



WHITEHORSE
CITY COUNCIL

Whitehorse City Council

AGENDA

Council Meeting

on

Monday 8 July 2024 at 7.00pm

**To be held in the
Council Chamber
Nunawading Civic Centre**

Members: Cr Denise Massoud Mayor
Cr Andrew Davenport Deputy Mayor
Cr Blair Barker
Cr Raylene Carr
Cr Prue Cutts
Cr Mark Lane
Cr Tina Liu
Cr Amanda McNeill
Cr Andrew Munroe
Cr Trudy Skilbeck
Cr Ben Stennett

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TABLE OF CONTENTS

1	WELCOME	5
2	APOLOGIES	5
3	DISCLOSURE OF CONFLICTS OF INTEREST	5
4	CONFIRMATION OF MINUTES OF PREVIOUS MEETING	5
5	URGENT BUSINESS	5
6	PUBLIC PRESENTATIONS	5
7	PUBLIC QUESTION TIME	5
8	PETITIONS AND JOINT LETTERS	5
9	NOTICES OF MOTION	6
	9.1 Notice of Motion - Cr Barker - Community Placement and Work Opportunities at Council.....	6
10	COUNCIL REPORTS	6
	10.1 Community Engagement at Whitehorse	7
	10.2 Whitehorse Community Local Law 2024.....	11
	10.3 Draft Gambling Harm Minimisation Policy.....	16
	10.4 Contract 30528 - Electrical Installations and Maintenance Services	22
	10.5 Audit and Risk Committee - Extension of Independent Member Term	26
	10.6 Records of Informal Meetings of Councillors	29
11	COUNCILLOR DELEGATE AND CONFERENCE / SEMINAR REPORTS	31
	11.1 Reports by Delegates and Reports on Conferences / Seminars Attendance.....	31
12	CONFIDENTIAL REPORTS	32
13	CLOSE MEETING	32

AGENDA

1 Welcome

Prayer for Council

We give thanks, O God, for the Men and Women of the past whose generous devotion to the common good has been the making of our City.

Grant that our own generation may build worthily on the foundations they have laid.

Direct our minds that all we plan and determine, is for the wellbeing of our City.

Amen.

Acknowledgement of Country

Whitehorse City Council acknowledges the Wurundjeri Woi-wurrung people of the Kulin Nation as the Traditional Owners of the land we are meeting on and we pay our respects to their Elders past, present and emerging and Aboriginal and Torres Strait Islanders from communities who may be present today.

2 Apologies

3 Disclosure of Conflicts of Interest

4 Confirmation of Minutes of Previous Meeting

Minutes of the Council Meeting 24 June 2024

RECOMMENDATION

That the minutes of the Council Meeting 24 June 2024 be confirmed.

5 Urgent Business

6 Public Presentations

7 Public Question Time

8 Petitions and Joint Letters

9 Notices of Motion**9.1 Notice of Motion - Cr Barker - Community Placement and Work Opportunities at Council**

That Council receives a report to consider the expansion of placement and work opportunities (including work experience, apprentices, traineeships and student placements) provided by Council for local people.

The report to include:

a) How the following objectives can be achieved:

- Contribute to community work readiness and experience.
- Develop community and organisational capability.
- Develop pathways for future employment by Council.

b) Options on how to achieve this by repurposing the capacity of the Youth Services function.

10 Council Reports

10.1 Community Engagement at Whitehorse

Department

Communities, Engagement and Integrated Planning
Director Communities

Attachment

SUMMARY

Council's Community Engagement Policy and Handbook provide guidelines and processes for how and when we engage with our community and how community views inform Council decisions, policies, plans, services and projects.

Since we last reviewed the Whitehorse Engagement Handbook in October 2022, we have consulted the community on 97 projects, received more than 19,900 pieces of feedback and reached over 65,000 people through our Your Say Whitehorse site.

The Community Engagement Impact report (the report) recognises the outcomes delivered since the adoption of the Community Engagement Handbook and showcase some significant achievements in this space.

The report will also be utilised to launch the 2024 review of the Whitehorse Community Engagement policy that will commence on 9 July 2024.

RECOMMENDATION

That Council notes:

1. The Community Engagement Impact report.
2. Community engagement on the review of the Whitehorse Engagement Policy will commence on Tuesday 9 July 2024.

STRATEGIC ALIGNMENT**Community Vision 2040****Key Priorities:**

- 1.1: Create opportunities for every person in the community to be listened to and included in community decision-making processes.
- 6.1: Engage with the community collaboratively to hear their views on what needs to be done.
- 6.2: Encourage everyone to feel engaged with, and involved in, the Whitehorse community.

10.1 (cont)

Council Plan 2021-2025**Strategic Direction 6: An Empowered Collaborative Community****Strategic Actions:**

- Provide opportunities for the community to be engaged in decision making processes and share the outcomes with them.
- Work with our diverse community to reduce barriers to community engagement.
- Provide opportunities for children, young and older people to inform decision making.

Policy

Nil.

BACKGROUND

Community engagement refers to the many ways Council connects with the community in the development and implementation of initiatives, policies, programs, projects and services. It is a planned process that gives individuals and groups a voice in decisions or actions that may affect or interest them.

