



Agenda

Scheduled Council Meeting

Tuesday 15 August 2023 at 6:30 pm

You are advised that a Meeting of Council has been called by the Chief Executive Officer on Tuesday 15 August 2023 at 6:30 pm for the transaction of the following business.

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

**C Lloyd**

**Chief Executive Officer**

Administrators

Lydia Wilson Chair of Council

Peita Duncan Administrator

Christian Zahra AM Administrator

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

Senior Officers

Craig Lloyd Chief Executive Officer

Emma Appleton Director Planning & Development

Agata Chmielewski Director Community Wellbeing

Sarah Renner Director Customer & Corporate Services

Debbie Wood Director Infrastructure & Environment

Frank Joyce Executive Manager Strategy & Insights

Janine Morgan Executive Manager Public Affairs

Jacinta Stevens Executive Manager Office of Council & CEO

Order of Business

The Chief Executive Officer submits the following business:

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[1.2 Acknowledgement of Traditional Owners Statement 6](#_Toc142574733)

[1.3 Diversity and Good Governance Statement 6](#_Toc142574734)

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[5.5.1 CN 2023-64 - Road Maintenance and Associated Services (NCA Collaboration) 22](#_Toc142574751)

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[5.5.3 Review of Council Delegations to Members of Council Staff (s6) 32](#_Toc142574753)

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[8.3 Administrator Christian Zahra AM 40](#_Toc142574759)

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[10 Closure 42](#_Toc142574768)

**Note:**

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

**Question Time:**

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

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

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

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

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

**1 Opening**

**1.1 Meeting Opening and Introductions**

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

Administrator, Peita Duncan;

Administrator, Christian Zahra; and

Chief Executive Officer, Craig Lloyd.

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

Director Planning and Development, Emma Appleton;

Director Community Wellbeing, Agata Chmielewski;

Director Corporate and Customer Services, Sarah Renner;

Director Infrastructure and Environment, Debbie Wood;

Executive Manager Strategy and Insights, Frank Joyce;

Executive Manager Public Affairs, Janine Morgan; and

Executive Manager Office of Council and CEO, Jacinta Stevens.

**1.2 Acknowledgement of Traditional Owners Statement**

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

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

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

**1.3 Diversity and Good Governance Statement**

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

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

**1.4 Acknowledgements**

**1.5 Attendance**

**2 Declarations of Conflict of Interest**

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

**Recommendation**

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

**Scheduled Meeting of Council held on 18 July 2023; and**

**Additional Confidential Council Meeting held on 25 July 2023.**

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

**4.1 Public Question Time**

**4.2 Petitions**

No Petitions

**4.3 Joint Letters**

No Joint Letters

**5 Officers' Reports**

**5.1 Connected Communities**

5.1.1 Joint Meeting - Cloverton Metropolitan Activity Centre

**5.1.1 Joint Meeting - Cloverton Metropolitan Activity Centre**

**Responsible Officer:** Executive Manager Office of Council & CEO

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

**Attachments:** No attachments

**Purpose**

For Council to endorse a joint meeting to be held between Hume, Mitchell and Whittlesea Councils to jointly discuss the Cloverton Metropolitan Activity Centre (MAC), which boarders all three municipalities.

**Brief Overview**

It is proposed to hold a joint meeting with Hume and Mitchell Councils for the purpose of jointly voting on the following:

* Adopting a vision for Cloverton as the new capital of the north and continue this work.
* Endorse the high-level vision and key principles for the Cloverton MAC.
* Endorse a letter being sent to the Premier and key Ministers seeking a genuine partnership with the three Councils to coordinate the future of Cloverton and for the area to be recognised for its State significance.

**Recommendation**

**THAT Council:**

1. **Under section 62 of the *Local Government Act* 2020, hold and participate in a joint meeting of the Whittlesea City Council, Hume City Council and Mitchell Shire Council on 3 October 2023 at 5pm.**
2. **Note should the start time of the joint Council Meeting be amended, public notice via Council’s website will be provided at least 7 days prior to the meeting.**
3. **Endorse the purpose of the joint meeting is to discuss the strategic importance of Cloverton as a Metropolitan Activity Centre to all three councils and endorse a high level vision and principles to underpin the work of the partnership and to seek coordination and assistance form the Victorian Government.**
4. **Endorse the terms of reference for the joint Council Meeting (to be circulated separately).**
5. **Endorse the joint Council Meeting:**
6. **Being held at Whittlesea City Council Chambers;**
7. **Using the governance rules of Whittlesea City Council; and**
8. **Being chaired by the Mayor of Hume City Council.**
9. **Note the three appointed Administrators to Whittlesea City Council will participate in the joint Council Meeting.**

**Key Information**

Section 62 of the *Local Government Act 2020* provides for two or more Councils to hold a joint meeting.

Pursuant to section 62(3)(b) there must be at least 3 Councillors/Administrators from each Councils holding the joint meeting to participate in the meeting.

Each Council will pass a resolution in advance authorising participation of each Council, nomination of attendees, and the governance processes to be used.

**Community Consultation and Engagement**

Not required.

**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**

**Environmental**

No implications

**Social, Cultural and Health**

No implications

**Economic**

No implications

**Financial Implications**

No financial implications.

