MEMBERS OF CEO PERFORMANCE REVIEW COMMITTEE
Mayor L Stephens, Deputy Mayor Cr K Jackson and Crs A Zubrinich and L Peters

Council Officers
Kate Carmody, Executive Assistant (Minutes)

Notice is hereby given that a **CEO Performance Review Committee meeting** will be held on **Wednesday, 19 July 2023 at 5.30pm** in the Council Chambers, 115 Ellen Street, Port Pirie.



Peter Ackland
CHIEF EXECUTIVE OFFICER
13 July 2023

A G E N D A

1.0 ACKNOWLEDGEMENT OF COUNTRY:
We acknowledge and respect the traditional custodians whose ancestral lands we are meeting upon here today.

2.0 PRESENT:

3.0 APOLOGIES:

4.0 CONFIRMATION OF MINUTES:

4.1 CEO Performance Review Committee Meeting 6 June 2023

MOVED **SECONDED**

That the Minutes of the CEO Performance Review Committee meeting held on 6 June 2023 be received and confirmed.

5.0 MATTERS ARISING FROM MINUTES:

6.0 DECLARATION OF INTERESTS:

7.0 ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY:

7.1 CEO Performance Review 2022/23 – Draft Performance Appraisal Report Pursuant to Section 90(3)(a)

MOVED **SECONDED**

Pursuant to Section 90(2) of the *Local Government Act 1999* the Committee orders that all members of the public, with the exception of K Carmody, Executive Assistant be excluded from attendance at the meeting for Agenda Item 7.1 CEO Performance Review 2022/23 – Draft Performance Appraisal Report.

The Council is satisfied that, pursuant to Section 90(3)(a) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs

7.0 ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY: (Cont'd)

7.1 CEO Performance Review for 2022/23 – Draft Performance Appraisal Report (Cont'd)

Pursuant to Section 90(3)(a) (Cont'd)

of the Chief Executive Officer, in that details of his performance will be discussed.

Accordingly, on this basis, the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or matter confidential.

Section 91(7) Order

MOVED SECONDED

That having considered Agenda Item 7.1 CEO Performance Review 2022/23 – Draft Performance Appraisal Report in confidence under Section 90(2) and (3)(a) of the *Local Government Act 1999,* the Committee, pursuant to Section 91(7) of that Act orders that the agenda reports, discussion and minutes be retained in confidence for a period of 6 months or until the process has been finalised.

In accordance with Section 91(9)(c) of the *Local Government Act 1999*, the Chief Executive Officer is delegated the power to revoke this order in whole or part.

The Committee notes, in accordance with Section 91(9)(a) of the *Local Government Act 1999*, this order will be reviewed at least once in every year.

8.0 OTHER BUSINESS:

9.0 NEXT MEETING:

10.0 CLOSURE:

MINUTES OF THE CEO PERFORMANCE REVIEW COMMITTEE MEETING HELD ON TUESDAY 6 JUNE 2023 AT 5.30PM IN THE COUNCIL CHAMBERS, 115 ELLEN STREET, PORT PIRIE.

1.0 ACKNOWLEDGEMENT OF COUNTRY:
We acknowledge and respect the traditional custodians whose ancestral lands we are meeting upon here today.

2.0 PRESENT: His Worship the Mayor L Stephens and Crs A Zubrinich (Chairperson), K Jackson and L Peters

Kate Carmody, Executive Assistant (Minutes)

3.0 APOLOGIES: Nil

4.0 CONFIRMATION OF MINUTES:

4.1 CEO Performance Review Committee Meeting 4 May 2023

MOVED Mayor Stephens SECONDED Cr Peters

CE19/23 That the Minutes of the CEO Performance Review Committee meeting held on 4 May 2023 be received and confirmed.

CARRIED

5.0 MATTERS ARISING: Nil

6.0 DECLARATION OF INTERESTS: Nil

7.0 ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY:

7.1 CEO Performance Review for 2022/23 – Draft Survey Pursuant to Section 90(3)(a)

MOVED Mayor Stephens SECONDED Cr Jackson

CE20/23 Pursuant to Section 90(2) of the Local Government Act 1999 the Committee orders that all members of the public, with the exception of K Carmody, Executive Assistant be excluded from attendance at the meeting for Agenda Item 7.1 CEO Performance Review for 2022/23 – Draft Survey.

The Committee is satisfied that pursuant to section 90(3)(a) of the Act, the information to be received, discussed or considered in relation to this Agenda item is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person.

The Committee is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the disclosure may prematurely be disclosed before the details of the review have been discussed and a direction determined.

CARRIED

MOVED Cr Peters SECONDED Mayor Stephens

CE21/23 That Hender Consulting be advised that the Committee is satisfied with the 2022/23 CEO Performance Review draft survey as contained in the agenda.

CARRIED

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7.0 ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY:

7.1 CEO Performance Review for 2022/23 – Draft Survey (Cont'd)

Section 91(7) Order

MOVED Cr Peters SECONDED Mayor Stephens

CE22/23 **That having considered Agenda Item 7.1 CEO Performance Review for 2022/23 – Draft Survey in confidence under Section 90(2) and (3)(a) of the Local Government Act 1999, the Committee, pursuant to Section 91(7) of that Act orders that discussion and all documents and minutes be retained in confidence for a period of 6 months or until the process has been finalised.**

CARRIED

7.2 Consideration of CEO's Draft KPIs for 2023/24

Pursuant to Section 90(3)(a)

MOVED Cr Jackson SECONDED Mayor Stephens

CE23/23 **Pursuant to Section 90(2) of the Local Government Act 1999 the Committee orders that all members of the public, with the exception of K Carmody, Executive Assistant be excluded from attendance at the meeting for Agenda Item 7.2 Consideration of CEO's Draft KPIs for 2023/24.**

The Committee is satisfied that pursuant to section 90(3)(a) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of the Chief Executive Officer, in that details of his performance will be discussed.

CARRIED

MOVED Cr Peters SECONDED Cr Jackson

CE24/23 **That the CEO Performance Review Committee recommend to Council that the draft CEO KPIs for 2023/24 as contained in the agenda be adopted with the following changes:**

- **KPI 1**
  - **Change title to 'Implement strategies to improve communication and positively promote Council activities'.**
    - **1.1 Develop a list of known key projects where there is a high a level of community interest.**
    - **1.2 Develop a communications plan template.**
    - **1.5 Utilise Council email database to better communicate with the community.**
- **KPI 2**
  - **1.1 Present a quarterly report to Council.**
- **KPI 3**
  - **Change title to 'Adequate Housing – land supply – identify possible solutions'; and**

Seek the indulgence of the CEO to run a workshop on his responsibilities in relation to workforce and succession planning.

CARRIED

Section 91(7) Order

MOVED Cr Jackson SECONDED Cr Peters

CE25/23 **That having considered Agenda Item 7.2 Consideration of CEO's Draft KPIs for 2023/24 in confidence under Section 90(2) and (3)(a) of the Local Government Act 1999, the Committee, pursuant to**

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7.0 ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY:

7.2 Consideration of CEO's Draft KPIs for 2023/24 (Cont'd)
Section 91(7) Order (Cont'd)

Section 91(7) of that Act orders that discussion and all documents and minutes be retained in confidence for a period of 6 months or until the process has been finalised.

CARRIED

8.0 OTHER BUSINESS:

9.0 NEXT MEETING: 17 July 2023 at 5.30pm (TBC)

10.0 CLOSURE: 6.37pm

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CHAIR

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PORT PIRIE REGIONAL COUNCIL

CHIEF EXECUTIVE OFFICER PERFORMANCE APPRAISAL

JULY 2023

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PURPOSE OF REVIEW

Hender Consulting has been retained by the Port Pirie Regional Council to facilitate a review of the performance of the incumbent Chief Executive Officer, Mr Peter Ackland for the 2022/2023 cycle. We understand that general employment agreements allow for performance reviews to be undertaken periodically. The review is designed to assess performance against his position description, agreed KPIs and a range of professional behaviours.

107 survey questions were designed using the existing CEO job description to cover responsibilities (67 questions), executive behaviours (34 questions) and KPIs (6 questions) plus a STOP, START and CONTINUE section. The de-identified survey results are incorporated in this report.

A survey was designed to capture feedback from Elected Members and key Staff Members. The incumbent was asked to complete the same set of questions asked of the other participants.

All respondents invited to provide feedback were assured of confidentiality and anonymity.

Hender Consulting analysed all survey responses including reviewing all comments and feedback to de-identify sources and consider common and consistent themes. This performance appraisal report incorporates the key results and feedback from the survey process.

Formal performance appraisals are an important component of a performance management plan in contemporary entities and also form an important part of the analysis in regard to:

- overall strategic and risk management of the organisation;
- good governance practice;
- professional development;
- tenure;
- retention;
- ensuring accountability;
- determining appropriate remuneration.

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METHODOLOGY

In order to establish the standard of performance being achieved by the incumbent, we have undertaken (or will undertake) the following steps:

- liaised with the CEO Performance Review Committee (via Kate Carmody, on behalf of the Committee) to determine the scope of the appraisal in accordance with the responsibilities, objectives and professional behaviours deemed critical for performance in this significant leadership role;
- created the 107 question survey;
- distributed the confidential survey to all Elected Members and select Staff Members;
- compiled, de-identified and analysed the results;
- summarised the results in this report;
- meet with the CEO Performance Review Committee to discuss the findings;
- meet with the incumbent to provide feedback.

Response Rates

Response levels were excellent with 16 out of 16 invitees (100%) responding. This provides a valid response rate from the sample size. The breakdown of response rates were:

Elected Members	10/10
Staff Members	6/6

Unable to Assess Allocations

There was a relatively low number of "unable to assess" or U selections being 8.24% of overall responses.

Elected Members recorded 11.12% of ratings as "unable to assess", while Staff Members assigned 3.43% of ratings as "unable to assess".

A certain level of U responses is not unexpected as some Elected Members may have limited exposure to operational matters such as the CEO's direct interaction with staff and implementation and execution of strategy at the operational level. Similarly, some staff may have limited visibility to strategic matters and interface with Elected Members and other external stakeholders.

The "U" ratings have been removed for the purposes of calculating performance averages.

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SUMMARY AND FINDINGS

Findings

Note – for ease of analysis, the ratings code from the survey appears below.

U	1	2	3	4	5	6
Unable to assess	Serious concerns	Minor concerns	Satisfactory	Good	Very Good	Excellent

The survey results were positive, and Peter appears to be performing very capably against the majority of the 107 criteria in the survey. Peter's master average rating across all participants was a highly respectable **4.92 out of 6**, with a breakdown of the following master averages from each group:

Elected Members 4.97 out of 6
Staff Members 4.86 out of 6

The Elected Member and select Staff Member averages deliver a common assessment that Peter appears to be classified in the "very good" zone.

Overall Feedback

The responses as a percentage of the total appear below:

Rating	Overall %	Elected Members %	Staff Members %
Excellent	31.54	34.86	26.01
Very Good	34.23	32.24	37.54
Good	18.34	12.34	28.35
Satisfactory	4.56	5.05	3.74
Minor Concerns	2.63	3.64	0.93
Serious Concerns	0.47	0.75	0.00
Unable to Assess	8.24	11.12	3.43
Total	*100.00*	*100.00*	*100.00*

Where Elected Members and select staff felt able to assess Peter, the most common selection was 'excellent' (EMs) and 'very good' (staff), further evidencing a general perception of strong performance.

It is also clear from the percentages above that just over 65% of the overall responses were of *Very Good* or better ratings and almost 85% of the total responses as *Good* or above.

Also of very positive note is that *Minor Concerns and Serious Concerns* constitute a very low percentage of the overall assessments. The questions represented in the *Minor* and *Serious Concerns* categories can be identified in the raw data included as an appendix, which is helpful to the incumbent when addressing any particular concerns. Combined with the low percentage of total responses in the U category, these overall results do not give cause for any unease regarding Peter's performance.

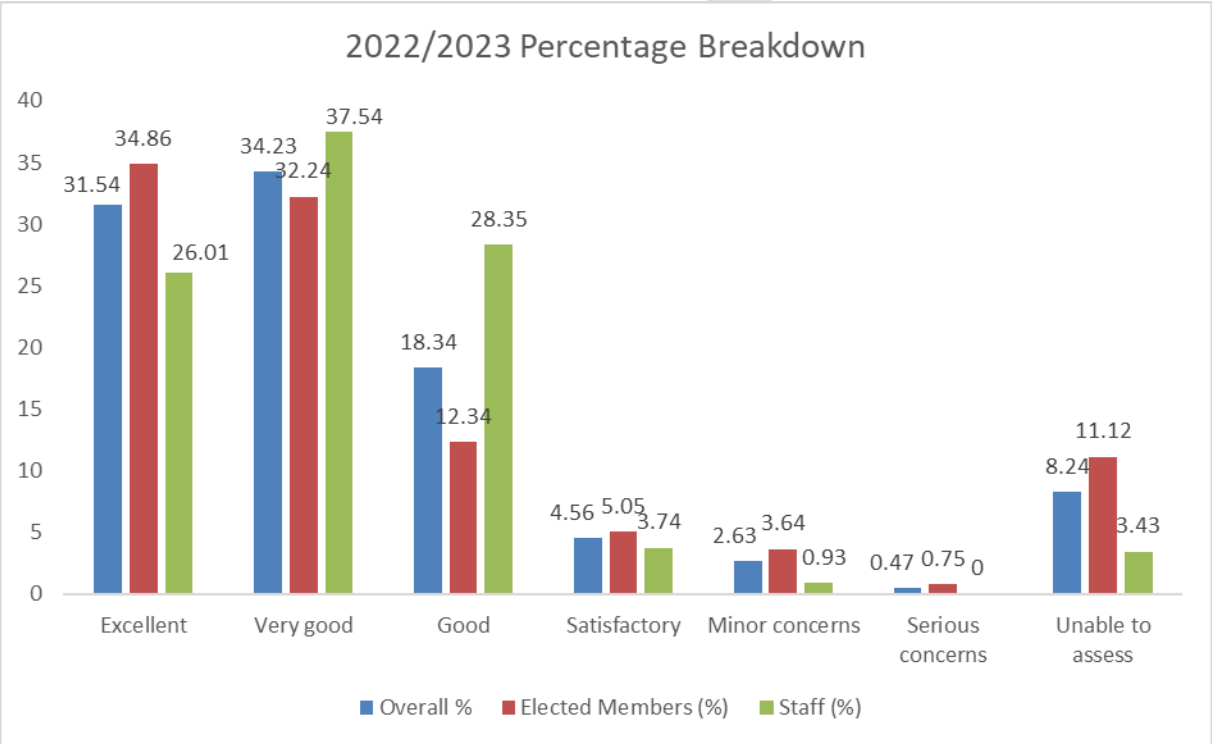
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Elected Member response

67.10% of overall Elected Member responses fell within the *Excellent* or *Very Good* range, with 79.44% of all responses within the *Good* to *Excellent* range. This is a very high response against CEO assessments in comparable entities and indicates a very high level of satisfaction from the Elected Member cohort.

Staff Member response

63.55% of overall Staff Member responses fell within the *Excellent* or *Very Good* range, with 91.89% of all responses within the *Good* to *Excellent* range. Again, these responses indicate an overall view amongst Staff Members that Peter performs very well.



Incumbent Self Assessment

Peter's overall self-assessment rating was **3.95 out of 6**.

This rating is lower than the master average ratings of Elected Members (4.97) and Staff Members (4.86) and may point to some specific areas of consideration/concern on the part of the incumbent. Given this rating is also marginally lower than his self-assessment ratings for the past two years, there may be merit in discussion regarding the areas driving this result from Peter's point of view.

Or it may simply indicate a Chief Executive who demonstrates modesty with regard to his perception of his own performance, one who sets high standards for himself and drives himself hard in his commitment to his role.

A full view of self-assessment comparisons to respondent ratings is shown in the tables below.

PERFORMANCE CRITERIA RATINGS

Performance Criteria	Ave Rating
Criteria 1 – Corporate Management	4.87
Criteria 2 – Corporate Relationships	5.21
Criteria 3 – Service Delivery	4.49
Criteria 4 – Community & Economic Development	4.65
Criteria 5 – External Relations	4.94
Criteria 6 – Financial & Asset Management	4.86
Criteria 7 – Human Resources	4.57
Criteria 8 – Workplace Health & Safety	4.78
Master Average for Performance Criteria	**4.81**

Performance Criteria	Incumbent Rating	Elected Member Ave Rating	Staff Ave Rating
Criteria 1 – Corporate Management	3.58	4.86	4.88
Criteria 2 – Corporate Relationships	4.13	5.21	5.19
Criteria 3 – Service Delivery	3.40	4.44	4.58
Criteria 4 – Community & Economic Development	4.17	4.45	5.00
Criteria 5 – External Relations	4.25	4.85	5.07
Criteria 6 – Financial & Asset Management	4.20	4.94	4.73
Criteria 7 – Human Resources	3.75	4.77	4.38
Criteria 8 – Workplace Health & Safety	4.33	4.74	4.81

The tables below show the CEO's self-assessment against each of this year's criteria with comparisons to the master average rating (Elected Members and select Staff Members) for this section of the survey.

Corporate Management	Incumbent Rating	Master Ave Rating
Exercising, performing or discharging other powers, functions or duties conferred on the Chief Executive Officer by or under the LG Act and other relevant Acts, and to perform other functions lawfully directed by the Council.	4.00	5.31
Ensure that systems are in place to achieve compliance with all of Council's legislative requirements and that Council and management are kept informed of any changes to requirements.	4.00	5.31
Ensuring that records required under the LG Act or other relevant Acts are properly kept and maintained.	4.00	5.15
Provide a strategic planning frame work is in place that includes effective consultative and evaluation processes and which remains clear and relevant.	4.00	5.19
Ensure operational plans and budgets flow from the strategic plan on time and in a form which is clear and useful in both Council and management processes.	4.00	4.75
Implement best practice management information systems which enable performance to be assessed against identified indicators.	3.00	4.73
Ensure that Corporate Performance Indicators are in place and are used to evaluate Council performance.	3.00	4.63
Maintain systems to ensure transparency and public accountability to achieve Council's ongoing compliance with all legislative requirements.	4.00	5.13
Ensure Council policy development, evaluation, action, review, and promulgation are effectively managed.	4.00	4.69
Maintain strong leadership of the senior management team and its effectiveness within the administration of Council.	4.00	5.13
Ensure that all departmental services, strategic tasks, projects and capital works are completed within Budget and on time.	2.00	3.75
Prepare and maintain business plans for Council, and ensure all actions identified are completed and reported against.	3.00	4.63

Corporate Relationships	Incumbent Rating	Master Ave Rating
Provide regular and informative briefing of Council on key policy issues and items or projects that add value to Council's preferred futures.	4.00	5.25
Ensure Elected Members are kept up to date with changing legislation, policies, and governance practices that are relevant to their role.	4.00	5.38
Respond to Elected Member questions and requests in a professional and timely manner.	4.00	5.53
Ensuring that the policies and lawful decisions of the Council are implemented in a timely and efficient manner.	4.00	5.06
Build and maintain an effective working relationship with Elected Members.	4.00	5.43
Professional timely, informative, accurate and relevant reports provided to Council.	5.00	5.06
Coordinating proposals for consideration by the Council for developing objectives, policies and programs for all areas of Council's responsibility.	4.00	5.00
Providing information to the Council to assist the Council to assess its performance against its strategic management plans.	4.00	4.94
Service Delivery	**Incumbent Rating**	**Master Ave Rating**
Provide Council services that meet the needs of the community, meet Council's service standards and policies and in accordance with the adopted business plan, within the resources provided by Council.	4.00	4.38
Ensure all service quality levels and customer contact standards are specified, documented, publicised and fully understood by Council staff.	4.00	4.57
Undertake surveys and obtain feedback on levels of satisfaction within the community in terms of services and facilities provided by Council.	3.00	4.57
Undertake program reviews and benchmarking and ensure continuous improvement in service standards, customer service and productivity.	4.00	4.50
Develop and monitor a Quality Assurance Program, ensuring objectives and strategies are allocated to responsible officers, time-framed and achieved.	2.00	4.45
Community & Economic Development	**Incumbent Rating**	**Master Ave Rating**
Develop strategies that ensure that Port Pirie is a clean, vibrant, thriving region that encourages sustainable new business investment, supports existing business growth and has a growing population base.	4.00	4.69
Implement and further develop plans, programs, policies and strategies which meet the existing and emerging environmental, social and cultural needs of the community, provide for wide community consultation and promote Council's role as facilitator of economic and community development, including: • enhancing and promoting people's desire to live, work and invest in the region; • contributing to and supporting the development of key events, the arts and cultural development; • ensure Council's regulatory framework supports sustainable economic growth; • grow the regional economy by attracting new business and employment opportunities through a diverse business base; • encourage community involvement and participation in community groups, activities and programs.	4.00	4.56
Develop and support tourism and promotional initiatives and programs that will enhance the Port Pirie Region's reputation as a must for tourists and visitors, including: • the tourism information centre; • accessing grants and other sources of funding; • attracting visitors to the region; • marketing and promoting the area; • identifying , developing and promoting tourism incentives.	4.00	4.25
Liaise and network with appropriate external bodies to identify funding opportunities to develop and/or continue various programs and projects. Oversee and assist with the preparation of grant proposals and submissions. Monitor program outcomes against projected achievements.	5.00	4.73
Identify private sector interests, government programs and funding sources with capability to facilitate development in the region. Prepare submissions, receive allocate and monitor grant expenditure.	4.00	4.57
Promote a positive image of the Council and Region.	4.00	5.13

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External Relations	Incumbent Rating	Master Ave Rating
Develop effective relationships between Council and other key stakeholders. Liaise and/or negotiate with external bodies and sources on key issues as required.	5.00	5.06
Represent Council on various committees, network with other professionals and representatives from the three spheres of government and with other organisations. Report to Council on outcomes.	5.00	5.20
Ensure Council's media liaison activities are timely and responsive and portray a consistent, professional corporate image.	3.00	4.13
Oversee the preparation of Council publications, Annual Report, published advertisements and articles, and other promotional documents (eg brochures, flyers etc) to ensure they present a professional image and are consistent with Council's communications strategy.	4.00	4.93
Effective relationships are achieved with Federal, State Government and the ALGA on key policy and other issues associated with Local Government, Port Pirie Regional Council and development of the region in general.	4.00	5.07
Identify and communicate major potential risks and threats for Council in dealing with all stakeholders.	5.00	5.00
Provide competent representation at all civic and ceremonial occasions and where appropriate, ensure all protocols are properly addressed or executed.	4.00	5.47
Ensure that a strategy to facilitate productive communication with the media, community, governments and other stakeholders is in place.	4.00	4.63
Financial & Asset Management	**Incumbent Rating**	**Master Ave Rating**
Take responsibility for the cost effective management of Council's financial planning process. Monitor, review and report on Council assets, resources, investments, grant allocations and all committed expenditures (actual expenditure) against approved budgets.	4.00	5.06
Financial policies and systems are in place that promote economic, social and environmental sustainability.	5.00	4.88
Council's financial strategies are understood and pursued throughout the organisation.	4.00	4.71
Financial statements are fully compliant with relevant accounting and statutory requirements.	5.00	5.21
Useful, clear and accurate financial reports are provided to Council.	5.00	5.19
Services, capital works programs and projects are delivered on time and within budget; and, within a "contestability" framework.	2.00	3.75
Council's physical assets are accurately recorded and managed in accordance with legislative requirements and Council policies.	5.00	5.00
Risk Management policies, procedures and programs are clearly defined and achieved.	4.00	5.00
Ensure that the assets and resources of the Council are properly managed and maintained.	4.00	5.00
Provide public infrastructure and amenities that enhance the image of the Port Pirie Region, that are safe, functional, welcoming and appealing to the local community, investors and visitors while achieving the principles of triple bottom line sustainability.	4.00	4.75
Human Resources	**Incumbent Rating**	**Master Ave Rating**
Maintain effective Human Resource Management systems, policies and procedures that comply with statutory requirements and reflect industry best practice.	3.00	4.67
Communicate HR systems, policies and procedures effectively to all staff.	4.00	4.83
Actively promote a positive organisational culture and encourage innovation within the work place.	4.00	4.93
Ensure that a multi directional communication strategy is in place which effectively ensures all staff receive general information and have an opportunity to contribute ideas to the work of Council.	4.00	4.73
Ensure the effectiveness of current positions, staffing levels and productivity to meet Council's strategic objectives into the future.	4.00	4.07
Ensure that individual performance of all staff is reviewed annually.	4.00	4.40
Ensure that a corporate training program is in place which reflects organisational priorities and personal and career development needs of staff.	3.00	4.30
Staff recruitment and retention strategies and policies are in place and relevant to the current and future needs of Council.	3.00	3.92

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Manage difficult behaviours appropriately and contribute to maintaining a sound level of industrial harmony.	4.00	4.20
Observe and promote Council's Code of Conduct.	4.00	5.14
Maintain effective working relationships across the organisation and encourage team work, innovation and improvements across all functions.	4.00	5.33
Ensure the effective implementation of Enterprise Agreement strategies and commitments impacting on Council staff.	4.00	4.27
Work Health & Safety	**Incumbent Rating**	**Master Ave Rating**
Prepare, implement, monitor and review a suitable WH&S & Injury Management plan, policies and procedures to ensure a safe work environment for all staff, in accordance with the WH&S Act and Regulations and performance standards for self insurers.	5.00	4.82
Ensure all managers are accountable for their roles, responsibilities and performance in line with Council's WH&S & IM policies and procedures, the WH&S Act and Regulations and performance standards for self insurers through regular performance review.	4.00	4.42
Ensure effective consultation, communication and participation within Council.	4.00	5.07
Meet the set objectives, targets and performance indicators as outlined in Council's WH&S Plan which strive for continuous improvement.	5.00	5.00
Ensure all investigations for workplace incidents, accidents or injuries are completed with legislative requirements.	4.00	4.67
Ensure sufficient resources are allocated (human & financial) for the implementation of Council's WH&S & IM Plans.	4.00	4.70

Key areas of strength highlighted across the Performance Criteria (where the average was 5.31 or higher) were:

- Ensure Elected Members are kept up to date with changing legislation, policies, and governance practices that are relevant to their role (5.38)
- Respond to Elected Member questions and requests in a professional and timely manner (5.53)
- Build and maintain an effective working relationship with Elected Members (5.43)
- Provide competent representation at all civic and ceremonial occasions and where appropriate, ensure all protocols are properly addressed or executed (5.47)
- Maintain effective working relationships across the organisation and encourage team work, innovation and improvements across all functions (5.33)
- Exercising, performing or discharging other powers, functions or duties conferred on the Chief Executive Officer by or under the LG Act and other relevant Acts, and to perform other functions lawfully directed by the Council (5.31)
- Ensure that systems are in place to achieve compliance with all of Council's legislative requirements and that Council and management are kept informed of any changes to requirements (5.31)

Relatively weaker areas (where the average was 4.30 or lower) were:

- Develop and support tourism and promotional initiatives and programs that will enhance the Port Pirie Region’s reputation as a must for tourists and visitors, including: the tourism information centre; accessing grants and other sources of funding; attracting visitors to the region; marketing and promoting the area; identifying, developing and promoting tourism incentives. (4.25)
- Ensure Council's media liaison activities are timely and responsive and portray a consistent, professional corporate image (4.13)
- Services, capital works programs and projects are delivered on time and within budget; and, within a "contestability" framework (3.75)
- Ensure the effectiveness of current positions, staffing levels and productivity to meet Council's strategic objectives into the future (4.07)

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- Ensure that a corporate training program is in place which reflects organisational priorities and personal and career development needs of staff (4.30)
- Staff recruitment and retention strategies and policies are in place and relevant to the current and future needs of Council (3.92)
- Manage difficult behaviours appropriately and contribute to maintaining a sound level of industrial harmony (4.20)
- Ensure the effective implementation of Enterprise Agreement strategies and commitments impacting on Council staff (4.27)

It must be noted that whilst these averages were relatively lower than for other areas, they are still close to or in the *Good* bracket.

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EXECUTIVE BEHAVIOURS

Executive Behaviours were rated highly by both Elected Members and Staff Members. The schedule provided below compares the incumbent's self-rating with the average rating of the Elected Members and Staff Members.

Executive Behaviours	Incumbent Rating	Ave Rating
Demonstrates leadership and vision.	4.00	5.31
Adopts a collaborative management style.	4.00	5.31
Treats all colleagues professionally and with dignity and respect (eg. common courtesies such as please and thankyou).	5.00	5.50
Seeks and is receptive to other points of view.	4.00	5.25
Demonstrates integrity and high ethical standards.	5.00	5.44
Remains calm and resilient at all times despite pressures.	4.00	5.38
Is approachable and available. That is, to my knowledge, spends sufficient time with relevant team members.	4.00	5.44
Maintains confidentiality at all times.	5.00	5.60
Delivers verbal messages clearly and succinctly.	4.00	5.50
Delivers written messages clearly and succinctly.	4.00	5.50
To my knowledge, sets clear and reasonable tasks and deadlines and supports staff in the achievement thereof.	4.00	5.43
To my knowledge, delegates appropriate tasks to subordinates and empowers them to succeed.	4.00	5.29
Acknowledges and recognises others' skills, abilities and achievements.	4.00	5.36
Is receptive to and encouraging of positive and proactive change.	4.00	5.33
Makes the tough decisions where necessary rather than choosing the popular option.	4.00	4.87
Exercises sound judgement and makes decisions that are based on reasoned and well researched information.	4.00	5.44
Sets a strong example in terms of time management, organisation and associated professional standards.	3.00	5.47
Welcomes and accepts feedback constructively.	4.00	5.27
Demonstrates thorough understanding of relevant area of professional expertise.	4.00	5.50
Focuses on outcomes rather than overly dwelling on processes and procedures.	3.00	4.63
Maintains a healthy work/leisure balance.	3.00	3.47
Motivates and encourages others.	4.00	5.13
Thinks and acts strategically.	4.00	5.31
Is prepared to admit fault and rectify issues with own performance.	4.00	5.19
Demonstrates versatility and flexibility in finding innovative solutions to problems.	4.00	5.27
Is able to deliver difficult messages and/or bad news effectively i.e. is a truth teller.	5.00	5.19
Demonstrates genuine courage in the workplace ie. breaks new ground via calculated and considered risk taking.	4.00	4.62
Is able to establish immediate credibility and rapport with internal and external stakeholders to facilitate outcomes. That is, possesses genuine presence, confidence and assurity.	4.00	5.38
Has the capacity to effectively negotiate beneficial outcomes for the organisation without compromising stakeholder relationships.	4.00	5.33
Possesses a keen eye for process improvement and the capacity to implement changes to this end.	4.00	5.13
Utilises warmth, compassion and good humour to achieve positive organisational outcomes.	4.00	5.50
Demonstrates well developed commercial acumen in line with non financial corporate objectives.	4.00	5.40
Demonstrates well developed political acumen whilst maintaining probity and transparency.	5.00	5.40
Promotes Council in the media in a positive and proactive manner.	4.00	4.87
Incumbent/Master Average for Executive Behaviours	**4.06**	**5.23**

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Peter rated very highly generally across the range of professional behaviours, mostly in the *Very Good* or above categories. Standout areas of behaviour (where the average was 5.50 or higher) were:

- Treats all colleagues professionally and with dignity and respect (eg. common courtesies such as please and thankyou) (5.50)
- Maintains confidentiality at all times (5.60)
- Delivers verbal messages clearly and succinctly (5.50)
- Delivers written messages clearly and succinctly (5.50)
- Demonstrates thorough understanding of relevant area of professional expertise (5.50)
- Utilises warmth, compassion and good humour to achieve positive organisational outcomes (5.50)

Lower rated areas (where the average was 5.00 or lower), noting that this is still in the *Good* or above categories, were:

- Makes the tough decisions where necessary rather than choosing the popular option (4.87)
- Focuses on outcomes rather than overly dwelling on processes and procedures (4.63)
- Maintains a healthy work/leisure balance (3.47)
- Demonstrates genuine courage in the workplace ie. breaks new ground via calculated and considered risk taking (4.62)
- Promotes Council in the media in a positive and proactive manner (4.87)

Work/leisure balance for Peter continues to be a concern to those around him. This an important factor of contemporary leadership and will be referenced in our recommendations below.

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KEY PERFORMANCE INDICATORS

Key Performance Indicators	Incumbent Rating	Ave Rating
KPI 1 **South West Drainage Scheme** Pursue agreement with willing developers for the delivery of the South West Drainage Scheme, including but not limited to the possibility of an application to the Federal Government's National Housing Finance Investment Corporation. **Measure** • Meetings held with land owners to progress options. • Proposal for support pitched to either of the State or Federal Governments if agreement can be reached with land owners.	4.00	4.27
KPI 2 **Riverfront Development – Stage 2** In conjunction with current tenants, develop a masterplan for the potential development of the Council owned land generally encompassing the Lions Park, the Royal Port Pirie Yacht Club and the Port Pirie Rowing Club. **Measure** • Meetings held with Royal Port Pirie Yacht Club and Port Pirie Rowing Club to seek in principal support and requirements. • Based on level of agreement, concept plan and options delivery developed for consideration of Council.	2.00	4.47
KPI 3 **Stage 1 Greening Strategy** Ensure capacity for the delivery of Councils responsibilities under Year 1 of the four year $6.1m "Port Pirie Greening Program" in collaboration with TLAP, Dept Environment and Water and SA Water. **Measure** • • Delivery plan for year 1 developed and agreed with funding partners. • Plan substantially complete.	4.00	4.60
KPI 4 **Council Land Beach Road Port Pirie** Conduct an Expression of Interest for the development of Council owned land on Beach Road. **Measure** • Expression of Interest developed and taken to market. • Process for the selection of preferred proponent developed and undertaken.	2.00	4.36

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Key Performance Indicators	Incumbent Rating	Ave Rating
KPI 5 **Crystal Brook Child Care** Develop a concept design and costing, prepare a cost benefit analysis and other necessary supporting documentation in readiness for potential funding opportunities. **Measure** • Concept Plan and costings prepared. • Cost Benefit Analysis completed.	3.00	4.15
KPI 6 **Definition of Service Levels to Support Customer Service Response** Commence the process to identify and prioritise the setting of service levels to support the adequate response timeframes for customer requests. **Measure** • At least 20% of the service types existing in the customer request module as at 1 July 2022 will have service intervention levels determined by Council by 30 June 2023.	5.00	4.75

Average ratings for the Key Performance Indicators segment by survey participants sit comfortably in the *Good* bracket. There is a noticeable discrepancy in the case of a few of these KPIs between the view held by the incumbent and that of other survey participants. This point is referenced in the recommendations.

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PARTICIPANT COMMENTS

Participants were also encouraged to elaborate and/or make additional comments.

It is important to note that typically participants provide additional comments when they have something less positive to say (and treat the positives as a given).

It is also important to note, that specific comments reflect a participant's view and should not be assumed to be reflective of a majority assessment.

Elected Members and select Staff Members are also encouraged to constructively raise any specific concerns directly and privately with Peter to give him an opportunity to address them accordingly.

PERFORMANCE CRITERIA

Criteria 1 – Corporate Management

Elected Member comments:

- Unfortunately, this past 12 months has been a disaster in relation to delivering plan objectives in a timely manner - it's extremely frustrating to see this reflect on the CEO at the end of the day.
- Capital works are the glaring issue among an otherwise perfect score.

Incumbent comments:

- Evolving process to set more corporate level indicators - recent example being the customer request system.

