

Agenda

Scheduled Council Meeting

Tuesday 17 October 2023 at 7:30 pm

You are advised that a Meeting of Council has been called by the Chief Executive Officer on Tuesday 17 October 2023 at 7:30 pm for the transaction of the following business.

This meeting will be held in the Community Hall at Galada Community Activity Centre, 10A Forum Way, Epping and will be [livestreamed via Council's website](#).

C Lloyd
Chief Executive Officer

Administrators

Peita Duncan Acting Chair of Council

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

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Note:

At the Acting 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 12pm 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 12pm the day prior to the Scheduled Council Meeting. Any questions submitted after 12pm will be held over to the next 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 Acting Chair of Council, Peita Duncan will open the meeting and introduce the Administrators and Chief Executive Officer:

Administrator, Christian Zahra; and
Chief Executive Officer, Craig Lloyd.

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

Emma Appleton, Director Planning and Development;
Agata Chmielewski, Director Community Wellbeing;
Sarah Renner, Director Corporate and Customer Services;
Debbie Wood, Director Infrastructure and Environment;
Frank Joyce, Executive Manager Strategy and Insights;
Janine Morgan, Executive Manager Public Affairs; and
Jacinta Stevens, Executive Manager Office of Council and CEO.

1.2 Acknowledgement of Traditional Owners Statement

The Acting Chair of Council, Peita Duncan 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 Acting Chair of Council, Peita Duncan 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 meetings as circulated, be confirmed:

- **Scheduled Meeting of Council and Confidential Meeting of Council held on 19 September 2023**
- **Joint Council Meeting between Whittlesea, Hume and Mitchell Council's held on 3 October 2023**
- **Additional Meeting of Council held on 12 October 2023**

4 Public Questions, Petitions and Joint Letters

4.1 Public Question Time

4.2 Petitions

No Petitions

4.3 Joint Letters

No Joint Letters

5 Officers' Reports

5.1 Connected Communities

5.1.1 Ziebell's Farmhouse Museum and Heritage Garden

Responsible Officer: Director Community Wellbeing

Author: Unit Manager Arts, Culture and Events

In Attendance: Manager Active & Creative Communities
Acting Manager Active & Creative Communities
Unit Manager Arts, Culture & Events

Attachments:

1. DRAFT Service Agreement CoW and FoW [5.1.1.1 - 8 pages]
2. DRAFT Terms of Reference Museum Advisory Group [5.1.1.2 - 2 pages]

Purpose

This report seeks Council's endorsement to transition the management of Ziebell's Farmhouse Museum and Heritage Garden from the Friends of Westgarthtown to Council.

Brief Overview

Council is the owner of Ziebell's farmhouse, outbuildings and gardens (Ziebell's) located within the Westgarthtown Pioneer Precinct.

For almost 30 years, the site has been managed on Council's behalf by the Friends of Westgarthtown. In late 2020, the Friends wrote to Council advising of their desire to transfer the operation of Ziebell's to Council.

Since this time, transition arrangements have been developed with the Friends, guided by a Memorandum of Understanding. This report recommends that Council endorses the transition of management of Ziebell's to Council and notes Council's continued engagement with Friends of Westgarthtown through an advisory body.

Recommendation

THAT Council:

1. Formally recognises and thanks the Friends of Westgarthtown for their work and dedication in managing and advocating for the Ziebell's Farmhouse Museum and Heritage Garden.
2. Endorses the transition of management of Ziebell's Farmhouse Museum and Heritage Garden to Council from the Friends of Westgarthtown, effective 1 November 2023.
3. Authorises the Chief Executive Officer to sign and execute a Service Agreement with the Friends of Westgarthtown for ongoing consultation and collaboration.
4. Notes that Council will initiate long-term planning for the Ziebell's Farmhouse Museum and Heritage Garden and adjacent properties as outlined within Council's Lalor and Thomastown Urban Design Framework. The planning process will be initiated within five years of FY2023-2024.
5. Notes that Council will establish a governance process in collaboration with landowners and custodians of adjacent properties to guide long-term planning for the Ziebell's Farmhouse Museum and Heritage Garden and adjacent properties.
6. Notes a subsequent report will be presented to Council in relation to the long-term plan for the Ziebell's Farmhouse Museum and Heritage Garden once planning for the site is complete.

Key Information

Facility description

Ziebell's Farmhouse Museum and Heritage Garden (Ziebell's) is a heritage listed arts and cultural facility located within the historic Westgarthtown Pioneer Precinct in Thomastown.

The site is owned by Council and has been managed by the Friends of Westgarthtown (the Friends) for almost 30 years. The museum is open to the public on Tuesdays and Sundays and offers a public exhibition and education program.

In addition to Ziebell's, the historic Westgarthtown Pioneer Precinct also encompasses sites (owned by other entities) on the Victorian Heritage Register, including: the Thomastown Lutheran Church, the Westgarthtown Lutheran Cemetery, remnant drystone walls, as well as the private residences of Graff's Farmhouse, Siebel's Farmhouse, Maltzahn's Farmhouse and Wuchatsch's Farmhouse.

Transition of management

In late 2020, the Friends of Westgarthtown advised Council of their desire to transfer the management of Ziebell's to Council.

To guide the transition, a Memorandum of Understanding was developed outlining key activities for operational transition. A transition management group, comprising Council officers and a nominated Friends of Westgarthtown representative was established and met on a regular basis to discuss and progress transition arrangements.

Key transition activities have included:

Appointment of the Museum Director position to Council

In accordance with the Memorandum of Understanding, the Museum Director role and associated funding for the position have transitioned to Council.

The Museum Director maintains responsibility of museum management and continued liaison with Friends of Westgarthtown.

Maintenance of the farmhouse, structures and garden

Day to day maintenance of Ziebell's has continued through Council. The heritage garden continues to be maintained through the engagement of an experienced horticulturalist.

Transfer of volunteer programs

The museum and garden volunteer programs have transitioned to Council. The programs and volunteers are managed by the Museum Director and administered through Council's volunteer management guidelines and procedures.

Transfer of museum accreditation

Ziebell's operates as a museum accredited by Australian Museum and Galleries Association (AMaGA). The accreditation program provides a framework for museums and galleries to achieve best practice across all aspects of operations. The current accreditation is held by the Friends of Westgarthtown with reaccreditation due in 2026.

Accreditation is strongly linked to ownership and management of the museum's collection; therefore the 2026 reaccreditation will be undertaken by Council.

Management of the museum collection

Ownership of the museum collection will remain with the Friends of Westgarthtown and will be licenced to Council until the 2026 reaccreditation has been finalised. Upon reaccreditation, the collection will be donated to the City of Whittlesea conditional on the endorsement of the original donors of each object (or their estate).

Ongoing engagement with Friends of Westgarthtown

The Friends of Westgarthtown have made a significant contribution in raising the profile of Ziebell's Farmhouse Museum and Heritage Garden and the Westgarthtown Pioneer Precinct. They have enabled the community to connect, celebrate and gain a deeper understanding of the precinct's history.

Initiatives established by the Friends of Westgarthtown include group tours and the sale of seeds and plants propagated from the Heritage Garden.

Following the transition of management, continued engagement with the Friends of Westgarthtown will be guided by a Service Agreement. The duration of the agreement will be for five years from 1 November 2023, with a mid-term review scheduled for no later than 30 June 2025.

Ongoing museum governance

Museum programming, strategic and operational plans will be facilitated through the Museum Advisory Group. Operating separately from the Westgarthtown Pioneer Precinct Advisory Committee, the Group's purpose will be to consult and collaborate with the Friends of Westgarthtown on plans, objectives and actions relating to Ziebell's Farmhouse Museum and Heritage Garden.