**Link to Strategic Risk**

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

By all three Councils coming together it will enable the adopting of a vision for Cloverton as the new capital of the north.

**Implementation Strategy**

**Communication**

Notices will be placed on Council’s website to inform the community of the joint meeting with Hume and Mitchell Councils, including date, time and location. It is also intended that the meeting will be livestreamed.

**Declaration of Conflict of Interest**

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

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

**Conclusion**

The proposed joint meeting will enable Hume, Mitchell and Whittlesea Councils to adopt a regional partnership for the Cloverton Metropolitan Activity Centre and make joint recommendations to the Premier and key Ministers as Cloverton boarders all three municipalities.

**5.2 Liveable Neighborhoods**

5.2.1 Quarry Hills Parkland Future Directions Plan

**5.2.1 Quarry Hills Parkland Future Directions Plan**

**Responsible Officer** Director Infrastructure & Environment

**Author** Open Space Planner

**In Attendance** Manager Urban Design and Transport  
Unit Manager Landscape and Open Space Planning  
Open Space Planner

**Attachments**

1. Quarry Hills Future Directions Plan [**5.2.1.1** - 29 pages]
2. Quarry Hills Parkland Engagement Findings Report Phase 2 [**5.2.1.2** - 13 pages]

**Purpose**

The purpose of this report is to:

* Provide an update on the outcomes of the community consultation for Quarry Hills Parkland Future Directions Plan;
* Seek endorsement of the Quarry Hills Parkland Future Directions Plan;
* Seek endorsement to commence with the formal naming process the Quarry Hills Parkland to a Wurundjeri woi-wurrung name in early 2024.

**Brief Overview**

* Quarry Hills Parklands is one of the defining landscape features of the municipality and contributes strongly to the character of the Mernda and Wollert growth corridor. The Parklands is Council’s largest park, currently at 400 hectares which when completed will cover 2.25% of the municipality.
* The Council endorsed Open Space Strategy 2016 identifies Quarry Hills Parklands as a Regional Park, classified as Conservation Reserve.
* The Quarry Hills Parklands Strategic Plan 2000 is now 23 years old and requires a more definitive and visionary plan to meet community needs and Council’s W2040 goals.
* The Quarry Hills Parkland Future Directions Plan (the Plan) consultation has now concluded, and changes have been made to the final document for endorsement.
* Engagement with the Wurundjeri Woi-wurrung is ongoing and has included undertaking the Cultural Values Study which has informed the development of the Future Directions Plan.
* The Cultural Values Study identifies Quarry Hills Parklands as the bunjil nganga cultural landscape and recommends the renaming of the parklands to bunjil nganga parklands. To support the achievement of this recommendation it is proposed to commence the process to formally rename of parklands in early 2024.

**Recommendation**

**THAT Council:**

1. **Endorse the Quarry Hill Parklands Future Directions Plan.**
2. **Note the formal naming process for the parklands will commence in 2024.**

**Key Information**

The Council endorsed Open Space Strategy 2016 identifies Quarry Hills Parkland as a Regional Conservation Reserve. Quarry Hills Parkland plays a critical role in open space provision and the broader green network, linking the City of Whittlesea open space network and creek corridors with the four major parklands; Darebin Parkland, Plenty Gorge Parklands, Yan Yean Reservoir Parklands, and the Grassy Eucalypt Woodland Reserve. Quarry Hills Parklands is the home of the Granite Hills Community Park and the proposed Aboriginal Gathering Place.

The Council endorsed Quarry Hills Parkland Strategy Plan 2000 has successfully guided the 2010 masterplan in the early assembly of the parkland. However, that plan is now outdated and was developed without consultation with the traditional custodians, Wurundjeri Woi- wurrung Cultural Heritage Aboriginal Corporation. The importance and complexity of the parkland requires an ambitious agenda which will recognise the cultural history and environmental potential to become a major tourism draw card. The Quarry Hills Parklands Future Direction Plan has established this agenda and will guide the park’s future.

Quarry Hills Parklands is identified as a Regional Parkland of significance in the Victorian Government’s Open Space Strategy for Metropolitan Melbourne 2021, ‘Open Space for Everyone.’ Funding for the development of the Plan was provided through the Victorian State Government’s Suburban Parks Program.

**Future Directions Plan**

The Future Directions Plan has been developed in partnership with the Wurundjeri Woi- wurrung Cultural Heritage Aboriginal Corporation and sets out a new vision and objectives which are articulated through the key themes of People, Place, Environment and Economy. The Plan includes principles informed by the values and significance of the landscape, the traditional owners, and the long-term initiatives that Council has set out to protect and enhance open space for the community. To inform the development of this longer-term plan, a consultation process was undertaken to obtain feedback on these key themes, issues and associated opportunities for action moving forward.

**Vision**

Quarry Hills Parkland is a rich and inspiring destination of unique natural and cultural landscapes, valued for the ecological, spiritual, historical, and living connections it provides to Aboriginal people and the broader community.

Quarry Hills Parkland is a place of active reconciliation, storytelling, and healing, where community can explore and celebrate the unique cultural and ecological significance of the landscape and Aboriginal people can practice connection to Country. Quarry Hills Parkland is a special place of recreation, protection and renewal, a place to learn, explore culture, art, and environment, and to connect with the exceptional natural and curated features of the parkland for all generations to come.