Criteria 2 – Corporate Relationships

Elected Member comments:

- Sometimes I feel too much focus is on planning, legislation and key performance indicators. Whereas, it should be on getting the right people for the right job, and getting the jobs done.

Criteria 3 – Service Delivery

Elected Member comments:

- 3.3 - Unsure? There is a lot of community consultation around projects, but I am unsure if there is feedback given by community around services and facilities already provided and the satisfaction of this by our community. A question I will endeavor to find out. 3.4 & 3.5 - I will seek answers as to these questions for future reviews of the CEO.
- Peter is the right person to lead Council - however I have concerns that there are leadership issues in some departments that need addressing. Perhaps some higher expectations on managers should be looked at?

Staff Member comments:

- A community survey has not been undertaken during the review period. I don't think any benchmarking or review of programs has been carried out in the review period. I don't think Council has a Quality Assurance Program.

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Incumbent comments:

- Communication survey is an agreed KPI for the coming year. Marked low in Quality Assurance Program as there is no formal program, rather a service-by-service process to determine and achieve a consistent output.

Criteria 4 – Community & Economic Development

Elected Member comments:

- It's hard to focus on this area when so much is driven from outside factors. I don't think the TLAP new promotional activities is connecting with community or anyone outside of the region. We need to be actively promoting our region ourselves.
- Will endeavor to have these questions answered in more detail to help assist me with future reviews of the CEO. However, am happy with my current response.

Criteria 5 – External Relations

Elected Member comments:

- We have missed the mark on several occasions with spreading a good message, particularly FOGO. Need to look at the skillset of employees and employ appropriately to ensure we have a well-trained, oiled communications team - on the lookout to promote the good stories of Council.
- Communication with the community and the timing of this could be improved.
- While communications strategy is fine. We often miss the mark with delivery. Likely a personnel/skills issue.

Criteria 6 – Financial & Asset Management

Elected Member comments:

- In addition to further the success in asset management it is undeniable that our Council area would benefit from more funds, as we are an extremely large council area.
- Concerns with the number of capital projects that were not completed in the 2022-23 financial year.
- Unfortunately the Infrastructure program, or lack of, has let the CEO down in this area. The number of projects being pushed into the next financial year is almost unacceptable.
- Again, capital works delivery is the missing link (and visible failure in delivering promises to community) in a sensational performance.

Incumbent comments:

- Current challenges with unsealed road maintenance/renewal however future strategy for this has been presented to Council and is in place. Increased project delivery capacity via additional project managers supported by Council which will significantly add to the timely delivery of major projects.

Criteria 7 – Human Resources

Elected Member comments:

- The Enterprise Agreement and staff receiving a pay increase of 8% has hit the Council bottom line hard. This should never have occurred and has meant we have had to increase rates significantly, just purely to cover this increase in wages. This needs addressing to ensure another Council in the future is not caught blindsided again.
- Elected Members do not receive any reports in relation to staff turnover; vacancy management or completion of performance reviews. Could consider the development of KPIs in relation to this.

- Currently understaffed and this is a concern but satisfactory due to no one available to fill the positions.

Staff Member comments:

- A strategy to communicate with staff is under development. There is still the outstanding matter of the staff development day. Staff performance reviews are overdue. Dealing with difficult or challenging behaviours is not consistent.
- The labor market is tight.

Incumbent comments:

- Attraction and retention of staff has been an on ongoing challenge since COVID.

Criteria 8 – Workplace Health & Safety

Elected Member comments:

- Elected Members do not receive any information in relation to this area.

EXECUTIVE BEHAVIOURS

Elected Member comments:

- Having known and worked with Peter for the last 6 months, I believe we are lucky to have him. He has always been open and honest in trying to achieve the best outcomes for Council and the region.
- Overall I'm proud to say Peter is our CEO. He is an approachable, friendly & effective CEO. We would be lost without Peter. Whilst there are some ever-slight concerns about Peter being too conservative with process and procedures and often spends too much time on the little things, we know we are in good hands and appreciate everything he does. Sometimes, I feel this over-thinking & over-worrying is holding up projects.

Respondents were also asked to provide brief comments relating to the immediate actions Peter could stop, start or continue, in order to more positively impact his performance:

STOP

Elected Member comments:

- Stop worrying about the small stuff - get things in order in a timely manner and get the project done. There are so many projects which have been talked about for years and each and every step is being brought into the chamber for verification. Just get them done. You can't always please everyone.
- Being so risk adverse. I like that we are protected by the CEO but at times feel it is a little unnecessary.
- None that I am aware of.
- Nothing to report here at this stage.

Staff Member comments:

- Still gets too involved in the detail of some matters rather than delegating to the relevant officer to action. Delegate the minor issues and trust that staff will action the matter.
- Not a stop but rather be mindful - Work life balance
- Sometimes can over-react to minor matters

Incumbent comments:

- Sweating the small stuff

START

Elected Member comments:

- Start trusting yourself more. Make some decisions to get projects moving quicker! Too much is being slowed down because of simple crossing the t's and dotting the i's
- Listening to the concerns around communication and the community and Council and taking action to improve this.
- Start thinking around putting better leaders/cultural improvers into works dept.

Staff Member comments:

- Not a stop but rather be mindful - not all ideas are good ideas.
- Paying more attention to the detail and information provided by staff, especially when it is something he has asked for.
- Look after your work/life balance.
- One particular Director needs to be held more accountable for delays in tasks, activities, programs and projects. Be tougher and don't easily accept the "excuses" put forward.
- You buy me a coffee once and a while and see how I am going aside from the work.
- Nothing comes to mind.

Incumbent comments:

- *None come to mind.*

CONTINUE

Elected Member comments:

- Our CEO works well with everyone, he's very approachable and gives honest advice when required. His demeanour is pleasant and helpful.
- Keep working as he is, great outcomes for Council with Peter as CEO.
- Being a great person to work with. Peter is a very loyal, honest and kind person who always works hard for the best outcome for the community. He's very approachable and willing to go above and beyond to satisfy EMs with any questions they may have.
- The fantastic leadership of our Council. Peter is a great advocate for all staff, Elected Members and our community.
- Ensuring Elected Members are well informed.
- Detailed verbal explanations of recommendations.
- Continue developing the region. I think Peter is very effective.
- Everything he is currently doing. Council and the region are in a good position moving forward. He effectively communicates with Elected Members and staff on all issues and stands up when hard decisions need to be made.

Staff Member comments:

- Keep being open and honest. Keep maintaining a positive and enthusiastic attitude.
- Overall the CEO is doing a great job. Keep it all up.
- Mobile Management - Be seen by staff.
- Empowering workers with the opportunity to provide their input, ideas and suggestions for improved practices and systems. Providing opportunities for employees to have conversations on relevant topics and being approachable and reasonable.
- Speak to staff everyday.
- All behaviours.

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Incumbent comments:

- Continue to work at the more strategic level to take best advantage of opportunities that can come from the Port Pirie Taskforce projects and TLAP transition.

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RECOMMENDATIONS

On analysis and review of these rankings and feedback, Hender Consulting notes that in relation to comparably accountable Chief Executive positions, Peter's performance level against the responsibilities in his position description is within a more than acceptable benchmark. Respondents to the majority of questions asked have recorded ratings at the *Good, Very Good* and *Excellent* levels.

It can be noted through the commentary provided that participants are engaged in this review of Peter's tenure and the assessment of his performance. There is a sound level of commentary provided by both sets of participants and contrary to the typical [most often negative] commentary the thoughts expressed are constructive and honest. This would indicate a sound level of comfort on the part of respondents to speak openly where they feel points of concern while also recognising the capabilities and working styles of the CEO.

Peter's own assessment of his performance and behaviours for the period under review is to the point and in the majority of criteria a little more critical than that of his employers and colleagues, reflecting honesty, self-awareness and continued commitment to improved performance.

Hender Consulting recommends that:

- Peter is congratulated on a further year of strong performance measured across all aspects of his responsibilities, behaviours and KPIs, particularly as this review related to a timeframe that required significant focus on the post COVID pressures and priorities;
- Peter is encouraged to give thought to the low number of concerns raised in areas where ratings were relatively lower or marginally negative commentary was provided which may require further exploration, ongoing attention or greater communication;
- Peter gives attention to the few ongoing concerns in the human resources area (training, recruitment and retention) acknowledging that attraction and retention of staff is well understood in the post COVID phase;
- Peter monitors the asset management and project delivery area to ensure greater outcomes and satisfaction in this aspect of Council's programs;
- Peter addresses the work/life balance issue which continues to be seen as needing attention by his colleagues and employers. We have previously raised the importance of role-modelling appropriate behaviours in this context as a leader and would add that ongoing commitment to and enthusiasm for the position he holds as CEO will be enhanced by greater work/life balance. It is clear from commentary that participants want Peter to remain in this role and as such he does need to ensure his ongoing wellbeing and capacity to fulfil what is widely recognised as a demanding position;
- Peter initiates discussion around the KPIs where he has rated himself at a low level in the interests of transparency, understanding and improvement;
- Together with Elected Members, Peter re-sets a range of strategic objectives for the next year;
- Peter meets/speaks with us at a convenient time to review the feedback and identify any areas in which further development is warranted.

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Do not hesitate to contact us if you wish to discuss these points further.

Assuring you of our objective, independent and considered advice.

With kind regards and thanks for the opportunity to facilitate this important process.

Yours sincerely



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Appendix 1 : *Raw Data*

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APPENDIX 1: RAW DATA

Elected Members and Staff		Avg Score	U	1	2	3	4	5	6	Total
1.1:	Exercising, performing or discharging other powers, functions or duties conferred on the Chief Executive Officer by or under the LG Act and other relevant Acts, and to perform other functions lawfully directed by the Council.	5.31	0	0	0	0	3	5	8	16
1.2:	Ensure that systems are in place to achieve compliance with all of Council's legislative requirements and that Council and management are kept informed of any changes to requirements.	5.31	0	0	0	0	2	7	7	16
1.3:	Ensuring that records required under the LG Act or other relevant Acts are properly kept and maintained.	5.15	3	0	0	0	3	5	5	16
1.4:	Provide a strategic planning frame work is in place that includes effective consultative and evaluation processes and which remains clear and relevant.	5.19	0	0	0	0	4	5	7	16
1.5:	Ensure operational plans and budgets flow from the strategic plan on time and in a form which is clear and useful in both Council and management processes.	4.75	0	0	1	0	6	4	5	16
1.6:	Implement best practice management information systems which enable performance to be assessed against identified indicators.	4.73	1	0	1	1	3	6	4	16
1.7:	Ensure that Corporate Performance Indicators are in place and are used to evaluate Council performance.	4.63	0	0	1	0	5	8	2	16
1.8:	Maintain systems to ensure transparency and public accountability to achieve Council's ongoing compliance with all legislative requirements.	5.13	0	0	0	0	2	10	4	16
1.9:	Ensure Council policy development, evaluation, action, review, and promulgation are effectively managed.	4.69	0	0	1	0	5	7	3	16
1.10:	Maintain strong leadership of the senior management team and its effectiveness within the administration of Council.	5.13	1	0	0	0	3	7	5	16
1.11:	Ensure that all departmental services, strategic tasks, projects and capital works are completed within Budget and on time.	3.75	0	2	2	1	5	5	1	16
1.12:	Prepare and maintain business plans for Council, and ensure all actions identified are completed and reported against.	4.63	0	1	0	0	5	7	3	16
2.1:	Provide regular and informative briefing of Council on key policy issues and items or projects that add value to Council's preferred futures.	5.25	0	0	0	0	3	6	7	16
2.2:	Ensure Elected Members are kept up to date with changing legislation, policies, and governance practices that are relevant to their role.	5.38	0	0	0	0	3	4	9	16
2.3:	Respond to Elected Member questions and requests in a professional and timely manner.	5.53	1	0	0	0	3	1	11	16
2.4:	Ensuring that the policies and lawful decisions of the Council are implemented in a timely and efficient manner.	5.06	0	0	0	1	3	6	6	16
2.5:	Build and maintain an effective working relationship with Elected Members.	5.43	2	0	0	0	2	4	8	16
2.6:	Professional timely, informative, accurate and relevant reports provided to Council.	5.06	0	0	0	2	1	7	6	16
2.7:	Coordinating proposals for consideration by the Council for developing objectives, policies and programs for all areas of Council's responsibility.	5.00	1	0	1	0	2	7	5	16
2.8:	Providing information to the Council to assist the Council to assess its performance against its strategic management plans.	4.94	0	0	1	0	3	7	5	16
3.1:	Provide Council services that meet the needs of the community, meet Council's service standards and policies and in accordance with the adopted business plan, within the resources provided by Council.	4.38	0	0	1	2	5	6	2	16
3.2:	Ensure all service quality levels and customer contact standards are specified, documented, publicised and fully understood by Council staff.	4.57	2	0	0	2	4	6	2	16
3.3:	Undertake surveys and obtain feedback on levels of satisfaction within the community in terms of services and facilities provided by Council.	4.57	2	0	1	0	6	4	3	16
3.4:	Undertake program reviews and benchmarking and ensure continuous improvement in service standards, customer service and productivity.	4.50	2	0	0	2	4	7	1	16
3.5:	Develop and monitor a Quality Assurance Program, ensuring objectives and strategies are allocated to responsible officers, time-framed and achieved.	4.45	5	0	0	2	3	5	1	16

4.1:	Develop strategies that ensure that Port Pirie is a clean, vibrant, thriving region that encourages sustainable new business investment, supports existing business growth and has a growing population base.	4.69	0	0	0	1	6	6	3	16
4.2:	Implement and further develop plans, programs, policies and strategies which meet the existing and emerging environmental, social and cultural needs of the community, provide for wide community consultation and promote Council's role as facilitator of economic and community development, including: enhancing and promoting people's desire to live, work and invest in the region; contributing to and supporting the development of key events, the arts and cultural development; ensure Council's regulatory framework supports sustainable economic growth; grow the regional economy by attracting new business and employment opportunities through a diverse business base; encourage community involvement and participation in community groups, activities and programs.	4.56	0	0	1	1	6	4	4	16
4.3:	Develop and support tourism and promotional initiatives and programs that will enhance the Port Pirie Region's reputation as a must for tourists and visitors, including: the tourism information centre; accessing grants and other sources of funding; attracting visitors to the region; marketing and promoting the area; identifying , developing and promoting tourism incentives.	4.25	0	0	2	0	8	4	2	16
4.4:	Liaise and network with appropriate external bodies to identify funding opportunities to develop and/or continue various programs and projects. Oversee and assist with the preparation of grant proposals and submissions. Monitor program outcomes against projected achievements.	4.73	1	0	1	0	5	5	4	16
4.5:	Identify private sector interests, government programs and funding sources with capability to facilitate development in the region. Prepare submissions, receive allocate and monitor grant expenditure.	4.57	2	0	0	2	5	4	3	16
4.6:	Promote a positive image of the Council and Region.	5.13	0	0	1	0	3	4	8	16
5.1:	Develop effective relationships between Council and other key stakeholders. Liaise and/or negotiate with external bodies and sources on key issues as required.	5.06	0	0	0	1	2	8	5	16
5.2:	Represent Council on various committees, network with other professionals and representatives from the three spheres of government and with other organisations. Report to Council on outcomes.	5.20	1	0	0	1	2	5	7	16
5.3:	Ensure Council's media liaison activities are timely and responsive and portray a consistent, professional corporate image.	4.13	1	1	3	0	2	7	2	16
5.4:	Oversee the preparation of Council publications, Annual Report, published advertisements and articles, and other promotional documents (eg brochures, flyers etc) to ensure they present a professional image and are consistent with Council's communications strategy.	4.93	1	0	0	1	2	9	3	16
5.5:	Effective relationships are achieved with Federal, State Government and the ALGA on key policy and other issues associated with Local Government, Port Pirie Regional Council and development of the region in general.	5.07	1	0	0	1	2	7	5	16
5.6:	Identify and communicate major potential risks and threats for Council in dealing with all stakeholders.	5.00	0	0	0	2	1	8	5	16
5.7:	Provide competent representation at all civic and ceremonial occasions and where appropriate, ensure all protocols are properly addressed or executed.	5.47	1	0	0	1	1	3	10	16
5.8:	Ensure that a strategy to facilitate productive communication with the media, community, governments and other stakeholders is in place.	4.63	0	0	2	1	2	7	4	16

6.1:	Take responsibility for the cost effective management of Council's financial planning process. Monitor, review and report on Council assets, resources, investments, grant allocations and all committed expenditures (actual expenditure) against approved budgets.	5.06	0	0	0	1	3	6	6	16
6.2:	Financial policies and systems are in place that promote economic, social and environmental sustainability.	4.88	0	0	0	1	5	5	5	16
6.3:	Council's financial strategies are understood and pursued throughout the organisation.	4.71	2	0	0	1	5	5	3	16
6.4:	Financial statements are fully compliant with relevant accounting and statutory requirements.	5.21	2	0	0	0	4	3	7	16
6.5:	Useful, clear and accurate financial reports are provided to Council.	5.19	0	0	0	0	4	5	7	16
6.6:	Services, capital works programs and projects are delivered on time and within budget; and, within a "contestability" framework.	3.75	0	2	2	1	6	3	2	16
6.7:	Council's physical assets are accurately recorded and managed in accordance with legislative requirements and Council policies.	5.00	0	0	0	0	4	8	4	16
6.8:	Risk Management policies, procedures and programs are clearly defined and achieved.	5.00	1	0	0	0	4	7	4	16
6.9:	Ensure that the assets and resources of the Council are properly managed and maintained.	5.00	0	0	0	1	3	7	5	16
6.10:	Provide public infrastructure and amenities that enhance the image of the Port Pirie Region, that are safe, functional, welcoming and appealing to the local community, investors and visitors while achieving the principles of triple bottom line sustainability.	4.75	0	0	1	1	4	5	5	16
7.1:	Maintain effective Human Resource Management systems, policies and procedures that comply with statutory requirements and reflect industry best practice.	4.67	4	0	0	1	4	5	2	16
7.2:	Communicate HR systems, policies and procedures effectively to all staff.	4.83	4	0	0	0	5	4	3	16
7.3:	Actively promote a positive organisational culture and encourage innovation within the work place.	4.93	1	0	0	1	4	5	5	16
7.4:	Ensure that a multi directional communication strategy is in place which effectively ensures all staff receive general information and have an opportunity to contribute ideas to the work of Council.	4.73	5	0	1	0	3	4	3	16
7.5:	Ensure the effectiveness of current positions, staffing levels and productivity to meet Council's strategic objectives into the future.	4.07	2	0	1	3	4	6	0	16
7.6:	Ensure that individual performance of all staff is reviewed annually.	4.40	6	0	1	1	3	3	2	16
7.7:	Ensure that a corporate training program is in place which reflects organisational priorities and personal and career development needs of staff.	4.30	6	0	1	0	5	3	1	16
7.8:	Staff recruitment and retention strategies and policies are in place and relevant to the current and future needs of Council.	3.92	4	0	1	3	5	2	1	16
7.9:	Manage difficult behaviours appropriately and contribute to maintaining a sound level of industrial harmony.	4.20	6	0	1	1	3	5	0	16
7.10:	Observe and promote Council's Code of Conduct.	5.14	2	0	0	0	4	4	6	16
7.11:	Maintain effective working relationships across the organisation and encourage team work, innovation and improvements across all functions.	5.33	4	0	0	1	1	3	7	16
7.12:	Ensure the effective implementation of Enterprise Agreement strategies and commitments impacting on Council staff.	4.27	5	1	0	1	4	3	2	16
8.1:	Prepare, implement, monitor and review a suitable WH&S & Injury Management plan, policies and procedures to ensure a safe work environment for all staff, in accordance with the WH&S Act and Regulations and performance standards for self insurers.	4.82	5	0	0	0	4	5	2	16
8.2:	Ensure all managers are accountable for their roles, responsibilities and performance in line with Council's WH&S & IM policies and procedures, the WH&S Act and Regulations and performance standards for self insurers through regular performance review.	4.42	4	0	0	2	4	5	1	16
8.3:	Ensure effective consultation, communication and participation within Council.	5.07	2	0	0	1	2	6	5	16
8.4:	Meet the set objectives, targets and performance indicators as outlined in Council's WH&S Plan which strive for continuous improvement.	5.00	4	0	0	0	4	4	4	16
8.5:	Ensure all investigations for workplace incidents, accidents or injuries are completed with legislative requirements.	4.67	7	0	0	0	5	2	2	16
8.6:	Ensure sufficient resources are allocated (human & financial) for the implementation of Council's WH&S & IM Plans.	4.70	6	0	0	0	4	5	1	16

EB1:	Demonstrates leadership and vision.	5.31	0	0	0	0	3	5	8	16
EB2:	Adopts a collaborative management style.	5.31	0	0	0	0	2	7	7	16
EB3:	Treats all colleagues professionally and with dignity and respect (eg. common courtesies such as please and thankyou).	5.50	0	0	0	0	2	4	10	16
EB4:	Seeks and is receptive to other points of view.	5.25	0	0	0	0	4	4	8	16
EB5:	Demonstrates integrity and high ethical standards.	5.44	0	0	0	0	1	7	8	16
EB6:	Remains calm and resilient at all times despite pressures.	5.38	0	0	0	0	3	4	9	16
EB7:	Is approachable and available. That is, to my knowledge, spends sufficient time with relevant team members.	5.44	0	0	0	0	2	5	9	16
EB8:	Maintains confidentiality at all times.	5.60	1	0	0	0	1	4	10	16
EB9:	Delivers verbal messages clearly and succinctly.	5.50	0	0	0	0	1	6	9	16
EB10:	Delivers written messages clearly and succinctly.	5.50	0	0	0	0	1	6	9	16
EB11:	To my knowledge, sets clear and reasonable tasks and deadlines and supports staff in the achievement thereof.	5.43	2	0	0	0	1	6	7	16
EB12:	To my knowledge, delegates appropriate tasks to subordinates and empowers them to succeed.	5.29	2	0	0	0	2	6	6	16
EB13:	Acknowledges and recognises others' skills, abilities and achievements.	5.36	2	0	0	0	1	7	6	16
EB14:	Is receptive to and encouraging of positive and proactive change.	5.33	1	0	0	0	1	8	6	16
EB15:	Makes the tough decisions where necessary rather than choosing the popular option.	4.87	1	0	0	2	4	3	6	16
EB16:	Exercises sound judgement and makes decisions that are based on reasoned and well researched information.	5.44	0	0	0	0	1	7	8	16
EB17:	Sets a strong example in terms of time management, organisation and associated professional standards.	5.47	1	0	0	0	1	6	8	16
EB18:	Welcomes and accepts feedback constructively.	5.27	1	0	0	1	1	6	7	16
EB19:	Demonstrates thorough understanding of relevant area of professional expertise.	5.50	0	0	0	0	1	6	9	16
EB20:	Focuses on outcomes rather than overly dwelling on processes and procedures.	4.63	0	1	1	0	3	7	4	16
EB21:	Maintains a healthy work/leisure balance.	3.47	1	0	3	6	3	2	1	16
EB22:	Motivates and encourages others.	5.13	1	0	0	1	2	6	6	16
EB23:	Thinks and acts strategically.	5.31	0	0	0	1	1	6	8	16
EB24:	Is prepared to admit fault and rectify issues with own performance.	5.19	0	0	0	2	1	5	8	16
EB25:	Demonstrates versatility and flexibility in finding innovative solutions to problems.	5.27	1	0	0	0	2	7	6	16
EB26:	Is able to deliver difficult messages and/or bad news effectively i.e. is a truth teller.	5.19	0	0	0	1	3	4	8	16
EB27:	Demonstrates genuine courage in the workplace ie. breaks new ground via calculated and considered risk taking.	4.62	3	0	0	3	3	3	4	16
EB28:	Is able to establish immediate credibility and rapport with internal and external stakeholders to facilitate outcomes. That is, possesses genuine presence, confidence and assurity.	5.38	0	0	0	0	2	6	8	16
EB29:	Has the capacity to effectively negotiate beneficial outcomes for the organisation without compromising stakeholder relationships.	5.33	1	0	0	1	0	7	7	16
EB30:	Possesses a keen eye for process improvement and the capacity to implement changes to this end.	5.13	0	0	0	1	2	7	6	16
EB31:	Utilises warmth, compassion and good humour to achieve positive organisational outcomes.	5.50	2	0	0	0	3	1	10	16
EB32:	Demonstrates well developed commercial acumen in line with non financial corporate objectives.	5.40	1	0	0	0	1	7	7	16
EB33:	Demonstrates well developed political acumen whilst maintaining probity and transparency.	5.40	1	0	0	0	1	7	7	16
EB34:	Promotes Council in the media in a positive and proactive manner.	4.87	1	0	2	0	2	5	6	16

KPI 1:	South West Drainage SchemePursue agreement with willing developers for the delivery of the South West Drainage Scheme, including but not limited to the possibility of an application to the Federal Government's National Housing Finance Investment Corporation.Measure Meetings held with land owners to progress options. Proposal for support pitched to either of the State or Federal Governments if agreement can be reached with land owners.	4.27	1	0	2	2	2	8	1	16
KPI 2:	Riverfront Development – Stage 2In conjunction with current tenants, develop a masterplan for the potential development of the Council owned land generally encompassing the Lions Park, the Royal Port Pirie Yacht Club and the Port Pirie Rowing Club.Measure Meetings held with Royal Port Pirie Yacht Club and Port Pirie Rowing Club to seek in principal support and requirements. Based on level of agreement, concept plan and options delivery developed for consideration of Council.	4.47	1	0	1	3	0	10	1	16
KPI 3:	Stage 1 Greening StrategyEnsure capacity for the delivery of Councils responsibilities under Year 1 of the four year $6.1m "Port Pirie Greening Program" in collaboration with TLAP, Dept Environment and Water and SA Water.Measure Delivery plan for year 1 developed and agreed with funding partners. Plan substantially complete.	4.60	1	0	2	2	0	7	4	16
KPI 4:	Council Land Beach Road Port PirieConduct an Expression of Interest for the development of Council owned land on Beach Road.Measure Expression of Interest developed and taken to market. Process for the selection of preferred proponent developed and undertaken.	4.36	2	0	3	0	1	9	1	16
KPI 5:	Crystal Brook Child CareDevelop a concept design and costing, prepare a cost benefit analysis and other necessary supporting documentation in readiness for potential funding opportunities.Measure Concept Plan and costings prepared. Cost Benefit Analysis completed.	4.15	3	0	1	4	1	6	1	16
KPI 6:	Definition of Service Levels to Support Customer Service ResponseCommence the process to identify and prioritise the setting of service levels to support the adequate response timeframes for customer requests.Measure At least 20% of the service types existing in the customer request module as at 1 July 2022 will have service intervention levels determined by Council by 30 June 2023.	4.75	0	0	1	2	3	4	6	16
Overall Master Average Rating		**4.92**	**8.24**	**0.47**	**2.63**	**4.56**	**18.34**	**34.23**	**31.54**	**100.00**

MINUTES OF THE CEO PERFORMANCE REVIEW COMMITTEE MEETING HELD ON WEDNESDAY 19 JULY 2023 AT 5.30PM IN THE COUNCIL CHAMBERS, 115 ELLEN STREET, PORT PIRIE.

1.0 ACKNOWLEDGEMENT OF COUNTRY:
We acknowledge and respect the traditional custodians whose ancestral lands we are meeting upon here today.

2.0 PRESENT: His Worship the Mayor L Stephens and Crs A Zubrinich (Chairperson) and L Peters

Kate Carmody, Executive Assistant (Minutes)

3.0 APOLOGIES: Deputy Mayor Cr K Jackson

4.0 CONFIRMATION OF MINUTES:

4.1 CEO Performance Review Committee Meeting 6 June 2023

MOVED Cr Peters SECONDED Mayor Stephens

CE26/23 That the Minutes of the CEO Performance Review Committee meeting held on 6 June 2023 be received and confirmed.

CARRIED

5.0 MATTERS ARISING: Nil

6.0 DECLARATION OF INTERESTS: Nil

7.0 ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY:

7.1 CEO Performance Review 2022/23 – Draft Performance Appraisal Report

Pursuant to Section 90(3)(a)

MOVED Mayor Stephens SECONDED Cr Peters

CE27/23 Pursuant to Section 90(2) of the Local Government Act 1999 the Committee orders that all members of the public, with the exception of K Carmody, Executive Assistant be excluded from attendance at the meeting for Agenda Item 7.1 CEO Performance Review 2022/23 – Draft Performance Appraisal Report.

The Committee is satisfied that pursuant to section 90(3)(a) of the Act, the information to be received, discussed or considered in relation to this Agenda item is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of the Chief Executive Officer, in that details of his performance will be discussed.

Accordingly, on this basis, the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or matter confidential.

CARRIED

MOVED Mayor Stephens SECONDED Cr Peters

CE28/23 That the draft Performance Appraisal Report from Hender Consulting be received and released to the Chief Executive Officer for his review; and that the Report be considered by Council at the next Ordinary meeting.

CARRIED

CONFIDENTIAL

7.0 ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY: (Cont'd)

7.1 CEO Performance Review 2022/23 – Draft Performance Appraisal Report (Cont'd)

MOVED Cr Peters SECONDED Mayor Stephens

CE29/23 That the Executive Assistant seek advice from Council's lawyers regarding the impact of the Remuneration Tribunal of South Australia's determination to ensure any adjustments to the Chief Executive Officer's remuneration (Total Employment Cost Package) lawfully comply with the determination and the relevant section of the Local Government Act 1999.

CARRIED

Section 91(7) Order

MOVED Cr Peters SECONDED Mayor Stephens

CE30/23 That having considered Agenda Item 7.1 CEO Performance Review 2022/23 – Draft Performance Appraisal Report in confidence under Section 90(2) and (3)(a) of the Local Government Act 1999, the Committee, pursuant to Section 91(7) of that Act orders that the agenda reports, discussion and minutes be retained in confidence for a period of 6 months or until the process has been finalised.

In accordance with Section 91(9)(c) of the Local Government Act 1999, the Chief Executive Officer is delegated the power to revoke this order in whole or part.

The Committee notes, in accordance with Section 91(9)(a) of the Local Government Act 1999, this order will be reviewed at least once in every year.

CARRIED

8.0 OTHER BUSINESS: Nil

9.0 NEXT MEETING: To be determined.

10.0 CLOSURE: 6.02pm

_____

CHAIR

CONFIDENTIAL

MEETING: ORDINARY MEETING OF COUNCIL - CONFIDENTIAL
DATE: 26 July 2023

DEPARTMENT: INFRASTRUCTURE
OFFICER: Kathryn Johnson, Director Infrastructure

REPORT ITEM:	**17.1**
REPORT TITLE:	**RIVERBANK PRECINCT MASTER PLAN STAGE 1 WORKS - CONSTRUCTION OF PUMP TRACK - CONFIDENTIAL**

Timeframe	August 2023 to December 2023			
Budget Impact	$200,000 allocated within the overall project budget			
Risk Assessment	**Primary Risk Type(s):**		Financial/Infrastructure	
	Inherent Risk:	**Likelihood**	**Consequence**	**Rating**
		Possible	Minor	Medium
	Controls:	▪ Selection of projects aligned with Council's Community Plan and Asset Management Plans. ▪ Community support for projects. ▪ Management of projects in order to deliver in accordance with grand funding conditions.		
	Residual Risk:	Minor	Unlikely	Low
File Reference	16.55.8.9			

STRATEGIC REFERENCE:	
Theme **Goal** **Strategy 1.3.5**	Our Community Wellbeing Open spaces are enhanced through well maintained and attractive landscaping providing opportunity for increased community activity.

RECOMMENDATION:

That Council:

- **has considered the fee proposal provided by Lighthouse Youth Projects to carry out the design and construction of a pump track at the Solomontown Beach Foreshore as part of the Riverbank Precinct Master Plan Stage 1 Works;**
- **waive the application of Council's Procurement Policy as per Clause 10.2 and approve the single sourcing of Lighthouse Youth Projects for the planning, design and construction of the pump track at Solomontown Beach foreshore area as part of the Riverbank Precinct Master Plan Stage 1 Works on the basis that Lighthouse Youth Projects have been collaborating with Council over a long period of time leading up to this point and have demonstrated experience in youth engagement to fulfill the requirements and expectations of this component of the pump track delivery; and**
- **approve the engagement of Lighthouse Youth Projects to undertake the planning, design and construction of the pump track for up to $200,000 based on the fee proposal received.**

CONFIDENTIAL

REPORT 17.1	**Riverbank Precinct Master Plan Stage 1 Works - Construction of Pump Track – Confidential** (Cont'd)

EXECUTIVE SUMMARY:

The construction of the pump track has been identified as an opportunity to engage with disengaged youth. Lighthouse Youth Projects have a long history of working in this area and run a number of youth engagement programs linked to BMX related activities.

Lighthouse Youth Projects have now submitted a fee proposal to carry out the planning, design and construction of the pump track incorporating their model for youth engagement. The fee proposal from Lighthouse Youth Projects is $50,000 for the youth engagement and training program and $150,000 for the construction of the pump track with an asphalt surface.

Lighthouse Youth Projects have confirmed that they can start the youth engagement process in September 2023 with construction of the pump track to be completed by mid-December 2023. A Get Stoked! opening event will be held prior to Christmas to open the pump track.

In recommending that Lighthouse Youth Projects be directly engaged as the lead contractor for the planning, design and construction of the pump track and as such approval is required to waive the application of Council's Procurement Policy as per Clause 10.2.

DISCUSSION

In November 2020, discussions were initiated regarding the construction of a pump track. It was proposed that the pump track be included in the scope of works for the Riverbank Precinct Master Plan. Lighthouse Youth Projects were part of those initial discussions.

The construction of the pump has been identified as an opportunity to engage with disengaged youth. Lighthouse Youth Projects have a long history of working in this area and run a number of youth engagement programs linked to BMX related activities.

Lighthouse Youth Projects Inc.

Since November 2020, Lighthouse Youth Projects have carried out a number of youth engagement activities in Port Pirie on behalf of various community organisations including Council. They have been very successful engaging with school students and young adults.

Lighthouse Youth Projects have now submitted a fee proposal to carry out the planning, design and construction of the pump track incorporating their model for youth engagement. Council and Lighthouse Youth Projects will work with the Workforce Development Coordinator to identify participants to be involved in the delivery of the project.

With regard to the construction of the pump track, Lighthouse Youth Projects will be collaborating with Trailscapes, a leader in the planning, design and construction of bike trails and pump tracks.

TrailScapes Pty Ltd - International Trail Builders

Trailscapes are currently working on the Epic Trail (mountain bike trail) at Mt Remarkable and have recently completed pump tracks at Keith and Lameroo.

The youth engagement activities will be driven by the start date of construction but will be carried out over 4-6 weeks with pre work before construction, during the build and post construction.

CONFIDENTIAL

REPORT 17.1	**Riverbank Precinct Master Plan Stage 1 Works - Construction of Pump Track – Confidential** (Cont'd)

Construction of the pump track is expected to take 3-4 weeks with consideration for weather.

In terms of what will be delivered, the base plan prepared by Jensen Plus shows an area a bit under 1,000 sq m, however Lighthouse Youth Projects and Trailscapes have indicated that a slightly larger footprint would allow for a better-quality pump track. An aerial image is included with this report showing a larger footprint with minimal impact on the open lawn area. Note that it is the intention to retain the established fig trees but other trees in the area will likely need to be removed. Any removed trees will be offset by the planting of more trees of more suitable species in more suitable locations to complement the proposed works across the whole of the Solomontown Beach foreshore area.