Community Consultation and Engagement

Regular consultation has taken place between Council officers and Friends of Westgarthtown representatives. The process has informed the transition of operation and the development of future engagement and collaboration.

A Service Agreement and establishment of the Museum Advisory Group will set the framework for ongoing consultation and collaboration with the Friends of Westgarthtown.

Alignment to Community Plan, Policies or Strategies

Alignment to Whittlesea 2040 and Community Plan 2021-2025:

Connected Communities

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

Liveable Neighbourhoods

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

Within Council's Lalor Thomastown Place Framework, the Westgarthtown Pioneer Precinct is identified as an area of opportunity to strengthen the precinct's open space qualities and enhance community connection and participation.

Considerations

Environmental

The site, open spaces and broader precinct is located within an important civic corridor linked via the Edgars Creek, High Street, and the Main Street Recreation Reserve; Thomastown Library and Neighbourhood House; Bubup Wilam Aboriginal Child & Family Centre; Thomastown Recreation and Aquatic Centre; Thomastown Secondary College and West Thomastown Primary School and Peter Lalor Secondary College.

Social, Cultural and Health

The Lalor Thomastown Place Framework has identified significant social, cultural, health and heritage values associated with the site and precinct and outlines opportunities for consideration as part of development of a long-term vision for the site.

As a cultural facility, museums are a strong contributor to a community's sense of well-being enhancing pride of place and providing access to cultural and intellectual stimulus.

Economic

An economic assessment will form a key part of an options analysis to inform the long-term vision for the site and adjacent land and opportunities outlined within the Lalor Thomastown Place Framework.

Financial Implications

A total of \$175,655 is allocated for FY2023-2034 in Council's Long-Term Financial Plan for the salary and on cost for the Museum Director position, as well as the museum's operations including programming and promotions.

Council will continue to have responsibility for coordinating and funding reactive maintenance for the facility and insurance for the museum will be included within Council's overall insurance premiums.

Link to Strategic Risk

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

Strategic Risk *Community and Stakeholder Engagement - Ineffective stakeholder engagement resulting in compromised community outcomes and/or non-achievement of Council's strategic direction.*

The transition of management of Ziebell's to Council will secure the ongoing maintenance and management of the asset, enhancing access of the cultural asset to the community.

Further work on a long-term vision in alignment with the Lalor Thomastown Place Framework for the site and the precinct will continue to ensure Council has the best community outcome for this important precinct within a strategically important civic corridor.

Implementation Strategy

Communication

Council Officers have been working closely with the Friends of Westgarthtown throughout the transition of management. A Service Agreement will guide ongoing engagement and collaboration.

Development of a long-term vision of the site and precinct will be initiated by Council within five years of FY 2023-2024. Governance and collaboration processes will be established with adjacent landowners and custodians and the Friends of Westgarthtown.

Critical Dates

It is proposed that Council will formally take over operations of the Ziebell's Farmhouse Museum and Heritage Gardens on 1 November 2023.

A Service Agreement between Council and the Friends of Westgarthtown will be established for five years, from 1 November 2023 to 2028, with a mid-term review scheduled no later than 30 June 2025.

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

This report outlines the proposed transition of management of Ziebell's Farmhouse Museum and Heritage Garden to Council from 1 November 2023.

The Friends of Westgarthtown were regularly engaged and consulted throughout the transition of management process. A Service Agreement between Council and the Friends of Westgarthtown will be established to guide ongoing engagement, consultation, and collaboration.

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5.2 Liveable Neighborhoods

5.2.1 2023-46 Construction of Whittlesea Public Gardens Urban and Youth Space - Tender Evaluation

Responsible Officer: Director Infrastructure & Environment

Author: Senior Parks Project Manager

In Attendance: Unit Manager Parks Development

Attachments:

1. CONFIDENTIAL REDACTED 2023 46 Contract Tender Evaluation Report Confidential [5.2.1.1 - 7 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—

- (i) relates to trade secrets; or
- (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

In particular the attachment contains information regarding tender amounts submitted by a contractor which give direct insight into the contractor's detailed pricing information that is commercially confidential. The release of this information could reasonably be expected to prejudice the commercial position of the persons who supplied the information or to confer a commercial advantage on a third party.

Purpose

It is proposed that contract number 2023-46 for Construction of Whittlesea Public Gardens Urban and Youth Space is awarded to:

- Open Space Victoria Pty Ltd
- For the lump sum price of \$1,991,018.49 (Excl. GST)

Brief Overview

This report summarises the evaluation of the seven tender submissions received for the construction of the Whittlesea Public Gardens Urban and Youth Space.

The tender evaluation panel advises that:

- Seven tenders were received.
- The recommended tender was the highest ranked and is considered best value.

- Collaborative tendering was not undertaken in relation to this procurement because this contract relates to a unique need for the City of Whittlesea and this contract relates to a State Government grant funded project.

Recommendation

THAT Council:

1. **Resolve to award the following contract to Open Space Victoria Pty Ltd between the approximate period 18 October 2023 to 31 December 2024.**

Number: 2023-46

Title: Construction of Whittlesea Public Gardens Urban and Youth Space

Cost: A lump sum of \$1,991,018.49 (Excl. GST)

Subject to Open Space Victoria providing contract security and certificate of currency for insurances, a requirement of the tender.

2. **Approve the funding arrangements detailed in the confidential attachment.**
3. **Note any price variations, will be in accordance with the provisions as set out Table 4 of the confidential attachment.**
4. **Authorise the CEO to sign and execute the contract on behalf of Council.**

Key Information

The purpose of this contract is to facilitate the construction of a skate park and a youth space that will further enhance the reserve and the Stage 1 playground upgrade works that were completed in late 2022.

The contract will see the construction of:

- Two large shelters with barbeques, public furniture and drinking fountains in line with the existing infrastructure from Stage 1.
- Two half basketball courts
- 100 meter long plaza style skate park with multiple runs to accommodate beginner, intermediate and advance skaters
- Continuation of the connecting path network with park lighting
- Hit up and rock-climbing wall
- Irrigated lawns areas with soccer goals
- Landscaping and canopy trees

Public tenders for the contract closed on 29 August 2023. 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.

All tenders were conforming. Three tenders were shortlisted for evaluation based on price. Four remaining tenders were excluded from shortlisting and further evaluation as lump sum pricing exceeded Council's budget allocation or were substantially greater than the average tender price.

The evaluation outcome was as follows:

Tenderer	Conforming	Competitive	Score	Rank
Tender A Open Space Victoria Pty Ltd	Yes	Yes	92.3	1
Tenderer B	Yes	Yes	72.8	3
Tenderer C	Yes	Yes	89.3	2
Tenderer D	Yes	No	-	-
Tenderer E	Yes	No	-	-
Tenderer F	Yes	No	-	-
Tenderer G	Yes	No	-	-

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

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. The outcome was as follows:

- 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 State Government grant funded project.

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:

Connected Communities

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

Construction of a new youth space and skate park will enable the community to enjoy and further utilise Council's passive open space network.

Considerations

Environmental

Considerations have been made to ensure where possible materials used during the construction works are recyclable or can be repurposed. All waste is to be separated and disposed of at local recycling facilities.

Social, Cultural and Health

The award of this contract will provide an accessible and safe youth space that supports passive outdoor exercise while 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 tender is a local business with employees residing in the City of Whittlesea.

Financial Implications

Sufficient funding for this contract is available in the capital budget for Whittlesea Public Gardens STAGE 2 Implementation (CW-10961) along with a \$650,000 State Government Grant from the Growing Suburbs Funding.

Link to Strategic Risk

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

The existing open space reserve has been prone to undesirable activity and does not present a welcoming environment to users. Construction of a new youth space and skate park will reinvigorate the area and provide an open space asset that caters for the broader community. All new assets will be added to Council's Asset Management System for ongoing maintenance and condition auditing.