**Objectives**

* The creation of 1100 hectares of Parkland which will be valued for its ancient and ongoing Wurundjeri Woi-wurrung connection and the opportunities for exchange of knowledge;
* Council commits to enabling self-determination for Wurundjeri Woi-wurrung, to return cultural practices on Country, to Wurundjeri Woi-wurrung;
* Quarry Hills Parkland will be regenerated to ecological health and vitality, to underpin health and well-being of the community;
* Quarry Hills Parkland will provide rich cultural, and landscape experiences for the community, a place for exploration, reconciliation healing and learning;
* A developed governance model where Council and Wurundjeri Woi-wurrung are partners in the future direction of the Parkland;
* Work in partnership with local Aboriginal and non-Aboriginal community members to care for, activate an enhance community experience of the Parkland and environment.

**Future Direction Statements**

**People -** Quarry Hills Parkland will be a destination for connection to nature, a place to experience rich cultural and community activities, explore, play, and learn, and a place of well-being and healing.

**Place -** Quarry Hills Parkland will provide gateways and warm welcomes into the Parkland, connecting seamlessly into its surroundings, through the creation of green healthy links to other landscapes and the regional trail network.

**Economy -** Quarry Hills Parkland will be economically sustainable and contribute to the local economy. Drawing on its unique natural and cultural values, it will become a place of learning and a destination, attracting people from across Melbourne.

**Environment -** Quarry Hills Parkland will be regenerated to ecological health. The Darebin Creek and other waterways, rich and varied geological formations, topography, increased woodland forest, outstanding viewpoints and significant biodiversity flora and fauna will be connected and cared for.

To achieve the Future Direction Plan statements and objectives a prioritised implementation plan has been developed.

**Park Naming**

In partnership with the Wurundjeri Woi- wurrung Cultural Heritage Aboriginal Corporation WWCHAC a Cultural Values Study was commissioned to inform the development of the Future Directions Plan. The Cultural Values Study recommends the renaming of the parklands to a Wurundjeri Woi-wurrung name which has been incorporated as a key action in the Future Directions Plan.

The Cultural Values Study recommendation states:

*“To help visitors better understand and appreciate Woi-wurrung custodianship it is recommended that the name Quarry Hills Regional Parkland be replaced with a Woi-wurrung language name. bunjil nganga (meaning ‘eagle view’), or garra darrang (meaning ‘windy trees’ were suggested. In consultation with parkland partners, WWCHAC the bunjil nganga was identified as the preferred name.”*

The formal naming of the parklands in a Wurundjeri Woi-wurrung name would acknowledge the cultural history of the traditional owners. The traditional owners of the South Morang area prior to European settlement were the Wurundjeri William patriline of the Wurundjeri Balug clan. The clan belonging to the woi-wurrung language group of the Kulin Nation.

**Community Consultation and Engagement**

Council’s partnership with Wurundjeri Woi-wurrung Cultural Heritage Corporation and consultation with Department of Energy, Environment and Climate Action (DEECA), community and stakeholders were integral to the development of the Future Directions Plan. The Parkland Internal Governance Structure and Partnership Advisory group comprised of Council officers, representatives from DEECA and Wurundjeri Elders, has facilitated a collaborative, cross Council, and partnership approach to the development of the Quarry Hills Parklands Future Direction Plan.

A detailed community engagement plan was developed for the project. Consultation on the draft Quarry Hills Parklands Future Direction Plan was undertaken throughout December 2022 and January 2023 and involved engaging the wider community through pop-up sessions and on Council’s digital engagement platform. The purpose of this engagement was to hear community feedback on the draft Quarry Hills Parklands Future Directions Plan to ensure that the future of the parkland reflects our community’s vision.

Council officers consulted with key stakeholders. The project engage page received 1186 visitors with 179 community members providing feedback or completing the survey during the consultation period.

Council Officers spoke with a further 44 people across the six community pop-ups in January 2023.

The following partners and stakeholders were consulted.

* Wurundjeri Woi-wurrung Cultural Heritage Corporation – Council Monthly Meeting
* Wurundjeri Woi-wurrung Cultural Heritage Corporation – Environmental Sub-committee
* Council Committees and Groups
* Aboriginal Networks and Groups in City of Whittlesea
* Aboriginal Community Controlled Organisations delivering services to City of Whittlesea residents
* Victoria Aboriginal Peak Bodies
* Landowners within the parkland
* Darebin Creek Management Committee
* Key Interest Groups

There were 73 contributions to the online survey and most respondents were supportive of the Vision and Direction Statements. The feedback received reflected:

* 89% indicating they felt neutral or positive toward the vision.
* 75% of community members liked or liked a lot the People direction statement.
* 84% of community members liked or liked a lot the Place direction statement.
* 60% of community members liked or liked a lot the Economy direction statement
* 86% of community members liked or liked a lot the Environment direction statement.