The increased proposed area is approximately 1,500 sq m and is likely to allow for a track of approximately 270 linear meters to be constructed.

The pump track will utilise some of the natural undulations in this area of the foreshore. New material will also be imported to construct additional "rollers" and "berms" to create a high quality pump track and the pump track surface will be asphalt.

Lighthouse Youth Projects and Trailscapes will work with the participants to finalise the design for the pump track within this footprint to achieve the 270 linear metres approximately.

The original Opinion of Cost prepared by Jensen Plus (February 2021) made an allowance of $150,000 for the design and construction of the pump track. This was based on the early discussions and did not include the youth engagement activities.

The fee proposal from Lighthouse Youth Projects is $50,000 for the youth engagement and training program and $150,000 for the construction of the pump track with an asphalt surface.

Outlined below are the key steps for how the project will be delivered whilst including disengaged young people from within the Port Pirie Community.

1. Key stakeholder meeting in Port Pirie – Site inspection, liaising with schools/FLO/workforce providers and ascertain numbers for young people to be involved in program. It is expected that the program can cater for 6-10 participants - 2 days in Port Pirie

2. Selection of participants to be involved, signup, riding engagement at skatepark. BMX bikes to be provided by Lighthouse Youth Projects - 2 days in Port Pirie

3. Participants are prepared for upcoming works, white card and first aid courses working with the Workforce Development Coordinator - 2 days in Port Pirie

4. On site for construction start week 1 - site fencing, site prep, soil delivery - 2 days in Port Pirie

5. On site for construction delivery week 2 – Track shaping and ground works, compaction and associated works - 2 days in Port Pirie

6. On site for construction delivery week 3 - Final compaction, bitumen prep, bitumen surfacing and compaction - 2 days in Port Pirie

7. On site for construction delivery week 4 - Landscaping and actual track testing - 2 days in Port Pirie

CONFIDENTIAL

REPORT 17.1	**Riverbank Precinct Master Plan Stage 1 Works - Construction of Pump Track – Confidential** (Cont'd)

8. On site for construction delivery week 5 - Final adjustments, site clean-up and fencing pack down

9. Opening event - Get Stoked! Port Pirie pump track opening day. Staffing and bikes/helmets supplied by Lighthouse Youth Projects - 1 day in Port Pirie

Lighthouse Youth Projects have confirmed that they can start the youth engagement process in September 2023 with construction of the pump track to be completed by mid December 2023. A Get Stoked! opening event will be held prior to Christmas to open the pump track.

In recommending that Lighthouse Youth Projects be directly engaged as the lead contractor for the planning, design and construction of the pump track and as such approval is required to waive the application of Council's Procurement Policy as per Clause 10.2.

Procurement-Policy-POL-0085.pdf (pirie.sa.gov.au)

Lighthouse Youth Projects have been collaborating with Council over a long period of time leading up to this point and have considerable background knowledge and demonstrated experience in youth engagement to fulfill the requirements and expectations of this component of the pump track delivery.

Trailscapes as the sub-contractor to be engaged to construct the pump track, is a leader in the planning, design and construction of bike trails and pump tracks within Australia and internationally. They are highly skilled and experienced to deliver this project and their company values align with those of Lighthouse Youth Projects.

Both companies can meet the required timeframe for planning, design and construction and their fee proposal fits within the overall project budget.

PREVIOUS REPORTS

24 May 2023 – Ordinary Meeting of Council – Agenda Item 15.3.2

22 February 2023 – Ordinary Meeting of Council – Agenda Item 15.3.5

23 January 2023 – Design Workshop for Stage 1 Works

27 Jul 2022 – Ordinary Meeting of Council – Agenda Item 15.3.4

24 August 2022 – Ordinary Meeting of Council – Agenda Item 17.5

22 September 2021 – Ordinary Meeting of Council – Agenda Item 15.3.2

18 February 2021 - Special Meeting of Council - Agenda Item 4.1.1

27 January 2021 - Ordinary Meeting of Council - Agenda Item 15.3.1

2 December 2020 - Special Meeting of Council - Agenda Item 4.2.1

CONFIDENTIAL

SKATEPARK MAINTANCE

STAGE 1B NATURE PLAY SPACE BY CLIMBING TREE

STAGE 1D PUMP TRACK BY LIGHTHOUSE

TOILET BLOCK ARTISTIC DECORATING TO EXTERIOR WALLS

SCALE 1:500 — 10 0 10 20 30 40 Metres

No.	REVISION	BY	DATE

Title
OTHER
PLAN

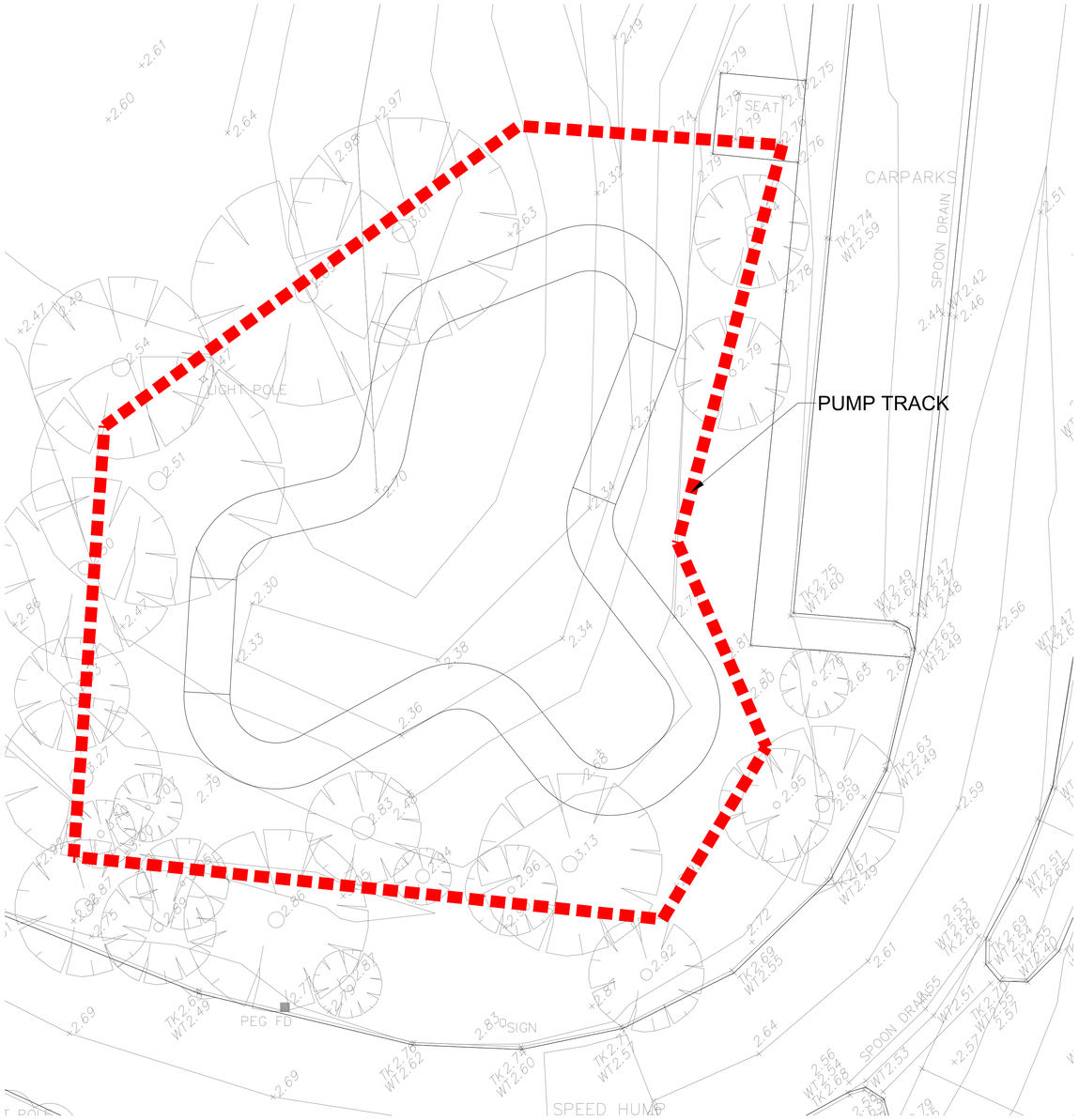
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STAGE_1L_LANDSCAPE_WORKS

Client
PORT_PIRIE
REGIONAL_COUNCIL

Project No. P0321/RPPP/L113
Category
Drawing No.
Date 03/2023
Revision A
Scale 1/500
Issue 70%DD
Drawn BD
Checked MMC

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NO.2	DESCRIPTION2	BY2	DATE2
NO.1	DESCRIPTION1	BY1	DATE1

JENSEN PLUS
Planning
Landscape Architecture
Urban Design
Social Planning

Title
PUMP_TRACK
PLAN

Project
RIVERBANK_PRECINCT_PORT_PIRIE
LANDSCAPE_WORKS

Client
PORT_PIRIE
REGIONAL_COUNCIL

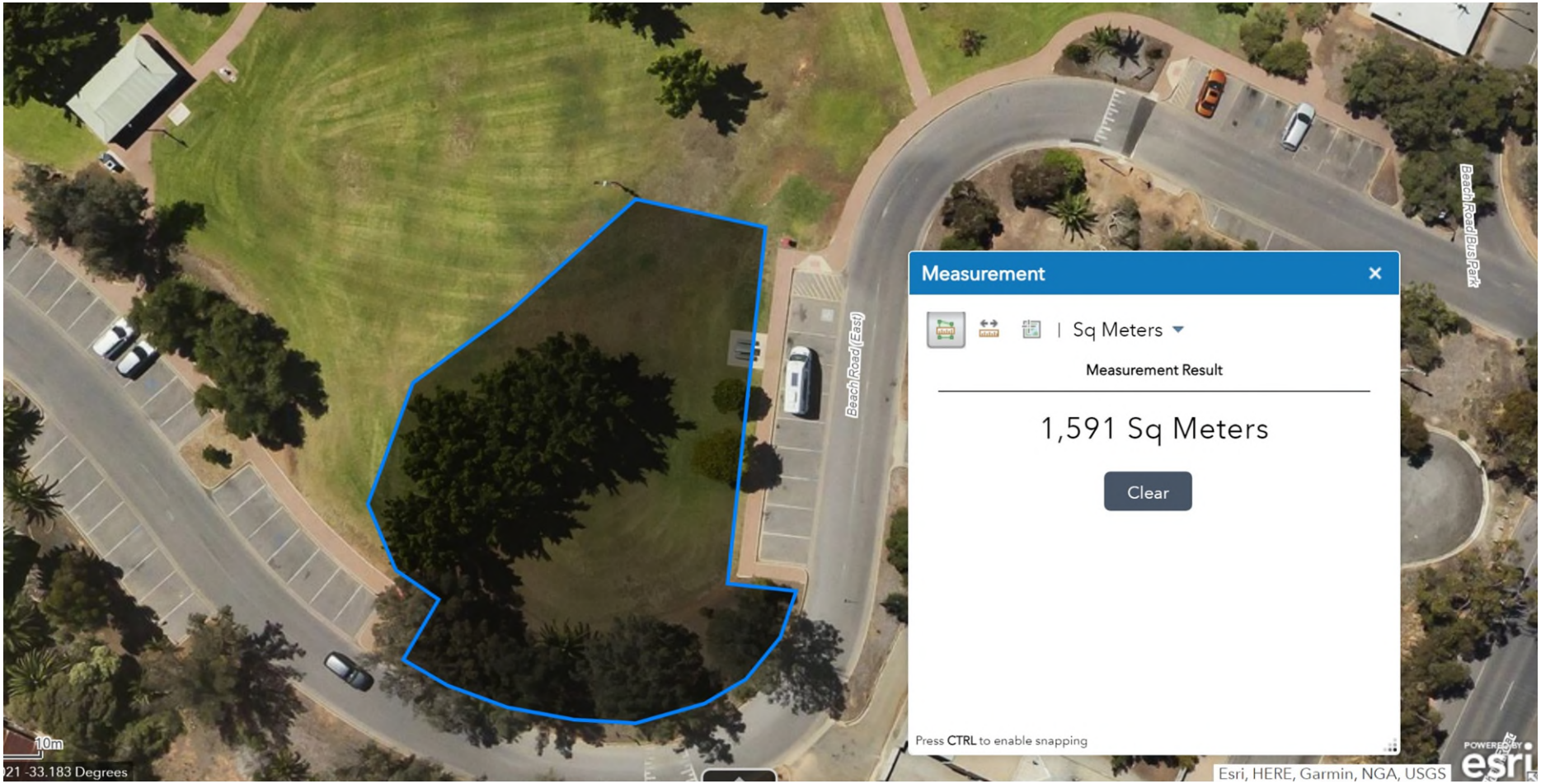
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Category
Drawing No.

Date 02/2023
Scale 1/125
Issue ISSUE
Drawn DRAWN
Revision B
Checked CHECKED

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REVISED PUMP TRACK FOOTPRINT



MEETING: ORDINARY MEETING OF COUNCIL - CONFIDENTIAL
DATE: 26 July 2023

DEPARTMENT: INFRASTRUCTURE
OFFICER: Kathryn Johnson, Director Infrastructure

REPORT ITEM:	**17.2**
REPORT TITLE:	**RIVERBANK PRECINCT MASTER PLAN STAGE 1 WORKS - PROCUREMENT OF PARK FURNITURE - CONFIDENTIAL**

Timeframe	2023/24			
Budget Impact	$300,000 within overall project budget			
Risk Assessment	**Primary Risk Type(s):**		Financial/Infrastructure	
	Inherent Risk:	**Likelihood**	**Consequence**	**Rating**
		Possible	Minor	Medium
	Controls:	▪ Selection of projects aligned with Council's Community Plan and Asset Management Plans. ▪ Community support for projects. ▪ Management of projects in order to deliver in accordance with grand funding conditions.		
	Residual Risk:	Minor	Unlikely	Low
File Reference	16.55.8.9			

STRATEGIC REFERENCE:	
Theme **Goal** **Strategy 1.3.5**	Our Community Wellbeing Open spaces are enhanced through well maintained and attractive landscaping providing opportunity for increased community activity.

RECOMMENDATION:

That Council:

- **acknowledge that existing picnic shelters and park furniture will be replaced as a priority and additional items to increase the overall provision will be purchased and installed if budget allows;**
- **endorse the procurement of the picnic shelters from Terrain Group to replace existing items for $100,950 (ex GST) plus delivery;**
- **endorse the procurement of the BBQ's and park furniture from Grillex to replace existing items for $97,691 (ex GST) plus delivery;**
- **endorse the procurement of the drinking fountains from Civiq for $22,640 (ex GST) plus delivery;**
- **note the installation of the picnic shelters and park furniture will be carried out by Council's internal labour and plant resources along-side the work hardening program participants;**
- **delegate authority to the Chief Executive Officer to approve the purchase of additional picnic shelters and park furniture items from the approved suppliers if budget allows.**

CONFIDENTIAL

REPORT 17.2	**Riverbank Precinct Master Plan Stage 1 Works - Procurement of Park Furniture – Confidential** (Cont'd)

EXECUTIVE SUMMARY:

Quotes have been sought from a variety of suppliers for the supply and delivery of picnic shelters and park furniture for the Stage 1 Works for the Riverbank Precinct Master Plan.

While some of the values do not meet the financial threshold for reporting to Council and can be approved under the delegation of the Chief Executive Officer and the Director Infrastructure, as an overall package the procurement of picnic shelters and park furniture has a value of over $300,000.

Only existing picnic shelters and park furniture items will be replaced initially to manage the overall project budget and some additional items as proposed by the base plan may be purchased and installed at a later date.

It is proposed to install the picnic shelters and park furniture using Council's internal labour and plant resources along-side the work hardening program participants. This will satisfy Council's intention to create work hardening opportunities also assist with managing the project delivery costs. The work hardening program is likely to commence in September 2023.

DISCUSSION

Quotes have been sought from a variety of suppliers for the supply and delivery of picnic shelters and park furniture for the Stage 1 Works for the Riverbank Precinct Master Plan.

While some of the values do not meet the financial threshold for reporting to Council and can be approved under the delegation of the Chief Executive Officer and the Director Infrastructure, as an overall package the procurement of picnic shelters and park furniture has a value of over $300,000. However, only the major expenditure items have been included in this report for Council approval. Some of the minor items such as bins and bollards have not been included in this report.

The picnic shelters and park furniture styles have been recommended by Jensen Plus and a list of the selected items has been provided to Council in a previous report, however for completeness, it is also attached to this report. The base plan prepared by Jensen Plus is also attached and shows the proposed location for the picnic shelters and park furniture.

The value of the total number of items proposed is approximately $300,000, not including installation or the removal of the existing picnic shelters and park furniture. To manage the overall project budget, it is not expected that all the picnic shelters and park furniture items proposed will be installed and some may be installed at a later date. As a minimum, where there is an existing picnic shelter or park furniture, new items will be installed to replace the existing.

It is proposed to install the picnic shelters and park furniture using Council's internal labour and plant resources along-side the work hardening program participants. Council's Director Infrastructure has been working with the Regional Development Australia Yorke and Mid North CEO and the Workforce Development Coordinator to engage with a registered training organisation and an employment service provider. At this stage, it is likely that the work hardening program can commence in September 2023 which will satisfy Council's intention to create work hardening opportunities with the delivery of the Stage 1 Works. This will also assist with managing the project delivery costs.

CONFIDENTIAL

REPORT 17.2	**Riverbank Precinct Master Plan Stage 1 Works - Procurement of Park Furniture – Confidential** (Cont'd)

Where possible, the existing park furniture will be refurbished and re-used at other locations across the Council area.

A summary of the quotes received and the preferred supplier for each category of picnic shelters and park furniture is provided below.

Picnic Shelters

Picnic Shelters	Terrain Group	Landmark Pro
Small shelter (4m x 4m)	$9,099	$11,705
Large shelter (10m x 4m)	$18,485	$21,450

Quotes were sought from the preferred suppliers for picnic shelters that have supplied to Council on other recent projects. While there are other suppliers of picnic shelters, they do not meet the same quality standards with regard to materials and aesthetics.

The base plan indicates replacement of five existing shelters of various configurations (two large and two small and the event cluster: one large and two small) and the provision of three additional small shelters.

Both companies offer high quality products, however, Terrain Group provides a high-quality aesthetic product.

The preferred supplier of picnic shelters is the Terrain Group and the cost of supply for the shelters is $100,950 plus delivery to replace the existing shelters. The additional shelters may be approved later, subject to available budget. The additional proposed shelters will cost $27,297 plus delivery.

Terrain Group have advised that manufacture and delivery will take 7-8 weeks but could be sooner.

Home - Terrain Group

BBQs and Park Furniture

BBQs and Park Furniture	Grillex	Terrain	Landmark Pro
Double BBQ	$11,003	$11,600	N/A
Single BBQ	$4,522	Not provided	N/A
Table Setting	$4,414.65	$3,279	$2,850
Bench	$1,856.30	$3,950	$1,080

While the Landmark Pro park furniture is lower in price, the products have timber elements which will require regular oiling and is not recommended given the harsh environmental conditions of Solomontown Beach.

The park furniture proposed by Terrain Group is suitable for the harsh environmental conditions but the price is quite variable across their product range.

The park furniture proposed by Grillex is suitable for the harsh environmental conditions and the 'timber-look' finish provides a high-quality aesthetic product.

CONFIDENTIAL

REPORT 17.2	**Riverbank Precinct Master Plan Stage 1 Works - Procurement of Park Furniture – Confidential** (Cont'd)

Grillex provide the preferred BBQ style that has been used in other recent Council projects and will ensure consistency with regard to maintenance and stocking spare parts if and when required.

The preferred supplier is Grillex and the cost of supply of park furniture items to replace the existing items is $97,691 plus delivery. The cost for additional items is $25,084 plus delivery and the standard time from manufacture and delivery is 4 weeks.

Street Furniture - Commercial Park Outdoor Furniture Suppliers Australia (grillex.com.au)

Drinking Fountains

Drinking Fountains	**Civiq**	**Draffin**	**Furphy Foundry**
Drinking fountain and bottle refill station	$5,660	$5,838.30	$4,170

Although the Civiq product is more expensive, they are a better quality product and provide Council with the opportunity to integrate messages in the signage panels. The drinking fountains also include bottle filling and dog bowls.

The preferred supplier of drinking fountains is Civiq and the cost of supply is $22,640 plus delivery. The timeframe for delivery is to be confirmed.

CIVIQ Public-use Products | Engineered For Performance

PREVIOUS REPORTS

24 May 2023 – Ordinary Meeting of Council – Agenda Item 15.3.2

22 February 2023 – Ordinary Meeting of Council – Agenda Item 15.3.5

23 January 2023 – Design Workshop for Stage 1 Works

27 Jul 2022 – Ordinary Meeting of Council – Agenda Item 15.3.4

24 August 2022 – Ordinary Meeting of Council – Agenda Item 17.5

22 September 2021 – Ordinary Meeting of Council – Agenda Item 15.3.2

18 February 2021 - Special Meeting of Council - Agenda Item 4.1.1

27 January 2021 - Ordinary Meeting of Council - Agenda Item 15.3.1

2 December 2020 - Special Meeting of Council - Agenda Item 4.2.1

CONFIDENTIAL

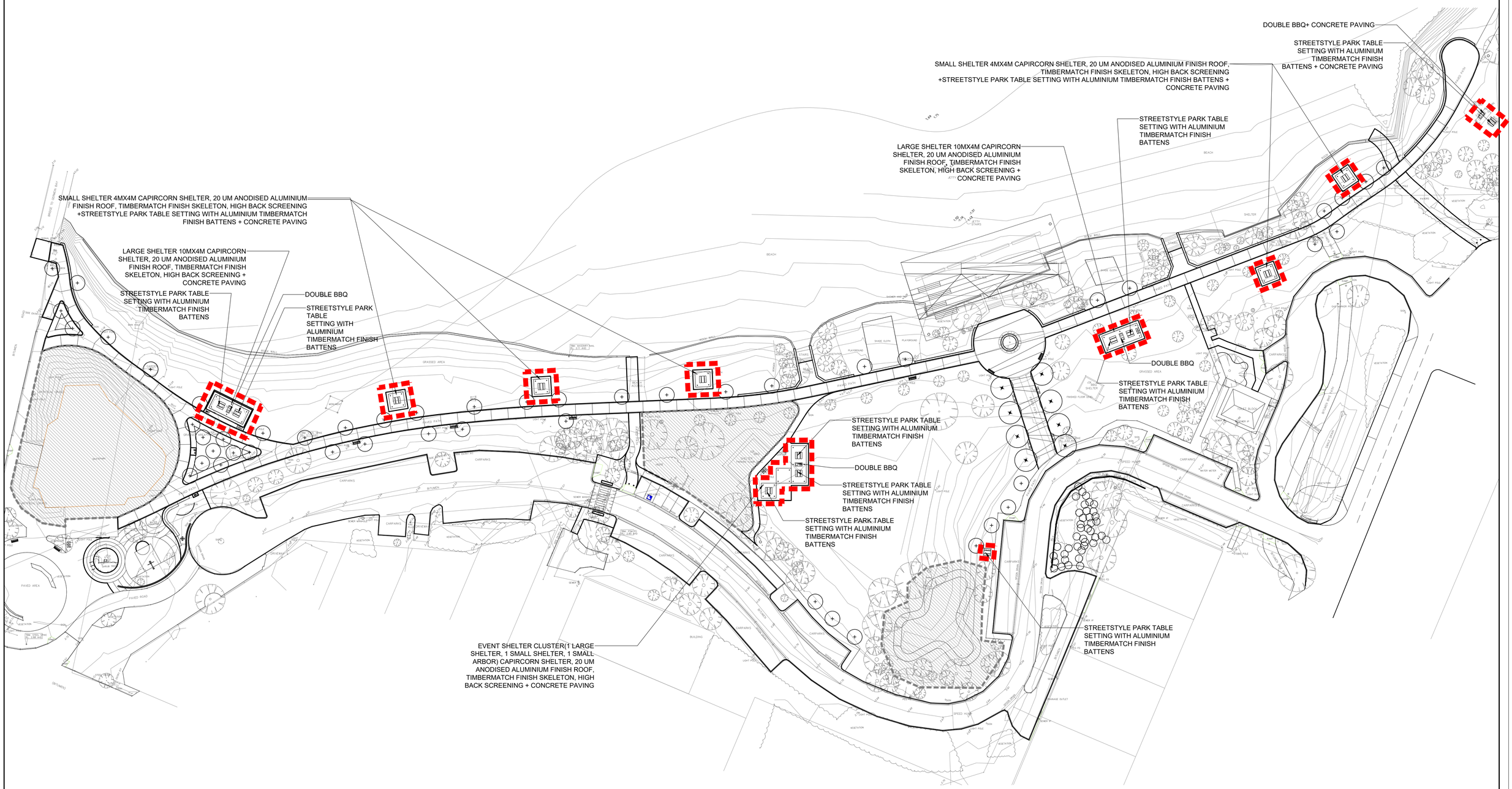
Riverbank Precinct Port Pirie furnitures list

Opinion of Probable Cost: Rev B Draft

13-3月-23

JENSEN PLUS
Planning
Landscape Architecture
Urban Design
Social Planning

stage	Description	Unit	Qty	Brand	Series/model	Discription
1A	**Beach Shelter + deck**					
	Outdoor shower and water fountain	Ea	1	Civiq	Aquafil FlexiShower Single-sided with Drinking Fountain	
	Outdoor shower	Ea	1	Civiq	Aquafil FlexiShower Single-sided	
1C	**Basketball Space**					
	Drinking fountain & bottle refill station	Ea	1	Civiq	Aquafil Bold 850BF	
	Drainage cage suitable for Aquafil Bold products	Ea	1	Civiq	Aquafil Bold DC	
1E	**Mangrove Boardwalk (Excluded)**					
	Small shelter (4mx4m)	Ea	1	Terrain	Capircorn Shelter	20 UM Anodised aluminium finish roof, Timbermatch finish skeleton, high back screening
	Bench	Ea	1	Grillex	Streetstyle Park Seat	Timbermatch finish
1G	**Promenade Path + Levee**					
	Double BBQ	Ea	*3*	Grillex	Frontier BBQ range	
	Single BBQ	Ea	*1*	Grillex	Frontier BBQ range	
	Table Setting	*Set*	*8*	Grillex	Streetstyle Park Seat	Timbermatch finish,7 table setting under the shelter, 1 table setting replace old one
	Bench	Ea	*15*	Grillex	Streetstyle Park Seat	Timbermatch finish, 5 benches under the small shelter, 10 benches replace old one
	Bin	Ea	*7*	Grillex	Streetstyle Park Seat	
1J	**New Shelters**					
	Small shelter (4mx4m)	Ea	5	Terrain	Capircorn Shelter	20 UM Anodised aluminium finish roof, Timbermatch finish skeleton, high back screening
	Large shelter (10mx4m)	Ea	2	Terrain	Capircorn Shelter	20 UM Anodised aluminium finish roof, Timbermatch finish skeleton, high back screening
	Event Shelter Cluster	*Set*	*1*	Terrain	Capircorn Shelter	1 large shelter, 1 small shelter, 1 small Arbor
1L	**Others**					
	Bike repair station	Ea	1	Civiq	Cycla Fixit	
	Bike pump	Ea	1	Civiq	Cycla Air Pump Prime	
	Bollard	Ea	*4*	Leda Security	Typical 80NB	Manual Retractable



AILA

No.	REVISION	BY	DATE

Title	NEW_SHELTERS PLAN
Project	RIVERBANK_PRECINCT_PORT_PIRIE STAGE_1J_LANDSCAPE_WORKS
Client	PORT_PIRIE REGIONAL_COUNCIL

Project No.	Category	Drawing No.
P0321/RPPP/L110		
Date 03/2023		Revision A
Scale 1/500		
Issue 70%DD		
Drawn BD		Checked MMC

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MEETING: ORDINARY MEETING OF COUNCIL – CONFIDENTIAL
DATE: 26 July 2023

DEPARTMENT: INFRASTRUCTURE
OFFICER: Robert Stead, Manager Operations

REPORT ITEM:	**17.3**
REPORT TITLE:	**ROAD RESEALING PROGRAM 2022/23 – 2023/24 – YEAR 2 RENEWAL - CONFIDENTIAL**

Timeframe	2023/24 Financial Year			
Budget Impact	2023/24 Road Reseal Program – $1,500,000			
Risk Assessment	**Primary Risk Type(s):**		Service Delivery	
	Inherent Risk:	**Likelihood**	**Consequence**	**Rating**
		Likely	Moderate	High
	Controls:	▪ Evaluate Contractor performance for the first year. ▪ Seek Council endorsement to proceed with second year of Contract. ▪ Execute formal letter of extension with Contractor.		
	Residual Risk:	Rare	Insignificant	Low
File Reference	7.81.2.2022/100			

STRATEGIC REFERENCE:	
Theme **Goal** **Strategy 3.2.3**	Our Lifestyle Infrastructure Council provided assets are fit for purpose, proactively maintained and renewal recognises future demand.

RECOMMENDATION:

That Council:

- **acknowledge the high level of quality and service provided by Downer EDI Works Pty Ltd in the delivery of the 1st year of the contract for the 2022/23 – 2023/24 Road Resealing Program; and**
- **approve the renewal of the contract with EDI Works Pty Ltd to the value up to $1,500,000 excluding GST for the 2023-2024 Road Resealing Program (year 2).**

EXECUTIVE SUMMARY:

Council performed a tender process in 2022 for the 2022/23-2023/24 (2 year) Road Resealing Programs and awarded a contract to Downer EDI Works via resolution at the September 2022 Special Meeting of Council.

CONFIDENTIAL

REPORT 17.3	**Road Resealing Program 2022/23 – 2023/24 – Year 2 Renewal – Confidential** (Cont'd)

EXECUTIVE SUMMARY (Cont'd):

As a result of a legal review of this resolution (that was made during Council election caretaker period), a subsequent resolution was made at the September 2022 Ordinary Meeting of Council that upheld the award, but revoked the delegation given to the CEO in the original resolution to new the contract for year 2 of the program. As part of the second resolution, it was stipulated that a report will need to be present to Council for any renewal of the 2nd year.

This report is being present to further detail the previous decisions of Council and to seek the renewal of the contract for the 2nd year period.

DISCUSSION

On 1 September 2022, a report was presented at the Special Meeting of Council seeking approval to enter a one year plus one year contract with Downer EDI Works Pty Ltd to perform the resealing of Council's sealed roads nominated in the 2022/23 and 2023/24 reseal programs. Under SM45/22 approval was given to award the contract to this contractor along with delegated authority for the CEO to renew the contract for year 2 subject to the satisfactory performance in year 1. Due to this decision being made during the Council Election Caretaker Period, legal advice was sought on the validity of the decision in accordance with the rules of the Caretaker Period.

As a result, a second report was submitted to Council at the September 2022 OMC to uphold the decision to award the contract, but to revoke the delegation of the CEO to renew the contract for year 2. As part of the OM383/22, Council specified that in order to renew the contract for year 2, that a report is required to be provided to Council for consideration at the appropriate time regarding the performance of the contractor and the potential to award the contractor the 2023-2024 Road Resealing Program (year 2).

With the completion of the year 1 works and the adoption of the budget for the 2023/24 financial year, Council Officers have now reviewed the performance of the contractor and based on the good quality, service and communication observed, propose that Downer EDI Works Pty Ltd be awarded the second year of the contract as executed.

The closeout report reviewing the contractors performance has been provided in Attachment 1. The contractor, Downer EDI Works Pty Ltd performed very well under the contract during year 1 and adapted to Council's changes in road priorities with no impact on rates. The communication undertaken by the contractor was well received by the businesses and residents impacted by the works.

BUDGET AND TIMING

The estimated expenditure for the list of roads approved by the Asset Management Committee and based on the rates submitted by Downer EDI Works Pty Ltd for the 2023/24 financial year equates to a total of $1,426,277. Council Officers acknowledge that the budget assigned to this new financial year is up to $1,500,000 and provisional discussions with the contractor are underway with regards to the timing of the works.

PREVIOUS REPORTS

1 September 2022 - Special Meeting of Council – Agenda Item 5.1

28 September 2022 - Ordinary Meeting of Council – Agenda Item 17.3

CONFIDENTIAL

Project Name	Road Reseal Program 2022/23 - 2023/24 (2023 Report) 40.014.001.026
Job number	75100

Under the headings below provide an overview of how the project was managed.

Scope

Change the scope of the asphalt to remove Memorial Drive and include 2 sections of Abattoirs Road. Council engaged local DM Roads Contractor to undertake works on the Cattle Track and Main Road to match the original contract value. No additional cost for this change in scope.
*
Improvement for next tender is to add cost line for road edge line, school zone marking and disabled bay in pricing schedule to enable contractor to provide rate.

Cost

Contract value was $884,791
Final cost was $721,664 - including material rise & fall.
Final Cost for local DM Roads portion $137,500.
No claims made by Contractor for change in scope.

Time

Spray seal and Asphalt all delivered on time and to specification.
Contractors Line marking and pit lid adjustment delivered on time.

Quality

Delivery of documents: Delivery of BG's and contrator documentation (licences etc) was on time.
Works quality - no issues all complete to specification.

Communication

Planning Phase: Communication with Council seeking any event timeframes and access requirements was undertaken very early to enable the impact of the works to be minimised.
Delivery Phase: Communication in terms of resident and business notification was very good both before and during execution of the works. No complaints from the public.

Procurement

No issues experienced with the procurement process. Contractor was responsive to all requested for information & documentation.

Risk

Risks were identified and mitigated against early in the planning phase minimising the overall risk to both parties.

Lessons Learnt

Procurement - Multi year contracts are still preferable if quality is met. Feedback from all tenderers regarding combined tendering have stated there is little benefit to this approach because the forecast efficiencies for all Councils in terms of continuity and the program of works for the contractor have not been achieved to date. When evaluating tender submissions, there could be potential efficiencies in engaging a separate contractor for both the spray seal and asphalt surfacing works. Both types of approaches need to be reviewed on the development of the 2024/25 Road Reseal tender.

Asset Management	**Y**	**N**	**DATE ACTIONED**
Final Cost Management Plan provided to Assets Officer?	Y		
Asset renewal/upgrade/new forms provided to Assets Officer?	Y		
Maintenance plans and operations manuals provided to Assets Officer?	-	-	
Funding for ongoing operations and maintenance identified in budget?	Y		
As constructed plans provided to Assets Officer?	Y		

Recommendations

Submit report to Council seeking endorsement to issue Downer EDI Works Pty Ltd with the letter of contract extension.

MEETING: ORDINARY MEETING OF COUNCIL - CONFIDENTIAL
DATE: 26 July 2023

DEPARTMENT: INFRASTRUCTURE
OFFICER: Jodie Christensen, Property Officer

REPORT ITEM:	**17.4**
REPORT TITLE:	**UNSOLICITED PROPOSAL TO PURCHASE COUNCIL LAND - LOT 54 SCENIC DRIVE, NAPPERBY**

Timeframe	2023			
Budget Impact	Proceeds of land sale: $35,000.			
Risk Assessment	**Primary Risk Type(s):**		Legal / Regulatory / Policy	
	Inherent Risk:	**Likelihood**	**Consequence**	**Rating**
		Possible	Moderate	Moderate
	Controls:	▪ Engage professional services: Licenced Valuer, Lawyer/Conveyancer. ▪ Consider against relevant policies.		
	Residual Risk:	Possible	Minor	Low
File Reference	16.30.1.12			

STRATEGIC REFERENCE:	
Theme **Goal** **Strategy 3.1.1**	Our Lifestyle Built Environment Provide opportunity for a wide range of social, residential, retail, commercial and industrial activity, and development.