Implementation Strategy**Communication**

The decision to award this contract will be communicated via the standard process for Council Meeting outcomes. In addition, given this is a project of high interest amongst the Lalor and Thomastown community, there will be communication prior and during the construction works via Council's communication channels.

Declaration of Conflict of Interest

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

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

Conclusion

The tender from Open Space Victoria Pty Ltd was determined to be best value and is considered that this company can perform the contract to the required standards.

5.3 Strong Local Economy

5.3.1 Building Blocks Partnership - Second Tranche

Responsible Officer: Director Community Wellbeing

Author: Unit Manager Early Years

In Attendance: Manager Children & Families
Acting Manager Strategic Projects
Unit Manager Early Years

Attachments:

1. CONFIDENTIAL REDACTED - Attachment 1 - Draft Project Schedule [5.3.1.1 - 1 page]
2. CONFIDENTIAL REDACTED Attachment 2 - Project Scope and Financial Implications [5.3.1.2- 4 pages]
3. CONFIDENTIAL REDACTED - Council Briefing 3 October 2023 [5.3.1.3 - 9 pages]

This attachment has been designated as confidential in accordance with sections 66(5) and 3(1) of the *Local Government Act 2020* on the grounds that it contains Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released. In particular, the attachments contain information that requires approval from the Minister of Early Childhood and Pre-Prep prior to public announcements of projects or funding details.

Purpose

The purpose of this report is to:

- Present the recommended second tranche of early years infrastructure projects to be undertaken in response to the *Best Start, Best Life* Reform, as outlined in the Draft Project Schedule from the Victorian School Building Authority (**Attachment One (Confidential)**).
- Seek endorsement to amend Council's Building Blocks Partnership Memorandum of Understanding with the Victorian School Building Authority endorsed by Council on 19 September 2022, to include the second tranche of projects as outlined in **Confidential Attachment One**.

Brief Overview

Kindergarten reform has evolved over the past four years, beginning with the announcement of fifteen hours of three-year-old funded kindergarten in 2018 to be rolled out by 2029. A subsequent announcement in June 2022, the '*Best Start, Best Life*' the Reform extended upon this commitment and now encompasses free kindergarten for all three and four-year-old children, transitioning four-year-old children to thirty hours of 'pre-prep' from 2025 and establishing 50 Government-owned and operated early learning centres within Victoria.

Infrastructure delivery is a significant component of the 'sector architecture' required for the rollout of the Reform and often takes the form of a Building Blocks Partnership (BBP) Agreement. A BBP Agreement is a long-term, in-principle agreement between the Victorian Department of Education (the Department), (through the Victorian School Building Authority (VSBA), and individual Councils for co-investment in an agreed infrastructure pipeline to implement the Reform. BBP Agreements are intended to be adjusted and added to over time to reflect the changing landscape across established and growth areas, service demand, service provision, and uptake of kindergarten.

An initial BBP consisting of two projects was endorsed by Council on 19 September 2022. This 'first tranche' comprised West Wollert and Patterson Drive Community Centres.

The Department has confirmed "in principle" funding for three second tranche projects to meet projected unmet kindergarten demand in the established areas of the municipality. The demand and infrastructure responses were described in the *City of Whittlesea Kindergarten Reform Implementation Plan (KRIP)*, endorsed by Council on 16 May 2022.

The second tranche of projects and associated funding will be confirmed and made public once the Department receives formal approval from the Minister for Early Childhood and Pre-Prep.

Recommendation

THAT Council:

- 1. Authorises the Chief Executive Officer to amend the existing Memorandum of Understanding with the Victorian School Building Authority to include the Building Blocks Partnership Agreement for 3 tranche two projects as outlined in the Draft Project Schedule in Confidential Attachment One. The Building Blocks Partnership Agreement will include the Victorian School Building Authority's funding contribution for each project.**
- 2. Notes that once the Building Blocks Partnership Agreement for the second tranche of projects is executed by the City of Whittlesea and the Victorian School Building Authority, a joint public announcement will be made which will include a Statement of Intent. The Statement of Intent will detail the 3 tranche two projects and the Victorian School Building Authority's funding contribution for each project.**
- 3. Notes that Council Officers will work with the Department of Education to update the City of Whittlesea Kindergarten Infrastructure Services Plan (KISP) endorsed by Council on 4 May 2021. Council Officers will also develop options to address unmet kindergarten demand identified in the updated KISP and develop a five-year workforce plan.**

Key Information

Background and Reform timelines

Kindergarten reform in Victoria has been iterative and announcements have spanned over several years. Collectively they constitute a significant investment in and recognition of the importance of Early Childhood Education in ensuring all children have the opportunity to build foundations for long term success in life.

In October 2018, the Victorian Government announced the three-year-old kindergarten reform that would see the introduction of 15 hours of funded kindergarten implemented throughout Victoria.

Council undertook significant planning and consultation with the early years education sector to inform its response, which included the development of a Kindergarten Infrastructure Service Plan (KISP), Kindergarten Reform Options Paper, Kindergarten Reform Implementation Plan, and a first tranche of infrastructure projects in the form of a Building Blocks Partnership (BBP) Agreement.

In June 2022, the Victorian Government announced *the Best Start, Best Life: Early Childhood Education That Works* initiative (referred to in this report as the Reform) to support families to access affordable and high-quality Early Childhood Education. The Reform incorporates the existing three-year-old kindergarten reform, in addition to:

- Free Kindergarten: Funding of up to \$2,500 per child, every year, for children attending three and four-year-old sessional kindergarten (standalone) or long day care (childcare). This means that kindergarten in sessional kindergartens in the City of Whittlesea will be free, and kindergarten in long day care will be subsidised.
- Four-year-old Kindergarten Reform: a 10-year transition of four-year-old kindergarten to become known as 'Pre- Prep' and increasing from 15 hours to 30 hour per week.
- 50 Government operated Early Learning Centres (ELC): The Victorian Government has committed to establish 50 new government owned and affordable integrated childcare centres with the first identified sites opening in 2025. One ELC has been announced in the City of Whittlesea and will be in Lalor.
- Increased Infrastructure funding: the Victorian Government increased funding to support the delivery of additional infrastructure capacity for three-year-old kindergarten and *Best Start, Best Life* reforms. The increased amounts applied retrospectively to projects that had not yet commenced and for subsequent BBP tranches. The increased amounts have been applied to the first tranche of projects (West Wollert and Patterson Drive Community Centres) which were endorsed by Council on 19 September 2022.

