probity advisor, ArcBlue, was appointed to oversee the evaluation process and to ensure the end-to-end tender evaluation was completed in accordance with the Plan and to ensure probity requirements were met. The external probity advisor reported there are no probity issues that would preclude Council from accepting the officer’s recommendation to award Platinum FM Pty Ltd following the evaluation process.

At the conclusion of the evaluation, an independent probity auditor, Pitcher Partner, was engaged to undertake a thorough assessment of the entire RFT process. The probity auditor’s report concluded the procurement and evaluation process was conducted in accordance with the Plan.

Tender submissions were evaluated against the following endorsed criteria and weightings:

* **Price** weighting decreased from 60% to 50% to reflect the importance of this contract. Council wanted to ensure that mo*re weighting was put* behind the capability of the contractor to mitigate service risk.
* **Capability** weighting increased from 15% to 28% reflecting the preference to ensure we engage a contractor the demonstrated strong experience, qualification, strong methodology and innovation.
* **Capacity** weighting remained at 15% reflecting the need to engage a contractor with high level of agility to respond to changes in service levels and priority needs.
* **Sustainability** decreased from 10% to 7%. This is not a reflection of the importance Council places on sustainability but there were mandatory requirements within the contract specifications that dictated sustainable outcomes such creating employment opportunities for people living in the municipality and people that come from disadvantaged backgrounds who are engaged in job training programs.

The Plan also included sub-criteria with individual weightings and bonus scores for:

* Local and or indigenous business may receive an additional 5% preference; and
* Any businesses that demonstrate other desirable sustainability practices and outcomes, may receive up to an additional 5% preference.

The weightings were determined as being most appropriate after considering numerous factors including, but not restricted to, the capability, quality, risk, and contract management requirements which were likely to have the most impact on the achievement of best value.

**Declaration of Conflict of Interest**

Prior to commencing the tender evaluation process, two members of the Panel declared a perceived conflict of interest which was assessed by the external probity advisor and managed in accordance with the independent advice received.

**Stage 1** **Short-Listed and Confirming**

All tendered submissions were assessed as conforming, deemed competitive and progressed to Stage 2 of the evaluation process.

**Stage 2 Evaluation**

All submissions were initially evaluated against the criteria for:

* Capability;
* Capacity, and
* Sustainability

receiving a possible score out of 50.

The initial Raw Score is the Panel’s agreed scores after individually assessing the initial tendered submissions. The assessment process identified the need for a range of clarifications ranging from resource allocations and qualifications to business agility and sustainable strategies etc. The post clarification scores assessed tenderer’s responses with scores adjusted accordingly. Clarifications were issued to tenders A, B and C.

**Table 1. Evaluation Scores Excluding Price and Bonus Scores**

|  |  |  |  |
| --- | --- | --- | --- |
| **Tenderer** | **Initial Raw Score** | **Post Clarification Scores** | **Final Ranking** |
| Tenderer A | 38.1 | 36 | 1 |
| Tenderer B  **Platinum FM** | 36.9 | 35.8 | 2 |
| Tenderer C | 30.8 | 28.5 | 3 |
| Tenderer D | 24.3 | 24.3 | 4 |
| Tenderer E | 8.4 | 8.4 | 5 |

At the conclusion of this stage, Tenderers D and E were the lowest ranked and did not progress to the next stage of the evaluation. The Panel were unanimous that both Tenderer D and E did not demonstrate the required level of technical capability, necessary experience, appropriate qualifications, demonstrated skills and quality of service required for this contract. All other tenderers progressed to next stage of evaluation.

**Stage2A Post Clarifications**

Tenders A, B, and C were invited to partake in a presentation with the assessment outcomes reflected in the final evaluation score.

The final evaluation scores are outlined in Table 2 inclusive of all the criteria including price, capability, capacity, sustainability, and bonus scores.

**Table 2 Final Tender Evaluation Scores**

| **Tenderer** | **Criteria Scores** | **Bonus Scores** | **Final Score** | **Ranking** |
| --- | --- | --- | --- | --- |
| Tenderer B  **Platinum FM** | 75.3 | 3 | 78.3 | 1 |
| Tenderer C | 67.5 | 6.8 | 74.3 | 2 |
| Tenderer A | 68.5 | 3.4 | 71.9 | Equal 3 |
| Tenderer D | 70.3 | 1.6 | 71.9 | Equal 3 |
| Tenderer E | 58.4 | 5.5 | 63.9 | 4 |

When considering the criteria scores as outlined in Table 2, the variances between Platinum FM against the second and third highest ranked tenderers was assessed as too significant to progress those tenderers to the next stage of the evaluation.