RECOMMENDATION:

That Item 17.4 from the April Ordinary Meeting: Unsolicited Proposal to Purchase Council Land – Lot 54 Scenic Drive, Napperby, be raised off the table for consideration by Council.

That Council:

- **acknowledge the limited development potential of Council land; Allotment 54 Scenic Drive Napperby (the Land), comprised in Certificate of Title; Volume 5751, Folio 82;**
- **accept the assessed market value of the Land ($35,000), and pursuant to Council's Disposal of Land and Assets Policy, waive the need to obtain a second valuation on the basis of Inval Property Valuations regional knowledge of the property market;**
- **approve the sale of the land to the adjoining landowner, subject to Mr Lavis accepting the exclusions and disclaimers pertaining to flooding issues included in the sales contract, and agreement to pay all costs associated with the sale process; and**
- **authorise and delegate the Chief Executive Officer to execute all documentation required to give effect to the sale of the land.**

CONFIDENTIAL

REPORT 17.4	**Unsolicited Proposal to Purchase Council Land - Lot 54 Scenic Drive, Napperby - Confidential** (Cont'd)

EXECUTIVE SUMMARY:

In April 2023, Council received an unsolicited proposal to purchase Allotment 54 Scenic Drive, Napperby (the Land) from the adjoining landowner, Mr Brodie Lavis, of 11 Muster Drive, Napperby. The proposal was reported to Council for consideration, and it was resolved that the matter lay on the table pending further investigation into drainage.

This report considers flooding issues relating to the Land, as it pertains to Council liability, and sets out the legal opinion sourced in response to this concern. Based on legal advice, it is recommended that the sale of the land be approved by Council for the market value assigned by licenced valuation, subject to legal exclusions and disclaimers, and confirmation that Mr Lavis accepts responsibility for all costs required to facilitate the sale.

DISCUSSION

At the Ordinary Meeting of Council held on 26 April 2023, Council considered an unsolicited proposal to purchase Council land; Lot 54 Scenic Drive, Napperby (the Land), and resolved to lay the matter on the table pending further investigation regarding drainage.

The Land

The Land is owned by Council as freehold interest, contained in Certificate of Title; Volume 5751, Folio 82, and is excluded from the classification of community land, in reference to the Local Government Act. In context, this means the land is not required to undergo community consultation to allow disposal.

The 3.298 ha allotment is located on the southern fringe of the Napperby township. It is not classified as a park or reserve and is not utilised as a public space. The Land is zoned 'Rural Living', which essentially supports a more spacious residential lifestyle, however there are notable development constraints, including a significant portion of native vegetation, dense gum trees, and a natural watercourse.

(Refer Plan – Annexure A).

Development Constraints

Council's Planning Officer has reviewed the Land and provided details of the said development constraints:

The Hazards (Bushfire - High Risk) Overlay identifies areas of high risk of bushfire due to vegetation cover, slope, or terrain. Anyone wishing to undertake development on this allotment will be required to provide a Certificate by the South Australian Country Fire Service Certifying that (a) a Bushfire Attack Level assessment of the development has been undertaken within 3 months prior to lodgement of the application for planning consent in respect of the development and (b) the Bushfire Attack Level is –19 range.

The Native Vegetation Overlay identifies that there is significate native vegetation cover and biodiversity on the allotment. Anyone wishing to undertake development on this allotment will be required to engage a native vegetation consultant and have a report prepared under Regulation 18(2) (a) of the Native Vegetation Regulation 2017.

The Water Resources overlay nearly encompasses the entire allotment. Aerial images indicate a major water course over the land. Anyone wishing to undertake development may be required to engage a consultant engineer to provide a hydrology assessment in relation to flood risk level for development in the water course and its outer banks.

ONFIDENTIAL

REPORT 17.4	**Unsolicited Proposal to Purchase Council Land - Lot 54 Scenic Drive, Napperby - Confidential** (Cont'd)

Legal Advice

Council's Property Officer has obtained legal advice on the potential sale of the Land, as it pertains to known flooding issues. To mitigate potential liability to Council, the sale contract must include a set of vendor exclusions and disclaimers in the special conditions of the contract. In this case it is recommended that Council includes:

- an acknowledgement by the purchaser that due diligence has been carried out, and they understand that the land is in a known flood zone;
- a clause stating that Council has provided no warranties in respect to the land and in particular issues regarding potential for flooding, and the location of the watercourse;
- a clause confirming that the purchaser has had the opportunity to examine information and searches to satisfy itself about the land from their own independent valuations and reports;
- a clause providing that the purchaser has relied solely on their own judgement, investigations and evaluation and not on advice from the Council or its agent; and
- a waiver from the purchaser regarding any future claims. This clause will not merge at completion and will protect Council in the future.

In summary, the special conditions included in the contract of sale will protect Council in respect to the known flooding issue. In addition, a Form 1 Disclosure Statement will also be carefully drafted and contain all relevant information.

It is also noted that, unlike contamination issues, Council cannot be held liable in the future if the land is on sold if the status of the land has not been misrepresented at this point. Any future buyer will only have recourse against the vendor at that time if there has been a misrepresentation in the future sale.

Market Value

Council engaged Inval Property Valuations to inspect the Land and report on the recommended market value. The valuation report concurs with the limited potential of the land, and recommends a market value of $35,000.

Mr Lavis has been informed of the development constraints, including the fact that the land is prone to flooding, and has acknowledged the limited development potential and has agreed to pay the assigned value and all costs to facilitate the purchase of the land.

Public demand and interest in the Land is likely to be limited considering the potential restrictions on residential development of the site, particularly given the position of the watercourse. As an adjoining landowner, Mr Lavis seeks to purchase the land to merge with his existing property holding on Muster Drive, to increase recreational space. Council's Disposal of Land and Assets Policy supports the disposal of land 'by negotiation with owners of adjoining property' as an appropriate method of sale. The circumstances of this proposal support this method of sale.

PREVIOUS REPORTS

26 April 2023 – Confidential Report Item 17.4 – Ordinary Meeting of Council

CONFIDENTIAL

REPORT 17.4	**Unsolicited Proposal to Purchase Council Land - Lot 54 Scenic Drive, Napperby - Confidential** (Cont'd)

ANNEXURE A

SUBJECT LAND:
Allotment 54 Scenic Drive, Napperby



CO

MEETING: ORDINARY MEETING OF COUNCIL – CONFIDENTIAL
DATE: 26 July 2023

DEPARTMENT: INFRASTRUCTURE
OFFICER: Simon Harley, Project Manager

REPORT ITEM:	**17.5**
REPORT TITLE:	**RFQ FOR CONTRACT 2023/198 – DESIGN OF GREENING PROJECT LANDSCAPING - CONFIDENTIAL**

Timeframe	2023/24 Financial Year			
Budget Impact	$350,000 (excluding GST) within overall budget			
Risk Assessment	**Primary Risk Type(s):**		Service Delivery	
	Inherent Risk:	**Likelihood**	**Consequence**	**Rating**
		Possible	Moderate	Medium
	Controls:	▪ Sound project management framework for delivering projects ▪ Engage consultant with proven experience in landscape design		
	Residual Risk:	Rare	Insignificant	Low
File Reference	40.014.009.198/2023			

STRATEGIC REFERENCE:	
Theme **Goal** **Strategy 1.3.5**	Our Community Wellbeing Open spaces are enhanced through well maintained and attractive landscaping providing opportunity for increased community activity

RECOMMENDATION:

That Council:

- **award a contract to Jensen PLUS for the design of Greening Project Landscaping in accordance with the documents and RFI submitted in response to Request for Quote for Contract 2023/198 Design of Greening Project Landscaping for the amount of $227,713.00 (excluding GST), due to revised Scope of Works; and**
- **delegate authority to the Chief Executive Officer to increase the scope of works to include the additional items priced as part of the initial RFQ if approved by the Port Pirie Greening Program Oversight Group to progress with the design of the additional works, up to $350,000.**

CONFIDENTIAL

REPORT 17.5	**RFQ for Contract 2023/198 – Design of Greening Project Landscaping – Confidential** (Cont'd)

EXECUTIVE SUMMARY:
Council has allocated funds for the greening of Port Pirie which included Phoenix Park Wetlands, Port Pirie West Primary School and Pirie West Oval regarding streetscaping and water sensitive urban design (WSUD) and The Terrace and Memorial Drive Intersection (WSUD). A Selective Request for Quote (RFQ) was issued to five (5) nominated Landscape Architects Consultants. The following report summaries the evaluation process undertaken on the submissions received.

DISCUSSION

As previously reported to the Ordinary Meeting of Council in January 2023, Council has received funding of $5.7 million over four years from the State Government for the Port Pirie Greening Program to deliver specific projects. The annual budget breakdown for the four years is as follows:

- 2022/23 – $670,000
- 2023/24 – $2,400,000
- 2024/25 – $1,060,000
- 2025/26 – $560,000

The funding for the Port Pirie Greening Program will be managed like a grant. This means Council is required to deliver the works in accordance with the scope of works document and cash flow and submit progress claims against the agreed milestones. Council will then be reimbursed for expenses incurred.

A landscape architect will need to be engaged to develop concept and detailed design plans as part of reducing lead contaminants in airborne dust. This will include increasing the tree canopy, ground level landscaping and increasing biodiversity to the various areas as part of the Greening Port Pirie Project.

Proposed Works

Mandatory Works

The greening of Phoenix Park Wetlands will include detailed landscaping for trees, understory plantings, walking trails and water infrastructure.

Mandatory Works – Water Sensitive Urban Design (WSUD)

- The Terrace – Port Pirie West Primary School and Pirie West Oval carpark includes tree plantings and surrounds as well as permeable paving for the oval carpark.
- The Terrace – Memorial Drive intersection/roundabout includes planted islands.

Additional Works

- Mary Elie Street – Streetscaping to include tree and understory plantings in large pedestrian paths using WSUD.
- Memorial Drive – Combination of permeable paving for carparking to include integration of tree planting.
- The Terrace between Alexander Street to Memorial Drive also between Mary Elie Street to Grey Terrace – Streetscaping to include tree plantings in large pedestrian using WSUD.

CONFIDENTIAL

REPORT 17.5	**RFQ for Contract 2023/198 – Design of Greening Project Landscaping – Confidential** (Cont'd)

Term of Contract

The term of the contract is a one-off contract.

Quote Assessment

Request for Quote documentation was sent to five (5) companies known as specialists in landscape architecture along with water sensitive urban design (WSUD).

A Request for Quote was issued as the expected cost was less than $100,000.

Respondents were invited on a Lump Sum basis and at the closing time of 2pm Thursday 15 June 2023, four (4) submissions were received as follows:

Original RFQ – Fee Offer

Respondent	**Quoted Price $ (excluding GST)**
Jensen PLUS	$ 310,639.00
Outerspace Landscape Architects	$ 326,414.00
Aurecon Group	$ 333,588.00
GD Studia	$ 69,500.00
WAX Design	Declined due to other commitments

Non-Conforming Quote

GD Studia submitted a non-conforming quote as they only quoted Stage 1 of the proposed works (initial on-site briefing with Council Representatives, concept design and quantity surveyor costs only) but excluded from their submission Stage 2 (full design, documentation, drawings and quote assessment report) and Stage 3 (construction and inspections).

Wax Design withdrew through the RFQ period and notified Council that it was due to new influx of upcoming work commitments, thus being unable to meet Council's timeline.

Qualitative Assessment

Submissions received have been assessed against the criteria as set out below:

Price	50%
Management Systems	10%
Company Details & Relevant Experience	20%
Project Methodology, Management and Delivery	20%
TOTAL	**100%**

The submissions were evaluated by:

- Simon Harley, Project Manager
- Glenn Miller, Projects and Procurement Coordinator
- Kathryn Johnson, Director Infrastructure

CONFIDENTIAL

REPORT 17.5	**RFQ for Contract 2023/198 – Design of Greening Project Landscaping – Confidential** (Cont'd)

A summary of the quote assessment is contained in the tables on the following pages as:
- The quote summary; and
- The quote scoring matrix

Quote Clarifications Sought

Council sought confirmation via a Request for Information (RFI) from the three (3) consultants that could meet the mid October 2023 completion for design. Due to reduced scope of works, Council asked if the consultant fee offer will remain as per their initial submission which Council could base the evaluation. They confirmed their commitment to meeting the required timeline.

The initial quotes received exceeded the expectation for pricing the scope of works, so Council revised the scope of works to reduce the design costs.

- Consultants were asked to quote on the mandatory works for Stages 1, 2 and 3 and only Stage 1 for Strategic Works.
- Consultants were communicated during the evaluation process on 7 July 2023 via a Request for Further Information (RFI).

Reduced Scope of Works – Fee Offer

Respondent	**Quoted Price $ (excluding GST)**
Jensen PLUS	$ 227,713.00
Outerspace Landscape Architects	$ 225,417.00
Aurecon Group	$ 246,905.00
GD Studia	$ 69,500.00
WAX Design	Declined due to other commitments

Overall Finding

The three (3) submissions received were deemed to be Complying Quotes.

Despite the price variance, detailed assessments were undertaken on all three (3) submissions.

All consultants have vast experience in delivering similar projects to this and various other Councils within South Australia.

Each consultant provided submissions with sound WHS and Environmental and Quality Management systems with Aurecon Group being a standout. They were also the highest price submission.

Jensen PLUS and Outerspace Landscape Architects showed they had a very good understanding of the project scope/methodology as well as the deliverables required by Council.

CONFIDENTIAL

REPORT 17.5	**RFQ for Contract 2023/198 – Design of Greening Project Landscaping – Confidential** (Cont'd)

Aurecon Group's submission includes exclusions such as preparation of "as-built" drawings, design of pit and pipe drainage system modifications at some sites and all projects running concurrently or Aurecon Group would reserve their right to review fee offer.

Outerspace Landscape Architects submission was more than satisfactory as they could meet Council's timeline and have the experience of undertaking the project.

Jensen PLUS who has undertaken numerous other projects for Council also demonstrated that they have the capacity and expertise to successfully undertake the works but indicated the timeline will be tight to meet. However, with 70% documentation, Council has the ability to purchase and order plantings and material while documentation is completed to Council's satisfaction.

BUDGET AND TIMING

Total funding of just over $450,000.00 has been allocated to Phoenix Park Wetlands and WSUD infrastructure projects in the 2023/24 Capital Works Budget. The proposed scope of works to be funded from this budget is as follows:

- Council to proceed with Stages 1, 2 and 3 as per consultant's submission and scope of works for all mandatory projects, commencing with the Phoenix Park Wetlands, Port Pirie West Primary School, Pirie West Oval and The Terrace/Memorial Drive intersection.
- Council to proceed with Stage 1 only, with the following projects – Mary Elie Street, Memorial Drive, The Terrace between Alexander Street to Memorial Drive and The Terrace between Mary Elie Street and Grey Terrace.

Should Council agree to the recommendation, the preferred consultant will be engaged and works will be programmed to be completed by 13 October 2023, subject to agreed concept and final design by Council.

By reducing the scope of works, Council focused on the mandatory items of work agreed by the Department for Environment and Water (DEW) and SA Water.

However, should DEW and SA Water agree to progress with the additional items, then the fee proposal could increase to the initial value of the consultant's submission.

CONFIDENTIAL

REPORT 17.5	RFQ for Contract 2023/198 – Design of Greening Project Landscaping – Confidential (Cont'd)

Quote Summary

Criteria	Weighting	Jensen PLUS	Aurecon Group	Outerspace Landscape Architects	GDStudia
Management and Environmental Systems and Quality Systems	10%	Company has internal Management, Environmental and Quality systems in place and can provide if engaged.	National company with internal Management and Quality systems will proivde if required.	Local Adelaide company with own Management, Environmental and Quality systems in place can proivde if required.	Company has systerms in place and can provide if required
Organisation Structure, Facilities and Resources.	20%	Local well established local Company has performed works previously with PPRC - Riverbank Precint Redevelopment. Has the structure and resources to undertake works requested.	National company also based in Adelaide has performed similar works befroe and worked previously for PPRC and SA Watewr	Local Adelaide based company has the capacity and resources to undetake works	Local Company has resources to undertake works stage 1 only
Implementation/Delivery Schedule/Experience	20%	Implemetation and Delivery shows balance for the project due to size of works required. Company has the experience to suit but requests extended program	Company can meet timeframe also has the experience with similar projects	Company can meet timeframe requested by Council has the methodology and experience in similar projects undertaken with other Councils/Cities	Compnay only RFQ Stage 1 has experience in similar projects
Price	50%	lowest fee offer option	highest fee offer option	second lowest fee offer option	non-conforming
General Comments	100%	Consultant has experience and capability to undertake works but with an extended time frame.	Consultant is experienced and can undertake works but is highest fee offer Consultant not preferred	Consultant has the experience and capabilities but fee offer is not competitive Consultant not preferred	Consultant only submitted Stage 1 Concept design costs deemed non-comforming Consultant not preferred

CONFIDENTIAL

REPORT 17.5	RFQ for Contract 2023/198 – Design of Greening Project Landscaping – Confidential (Cont'd)

Quote Scoring Matrix

ITEM	DESCRIPTION Evaluation Criteria Note: ( )* Denotes Rating	WEIGHTING %	Jensen PLUS Score (out of 5)		Aurecon Group Score (out of 5)		Outerspace Landscape Architects Score (out of 5)		GDStudia Score (out of 5)	
	LUMPS SUM TENDER VALUE EXCL GST		**$305,039.00**		**$333,588.00**		**$ 326,414**		**$69,500.00**	
2	Management and Environmental Systems and Quality Systems (Schedule 5)	10%	3	6.00	3	6.00	3	6.00	2	4.00
4	Organisation Structure, Facilities and Resources (Schedule 8)	20%	4	16.00	3	12.00	4	16.00	3	12.00
7	Implementation/Delivery Schedule/Experience (Schedule 9)	20%	4	16.00	3	12.00	4	16.00	3	12.00
10	Price (Schedules 10 & 11) Score = 2.5 + 5*(($M-$T)/$M)	50%	2.72	27.24	2.28	22.76	2.39	23.89	1	10.00
	TOTAL SCORE INCLUDING PRICE	**100%**	65.24		52.76		61.89		38.00	
	TOTAL RANK INCLUDING PRICE		**1**		**3**		**2**		**4**	
	TOTAL SCORE EXCLUDING PRICE		*27.24*		*22.76*		*23.89*		*10.00*	
	TOTAL RANK EXCLUDING PRICE		***1***		***3***		***2***		***4***	

Rating Scale:

5 = Outstanding offer, greatly exceeds criterion
4 = Very good offer, exceeds criterion
3 = Good offer, no deficiencies, meets criterion
2 = Fair offer, few deficiencies, almost meets criterion
1 = Marginal offer, some deficiencies, partly meets criterion
0 = Inadequate offer, many deficiencies, does not meet criterion

REPORT 17.5	RFQ for Contract 2023/198 – Design of Greening Project Landscaping – Confidential (Cont'd)

Initial Pricing

Schedule 16 - Pricing	Jensen PLUS					Aurecon Group				Outerspace Landscape Architects				GDStudia			
Amount	Stage 1 - Rate (before GST)	Stage 2A - Rate (before GST)	Stage 2B Rate (before GST)	Stage 3 - Rate (before GST)	Item Total (before GST)	Stage 1 - Rate (before GST)	Stage 2 - Rate (before GST)	Stage 3 - Rate (before GST)	Item Total (before GST)	Stage 1 - Rate (before GST)	Stage 2 - Rate (before GST)	Stage 3 - Rate (before GST)	Item Total (before GST)	Stage 1 - Rate (before GST)	Stage 2 - Rate (before GST)	Stage 3 - Rate (before GST)	Item Total (before GST)
Project 2.1 - The Terrace – Port Pirie West Primary School/Pirie West Oval Carpark.	$16,203.00	$6,227.00	$5,951.00	$13,106.00	$41,487.00	$12,530.00	$22,279.00	$10,990.00	$45,799.00	$18,110.00	$18,650.00	$12,639.00	$49,399.00	$8,200.00	$0.00	$0.00	$0.00
Project 2.2 - The Terrace/Memorial Intersection	$12,683.00	$5,030.00	$4,631.00	$13,106.00	$35,450.00	$9,311.00	$13,910.00	$6,149.00	$29,370.00	$11,110.00	$16,710.00	$12,639.00	$40,459.00	$6,700.00	$0.00	$0.00	$0.00
Project 2.3 – Memorial Drive Permeable Paving	$12,694.00	$6,877.00	$5,651.00	$13,106.00	$38,328.00	$11,008.00	$15,482.00	$6,411.00	$32,901.00	$12,590.00	$16,660.00	$12,639.00	$41,889.00	$10,500.00	$0.00	$0.00	$0.00
Project 2.4 – Mary Elie Street	$19,641.00	$8,101.00	$6,879.00	$13,106.00	$47,727.00	$10,020.00	$15,494.00	$6,411.00	$31,925.00	$16,960.00	$19,760.00	$12,639.00	$49,359.00	$11,500.00	$0.00	$0.00	$0.00
Project 2.5 – The Terrace: Alexander street to Memorial Drive and Mary Elie Street to Grey Terrace	$21,133.00	$8,621.00	$7,479.00	$13,106.00	$50,339.00	$14,532.00	$29,016.00	$13,869.00	$57,417.00	$21,650.00	$26,660.00	$12,639.00	$60,949.00	$13,900.00	$0.00	$0.00	$0.00
Project Launch & Site Visits	-	-	-	-	-	-	-	-	$11,667.00	-	-	-	-				
Survey	-	-	-	-	-	-	-	-	$30,837.00	-	-	-	-				
PC Sum - Traffic Engineer	-	-	-	-	-	-	-	-	-	-	-	-	$5,000.00				
Visit and accomodation					$5,600.00												
Sub Total (before GST)	**$113,150.00**	**$59,594.00**	**$52,069.00**	**$80,226.00**	**$310,639.00**	**$84,535.00**	**$142,668.00**	**$63,881.00**	**$333,588.00**	**$117,460.00**	**$128,120.00**	**$75,834.00**	**$326,414.00**	**$69,500.00**	**$0.00**	**$0.00**	**$0.00**
Amount of GST	$11,315.00	$5,959.40	$5,206.90	$8,022.60	$31,063.90	$8,453.50	$14,266.80	$6,388.10	$33,358.80	$11,746.00	$12,812.00	$7,583.40	$32,641.40	$6,950.00	$0.00	$0.00	$0.00
Total (including GST)	**$124,465.00**	**$65,553.40**	**$57,275.90**	**$88,248.60**	**$341,702.90**	**$92,988.50**	**$156,934.80**	**$70,269.10**	**$366,946.80**	**$129,206.00**	**$140,932.00**	**$83,417.40**	**$359,055.40**	**$76,450.00**	**$0.00**	**$0.00**	**$0.00**

CONFIDE

REPORT 17.5	RFQ for Contract 2023/198 – Design of Greening Project Landscaping – Confidential (Cont'd)

Schedule 16 - Pricing	Jensen PLUS					Aurecon Group				Outerspace Landscape Architects				GDStudia			
Amount	Stage 1 - Rate (before GST)	Stage 2A - Rate (before GST)	Stage 2B Rate (before GST)	Stage 3 - Rate (before GST)	Item Total (before GST)	Stage 1 - Rate (before GST)	Stage 2 - Rate (before GST)	Stage 3 - Rate (before GST)	Item Total (before GST)	Stage 1 - Rate (before GST)	Stage 2 - Rate (before GST)	Stage 3 - Rate (before GST)	Item Total (before GST)	Stage 1 - Rate (before GST)	Stage 2 - Rate (before GST)	Stage 3 - Rate (before GST)	Item Total (before GST)
Project 1 - Phoenix Park Wetlands	$30,796.00	$24,738.00	$21,478.00	$14,696.00	$91,708.00	$27,134.00	$46,487.00	$20,051.00	$93,672.00	$37,040.00	$29,680.00	$12,639.00	$79,359.00	$18,700.00	$0.00	$0.00	$0.00
Project 2.1 - The Terrace – Port Pirie West Primary School/Pirie West Oval Carpark.	$16,203.00	$6,227.00	$5,951.00	$13,106.00	$41,487.00	$12,530.00	$22,279.00	$10,990.00	$45,799.00	$18,110.00	$18,650.00	$12,639.00	$49,399.00	$8,200.00	$0.00	$0.00	$0.00
Project 2.2 - The Terrace/Memorial Intersection	$12,683.00	$5,030.00	$4,631.00	$13,106.00	$35,450.00	$9,311.00	$13,910.00	$6,149.00	$29,370.00	$11,110.00	$16,710.00	$12,639.00	$40,459.00	$6,700.00	$0.00	$0.00	$0.00
Project 2.3 – Memorial Drive Permeable Paving	$12,694.00	$0.00	$0.00	$0.00	$12,694.00	$11,008.00	$0.00	$0.00	$11,008.00	$12,590.00	$0.00	$0.00	$12,590.00	$10,500.00	$0.00	$0.00	$0.00
Project 2.4 – Mary Elie Street	$19,641.00	$0.00	$0.00	$0.00	$19,641.00	$10,020.00	$0.00	$0.00	$10,020.00	$16,960.00	$0.00	$0.00	$16,960.00	$11,500.00	$0.00	$0.00	$0.00
Project 2.5 – The Terrace: Alexander street to Memorial Drive and Mary Elie Street to Grey Terrace	$21,133.00	$0.00	$0.00	$0.00	$21,133.00	$14,532.00	$0.00	$0.00	$14,532.00	$21,650.00	$0.00	$0.00	$21,650.00	$13,900.00	$0.00	$0.00	$0.00
Project Launch & Site Visits	-	-	-	-	-	-	-	-	$11,667.00	-	-	-	-				
Survey	-	-	-	-	-	-	-	-	$30,837.00	-	-	-	-				
PC Sum - Traffic Engineer	-	-	-	-	-	-	-	-	-	-	-	-	$5,000.00				
Site visits & accomodation					$5,600.00												
Sub Total (before GST)	**$113,150.00**	**$35,995.00**	**$32,060.00**	**$40,908.00**	**$227,713.00**	**$84,535.00**	**$82,676.00**	**$37,190.00**	**$246,905.00**	**$117,460.00**	**$65,040.00**	**$37,917.00**	**$225,417.00**	**$69,500.00**	**$0.00**	**$0.00**	**$0.00**
Amount of GST	$11,315.00	$3,599.50	$3,206.00	$4,090.80	$22,771.30	$8,453.50	$8,267.60	$3,719.00	$24,690.50	$11,746.00	$6,504.00	$3,791.70	$22,541.70	$6,950.00	$0.00	$0.00	$0.00
Total (including GST)	**$124,465.00**	**$39,594.50**	**$35,266.00**	**$44,998.80**	**$250,484.30**	**$92,988.50**	**$90,943.60**	**$40,909.00**	**$271,595.50**	**$129,206.00**	**$71,544.00**	**$41,708.70**	**$247,958.70**	**$76,450.00**	**$0.00**	**$0.00**	**$0.00**

CONFI

MEETING: ORDINARY MEETING OF COUNCIL - CONFIDENTIAL
DATE: 26 July 2023

DEPARTMENT: INFRASTRUCTURE
OFFICER: Frank Endemann, Project Manager

REPORT ITEM:	**17.6**
REPORT TITLE:	**RFT FOR CONTRACT 2023/190 – FORESHORE MASTER PLAN TOILET UPGRADE**

Timeframe	2023/25024 Financial Year			
Budget Impact	$170,000.00 (excluding GST) within overall project budget.			
Risk Assessment	**Primary Risk Type(s):**		Reputation	
	Inherent Risk:	**Likelihood**	**Consequence**	**Rating**
		Likely	Minor	Medium
	Controls:	▪ Ensure public are advised prior to closure. ▪ Provide on site signage during works advising of temporary closure and direct public to alternate facilities.		
	Residual Risk:	Possible	Insignificant	Low
File Reference	40.014.009.116/2023			

STRATEGIC REFERENCE:	
Theme **Goal** **Strategy 3.2.3**	Our Lifestyle Infrastructure Council provided assets that are fit for purpose, proactively maintained and renewal recognises future demand.

RECOMMENDATION:

That Council award a contract to Alsanto Constructions Pty Ltd for the refurbishment of the foreshore toilets in accordance with the documents submitted in response to Request for Tender for Contract 2023/190 Foreshore Master Plan Toilet Upgrade up to the amount of $170,000.00 (excluding GST).

EXECUTIVE SUMMARY:

Council has allocated funding for the completion of Stage 1 of the Riverbank Precinct Master Plan as part of the Foreshore Master Plan which incorporates the refurbishment of the Solomontown Beach toilets. An open market Tender was issued via Tenders SA. The following report summarises the evaluation process undertaken on the submissions received.

CONFIDENTIAL

REPORT 17.6	**RFT for Contract 2023/190 – Foreshore Master Plan Toilet Upgrade – Confidential** (Cont'd)

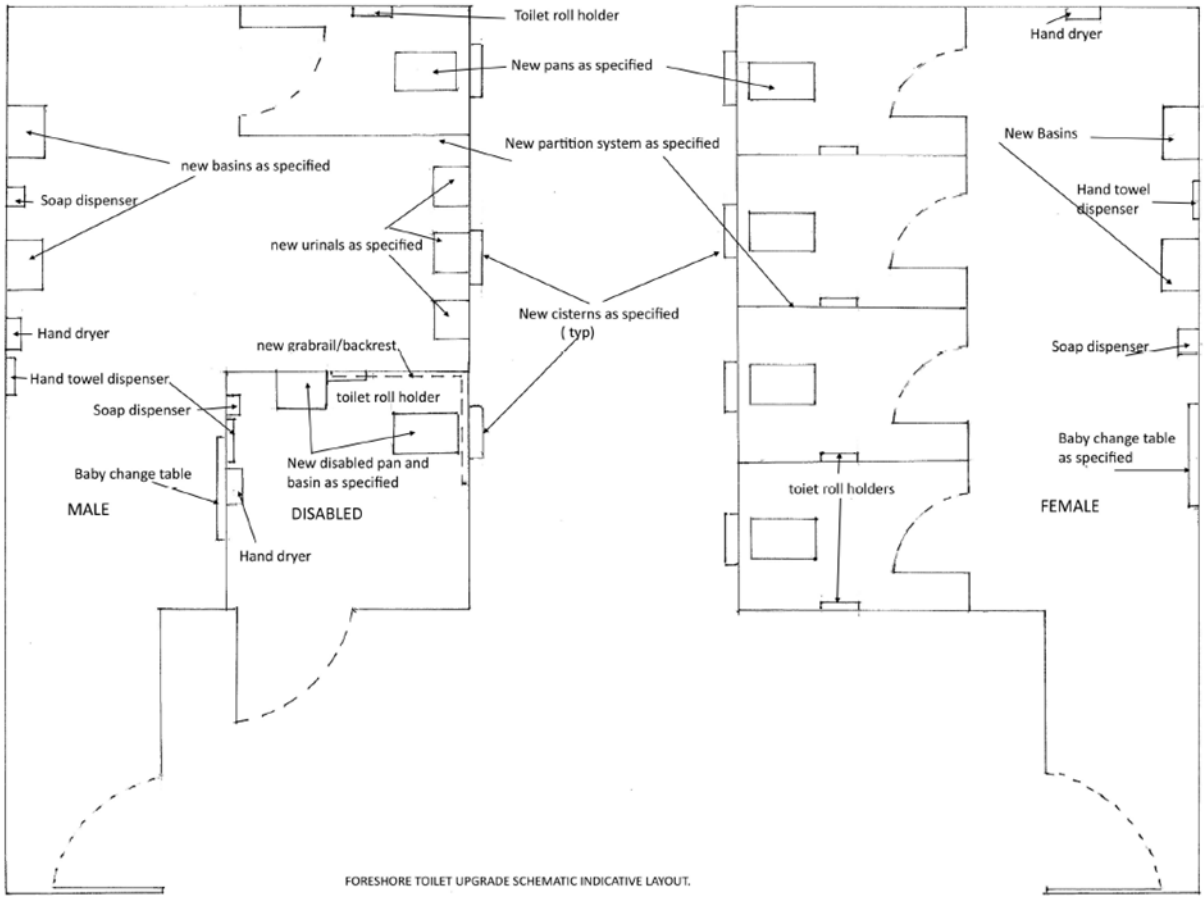
DISCUSSION

Council has allocated funds in its 2023/24 Capital Works Program for the refurbishment of the Solomontown Beach Foreshore Toilets. This report details the tender process that was conducted for the works.

Proposed Works

Upgrading the facilities includes the following:

- Replace floor tiles
- Tiles walls from floor to ceiling
- New fixtures and fittings throughout
- Install baby change facilities
- Replace toilet partitions
- Install hand dryers
- Repaint internal surfaces



Term of Contract

The term of the contract is a one-off lump sum commencing in September 2023.

REPORT 17.6	**RFT for Contract 2023/190 – Foreshore Master Plan Toilet Upgrade – Confidential** (Cont'd)

Tender Assessment

Request for Tender documentation was uploaded to Tenders SA and at the closing time of 2pm Thursday 29 June 2023, four tender submissions were received as follows:

Tenderer	**Tendered Price $ (excluding GST)**
Alsanto Constructions P/L	$ 166 060.00
BLS Building & Maintenance Services P/L	$ 172 784.00
Dynabuilt Group P/L	$ 184,661.00
Urbantec P/L	$ 172 000.00

Tenderers were invited on a Lump Sum basis.

Non-Conforming Quote
Urbantec's submission was deemed non-conforming as they do not hold a Builders Licence.

Urbantec confirmed by email that they were not licensed and relied on a third-party Building Work Supervisor.

OCBA's website confirmed that they still would require a Builders Licence as per the following excerpt taken from the OCBA website.

"Individuals and businesses must be licensed as building contractors, including subcontractors if they run a business that carries out or organises building work"

Qualitative Assessment

Tenders received have been assessed against the criteria as set out below:

Price	35%
Management Systems	20%
Company Details & Relevant Experience	15%
Project Methodology Management & Delivery	25%
Local Economic Benefit & Social Inclusion	5%
TOTAL	**100%**

The tenders were evaluated by:
- Frank Endemann, Project Manager
- Glenn Miller, Projects and Procurement Coordinator

A summary of the tender assessment is contained in the tables on the following pages as:
- The tender summary; and
- The tender scoring matrix

CONFIDENTIAL

REPORT 17.6	**RFT for Contract 2023/190 – Foreshore Master Plan Toilet Upgrade – Confidential** (Cont'd)

Quote Clarifications Sought

Clarifications were sought from BLS Building to confirm their company structure as well as Urbantec to determine their Licence status.

Overall Finding

All complying submissions received were comprehensive and demonstrated each company's ability to successfully deliver the specified works.

Each of these contractors have also undertaken similar projects for PPRC in the recent past.

Alsanto Constructions and BLS Building and Maintenance P/L will source all materials and labour from within the PPRC area and whilst Dynabuilt Group is 100% SA sourced, some of their labour is from outside the PPRC area.

As there was very little to separate the submissions in term of company experience, quality, WHS, programming or methodology, price was the determining factor.

The fact that all prices received were relatively close indicates that the tenders submitted reflect the market value of the proposed work.

On that basis it is recommended that Alsanto Construction P/L be awarded the contract for the refurbishment of the foreshore toilets

BUDGET AND TIMING

The refurbishment of these toilets will be funded from the overall project budget for the Stage 1 works of the Riverbank Precinct Master Plan in the 2023/24 Capital Works Budget.