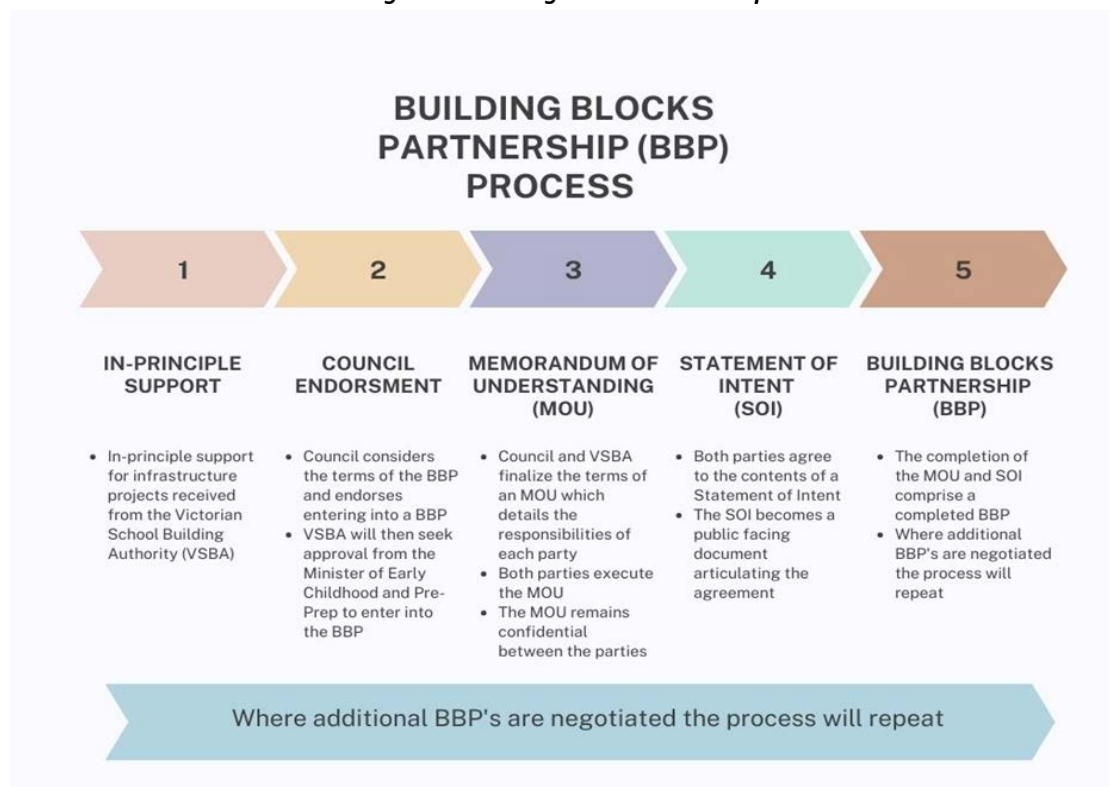
To support the timely provision of infrastructure, three capital projects have been identified to comprise the second tranche of the BBP. These projects:

- Were identified in the *City of Whittlesea Kindergarten Reform Implementation Plan* endorsed by Council on 16 May 2022 (including delivery timeframes).
- Are included in Council's Long Term Financial Plan.
- Are required to be completed for the commencement of the 2027 and 2028 kindergarten year, to ensure adequate kindergarten provision in these areas.

Building Blocks Partnership process and composition

The process by which a BBP agreement is negotiated and executed, and what comprises a BBP is outlined in **Figure 1** below. Each time new projects are added, the process repeats, and the MOU is updated to include the new projects.

Figure 1: Building Blocks Partnership Process



An executed BBP Agreement for the second tranche of projects will comprise of:

- An updated Memorandum of Understanding (MOU) with an attached project schedule which outlines the terms of the agreement, and remains confidential between the parties; and
- An agreed Statement of Intent (SOI) which is a public facing document that outlines the agreement between the Department of Education and the relevant Council on the agreed infrastructure projects, the funded kindergarten places created and an overall funding amount.

Due to the requirement for approval by the Minister of Early Childhood and Pre-Prep as part of executing the BBP Agreement, the project details and funding amounts are confidential and reflected in the attached Draft Project Schedule from the Victorian School Building Authority (**Attachment One (Confidential)**). Once all relevant approvals of the BBP have occurred by both parties, a joint formal announcement will be made which will include the Statement of Intent detailing the projects and the funding amounts.

Reform Planning

Several significant pieces of Reform planning are currently underway, in collaboration with the Department, including:

- Updating the Kindergarten Infrastructure Service Plan (KISP), endorsed by Council on 4 May 2021 to agree upon the unmet kindergarten demand forecast for the City of Whittlesea. It is anticipated that the Department will commence this process in September 2023.
- Development of an Options Paper by Council that provides a set of recommended options to inform Council's role in supporting the rollout of the Reform and meeting unmet kindergarten demand identified in the KISP.
- Development of a five-year workforce plan in collaboration with kindergarten service providers, that will outline strategies to increase and retain the workforce in the early years sector within the municipality to ensure adequate supply of high-quality educators to deliver the increased kindergarten provision.

Community Consultation and Engagement

Extensive consultation and stakeholder engagement has been a pillar in Council's response to the rollout of the Reform thus far, demonstrating a partnership approach to the rollout of this significant Reform.

Further to the stakeholder engagement outlined in the Building Blocks Partnership First Tranche Council Report endorsed on 19 September 2022, additional targeted consultation and engagement has taken place.

Targeted online and face to face consultation was undertaken in September 2022 to assist Council in the rollout of the Reform. The consultation included focus groups at the Bringing Up Kids Expo and the Wollert pop up playgroup. The consultation aimed to better understand family needs for kindergarten, including preferences for group sizes, free three-year-old kindergarten, service modelling, accessibility and inclusivity, proximity to other essential services, and quality of the early childhood programs.

Council captured 61 responses through this engagement that identified clear trends evident in relation to families' preferences to access three-year-old Kindergarten and preferred number of kindergarten sessions.

Through the face-to-face consultation 31 responses were captured and identified the following:

- 90% of families prefer to access three days of kindergarten per week
- 100% of families prefer to access free three-year-old kindergarten, as opposed to kindergarten in a Long Day Care setting

There were 30 supported playgroup families surveyed online and the following results were found:

- 96% of families prefer to access free three-year-old kindergarten
- 20% of families were unaware that three-year-old kinder was free

The online responses had a strong representation from established suburbs, which have unmet kindergarten demand.

The results were shared with sessional kindergarten and long day care providers in the City of Whittlesea to maximise opportunities for service improvement and service planning.

Council Officers will undertake further community and stakeholder consultation over the next 12 months to inform further work in relation to The Reform.

Alignment to Community Plan, Policies or Strategies

Alignment to Whittlesea 2040 and Community Plan 2021-2025:

Strong Local Economy

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

This project aligns to the following plans, policies, and strategies:

- Community Plan 2021-2025
- Whittlesea 2040, *a place for all*
- Kindergarten Reform Implementation Plan
- Kindergarten Infrastructure Services Plan
- Thriving Children, Young People and Families Strategy
- Early Years Policy
- Community Building Strategy
- Financial Plan 2021-2031

Increasing the City of Whittlesea's kindergarten capacity and integrating kindergarten and Maternal and Child Health programs is proposed in two of the three projects for the second tranche.

Residents will be able to easily access the support services they need close to home, maximising opportunities for social cohesion and improved health and developmental outcomes. The inclusion of allied health programs to support a strength-based approach for service provision leads Council one step closer to achieving its vision of *A place for all*.

As per *Whittlesea 2040, a place for all*, Council aims to prioritise the delivery of essential community infrastructure, so that sections of the community are not disadvantaged or miss out.

The *Community Plan 2021-2025* identified that our community has growing and diverse support needs, with residents seeking reduced barriers to services and facilities, to achieve improved health, wellbeing, and developmental outcomes.

Integrated Planning Framework

Once the City of Whittlesea Options Paper has been established, it will inform the priority capital project actions that Council will focus on delivering over the next ten years. This in turn will inform the Long-Term Community Infrastructure Plan, to be reviewed annually.

Considerations

Environmental

The proposed facilities will be designed in accordance with Council's Environmental and Sustainable Design Guidelines.

In addition to the Environmentally Sustainable Design (ESD) standards outlined in the Environmental and Sustainable Design Guideline, the following ESD measures will be incorporated into the centres, subject to engineering design optimisation, Australian Standards/National Building Code, and availability of products:

- Development to be powered by electricity only with no gas connection
- Design roof and structure to maximise the installation of solar PV and solar hot water panel
- All lighting to be LED throughout
- All north facing glazing to have external shading device over glazing to minimise summer heat gain / maximise winter solar heat gain
- Glazing with a maximum (total system) U-value of 2.8
- Insulation in external walls and walls between conditioned and unconditioned spaces to be a minimum of R3.5
- Insulation in ceilings to be a minimum of R4.