Community Engagement at Whitehorse is supported by two key documents, the Whitehorse Community Engagement Policy and the Whitehorse Community Engagement Handbook. The Whitehorse Community Engagement Policy provides guidelines for how and when we engage with our community and how community views inform Council decisions, policies, plans, services and projects. The Whitehorse Community Engagement Handbook outlines the practical steps Council will take when engaging with the community.

Council's Community Engagement Handbook was last reviewed and adopted in October 2022 and the Policy was last reviewed and adopted in February 2021.

Discussion and Options

Since the adoption of the Community Engagement Handbook, Council have consulted the community on 97 projects, received more than 19,900 submissions and reached over 65,000 people through the Your Say Whitehorse site.

To acknowledge the ways in which Council has worked with the community to deliver better community outcomes and to thank the community for their time and contributions, Officers have prepared a Community Engagement Impact Report (Attachment 1) showcasing the outcomes delivered and recognising a few significant achievements since the adoption of the Community Engagement Handbook.

10.1 (cont)

This document will be utilised to launch the 2024 review of the Whitehorse Community Engagement policy. The review aims to ensure the policy remains up-to-date and compliant with all relevant legislation and best practice guidelines as well as ensuring we are meeting community expectations.

The first round of community engagement on this Policy will run from Tuesday 9 July until Sunday 12 August to seek to better understand:

- If the current community engagement principles are still in line with community expectations
- Community expectations and experiences during consultations. This understanding is essential for fostering meaningful and effective engagement
- When and how the community wants to be consulted
- The community's experience of previous Whitehorse engagements
- Ideas on how we can improve the ways in which we consult
- Ideas on how we can remove barriers to participation in consultation

The community will be able to have their say via a survey on the Your Say Whitehorse page. A series of outreach activities will be undertaken to take the survey to setting in the community where people gather, and or meet, to ensure the promotion of the engagement opportunity and capture a diversity of voices.

Following this round of engagement, a review will be undertaken on the existing Policy with a draft presented to Council in early 2025 prior to seeking final community input.

SUPPORTING REPORT DETAILS

Legislative and Risk Implications

There are no legal or risk implications arising from the recommendation contained in this report. *The Local Government Act (Vic) 2020* requires all Councils in Victoria to develop a Community Engagement Policy (Section 55).

Equity, Inclusion, and Human Rights Considerations

It is considered that the subject matter does not raise any human rights issues.

Community Engagement

No community engagement was required in the development of this report.

Financial and Resource Implications

There are no financial or resource implications arising from the recommendation contained in this report.

10.1 (cont)

Innovation and Continuous Improvement

There are no innovation and continuous improvement matters arising from the recommendation contained in this report, however it is noted that the review of the Policy will assist Council to continuously improve community engagement processes and practices.

Collaboration

No collaboration was required for this report.

Conflict of Interest

Council officers involved in the preparation of this report have no conflict of interest in this matter.

Conclusion

Council is committed to actively and purposely engaging with the local community and is continually striving to improve its practices and celebrate the outcomes.

The engagement on the Whitehorse Community Engagement Policy will launch on Tuesday 9 July.

ATTACHMENT

- 1 Community Engagement Impact Report

10.2 Whitehorse Community Local Law 2024

Department Community Safety
Director City Development

Attachment

SUMMARY

All local government authorities are required to develop a Local Law in accordance with the *Local Government Act 2020* (the Act) Whitehorse's current Local Law was created in 2014 and will cease to operate on 31 December 2024.

This process has been completed, and there have only been minor amendments made to the proposed Community Local Law 2024 as a result of the submissions received.

The proposed Community Local Law 2024 is now presented to Council for adoption, with a proposed date effective of 6 September 2024.

RECOMMENDATION

That Council:

1. Makes the Community Local Law 2024 and any incorporated documents pursuant to section 71 of the *Local Government Act 2020*.
2. Notes that the Community Local Law comes into effect on 6 September 2024 and revokes the Community Local Law 2014 and any incorporated documents.

KEY MATTERS

Some Community Local Law 2024 key changes include:

1. **Dangerous Land**

A provision which addresses dangerous land will provide a useful enforcement mechanism and reaffirms that safety is a high priority for the Whitehorse community.

2. **Fire Hazard**

A separate provision relating to fire hazards will ensure the protection of the community from properties which pose a risk.

3. **E-Scooter and E-Bike Scheme**

It is anticipated that the use of e-scooters and e-bikes will increase in the coming years. The introduction of this new provision will require operators of e-bike and e-scooter schemes to apply to Council for a permit in order to facilitate the lawful use of these devices within the municipality.

10.2 (cont)

4. Waste Management

The current waste guideline Incorporated Document has been removed and enforceable sections have been added as a stand-alone section in the Local Law, Part 5 – Waste Management. This makes this section more clear and easier for Council to take compliance action.

5. Animal Numbering

The numbers for animals allowed have slightly varied. This is mainly around dogs and cats where the requirement to have animal numbers related to property size has been removed. This is due to previous restrictions not resolving issues around animal keeping and housing,

6. Penalty Changes

Infringement penalties have been divided into two categories - penalties which apply to individuals and increased penalties which apply to corporate entities. Infringements are now indexed under the *Monetary Units Act 2004*. What this means is that a penalty unit is increased annually by the State Government.

7. Building and Works Code of Practice

Amendments have been made to this code of practice to include further clauses to ensure Council can take action against building sites which pose a risk to public safety.