Should Council agree to the recommendation, the preferred tenderer will be engaged and works will be programmed to be completed by 30 November 2023.

CONFIDENTIAL

REPORT 17.6	RFT for Contract 2023/190 – Foreshore Master Plan Toilet Upgrade – Confidential (Cont'd)

Tender Summary

Criteria	Weighting	Alsanto Constructions P/L	The Trustee for BLS Family Trust (T/A BLS Building and Maintenance Services) P/L	The Trustee for Cox Family Trust & The Trustee for Waller Trust (T/A Dynabuilt Group RD Carpentry Construstion)	Urbantec P/L
Price	35%	$166,060 ($3940 under budget)	$172,784 ($2784 over budget)	$184,661 ($14,660 over Budget)	Non- Conforrming
Company Details and Relevant Experience of Tenderer	15%	Alsanto have a proven record of successful delivery of similar projects and working colaborativly with the PPRC	BLS Building have delivered similar projects to a high quality	Dynabuilt have delivered high quality work for Council	
Local Economic Benefit & Social Inclusion	5%	100% SA (95% within PPRC area)	100% SA (95% within PPRC area)	100% SA (10% PPRC area)	
Management Systems -WHS -Environment -Quality	20%	WHS management systems in place, Site specific hazards identified	WHS management systems in place, Site specific hazards identified	WHS management systems in place, Site specific hazards identified. Has good Environmmental Management policy	
Project Methodology, Management & Delivery	25%	Can meet timelines	Details provided	Comprehensive details provided	
General Comments		Submission indicates Alsanto could successfully deliver the work withing the bubget	BLS provided a good submission could deliver project .	Quality submission, Dynabuilt have good relationship with Council. Hard to justify additional cost.	

REPORT 17.6	RFT for Contract 2023/190 – Foreshore Master Plan Toilet Upgrade – Confidential (Cont'd)

Tender Scoring Matrix

ITEM	DESCRIPTION	WEIGHTING %	Alsanto Constructions P/L		The Trustee for BLS Family Trust (T/A BLS Building and Maintenance Services) P/L		The Trustee for Cox Family Trust & The Trustee for Waller Trust (T/A Dynabuilt Group RD Carpentry	
	Evaluation Criteria Note: ( )* Denotes Rating		Score (out of 5)		Score (out of 5)		Score (out of 5)	
	LUMPS SUM TENDER VALUE EXCL GST		**$166,060.00**		**$172,784.00**		**$184,661.00**	
1	Price (Schedules 17 & 18) Score = 2.5 + 5 *(($M-$T)/$M)	35%	2.8	19.36	2.6	18.01	2.2	15.64
2	Company Details & Relevant Experience (Schedules 3, 12 & 14) *Financial Health* *Organisation Structure, Facilities and Resources*	15%	3	9.00	3	9.00	3	9.00
3	Local Economic Benefit & Social Inclusion (Schedule 13)	5%	4	4.00	4	4.00	3	3.00
4	Management Systems (Schedules 6 & 7) *WHS, Environmental & Quality*	20%	3	12.00	3	12.00	3	12.00
5	Project Methodology, Management & Delivery (Schedules 8 & 15) *Value added opportunities* *Improvements, innovation and creativity* *Warranties*	25%	3	15.00	3	15.00	3	15.00
	TOTAL SCORE INCLUDING PRICE	**100%**	59.36		58.01		54.64	
	TOTAL RANK INCLUDING PRICE		**1**		**2**		**3**	
	TOTAL SCORE EXCLUDING PRICE		*40.00*		*40.00*		*39.00*	
	TOTAL RANK EXCLUDING PRICE		***1***		***1***		***2***	

MEETING: **ORDINARY MEETING OF COUNCIL - CONFIDENTIAL**
DATE: **26 July 2023**

DEPARTMENT: **Office of the CEO**
OFFICER: **Peter Ackland**

REPORT ITEM:	**17.7**
REPORT TITLE:	**LGA PROCUREMENT ENERGY TENDER – CONFIDENTIAL**

Timeframe	Current contracts expire 30 June 2023			
Budget Impact	See body of report			
Risk Assessment	**Primary Risk Type(s):**		Legal / Regulatory / Policy	
	Inherent Risk:	**Likelihood**	**Consequence**	**Rating**
		Almost certain	Minor	High
	Controls:	▪ Thorough procurement process by third party		
	Residual Risk:	Almost certain	Minor	High
File Reference	7.92.2.3			

STRATEGIC REFERENCE:	
Theme **Goal** **Strategy 3.3.4**	Our Lifestyle Sustainability Energy generation and local use is increasingly environmentally sensitive.

RECOMMENDATION:
That consistent with the requirement of the delegation from item 5.1 Special Meeting of Council held 15 May 2023, Council note the report providing the outcome of the decision by the Chief Executive Officer to consider the Best and Final Offer for prices and to accept the recommendation of LGA Procurement for the supply of electricity for the period commencing 1 July 2023.

EXECUTIVE SUMMARY:
LGA Procurement (LGAP) sought tenders for the bulk supply of electricity for Councils. Council considered a report on the estimate of pricing provided by LGAP and delegated authority to the Chief Executive Officer to consider Best and Final Offers and, award tenders for Council, subject to conditions. The Chief Executive Officer is required to report on the outcome of that delegation as soon as reasonably possible following the decision. This report fulfills that condition.

CONFIDENTIAL

REPORT 17.7	**LGA Procurement Energy Tender – Confidential** (Cont'd)

DISCUSSION

I refer to the Special Meeting of Council held 15 May 2023 where Council considered estimations of the outcomes of the LGA Procurement (LGAP) Electricity Tender, and amongst other things, resolved that:

> *That Council delegate authority to the Chief Executive Officer to consider the Best and Final Offer for prices for the supply of electricity for the period commencing 1 July 2023 expected to be provided by LGAP before 24 May 2024, and subject to the prices supplied to be savings on current pricing, delegate authority to the Chief Executive Officer to accept the recommendation of LGAP, including the period of contract subject to the term being no longer than 3 years.*
>
> *That the outcome of the exercise of this delegation be provided to Council by way of report as soon as reasonably possible following the decision.*

I advise that upon provision of the Best and Final Offers received by LGAP, and consistent with their recommendations, under delegation I accepted the following tenders for supply of electricity for Council:

- Below 160MWh supply standard grid electricity awarded to Origin Energy for a period of 2 years
- Above 160MWh supply standard grid electricity awarded to Iberdrola for a period of 2 years
- 12/24 Unmetered Street Lighting supply standard grid electricity awarded to Iberdrola for a period of 2 years

Savings on the draft budget were reported to Council as part of its special meeting held 5 July 2023.

The Director Corporate and Community and the Chief Executive Officer reviewed the contracted prices for the current and proposed tender that was supplied by the LGAP. For all 3 recommended electricity packages, the new prices were lower than the current prices (to 30 June 2023).

Consideration was also given to the expected total energy costs calculated by LGAP and suppled in the package of information. The calculation for total energy costs estimated a reasonable expected saving on current pricing on the large and unmetered sites, but an estimated increase in total cost of $222.46 more than the current $58,969.19 for the small sites. Whilst that is not a saving on total cost for the small sites, the pricing was less than current, and there was an overall saving on current total costs across all three types.

Given the prices per MWh were all lower than the current costs, the condition of the delegation was considered to be met.

CONFIDENTIAL

17. ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY:

17.8 CEO Performance Review Committee Meeting held 19 July 2023 Pursuant to Section 90(3)(a)

MOVED SECONDED

Pursuant to Section 90(2) and 90(3)(a) of the *Local Government Act 1999* the Council orders that all members of the public with the exception of K Carmody, Executive Assistant be excluded from attendance at that part of this meeting relating to Agenda Item 17.8 CEO Performance Review Committee Meeting held 19 July 2023 to enable the Council to consider Item 17.8 in confidence on the basis the Council considers it necessary and appropriate to act in a meeting closed to the public (excepting those persons listed above) in order to receive, discuss or consider in confidence the following information or matter relating to Item 17.8 which is information concerning the personal affairs of any person (living or dead), the disclosure of which would be unreasonable information being information relating to the performance of the Chief Executive Officer, which is sensitive and are details which are only known to those who have participated in the review process.

Accordingly, on this basis, the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or matter confidential.

Receiving of Meeting Minutes

MOVED SECONDED

That the Minutes of the CEO Performance Review Committee meeting held on 19 July 2023 be received.

CEO Performance Review 2022/23 – Draft Performance Appraisal Report

MOVED SECONDED

That the draft Performance Appraisal Report from Hender Consulting be received and considered by Council.

[Any further resolutions, if any, to be determined at the meeting.]

Section 91(7) Order

MOVED SECONDED

Pursuant to Section 91(7) of the Local Government Act 1999, the Council orders that the agenda reports, related attachments, discussion and minutes relating to Agenda Item 17.8 LGA Procurement Energy T CEO Performance Review Committee Meeting held 19 July 2023 ender shall be kept confidential, being documents relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and 90(3)(a) of the Act on the grounds that the documents relate to information concerning the personal affairs of any person (living or dead), the disclosure of which would be unreasonable being information relating to the performance of the Chief Executive Officer, which is sensitive and are details which are only known to those who have participated in the review process.

This order shall operate until the CEO Performance Review process has been completed.

CONFIDENTIAL

17. ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY: (Cont'd)

17.8 CEO Performance Review Committee Meeting held 19 July 2023 (Cont'd)

Section 91(7) Order (Cont'd)

Pursuant to Section 91(9)(c) of the Local Government Act 1999, the Council delegates to the Chief Executive Officer (or his delegate) the power to revoke this order in whole or part.

CONFIDENTIAL

MINUTES OF THE CEO PERFORMANCE REVIEW COMMITTEE MEETING HELD ON WEDNESDAY 19 JULY 2023 AT 5.30PM IN THE COUNCIL CHAMBERS, 115 ELLEN STREET, PORT PIRIE.

1.0 ACKNOWLEDGEMENT OF COUNTRY:
We acknowledge and respect the traditional custodians whose ancestral lands we are meeting upon here today.

2.0 PRESENT: His Worship the Mayor L Stephens and Crs A Zubrinich (Chairperson) and L Peters

Kate Carmody, Executive Assistant (Minutes)

3.0 APOLOGIES: Deputy Mayor Cr K Jackson

4.0 CONFIRMATION OF MINUTES:

4.1 CEO Performance Review Committee Meeting 6 June 2023

MOVED Cr Peters SECONDED Mayor Stephens

CE26/23 That the Minutes of the CEO Performance Review Committee meeting held on 6 June 2023 be received and confirmed.

CARRIED

5.0 MATTERS ARISING: Nil

6.0 DECLARATION OF INTERESTS: Nil

7.0 ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY:

7.1 CEO Performance Review 2022/23 – Draft Performance Appraisal Report

Pursuant to Section 90(3)(a)

MOVED Mayor Stephens SECONDED Cr Peters

CE27/23 Pursuant to Section 90(2) of the Local Government Act 1999 the Committee orders that all members of the public, with the exception of K Carmody, Executive Assistant be excluded from attendance at the meeting for Agenda Item 7.1 CEO Performance Review 2022/23 – Draft Performance Appraisal Report.

The Committee is satisfied that pursuant to section 90(3)(a) of the Act, the information to be received, discussed or considered in relation to this Agenda item is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of the Chief Executive Officer, in that details of his performance will be discussed.

Accordingly, on this basis, the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or matter confidential.

CARRIED

MOVED Mayor Stephens SECONDED Cr Peters

CE28/23 That the draft Performance Appraisal Report from Hender Consulting be received and released to the Chief Executive Officer for his review; and that the Report be considered by Council at the next Ordinary meeting.

CARRIED

CONFIDENTIAL

7.0 ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY: (Cont'd)

7.1 CEO Performance Review 2022/23 – Draft Performance Appraisal Report (Cont'd)

MOVED Cr Peters SECONDED Mayor Stephens

CE29/23 That the Executive Assistant seek advice from Council's lawyers regarding the impact of the Remuneration Tribunal of South Australia's determination to ensure any adjustments to the Chief Executive Officer's remuneration (Total Employment Cost Package) lawfully comply with the determination and the relevant section of the Local Government Act 1999.

CARRIED

Section 91(7) Order

MOVED Cr Peters SECONDED Mayor Stephens

CE30/23 That having considered Agenda Item 7.1 CEO Performance Review 2022/23 – Draft Performance Appraisal Report in confidence under Section 90(2) and (3)(a) of the Local Government Act 1999, the Committee, pursuant to Section 91(7) of that Act orders that the agenda reports, discussion and minutes be retained in confidence for a period of 6 months or until the process has been finalised.

In accordance with Section 91(9)(c) of the Local Government Act 1999, the Chief Executive Officer is delegated the power to revoke this order in whole or part.

The Committee notes, in accordance with Section 91(9)(a) of the Local Government Act 1999, this order will be reviewed at least once in every year.

CARRIED

8.0 OTHER BUSINESS: Nil

9.0 NEXT MEETING: To be determined.

10.0 CLOSURE: 6.02pm

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CHAIR

CONFIDENTIAL

DRAFT

PORT PIRIE REGIONAL COUNCIL

CHIEF EXECUTIVE OFFICER PERFORMANCE APPRAISAL

JULY 2023

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PURPOSE OF REVIEW

Hender Consulting has been retained by the Port Pirie Regional Council to facilitate a review of the performance of the incumbent Chief Executive Officer, Mr Peter Ackland for the 2022/2023 cycle. We understand that general employment agreements allow for performance reviews to be undertaken periodically. The review is designed to assess performance against his position description, agreed KPIs and a range of professional behaviours.

107 survey questions were designed using the existing CEO job description to cover responsibilities (67 questions), executive behaviours (34 questions) and KPIs (6 questions) plus a STOP, START and CONTINUE section. The de-identified survey results are incorporated in this report.

A survey was designed to capture feedback from Elected Members and key Staff Members. The incumbent was asked to complete the same set of questions asked of the other participants.

All respondents invited to provide feedback were assured of confidentiality and anonymity.

Hender Consulting analysed all survey responses including reviewing all comments and feedback to de-identify sources and consider common and consistent themes. This performance appraisal report incorporates the key results and feedback from the survey process.

Formal performance appraisals are an important component of a performance management plan in contemporary entities and also form an important part of the analysis in regard to:

- overall strategic and risk management of the organisation;
- good governance practice;
- professional development;
- tenure;
- retention;
- ensuring accountability;
- determining appropriate remuneration.

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METHODOLOGY

In order to establish the standard of performance being achieved by the incumbent, we have undertaken (or will undertake) the following steps:

- liaised with the CEO Performance Review Committee (via Kate Carmody, on behalf of the Committee) to determine the scope of the appraisal in accordance with the responsibilities, objectives and professional behaviours deemed critical for performance in this significant leadership role;
- created the 107 question survey;
- distributed the confidential survey to all Elected Members and select Staff Members;
- compiled, de-identified and analysed the results;
- summarised the results in this report;
- meet with the CEO Performance Review Committee to discuss the findings;
- meet with the incumbent to provide feedback.

Response Rates

Response levels were excellent with 16 out of 16 invitees (100%) responding. This provides a valid response rate from the sample size. The breakdown of response rates were:

Elected Members	10/10
Staff Members	6/6

Unable to Assess Allocations

There was a relatively low number of "unable to assess" or U selections being 8.24% of overall responses.

Elected Members recorded 11.12% of ratings as "unable to assess", while Staff Members assigned 3.43% of ratings as "unable to assess".

A certain level of U responses is not unexpected as some Elected Members may have limited exposure to operational matters such as the CEO's direct interaction with staff and implementation and execution of strategy at the operational level. Similarly, some staff may have limited visibility to strategic matters and interface with Elected Members and other external stakeholders.

The "U" ratings have been removed for the purposes of calculating performance averages.

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SUMMARY AND FINDINGS

Findings

Note – for ease of analysis, the ratings code from the survey appears below.

U	1	2	3	4	5	6
Unable to assess	Serious concerns	Minor concerns	Satisfactory	Good	Very Good	Excellent

The survey results were positive, and Peter appears to be performing very capably against the majority of the 107 criteria in the survey. Peter's master average rating across all participants was a highly respectable **4.92 out of 6**, with a breakdown of the following master averages from each group:

Elected Members 4.97 out of 6
Staff Members 4.86 out of 6

The Elected Member and select Staff Member averages deliver a common assessment that Peter appears to be classified in the "very good" zone.

Overall Feedback

The responses as a percentage of the total appear below:

Rating	Overall %	Elected Members %	Staff Members %
Excellent	31.54	34.86	26.01
Very Good	34.23	32.24	37.54
Good	18.34	12.34	28.35
Satisfactory	4.56	5.05	3.74
Minor Concerns	2.63	3.64	0.93
Serious Concerns	0.47	0.75	0.00
Unable to Assess	8.24	11.12	3.43
Total	*100.00*	*100.00*	*100.00*

Where Elected Members and select staff felt able to assess Peter, the most common selection was 'excellent' (EMs) and 'very good' (staff), further evidencing a general perception of strong performance.

It is also clear from the percentages above that just over 65% of the overall responses were of *Very Good* or better ratings and almost 85% of the total responses as *Good* or above.

Also of very positive note is that *Minor Concerns and Serious Concerns* constitute a very low percentage of the overall assessments. The questions represented in the *Minor* and *Serious Concerns* categories can be identified in the raw data included as an appendix, which is helpful to the incumbent when addressing any particular concerns. Combined with the low percentage of total responses in the U category, these overall results do not give cause for any unease regarding Peter's performance.

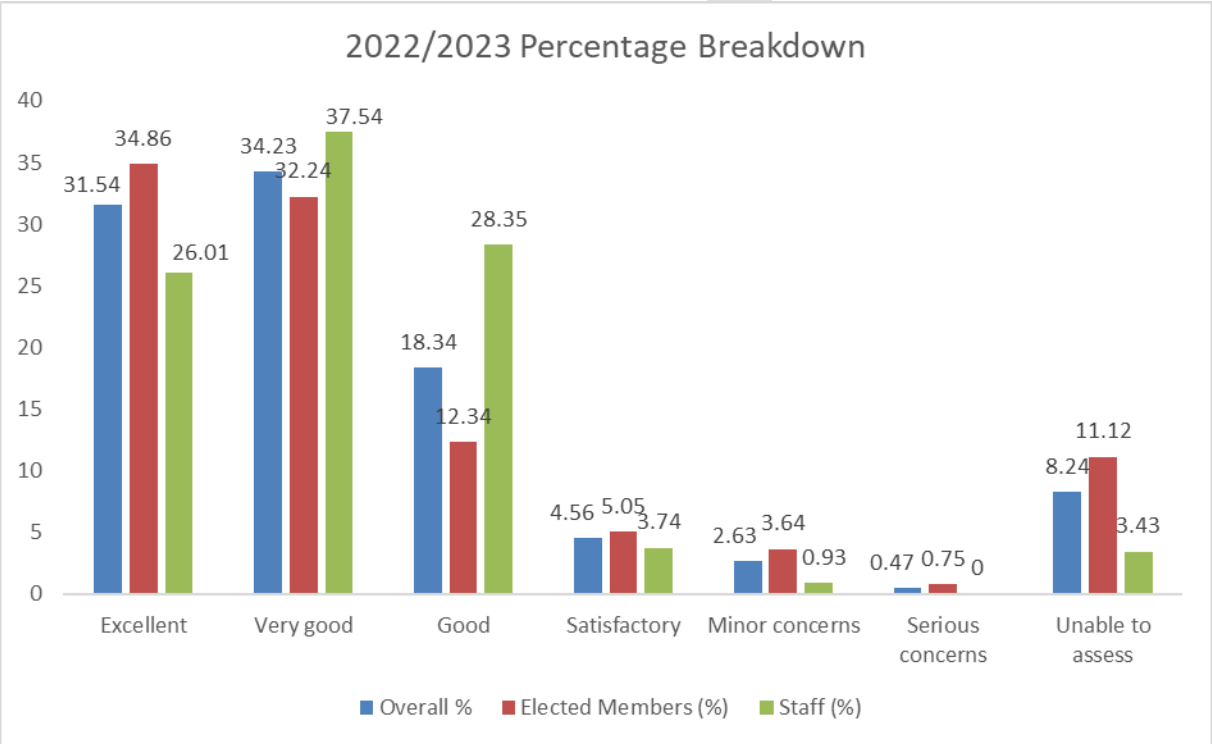
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Elected Member response

67.10% of overall Elected Member responses fell within the *Excellent* or *Very Good* range, with 79.44% of all responses within the *Good* to *Excellent* range. This is a very high response against CEO assessments in comparable entities and indicates a very high level of satisfaction from the Elected Member cohort.

Staff Member response

63.55% of overall Staff Member responses fell within the *Excellent* or *Very Good* range, with 91.89% of all responses within the *Good* to *Excellent* range. Again, these responses indicate an overall view amongst Staff Members that Peter performs very well.



Incumbent Self Assessment

Peter's overall self-assessment rating was **3.95 out of 6**.

This rating is lower than the master average ratings of Elected Members (4.97) and Staff Members (4.86) and may point to some specific areas of consideration/concern on the part of the incumbent. Given this rating is also marginally lower than his self-assessment ratings for the past two years, there may be merit in discussion regarding the areas driving this result from Peter's point of view.

Or it may simply indicate a Chief Executive who demonstrates modesty with regard to his perception of his own performance, one who sets high standards for himself and drives himself hard in his commitment to his role.

A full view of self-assessment comparisons to respondent ratings is shown in the tables below.

PERFORMANCE CRITERIA RATINGS

Performance Criteria	Ave Rating
Criteria 1 – Corporate Management	4.87
Criteria 2 – Corporate Relationships	5.21
Criteria 3 – Service Delivery	4.49
Criteria 4 – Community & Economic Development	4.65
Criteria 5 – External Relations	4.94
Criteria 6 – Financial & Asset Management	4.86
Criteria 7 – Human Resources	4.57
Criteria 8 – Workplace Health & Safety	4.78
Master Average for Performance Criteria	**4.81**

Performance Criteria	Incumbent Rating	Elected Member Ave Rating	Staff Ave Rating
Criteria 1 – Corporate Management	3.58	4.86	4.88
Criteria 2 – Corporate Relationships	4.13	5.21	5.19
Criteria 3 – Service Delivery	3.40	4.44	4.58
Criteria 4 – Community & Economic Development	4.17	4.45	5.00
Criteria 5 – External Relations	4.25	4.85	5.07
Criteria 6 – Financial & Asset Management	4.20	4.94	4.73
Criteria 7 – Human Resources	3.75	4.77	4.38
Criteria 8 – Workplace Health & Safety	4.33	4.74	4.81

The tables below show the CEO's self-assessment against each of this year's criteria with comparisons to the master average rating (Elected Members and select Staff Members) for this section of the survey.

Corporate Management	Incumbent Rating	Master Ave Rating
Exercising, performing or discharging other powers, functions or duties conferred on the Chief Executive Officer by or under the LG Act and other relevant Acts, and to perform other functions lawfully directed by the Council.	4.00	5.31
Ensure that systems are in place to achieve compliance with all of Council's legislative requirements and that Council and management are kept informed of any changes to requirements.	4.00	5.31
Ensuring that records required under the LG Act or other relevant Acts are properly kept and maintained.	4.00	5.15
Provide a strategic planning frame work is in place that includes effective consultative and evaluation processes and which remains clear and relevant.	4.00	5.19
Ensure operational plans and budgets flow from the strategic plan on time and in a form which is clear and useful in both Council and management processes.	4.00	4.75
Implement best practice management information systems which enable performance to be assessed against identified indicators.	3.00	4.73
Ensure that Corporate Performance Indicators are in place and are used to evaluate Council performance.	3.00	4.63
Maintain systems to ensure transparency and public accountability to achieve Council's ongoing compliance with all legislative requirements.	4.00	5.13
Ensure Council policy development, evaluation, action, review, and promulgation are effectively managed.	4.00	4.69
Maintain strong leadership of the senior management team and its effectiveness within the administration of Council.	4.00	5.13
Ensure that all departmental services, strategic tasks, projects and capital works are completed within Budget and on time.	2.00	3.75
Prepare and maintain business plans for Council, and ensure all actions identified are completed and reported against.	3.00	4.63

Corporate Relationships	Incumbent Rating	Master Ave Rating
Provide regular and informative briefing of Council on key policy issues and items or projects that add value to Council's preferred futures.	4.00	5.25
Ensure Elected Members are kept up to date with changing legislation, policies, and governance practices that are relevant to their role.	4.00	5.38
Respond to Elected Member questions and requests in a professional and timely manner.	4.00	5.53
Ensuring that the policies and lawful decisions of the Council are implemented in a timely and efficient manner.	4.00	5.06
Build and maintain an effective working relationship with Elected Members.	4.00	5.43
Professional timely, informative, accurate and relevant reports provided to Council.	5.00	5.06
Coordinating proposals for consideration by the Council for developing objectives, policies and programs for all areas of Council's responsibility.	4.00	5.00
Providing information to the Council to assist the Council to assess its performance against its strategic management plans.	4.00	4.94
Service Delivery	**Incumbent Rating**	**Master Ave Rating**
Provide Council services that meet the needs of the community, meet Council's service standards and policies and in accordance with the adopted business plan, within the resources provided by Council.	4.00	4.38
Ensure all service quality levels and customer contact standards are specified, documented, publicised and fully understood by Council staff.	4.00	4.57
Undertake surveys and obtain feedback on levels of satisfaction within the community in terms of services and facilities provided by Council.	3.00	4.57
Undertake program reviews and benchmarking and ensure continuous improvement in service standards, customer service and productivity.	4.00	4.50
Develop and monitor a Quality Assurance Program, ensuring objectives and strategies are allocated to responsible officers, time-framed and achieved.	2.00	4.45
Community & Economic Development	**Incumbent Rating**	**Master Ave Rating**
Develop strategies that ensure that Port Pirie is a clean, vibrant, thriving region that encourages sustainable new business investment, supports existing business growth and has a growing population base.	4.00	4.69
Implement and further develop plans, programs, policies and strategies which meet the existing and emerging environmental, social and cultural needs of the community, provide for wide community consultation and promote Council's role as facilitator of economic and community development, including: • enhancing and promoting people's desire to live, work and invest in the region; • contributing to and supporting the development of key events, the arts and cultural development; • ensure Council's regulatory framework supports sustainable economic growth; • grow the regional economy by attracting new business and employment opportunities through a diverse business base; • encourage community involvement and participation in community groups, activities and programs.	4.00	4.56
Develop and support tourism and promotional initiatives and programs that will enhance the Port Pirie Region's reputation as a must for tourists and visitors, including: • the tourism information centre; • accessing grants and other sources of funding; • attracting visitors to the region; • marketing and promoting the area; • identifying , developing and promoting tourism incentives.	4.00	4.25
Liaise and network with appropriate external bodies to identify funding opportunities to develop and/or continue various programs and projects. Oversee and assist with the preparation of grant proposals and submissions. Monitor program outcomes against projected achievements.	5.00	4.73
Identify private sector interests, government programs and funding sources with capability to facilitate development in the region. Prepare submissions, receive allocate and monitor grant expenditure.	4.00	4.57
Promote a positive image of the Council and Region.	4.00	5.13

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External Relations	Incumbent Rating	Master Ave Rating
Develop effective relationships between Council and other key stakeholders. Liaise and/or negotiate with external bodies and sources on key issues as required.	5.00	5.06
Represent Council on various committees, network with other professionals and representatives from the three spheres of government and with other organisations. Report to Council on outcomes.	5.00	5.20
Ensure Council's media liaison activities are timely and responsive and portray a consistent, professional corporate image.	3.00	4.13
Oversee the preparation of Council publications, Annual Report, published advertisements and articles, and other promotional documents (eg brochures, flyers etc) to ensure they present a professional image and are consistent with Council's communications strategy.	4.00	4.93
Effective relationships are achieved with Federal, State Government and the ALGA on key policy and other issues associated with Local Government, Port Pirie Regional Council and development of the region in general.	4.00	5.07
Identify and communicate major potential risks and threats for Council in dealing with all stakeholders.	5.00	5.00
Provide competent representation at all civic and ceremonial occasions and where appropriate, ensure all protocols are properly addressed or executed.	4.00	5.47
Ensure that a strategy to facilitate productive communication with the media, community, governments and other stakeholders is in place.	4.00	4.63
Financial & Asset Management	**Incumbent Rating**	**Master Ave Rating**
Take responsibility for the cost effective management of Council's financial planning process. Monitor, review and report on Council assets, resources, investments, grant allocations and all committed expenditures (actual expenditure) against approved budgets.	4.00	5.06
Financial policies and systems are in place that promote economic, social and environmental sustainability.	5.00	4.88
Council's financial strategies are understood and pursued throughout the organisation.	4.00	4.71
Financial statements are fully compliant with relevant accounting and statutory requirements.	5.00	5.21
Useful, clear and accurate financial reports are provided to Council.	5.00	5.19
Services, capital works programs and projects are delivered on time and within budget; and, within a "contestability" framework.	2.00	3.75
Council's physical assets are accurately recorded and managed in accordance with legislative requirements and Council policies.	5.00	5.00
Risk Management policies, procedures and programs are clearly defined and achieved.	4.00	5.00
Ensure that the assets and resources of the Council are properly managed and maintained.	4.00	5.00
Provide public infrastructure and amenities that enhance the image of the Port Pirie Region, that are safe, functional, welcoming and appealing to the local community, investors and visitors while achieving the principles of triple bottom line sustainability.	4.00	4.75
Human Resources	**Incumbent Rating**	**Master Ave Rating**
Maintain effective Human Resource Management systems, policies and procedures that comply with statutory requirements and reflect industry best practice.	3.00	4.67
Communicate HR systems, policies and procedures effectively to all staff.	4.00	4.83
Actively promote a positive organisational culture and encourage innovation within the work place.	4.00	4.93
Ensure that a multi directional communication strategy is in place which effectively ensures all staff receive general information and have an opportunity to contribute ideas to the work of Council.	4.00	4.73
Ensure the effectiveness of current positions, staffing levels and productivity to meet Council's strategic objectives into the future.	4.00	4.07
Ensure that individual performance of all staff is reviewed annually.	4.00	4.40
Ensure that a corporate training program is in place which reflects organisational priorities and personal and career development needs of staff.	3.00	4.30
Staff recruitment and retention strategies and policies are in place and relevant to the current and future needs of Council.	3.00	3.92

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Manage difficult behaviours appropriately and contribute to maintaining a sound level of industrial harmony.	4.00	4.20
Observe and promote Council's Code of Conduct.	4.00	5.14
Maintain effective working relationships across the organisation and encourage team work, innovation and improvements across all functions.	4.00	5.33
Ensure the effective implementation of Enterprise Agreement strategies and commitments impacting on Council staff.	4.00	4.27
Work Health & Safety	**Incumbent Rating**	**Master Ave Rating**
Prepare, implement, monitor and review a suitable WH&S & Injury Management plan, policies and procedures to ensure a safe work environment for all staff, in accordance with the WH&S Act and Regulations and performance standards for self insurers.	5.00	4.82
Ensure all managers are accountable for their roles, responsibilities and performance in line with Council's WH&S & IM policies and procedures, the WH&S Act and Regulations and performance standards for self insurers through regular performance review.	4.00	4.42
Ensure effective consultation, communication and participation within Council.	4.00	5.07
Meet the set objectives, targets and performance indicators as outlined in Council's WH&S Plan which strive for continuous improvement.	5.00	5.00
Ensure all investigations for workplace incidents, accidents or injuries are completed with legislative requirements.	4.00	4.67
Ensure sufficient resources are allocated (human & financial) for the implementation of Council's WH&S & IM Plans.	4.00	4.70

Key areas of strength highlighted across the Performance Criteria (where the average was 5.31 or higher) were:

- Ensure Elected Members are kept up to date with changing legislation, policies, and governance practices that are relevant to their role (5.38)
- Respond to Elected Member questions and requests in a professional and timely manner (5.53)
- Build and maintain an effective working relationship with Elected Members (5.43)
- Provide competent representation at all civic and ceremonial occasions and where appropriate, ensure all protocols are properly addressed or executed (5.47)
- Maintain effective working relationships across the organisation and encourage team work, innovation and improvements across all functions (5.33)
- Exercising, performing or discharging other powers, functions or duties conferred on the Chief Executive Officer by or under the LG Act and other relevant Acts, and to perform other functions lawfully directed by the Council (5.31)
- Ensure that systems are in place to achieve compliance with all of Council's legislative requirements and that Council and management are kept informed of any changes to requirements (5.31)

Relatively weaker areas (where the average was 4.30 or lower) were:

- Develop and support tourism and promotional initiatives and programs that will enhance the Port Pirie Region’s reputation as a must for tourists and visitors, including: the tourism information centre; accessing grants and other sources of funding; attracting visitors to the region; marketing and promoting the area; identifying, developing and promoting tourism incentives. (4.25)
- Ensure Council's media liaison activities are timely and responsive and portray a consistent, professional corporate image (4.13)
- Services, capital works programs and projects are delivered on time and within budget; and, within a "contestability" framework (3.75)
- Ensure the effectiveness of current positions, staffing levels and productivity to meet Council's strategic objectives into the future (4.07)

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- Ensure that a corporate training program is in place which reflects organisational priorities and personal and career development needs of staff (4.30)
- Staff recruitment and retention strategies and policies are in place and relevant to the current and future needs of Council (3.92)
- Manage difficult behaviours appropriately and contribute to maintaining a sound level of industrial harmony (4.20)
- Ensure the effective implementation of Enterprise Agreement strategies and commitments impacting on Council staff (4.27)

It must be noted that whilst these averages were relatively lower than for other areas, they are still close to or in the *Good* bracket.

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EXECUTIVE BEHAVIOURS

Executive Behaviours were rated highly by both Elected Members and Staff Members. The schedule provided below compares the incumbent's self-rating with the average rating of the Elected Members and Staff Members.