The key themes from phase two of consultation have been addressed in the Plan. These include:

* Enhance and raise the profile of the Quarry Hills Parkland known as bunjil nganga cultural landscape by the Wurundjeri Woi-wurrung people.
* Ensure consideration of events and activities that support community connection and cultural diversity.
* Identify and increase broader connectivity to the parkland through public transport and better connections from major roads.
* Identify future infrastructure and maintenance requirements.
* Prioritise the ecological health of the parkland.
* Ensure that the principles and intent of the park is not eroded through development and economic aspirations.
* Clarify the recommendations around economic sustainability and maintain free access to the parkland.
* Improve the safety and amenity of the parkland
* Place emphasis on collaboration with Wurundjeri Woi-wurrung Cultural Heritage Corporation through partnership with them in governance & management of the parkland.

Engagement with the Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation occurred throughout the project the following key points have been incorporated into the final Plan:

* The need to enhance the inclusion of cultural recognition throughout the document in accordance with the Cultural Values Study (CVS). To address this the CVS objectives and actions have been integrated within each of the direction statements and will be graphically incorporated in the summary plan.
* The need to involve and partner with Wurundjeri Woi-wurrung Cultural Heritage Corporation to deliver actions from the implementation plan. The governance and management sections have been revised to place emphasise on the partnership with Wurundjeri Woi-wurrung Cultural Heritage Corporation to protect and manage the cultural heritage assets of the parkland.
* The need for Council to develop appropriate recompense for Wurundjeri Woi-wurrung Cultural Heritage Corporation involvement in decision making and parkland management. Individual business cases and projects will identify funding for Wurundjeri participation.

**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**

**Environmental**

A key objective of the Quarry Hills Parklands Future Direction Plan is to regenerate the ecological health and vitality of the parkland. The plan also addresses the need for care and protection of the Darebin Creek and other waterways, rich and varied geological formations, topography, increased forest, outstanding viewpoints and significant biodiversity and fauna.

**Social, Cultural and Health**

The Quarry Hills Parklands Future Direction Plan aims to provide gateways into the parkland, connecting seamlessly into its surroundings, through the creation of green links to the regional trail network. The Plan aims to develop the parklands as a destination for connection to nature, a place to experience rich cultural and community activities, explore, play, and learn, and a place of wellbeing and healing. The parkland will protect significant ecological and cultural values and provide significant open space for both the growing population of Whittlesea and for visitors across greater Melbourne.

Well planned accessible open space is proven to have preventative health benefits including opportunities for the community to socially interact and undertake physical activities. The W2040 Liveable Neighbourhoods Goal includes an indicator to increase Use of Open Spaces.

* Whittlesea 2040
* Sustainable Environment Strategy 2022-32
* Climate Change Plan 2022-32
* Open Space Strategy 2016-2026
* Green Wedge Management Plan 2022
* Greening Whittlesea Strategy 2020-2040
* Biodiversity Strategy 2019
* Quarry Hills Parklands Strategy Plan 2000
* Quarry Hills Parkland Masterplan 2009
* Quarry Hills Landscape Masterplan 2019
* Strong Local Economy strategy 2022 - 2026
* Open Space Strategy for Metropolitan Melbourne 2021 ‘Open Space for Everyone’
* Aboriginal Gathering Place Business Case July 2022

**Economic**

The Quarry Hills Parklands Future Direction Plan aims to create an economically sustainable regional parkland that will contribute to the local economy, generating tourism by drawing on its unique natural and cultural values, to become a place of learning, a destination, attracting people from across Melbourne.

**Financial Implications**

The Plan provides additional strategic support for number of existing operational and capital projects are currently in progress within the parklands. This includes the Aboriginal gathering place, Granite Hills Community Park, connecting trails and drainage interface improvements and significant conservation and greening activities.

Where possible, deliverable actions will be aligned with existing delivery programs in Council’s established capital and operational programs. Items requiring additional funding will be referred to Council’s annual budget process.

An advocacy prospectus will be developed for the parklands to support opportunities for partnership funding. As a significant regional parkland included in the Victorian Government Metropolitan Open Space Strategy, and a unique cultural and environmental tourism opportunity, the parkland is well positioned to attract Federal and State Government funding.

**Links to Strategic Risk**

Not linked to the risks within the Strategic Risk Register

**Implementation Strategy**

**Communication**

Two phases of the consultation and landowner consultation were undertaken as follows:

* 12 September 2022: Focus groups consultation/workshops
* November 2022: Landowner consultation
* 28November 2022– 20 January 2023: Public consultation

**Critical Dates**

There are critical dates associated with the Suburban Parks Program funding agreement for the Quarry Hills Future Directions Plan:

* 15 August 2023: Council Meeting
* Early 2024: Commencement of statutory process to adopt a Wurundjeri Woi-wurrung name for the parkland
* TBC: Formal Launch following completion of naming process.

**Declaration of Conflict of Interest**

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

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

**Conclusion**

The Quarry Hills Parkland Future Directions Plan has been prepared in partnership with traditional owners the Wurundjeri Woi-wurrung and has received overwhelming support from the community and stakeholders.

With a strong vision for the future, the plan will guide planning, development, regeneration, and operations of the parklands. Through the delivery of the plan the parklands will become the premier park for the north, forming part of a network of connected green spaces attracting visitors from greater Melbourne.