Platinum FM provided overall best value in the areas of:

* Qualifications and technical experience;
* Operational governance;
* Communication and reporting; and
* Sustainability and environmental practices.

Platinum FM is a Victorian-based company with extensive experience in providing facilities management services at a national and local levels. Platinum FM has an experienced and qualified service delivery team with the technical capability required for the Contract. They have demonstrated the provision of social procurement and implementing environmental sustainability and compliance within all their contract management plans. Platinum FM has an integrated services model and has committed to integrating their operating system with the Council’s asset register allowing Council to proactively manage and report on commitments within the Asset Management Plans.

Platinum FM has a robust governance structure underpinned by ISO accreditation in:

1. Quality Management (9001.20015);
2. Occupational Health and Safety Management System (ISO 45001.2018);
3. Environmental Management (ISO14001:2015).

As the highest-ranked tenderer, Platinum FM progressed to Stage 3 Evaluation.

**Stage 3 Evaluation:**

The evaluation process included successful and positive referee checks, a satisfactory scorecard rating for the independent financial analysis, and a Best and Final Offer received.

Full details of all tendered submissions evaluated are attached at Confidential Attachment 1.

# 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.

**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.

**Sustainable Environment**

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

**High Performing Organisation**

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

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

Financial Management

There are two key financial implications;

1. Contract Value: forecast value of all foreseeable expenses over the term of the contract;
2. Annual Contract Spend: available and endorsed annual budget.

**Contract Value:**

The contract value is the forecasted total spend for the Contract using fixed costs provided by the highest ranked tenderer for the management fee and transition in the plan, the annual forecast spend for maintenance and renewal, and out of hours services.

**Annual Contract Spend:**

The annual contract spend is the amount payable to the highest ranked tenderer in accordance with the schedule of rates for the fixed costs (e.g. management fee) and based on the Council’s available and adopted budgets for the provision of maintenance, (e.g. routine, reactive and planned minor capital renewal works).

There is sufficient funding available for the initial four-year term of the contract for Facilities Management, Contract Management. Optional extension periods will be subject to approved budget allocations.

Full details of all financial calculations are attached at Confidential Attachment 1.

**Financial Reporting:**

To ensure prudent financial behaviour and transparency with the community’s resources, the Council demonstrates sound financial management practices as the Contract provisions include:

1. **Financial Reporting:** monthly, quarterly, and annual reporting;
2. **Independent Auditing of Financial Reports:** quarterly audits and annual audit reporting;
3. **KPI Performance Reporting:** monthly, quarterly, and annual reporting;
4. **Abatements:** calculated monthly for non-compliance of KPIs and if applicable, deducted from the monthly management fee; and
5. **Office Rental:** $5,000 per annum fee will apply for each office desk occupied by the Contractor.

Community Consultation and Engagement

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

To ensure an agile service response to the priority of need, the Contractor is required to participate in quarterly stakeholder engagement meetings with the Council stakeholders to:

* Gain greater insight into how the Buildings and Facilities are performing;
* Assess if there are any changes in the level of service; and
* Identify priority areas for actioning.

# Other Principles for Consideration

**Overarching Governance Principles and Supporting Principles**

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

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

(c) The economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

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

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

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

Public Transparency Principles

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

(b) Council information must be publicly available unless— (i) the information is confidential by virtue of the *Local Government Act* or any other Act; or (ii) public availability of the information would be contrary to the public interest.

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

# Council Policy Considerations

Environmental Sustainability Considerations

The Contractor has a critical role to play in assisting the Council to meet its environmental goals by identifying opportunities to further reduce emissions, and by ensuring all assets are renewed and maintained to support energy efficiency and safe and healthy communities in a changing climate. As the climate changes, and climate related risks increase, and Facilities Management will play a critical role in managing and mitigating identified climate risks for the Council’s buildings and facilities to ensure continuous delivery of services to our community.