The Community Impact Statement was available during the community consultation. It is mentioned at Attachment 2.

STRATEGIC ALIGNMENT

The Community Local Law is a key initiative identified in the Whitehorse Council Plan. It supports an innovative Council that is well led and governed as well as fostering an empowered and collaborative community.

BACKGROUND

In June 2023 an initial consultation was undertaken with the aim to seek feedback regarding important issues within the community associated with a Local Law and what activities the community supported council taking action on. The 256 submissions assisted with creating the draft Local Law.

The submissions showed that the community strongly supported Council taking action against a range of issues dealt with under the Local Law including unsightly properties, dangerous land, the use of Council reserves, hard waste management, animal management, skip bins, general obstructions, monitoring of footpath trading, building site management and dumped shopping trolleys.

Discussion and Options

A local law is a statutory instrument made by local governments to regulate a broad range of issues within their community. It is not a procedural document and cannot be inconsistent or mirror other legislation, nor duplicate or be inconsistent with the Council's planning scheme.

Key issues were identified throughout the review and as such new provisions have been added with the aim being to improve community safety and the

10.2 (cont)

amenity of the municipality. Some sections of the current Community Local Law 2014 were identified as no longer being required or were now a duplicate of current legislation and had to have amended wording or the clause had to be removed.

Incorporated documents which were not utilised or enforced have been removed and replaced with relevant clauses in the Local Law 2024.

SUPPORTING REPORT DETAILS

Legislative and Risk Implications

Section 74(3) of the Act provides that before Council can adopt a local law, a certificate must be obtained from an external lawyer, stating that the proposed local law is consistent with local law requirements.

Refer Attachment 3 Certificate Pursuant to Section 74(3) of the Act.

Equity, Inclusion, and Human Rights Considerations

In developing this report to Council, the subject matter has been considered in accordance with the requirements of the *Charter of Human Rights and Responsibilities Act 2006*.

It is considered that the subject matter does not raise any human rights issues.

Community Engagement

Public exhibition of the Community Local Law 2024 draft was available from 18 March 2024 – 18 April 2024.

The community was invited to complete a custom online survey on Council's Your Say platform or lodge a written submission, including having a specific e-mail address locallawreview@whitehorse.vic.gov.au. Additionally extensive benchmarking of other Council's Local Laws has occurred to ensure consistency across Metro Melbourne.

A summary of the feedback received included the project page was visited by 387 people, meaning that these people were aware and educated about the project and there were 187 downloads of documents. A total of 28 submissions were received.

Some commentary surrounding the Local Law draft was not relevant to a Local Law, this included commentary on parking issues and other matters covered under other legislation and views on Council powers and structure.

Elements supported included:

- Action surrounding unsightly premises/derelict buildings and fire hazards on private land.
- The building site incorporated document and Council's enforcement of unsafe building sites.
- Dangerous obstructions on Council land
- Waste management

10.2 (cont)

Elements less supported included:

- Views surrounding permitted animal number changes showed 60% support for the change where others had mixed views on the issue including asking how Council would enforce this.
- Although there was support 27% of respondents did not support the new provision on gateways to reserves.
- Only 1 submission was strongly against the proposed Community Local Law.

Financial and Resource Implications

The implementation of the new Community Local Law 2024 will have significant impacts to existing resources due to the amount of work required to implement a Local Law after a 10-year period.

An implementation plan has been created which identifies the tasks and changes that would need to occur if the Community Local Law 2024 takes effect on 6 September 2024. This includes a new Local Law Procedure Guideline, staff awareness and training, website updates, system changes, correspondence and communications updates across several areas of Council and the community as well as tailored information to those who are impacted.

Innovation and Continuous Improvement

The Community Local Law 2024 is anticipated to have a range of positive impacts for the community once implemented. This includes improvements in environment protection, enhanced safety for the public, improved overall amenity, more deterrents and higher penalties for serious offending and further protection of Council assets and Council land.

The Community Local Law 2024 also aims to be easier to understand and more user-friendly for the community by simplifying various sections (such as removing the *Procedure for Work on and Protection of Council Assets* and replacing this with sections within the Local Law).

Collaboration

Extensive internal and external stakeholder engagement has occurred throughout the Local Law review process. This has included consultation with internal teams on issues that the Local Law can address and issues that impact various areas of Council. External stakeholder engagement with authorities such as Victoria Police also occurred. Victoria Police enforce areas of the Local Law such as consuming liquor in a Public Place.

Conflict of Interest

Council officers involved in the preparation of this report have no conflict of interest in this matter.

10.2 (cont)

Conclusion

The proposed Community Local Law 2024 is presented to Council for adoption, with a proposed date effective of 6 September 2024. This will mean the Whitehorse Community Local Law 2014 and any incorporated documents will be revoked from this date.

Pursuant to section 71 of the Act to give notice of its decision to make the Whitehorse Community Local Law 2024 in the Government Gazette, a local newspaper and on the Council's website, stating the title, objectives and the effect of the local law, and that a copy of the local law is available for inspection at Council offices and on the Council website.