**5.3 Strong Local Economy**

No reports

**5.4 Sustainable Environment**

No reports

**5.5 High Performing Organisation**

5.5.1 CN 2023-64 - Road Maintenance and Associated Services (NCA Collaboration)

**5.5.1 CN 2023-64 - Road Maintenance and Associated Services (NCA Collaboration)**

**Responsible Officer:** Director Infrastructure & Environment

**Author:** Coordinator Civil Infrastructure Renewal

**In Attendance:** Manager Capital Delivery  
Unit Manager Engineering Design & Construction

**Attachments**

1. CONFIDENTIAL REDACTED - 1. Tender CN 2023-64 Road Maintenance and Associated Services Evaluation Summary [**5.5.1.1** - 11 pages]
2. CONFIDENTIAL REDACTED - 2. Combined Schedule of Rates [**5.5.1.2** - 39 pages]

This attachment has been designated as confidential in accordance with sections 66(5) and 3(1) of the *Local Government Act 2020* on the grounds that it contains 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.

In particular the attachment contains information regarding tender amounts submitted by tenderers and tender evaluation scoring prepared by Council Officers. It also contains details of credit and reference checks about the tenderers provided to Council in confidence. The release of this information could reasonably be expected to prejudice the commercial positions of the persons who supplied the information or to confer a commercial advantage on a third party.

**Purpose**

It is proposed that contract number 2023-64 for Road Maintenance and Associated Services is awarded to the following panel of providers for the respective categories as detailed in this report:

* Asphaltech (VIC) Pty Ltd
* Downer EDI Works Pty Ltd
* Bitupave Ltd T/A NSW Boral Asphalt
* Primal Surfacing
* Supersealing Pty Ltd
* Advanced Traffic Management Pty Ltd
* Altus Traffic Pty Ltd
* Ausroads Traffic Management Pty Ltd
* Image Linemarking Pty Ltd
* Omnigrip Direct Pty Ltd
* Ellgrade Pty Ltd

**Brief Overview**

The tender evaluation panel advises that:

* 34 tenders were received across 11 categories of road maintenance and associated services. Council is proposing to use 7 categories.
* 11 tenderers are recommended across the 7 categories.
* This was a collaborative tender conducted by Procurement Australia (PA) acting as an agent on behalf of the Northern Council Alliance (NCA).
* Many of the recommended tenderers were the highest ranked overall for the NCA for the respective category however, these rankings did not consider each individual Council’s unique circumstances or other factors.
* The basis for proposed tenderers being selected include:
  + Better value based on the geographical location to the City of Whittlesea
  + Synergies with interrelated activities across categories
  + Better pricing offered to City of Whittlesea over the other NCA pricing
  + Provision of direct services rather than subcontracting

**Recommendation**

**THAT Council:**

1. **Accept the tenders submitted by:**
   * **Asphaltech (VIC) Pty Ltd for Asphalt Supply Ex Bin**
   * **Downer EDI Works Pty Ltd for Asphalt Supply Ex Bin**
   * **Bitupave Ltd T/A NSW Boral Asphalt for:**
     1. **Spray Sealing**
     2. **Plant & Labour (not standalone)**
     3. **Traffic Control Services**
     4. **Line Marking**
   * **Primal Surfacing for:**
     1. **Spray Sealing**
     2. **Plant & Labour (not standalone)**
     3. **Traffic Control Services**
     4. **Line Marking**
   * **Supersealing Pty Ltd for:**
     1. **Crack Sealing**
     2. **Traffic Control Services**
   * **Advanced Traffic Management Pty Ltd for Traffic Control Services**
   * **Altus Traffic Pty Ltd for Traffic Control Services**
   * **Ausroads Traffic Pty Ltd for Traffic Control Services**
   * **Image Line Marking Pty Ltd for Line Marking**
   * **Omnigrip Direct Pty Ltd for Line Marking**
   * **Ellgrade Pty Ltd for Unsealed Road Maintenance**

**For the following contract:**

**Number:** **2023-64**

**Title:** **Road Maintenance and Associated Services NCA Collaboration**

**Cost:** **The accepted schedule of rates is detailed in the confidential attachment. Total expenditure is limited to $4,850,000 (excluding GST) unless otherwise approved by Council**

**Term:** **1 September 2023 to 30 June 2026**

**Options:** **Term extensions of 2 periods of 12 months up to 30 June 2028.**

**Subject to the following conditions:**

**a)** **Tenderers to provide proof of currency of insurance cover as required in the tender documents.**

**b)** **Price variations to be in accordance with the provisions as set out in the tender documents.**

1. **Approve the funding arrangements detailed in the confidential attachment.**
2. **Delegates authority to the Chief Executive Officer to sign and execute the contract on behalf of council and approve any contract variations in line with the Chief Executive Officer’s approved delegations.**

**Key Information**

The City of Whittlesea owns, maintains, and manages a road network of over 1,300km of sealed and over 80km of unsealed roads throughout the municipality and does so through a combination of internal resources and external service providers.

Procurement Australia were engaged by the NCA to conduct and manage a request for tender to seek the provision of Road Maintenance & Associated Services from capable and appropriate suppliers.

The purpose of this contract is to enable a streamlined and uniform approach to the delivery of road maintenance and associated services while leveraging best value outcomes for the NCA participants.