The Contract includes commitment to maintaining, enhancing and protecting the natural environment within the City of Whittlesea and include:

1. Valued natural landscape and biodiversity;
2. Climate ready;
3. Leaders in clean and sustainable living;
4. The Contractor must provide their company’s Environmental Management Plan which must be in line with ISO 14001.

Social, Cultural and Health

Workforce Diversity and Social Procurement quotas will be assessed at the end of the financial year.

An example of a social procurement target is within the first six months of the Contract Commencement Date, the Contractor must ensure at least 0.1% of the total annual contract value, must be spent on Aboriginal businesses or social enterprises that are approved by the Contract Manager.

Economic

The Contract includes specifications and KPIs that align to the Council’s economic commitments, these include:

1. **Volunteering, Work Experience:** Volunteer and work experience opportunities can be offered to local secondary school students and /or apprentices.
2. **Workforce Diversity:** Within the first six months of the Contract Commencement Date, the Contractor must ensure that at least 10% of total Contractor and Subcontractor labour hours worked are performed by people from City of Whittlesea target population groups, residing in Whittlesea, as specified in City of Whittlesea 2040.

**Legal, Resource and Strategic Risk Implications**

The Contact includes stringent provisions for resource and risk management and provides for Council to terminate the contract for unsatisfactory performance.

# Implementation Strategy

Communication

If Council resolves to endorse the Officer recommendation, minimal communication is required to internal stakeholders regarding the extension of business.

The community’s needs and interactions with Facility Management Portfolio have been incorporated into the CX/DX Customer Experience Standards and as the Contract is an internal service, no further communication is required.

Critical Dates

The initial contract term will commence on 1 October 2024 and end on 30 September 2028. Optional extensions of up to four years, subject to budget and satisfactory performance, will form part of the contract. If the optional extensions are exercised the maximum contract term will end on 30 September 2032.

Subject to contract execution, it is proposed to commence the contract on 1 October 2024. Ninety days prior to the commencement date of 1 October 2024, the successful contractor will be required to prepare and submit a comprehensive Transition in Plan to the Council for approval and ensure the Transition In Plan is fully implemented during the specified period.

As the contract is entirely new and significantly different from the existing Facilities Management Contract 2020-2, if the Council is to endorse the Officer recommendation, Platinum FM will be required to submit and satisfactorily comply with a Transition In Plan demonstrating compliance with the new Contract terms and provisions.

# 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 - Evaluation Summary for Facilities Management Contract 2023-110 FM Services [**5.7.1** - 13 pages]

5.8 Governance Report

**5.8 Governance Report**

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

**Report Author:** Coordinator Governance Administration

**In Attendance:** Unit Manager Governance

# Executive Summary

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

* Summary of Informal meetings of Administrators (Attachment 1)
* Councillor Expense and Support Policy (Attachment 2)
* Proposed extension of Audit and Risk Committee independent members, Jen Johanson and Bruce Potgieter for a further three-year term ending 30 September 2027.

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

# Officers’ Recommendation

**THAT Council:**

**1.** **Note the Governance Report for May 2024.**

**2.** **Note the summary of Informal Meetings of Administrators since the last Council meeting at Attachment 1 and the summary of Informal Meetings will be reported on a quarterly basis.**

**3.** **Resolve to adopt the Councillor Expense and Support Policy at Attachment 2.**

**4.** **Resolve to approve the extension of the Audit and Risk Committee independent members, Jen Johanson and Bruce Potgieter, for a further three-year term ending 30 September 2027.**

# Background / Key Information

**Information Meetings of Administrators**

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

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

The summary of matters discussed at the meeting must be:

* tabled at the next convenient Council meeting; and
* recorded in the minutes of that Council meeting.

The record of Informal Meetings of Councillors (Administrators) at Attachment 1 is reported to Council in accordance with this requirement.

**Councillor Expense and Support Policy**

In December 2023, the Department of Premier and Cabinet (DPC) provided advice around the significant increase in the level of cyber security attacks of State and Councils networks by hackers. Additionally, there was specific advice of a greater risk associated with the use of network connected devices when taken overseas.

To address the advice from DPC, the Councillor Expense and Support Policy (Policy) at clause 11.5 -International Travel was amended to:

* prohibit Council owned and issued devices (phones, iPads, Laptops etc.) being taken overseas for official work-related travel or personal travel.
* extended to Councillors when taking their own devices overseas that have access to Council systems, for example emails, to be blocked to ensure the security of Council’s networks.