ATTACHMENT

- 1 Building and Works Code of Practice 2024
- 2 Community Impact Statement - Community Local Law 2024 Draft
- 3 Local Law Legal Certification
- 4 Whitehorse Community Local Law 2024 - Certified Council Report (005)

10.3 Draft Gambling Harm Minimisation Policy

Department Communities, Engagement, and Integrated Planning
Director Communities

Attachment

SUMMARY

A review has been undertaken of the 2011 Whitehorse Responsible Gambling Policy, recognising the statutory and regulatory changes that have occurred since that policy was developed and the increased knowledge and understanding of the social and economic impacts of gambling on the community.

The revised draft Gambling Harm Minimisation Policy 2024 (Attachment 1) has been informed by a background study (Attachment 2) which included a detailed gap analysis from 22 recent Victorian councils' gambling policies. Additionally, a comprehensive engagement process was undertaken to assess community attitudes towards gambling, its prevalence, and to gauge community support for potential policy options.

The engagement findings confirmed that gambling is widespread in the Whitehorse community and is having a negative impact for around 1 in 5 who gamble. Feedback demonstrated support for broadening the scope of the current gambling policy beyond electronic gaming machines to consider other forms of gambling. There was also support for new measures aligned with a public health approach. These measures include Council not hosting events in gaming venues, not funding community groups and organisations that own or operate gaming machines, prohibiting gambling on Council land or its buildings, and restricting advertisements for gambling activities on Council land or its buildings.

This feedback has been incorporated into a revised Draft Policy, which has been crafted to exempt certain gambling activities which are considered low risk and are often used by the community for fundraising purposes (for example raffles), to not unfairly disadvantage these groups.

It is proposed to undertake a second phase of community engagement that includes exhibition of the draft Policy on 'Your Say Whitehorse' and further engagement with community and key stakeholders to confirm support for the revised policy positions.

RECOMMENDATION

That Council:

1. Endorses the Draft Gambling Harm Minimisation Policy for community engagement.
2. Notes that the community engagement period will be for three weeks from Tuesday 9 July until Tuesday 30 July 2024.

10.3 (cont)

KEY MATTERS

The Draft Gambling Harm Minimisation Policy includes key new policy statements aligned with a public health approach, including that Council will:

- Prohibit gambling on Council owned or controlled land, however this does not include raffles, bingo, and sports tipping for fundraising activities that are covered by a minor gaming permit issued by the Victorian Gambling & Casino Control Commission (VGCCC).
- Prohibit the funding of groups for events, or activities that occur in gaming venues commencing 1 July 2025. The delayed adoption of this policy position allows time to update any relevant Council funding agreements and provide sufficient notice to impacted community groups.
- Prohibit funding to hotels and clubs that own or operate electronic gaming machines (EGMs). This means they would not be eligible for a Whitehorse community grant, however investments in or the allocation of Council land or buildings are still permitted. For example, the allocation of Council sports grounds or upgrades to their facilities would not be impacted by this Policy.
- Prohibit advertising of gambling activities on Council land and buildings, thereby reducing community exposure to gambling advertising and the normalisation of sports betting. This is anticipated to have a negligible impact on sporting clubs but serves as an important preventative measure.

STRATEGIC ALIGNMENT

This report aligns with Strategic Direction 7 of the Council Plan, 'Health and Wellbeing', and objective-that 'Council will protect and promote the health and wellbeing of the Whitehorse community'. More specifically, it aligns with the strategic action to 'advocate for and respond to social, health and wellbeing needs identified in the Municipal Public Health and Wellbeing Plan, in partnership with local agencies.

Policy

Development of the Draft Gambling Harm Minimisation Policy 2024 has been informed by a background study. This study analysed recent gambling policies from 22 Victorian councils' and informed the community engagement efforts aimed at shaping the revised policy.

One of the drivers behind the development of a revised policy was the increasing recognition for the need to align Council decisions, such as responding to gaming applications, with contemporary statutory and strategic frameworks governing gambling activities within the municipality.

While the current 'responsible gambling policy' places emphasis on personal responsibility, there has been a notable shift away from this model by gambling experts and other councils. They advocate for a public health approach, which sees gambling harm as a consequence of harmful products, rather than individuals' behaviour. This approach underscores the importance of both prevention and harm reduction strategies.

Reflecting this new approach, the revised Draft Gambling Harm Minimisation Policy acknowledges that gambling is a public health issue, which impacts not just individuals, but entire families and communities. It recognises that addressing gambling harm requires consideration of the social, economic,

10.3 (cont)

and environmental factors that contribute to people's health and that Council plays an important role in addressing this issue. It also recognises that harm prevention requires collaboration from various stakeholders, including individuals, community groups, businesses, and government at all levels.

BACKGROUND

About 70 per cent of people in Victoria gamble, and 1 in 5 people gamble online. The most popular types of gambling are electronic gaming machines (pokies), sports and race betting, lotteries, casino games, and bingo.

Currently, there are 431 gaming machines across 6 venues in Whitehorse. Whitehorse residents lose an average of \$153,738 each day on gaming machines. In 2022/23 this totalled more than \$56 million for the year. This figure does not include other forms of gambling or online gambling.

Younger people (aged 18–24 years) and older people (aged 55–65 years) are most at risk of experiencing gambling harm. Men are also at a higher risk compared to women.

In relation to gambling, Council has a statutory obligation to:

- Assess a planning permit application to install or use electronic gaming machines within the framework of the planning provisions of the Whitehorse Planning Scheme and the *Planning and Environment Act 1987*; and
- Assess the potential social and economic impacts of an application for a gaming licence in the municipality or adjoining municipality in accordance with the *Gambling Regulation Act 2003* and, if required, make a submission on behalf of the community to the VGCCC.