Tenders were sought for 11 categories of road maintenance and associated services which were:

* **Category 1** – Asphalt Supply Ex Bin (supply of materials from existing batch at asphalt plant)
* **Category 2** – Asphalt Supply, Deliver & Lay
* **Category 3** – Profiling
* **Category 4** – Spray Sealing
* **Category 5** – Crack Sealing
* **Category 6** – Asphalt Patching
* **Category 7** – Plant & Labour
* **Category 8** – Traffic Control
* **Category 9** – Pavement & Line Marking
* **Category 10** – Adjustments of utility Covers
* **Category 11** – Unsealed Road Maintenance

Tenders for the contract closed on 22 March 2023. The tendered prices and a summary of the evaluation are detailed in the confidential attachments.

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

A Tender Probity & Evaluation Plan was prepared by the NCA and facilitated by Procurement Australia for this tender process and was approved prior to this tender being advertised. Prior to the tender being released, an external probity advisor was engaged to oversee the entire process. The probity advisor observed no probity issues of concern and a robust evaluation process that was undertaken with appropriate due diligence.

All tenders received were evaluated in accordance with that plan. The evaluation involved scoring of conforming tenders according to the pre-determined criteria and weightings as follows:

|  |  |  |
| --- | --- | --- |
|  | Price | 40% |
|  | Capacity and Capability | 42% |
|  | Customer Service | 6% |
|  | Sustainability | 12% |

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 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 were fully scored. Tender submissions that were evaluated as non-conforming were set aside from further evaluation. In cases where this occurred the reasons for that outcome were documented. Council’s Tender Evaluation Team has determined that it will not participate with Categories 2, 3, 6, 7 and 10 as these works and services are conducted in-house or are being provided under other arrangements which offer better value to Council.

The evaluation outcome was as follows:

|  |  |
| --- | --- |
| **Tenderer** | **Category** |
| Asphaltech (VIC) Pty Ltd | Category 1 |
| Downer EDI Works Pty Ltd | Category 1 |
| Bitupave Ltd T/A NSW Boral Asphalt | Categories 4, 7, 8, 9 |
| Primal Surfacing | Categories 4, 7, 8, 9 |
| Supersealing Pty Ltd | Categories 5, 8 |
| Advanced Traffic Management Pty Ltd | Category 8 |
| Altus Traffic Pty Ltd | Category 8 |
| Ausroads Traffic Management Pty Ltd | Category 8 |
| Image Line Marking Pty Ltd | Category 9 |
| Omnigrip Direct Pty Ltd | Category 9 |
| Ellgrade Pty Ltd | Category 11 |

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

**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.

**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.

Council will be able to streamline the delivery of services related to road maintenance throughout the municipality.

**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.

**Social, Cultural and Health**

A well maintained and connected transport network enhances accessibility to various services throughout the municipality, fosters social cohesion and promotes cultural exchange.

**Economic**

The collaborative tender approach benefits from consistency across contractors with regards to requirements and tender conditions resulting in more consistent pricing. The bulk contract rates for road maintenance also offer financial advantages through increased competition, streamlined administration and improved service quality. Long term contracts also foster improved efficiencies and ensure a close working relationship with contractors resulting in overall financial benefits for Council.

**Financial Implications**

Sufficient funding for works and services associated with this contract is available in the respective Maintenance and Operations and future New Works Program budgets which will go through the usual budget approval processes.

**Link to Strategic Risk**

**Strategic Risk** *Emergency Management - Failure to manage and respond to emergency events which may be detrimental to community health and wellbeing*

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

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

Establishing a panel contract for various categories of Road Maintenance and Associated Services will streamline the delivery of services to Council through a greater number of contracted external providers.

**Implementation Strategy**

**Communication**

There is no requirement to communicate the decision of this report to the community.

However individual items of work may require information to be provided to the community.

**Critical Dates**

The Initial contract term will commence on 1 September 2023 and end on 30 June 2026.

Options exist to extend the contract for 2 periods of 12 months up to 30 June 2028. A separate report requesting Council approval will be presented before the exercise of any optional extension which results in an increase in the limit of the contract sum.

**Declaration of Conflict of Interest**

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

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

**Conclusion**

The preferred tenderers were determined to be best value and it is considered that these companies can perform the services under the contract to the required standards.

5.5.2 Public Transparency Policy

**5.5.2 Public Transparency Policy**

**Responsible Officer:** Executive Manager Office of Council & CEO

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

**Attachments:**

1. Public Transparency Policy August 2023 [**5.5.2.1** - 10 pages]

**Purpose**

To seek Council’s consideration and adoption of the revised Public Transparency Policy.

**Brief Overview**

In accordance with s 57 of the *Local Government Act 2020*, Council is required to adopt and maintain a Public Transparency Policy (Policy).

Officers recently reviewed the Policy to ensure compliance with the Public Transparency Principles, and to include additional information around what public transparency means in relation to Council’s obligations in sharing information with the community.

**Recommendation**

**THAT Council:**

**1.** **Adopt the revised Public Transparency Policy attached at** **Attachment 1**.

**2.** **Note the Public Transparency Policy will be made available on Council’s website.**

**Key Information**

The Public Transparency Policy, previously adopted on 1 September 2020, promotes openness and transparency in Council decision making processes and raises public awareness on the type of information easily accessible publicly to the community.