Additional points were also included at 10.1.3 and 10.1.4 to strengthen the use of Council issued mobile devices, and to ensure devices are used in a lawful manner.

**Audit and Risk Committee – Extension of Independent Member Terms**

Section 53(1) of the *Local Government Act (2020)* (the Act)requires Council toestablish an Audit and Risk Committee (Committee).

Section 53(3) of the Act requires the Committee to include Councillor members and majority of members to be independent.

In accordance with the ARC Charter, approved by Council 21 March 2023:

* s 3.1(h) states *independent members may be appointed for terms of three years.*
* s 3.1(i) states a*t the conclusion of the independent member’s first three-year term, existing members will be eligible to be re-appointed for a second three-year term at the discretion of Council; subject to mutual agreement and satisfactory performance*.”

Independent members Jen Johnson and Bruce Potgieter were appointed to the Audit and Risk Committee 1 October 2021 and their current term is due to expire on 30 September 2024. The re-appointment for a second three-year term is at the discretion of Council.

Over the past 3 years both Jen Johanson and Bruce Potgieter have been extremely committed to and provided invaluable contributions at Committee meetings. Their expertise across different aspects of audit and risk have also provided officers with valuable feedback and insights. With the support of the Committee and support from Jen and Bruce, officers are delighted to make the recommendation to Council to extend their respective appointments for a further three-year period.

# 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 is included in the current budget.

Community Consultation and Engagement

No community consultation or engagement is required in relation to this report.

# Other Principles for Consideration

**Overarching Governance Principles and Supporting Principles**

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

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

Public Transparency Principles

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

(b) Council information must be publicly available unless— (i) the information is confidential by virtue of the *Local Government Act* or any other Act; or (ii) public availability of the information would be contrary to the public interest.

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

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

# Council Policy Considerations

Environmental Sustainability Considerations

No implications.

Social, Cultural and Health

No implications.

Economic

No implications.

**Legal, Resource and Strategic Risk Implications**

Amending the Councillor Expense and Support Policy at clause 11.5 -International Travel assists in mitigating Strategic Risk 8: Information Management.

# Implementation Strategy

Communication

Once approved, the Councillor Expense and Support Policy will be made available on Council’s web site.

In addition, once approved an official offer of extension will be sent to independent Audit and Risk Committee members – Jen Johanson and Bruce Potgieter, for a further three-year term ending 30 September 2027.

Critical Dates

There are no immediate critical dates associated with the summary of Informal meetings of Administrators, Councillor Expense and Support Policy or independent Audit and Risk Committee members extension of terms.

# 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. Informal Meetings of Administrators Report [**5.8.1** - 2 pages]
2. Councillor Expense and Support Policy May 2024 [**5.8.2** - 16 pages]

5.9 Audit and Risk Committee Charter

**5.9 Audit and Risk Committee Charter**

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

**Report Author:** Unit Manager Governance

**In Attendance:** Unit Manager Governance

# Executive Summary

The purpose of this report is to present the revised Audit and Risk Committee Charter for Council’s consideration and approval.

In preparation for the return of an elected Council, management in consultation with the Committee, conducted a comprehensive review of the Charter.

The revised Charter at Attachment 1 was approved by the Audit and Risk Committee at their meeting held 14 May 2024.

# Officers’ Recommendation

**THAT Council endorse the revised Audit and Risk Committee Charter at Attachment 1.**

# Background / Key Information

Section 54(1) of the *Local Government Act 2020* requires Council to prepare and approve an Audit and Risk Committee Charter.

In accordance with the Audit and Risk Committee Work Plan, the Charter is subject to review every two years or more frequently, if required. The current Charter was approved by Council at its 21 March 2023 meeting.

In preparation for the return of an elected Council, management in consultation with the Committee, conducted a comprehensive review of the Charter to ensure:

* the requirements noted in the Local Government Act 2020 have been covered and are clear;
* standardisation to the approved corporate templates;
* the layout is updated for accessibility and ease of reading;
* the governance of membership, appointment and renumeration ensures best value for Council and the Committee;
* virtual/hybrid attendance at meetings updated to meet legislative requirements; and
* areas of responsibilities updated to align with practices that are already occurring.