Council does not have the same defined roles in relation to other forms of gambling.

At the state level, gambling is regulated by the VGCCC. The Commission is an independent statutory body responsible for the licensing of the gambling industry. Gambling advertising is regulated at a federal level by the Australian Communications and Media Authority.

Discussion and Options

Below are the key changes contained in Council's revised Draft Gambling Policy. Please refer to Attachment 3 (Summary of key policy considerations) for more detailed information.

Expansion of The Policy Scope to Include Other Forms of Gambling

Almost two-thirds (61 per cent) of respondents to Whitehorse's community consultation 'supported' or 'strongly supported' including measures to address online gambling, while 65 per cent 'supported' or 'strongly supported' including measures targeted at sports gambling. As a result, Council's Draft Gambling Harm Minimisation Policy's scope has been expanded to also focus on minimising the adverse impacts of online gambling and sports betting.

Stronger focus on education and awareness raising.

Council's revised Draft Policy commits Council to inform the community about gambling harm while also directing individuals where to seek support. The Draft Policy also states that Council will collaborate with gambling

10.3 (cont)

support services to develop and implement initiatives aimed at raising awareness, particularly amongst vulnerable groups.

Council Events, Activities, Programs, or Social Outings

Approximately two-thirds of respondents (66.3 per cent) to the community survey said that no number of Council-hosted programs or events is acceptable in venues where there are electronic gaming machines.

Based on community feedback, the revised policy has been updated to prohibit Council hosting any events, activities, programs, or social outings in venues with electronic gaming machines.

Gambling Activities on Publicly Owned Land and Buildings

80 per cent of respondents supported no gambling on Council land. Based on this feedback, the Draft Policy has been updated with a clause that Council will amend lease and licence agreements with current and future tenants (at the time of renewal) to prohibit gambling on Council-owned or controlled land. It is important to note the definition of gambling contained in Council's revised Draft Policy states that raffles, bingo, and sports tipping for fundraising activities are still permitted under the revised Policy.

Gambling promotion on Council-owned land and buildings

Most respondents to the community survey, 87 per cent, indicated that no gambling advertising would be considered acceptable in Council buildings and facilities.

As a result, the revised Draft Policy includes a policy statement that Council will amend lease and licence agreements with current and future tenants (at the time of renewal) to prohibit advertising of gambling activities on Council land and buildings.

Council Funding and Support to Community Organisations, Events, and Activities

Approximately three quarters of respondents to the community survey 'opposed' or 'strongly opposed' Council funding groups, events or activities that occur in venues that have electronic gaming machines. Based on community feedback the revised policy has been updated to prohibit the funding of groups, events, or activities that occur in gaming venues commencing 1 July 2025.

The revised policy has also been updated with a clause stating that Council will not provide funding to hotels and clubs that own or operate electronic gaming machines.

SUPPORTING REPORT DETAILS

Legislative and Risk Implications

Council faces a potential risk if it receives a gaming application without a recently adopted policy to guide its response. While Council is still able lodge a social and economic impact assessment to the VGCCC if Council's gambling policy is considered outdated, based on previous VGCCC decisions, it would carry little weight at a Commission hearing.

10.3 (cont)

Equity, Inclusion, and Human Rights Considerations

In developing this report to Council, the subject matter has been considered in accordance with the requirements of the *Charter of Human Rights and Responsibilities Act 2006*.

It is considered that the subject matter does not raise any human rights issues.

Community Engagement

A comprehensive engagement process was undertaken to assess community attitudes towards gambling, its prevalence, and to gauge community support for potential policy options outlined in the 2023 Whitehorse Gambling Policy Review Background Report.

Engagement methods undertaken including:

- An online survey with hard copies available at key locations.
- A workshop with gambling support services.
- Interviews with gaming venues.
- A presentation with Q&A at the sporting club seasonal handover meeting.
- Five pop-ups at various locations across the municipality, including the Positive Ageing Forum.
- Two optional Councillor workshops.

In total there were 153 responses via the community survey and pop-ups.

Financial and Resource Implications

The revised Draft Policy includes a policy statement that Council will not accept financial contributions from the gambling industry or venues with electronic gaming machines. While this is the unofficial practice at Whitehorse, it is not enshrined in Council policy. The inclusion of such a policy position would be consistent with a public health approach, ensuring Council remains independent from the gambling industry.

Given it is already common practice at Whitehorse, the impact of this policy position is expected to be minimal.

To ensure the community is protected from any potential loss, a disclaimer has been added that it will not apply in cases where proposed investments by clubs or hotels increases the amenity of its operations on leased Whitehorse City Council owned land and facilities and is considered by Council to offer significant community benefit.

To effectively execute the enhanced advocacy, awareness raising, and education efforts outlined in the Draft Policy, additional resources estimated at \$30,000 may be considered in the development of 2025/26 Budget to be used for advocacy and awareness raising such as membership of the Alliance for Gambling Reform and/or focus on bespoke campaigns and initiatives specific to the Whitehorse community.

Conversely, any savings accumulated by not funding groups that own or operate electronic gaming machines would be reinvested into the community grants budget.

10.3 (cont)

Innovation and Continuous Improvement

The review and redevelopment of policy to better represent the priorities of the Whitehorse community is based on continuous improvement principles.