Executive Behaviours	Incumbent Rating	Ave Rating
Demonstrates leadership and vision.	4.00	5.31
Adopts a collaborative management style.	4.00	5.31
Treats all colleagues professionally and with dignity and respect (eg. common courtesies such as please and thankyou).	5.00	5.50
Seeks and is receptive to other points of view.	4.00	5.25
Demonstrates integrity and high ethical standards.	5.00	5.44
Remains calm and resilient at all times despite pressures.	4.00	5.38
Is approachable and available. That is, to my knowledge, spends sufficient time with relevant team members.	4.00	5.44
Maintains confidentiality at all times.	5.00	5.60
Delivers verbal messages clearly and succinctly.	4.00	5.50
Delivers written messages clearly and succinctly.	4.00	5.50
To my knowledge, sets clear and reasonable tasks and deadlines and supports staff in the achievement thereof.	4.00	5.43
To my knowledge, delegates appropriate tasks to subordinates and empowers them to succeed.	4.00	5.29
Acknowledges and recognises others' skills, abilities and achievements.	4.00	5.36
Is receptive to and encouraging of positive and proactive change.	4.00	5.33
Makes the tough decisions where necessary rather than choosing the popular option.	4.00	4.87
Exercises sound judgement and makes decisions that are based on reasoned and well researched information.	4.00	5.44
Sets a strong example in terms of time management, organisation and associated professional standards.	3.00	5.47
Welcomes and accepts feedback constructively.	4.00	5.27
Demonstrates thorough understanding of relevant area of professional expertise.	4.00	5.50
Focuses on outcomes rather than overly dwelling on processes and procedures.	3.00	4.63
Maintains a healthy work/leisure balance.	3.00	3.47
Motivates and encourages others.	4.00	5.13
Thinks and acts strategically.	4.00	5.31
Is prepared to admit fault and rectify issues with own performance.	4.00	5.19
Demonstrates versatility and flexibility in finding innovative solutions to problems.	4.00	5.27
Is able to deliver difficult messages and/or bad news effectively i.e. is a truth teller.	5.00	5.19
Demonstrates genuine courage in the workplace ie. breaks new ground via calculated and considered risk taking.	4.00	4.62
Is able to establish immediate credibility and rapport with internal and external stakeholders to facilitate outcomes. That is, possesses genuine presence, confidence and assurity.	4.00	5.38
Has the capacity to effectively negotiate beneficial outcomes for the organisation without compromising stakeholder relationships.	4.00	5.33
Possesses a keen eye for process improvement and the capacity to implement changes to this end.	4.00	5.13
Utilises warmth, compassion and good humour to achieve positive organisational outcomes.	4.00	5.50
Demonstrates well developed commercial acumen in line with non financial corporate objectives.	4.00	5.40
Demonstrates well developed political acumen whilst maintaining probity and transparency.	5.00	5.40
Promotes Council in the media in a positive and proactive manner.	4.00	4.87
Incumbent/Master Average for Executive Behaviours	**4.06**	**5.23**

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Peter rated very highly generally across the range of professional behaviours, mostly in the *Very Good* or above categories. Standout areas of behaviour (where the average was 5.50 or higher) were:

- Treats all colleagues professionally and with dignity and respect (eg. common courtesies such as please and thankyou) (5.50)
- Maintains confidentiality at all times (5.60)
- Delivers verbal messages clearly and succinctly (5.50)
- Delivers written messages clearly and succinctly (5.50)
- Demonstrates thorough understanding of relevant area of professional expertise (5.50)
- Utilises warmth, compassion and good humour to achieve positive organisational outcomes (5.50)

Lower rated areas (where the average was 5.00 or lower), noting that this is still in the *Good* or above categories, were:

- Makes the tough decisions where necessary rather than choosing the popular option (4.87)
- Focuses on outcomes rather than overly dwelling on processes and procedures (4.63)
- Maintains a healthy work/leisure balance (3.47)
- Demonstrates genuine courage in the workplace ie. breaks new ground via calculated and considered risk taking (4.62)
- Promotes Council in the media in a positive and proactive manner (4.87)

Work/leisure balance for Peter continues to be a concern to those around him. This an important factor of contemporary leadership and will be referenced in our recommendations below.

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KEY PERFORMANCE INDICATORS

Key Performance Indicators	Incumbent Rating	Ave Rating
KPI 1 **South West Drainage Scheme** Pursue agreement with willing developers for the delivery of the South West Drainage Scheme, including but not limited to the possibility of an application to the Federal Government's National Housing Finance Investment Corporation. **Measure** • Meetings held with land owners to progress options. • Proposal for support pitched to either of the State or Federal Governments if agreement can be reached with land owners.	4.00	4.27
KPI 2 **Riverfront Development – Stage 2** In conjunction with current tenants, develop a masterplan for the potential development of the Council owned land generally encompassing the Lions Park, the Royal Port Pirie Yacht Club and the Port Pirie Rowing Club. **Measure** • Meetings held with Royal Port Pirie Yacht Club and Port Pirie Rowing Club to seek in principal support and requirements. • Based on level of agreement, concept plan and options delivery developed for consideration of Council.	2.00	4.47
KPI 3 **Stage 1 Greening Strategy** Ensure capacity for the delivery of Councils responsibilities under Year 1 of the four year $6.1m "Port Pirie Greening Program" in collaboration with TLAP, Dept Environment and Water and SA Water. **Measure** • • Delivery plan for year 1 developed and agreed with funding partners. • Plan substantially complete.	4.00	4.60
KPI 4 **Council Land Beach Road Port Pirie** Conduct an Expression of Interest for the development of Council owned land on Beach Road. **Measure** • Expression of Interest developed and taken to market. • Process for the selection of preferred proponent developed and undertaken.	2.00	4.36

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Key Performance Indicators	Incumbent Rating	Ave Rating
KPI 5 **Crystal Brook Child Care** Develop a concept design and costing, prepare a cost benefit analysis and other necessary supporting documentation in readiness for potential funding opportunities. **Measure** • Concept Plan and costings prepared. • Cost Benefit Analysis completed.	3.00	4.15
KPI 6 **Definition of Service Levels to Support Customer Service Response** Commence the process to identify and prioritise the setting of service levels to support the adequate response timeframes for customer requests. **Measure** • At least 20% of the service types existing in the customer request module as at 1 July 2022 will have service intervention levels determined by Council by 30 June 2023.	5.00	4.75

Average ratings for the Key Performance Indicators segment by survey participants sit comfortably in the *Good* bracket. There is a noticeable discrepancy in the case of a few of these KPIs between the view held by the incumbent and that of other survey participants. This point is referenced in the recommendations.

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PARTICIPANT COMMENTS

Participants were also encouraged to elaborate and/or make additional comments.

It is important to note that typically participants provide additional comments when they have something less positive to say (and treat the positives as a given).

It is also important to note, that specific comments reflect a participant's view and should not be assumed to be reflective of a majority assessment.

Elected Members and select Staff Members are also encouraged to constructively raise any specific concerns directly and privately with Peter to give him an opportunity to address them accordingly.

PERFORMANCE CRITERIA

Criteria 1 – Corporate Management

Elected Member comments:

- Unfortunately, this past 12 months has been a disaster in relation to delivering plan objectives in a timely manner - it's extremely frustrating to see this reflect on the CEO at the end of the day.
- Capital works are the glaring issue among an otherwise perfect score.

Incumbent comments:

- Evolving process to set more corporate level indicators - recent example being the customer request system.

Criteria 2 – Corporate Relationships

Elected Member comments:

- Sometimes I feel too much focus is on planning, legislation and key performance indicators. Whereas, it should be on getting the right people for the right job, and getting the jobs done.

Criteria 3 – Service Delivery

Elected Member comments:

- 3.3 - Unsure? There is a lot of community consultation around projects, but I am unsure if there is feedback given by community around services and facilities already provided and the satisfaction of this by our community. A question I will endeavor to find out. 3.4 & 3.5 - I will seek answers as to these questions for future reviews of the CEO.
- Peter is the right person to lead Council - however I have concerns that there are leadership issues in some departments that need addressing. Perhaps some higher expectations on managers should be looked at?

Staff Member comments:

- A community survey has not been undertaken during the review period. I don't think any benchmarking or review of programs has been carried out in the review period. I don't think Council has a Quality Assurance Program.

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Incumbent comments:

- Communication survey is an agreed KPI for the coming year. Marked low in Quality Assurance Program as there is no formal program, rather a service-by-service process to determine and achieve a consistent output.

Criteria 4 – Community & Economic Development

Elected Member comments:

- It's hard to focus on this area when so much is driven from outside factors. I don't think the TLAP new promotional activities is connecting with community or anyone outside of the region. We need to be actively promoting our region ourselves.
- Will endeavor to have these questions answered in more detail to help assist me with future reviews of the CEO. However, am happy with my current response.

Criteria 5 – External Relations

Elected Member comments:

- We have missed the mark on several occasions with spreading a good message, particularly FOGO. Need to look at the skillset of employees and employ appropriately to ensure we have a well-trained, oiled communications team - on the lookout to promote the good stories of Council.
- Communication with the community and the timing of this could be improved.
- While communications strategy is fine. We often miss the mark with delivery. Likely a personnel/skills issue.

Criteria 6 – Financial & Asset Management

Elected Member comments:

- In addition to further the success in asset management it is undeniable that our Council area would benefit from more funds, as we are an extremely large council area.
- Concerns with the number of capital projects that were not completed in the 2022-23 financial year.
- Unfortunately the Infrastructure program, or lack of, has let the CEO down in this area. The number of projects being pushed into the next financial year is almost unacceptable.
- Again, capital works delivery is the missing link (and visible failure in delivering promises to community) in a sensational performance.

Incumbent comments:

- Current challenges with unsealed road maintenance/renewal however future strategy for this has been presented to Council and is in place. Increased project delivery capacity via additional project managers supported by Council which will significantly add to the timely delivery of major projects.

Criteria 7 – Human Resources

Elected Member comments:

- The Enterprise Agreement and staff receiving a pay increase of 8% has hit the Council bottom line hard. This should never have occurred and has meant we have had to increase rates significantly, just purely to cover this increase in wages. This needs addressing to ensure another Council in the future is not caught blindsided again.
- Elected Members do not receive any reports in relation to staff turnover; vacancy management or completion of performance reviews. Could consider the development of KPIs in relation to this.

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- Currently understaffed and this is a concern but satisfactory due to no one available to fill the positions.

Staff Member comments:

- A strategy to communicate with staff is under development. There is still the outstanding matter of the staff development day. Staff performance reviews are overdue. Dealing with difficult or challenging behaviours is not consistent.
- The labor market is tight.

Incumbent comments:

- Attraction and retention of staff has been an on ongoing challenge since COVID.

Criteria 8 – Workplace Health & Safety

Elected Member comments:

- Elected Members do not receive any information in relation to this area.

EXECUTIVE BEHAVIOURS

Elected Member comments:

- Having known and worked with Peter for the last 6 months, I believe we are lucky to have him. He has always been open and honest in trying to achieve the best outcomes for Council and the region.
- Overall I'm proud to say Peter is our CEO. He is an approachable, friendly & effective CEO. We would be lost without Peter. Whilst there are some ever-slight concerns about Peter being too conservative with process and procedures and often spends too much time on the little things, we know we are in good hands and appreciate everything he does. Sometimes, I feel this over-thinking & over-worrying is holding up projects.

Respondents were also asked to provide brief comments relating to the immediate actions Peter could stop, start or continue, in order to more positively impact his performance:

STOP

Elected Member comments:

- Stop worrying about the small stuff - get things in order in a timely manner and get the project done. There are so many projects which have been talked about for years and each and every step is being brought into the chamber for verification. Just get them done. You can't always please everyone.
- Being so risk adverse. I like that we are protected by the CEO but at times feel it is a little unnecessary.
- None that I am aware of.
- Nothing to report here at this stage.

Staff Member comments:

- Still gets too involved in the detail of some matters rather than delegating to the relevant officer to action. Delegate the minor issues and trust that staff will action the matter.
- Not a stop but rather be mindful - Work life balance
- Sometimes can over-react to minor matters

Incumbent comments:

- Sweating the small stuff

START

Elected Member comments:

- Start trusting yourself more. Make some decisions to get projects moving quicker! Too much is being slowed down because of simple crossing the t's and dotting the i's
- Listening to the concerns around communication and the community and Council and taking action to improve this.
- Start thinking around putting better leaders/cultural improvers into works dept.

Staff Member comments:

- Not a stop but rather be mindful - not all ideas are good ideas.
- Paying more attention to the detail and information provided by staff, especially when it is something he has asked for.
- Look after your work/life balance.
- One particular Director needs to be held more accountable for delays in tasks, activities, programs and projects. Be tougher and don't easily accept the "excuses" put forward.
- You buy me a coffee once and a while and see how I am going aside from the work.
- Nothing comes to mind.

Incumbent comments:

- *None come to mind.*

CONTINUE

Elected Member comments:

- Our CEO works well with everyone, he's very approachable and gives honest advice when required. His demeanour is pleasant and helpful.
- Keep working as he is, great outcomes for Council with Peter as CEO.
- Being a great person to work with. Peter is a very loyal, honest and kind person who always works hard for the best outcome for the community. He's very approachable and willing to go above and beyond to satisfy EMs with any questions they may have.
- The fantastic leadership of our Council. Peter is a great advocate for all staff, Elected Members and our community.
- Ensuring Elected Members are well informed.
- Detailed verbal explanations of recommendations.
- Continue developing the region. I think Peter is very effective.
- Everything he is currently doing. Council and the region are in a good position moving forward. He effectively communicates with Elected Members and staff on all issues and stands up when hard decisions need to be made.

Staff Member comments:

- Keep being open and honest. Keep maintaining a positive and enthusiastic attitude.
- Overall the CEO is doing a great job. Keep it all up.
- Mobile Management - Be seen by staff.
- Empowering workers with the opportunity to provide their input, ideas and suggestions for improved practices and systems. Providing opportunities for employees to have conversations on relevant topics and being approachable and reasonable.
- Speak to staff everyday.
- All behaviours.

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Incumbent comments:

- Continue to work at the more strategic level to take best advantage of opportunities that can come from the Port Pirie Taskforce projects and TLAP transition.

DRAFT

RECOMMENDATIONS

On analysis and review of these rankings and feedback, Hender Consulting notes that in relation to comparably accountable Chief Executive positions, Peter's performance level against the responsibilities in his position description is within a more than acceptable benchmark. Respondents to the majority of questions asked have recorded ratings at the *Good, Very Good* and *Excellent* levels.

It can be noted through the commentary provided that participants are engaged in this review of Peter's tenure and the assessment of his performance. There is a sound level of commentary provided by both sets of participants and contrary to the typical [most often negative] commentary the thoughts expressed are constructive and honest. This would indicate a sound level of comfort on the part of respondents to speak openly where they feel points of concern while also recognising the capabilities and working styles of the CEO.

Peter's own assessment of his performance and behaviours for the period under review is to the point and in the majority of criteria a little more critical than that of his employers and colleagues, reflecting honesty, self-awareness and continued commitment to improved performance.

Hender Consulting recommends that:

- Peter is congratulated on a further year of strong performance measured across all aspects of his responsibilities, behaviours and KPIs, particularly as this review related to a timeframe that required significant focus on the post COVID pressures and priorities;
- Peter is encouraged to give thought to the low number of concerns raised in areas where ratings were relatively lower or marginally negative commentary was provided which may require further exploration, ongoing attention or greater communication;
- Peter gives attention to the few ongoing concerns in the human resources area (training, recruitment and retention) acknowledging that attraction and retention of staff is well understood in the post COVID phase;
- Peter monitors the asset management and project delivery area to ensure greater outcomes and satisfaction in this aspect of Council's programs;
- Peter addresses the work/life balance issue which continues to be seen as needing attention by his colleagues and employers. We have previously raised the importance of role-modelling appropriate behaviours in this context as a leader and would add that ongoing commitment to and enthusiasm for the position he holds as CEO will be enhanced by greater work/life balance. It is clear from commentary that participants want Peter to remain in this role and as such he does need to ensure his ongoing wellbeing and capacity to fulfil what is widely recognised as a demanding position;
- Peter initiates discussion around the KPIs where he has rated himself at a low level in the interests of transparency, understanding and improvement;
- Together with Elected Members, Peter re-sets a range of strategic objectives for the next year;
- Peter meets/speaks with us at a convenient time to review the feedback and identify any areas in which further development is warranted.

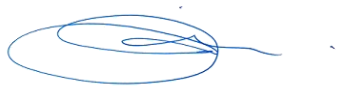
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Do not hesitate to contact us if you wish to discuss these points further.

Assuring you of our objective, independent and considered advice.

With kind regards and thanks for the opportunity to facilitate this important process.

Yours sincerely



Justin Hinora
Executive Consultant
Direct line: (08) 8100 8829
Email: justin.hinora@hender.com.au

Appendix 1 : *Raw Data*

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APPENDIX 1: RAW DATA

Elected Members and Staff		Avg Score	U	1	2	3	4	5	6	Total
1.1:	Exercising, performing or discharging other powers, functions or duties conferred on the Chief Executive Officer by or under the LG Act and other relevant Acts, and to perform other functions lawfully directed by the Council.	5.31	0	0	0	0	3	5	8	16
1.2:	Ensure that systems are in place to achieve compliance with all of Council's legislative requirements and that Council and management are kept informed of any changes to requirements.	5.31	0	0	0	0	2	7	7	16
1.3:	Ensuring that records required under the LG Act or other relevant Acts are properly kept and maintained.	5.15	3	0	0	0	3	5	5	16
1.4:	Provide a strategic planning frame work is in place that includes effective consultative and evaluation processes and which remains clear and relevant.	5.19	0	0	0	0	4	5	7	16
1.5:	Ensure operational plans and budgets flow from the strategic plan on time and in a form which is clear and useful in both Council and management processes.	4.75	0	0	1	0	6	4	5	16
1.6:	Implement best practice management information systems which enable performance to be assessed against identified indicators.	4.73	1	0	1	1	3	6	4	16
1.7:	Ensure that Corporate Performance Indicators are in place and are used to evaluate Council performance.	4.63	0	0	1	0	5	8	2	16
1.8:	Maintain systems to ensure transparency and public accountability to achieve Council's ongoing compliance with all legislative requirements.	5.13	0	0	0	0	2	10	4	16
1.9:	Ensure Council policy development, evaluation, action, review, and promulgation are effectively managed.	4.69	0	0	1	0	5	7	3	16
1.10:	Maintain strong leadership of the senior management team and its effectiveness within the administration of Council.	5.13	1	0	0	0	3	7	5	16
1.11:	Ensure that all departmental services, strategic tasks, projects and capital works are completed within Budget and on time.	3.75	0	2	2	1	5	5	1	16
1.12:	Prepare and maintain business plans for Council, and ensure all actions identified are completed and reported against.	4.63	0	1	0	0	5	7	3	16
2.1:	Provide regular and informative briefing of Council on key policy issues and items or projects that add value to Council's preferred futures.	5.25	0	0	0	0	3	6	7	16
2.2:	Ensure Elected Members are kept up to date with changing legislation, policies, and governance practices that are relevant to their role.	5.38	0	0	0	0	3	4	9	16
2.3:	Respond to Elected Member questions and requests in a professional and timely manner.	5.53	1	0	0	0	3	1	11	16
2.4:	Ensuring that the policies and lawful decisions of the Council are implemented in a timely and efficient manner.	5.06	0	0	0	1	3	6	6	16
2.5:	Build and maintain an effective working relationship with Elected Members.	5.43	2	0	0	0	2	4	8	16
2.6:	Professional timely, informative, accurate and relevant reports provided to Council.	5.06	0	0	0	2	1	7	6	16
2.7:	Coordinating proposals for consideration by the Council for developing objectives, policies and programs for all areas of Council's responsibility.	5.00	1	0	1	0	2	7	5	16
2.8:	Providing information to the Council to assist the Council to assess its performance against its strategic management plans.	4.94	0	0	1	0	3	7	5	16
3.1:	Provide Council services that meet the needs of the community, meet Council's service standards and policies and in accordance with the adopted business plan, within the resources provided by Council.	4.38	0	0	1	2	5	6	2	16
3.2:	Ensure all service quality levels and customer contact standards are specified, documented, publicised and fully understood by Council staff.	4.57	2	0	0	2	4	6	2	16
3.3:	Undertake surveys and obtain feedback on levels of satisfaction within the community in terms of services and facilities provided by Council.	4.57	2	0	1	0	6	4	3	16
3.4:	Undertake program reviews and benchmarking and ensure continuous improvement in service standards, customer service and productivity.	4.50	2	0	0	2	4	7	1	16
3.5:	Develop and monitor a Quality Assurance Program, ensuring objectives and strategies are allocated to responsible officers, time-framed and achieved.	4.45	5	0	0	2	3	5	1	16

4.1:	Develop strategies that ensure that Port Pirie is a clean, vibrant, thriving region that encourages sustainable new business investment, supports existing business growth and has a growing population base.	4.69	0	0	0	1	6	6	3	16
4.2:	Implement and further develop plans, programs, policies and strategies which meet the existing and emerging environmental, social and cultural needs of the community, provide for wide community consultation and promote Council's role as facilitator of economic and community development, including: enhancing and promoting people's desire to live, work and invest in the region; contributing to and supporting the development of key events, the arts and cultural development; ensure Council's regulatory framework supports sustainable economic growth; grow the regional economy by attracting new business and employment opportunities through a diverse business base; encourage community involvement and participation in community groups, activities and programs.	4.56	0	0	1	1	6	4	4	16
4.3:	Develop and support tourism and promotional initiatives and programs that will enhance the Port Pirie Region's reputation as a must for tourists and visitors, including: the tourism information centre; accessing grants and other sources of funding; attracting visitors to the region; marketing and promoting the area; identifying , developing and promoting tourism incentives.	4.25	0	0	2	0	8	4	2	16
4.4:	Liaise and network with appropriate external bodies to identify funding opportunities to develop and/or continue various programs and projects. Oversee and assist with the preparation of grant proposals and submissions. Monitor program outcomes against projected achievements.	4.73	1	0	1	0	5	5	4	16
4.5:	Identify private sector interests, government programs and funding sources with capability to facilitate development in the region. Prepare submissions, receive allocate and monitor grant expenditure.	4.57	2	0	0	2	5	4	3	16
4.6:	Promote a positive image of the Council and Region.	5.13	0	0	1	0	3	4	8	16
5.1:	Develop effective relationships between Council and other key stakeholders. Liaise and/or negotiate with external bodies and sources on key issues as required.	5.06	0	0	0	1	2	8	5	16
5.2:	Represent Council on various committees, network with other professionals and representatives from the three spheres of government and with other organisations. Report to Council on outcomes.	5.20	1	0	0	1	2	5	7	16
5.3:	Ensure Council's media liaison activities are timely and responsive and portray a consistent, professional corporate image.	4.13	1	1	3	0	2	7	2	16
5.4:	Oversee the preparation of Council publications, Annual Report, published advertisements and articles, and other promotional documents (eg brochures, flyers etc) to ensure they present a professional image and are consistent with Council's communications strategy.	4.93	1	0	0	1	2	9	3	16
5.5:	Effective relationships are achieved with Federal, State Government and the ALGA on key policy and other issues associated with Local Government, Port Pirie Regional Council and development of the region in general.	5.07	1	0	0	1	2	7	5	16
5.6:	Identify and communicate major potential risks and threats for Council in dealing with all stakeholders.	5.00	0	0	0	2	1	8	5	16
5.7:	Provide competent representation at all civic and ceremonial occasions and where appropriate, ensure all protocols are properly addressed or executed.	5.47	1	0	0	1	1	3	10	16
5.8:	Ensure that a strategy to facilitate productive communication with the media, community, governments and other stakeholders is in place.	4.63	0	0	2	1	2	7	4	16

6.1:	Take responsibility for the cost effective management of Council's financial planning process. Monitor, review and report on Council assets, resources, investments, grant allocations and all committed expenditures (actual expenditure) against approved budgets.	5.06	0	0	0	1	3	6	6	16
6.2:	Financial policies and systems are in place that promote economic, social and environmental sustainability.	4.88	0	0	0	1	5	5	5	16
6.3:	Council's financial strategies are understood and pursued throughout the organisation.	4.71	2	0	0	1	5	5	3	16
6.4:	Financial statements are fully compliant with relevant accounting and statutory requirements.	5.21	2	0	0	0	4	3	7	16
6.5:	Useful, clear and accurate financial reports are provided to Council.	5.19	0	0	0	0	4	5	7	16
6.6:	Services, capital works programs and projects are delivered on time and within budget; and, within a "contestability" framework.	3.75	0	2	2	1	6	3	2	16
6.7:	Council's physical assets are accurately recorded and managed in accordance with legislative requirements and Council policies.	5.00	0	0	0	0	4	8	4	16
6.8:	Risk Management policies, procedures and programs are clearly defined and achieved.	5.00	1	0	0	0	4	7	4	16
6.9:	Ensure that the assets and resources of the Council are properly managed and maintained.	5.00	0	0	0	1	3	7	5	16
6.10:	Provide public infrastructure and amenities that enhance the image of the Port Pirie Region, that are safe, functional, welcoming and appealing to the local community, investors and visitors while achieving the principles of triple bottom line sustainability.	4.75	0	0	1	1	4	5	5	16
7.1:	Maintain effective Human Resource Management systems, policies and procedures that comply with statutory requirements and reflect industry best practice.	4.67	4	0	0	1	4	5	2	16
7.2:	Communicate HR systems, policies and procedures effectively to all staff.	4.83	4	0	0	0	5	4	3	16
7.3:	Actively promote a positive organisational culture and encourage innovation within the work place.	4.93	1	0	0	1	4	5	5	16
7.4:	Ensure that a multi directional communication strategy is in place which effectively ensures all staff receive general information and have an opportunity to contribute ideas to the work of Council.	4.73	5	0	1	0	3	4	3	16
7.5:	Ensure the effectiveness of current positions, staffing levels and productivity to meet Council's strategic objectives into the future.	4.07	2	0	1	3	4	6	0	16
7.6:	Ensure that individual performance of all staff is reviewed annually.	4.40	6	0	1	1	3	3	2	16
7.7:	Ensure that a corporate training program is in place which reflects organisational priorities and personal and career development needs of staff.	4.30	6	0	1	0	5	3	1	16
7.8:	Staff recruitment and retention strategies and policies are in place and relevant to the current and future needs of Council.	3.92	4	0	1	3	5	2	1	16
7.9:	Manage difficult behaviours appropriately and contribute to maintaining a sound level of industrial harmony.	4.20	6	0	1	1	3	5	0	16
7.10:	Observe and promote Council's Code of Conduct.	5.14	2	0	0	0	4	4	6	16
7.11:	Maintain effective working relationships across the organisation and encourage team work, innovation and improvements across all functions.	5.33	4	0	0	1	1	3	7	16
7.12:	Ensure the effective implementation of Enterprise Agreement strategies and commitments impacting on Council staff.	4.27	5	1	0	1	4	3	2	16
8.1:	Prepare, implement, monitor and review a suitable WH&S & Injury Management plan, policies and procedures to ensure a safe work environment for all staff, in accordance with the WH&S Act and Regulations and performance standards for self insurers.	4.82	5	0	0	0	4	5	2	16
8.2:	Ensure all managers are accountable for their roles, responsibilities and performance in line with Council's WH&S & IM policies and procedures, the WH&S Act and Regulations and performance standards for self insurers through regular performance review.	4.42	4	0	0	2	4	5	1	16
8.3:	Ensure effective consultation, communication and participation within Council.	5.07	2	0	0	1	2	6	5	16
8.4:	Meet the set objectives, targets and performance indicators as outlined in Council's WH&S Plan which strive for continuous improvement.	5.00	4	0	0	0	4	4	4	16
8.5:	Ensure all investigations for workplace incidents, accidents or injuries are completed with legislative requirements.	4.67	7	0	0	0	5	2	2	16
8.6:	Ensure sufficient resources are allocated (human & financial) for the implementation of Council's WH&S & IM Plans.	4.70	6	0	0	0	4	5	1	16

EB1:	Demonstrates leadership and vision.	5.31	0	0	0	0	3	5	8	16
EB2:	Adopts a collaborative management style.	5.31	0	0	0	0	2	7	7	16
EB3:	Treats all colleagues professionally and with dignity and respect (eg. common courtesies such as please and thankyou).	5.50	0	0	0	0	2	4	10	16
EB4:	Seeks and is receptive to other points of view.	5.25	0	0	0	0	4	4	8	16
EB5:	Demonstrates integrity and high ethical standards.	5.44	0	0	0	0	1	7	8	16
EB6:	Remains calm and resilient at all times despite pressures.	5.38	0	0	0	0	3	4	9	16
EB7:	Is approachable and available. That is, to my knowledge, spends sufficient time with relevant team members.	5.44	0	0	0	0	2	5	9	16
EB8:	Maintains confidentiality at all times.	5.60	1	0	0	0	1	4	10	16
EB9:	Delivers verbal messages clearly and succinctly.	5.50	0	0	0	0	1	6	9	16
EB10:	Delivers written messages clearly and succinctly.	5.50	0	0	0	0	1	6	9	16
EB11:	To my knowledge, sets clear and reasonable tasks and deadlines and supports staff in the achievement thereof.	5.43	2	0	0	0	1	6	7	16
EB12:	To my knowledge, delegates appropriate tasks to subordinates and empowers them to succeed.	5.29	2	0	0	0	2	6	6	16
EB13:	Acknowledges and recognises others' skills, abilities and achievements.	5.36	2	0	0	0	1	7	6	16
EB14:	Is receptive to and encouraging of positive and proactive change.	5.33	1	0	0	0	1	8	6	16
EB15:	Makes the tough decisions where necessary rather than choosing the popular option.	4.87	1	0	0	2	4	3	6	16
EB16:	Exercises sound judgement and makes decisions that are based on reasoned and well researched information.	5.44	0	0	0	0	1	7	8	16
EB17:	Sets a strong example in terms of time management, organisation and associated professional standards.	5.47	1	0	0	0	1	6	8	16
EB18:	Welcomes and accepts feedback constructively.	5.27	1	0	0	1	1	6	7	16
EB19:	Demonstrates thorough understanding of relevant area of professional expertise.	5.50	0	0	0	0	1	6	9	16
EB20:	Focuses on outcomes rather than overly dwelling on processes and procedures.	4.63	0	1	1	0	3	7	4	16
EB21:	Maintains a healthy work/leisure balance.	3.47	1	0	3	6	3	2	1	16
EB22:	Motivates and encourages others.	5.13	1	0	0	1	2	6	6	16
EB23:	Thinks and acts strategically.	5.31	0	0	0	1	1	6	8	16
EB24:	Is prepared to admit fault and rectify issues with own performance.	5.19	0	0	0	2	1	5	8	16
EB25:	Demonstrates versatility and flexibility in finding innovative solutions to problems.	5.27	1	0	0	0	2	7	6	16
EB26:	Is able to deliver difficult messages and/or bad news effectively i.e. is a truth teller.	5.19	0	0	0	1	3	4	8	16
EB27:	Demonstrates genuine courage in the workplace ie. breaks new ground via calculated and considered risk taking.	4.62	3	0	0	3	3	3	4	16
EB28:	Is able to establish immediate credibility and rapport with internal and external stakeholders to facilitate outcomes. That is, possesses genuine presence, confidence and assurity.	5.38	0	0	0	0	2	6	8	16
EB29:	Has the capacity to effectively negotiate beneficial outcomes for the organisation without compromising stakeholder relationships.	5.33	1	0	0	1	0	7	7	16
EB30:	Possesses a keen eye for process improvement and the capacity to implement changes to this end.	5.13	0	0	0	1	2	7	6	16
EB31:	Utilises warmth, compassion and good humour to achieve positive organisational outcomes.	5.50	2	0	0	0	3	1	10	16
EB32:	Demonstrates well developed commercial acumen in line with non financial corporate objectives.	5.40	1	0	0	0	1	7	7	16
EB33:	Demonstrates well developed political acumen whilst maintaining probity and transparency.	5.40	1	0	0	0	1	7	7	16
EB34:	Promotes Council in the media in a positive and proactive manner.	4.87	1	0	2	0	2	5	6	16

KPI 1:	South West Drainage SchemePursue agreement with willing developers for the delivery of the South West Drainage Scheme, including but not limited to the possibility of an application to the Federal Government's National Housing Finance Investment Corporation.Measure Meetings held with land owners to progress options. Proposal for support pitched to either of the State or Federal Governments if agreement can be reached with land owners.	4.27	1	0	2	2	2	8	1	16
KPI 2:	Riverfront Development – Stage 2In conjunction with current tenants, develop a masterplan for the potential development of the Council owned land generally encompassing the Lions Park, the Royal Port Pirie Yacht Club and the Port Pirie Rowing Club.Measure Meetings held with Royal Port Pirie Yacht Club and Port Pirie Rowing Club to seek in principal support and requirements. Based on level of agreement, concept plan and options delivery developed for consideration of Council.	4.47	1	0	1	3	0	10	1	16
KPI 3:	Stage 1 Greening StrategyEnsure capacity for the delivery of Councils responsibilities under Year 1 of the four year $6.1m "Port Pirie Greening Program" in collaboration with TLAP, Dept Environment and Water and SA Water.Measure Delivery plan for year 1 developed and agreed with funding partners. Plan substantially complete.	4.60	1	0	2	2	0	7	4	16
KPI 4:	Council Land Beach Road Port PirieConduct an Expression of Interest for the development of Council owned land on Beach Road.Measure Expression of Interest developed and taken to market. Process for the selection of preferred proponent developed and undertaken.	4.36	2	0	3	0	1	9	1	16
KPI 5:	Crystal Brook Child CareDevelop a concept design and costing, prepare a cost benefit analysis and other necessary supporting documentation in readiness for potential funding opportunities.Measure Concept Plan and costings prepared. Cost Benefit Analysis completed.	4.15	3	0	1	4	1	6	1	16
KPI 6:	Definition of Service Levels to Support Customer Service ResponseCommence the process to identify and prioritise the setting of service levels to support the adequate response timeframes for customer requests.Measure At least 20% of the service types existing in the customer request module as at 1 July 2022 will have service intervention levels determined by Council by 30 June 2023.	4.75	0	0	1	2	3	4	6	16
Overall Master Average Rating		**4.92**	**8.24**	**0.47**	**2.63**	**4.56**	**18.34**	**34.23**	**31.54**	**100.00**

MEMBERS OF CEO PERFORMANCE REVIEW COMMITTEE
Mayor L Stephens, Deputy Mayor Cr K Jackson and Crs A Zubrinich and L Peters

Council Officers
Peter Ackland, Chief Executive Officer
Kate Carmody, Executive Assistant (Minutes)

Notice is hereby given that a **CEO Performance Review Committee meeting** will be held on **Wednesday, 2 August 2023 at 5.15pm** in the Mayor's Office, 115 Ellen Street, Port Pirie.

Peter Ackland
CHIEF EXECUTIVE OFFICER
28 July 2023

A G E N D A

1.0 ACKNOWLEDGEMENT OF COUNTRY:
We acknowledge and respect the traditional custodians whose ancestral lands we are meeting upon here today.

2.0 PRESENT:

3.0 APOLOGIES:

4.0 CONFIRMATION OF MINUTES:

4.1 CEO Performance Review Committee Meeting 19 July 2023

MOVED SECONDED

That the Minutes of the CEO Performance Review Committee meeting held on 19 July 2023 be received and confirmed.

5.0 MATTERS ARISING FROM MINUTES:

6.0 DECLARATION OF INTERESTS:

7.0 ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY:

7.1 CEO's Remuneration
Pursuant to Section 90(3)(a)

MOVED SECONDED

Pursuant to Section 90(2) and 90(3)(a) of the Local Government Act 1999 the Committee orders that all members of the public with the exception of P Ackland, Chief Executive Officer and K Carmody, Executive Assistant be excluded from attendance at that part of this meeting relating to Agenda Item 7.1 CEO's Remuneration to enable the Committee to consider Item 7.1 in confidence on the basis the Committee considers it necessary and appropriate to act in a meeting closed to the public (excepting those persons listed above) in order to receive, discuss or consider in confidence the following information

7.0 ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY: (Cont'd)

7.1 CEO's Remuneration (Cont'd)

Pursuant to Section 90(3)(a) (Cont'd)

or matter relating to Item 7.1 which is information concerning the personal affairs of any person (living or dead), the disclosure of which would be unreasonable information being information relating to the performance of the Chief Executive Officer, which is sensitive and are details which are only known to those who have participated in the review process.

Accordingly, on this basis, the principle that meetings of the Committee should be conducted in a place open to the public has been outweighed by the need to keep the information or matter confidential.

Section 91(7) Order

MOVED SECONDED

Pursuant to Section 91(7) of the Local Government Act 1999, the Committee orders that the agenda reports, related attachments, discussion and minutes relating to Agenda Item 7.1 CEO's Remuneration shall be kept confidential, being documents relating to a matter dealt with by the Committee on a confidential basis under Sections 90(2) and 90(3)(a) of the Act on the grounds that the documents relate to information concerning the personal affairs of any person (living or dead), the disclosure of which would be unreasonable being information relating to the performance of the Chief Executive Officer, which is sensitive and are details which are only known to those who have participated in the review process.