Social, Cultural and Health

There is national and international evidence that two years of kindergarten delivered by qualified teachers delivers lifelong benefits to the child and the community. In the City of Whittlesea, approximately 1 in 5 children are vulnerable on one developmental domain at the time of entering primary school, according to the Australian Early Development Census.

The National Quality Framework identifies that early education and care shapes a child's future, laying the foundation for healthy development. Research has identified that positive learning experiences in the first five years of a child's life result in optimal brain development. Evidence from Australia and internationally shows that providing access to high-quality three-year-old kindergarten programs lays the foundation for high quality outcomes later in life.

Economic

Education is directly linked to long-term economic prosperity and the development of self-sufficient individuals. Evidence shows investment in early childhood education can help to strengthen the economy by developing a more highly skilled, productive, and higher paid workforce.¹ For every \$1 invested in early childhood education, Australia receives \$2 back over a child's life – through higher productivity and earning capacity, and reduced government spending on health, welfare, and crime.²

Financial Implications

The endorsement of the second tranche of projects in the BBP Agreement will have financial implications for Council, which are outlined in **(Attachment Two (Confidential))**. Indicative cost allowances have been factored into Council's Long Term Financial Plan and will be formalised as part of Business Case Approval in line with Council's ePMO framework.

The estimated capital costs of these projects have increased since the Kindergarten Reform Implementation Plan was endorsed due to construction industry wide cost escalations, as has the funding available to Council from the Department. A description of these three projects is provided in the **Attachment Two (Confidential)**.

¹ PricewaterhouseCoopers Australia. (2019). A Smart Investment for a Smarter Australia. Melbourne, Victoria: The Front Project

² A Smart Investment for a Smarter Australia, PricewaterhouseCoopers & The Front Project

Link to Strategic Risk

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

Planning for kindergarten demand in the municipality poses some inherent complexities as we consider the vulnerable and disadvantaged children that reside in cohorts of these communities; and the responses that best support early childhood development. The Early Childhood Reform Plan outlines the Victorian Government's vision for the early years, and will deliver systemic change, targeted at supporting the children who need it most. Over the next 10 years, the Victorian Government's ambitious Reform will benefit all Victorian families and children by delivering world-class early childhood services.

The Reform aims to create a higher quality, more equitable and inclusive early childhood system, helping Victorian families get their kids ready for kinder, ready for school and ready for their lives ahead.³

The second tranche of the Building Blocks Partnership allows for a co-investment approach to kindergarten infrastructure provision, contributing to the suite of interventions required from a range of different organisations and levels of government, to support the implementation of the Reform.

The extent of Council's co-investment into early years infrastructure will be closely monitored through the Reform program of works to maximise opportunities to integrate services and potentially reduce Council's expenditure. The capital cost impact of the Reform has also been factored into Council's Long Term Financial Plan and will continue to be monitored.

Implementation Strategy

Communication

Following formal endorsement by Council and the Department of the second tranche of a BBP, a joint formal announcement will be issued detailing the project details and funding agreed.

Council Officers will liaise with and consult with kindergarten service providers in the effected kindergartens on matters including the scope of works, concept, and communication plans, as well as decanting and maintaining service delivery during the course of the works.

3(2023, August 27). Victorian Government: Early Childhood Reform Plan: www.vic.gov.au/early-childhood-reform
Error! Hyperlink reference not valid.

Council Officers will develop tailored Communications and Engagement Plans for each project, which will include a range of suitable channels and avenues to inform and consult with project and community stakeholders.

Communication for these projects will take into consideration the CALD (Culturally and Linguistically Diverse) profile of the local communities and customised action plans will be put in place to ensure that the communication methods are targeted and user-friendly.

Critical Dates

Milestone	Expected Timeline*
Stakeholder Engagement	November & December 2023
Communication to Broader Community	From November 2023
Concept design consultation	From June 2023
Inform neighbouring residents of construction impacts and timeframes	June 2024

*** The dates specified in the expected timeline are subject to the execution of the amended MOU by Council and the Department.**

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

In response to the Victorian Government's commitment to the importance of Early Childhood Education through the *Best Start, Best Life* Reform, Council seeks to maximise opportunities for co-investment into early years infrastructure to balance its ability to service the infrastructure needs of the whole municipality.

The Building Blocks Partnership process affords Council an opportunity to partner with the Department to continue providing an integrated approach to service delivery. The Department's in-principle commitment to provide kindergarten funding for three infrastructure projects represents the second tranche of the BBP.

5.4 Sustainable Environment

No reports

5.5 High Performing Organisation**5.5.1 2023-24 Growing Suburbs Fund**

Responsible Officer: Director Customer & Corporate Services

Author: Coordinator Capital Programming & Reporting

In Attendance: Manager EPMO & Change
Coordinator Capital Programming & Reporting

Attachments:

1. 2023-24 Growing Suburbs Fund Priority Projects [5.5.1.1 - 8 pages]

Purpose

This report provides an overview of the available grant funding through the 2023-24 Growing Suburbs Fund and seeks endorsement to proceed with applications for four projects.

Brief Overview

Applications for the 2023-24 Growing Suburbs Fund (GSF) opened on 25 August 2023 and close on 20 October 2023. It is proposed that applications are submitted for four projects, totalling \$2.3 million which will need to be matched by Council funding.

A condition of the funding application is that a Council resolution be made to support the project applications in priority order.

Recommendation

THAT Council support and approve the submission of applications for four projects listed in priority order to the 2023-24 Growing Suburbs Fund administered by the Office of Suburban Development, Department of Jobs, Skills, Industry and Regions:

1. West Wollert Community Centre, \$1,500,000.
2. Whittlesea Public Gardens – Stage 3, \$400,000.
3. Regent Street Reserve at Quarry Hills Regional Parklands, \$200,000.
4. Atrium Reserve at Quarry Hills Regional Parklands, \$200,000.

Key Information

The Victorian Government is investing \$10 million through the 2023-24 Growing Suburbs Fund to continue the timely delivery of critical infrastructure in interface communities.

The 2023-24 Growing Suburbs Fund (GSF) will contribute to meeting critical local infrastructure needs for communities in our changing and fast-growing outer suburbs. It is positioned to quickly respond to the pressures being experienced by interface communities by accelerating infrastructure projects that will make a big difference to the liveability and resilience of these areas.

In line with previous years' guidelines, grant funding will be targeted towards high priority community infrastructure projects that:

- increase social and economic participation in Melbourne's fast growing outer suburbs;
- meet the health and wellbeing needs of people in fast growing outer suburbs;
- increase local economic activity;
- improve capacity for councils to respond to changing community needs and demands; and
- deliver integrated or multi-purpose community infrastructure.

Due to the reduced pool of funding available (from \$50 million in past years) it has been emphasised that this round of GSF will be targeted toward projects located in areas zoned for growth.

A maximum grant amount of \$2 million can be requested for each application. However no more than 20 per cent (\$2 million) of the total pool of funding (\$10 million) will be allocated to a single council.

Projects are required to commence construction within 18 months of the grant being announced and be completed within 24 months of the commencement of construction.

The projects listed below have been identified as best meeting the grant funding objectives and criteria and are listed in priority order:

1. West Wollert Community Centre, \$1,500,000.
2. Whittlesea Public Gardens Stage 3, \$400,000.
3. Regent Street Reserve at Quarry Hills Regional Parklands, \$200,000.
4. Atrium Reserve at Quarry Hills Regional Parklands, \$200,000.