Collaboration

This Draft Policy is informed by Community Engagement. Council departments including Communities, Engagement & Integrated Planning, City Planning & Development, Leisure & Recreation Services, Property & Leasing, Youth Services, Investment & Economic Development and Organisational Technology collaborated to discuss potential impact of the implementation of the proposed policy positions. Through these discussions, potential risks were identified and mitigation strategies developed to minimise any adverse impacts on the community.

The draft Policy is also informed by discussions with the Local Government Gambling Network (LGGN), facilitated by the Victorian Local Governance Association. The LGGN network provides a forum for officers to discuss policy, municipal public health and wellbeing planning and council activity involving gambling.

Conflict of Interest

The *Local Government Act 2020* requires members of Council staff, and persons engaged under contract to provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.

Council officers involved in the preparation of this report have no conflict of interest in this matter.

Conclusion

The revised Draft Gambling Harm Minimisation Policy has been informed by a comprehensive engagement process, bolstered by a detailed gap analysis against the gambling policies of other Victorian councils. This revision incorporates the priorities voiced by the Whitehorse community and officers are requesting Council's endorsement to place the Draft Policy on exhibition and invite further community feedback.

ATTACHMENT

- 1 Draft Gambling Harm Minimisation Policy
- 2 Whitehorse Gambling Policy Review Background Report October 2023
- 3 Summary of key policy considerations

(Please note for ease of reading, the text in GREEN in the Draft Policy are where new or significant changes have been made to the existing policy. Text in BLACK is where there have been no/negligible changes made.)

10.4 Contract 30528 - Electrical Installations and Maintenance Services

Department Project Delivery and Assets
Director Infrastructure

Attachment

SUMMARY

This report considers tenders received for Contract 30528 Electrical Installations and Maintenance Services and to recommend the appointment of three qualified contractors to a preferred supplier panel to undertake specified reactive and programmed maintenance under a Schedule of Rates contract.

The report recommends the acceptance of tenders from High Profile Engineering Pty Ltd, Commlec Services Pty Ltd, and Wallgates Pty Ltd.

The contract is for a fixed 5-year term.

The estimated contract expenditure over the five years of the contract term is up to \$5,500,000 including GST.

RECOMMENDATION

That Council accepts the tender and signs the formal contract document for Contract 30528 for Electrical Installations and Maintenance Services received from High Profile Engineering Pty Ltd (ABN 96 060 117 106), of 17 Lovett Drive, Avondale Heights, Vic 3042, Commlec Services Pty Ltd (ABN 48 055 185 718), of 4/40 Ricketts Road, Mount Waverly, Vic 3149, and Wallgates Pty Ltd (ABN 27 096 477 842), of Unit 10, 8 Enterprise Drive, Rowville, Vic 3178, as part of the total expected contract expenditure of up to \$5,500,000 including GST.

KEY MATTERS

The intent of this contract is to enable Council to provide efficient and effective electrical installation and maintenance services to all building related assets, parks and open spaces including sporting fields, car parks, public spaces and Information Technology systems.

It specifically aims to:

- Maintain defined and expected levels of building serviceability.
- Ensure occupant and user safety as required by the *Occupational Health and Safety Act 2004*;
- Minimise service disruption to asset users and;
- Satisfy Council's legislative and regulatory obligations as well as comply with relevant Australian Standards.

10.4 (cont)

The range of services associated with the contract include all reactive maintenance, programmed maintenance and installation of new or upgraded electrical services in existing assets.

STRATEGIC ALIGNMENT

This report aligns with:

- Whitehorse Community Vision 2040
- Whitehorse Council Plan 2021-2025

Particularly “Facilitate opportunities for the community to interact and immerse with natural and built environments” as outlined in the Whitehorse Community Vision and “A built environment that encourages movement with high quality public places.” from the Whitehorse Council Plan. Providing safe, functional and well illuminated buildings and public spaces is a key purpose of this contract.

Policy

This report is consistent with Council’s procurement policy.

Council’s Procurement team has been consulted extensively to ensure that the procurement is compliant with the Procurement Policy.

Background

The current contract for Electrical Installations and Maintenance Services is a schedule of rates contract which is due to expire on the 1 August 2024.

A tender was advertised on 30 March 2024 and closed on the 22 April 2024. Fourteen tenders were received, with one found to be non-conforming.

The contract comprises four categories of works:

- Category 1 – Building and Associated Assets
- Category 2 – Public Lighting and Associated Assets
- Category 3 – Parks, Sports Field Lighting and Associated Assets
- Category 4 – IT related services, Data Cabling and Associated Assets

Three submissions were considered best value and have been recommended by the Tender Evaluation Panel.

The nominated contractors demonstrated significant experience managing similar electrical maintenance work contracts, indicated appropriately qualified and experienced, and clearly identified they were resourced and equipped to adequately fulfill the requirements of the contract.

The 13 conforming tenders were evaluated against the following criteria:

- Cost to Council
- Capability
- Credibility
- Local Content
- Social and Environmental Sustainability
- Occupational Health & Safety, Equal Opportunity and Business Viability (Pass/Fail).

10.4 (cont)

SUPPORTING REPORT DETAILS**Legislative and Risk Implications**

There are no legal or risk implications arising from the approval for this tender evaluation.