This order shall operate until the CEO Performance Review process has been completed.

Pursuant to Section 91(9)(c) of the Local Government Act 1999, the Committee delegates to the Chief Executive Officer (or his delegate) the power to revoke this order in whole or part.

7.2 CEO Performance Review 2022/23 – Performance Appraisal Report

Pursuant to Section 90(3)(a)

MOVED SECONDED

Pursuant to Section 90(2) and 90(3)(a) of the Local Government Act 1999 the Committee orders that all members of the public with the exception of P Ackland, Chief Executive Officer and K Carmody, Executive Assistant be excluded from attendance at that part of this meeting relating to Agenda Item 7.2 CEO Performance Review 2022/23 – Performance Appraisal Report to enable the Committee to consider Item 7.2 in confidence on the basis the Committee considers it necessary and appropriate to act in a meeting closed to the public (excepting those persons listed above) in order to receive, discuss or consider in confidence the following information or matter relating to Item 7.1 which is information concerning the personal affairs of any person (living or dead), the disclosure of which would be unreasonable information being information relating to the performance of the Chief Executive Officer, which is sensitive and are details which are only known to those who have participated in the review process.

Accordingly, on this basis, the principle that meetings of the Committee should be conducted in a place open to the public has been outweighed by the need to keep the information or matter confidential.

7.0 ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY: (Cont'd)

7.2 CEO Performance Review 2022/23 – Performance Appraisal Report (Cont'd)
Section 91(7) Order (Cont'd)

MOVED SECONDED

Pursuant to Section 91(7) of the Local Government Act 1999, the Committee orders that the agenda reports, related attachments, discussion and minutes relating to Agenda Item 7.2 CEO Performance Review 2022/23 – Performance Appraisal Report shall be kept confidential, being documents relating to a matter dealt with by the Committee on a confidential basis under Sections 90(2) and 90(3)(a) of the Act on the grounds that the documents relate to information concerning the personal affairs of any person (living or dead), the disclosure of which would be unreasonable being information relating to the performance of the Chief Executive Officer, which is sensitive and are details which are only known to those who have participated in the review process.

This order shall operate until the CEO Performance Review process has been completed.

Pursuant to Section 91(9)(c) of the Local Government Act 1999, the Committee delegates to the Chief Executive Officer (or his delegate) the power to revoke this order in whole or part.

8.0 OTHER BUSINESS:

9.0 NEXT MEETING:

10.0 CLOSURE:

MINUTES OF THE CEO PERFORMANCE REVIEW COMMITTEE MEETING HELD ON WEDNESDAY 19 JULY 2023 AT 5.30PM IN THE COUNCIL CHAMBERS, 115 ELLEN STREET, PORT PIRIE.

1.0 ACKNOWLEDGEMENT OF COUNTRY:
We acknowledge and respect the traditional custodians whose ancestral lands we are meeting upon here today.

2.0 PRESENT: His Worship the Mayor L Stephens and Crs A Zubrinich (Chairperson) and L Peters

Kate Carmody, Executive Assistant (Minutes)

3.0 APOLOGIES: Deputy Mayor Cr K Jackson

4.0 CONFIRMATION OF MINUTES:

4.1 CEO Performance Review Committee Meeting 6 June 2023

MOVED Cr Peters SECONDED Mayor Stephens

CE26/23 That the Minutes of the CEO Performance Review Committee meeting held on 6 June 2023 be received and confirmed.

CARRIED

5.0 MATTERS ARISING: Nil

6.0 DECLARATION OF INTERESTS: Nil

7.0 ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY:

7.1 CEO Performance Review 2022/23 – Draft Performance Appraisal Report

Pursuant to Section 90(3)(a)

MOVED Mayor Stephens SECONDED Cr Peters

CE27/23 Pursuant to Section 90(2) of the Local Government Act 1999 the Committee orders that all members of the public, with the exception of K Carmody, Executive Assistant be excluded from attendance at the meeting for Agenda Item 7.1 CEO Performance Review 2022/23 – Draft Performance Appraisal Report.

The Committee is satisfied that pursuant to section 90(3)(a) of the Act, the information to be received, discussed or considered in relation to this Agenda item is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of the Chief Executive Officer, in that details of his performance will be discussed.

Accordingly, on this basis, the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or matter confidential.

CARRIED

MOVED Mayor Stephens SECONDED Cr Peters

CE28/23 That the draft Performance Appraisal Report from Hender Consulting be received and released to the Chief Executive Officer for his review; and that the Report be considered by Council at the next Ordinary meeting.

CARRIED

CONFIDENTIAL

7.0 ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY: (Cont'd)

7.1 CEO Performance Review 2022/23 – Draft Performance Appraisal Report (Cont'd)

MOVED Cr Peters SECONDED Mayor Stephens

CE29/23 That the Executive Assistant seek advice from Council's lawyers regarding the impact of the Remuneration Tribunal of South Australia's determination to ensure any adjustments to the Chief Executive Officer's remuneration (Total Employment Cost Package) lawfully comply with the determination and the relevant section of the Local Government Act 1999.

CARRIED

Section 91(7) Order

MOVED Cr Peters SECONDED Mayor Stephens

CE30/23 That having considered Agenda Item 7.1 CEO Performance Review 2022/23 – Draft Performance Appraisal Report in confidence under Section 90(2) and (3)(a) of the Local Government Act 1999, the Committee, pursuant to Section 91(7) of that Act orders that the agenda reports, discussion and minutes be retained in confidence for a period of 6 months or until the process has been finalised.

In accordance with Section 91(9)(c) of the Local Government Act 1999, the Chief Executive Officer is delegated the power to revoke this order in whole or part.

The Committee notes, in accordance with Section 91(9)(a) of the Local Government Act 1999, this order will be reviewed at least once in every year.

CARRIED

8.0 OTHER BUSINESS: Nil

9.0 NEXT MEETING: To be determined.

10.0 CLOSURE: 6.02pm

_____

CHAIR

CONFIDENTIAL

Norman Waterhouse

25 July 2023

Our Ref: DZM/AYG/14127-508638/2452145

PRIVATE AND CONFIDENTIAL
By Email: kcarmody@pirie.sa.gov.au

Ms K Carmody
Executive Assistant to the CEO & Mayor
Port Pirie Regional Council
PO Box 45
PORT PIRIE SA 5540

Dear Ms Carmody

CEO Remuneration

We refer to your email correspondence dated 20 July 2023.

We are instructed that the CEO Performance Review Committee (**the Committee**) met on 19 July 2023 to review the Chief Executive Officer's (**the CEO's**) performance appraisal report. Following such appraisal consideration will be given to any adjustments to the CEO's total employment cost package (**TEC Package**).

The Committee requested that you seek advice to ensure any adjustments to the CEO's TEC Package lawfully comply with the Remuneration Tribunal of South Australia's (**the Tribunal's**) determination concerning Minimum and Maximum Chief Executive Officer Remuneration for CEO's in Local Government published on 16 June 2023 (**the Determination**) and the *Local Government Act 1999* (SA) (**the LG Act**).

We have considered the CEO's employment agreement dated 21 December 2022 (**the Employment Agreement**).

We also refer to our **enclosed** advice to the Mayor dated 16 May 2022 in relation to the negotiation of the CEO's employment contract and remuneration, having regard to any determination of the Tribunal (which was not published at that time).

Our advice is as follows.

The Employment Agreement

The Employment Agreement was specifically updated to include the following clause in anticipation of the Tribunal publishing the Determination [our emphasis added]:

> *'15.5 In the event that a determination of the Remuneration Tribunal of South Australia (RTSA) applies to this Agreement, the Parties acknowledge that, in accordance with section 99A(1) of the Local Government Act 1999 (SA), the TEC Package must fall between the minimum and maximum bands as*

> *determined by the RTSA, and that, as at the time this Agreement is entered into, RTSA has yet to set the minimum and maximum bands. The Parties agree that should the Employment Package fall outside of the minimum or maximum bands in circumstances where this clause applies, the Council will consult with the Chief Executive Officer regarding the adjustments (if any) to the Employment Package that are necessary, to ensure the Employment Package lawfully complies with section 99A(10) of the Local Government Act 1999 (SA) and any applicable RTSA determination.*

Section 99A(1) of the LG Act provides that:

> *'A council must ensure that the remuneration of its chief executive officer is within the relevant minimum and maximum remuneration determined by the Remuneration Tribunal for the purposes of this section.'*

The Determination

It is important to reiterate that, in accordance with our 16 May 2022 advice, the Determination does not strictly apply to the CEO in a legal sense.

This is because section 147(5) of the *States Amendment (Local Government Review) Act 2021* (**the Amendment Act**) states the following:

> *'The remuneration of a chief executive officer holding office on the commencement of section 99A of the principal Act (as inserted by this Act) is not affected during the term of that office by a determination under section 99A.'*

The 'principal Act' referred to above is a reference to the LG Act.

Regulation 4(2) of *Local Government (Transitional Provisions) Regulations 2021* (**the Transitional Regulations**) is also relevant, and provides:

> *'Section 99A(10) of the Act (as inserted by section 60 of the Amendment Act) does not apply to a council until the day on which the first determination made by the Remuneration Tribunal for the purposes of that section takes effect.'*

Regulation 4 of the Transitional Regulations effectively provides that the Council will not be required to comply with this requirement until the Determination has taken effect. This has now occurred.

Therefore, while the provisions of section 99A of the LG Act now apply to the Council and CEO, as we have previously advised our view is that the provisions set out above mean that the CEO's existing remuneration, as per the Employment Agreement, is unaffected during his term of office since the Employment Agreement was executed before the Determination was published.

This is specifically contemplated at paragraph 78 of the report published by the Tribunal with details as to how it arrived at the relevant remuneration bands (which we refer to herein as the Determination) [our emphasis added]:

> *'Furthermore, in accordance with section 147(5) of the Statutes Amendment (Local Government Review) Act 2021 (SA), if the current remuneration level for a CEO is below the minimum band level set by the Tribunal, this may be increased to within the band limits at the discretion of the council. Conversely, if the remuneration level for a CEO is above the band level maximum, the Tribunal would expect no further increase in remuneration during the term of that appointment unless the remuneration level was*

to fall below the maximum remuneration level following any annual adjustments established by the Tribunal.'

Accordingly, given that the Determination does not apply to the CEO or the Employment Agreement, there is no strict obligation on the Council to consult with the CEO in respect of any adjustments to the TEC Package as contemplated by clause 15.5 of the Employment Agreement.

Having said that, it is clear from the wording of the Tribunal's Determination that discretion lies with individual councils as to whether they wish to exercise discretion to adjust the remuneration of their CEOs, even if the Determination does not strictly apply to them.

However, from a public policy perspective, it would not be wise for the Council to completely disregard the Determination. In our view, the Council ought to at least turn its mind to the Determination in considering the nature and totality of the CEO's true remuneration, within the definition set out in the Determination. This is important because after considering the CEO's 'true remuneration', it might well be that the CEO's remuneration already falls within the relevant band.

The Total Remuneration Package Band for the CEO of the Council as determined by the Tribunal is $272,480 to $292,240 (Band 6).

Relevantly, the Determination provides that:

'In determining what constitutes remuneration, the Tribunal has taken into account the following components:

- *Monetary remuneration*
- *Superannuation, including the statutory minimum employer contributions, any salary sacrifice component and any additional payments made by a council*
- *Annual leave loading*
- *Additional leave entitlements*
- *Bonuses and performance incentives - in cash or otherwise*
- *The private benefit value of any motor vehicle and/or equipment (excluding mobile telephones and portable computing equipment provided to the CEO by the council)*
- *School or childcare fees, including school uniforms*
- *Newspaper/magazine/online subscriptions*
- *Personal travel or any other benefit taken in lieu of salary by the CEO (and immediate family at the discretion of the council)*
- *Health insurance*
- *Any and all allowances*
- *Any other form of payment - cash or otherwise*
- *Any Fringe Benefits Tax paid by council in respect of any of the above'*

The Tribunal has clarified in its Determination that the following benefits do not constitute remuneration:

- mobile telephones and portable computing equipment provided to CEOs;

- professional development costs that directly relate to the performance of CEO duties and membership of professional associations related to the performance of CEO functions in its assessment of remuneration; and
- one-off payments that relate directly and solely to relocation expenses.

Notwithstanding, the Tribunal's understanding of what constitutes remuneration goes beyond the traditional concept of CEO remuneration in local government which generally comprises an annual base salary, superannuation and private use of a vehicle.

Adjustments to the CEO's TEC Package

While the Council is required to undertake a review of the TEC Package under clause 16 of the Employment Agreement, to be clear, there is no legal obligation on the Council to adjust the CEO's TEC Package, or consult with the CEO under clause 15.5 in respect of any adjustments, because the Determination does not apply to the CEO's employment for the reasons set out above and in our 16 May 2022 advice.

The following advice is therefore provided in case the Council does wish to exercise discretion to adjust the TEC Package as part of its TEC Package Review. It is, in any event, recommended that the Council undertake the steps discussed below to quantify the CEO's 'true remuneration' to understand where the TEC Package sits relative to the Band 6 Total Remuneration Package Band.

The CEO's TEC Package as per Schedule 2 of the Employment Agreement comprises of:

Base Salary	$227,321
Superannuation	$21,141
Cost of Vehicle in accordance with Clause 2 below	$15,000
Total Employment Cost	$263,462

While the CEO's TEC Package is less than the minimum amount in the Band, it does not take into account other aspects of remuneration the CEO is receiving under the Employment Agreement, which must be considered before the Council decides if it wishes to make any adjustments to the TEC Package.

For example, we have identified the following aspects of 'remuneration' in the Employment Agreement in addition to the base salary, superannuation and vehicle cost:

- time off in lieu, in respect of 'significant additional hours beyond the reasonable hours set out in Clause 9.1.1' (clause 9.2);
- time off in lieu, in recognition of 10 hours or more performed each fortnight (clause 11.3);
- fringe benefits tax payable by Council in respect of the TEC Package (clauses 15.11 and 15.12);
- entertainment, executive and other sundry expenses reasonably and necessarily incurred (clause 17.1);
- subscriptions to professional associations (clause 17.5 – we note specifically that membership fees to professional associations as referred to in clause 17.5 are not included in remuneration);
- civic expenditure 'to an annual value to be agreed' (clause 17.6); and

- pandemic special leave (clause 20.6) (if actually taken by the CEO),

(collectively, the **Other Benefits**).

Further, in the case of superannuation we note the Determination not only includes the statutory minimum employer contribution but also any salary sacrifice components and any additional payments made by a council. We presume the superannuation component in the CEO's TEC Package only constitutes the statutory minimum employer contribution. If the CEO's salary sacrifices superannuation or the Council makes additional contributions these need to be included in the calculation of the Other Benefits. These Other Benefits can either be used to reduce the base salary payable or be in addition to the base salary (provided that when added up, all components do not exceed the maximum of $292,240).

If these Other Benefits are used to decrease the CEO's annual base salary, this creates some difficulties, particularly when setting remuneration at the minimum. To this end, the CEO's base salary would reduce, and could thereafter reduce or fluctuate regularly depending on FBT rate changes, changes in the value of the vehicle and associated FBT, changes in superannuation rates, changes in TOIL accrued. This creates a lot of administrative oversight and uncertainty.

For example, say the Other Benefits are quantified at $50,000. The Council could reduce the CEO's base salary by $50,000 so that when the TEC Package takes into account the Other Benefits the CEO's total remuneration for the purposes of section 99A(10) of the LG Act remains at $263,462 per annum.

Alternatively, Council could determine to set the traditional remuneration of base salary, vehicle and superannuation at the minimum level ($272,480). That way, only if the value of the car or private usage changes would there be a need for an adjustment. It could also be noted that the superannuation is set at 11% and any future increases in this rate will be in addition to the minimum. The Other Benefits would then be in addition to the minimum. Legally, this approach is permissible provided the Other Benefits do not exceed the maximum, and administratively it is easier to implement, monitor and creates more certainty for the CEO and Council.

Taking the example of the Other Benefits being quantified at $50,000, because $263,462 plus $50,000 exceeds the maximum remuneration for Band 6, the CEO's remuneration would need to be capped at $292,240 and some of the Other Benefits will need to be withdrawn.

Ultimately it is for the Council to determine first, whether it wishes to make any adjustment at all to the CEO's TEC Package, and if so, which approach it prefers moving forward. Either option will require the Council to individually quantify each of the Other Benefits. This needs to be the first step. We note the Determination provides guidance as to how particular remuneration components ought to be calculated, such as the motor vehicle.

We would be pleased to review any calculation of the Other Benefits to ensure compliance with the Determination, should the Council wish to take this approach.

We trust this advice is of assistance. Should you have any queries in relation to this correspondence, please do not hesitate to contact the writer.

Yours faithfully
Norman Waterhouse



Dale Mazzachi
Principal
Direct Line: +61 8 8210 1221
Email: dmazzachi@normans.com.au

Encl Advice to Mayor dated 16 May 2022

Norman Waterhouse

PRIVATE AND CONFIDENTIAL
By Email: mayor@pirie.sa.gov.au

Our Ref : DZM/DZM/14127-508638/1906735
Email : dmazzachi@normans.com.au

16 May 2022

Mr Leon Stephens
Mayor
Port Pirie Regional Council
115 Ellen Street
PORT PIRIE SA 5540

Dear Mayor Stephens

Chief Executive Officer Employment Contract

We refer to email correspondence dated 28 April 2022 in relation to the above matter.

You seek advice regarding the process and mechanisms that would apply in offering the Chief Executive Officer a new contract of employment.

We now provide our advice.

Background

By way of background, the Chief Executive Officer (**CEO**) of the Council is currently employed pursuant to a fixed-term contract of employment which expires on 15 April 2023 (**the Current Contract**).

Pursuant to clause 7.1 of the Current Contract, the CEO is required to notify the Council in writing at least six (6) months before the Expiry Date of his intention to make application to seek renewal of the employment agreement. This would therefore need to occur by October 2022 at the latest, which is likely to be during the election period (caretaker period) associated with the November 2022 local government elections.

We are instructed, that it is anticipated that the CEO will notify that he is seeking renewal of the Current Contract and the current CEO Performance Review Committee and Council would be keen to offer a further agreement to the CEO.

Accordingly, the Council has sought advice as to whether there are any legal implications in offering a further contract to the CEO prior to the caretaker period, taking into recent changes to recent reforms to the *Local Government Act 1999* (**the LG Act**).

Offer of a new Contract prior to Election Period

As you are aware, pursuant to section 91A of the *Local Government Elections Act 1999*, the Council is prohibited from making a *'designated decision'* during the election period. The

definition of a designated decision extends to decisions relating to the employment or remuneration of a chief executive officer.

While clause 7 of the Current Contract stipulates a timeframe for a further employment agreement, nothing prevents the Council and the CEO from having those discussions earlier and entering into a new contract.

In any event, clause 26 of the Current Contract allows the terms to be varied through written agreement between the parties. Though, to be clear, if the parties agree to a further term, it is our recommendation that a new employment agreement be entered into to capture updates and changes to the LG Act, as discussed below.

LG Act Reforms – Section 99A

Importantly, recent reforms to the LG Act impact how council chief executive officers are able to be remunerated.

Section 99A of the LG Act is relevant in that regard, and provides as follows:

> *"(1) Subject to this section, the remuneration of the chief executive officer of a council will be determined by the council.*
>
> *(2) The Remuneration Tribunal will determine (from time to time) the minimum and maximum remuneration that may be paid or provided to chief executive officers of councils.*
>
> *(3) In making a determination under subsection (2), the Remuneration Tribunal must have regard to any matter prescribed by the regulations.*
>
> *(4) A determination under subsection (2)—*
>
> *(a) may differ based on any factor including, for example, the geographical location of a council or group of councils (such that different minimum and maximum remuneration may be paid or provided to chief executive officers from different councils); and*
>
> *(b) may provide for minimum and maximum remuneration that may be paid or provided to chief executive officers to be indexed in accordance with the determination*
>
> *…*
>
> *(10) A council must ensure that the remuneration of its chief executive officer is within the relevant minimum and maximum remuneration determined by the Remuneration Tribunal for the purposes of this section."*

We understand that the Remuneration Tribunal of South Australia's (**the RTSA's**) review of Local Government CEO remuneration is currently underway. It was noted that the outcome of that review is unlikely to be known prior to the upcoming election period.

Section 99A of the LG Act came into operation on 20 September 2021.

Ultimately, the end effect of section 99A(10) of the LG Act is that chief executive officer remuneration packages across local government will fall within the minimum and maximum bands as determined by the RTSA for particular councils.

Transitional Provisions

The *Statutes Amendments (Local Government Review) Act 2021* (**Amendment Act**) contains transitional provisions that ought to be examined in the Council's current circumstances.

In particular, Section 147(5) of the Amendment Act, provides the following:

> *"The remuneration of a chief executive officer holding office on the commencement of section 99A of the principal Act (as inserted by this Act) is not affected during the term of that office by a determination under section 99A"*

The "principal Act" referred to above is reference to the LG Act.

Furthermore, Regulation 4(2) of *Local Government (Transitional Provisions) Regulations 2021* (**the Transitional Regulations**) is also relevant, and provides:

> *"Section 99A(10) of the Act (as inserted by section 60 of the Amendment Act) does not apply to a council until the day on which the first determination made by the Remuneration Tribunal for the purposes of that section takes effect."*

Section 147 of the Amendment Act provides that existing CEO salaries are unaffected during their term of office (also noting that the concept of 'term of office' is undefined).

However, Regulation 4 of the Transitional Regulations provides that the Council will not be required to comply with this requirement until the first determination has been made by RTSA.

The drafting of the above extracts of the Transitional Regulations and the Amendment Act create ambiguity as to how determinations of the RTSA will impact the remuneration of a chief executive officer who is holding office at the time of the determination pursuant to a contract executed after the commencement of Section 99A but before the making the first determination.

For example, while it is industry standard for CEOs of local government to have fixed term agreements, it is unclear whether the intention of 'term of office' is to be until the end date of a *current fixed term contract* or for as long as the current CEO holds office, as CEO of the Council. We expect the better view is that first option is correct, but this is not beyond doubt.

In addition, with respect to the Transitional Regulations, it is unclear how the Council ought to apply Regulation 4(2) to a contract that is entered into *prior* to a determination being made, but which nevertheless continues to apply *after* a determination has been made. On its face, the Regulation only requires Council compliance *once* determination has been made. Ordinary principles of statutory construction would also suggest the determination would not have retrospective effect on exiting contractual relationships, but again this is far from clear. It is a

pity the Regulation is not drafted in identical terms to the provision in the Amendment Act, because in such a case there would be no doubt a council contracting with a chief executive during this current period would not need to turn its mind to the terms of any determination until at least the expiry of the term of office set out in the contract.

Having said that, we think the better view is that once a contract has been executed, it will be unaffected by a later determination of the RTSA *for its duration*. However, without clarity as to the terms of the determination and any supporting material produced by RTSA, we cannot be sure. Equally, it is not clear what impact a determination would have on the undertaking of a salary review (the end result of which would be a new salary being set) pursuant to an existing contract. For example, would the RTSA determination preclude a variation to the CEOs salary, if the newly set salary (under an existing contract) resulted in a salary outside the set bands. In the current legislative environment, it is difficult to provide a conclusive answer.

That being the case, we suggest it is best practice for the Council to capture reference to the RTSA in any new employment contract entered into with the CEO moving forward. This is particularly the case in circumstances where those arrangements are likely to last for a number of years after the RTSA makes its first determination.

Impact on CEO Contract

It is uncontroversial that if the Council determines to offer a new employment contract to the CEO, and executes a contract prior to the RTSA making its first determination the Council has discretion to remunerate the CEO as it wishes, up until the making of the first determination.

However, if that remuneration is below the minimum threshold or exceeds the maximum threshold *once these thresholds are determined by the RTSA* a number of issues may arise, even if the determination does not apply as a matter of law by virtue of Regulation 4(2).

For example, if the CEO is paid above the maximum threshold it is arguable that this could cause disruption and unrest amongst the community. Alternatively, if the CEO is paid below the minimum threshold, then the CEO would likely argue that they are entitled to an increase in the remuneration package. As such, our standard contracts are drafted incorporate a term that allows for variation by mutual agreement.

While we are of the view that the provisions of the Transitional Regulations will mean that the Council will not likely be in breach of Section 99A for the duration of any new contract executed prior to the RTSA's first determination, this is untested area and there is unfortunate ambiguity.

Taking all of these matters into account, it is therefore our recommendation that the new contract (if offered) is drafted to make it clear that *if* Section 99A(10) applies to the Council (and by implication, the CEO), the Council will consult with the CEO before making modifications to the total remuneration package to ensure the Council remains compliant with the Section.

In this way, when the RTSA makes its first determination, the terms of that determination can be properly considered, and a decision reached as to what action (if any) the Council needs to take to ensure compliance moving forward.

If required, we would be pleased to assist in the formulation of a new contract of employment at the appropriate time.

Conclusion

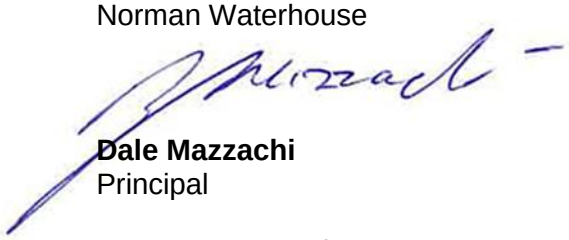
The matters set out above should inform the Council in respect of its negotiations with the CEO for a further employment contract.

The new contract can be drafted in a manner that ensures compliance with section 99A of the LG Act, if it is ultimately the case that the RTSA's first determination (that is not yet made) applies to the Council.

If the Council resolves to offer a new contract of employment to the CEO, we would be pleased to provide a new contract for the Council's review.

We trust this advice is of assistance. Please do not hesitate to contact us should you have any queries in relation to this matter.

Yours faithfully
Norman Waterhouse



Dale Mazzachi
Principal

cc. Ms K Carmody

		Current	Minimum	Mid Range	Maximum
· Monetary remuneration	Base Salary - effective 9/8/22	227,321	229,500	240,000	249,000
· Superannuation, including the statutory minimum employer contributions, any salary sacrifice component and any additional payments made by a council	National Super 3.0%	6,885	6,885	6,885	6,885
	Defined Benefits 6.3%	14,459	14,459	14,459	14,459
· Annual leave loading	Not entitled	-	-	-	-
· Additional leave entitlements	N/A	-	-	-	-
· Bonuses and performance incentives - in cash or otherwise	N/A	-	-	-	-
· The private benefit value of any motor vehicle and/or equipment (excluding mobile telephones and portable computing equipment provided to the CEO by the council)	Average reportable fringe benefit over 4 years (since 2019/20 to 2022/23)	14,167	14,167	14,167	14,167
· School or childcare fees, including school uniforms	N/A	-	-	-	-
· Newspaper/magazine/online subscriptions	N/A	-	-	-	-
· Personal travel or any other benefit taken in lieu of salary by the CEO (and immediate family at the discretion of the council)	N/A	-	-	-	-
· Health insurance	N/A	-	-	-	-
· Any and all allowances	N/A	-	-	-	-
· Any other form of payment - cash or otherwise	N/A	-	-	-	-
· Any Fringe Benefits Tax paid by council in respect of any of the above'	Average FBT paid by Council over 4 years (since 2019/20 to 2022/23)	7,509	7,509	7,509	7,509
TOTAL REMUNERATION PACKAGE		**270,341**	**272,520**	**283,020**	**292,020**

CONFIDENTIAL

PORT PIRIE REGIONAL COUNCIL

CHIEF EXECUTIVE OFFICER
PERFORMANCE APPRAISAL

JULY 2023

PURPOSE OF REVIEW

Hender Consulting has been retained by the Port Pirie Regional Council to facilitate a review of the performance of the incumbent Chief Executive Officer, Mr Peter Ackland for the 2022/2023 cycle. We understand that general employment agreements allow for performance reviews to be undertaken periodically. The review is designed to assess performance against his position description, agreed KPIs and a range of professional behaviours.

107 survey questions were designed using the existing CEO job description to cover responsibilities (67 questions), executive behaviours (34 questions) and KPIs (6 questions) plus a STOP, START and CONTINUE section. The de-identified survey results are incorporated in this report.

A survey was designed to capture feedback from Elected Members and key Staff Members. The incumbent was asked to complete the same set of questions asked of the other participants.

All respondents invited to provide feedback were assured of confidentiality and anonymity.

Hender Consulting analysed all survey responses including reviewing all comments and feedback to de-identify sources and consider common and consistent themes. This performance appraisal report incorporates the key results and feedback from the survey process.

Formal performance appraisals are an important component of a performance management plan in contemporary entities and also form an important part of the analysis in regard to:

- overall strategic and risk management of the organisation;
- good governance practice;
- professional development;
- tenure;
- retention;
- ensuring accountability;
- determining appropriate remuneration.

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METHODOLOGY

In order to establish the standard of performance being achieved by the incumbent, we have undertaken (or will undertake) the following steps:

- liaised with the CEO Performance Review Committee (via Kate Carmody, on behalf of the Committee) to determine the scope of the appraisal in accordance with the responsibilities, objectives and professional behaviours deemed critical for performance in this significant leadership role;
- created the 107 question survey;
- distributed the confidential survey to all Elected Members and select Staff Members;
- compiled, de-identified and analysed the results;
- summarised the results in this report;
- meet with the CEO Performance Review Committee to discuss the findings;
- meet with the incumbent to provide feedback.

Response Rates

Response levels were excellent with 16 out of 16 invitees (100%) responding. This provides a valid response rate from the sample size. The breakdown of response rates were:

Elected Members	10/10
Staff Members	6/6

Unable to Assess Allocations

There was a relatively low number of "unable to assess" or U selections being 8.24% of overall responses.

Elected Members recorded 11.12% of ratings as "unable to assess", while Staff Members assigned 3.43% of ratings as "unable to assess".

A certain level of U responses is not unexpected as some Elected Members may have limited exposure to operational matters such as the CEO's direct interaction with staff and implementation and execution of strategy at the operational level. Similarly, some staff may have limited visibility to strategic matters and interface with Elected Members and other external stakeholders.

The "U" ratings have been removed for the purposes of calculating performance averages.

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SUMMARY AND FINDINGS

Findings

Note – for ease of analysis, the ratings code from the survey appears below.

U	1	2	3	4	5	6
Unable to assess	Serious concerns	Minor concerns	Satisfactory	Good	Very Good	Excellent

The survey results were positive, and Peter appears to be performing very capably against the majority of the 107 criteria in the survey. Peter's master average rating across all participants was a highly respectable **4.92 out of 6**, with a breakdown of the following master averages from each group:

Elected Members 4.97 out of 6
Staff Members 4.86 out of 6

The Elected Member and select Staff Member averages deliver a common assessment that Peter appears to be classified in the "very good" zone.

Overall Feedback

The responses as a percentage of the total appear below:

Rating	Overall %	Elected Members %	Staff Members %
Excellent	31.54	34.86	26.01
Very Good	34.23	32.24	37.54
Good	18.34	12.34	28.35
Satisfactory	4.56	5.05	3.74
Minor Concerns	2.63	3.64	0.93
Serious Concerns	0.47	0.75	0.00
Unable to Assess	8.24	11.12	3.43
Total	*100.00*	*100.00*	*100.00*

Where Elected Members and select staff felt able to assess Peter, the most common selection was 'excellent' (EMs) and 'very good' (staff), further evidencing a general perception of strong performance.

It is also clear from the percentages above that just over 65% of the overall responses were of *Very Good* or better ratings and almost 85% of the total responses as *Good* or above.

Also of very positive note is that *Minor Concerns and Serious Concerns* constitute a very low percentage of the overall assessments. The questions represented in the *Minor* and *Serious Concerns* categories can be identified in the raw data included as an appendix, which is helpful to the incumbent when addressing any particular concerns. Combined with the low percentage of total responses in the U category, these overall results do not give cause for any unease regarding Peter's performance.

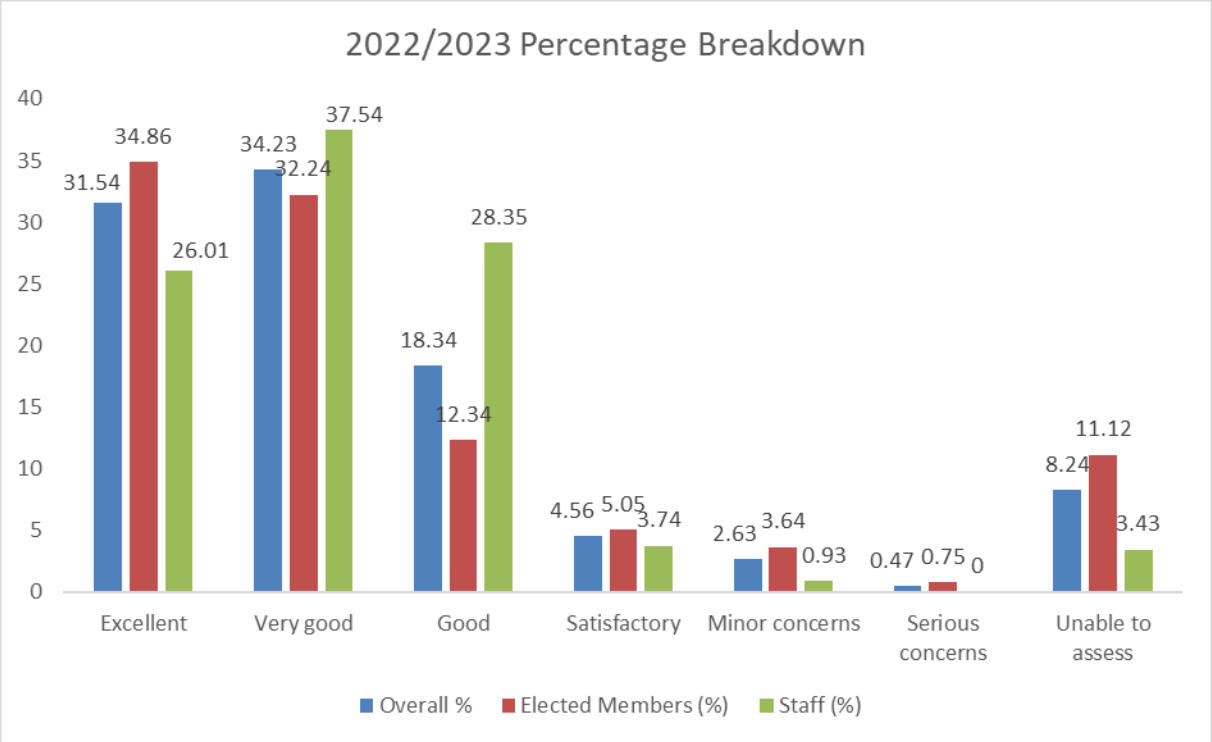
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Elected Member response

67.10% of overall Elected Member responses fell within the *Excellent* or *Very Good* range, with 79.44% of all responses within the *Good* to *Excellent* range. This is a very high response against CEO assessments in comparable entities and indicates a very high level of satisfaction from the Elected Member cohort.

Staff Member response

63.55% of overall Staff Member responses fell within the *Excellent* or *Very Good* range, with 91.89% of all responses within the *Good* to *Excellent* range. Again, these responses indicate an overall view amongst Staff Members that Peter performs very well.



Incumbent Self Assessment

Peter's overall self-assessment rating was **3.95 out of 6**.