The revised Charter at Attachment 1 was approved by the Audit and Risk Committee at their meeting held 14 May 2024.

# 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 is included in the current budget.

Community Consultation and Engagement

No community consultation or engagement is required in relation to this report.

# Other Principles for Consideration

**Overarching Governance Principles and Supporting Principles**

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

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

Public Transparency Principles

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

# Council Policy Considerations

Environmental Sustainability Considerations

No implications.

Social, Cultural and Health

No implications.

Economic

No implications.

**Legal, Resource and Strategic Risk Implications**

No implications.

# Implementation Strategy

Communication

There are no further communication requirements required relating to the matters contained in this report.

Critical Dates

Following Council endorsement, the Charter will be required to be reviewed within 2 years.

# 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. Audit and Risk Committee Charter - May 2024 [**5.9.1** - 12 pages]

5.10 Draft Governance Rules

**5.10 Draft Governance Rules**

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

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

# Executive Summary

This report is to seek Council’s consideration and endorsement to commence a form of community consultation in relation to the draft Governance Rules.

In September 2023, Council adopted the Governance Rules (Rules). Since September, minor amendments have been identified to ensure the Rules are robust in preparation for the return of Councillors.

# Officers’ Recommendation

**THAT Council:**

**1. Endorse the draft Governance Rules attached at Attachment 1.**

**2.** **Resolve to release the draft Governance Rules to the community seeking their feedback between the period 22 May 2024 and 5 June 2024.**

**3. Note a further report will be presented to Council seeking approval to adopt the Governance Rules once the community feedback period has closed.**

# Background / Key Information

In accordance with s 60(3) of the *Local Government Act 2020* Council may amend its Governance Rules in line with Council’s Community Engagement Policy.

The amendments made to the current version of the draft Governance Rules are predominately minor and cover the following:

* increase officer speaking time to 3 mins when introducing a Council meeting report.
* increase public speaking time at Hearing of Submission Committee meetings from 2 mins to 3 mins.
* clarity around the use of placards, posters, megaphones etc. in the Council Chamber.
* the Acknowledgement to Traditional Owners was updated to reflect the current approved wording.
* Council meeting end time was adjusted from 10.30pm to 10.00pm to align with Council’s recent resolution to commence Council meetings at 6.00pm.
* some very minor administrative updates, for example, correct numbering of clauses, removal of a duplicated rule.

# 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 is no cost associated with the draft Governance Rules being made publicly available for community feedback.

Community Consultation and Engagement

The process of seeking community feedback will commence via Council’s Engage City of Whittlesea page for a 2-week period commencing 22 May until 6 June 2024. Feedback will be sought in accordance with Council’s Community Engagement Policy.

# Other Principles for Consideration

**Overarching Governance Principles and Supporting Principles**

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

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

Public Transparency Principles

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

(b) Council information must be publicly available unless— (i) the information is confidential by virtue of the *Local Government Act* or any other Act; or (ii) public availability of the information would be contrary to the public interest.

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

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

# Council Policy Considerations

Environmental Sustainability Considerations

No implications.

Social, Cultural and Health

No implications.

Economic

No implications.

**Legal, Resource and Strategic Risk Implications**

The draft Governance Rules are being amended in accordance with the requirements outlined in the *Local Government Act 2020.*

# Implementation Strategy

Communication

Will be undertaken in accordance with Council’s Community Engagement Policy

Critical Dates

Community feedback will be sought over a two-week period. It is proposed the Governance Rules will then be presented back to Council at its June Council meeting.

# 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. Draft Governance Rules May 2024 Clean Version [**5.10.1** - 37 pages]

5.11 CEO Employment Matters Advisory Committee

**5.11 CEO Employment Matters Advisory Committee**

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

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

# Executive Summary

Following a recent review of the Chief Executive Officer (CEO) Employment Matters Advisory Committee Policy (CEMAC Policy) and Independent Chair (Chair) schedule of fees, the purpose of this report is to seek Council’s consideration and adoption of the amended CEMAC Policy and annual program fee schedule payable to the Chair to better reflect their independent expert advice and services being provided.