All the recommended tenderers meet all Occupational Health and Safety requirements and provided evidence including risk plans, insurances, policies, quality assurance and environmental plans. Reference checks substantiated the consideration by the Tender Evaluation Panel.

Consultation

Councils Procurement team have been consulted extensively to ensure that the procurement is compliant with the Procurement Policy.

Collaboration

No collaboration was undertaken as part of this tender after an assessment of the scope, locations, and quantities of services to be provided under the contract.

Financial and Resource Implications

The expenditure for Contract 30528 Electrical Installations and Maintenance Services will be from the relevant Council endorsed budgets and could be up to \$5,500,000 million including GST over the Contract term.

This is a schedule of rates Contract. The services delivered under this Contract will be charged to the relevant endorsed budgets which are primarily funded from annual Operational and Capital Works budgets. Under the schedule of rates Contract, there is no minimum quantity of work guaranteed to any contractor, and the recommendation is in line with approved forward budget provisions.

	Estimated Budget	Expenditure
Estimated Expenditure over five years including GST:		
Category 1 – Building and Associated Assets	\$2,750,000	
Category 2 – Public Lighting and Associated Assets	\$220,000	
Category 3 Parks, Sports Field Lighting and Associated Assets	\$660,000	
Category 4 – IT related services, Data Cabling and Associated Assets	\$110,000	
Total Operational Budget	\$3,740,000	
Estimated Capital Works (inc. GST) Project Delivery & Assets	\$550,000	
Estimated Capital Works (inc. GST) Parks and Natural Environment	\$1,210,000	
Total Expenditure (inc. GST)	\$5,500,000	\$5,500,000

The contract rates will be subjected to a CPI adjustment on each anniversary of the contract.

10.4 (cont)

Discussion and Options

A comprehensive evaluation of the 13 conforming tenders was undertaken by the Tender Evaluation Panel using a 'Weighted Attribute Method'. Scores were based on the quality of tender responses and the level of compliance with the contract requirements to determine the overall capability of contractors and best value outcome for Council.

As the contract is a Schedule of Rates contract, estimates of annual contract expenditure were determined using historically experienced workloads for reactive maintenance, programmed maintenance and new works multiplied by the tendered rates for labour and materials. This allowed the Tender Offer to be equitably scored.

At the conclusion of the evaluation process, it was determined that the tenders received from Commlec Services Pty Ltd, Wallgates Pty Ltd and High-Profile Engineering Pty Ltd Services are capable of meeting Council's contract requirements and offered the best overall value to Council.

Commlec Services Pty Ltd and Wallgates Pty Ltd are known to Council and are on the existing contract panel. High Profile Engineering Pty Ltd were not known to the evaluation panel so two reference interviews were conducted at two different councils who have used this tenderer for similar services and the feedback received was positive.

All three recommended tenderers have experience working on community buildings, sporting pavilions, sport lighting, open space parks and carparks and all associated electrical assets within local government organisations. They are well equipped to meet Council's safe work method procedures and have the technical expertise and availability including meeting after hour's service requirements.

The three recommended tenderers will form the preferred supplier panel and be allocated reactive and planned works within each category in accordance with agreed schedule of rates, availability, and capability considerations.

Conflict of Interest

The *Local Government Act 2020* requires members of Council staff, and persons engaged under contract to provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.

Council officers involved in the preparation of this report have no conflict of interest in this matter.

Conclusion

It is recommended that Council accepts the tender from the nominated contractors for this Contract as outlined in this report. It is nominally intended that the contract commence from 1 August 2024.

ATTACHMENT

- 1 Tender Report - Confidential Attachment - Contract 30528 Final Signed **Whitehorse City Council designates this attachment and the information contained in it as Confidential Information pursuant to Section 3 (1) g(ii) of the *Local Government Act 2020*. This ground applies because the matter concerns commercial-in-confidence information.**

10.5 Audit and Risk Committee - Extension of Independent Member Term

Department Governance and Integrity
Director Corporate Services

SUMMARY

Each Council is required to establish an Audit and Risk Committee. The Committee at Whitehorse is made up of three independent members and two Councillors.

Independent members are appointed for an initial period not exceeding three (3) years after which they will be eligible for extension or re-appointment, for a further three (3) year term after a formal review of their performance.

In March 2021, Mr Jonathan Kyvelidis was appointed as an independent member of the Audit and Risk Committee (ARC) by the Council. This initial term spanned from 1 March 2021 to 31 August 2024, with provision for a performance-based extension of three years.

Following a performance evaluation process, it is recommended that Council grant an extension to Mr Kyvelidis in his current position. This extension will utilise the last three-year option permitted under the original agreement, extending his term until 31 August 2027.

RECOMMENDATION

That Council extends Mr Jonathan Kyvelidis' term as an independent member of the Audit and Risk Committee for an additional three-year period ending 31 August 2027.

KEY MATTERS

In adherence to the ARC Charter (January 2023), independent members become eligible for an extension subsequent to a formal performance review. The CEO, along with two Councillor member representatives and two independent members, conducted a comprehensive performance assessment. The outcome was very positive, leading to the recommendation to Council for Mr Kyvelidis' extension of term.

BACKGROUND

Pursuant to Section 53 of the *Local Government Act 2020*, a Council is mandated to establish an ARC, which must include a majority of members not serving as Councillors. Presently, the ARC is constituted by five members, comprising two Councillor member representatives and three independent members, all appointed by the Council.