A pre application meeting with the funding agency, (Department of Jobs, Skills, Industry and Regions) is a mandatory requirement and was held on 6 September 2023. Each of the listed projects were supported by the department representative as being eligible for submission.

Community Consultation and Engagement

A cross-organisation working group was established to identify opportunities within the 4-year Capital Works Program and shortlisted projects that best met the grant guidelines.

A meeting has been held with the funding agency (Department of Jobs, Skills, Industry and Regions) to help inform the likely strength of the shortlisted projects against the grant fund objectives and criteria.

Each project will undergo its own community consultation as part of the project planning process and will be listed in our 2024-25 Draft Capital Works Program which will be available for community comment.

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

The nominated projects will meet health, wellbeing and social needs of people in growing outer suburbs.

Economic

The nominated projects will increase economic activity.

Financial Implications

The nominated projects are currently listed with forecast budgets in the 4 Year Capital Works Program. If the grant applications are successful, this will result in an offset to Council's future Capital Works Program.

Link to Strategic Risk

Strategic Risk *Financial Sustainability - Inability to meet current and future expenditure.*

This report provides Council with oversight of proposed grant applications that will result in delivery of important infrastructure to the community and will reduce Council's financial contribution to the nominated projects.

Implementation Strategy

Communication

Once approved by Council a copy of the Council Resolution will be provided as part of the grant application.

Critical Dates

Applications for the 2023-24 Growing Suburbs Fund opened on the 25 August 2023 and close on 20 October 2023.

Announcements of successful applications are expected in December 2023.

Declaration of Conflict of Interest

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

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

Conclusion

After extensive consideration of the projects currently listed in Council's 4 Year Capital Works Program the projects identified within this report were found to best meet the criteria and are recommended for Council approval for submission to the 2023-24 Growing Suburb Fund.

Attachment_5.5.1.1

Attachment_5.5.1.1 page 2

Attachment_5.5.1.1 page 3

Attachment_5.5.1.1 page 4

Attachment_5.5.1.1 page 5

Attachment_5.5.1.1 page 6

Attachment_5.5.1.1 page 7

Attachment_5.5.1.1 page 8

5.5.2 Capital Management Policy review

Responsible Officer: Director Customer & Corporate Services

Author: Unit Manager Financial Compliance and Control

In Attendance: Chief Financial Officer
Unit Manager Financial Compliance and Control
Senior Financial Services Accountant

Attachments:

1. Investment Policy [5.5.2.1 - 7 pages]
2. Borrowing Policy [5.5.2.2 - 5 pages]
3. Investment Committee Charter [5.5.2.3 - 2 pages]

Purpose

The capital management policies (Investment Policy and Borrowing Policy) aim to ensure that the capital planning and investment decisions of Council are aligned with its strategic goals and financial sustainability.

Brief Overview

The capital management policies have been developed to provide a framework to ensure Council optimises its return on investment of surplus funds, while limiting unnecessary exposure to risk ensuring prudent financial management, compliance with the *Local Government Act 2020*, and the protection of Council's financial stability.

Recommendation

THAT Council endorse the new capital management policies namely the:

- 1. Investment Policy.**
- 2. Borrowing Policy.**

Key Information

These capital management policies have been developed to establish a framework to assess the suitability of investment and funding options and to ensure that financial efficiency is maximised while minimising risk. The policies will allow Council to implement a strong level of compliance and ensure that transparency is maintained.

Responsible financial management requires a strict, transparent and sound control environment. Council recognises the importance of prudent financial management to deliver essential services, support infrastructure development, and enhance the well-being of its residents. Council currently invests funds in secure low risk investments whilst also sourcing borrowings to fund specific capital works projects as approved by Council through the budget process.

The Investment Policy has been developed with reference to the relevant controls ensuring that investment decisions are based on maximising Council's return on investment while effective internal controls exist to minimise exposure to risk and in accordance with legislative requirements of the *Local Government Act 2020*.

The Borrowing Policy has been established to provide guidance on responsible borrowing activities in alignment with relevant legislation. Loan borrowing is accepted by Council as an appropriate and responsible funding method to be applied to support Council's long term strategic objectives and financial responsibilities.

Both the Investment and Borrowing Policy were reviewed by the Audit and Risk Committee and were well received with comments indicating that the policies did not require changes, and both were well written.

Community Consultation and Engagement

No implications.

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 capital management policies are aimed to optimise Council's return on investment of surplus funds, while limiting unnecessary exposure to risk.

Considerations

Environmental

Council has no direct investment (or shareholdings) in any fossil fuel company or fossil fuel aligned company. Fossil fuel divestment is the conscious removal of investments in companies that are involved in fossil fuel projects, such as coal or gas. The fossil fuel industry is a leading generator of greenhouse gases, which have been attributed to negative impacts on climate and our environment.

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*

Council is required to ensure that Council's financial management is aligned with its strategic goals and financial sustainability.

Implementation Strategy

Communication

The intent is to communicate the new capital management policies to responsible officers via email once endorsed by 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

The information and proposed changes contained in this report will help improve transparency and financial governance over Council's capital management.

Attachment_5.5.2.1

Attachment_5.5.2.1 page 2

Attachment_5.5.2.1 page 3

Attachment_5.5.2.1 page 4

Attachment_5.5.2.1 page 5

Attachment_5.5.2.1 page 6

Attachment_5.5.2.1 page 7

Attachment_5.5.2.2

Attachment_5.5.2.2 page 2

Attachment_5.5.2.2 page 3

Attachment_5.5.2.2 page 4

Attachment_5.5.2.2 page 5

Attachment_5.5.2.3

Attachment_5.5.2.3 page 2

5.5.3 2018-58 Cloud Infrastructure Services variation

Responsible Officer: Director Customer & Corporate Services

Author: Unit Manager Technology Infrastructure & Support

In Attendance: Unit Manager Technology Infrastructure & Support

Attachments:

1. CONFIDENTIAL REDACTED - Financial Summary of Contract [5.5.3.1 - 2 pages]

The attachment in this report has been designated as confidential in accordance with sections 66(5) and 3(1) of the *Local Government Act 2020* on the grounds that it contains Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released. In particular, the report contains information regarding historical and forecasted financial spend.

Purpose

It is proposed that contract number 2018-58 for Cloud Infrastructure Services is varied to suit operational requirements.

Brief Overview

The Contract Manager advises that:

- the Cloud Infrastructure Services contract was awarded to Thomas Duryea Logicalis Pty Ltd (TDL) for the period 17 October 2018 to 28 February 2024 with five optional extension periods;
- the contract provides infrastructure and data protection services to Council;
- the contract has performed satisfactorily to date;
- a financial variation is required to exercise the optional extension period of the contract until February 2025; and
- this contract is covered under the Information Services operational budget.

Recommendation

THAT Council, in relation to Contract No. 2018-58 for Cloud infrastructure Services:

1. **Resolve to extend the existing contract with Thomas Duryea Logicalis Pty Ltd until 28 February 2025 at a cost of \$1,034,000 (excluding GST) bringing the cumulative contract value to \$2,800,442.41 (excluding GST).**
2. **Approve the funding arrangements detailed in the confidential attachment.**
3. **Authorise the CEO to execute the contract extension and approve payments to an amount not exceeding the new total contract sum of \$2,800,442.41 (excluding GST).**

Key Information

The Cloud Infrastructure Services contract was awarded to Thomas Duryea Logicalis Pty Ltd. A summary of the financial performance of the contract is provided in the confidential attachment.

The contract has been performed satisfactorily to date, however a variation of \$1,034,000 is now required for a contract extension until 28 February 2025. Further details of the requested variation are provided in the confidential attachment.

The contractor's prices have been benchmarked and are considered competitive.