# Officers’ Recommendation

**THAT Council:**

**1.** **Resolve to adopt the Chief Executive Officer Employment Matters Advisory Committee Policy (CEMAC Policy) at Attachment 1.**

**2.** **Note, upon adoption of the CEMAC Policy, a copy will be provided to CEMAC’s Independent Chair.**

**3.** **Resolve to adopt the Independent Chair annual program fees as follows:**

**a)** **minimum annual program fee of $6,000 excl. GST, which includes up to 20 hours work; and**

**b)** **additional work more than 20 hours annually, will be charged at $250 per hour excl. GST, noting a minimum charge of 4 hours for onsite engagements/ meetings, which includes travel. Virtual meetings will be billed on time taken, with a minimum 0.5 (½) hour commencement fee.**

**4.** **Note the Independent Chair annual fees will remain for the duration of their contract unless otherwise mutually agreed based on high increases to CPI or costs proposed to be incurred.**

# Background / Key Information

Under s 45 of the *Local Government Act 2020* (Act), Council must develop, adopt and keep in force a Chief Executive Officer Employment and Remuneration Policy that obtains independent professional advice in relation to but not limited to performance monitoring and annual reviews.

**CEMAC Policy**

The CEMAC Policy defines the mechanisms which will support Council in fulfilling its obligations regarding CEO employment and remuneration. Additionally, the CEMAC Policy outlines the roles and responsibilities of the Committee including the requirement to appoint a suitably qualified Independent Advisor.

As part of this CEMAC Policy review consideration was given to strengthening the process should a councillor wish to raise a concern about the CEO’s performance or conduct. Any concern lodged requires supporting evidence, and will be dealt with, if necessary, based on the most appropriate process determined by the Mayor (or Deputy Mayor if the Mayor raises a concern) and the Independent Chair.

Some other minor amendments made to the CEMAC Policy include:

* Process by which the Mayor will follow in updating all councillors of the mid-term performance review;
* Membership of CEMAC to include the Mayor, Deputy Mayor and one additional Councillor appointed annually. This membership is in addition to the Independent Chair;
* Clarity around CEMAC’s role in recruiting the CEO and timing of undertaking the CEO performance reviews; and
* Minor administrative updates, for example formatting.

**Independent Chair Annual Program Fee**

On 21 February 2023, Council resolved to appoint the current Independent Chair for a four-year term commencing 1 March 2023 to 28 February 2027 at a set all-inclusive rate of $2,500 per formal meeting, including attendance at pre meetings, travel, preparatory work, agenda and minutes and any required reporting.

The set rate of $2,500 assumed there would be two meetings per annually, namely the CEO midterm performance review and annual review. Over the past year it has become evident additional meetings are required to fulfill the obligations of CEMAC. In addition, consideration has been given to other requirements of the Chair, for example establishing the annual key performance indicators with CEMAC members and CEO and the additional report required in the future for the midterm review.

# Alignment to Community Plan, Policies or Strategies

Alignment to Whittlesea 2040 and Community Plan 2021-2025:

**High Performing Organisation**

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

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

Financial Management

There are no costs associated with the review of the CEMAC Policy.

The annual fee program schedule for the Independent Chair ($6,000 annually) is $1,000 more than the previously adopted assumption of two meetings per annum at a fixed rate attributed to the Chair are currently at $8,250. It is anticipated the proposed annual program fee of $6,000, up to 20 hours work, will be monitored and a saving to Council.

Community Consultation and Engagement

There are no requirements to undertake community consultation in relation to the CEMAC Policy.

# Other Principles for Consideration

**Overarching Governance Principles and Supporting Principles**

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

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

Public Transparency Principles

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

# Council Policy Considerations

Environmental Sustainability Considerations

No implications.

Social, Cultural and Health

The suggested amendment to strengthen the process should a councillor submit a concern in relation to the CEO performance, provides for natural justice to be always afforded.

Economic

No implications.

**Legal, Resource and Strategic Risk Implications**

The CEMAC Policy amendments remain consistence with the requirements of the *Local Government Act 2020*.

# Implementation Strategy

Communication

Once approved, the CEMAC Policy will be provided to the CEO, Independent Chair, and made available on Council’s website.

Critical Dates

There are no immediate critical dates associated with the CEMAC Policy or Independent Chair annual program fee.

# 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. CEO Employment and Remuneration Policy May 2024 [**5.11.1** - 14 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**

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.

**9.1 Phase 2 - Contaminated Land Remediation at 240W Bindts Road, Wollert**

**10 Closure**