10.5 (cont)

Mr Kyvelidis' first term will conclude on 31 August 2024 and he has expressed his intention to utilise the option available under the original agreement and the ARC Charter to extend his current term as an independent member for an additional three years.

Discussion and Options

The questions used to evaluate Mr Kyvelidis' performance were based on member responsibilities as per the ARC Charter and guidance provided in '*The Audit Committees: A Guide to Good Practice*' (a joint publication from the Auditing and Assurance Standards Board, Australian Institute of Company Directors and The Institute of Internal Auditors-Australia), considered an authoritative and independent forum for guidance. The questions were as follows:

1. Rate the member's understanding of, and commitment to, the Committee's role and responsibilities, as outlined in the ARC Charter.
2. Rate the member's objectivity and independence towards the Council.
3. Rate the member's ability and willingness to take difficult but constructive stands at meetings when necessary.
4. How effectively does the member prepare for and participate in Committee discussions and decision-making processes?
5. Rate the member's understanding of the Council business, financial reporting issues and obligations.
6. Rate the member's understanding of the Council's risk management and internal control processes.
7. How effectively does the member participate in activities to keep its business, industry, financial, and regulatory knowledge up to date?
8. Do you have any further comments regarding the member's performance?

All respondents unanimously endorsed and recommend the extension to Mr Kyvelidis' term, offering positive feedback on each of the eight evaluation questions. Their consensus is that he fully meets the criteria and supports the extension of his new term.

Mr Kyvelidis is highly commended for bringing great skills and extensive experience to the ARC, effectively covering all the aspects of the ARC Charter. He is thoughtful, inclusive, highly professional and approachable. As a contemporary thinker, Mr Kyvelidis adds significant value to the ARC. His diverse knowledge from various sectors, coupled with his profound understanding of local government, greatly enhances the Committee's work.

10.5 (cont)

SUPPORTING REPORT DETAILS

Legislative and Risk Implications

Section 53 of *Local Government Act 2020*.

There are no other legal or risk implications arising from the recommendations contained in this report.

Equity, Inclusion, and Human Rights Considerations

It is considered that the subject matter does not raise any human rights issues.

Community Engagement

No community engagement was required for this report.

Financial and Resource Implications

The remuneration for an independent member of the ARC is in line with current approved budgets.

Innovation and Continuous Improvement

There are no Innovation and Continuous Improvement matters arising from the recommendation contained in this report.

Comments and feedback from the evaluation will be shared with the member.

Collaboration

The member's performance evaluation involved consultations with ARC members and the CEO.

Conflict of Interest

Council officers involved in the preparation of this report have no conflict of interest in this matter.

Conclusion

It is recommended to reappoint Mr Kyvelidis as an independent member of the ARC which aligns with the provisions of Section 53 of the *Local Government Act 2020* and his original agreement.

10.6 Records of Informal Meetings of Councillors

Department

Governance and Integrity

Director Corporate Services

RECOMMENDATION

That Council receives and notes the Records of Informal Meetings of Councillors.

Pre-Council Meeting Briefing – 24 June 2024 – 6.30pm – 6.50pm

Matter/s Discussed:	Councillors Present	Officers Present
<ul style="list-style-type: none"> Council Agenda Items – 24 June 2024 	Cr Massoud (Mayor)	S McMillan
	Cr Davenport (Deputy Mayor)	S Cann
		J Green
	Cr Barker	S White
	Cr Carr	S Sullivan
	Cr Cutts	V Ferlaino
	Cr Lane	C Clarke
	Cr Liu	K Woods
	Cr McNeill	
	Cr Munroe	
	Cr Stennett	
	Apology	
	Cr Skilbeck	
Others Present: Nil		
Disclosures of Conflict of Interest: Nil		

10.6 (cont)

Councillor Briefing – 1 July 2024 – 6.30pm – 9.40pm		
Matter/s Discussed:	Councillors Present	Officers Present
<ul style="list-style-type: none"> • Advocacy Framework Update • Community Engagement at Whitehorse • Shaping Whitehorse Update • Council Agenda Items – 8 July 2024 • Strategic Property 	Cr Massoud (Mayor)	S McMillan
	Cr Davenport (Deputy Mayor) (online)	S Cann
		J Green
	Cr Barker	L Letic
	Cr Carr	S White
	Cr Cutts	S Sullivan
	Cr Lane	K Marriott
	Cr Liu	F Nolan
	Cr McNeill	Z Quinn
	Cr Munroe	T Jenvey
	Cr Skilbeck	S Durbin
	Cr Stennett	V Ferlaino
		L Routley
		K Woods
		I Wang
	R Andresson	
	Z Thorn	
	R Hood	
Others Present: Nil		
Disclosures of Conflict of Interest: Nil		

11 Councillor Delegate and Conference / Seminar Reports**11.1 Reports by Delegates and Reports on Conferences / Seminars Attendance**

Department Governance and Integrity
Director Corporate Services

Verbal reports from Councillors appointed as delegates to community organisations/committees/groups and attendance at conferences and seminars related to Council Business.

RECOMMENDATION

That Council receives and notes the:

1. Reports from delegates, and;
2. Reports on conferences/seminars attendance.

12 Confidential Reports

13 Close Meeting