Options exist to extend the contract up to 28 February 2029. Extension of the contract to 28 February 2025 is requested as Thomas Duryea Logicalis Pty Ltd has performed satisfactorily and can continue to supply the service to contractual expectations.

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:

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.

This contract supports a cloud based hosted environment to improve redundancy.

Considerations

Environmental

Reduction on hardware replacement and reduced energy consumption.

Social, Cultural and Health

No implications.

Economic

No implications.

Financial Implications

Sufficient funding for this contract is available in the budget for Cloud Services.

Link to Strategic Risk

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

Should the service fail to deliver the agreed outcomes, all networked data, servers and applications would be inaccessible to City of Whittlesea staff. Currently Thomas Duryea Logicalis Pty Ltd supplies this service to approximately 80% of Councils in Victoria and has considerable redundancy measures in place.

Implementation Strategy**Communication**

Once Council approves variation the supplier will be notified of the contract extension.

Critical Dates

The contract commenced on 1 May 2019 and the current approved end date is 28 February 2024.

Options exist to extend the contract up to 28 February 2029. Notification of extension is required to be given by 28 November 2023.

Declaration of Conflict of Interest

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

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

Conclusion

Variation of the contract is sought in accordance with the contract's terms and conditions and Council's applicable policy and procedures.

5.5.4 Proposed Discontinuance and sale of road adjoining 40 Girvan Place South Morang

Responsible Officer: Director Customer & Corporate Services

Author: Property Advisor

In Attendance: Unit Manager Strategic Property

Attachments:

1. Road Discontinuance Plan 1 Council Meeting 17 October 2023 [5.5.4.1 - 1 page]
2. Road Discontinuance Plan 2 Council Meeting 17 October 2023 [5.5.4.2 - 1 page]
3. Locality Plan Council Meeting 17 October 2023 [5.5.4.3 - 1 page]

Purpose

The purpose of this report is to seek Council's approval to finalise the statutory procedures under the *Local Government Act 1989* and *Local Government Act 2020* for the discontinuance and sale of a section of road reserve in Girvan Place, South Morang. The section of road concerned is shown as Lot 1 on the road discontinuance plan (Attachment 2) and contained in certificate of title Volume 10064 Folio 265.

Brief Overview

Council received a request from the owners of 40 Girvan Place, South Morang to purchase an unconstructed section of road reserve on the northern side of Girvan Place abutting their property. The original trapezoidal area of 160 sq.m sought is shown as the hatched area on the road discontinuance plan 1 (Attachment 1). However, following planning advice, the area was reduced to the 116 sq.m rectangular area shown hatched on road discontinuance plan 2 (Attachment 2) that formed the subject of the statutory processes for discontinuance and sale.

The subject road reserve was originally set aside as to facilitate either a court bowl or a future road connection to the north. Girvan Place now connects to Topaz Grove to the west and the 116sq.m road reserve area on the northern side of Girvan Place, proposed to be discontinued and sold is considered no longer to be required.

Commencement of the statutory procedures for the proposed discontinuance and sale of the section of road reserve was approved at Council's Executive Leadership Team meeting on 15 November 2022. The Chief Executive Officer, under delegation, authorised the commencement of the statutory procedures on 17 January 2023 with public notice of the proposal being given in the Whittlesea Review newspaper and on Council's website for the duration of the 28 day submission period.

The notice period ended on 14 February 2023 with no submissions received.

Recommendation

THAT Council:

1. Notes that no submissions were received in response to Council having given public notice of a proposal to discontinue the section of road reserve adjoining 40 Girvan Place, South Morang, shown as Lot 1 on the road discontinuance plan 2 (Attachment 2).
2. Notes that the road reserve is no longer required for road purposes.
3. Resolves to discontinue and sell the road reserve and published a notice in the Victoria Government Gazette, in accordance with section 206 and clause 3(a) of Schedule 10 to the *Local Government Act 1989*.
4. Resolves that the land from the road reserve be sold by private treaty to the owners of 40 Girvan Place South Morang, pursuant to section 206 and clause 3(b) of Schedule 10 to the *Local Government Act 1989* and section 114 of the *Local Government Act 2020* for \$55,000 inclusive of GST.
5. Notes that the owners agreed to assume costs of \$16,690 inclusive of GST relating to the statutory processes undertaken by Council.
6. Authorises the Chief Executive Officer, or any such other person as the Chief Executive Officer approves, to sign all documents relating to the sale of the land from the discontinued road reserve to the owners of 40 Girvan Place, South Morang.

Key Information

Council received a request from the owners of 40 Girvan Place, South Morang for the discontinuance and sale of an unconstructed section of road reserve on the northern side of Girvan Place abutting their property. The section of road reserve that was the subject of the initial request is the trapezoidal area of 160 sq.m hatched in the road discontinuance plan 1 (Attachment 1). The hatched area is contained in certificate of title Volume 10064 Folio 265.

The section of road reserve was originally set aside to facilitate the future construction of a court bowl or to introduce a future road link to the north. Girvan Place now connects to Topaz Grove to the west as shown in the locality plan (Attachment 3) and the court bowl or potential northern link are not required and there is no functional road purpose for the trapezoidal section of road reserve.

The owners of 40 Girvan Place are seeking to acquire the land to assist in a future development of their property, have made this application and have agreed in writing to cover all costs incurred by Council in undertaking this process.

Council's Executive Leadership Team considered the owners' request and advice from officers on 15 November 2022 and agreed to support the commencement of the statutory processes under the *Local Government Act 1989* and *Local Government Act 2020* to discontinue and sell the unconstructed road reserve of 160 sq.m. This is shown as the hatched area of the road discontinuance plan 1 (Attachment 1) to the owners at market value and by private treaty.

Council's Planning Department, subsequently, in considering Planning Application 719953/1 for the proposed development of the owners' land, deemed that certain trees within the section of road reserve should be retained. Accordingly, the area of road reserve proposed to be discontinued and sold was reduced from 160 sq.m to 116 sq.m in area to cater for the retention of the trees within part of the road reserve.

The new reduced area of road reserve is shown in the road discontinuance plan 2 (Attachment 2) and formed the subject of the statutory processes under the *Local Government Act 1989* and *Local Government Act 2020*. The statutory procedures for the proposed discontinuance and sale of the section of road reserve were approved under delegation and commenced on 17 January 2023. No submissions were received and the reduced road reserve area of 116 sq.m is considered to no longer be reasonably required as a road or for public use.

Administrators noted this was a good outcome for Council at the Council Briefing Meeting held on 5 September 2023.

Community Consultation and Engagement

Public notice of the proposal was given in the Whittlesea Review newspaper and on Council's website on 17 January 2023 with the submission period closing on 14 February 2023.

No submissions were received.

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.

As per the reason above, the parcel of land adjoining 40 Girvan Place is considered to no longer be required by Council.

Considerations

Environmental

There are no Environmental implications in relation to this matter.

Social, Cultural and Health

There are no Social, Cultural and Health implications in relation to this matter.

Economic

There are no Social, Cultural and Health implications in relation to this matter.

Financial Implications

Council's consultant valuer has placed a value of \$55,000 (inclusive of GST) on the 116 m² of land. Further, Council's reasonable costs associated with undertaking the discontinuance have been estimated to be \$16,690 (inclusive of GST).

The owners of 40 Girvan Place have agreed to acquire the land at its current market value and to also meet all of Council's reasonable costs associated with undertaking the discontinuance.

Link to Strategic Risk

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

There are no Strategic Risks in relation to this matter. The parcel of land is not required by Council.

Implementation Strategy

Communication

If Council resolves to discontinue the road and sell the underlying, the proposed discontinuance will be published in the Victoria Government Gazette.

Critical Dates

- Notice in Government Gazette to follow 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.