To highlight the importance of open and transparent governance, the following key Policy amendments were made:

* Definition of ‘What is Public Transparency’ in the local government context.
* Inclusion of Public Transparency Principles as defined in s 58 of the *Local Government Act 2020.*
* Expansion of the Decision Making at Council Meetings section to include information on when a meeting is closed or partially closed to the public and where Council decisions are unable to be made public.
* Inclusion of Council’s commitment to proactive and informal release of information to minimise the requirement for community members lodging Freedom of Information requests.
* Inclusion of availability and accessibility of Council information.
* Inclusion of the Public Interest Test and how Council will apply it when assessing whether to make certain information publicly available.

Other minor administrative amendments were made to ensure ease when navigation through the Policy.

**Community Consultation and Engagement**

A form of community consultation was not undertaken in relation to the Policy review. The executive team and Council Administrators were provided a copy of the draft Policy. Feedback provided was taken into consideration when finalising the Policy.

**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 Public Transparency Policy is a requirement under s 57 of the *Local Government Act 2020.*

**Considerations**

**Environmental**

No Implications

**Social, Cultural and Health**

The Policy promotes openness and transparency encouraging proactive release of Council Information to increase community confidence and trust in Council’s decision making.

**Economic**

No Implications

**Financial Implications**

There are no financial implications with the proposed Policy.

**Link to Strategic Risk**

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

Council is required to adopt and maintain a Public Transparency Policy in accordance with s 57 of the *Local Government Act 2020.*

**Implementation Strategy**

**Communication**

The revised Policy will be made publicly available on Council’s website and circulated to all staff.

**Critical Dates**

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

**Declaration of Conflict of Interest**

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

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

**Conclusion**

The revised Public Transparency Policy provides for greater clarity to ensure the community is fully informed on the type of Council decision information that can be made publicly available.

5.5.3 Review of Council Delegations to Members of Council Staff (s6)

**5.5.3 Review of Council Delegations to Members of Council Staff (s6)**

**Responsible Officer** Executive Manager Office of Council & CEO

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

**Attachments**

1. Draft S6 Instrument of Delegation by Council to Members (7) [**5.5.3.1** - 71 pages]

**Purpose**

The purpose of this report is for Council to support effective and efficient decision-making through updated instruments of Delegations to members of Council staff.

**Brief Overview**

Delegations to members of Council staff are reviewed regularly to ensure Council’s decision-making powers are efficiently and effectively exercised.

This report recommends that this delegation be amended to reflect title changes and where positions no longer exist, to delegate the provisions to another role. New, changed and deleted provisions from the most recent Maddocks Lawyers update have taken into account legislative changes that were asserted to, or made, on or after 20 January 2023.

**Recommendation**

**THAT Council:**

1. **For the Instrument of Delegation to Members of Council Staff (Attachment 1):**
   1. **Resolve to delegate to the members of staff holding the relevant positions the powers, duties and functions set out in the Instrument.**
   2. **Commence operation of the Instrument immediately upon the common seal of Council being affixed to the Instrument.**
   3. **Revoke all previous Council delegations to members of Council staff on the coming into force of the Instrument.**
   4. **Require the duties and functions set out in the Instrument to be performed, and the powers set out in the Instrument to be executed, in accordance with any guidelines or policies adopted by Council.**

**Key Information**

Pursuant to section 11 of the *Local Government Act 2020*, Council has the power to confer delegation on officers in the performing of their duties across various Acts and Regulations.

Instruments of Delegation are reviewed regularly to ensure that they are aligned with legislation, best practice and to ensure the most appropriate members of staff are performing the relevant legislative duty.

Delegations to members of staff were last reviewed and adopted by Council on 27 June 2022, 6 September 2021 and 4 August 2020 respectively.

The most recent updates, as provided by Maddock Lawyers, take into consideration all legislative amendments since January 2023.

The key amendments made to the Instrument of Delegation to Members of Council Staff are:

* Updates to officer position titles
* Amendment to the *Cemeteries and Crematoria Act 2023* conditions and limitations to indicate Council is a Class B cemetery trust
* Review and update of officer positions delegated powers under certain Acts to ensure the right staffing level has delegation
* Delegation to relevant officers against new provision made to various Acts
* Removal of certain provisions under various Acts that are now obsolete
* Review of conditions and limitations assigned to certain delegated powers across the various Acts to ensure they remain relevant

*Conflict of Interest Disclosures by Delegates.*

The Local Government Act 2020 imposes obligations on members of Council Staff who have delegated powers to act impartially and with integrity including avoiding conflicts of interest.

A Council delegate is prohibited from exercising a Council Power, duty or function if they have a conflict of interest in a matter and must disclose the type and nature of the interest.

**Community Consultation and Engagement**

Relevant Managers and Council staff have been consulted to carry out a review to ensure that the information and role titles are accurate.

**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 review is carried out in accordance with Council’s Delegations Policy (corporate) and section 11 of the Local Government Act 2020. Delegating specific functions to staff members is administratively efficient and enables decisions to be made promptly and effectively.

**Considerations**

**Environmental**

No implications

**Social, Cultural and Health**

No implications

**Economic**

No implications

**Financial Implications**

The cost is included in the current budget.

**Link to Strategic Risk**

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

Instruments of delegation are re-made regularly to ensure that they remain current, are aligned with best practice and cover all relevant provisions.

**Implementation Strategy**

**Communication**

Once the common seal is affixed to the Instruments, they will be published on Council’s website in accordance with Council’s Public Transparency Policy and Council Officers will be advised of these changes.