Conclusion

The discontinuance and sale of the unconstructed section of road reserve of 116 sq.m in area on the northern side of Girvan Place, abutting 40 Girvan Place, South Morang, is no longer reasonably required for public use and the sale of the underlying land to the owners of 40 Girvan Place by private treaty for a price of \$55,000 inclusive of GST plus costs is recommended.

Attachment_5.5.4.1

Attachment_5.5.4.2

Attachment_5.5.4.3

5.5.5 Unconfirmed Minutes of the Audit and Risk Committee

Responsible Officer: Executive Manager Strategy & Insights

Author: Corporate Assurance Advisor

Attachments:

1. ARC Minutes 5 September 2023 - unconfirmed [5.5.5.1 - 13 pages]
2. ARC Minutes 12 September 2023 - unconfirmed [5.5.5.2 - 20 pages]

Purpose

To enable Council to have oversight and understanding of the Audit and Risk Committee operations and as required under Council's Audit and Risk Committee Charter, this report presents the unconfirmed Minutes of the Audit and Risk Committee meetings held on 5 and 12 September 2023.

Brief Overview

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

The Committee considered several reports at the meetings held on 5 and 12 September 2023 including the Annual Financial Report and Annual Performance Statement for 2022-23, outcomes of the External Audit, as well as reports for risk, internal audit and internal controls. The unconfirmed minutes from these meetings are attached for noting.

Recommendation

THAT Council note the unconfirmed minutes of the Audit and Risk Committee meetings held on 5 and 12 September 2023.

Key Information

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

The Committee considered several reports at the meetings held on 5 and 12 September 2023. The unconfirmed meeting minutes (attached) from these meetings include the following main agenda items:

- Audit and Risk Committee Work Plan
- Annual Financial Report and Annual Performance Statement 2022-23
- Draft Governance and Management Checklist
- Outcomes of the 2022-23 External Audit
- Risk Management
- Internal Audit:
 - Strategic Internal Audit Plan incorporating the Annual Internal Audit Plan
 - Business Function Risk Assurance Map
 - Outstanding Action items from Previous Internal Audits
- Internal Compliance Review Outcomes and Outstanding Actions Items
- Systems of Internal Control and Compliance
 - Policy and Procedure Governance
 - Key Fraud and Corruption Control Monitoring
 - Legislative Compliance
 - Management Response to Integrity Body Reports

Community Consultation and Engagement

No community consultation and engagement is required for the minutes of the Audit and Risk Committee.

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

Considerations

Environmental

No implications.

Social, Cultural and Health

No implications.

Economic

No implications.

Financial Implications

The cost is included in the current operating budget.

Link to Strategic Risk

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

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

Implementation Strategy

Communication

No communication or implementation strategy is required.

Critical Dates

To enable Council to have oversight and understanding of the Audit and Risk Committee operations, the minutes from the meetings are provided to Council as early as possible after the meetings are conducted.

Declaration of Conflict of Interest

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

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

Conclusion

The Audit and Risk Committee met on 5 and 12 September 2023. The minutes of these meetings are attached to this report for noting by Council to inform it of Committee resolutions and discussions.

Attachment_5.5.5.1

Attachment_5.5.5.1 page 2

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Attachment_5.5.5.1 page 10

Attachment_5.5.5.1 page 11

Attachment_5.5.5.1 page 12

Attachment_5.5.5.1 page 13

Attachment_5.5.5.2

Attachment_5.5.5.2 page 2

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Attachment_5.5.5.2 page 15

Attachment_5.5.5.2 page 16

Attachment_5.5.5.2 page 17

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Attachment_5.5.5.2 page 20

5.5.6 Councillor Code of Conduct

Responsible Officer: Executive Manager Office of Council & CEO

Author: Executive Manager Office of Council & CEO

Attachments:

1. Draft Councillor Code of Conduct - September 2023 [5.5.6.1 - 14 pages]

Purpose

The purpose of this report is to seek Council adoption of the Councillor Code of Conduct in preparation of the return to an elected Council.

Brief Overview

Section 140 of the *Local Government Act 2020* allows Council to review or amend the Councillor Code of Conduct at any time, and by formal resolution of the Council.

In preparation for the return of an elected Council, the Administrator/Councillor Code of Conduct was reviewed and amended in accordance with the five Standards of Conduct as outlined in Regulation 12, Schedule 1 of the *Local Government (Governance and Integrity) Regulations 2020*. Additionally, the Dispute Resolution Process was expanded, and additional provisions were included as outlined in the key information section of this report.

The draft Councillor Code of Conduct was reviewed by Council's Lawyers.

Recommendation

THAT Council:

1. **Resolve to adopt the Councillor Code of Conduct at attachment A to this report.**
2. **Note the Councillor Code of Conduct will be publicly available on Council's website.**

Key Information

In reviewing and amending the draft Councillor Code of Conduct the focus was to ensure its suitability for the incoming Councillors, and to clearly articulate matters Councillors should consider when conducting themselves as elected representatives of the Council and when dealing with staff and members of the municipality.

At a high level, and in addition to minor administrative updates, the following amendments were either made or incorporated into the draft Councillor Code of Conduct (Code):

Purpose of the Code which Councillors must comply"

- Inclusion of the Legislative Framework for which the Code has been developed.

- Inclusion of 'Other Categories of Misconduct', for example, serious and gross misconduct, bullying and sexual harassment and how they will be addressed. This section also extends to Councillor conduct when using social media channels.
- Inclusion of Improper Conduct which Councillors should observe in addition to the Standards of Conduct.
- Inclusion of Councillor and Developer interactions.
- Expansion of the Dispute Resolution with the aim of clearly articulating the steps involved in resolving a dispute without the need to engage in formal arbitration.
- Inclusion of dealing with disputes between Councillors and staff ensuring clarity the CEO has absolute discretion on how to deal with them.
- The process of dealing with disputes between members of the public and Councillors.

It should be noted, there is a requirement to again review the Councillor Code of Conduct within four months of the next general Local Government elections.

Community Consultation and Engagement

There is no legislative requirement to undertake community consultation in relation to the Councillor Code of Conduct.

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

The Councillor Code of Conduct strives to achieve individual health and wellbeing throughout the Code.

Economic

No implications.

Financial Implications

There was a minor fee in seeking a legal review of the proposed Councillor Code of Conduct to ensure it fully aligns with the *Local Government Act 2020*.

Link to Strategic Risk

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

In the future, there may be risks associated with non-compliance as it relates to the standards of conduct expected to be observed by Councillors in the course of performing their duties and functions. The proposed Councillor Code of Conduct provides greater clarity in relation to those expectations and associated processes for resolution as a means of mitigating the risk of non-compliance.

Implementation Strategy

Communication

The Councillor Code of Conduct will be made available on Council's website upon adoption by Council.

Critical Dates

There are no critical dates associated with the adoption of the Councillor Code of Conduct.

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 Councillor Code of Conduct provides greater clarity and certainty in relation to the expectations of Councillors as Council prepares for the return of an elected Council.

Attachment_5.5.6.1

Attachment_5.5.6.1 page 2

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Attachment_5.5.6.1 page 12

Attachment_5.5.6.1 page 13

Attachment_5.5.6.1 page 14

6 Notices of Motion

No Notices of Motion

7 Urgent Business

No Urgent Business

8 Reports from Council Representatives and CEO Update

9 Confidential Business

9.0.0 Close Meeting to the Public

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

Recommendation

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

9.1 Confidential Connected Communities

No Reports

9.2 Confidential Liveable Neighbourhoods

No Reports

9.3 Confidential Strong Local Economy

No Reports

9.4 Confidential Sustainable Environment

No Reports

9.5 Confidential High Performing Organisation

No Reports

10 Closure