**Critical Dates**

It is proposed that the revised Instruments come into force once the common seal is affixed to the Instrument.

**Declaration of Conflict of Interest**

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

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

**Conclusion**

It is recommended that the revised Instruments of Delegation be adopted by Council. The updated delegations will facilitate Council’s decision-making processes by ensuring that the relevant Council Officers have the appropriate powers to effectively and efficiently carry out their Council duties.

5.5.4 Draft Governance Rules

**5.5.4 Draft Governance Rules**

**Responsible Officer:** Executive Manager Office of Council & CEO

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

**Attachments:**

1. Draft Governance Rules - August 2023 Clean version [**5.5.4.1** - 37 pages]
2. Draft Election Period Policy August 2023 Clean version [**5.5.4.2** - 12 pages]

**Report Status**

This report is being presented to Council on 15 August for consideration of the amended draft Governance Rules prior to seeking community feedback.

**Purpose**

To seek Council endorsement to undertake a form of community engagement in relation to the amended Governance Rules, incorporating the Election Period Policy.

**Brief Overview**

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

In preparation for the return of an elected Council in October 2024, it is timely to review the Governance Rules which incorporates Council’s Election Period Policy, a requirement of s 69 of the Act.

**Recommendation**

**THAT Council:**

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

**2.** **Endorse the draft Election Period Policy attached at Appendix 2.**

**3.** **Resolve to release the draft Governance Rules and Election Period Policy to the community seeking their feedback.**

**4.** **Note a subsequent report will be provided to Council seeking formal approval of the Governance Rules once the community feedback period has closed.**

**5. Note the Election Period Policy will be incorporated into the Governance Rules once formally adopted by Council at a subsequent meeting.**

**Key Information**

In September 2021 Council, after seeking community feedback, adopted the Governance Rules to incorporate the *Regulatory Legislation Amendment (Reform) Act 2022* requirements of incorporating procedures into Council’s Governance Rules allowing for virtual participation at Council meetings.

In preparation for the October 2024 general Council elections, and transition from appointed Administrators to an elected Council, it was timely to review the Governance Rules at the same time as reviewing the Election Period Policy.

The amendments made to the Governance Rules focus on continuous improvements while also taking into consideration recommendations from the recent IBAC ‘*Operation Sandon’* report.

Governance Rules

The key amendments to the Governance Rules:

* time limits for meetings;
* speaking times against each agenda item;
* strengthening requirements for the lodgement of Notice of Motions and the ground by which the CEO may reject a Notice of Motion;
* recording in the meeting minutes the names of councillors who voted for and against each motion without the need to call for a division;
* Recording in the meeting minutes the names of Councillors who spoke on each agenda item;
* requirement to consider each agenda item and not move agenda items en bloc;
* Strengthen reasons why the CEO may disallow a public question, petition or joint letter.

Election Period Policy

The key amendments to the Election Period Policy:

* Allows for the CEO to publicly correct inaccurate information or statements made by candidates;
* strengthen the use of Council resources during the caretaker period;
* extended the Policy to cover also both Federal and State elections;
* Access to information and candidate information to align with Council’s Public Transparency Policy;
* inclusion of section relating to staff member obligations should they wish to stand as a candidate;
* expansion of the definition section to provide greater clarity.

**Community Consultation and Engagement**

Upon Council’s adoption of the draft Governance Rules, the process of seeking feedback from the community will commence via Council’s Engage City of Whittlesea page.

Seeking feedback from the community will be in accordance with Council’s Community Engagement Policy.

**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 draft Governance Rules incorporating the Election Period Policy is in accordance with the relevant provision of the *Local Government Act 2020.*

**Considerations**

**Environmental**

No Implications

**Social, Cultural and Health**

There are no implications with

**Economic**

No Implications

**Financial Implications**

There are no financial implications associated with the draft Governance Rules.

**Link to Strategic Risk**

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

The efficiency of Council meetings would be affected if Council fails to review the Governance Rules regularly.

**Implementation Strategy**

**Communication**

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

**Critical Dates**

Community feedback will be sought on the draft Governance Rules prior to referring them back to Council.

**Declaration of Conflict of Interest**

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

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

**Conclusion**

That Council endorse the draft Governance Rules for release to the community for their feedback.

**6 Notices of Motion**

No Notices of Motion

**7 Urgent Business**

No Urgent Business

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

8.1 Chair of Council Lydia Wilson Report

8.3 Administrator Christian Zahra AM

8.4 Chief Executive Officer, Craig Lloyd Update

**9 Confidential Business**

**9.0.0 Close Meeting to the Public**

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

**Recommendation**

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

**9.1 Confidential Connected Communities**

No Reports

**9.2 Confidential Liveable Neighbourhoods**

No Reports

**9.3 Confidential Strong Local Economy**

No Reports

**9.4 Confidential Sustainable Environment**

No Reports

**9.5 Confidential High Performing Organisation**

9.5.1 CEO Employment Matters

**9.5.1 CEO Employment Matters**

**Responsible Officer:** Executive Manager Office of Council & CEO

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

This report and 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 it contains personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs. In particular the attachments contain information regarding the CEO’s employment, performance and remuneration.

**10 Closure**