This rating is lower than the master average ratings of Elected Members (4.97) and Staff Members (4.86) and may point to some specific areas of consideration/concern on the part of the incumbent. Given this rating is also marginally lower than his self-assessment ratings for the past two years, there may be merit in discussion regarding the areas driving this result from Peter's point of view.

Or it may simply indicate a Chief Executive who demonstrates modesty with regard to his perception of his own performance, one who sets high standards for himself and drives himself hard in his commitment to his role.

A full view of self-assessment comparisons to respondent ratings is shown in the tables below.

PERFORMANCE CRITERIA RATINGS

Performance Criteria	Ave Rating
Criteria 1 – Corporate Management	4.87
Criteria 2 – Corporate Relationships	5.21
Criteria 3 – Service Delivery	4.49
Criteria 4 – Community & Economic Development	4.65
Criteria 5 – External Relations	4.94
Criteria 6 – Financial & Asset Management	4.86
Criteria 7 – Human Resources	4.57
Criteria 8 – Workplace Health & Safety	4.78
Master Average for Performance Criteria	**4.81**

Performance Criteria	Incumbent Rating	Elected Member Ave Rating	Staff Ave Rating
Criteria 1 – Corporate Management	3.58	4.86	4.88
Criteria 2 – Corporate Relationships	4.13	5.21	5.19
Criteria 3 – Service Delivery	3.40	4.44	4.58
Criteria 4 – Community & Economic Development	4.17	4.45	5.00
Criteria 5 – External Relations	4.25	4.85	5.07
Criteria 6 – Financial & Asset Management	4.20	4.94	4.73
Criteria 7 – Human Resources	3.75	4.77	4.38
Criteria 8 – Workplace Health & Safety	4.33	4.74	4.81

The tables below show the CEO's self-assessment against each of this year's criteria with comparisons to the master average rating (Elected Members and select Staff Members) for this section of the survey.

Corporate Management	Incumbent Rating	Master Ave Rating
Exercising, performing or discharging other powers, functions or duties conferred on the Chief Executive Officer by or under the LG Act and other relevant Acts, and to perform other functions lawfully directed by the Council.	4.00	5.31
Ensure that systems are in place to achieve compliance with all of Council's legislative requirements and that Council and management are kept informed of any changes to requirements.	4.00	5.31
Ensuring that records required under the LG Act or other relevant Acts are properly kept and maintained.	4.00	5.15
Provide a strategic planning frame work is in place that includes effective consultative and evaluation processes and which remains clear and relevant.	4.00	5.19
Ensure operational plans and budgets flow from the strategic plan on time and in a form which is clear and useful in both Council and management processes.	4.00	4.75
Implement best practice management information systems which enable performance to be assessed against identified indicators.	3.00	4.73
Ensure that Corporate Performance Indicators are in place and are used to evaluate Council performance.	3.00	4.63
Maintain systems to ensure transparency and public accountability to achieve Council's ongoing compliance with all legislative requirements.	4.00	5.13
Ensure Council policy development, evaluation, action, review, and promulgation are effectively managed.	4.00	4.69
Maintain strong leadership of the senior management team and its effectiveness within the administration of Council.	4.00	5.13
Ensure that all departmental services, strategic tasks, projects and capital works are completed within Budget and on time.	2.00	3.75
Prepare and maintain business plans for Council, and ensure all actions identified are completed and reported against.	3.00	4.63

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Corporate Relationships	Incumbent Rating	Master Ave Rating
Provide regular and informative briefing of Council on key policy issues and items or projects that add value to Council's preferred futures.	4.00	5.25
Ensure Elected Members are kept up to date with changing legislation, policies, and governance practices that are relevant to their role.	4.00	5.38
Respond to Elected Member questions and requests in a professional and timely manner.	4.00	5.53
Ensuring that the policies and lawful decisions of the Council are implemented in a timely and efficient manner.	4.00	5.06
Build and maintain an effective working relationship with Elected Members.	4.00	5.43
Professional timely, informative, accurate and relevant reports provided to Council.	5.00	5.06
Coordinating proposals for consideration by the Council for developing objectives, policies and programs for all areas of Council's responsibility.	4.00	5.00
Providing information to the Council to assist the Council to assess its performance against its strategic management plans.	4.00	4.94
Service Delivery	**Incumbent Rating**	**Master Ave Rating**
Provide Council services that meet the needs of the community, meet Council's service standards and policies and in accordance with the adopted business plan, within the resources provided by Council.	4.00	4.38
Ensure all service quality levels and customer contact standards are specified, documented, publicised and fully understood by Council staff.	4.00	4.57
Undertake surveys and obtain feedback on levels of satisfaction within the community in terms of services and facilities provided by Council.	3.00	4.57
Undertake program reviews and benchmarking and ensure continuous improvement in service standards, customer service and productivity.	4.00	4.50
Develop and monitor a Quality Assurance Program, ensuring objectives and strategies are allocated to responsible officers, time-framed and achieved.	2.00	4.45
Community & Economic Development	**Incumbent Rating**	**Master Ave Rating**
Develop strategies that ensure that Port Pirie is a clean, vibrant, thriving region that encourages sustainable new business investment, supports existing business growth and has a growing population base.	4.00	4.69
Implement and further develop plans, programs, policies and strategies which meet the existing and emerging environmental, social and cultural needs of the community, provide for wide community consultation and promote Council's role as facilitator of economic and community development, including: • enhancing and promoting people's desire to live, work and invest in the region; • contributing to and supporting the development of key events, the arts and cultural development; • ensure Council's regulatory framework supports sustainable economic growth; • grow the regional economy by attracting new business and employment opportunities through a diverse business base; • encourage community involvement and participation in community groups, activities and programs.	4.00	4.56
Develop and support tourism and promotional initiatives and programs that will enhance the Port Pirie Region's reputation as a must for tourists and visitors, including: • the tourism information centre; • accessing grants and other sources of funding; • attracting visitors to the region; • marketing and promoting the area; • identifying , developing and promoting tourism incentives.	4.00	4.25
Liaise and network with appropriate external bodies to identify funding opportunities to develop and/or continue various programs and projects. Oversee and assist with the preparation of grant proposals and submissions. Monitor program outcomes against projected achievements.	5.00	4.73
Identify private sector interests, government programs and funding sources with capability to facilitate development in the region. Prepare submissions, receive allocate and monitor grant expenditure.	4.00	4.57
Promote a positive image of the Council and Region.	4.00	5.13

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External Relations	Incumbent Rating	Master Ave Rating
Develop effective relationships between Council and other key stakeholders. Liaise and/or negotiate with external bodies and sources on key issues as required.	5.00	5.06
Represent Council on various committees, network with other professionals and representatives from the three spheres of government and with other organisations. Report to Council on outcomes.	5.00	5.20
Ensure Council's media liaison activities are timely and responsive and portray a consistent, professional corporate image.	3.00	4.13
Oversee the preparation of Council publications, Annual Report, published advertisements and articles, and other promotional documents (eg brochures, flyers etc) to ensure they present a professional image and are consistent with Council's communications strategy.	4.00	4.93
Effective relationships are achieved with Federal, State Government and the ALGA on key policy and other issues associated with Local Government, Port Pirie Regional Council and development of the region in general.	4.00	5.07
Identify and communicate major potential risks and threats for Council in dealing with all stakeholders.	5.00	5.00
Provide competent representation at all civic and ceremonial occasions and where appropriate, ensure all protocols are properly addressed or executed.	4.00	5.47
Ensure that a strategy to facilitate productive communication with the media, community, governments and other stakeholders is in place.	4.00	4.63
Financial & Asset Management	**Incumbent Rating**	**Master Ave Rating**
Take responsibility for the cost effective management of Council's financial planning process. Monitor, review and report on Council assets, resources, investments, grant allocations and all committed expenditures (actual expenditure) against approved budgets.	4.00	5.06
Financial policies and systems are in place that promote economic, social and environmental sustainability.	5.00	4.88
Council's financial strategies are understood and pursued throughout the organisation.	4.00	4.71
Financial statements are fully compliant with relevant accounting and statutory requirements.	5.00	5.21
Useful, clear and accurate financial reports are provided to Council.	5.00	5.19
Services, capital works programs and projects are delivered on time and within budget; and, within a "contestability" framework.	2.00	3.75
Council's physical assets are accurately recorded and managed in accordance with legislative requirements and Council policies.	5.00	5.00
Risk Management policies, procedures and programs are clearly defined and achieved.	4.00	5.00
Ensure that the assets and resources of the Council are properly managed and maintained.	4.00	5.00
Provide public infrastructure and amenities that enhance the image of the Port Pirie Region, that are safe, functional, welcoming and appealing to the local community, investors and visitors while achieving the principles of triple bottom line sustainability.	4.00	4.75
Human Resources	**Incumbent Rating**	**Master Ave Rating**
Maintain effective Human Resource Management systems, policies and procedures that comply with statutory requirements and reflect industry best practice.	3.00	4.67
Communicate HR systems, policies and procedures effectively to all staff.	4.00	4.83
Actively promote a positive organisational culture and encourage innovation within the work place.	4.00	4.93
Ensure that a multi directional communication strategy is in place which effectively ensures all staff receive general information and have an opportunity to contribute ideas to the work of Council.	4.00	4.73
Ensure the effectiveness of current positions, staffing levels and productivity to meet Council's strategic objectives into the future.	4.00	4.07
Ensure that individual performance of all staff is reviewed annually.	4.00	4.40
Ensure that a corporate training program is in place which reflects organisational priorities and personal and career development needs of staff.	3.00	4.30
Staff recruitment and retention strategies and policies are in place and relevant to the current and future needs of Council.	3.00	3.92

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Manage difficult behaviours appropriately and contribute to maintaining a sound level of industrial harmony.	4.00	4.20
Observe and promote Council's Code of Conduct.	4.00	5.14
Maintain effective working relationships across the organisation and encourage team work, innovation and improvements across all functions.	4.00	5.33
Ensure the effective implementation of Enterprise Agreement strategies and commitments impacting on Council staff.	4.00	4.27
Work Health & Safety	**Incumbent Rating**	**Master Ave Rating**
Prepare, implement, monitor and review a suitable WH&S & Injury Management plan, policies and procedures to ensure a safe work environment for all staff, in accordance with the WH&S Act and Regulations and performance standards for self insurers.	5.00	4.82
Ensure all managers are accountable for their roles, responsibilities and performance in line with Council's WH&S & IM policies and procedures, the WH&S Act and Regulations and performance standards for self insurers through regular performance review.	4.00	4.42
Ensure effective consultation, communication and participation within Council.	4.00	5.07
Meet the set objectives, targets and performance indicators as outlined in Council's WH&S Plan which strive for continuous improvement.	5.00	5.00
Ensure all investigations for workplace incidents, accidents or injuries are completed with legislative requirements.	4.00	4.67
Ensure sufficient resources are allocated (human & financial) for the implementation of Council's WH&S & IM Plans.	4.00	4.70

Key areas of strength highlighted across the Performance Criteria (where the average was 5.31 or higher) were:

- Ensure Elected Members are kept up to date with changing legislation, policies, and governance practices that are relevant to their role (5.38)
- Respond to Elected Member questions and requests in a professional and timely manner (5.53)
- Build and maintain an effective working relationship with Elected Members (5.43)
- Provide competent representation at all civic and ceremonial occasions and where appropriate, ensure all protocols are properly addressed or executed (5.47)
- Maintain effective working relationships across the organisation and encourage team work, innovation and improvements across all functions (5.33)
- Exercising, performing or discharging other powers, functions or duties conferred on the Chief Executive Officer by or under the LG Act and other relevant Acts, and to perform other functions lawfully directed by the Council (5.31)
- Ensure that systems are in place to achieve compliance with all of Council's legislative requirements and that Council and management are kept informed of any changes to requirements (5.31)

Relatively weaker areas (where the average was 4.30 or lower) were:

- Develop and support tourism and promotional initiatives and programs that will enhance the Port Pirie Region’s reputation as a must for tourists and visitors, including: the tourism information centre; accessing grants and other sources of funding; attracting visitors to the region; marketing and promoting the area; identifying, developing and promoting tourism incentives. (4.25)
- Ensure Council's media liaison activities are timely and responsive and portray a consistent, professional corporate image (4.13)
- Services, capital works programs and projects are delivered on time and within budget; and, within a "contestability" framework (3.75)
- Ensure the effectiveness of current positions, staffing levels and productivity to meet Council's strategic objectives into the future (4.07)

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- Ensure that a corporate training program is in place which reflects organisational priorities and personal and career development needs of staff (4.30)
- Staff recruitment and retention strategies and policies are in place and relevant to the current and future needs of Council (3.92)
- Manage difficult behaviours appropriately and contribute to maintaining a sound level of industrial harmony (4.20)
- Ensure the effective implementation of Enterprise Agreement strategies and commitments impacting on Council staff (4.27)

It must be noted that whilst these averages were relatively lower than for other areas, they are still close to or in the *Good* bracket.

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EXECUTIVE BEHAVIOURS

Executive Behaviours were rated highly by both Elected Members and Staff Members. The schedule provided below compares the incumbent's self-rating with the average rating of the Elected Members and Staff Members.

Executive Behaviours	Incumbent Rating	Ave Rating
Demonstrates leadership and vision.	4.00	5.31
Adopts a collaborative management style.	4.00	5.31
Treats all colleagues professionally and with dignity and respect (eg. common courtesies such as please and thankyou).	5.00	5.50
Seeks and is receptive to other points of view.	4.00	5.25
Demonstrates integrity and high ethical standards.	5.00	5.44
Remains calm and resilient at all times despite pressures.	4.00	5.38
Is approachable and available. That is, to my knowledge, spends sufficient time with relevant team members.	4.00	5.44
Maintains confidentiality at all times.	5.00	5.60
Delivers verbal messages clearly and succinctly.	4.00	5.50
Delivers written messages clearly and succinctly.	4.00	5.50
To my knowledge, sets clear and reasonable tasks and deadlines and supports staff in the achievement thereof.	4.00	5.43
To my knowledge, delegates appropriate tasks to subordinates and empowers them to succeed.	4.00	5.29
Acknowledges and recognises others' skills, abilities and achievements.	4.00	5.36
Is receptive to and encouraging of positive and proactive change.	4.00	5.33
Makes the tough decisions where necessary rather than choosing the popular option.	4.00	4.87
Exercises sound judgement and makes decisions that are based on reasoned and well researched information.	4.00	5.44
Sets a strong example in terms of time management, organisation and associated professional standards.	3.00	5.47
Welcomes and accepts feedback constructively.	4.00	5.27
Demonstrates thorough understanding of relevant area of professional expertise.	4.00	5.50
Focuses on outcomes rather than overly dwelling on processes and procedures.	3.00	4.63
Maintains a healthy work/leisure balance.	3.00	3.47
Motivates and encourages others.	4.00	5.13
Thinks and acts strategically.	4.00	5.31
Is prepared to admit fault and rectify issues with own performance.	4.00	5.19
Demonstrates versatility and flexibility in finding innovative solutions to problems.	4.00	5.27
Is able to deliver difficult messages and/or bad news effectively i.e. is a truth teller.	5.00	5.19
Demonstrates genuine courage in the workplace ie. breaks new ground via calculated and considered risk taking.	4.00	4.62
Is able to establish immediate credibility and rapport with internal and external stakeholders to facilitate outcomes. That is, possesses genuine presence, confidence and assurity.	4.00	5.38
Has the capacity to effectively negotiate beneficial outcomes for the organisation without compromising stakeholder relationships.	4.00	5.33
Possesses a keen eye for process improvement and the capacity to implement changes to this end.	4.00	5.13
Utilises warmth, compassion and good humour to achieve positive organisational outcomes.	4.00	5.50
Demonstrates well developed commercial acumen in line with non financial corporate objectives.	4.00	5.40
Demonstrates well developed political acumen whilst maintaining probity and transparency.	5.00	5.40
Promotes Council in the media in a positive and proactive manner.	4.00	4.87
Incumbent/Master Average for Executive Behaviours	**4.06**	**5.23**

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Peter rated very highly generally across the range of professional behaviours, mostly in the *Very Good* or above categories. Standout areas of behaviour (where the average was 5.50 or higher) were:

- Treats all colleagues professionally and with dignity and respect (eg. common courtesies such as please and thankyou) (5.50)
- Maintains confidentiality at all times (5.60)
- Delivers verbal messages clearly and succinctly (5.50)
- Delivers written messages clearly and succinctly (5.50)
- Demonstrates thorough understanding of relevant area of professional expertise (5.50)
- Utilises warmth, compassion and good humour to achieve positive organisational outcomes (5.50)

Lower rated areas (where the average was 5.00 or lower), noting that this is still in the *Good* or above categories, were:

- Makes the tough decisions where necessary rather than choosing the popular option (4.87)
- Focuses on outcomes rather than overly dwelling on processes and procedures (4.63)
- Maintains a healthy work/leisure balance (3.47)
- Demonstrates genuine courage in the workplace ie. breaks new ground via calculated and considered risk taking (4.62)
- Promotes Council in the media in a positive and proactive manner (4.87)

Work/leisure balance for Peter continues to be a concern to those around him. This an important factor of contemporary leadership and will be referenced in our recommendations below.

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KEY PERFORMANCE INDICATORS

Key Performance Indicators	Incumbent Rating	Ave Rating
KPI 1 **South West Drainage Scheme** Pursue agreement with willing developers for the delivery of the South West Drainage Scheme, including but not limited to the possibility of an application to the Federal Government's National Housing Finance Investment Corporation. **Measure** • Meetings held with land owners to progress options. • Proposal for support pitched to either of the State or Federal Governments if agreement can be reached with land owners.	4.00	4.27
KPI 2 **Riverfront Development – Stage 2** In conjunction with current tenants, develop a masterplan for the potential development of the Council owned land generally encompassing the Lions Park, the Royal Port Pirie Yacht Club and the Port Pirie Rowing Club. **Measure** • Meetings held with Royal Port Pirie Yacht Club and Port Pirie Rowing Club to seek in principal support and requirements. • Based on level of agreement, concept plan and options delivery developed for consideration of Council.	2.00	4.47
KPI 3 **Stage 1 Greening Strategy** Ensure capacity for the delivery of Councils responsibilities under Year 1 of the four year $6.1m "Port Pirie Greening Program" in collaboration with TLAP, Dept Environment and Water and SA Water. **Measure** • • Delivery plan for year 1 developed and agreed with funding partners. • Plan substantially complete.	4.00	4.60
KPI 4 **Council Land Beach Road Port Pirie** Conduct an Expression of Interest for the development of Council owned land on Beach Road. **Measure** • Expression of Interest developed and taken to market. • Process for the selection of preferred proponent developed and undertaken.	2.00	4.36

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Key Performance Indicators	Incumbent Rating	Ave Rating
KPI 5 **Crystal Brook Child Care** Develop a concept design and costing, prepare a cost benefit analysis and other necessary supporting documentation in readiness for potential funding opportunities. **Measure** • Concept Plan and costings prepared. • Cost Benefit Analysis completed.	3.00	4.15
KPI 6 **Definition of Service Levels to Support Customer Service Response** Commence the process to identify and prioritise the setting of service levels to support the adequate response timeframes for customer requests. **Measure** • At least 20% of the service types existing in the customer request module as at 1 July 2022 will have service intervention levels determined by Council by 30 June 2023.	5.00	4.75

Average ratings for the Key Performance Indicators segment by survey participants sit comfortably in the *Good* bracket. There is a noticeable discrepancy in the case of a few of these KPIs between the view held by the incumbent and that of other survey participants. This point is referenced in the recommendations.

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PARTICIPANT COMMENTS

Participants were also encouraged to elaborate and/or make additional comments.

It is important to note that typically participants provide additional comments when they have something less positive to say (and treat the positives as a given).

It is also important to note, that specific comments reflect a participant's view and should not be assumed to be reflective of a majority assessment.

Elected Members and select Staff Members are also encouraged to constructively raise any specific concerns directly and privately with Peter to give him an opportunity to address them accordingly.

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PERFORMANCE CRITERIA

Criteria 1 – Corporate Management

Elected Member comments:

- Unfortunately, this past 12 months has been a disaster in relation to delivering plan objectives in a timely manner - it's extremely frustrating to see this reflect on the CEO at the end of the day.
- Capital works are the glaring issue among an otherwise perfect score.

Incumbent comments:

- Evolving process to set more corporate level indicators - recent example being the customer request system.

Criteria 2 – Corporate Relationships

Elected Member comments:

- Sometimes I feel too much focus is on planning, legislation and key performance indicators. Whereas, it should be on getting the right people for the right job, and getting the jobs done.

Criteria 3 – Service Delivery

Elected Member comments:

- 3.3 - Unsure? There is a lot of community consultation around projects, but I am unsure if there is feedback given by community around services and facilities already provided and the satisfaction of this by our community. A question I will endeavor to find out. 3.4 & 3.5 - I will seek answers as to these questions for future reviews of the CEO.
- Peter is the right person to lead Council - however I have concerns that there are leadership issues in some departments that need addressing. Perhaps some higher expectations on managers should be looked at?

Staff Member comments:

- A community survey has not been undertaken during the review period. I don't think any benchmarking or review of programs has been carried out in the review period. I don't think Council has a Quality Assurance Program.

Incumbent comments:

- Communication survey is an agreed KPI for the coming year. Marked low in Quality Assurance Program as there is no formal program, rather a service-by-service process to determine and achieve a consistent output.

Criteria 4 – Community & Economic Development

Elected Member comments:

- It's hard to focus on this area when so much is driven from outside factors. I don't think the TLAP new promotional activities is connecting with community or anyone outside of the region. We need to be actively promoting our region ourselves.
- Will endeavor to have these questions answered in more detail to help assist me with future reviews of the CEO. However, am happy with my current response.

Criteria 5 – External Relations

Elected Member comments:

- We have missed the mark on several occasions with spreading a good message, particularly FOGO. Need to look at the skillset of employees and employ appropriately to ensure we have a well-trained, oiled communications team - on the lookout to promote the good stories of Council.
- Communication with the community and the timing of this could be improved.
- While communications strategy is fine. We often miss the mark with delivery. Likely a personnel/skills issue.

Criteria 6 – Financial & Asset Management

Elected Member comments:

- In addition to further the success in asset management it is undeniable that our Council area would benefit from more funds, as we are an extremely large council area.
- Concerns with the number of capital projects that were not completed in the 2022-23 financial year.
- Unfortunately the Infrastructure program, or lack of, has let the CEO down in this area. The number of projects being pushed into the next financial year is almost unacceptable.
- Again, capital works delivery is the missing link (and visible failure in delivering promises to community) in a sensational performance.

Incumbent comments:

- Current challenges with unsealed road maintenance/renewal however future strategy for this has been presented to Council and is in place. Increased project delivery capacity via additional project managers supported by Council which will significantly add to the timely delivery of major projects.

Criteria 7 – Human Resources

Elected Member comments:

- The Enterprise Agreement and staff receiving a pay increase of 8% has hit the Council bottom line hard. This should never have occurred and has meant we have had to increase rates significantly, just purely to cover this increase in wages. This needs addressing to ensure another Council in the future is not caught blindsided again.
- Elected Members do not receive any reports in relation to staff turnover; vacancy management or completion of performance reviews. Could consider the development of KPIs in relation to this.

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- Currently understaffed and this is a concern but satisfactory due to no one available to fill the positions.

Staff Member comments:

- A strategy to communicate with staff is under development. There is still the outstanding matter of the staff development day. Staff performance reviews are overdue. Dealing with difficult or challenging behaviours is not consistent.
- The labor market is tight.

Incumbent comments:

- Attraction and retention of staff has been an on ongoing challenge since COVID.

Criteria 8 – Workplace Health & Safety

Elected Member comments:

- Elected Members do not receive any information in relation to this area.

EXECUTIVE BEHAVIOURS

Elected Member comments:

- Having known and worked with Peter for the last 6 months, I believe we are lucky to have him. He has always been open and honest in trying to achieve the best outcomes for Council and the region.
- Overall I'm proud to say Peter is our CEO. He is an approachable, friendly & effective CEO. We would be lost without Peter. Whilst there are some ever-slight concerns about Peter being too conservative with process and procedures and often spends too much time on the little things, we know we are in good hands and appreciate everything he does. Sometimes, I feel this over-thinking & over-worrying is holding up projects.

Respondents were also asked to provide brief comments relating to the immediate actions Peter could stop, start or continue, in order to more positively impact his performance:

STOP

Elected Member comments:

- Stop worrying about the small stuff - get things in order in a timely manner and get the project done. There are so many projects which have been talked about for years and each and every step is being brought into the chamber for verification. Just get them done. You can't always please everyone.
- Being so risk adverse. I like that we are protected by the CEO but at times feel it is a little unnecessary.
- None that I am aware of.
- Nothing to report here at this stage.

Staff Member comments:

- Still gets too involved in the detail of some matters rather than delegating to the relevant officer to action. Delegate the minor issues and trust that staff will action the matter.
- Not a stop but rather be mindful - Work life balance
- Sometimes can over-react to minor matters

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Incumbent comments:

- Sweating the small stuff

START

Elected Member comments:

- Start trusting yourself more. Make some decisions to get projects moving quicker! Too much is being slowed down because of simple crossing the t's and dotting the i's
- Listening to the concerns around communication and the community and Council and taking action to improve this.
- Start thinking around putting better leaders/cultural improvers into works dept.

Staff Member comments:

- Not a stop but rather be mindful - not all ideas are good ideas.
- Paying more attention to the detail and information provided by staff, especially when it is something he has asked for.
- Look after your work/life balance.
- One particular Director needs to be held more accountable for delays in tasks, activities, programs and projects. Be tougher and don't easily accept the "excuses" put forward.
- You buy me a coffee once and a while and see how I am going aside from the work.
- Nothing comes to mind.

Incumbent comments:

- *None come to mind.*

CONTINUE

Elected Member comments:

- Our CEO works well with everyone, he's very approachable and gives honest advice when required. His demeanour is pleasant and helpful.
- Keep working as he is, great outcomes for Council with Peter as CEO.
- Being a great person to work with. Peter is a very loyal, honest and kind person who always works hard for the best outcome for the community. He's very approachable and willing to go above and beyond to satisfy EMs with any questions they may have.
- The fantastic leadership of our Council. Peter is a great advocate for all staff, Elected Members and our community.
- Ensuring Elected Members are well informed.
- Detailed verbal explanations of recommendations.
- Continue developing the region. I think Peter is very effective.
- Everything he is currently doing. Council and the region are in a good position moving forward. He effectively communicates with Elected Members and staff on all issues and stands up when hard decisions need to be made.

Staff Member comments:

- Keep being open and honest. Keep maintaining a positive and enthusiastic attitude.
- Overall the CEO is doing a great job. Keep it all up.
- Mobile Management - Be seen by staff.
- Empowering workers with the opportunity to provide their input, ideas and suggestions for improved practices and systems. Providing opportunities for employees to have conversations on relevant topics and being approachable and reasonable.
- Speak to staff everyday.
- All behaviours.

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Incumbent comments:

- Continue to work at the more strategic level to take best advantage of opportunities that can come from the Port Pirie Taskforce projects and TLAP transition.

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RECOMMENDATIONS

On analysis and review of these rankings and feedback, Hender Consulting notes that in relation to comparably accountable Chief Executive positions, Peter's performance level against the responsibilities in his position description is within a more than acceptable benchmark. Respondents to the majority of questions asked have recorded ratings at the *Good, Very Good* and *Excellent* levels.

It can be noted through the commentary provided that participants are engaged in this review of Peter's tenure and the assessment of his performance. There is a sound level of commentary provided by both sets of participants and contrary to the typical [most often negative] commentary the thoughts expressed are constructive and honest. This would indicate a sound level of comfort on the part of respondents to speak openly where they feel points of concern while also recognising the capabilities and working styles of the CEO.

Peter's own assessment of his performance and behaviours for the period under review is to the point and in the majority of criteria a little more critical than that of his employers and colleagues, reflecting honesty, self-awareness and continued commitment to improved performance.

Hender Consulting recommends that:

- Peter is congratulated on a further year of strong performance measured across all aspects of his responsibilities, behaviours and KPIs, particularly as this review related to a timeframe that required significant focus on the post COVID pressures and priorities;
- Peter is encouraged to give thought to the low number of concerns raised in areas where ratings were relatively lower or marginally negative commentary was provided which may require further exploration, ongoing attention or greater communication;
- Peter gives attention to the few ongoing concerns in the human resources area (training, recruitment and retention) acknowledging that attraction and retention of staff is well understood in the post COVID phase;
- Peter monitors the asset management and project delivery area to ensure greater outcomes and satisfaction in this aspect of Council's programs;
- Peter addresses the work/life balance issue which continues to be seen as needing attention by his colleagues and employers. We have previously raised the importance of role-modelling appropriate behaviours in this context as a leader and would add that ongoing commitment to and enthusiasm for the position he holds as CEO will be enhanced by greater work/life balance. It is clear from commentary that participants want Peter to remain in this role and as such he does need to ensure his ongoing wellbeing and capacity to fulfil what is widely recognised as a demanding position;
- Peter initiates discussion around the KPIs where he has rated himself at a low level in the interests of transparency, understanding and improvement;
- Together with Elected Members, Peter re-sets a range of strategic objectives for the next year;
- Peter meets/speaks with us at a convenient time to review the feedback and identify any areas in which further development is warranted.

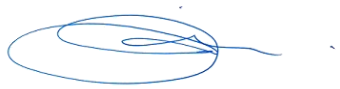
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Do not hesitate to contact us if you wish to discuss these points further.

Assuring you of our objective, independent and considered advice.

With kind regards and thanks for the opportunity to facilitate this important process.

Yours sincerely



Justin Hinora
Executive Consultant
Direct line: (08) 8100 8829
Email: justin.hinora@hender.com.au

Appendix 1 : *Raw Data*

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APPENDIX 1: RAW DATA

Elected Members and Staff		Avg Score	U	1	2	3	4	5	6	Total
1.1:	Exercising, performing or discharging other powers, functions or duties conferred on the Chief Executive Officer by or under the LG Act and other relevant Acts, and to perform other functions lawfully directed by the Council.	5.31	0	0	0	0	3	5	8	16
1.2:	Ensure that systems are in place to achieve compliance with all of Council's legislative requirements and that Council and management are kept informed of any changes to requirements.	5.31	0	0	0	0	2	7	7	16
1.3:	Ensuring that records required under the LG Act or other relevant Acts are properly kept and maintained.	5.15	3	0	0	0	3	5	5	16
1.4:	Provide a strategic planning frame work is in place that includes effective consultative and evaluation processes and which remains clear and relevant.	5.19	0	0	0	0	4	5	7	16
1.5:	Ensure operational plans and budgets flow from the strategic plan on time and in a form which is clear and useful in both Council and management processes.	4.75	0	0	1	0	6	4	5	16
1.6:	Implement best practice management information systems which enable performance to be assessed against identified indicators.	4.73	1	0	1	1	3	6	4	16
1.7:	Ensure that Corporate Performance Indicators are in place and are used to evaluate Council performance.	4.63	0	0	1	0	5	8	2	16
1.8:	Maintain systems to ensure transparency and public accountability to achieve Council's ongoing compliance with all legislative requirements.	5.13	0	0	0	0	2	10	4	16
1.9:	Ensure Council policy development, evaluation, action, review, and promulgation are effectively managed.	4.69	0	0	1	0	5	7	3	16
1.10:	Maintain strong leadership of the senior management team and its effectiveness within the administration of Council.	5.13	1	0	0	0	3	7	5	16
1.11:	Ensure that all departmental services, strategic tasks, projects and capital works are completed within Budget and on time.	3.75	0	2	2	1	5	5	1	16
1.12:	Prepare and maintain business plans for Council, and ensure all actions identified are completed and reported against.	4.63	0	1	0	0	5	7	3	16
2.1:	Provide regular and informative briefing of Council on key policy issues and items or projects that add value to Council's preferred futures.	5.25	0	0	0	0	3	6	7	16
2.2:	Ensure Elected Members are kept up to date with changing legislation, policies, and governance practices that are relevant to their role.	5.38	0	0	0	0	3	4	9	16
2.3:	Respond to Elected Member questions and requests in a professional and timely manner.	5.53	1	0	0	0	3	1	11	16
2.4:	Ensuring that the policies and lawful decisions of the Council are implemented in a timely and efficient manner.	5.06	0	0	0	1	3	6	6	16
2.5:	Build and maintain an effective working relationship with Elected Members.	5.43	2	0	0	0	2	4	8	16
2.6:	Professional timely, informative, accurate and relevant reports provided to Council.	5.06	0	0	0	2	1	7	6	16
2.7:	Coordinating proposals for consideration by the Council for developing objectives, policies and programs for all areas of Council's responsibility.	5.00	1	0	1	0	2	7	5	16
2.8:	Providing information to the Council to assist the Council to assess its performance against its strategic management plans.	4.94	0	0	1	0	3	7	5	16
3.1:	Provide Council services that meet the needs of the community, meet Council's service standards and policies and in accordance with the adopted business plan, within the resources provided by Council.	4.38	0	0	1	2	5	6	2	16
3.2:	Ensure all service quality levels and customer contact standards are specified, documented, publicised and fully understood by Council staff.	4.57	2	0	0	2	4	6	2	16
3.3:	Undertake surveys and obtain feedback on levels of satisfaction within the community in terms of services and facilities provided by Council.	4.57	2	0	1	0	6	4	3	16
3.4:	Undertake program reviews and benchmarking and ensure continuous improvement in service standards, customer service and productivity.	4.50	2	0	0	2	4	7	1	16
3.5:	Develop and monitor a Quality Assurance Program, ensuring objectives and strategies are allocated to responsible officers, time-framed and achieved.	4.45	5	0	0	2	3	5	1	16

4.1:	Develop strategies that ensure that Port Pirie is a clean, vibrant, thriving region that encourages sustainable new business investment, supports existing business growth and has a growing population base.	4.69	0	0	0	1	6	6	3	16
4.2:	Implement and further develop plans, programs, policies and strategies which meet the existing and emerging environmental, social and cultural needs of the community, provide for wide community consultation and promote Council's role as facilitator of economic and community development, including: enhancing and promoting people's desire to live, work and invest in the region; contributing to and supporting the development of key events, the arts and cultural development; ensure Council's regulatory framework supports sustainable economic growth; grow the regional economy by attracting new business and employment opportunities through a diverse business base; encourage community involvement and participation in community groups, activities and programs.	4.56	0	0	1	1	6	4	4	16
4.3:	Develop and support tourism and promotional initiatives and programs that will enhance the Port Pirie Region's reputation as a must for tourists and visitors, including: the tourism information centre; accessing grants and other sources of funding; attracting visitors to the region; marketing and promoting the area; identifying , developing and promoting tourism incentives.	4.25	0	0	2	0	8	4	2	16
4.4:	Liaise and network with appropriate external bodies to identify funding opportunities to develop and/or continue various programs and projects. Oversee and assist with the preparation of grant proposals and submissions. Monitor program outcomes against projected achievements.	4.73	1	0	1	0	5	5	4	16
4.5:	Identify private sector interests, government programs and funding sources with capability to facilitate development in the region. Prepare submissions, receive allocate and monitor grant expenditure.	4.57	2	0	0	2	5	4	3	16
4.6:	Promote a positive image of the Council and Region.	5.13	0	0	1	0	3	4	8	16
5.1:	Develop effective relationships between Council and other key stakeholders. Liaise and/or negotiate with external bodies and sources on key issues as required.	5.06	0	0	0	1	2	8	5	16
5.2:	Represent Council on various committees, network with other professionals and representatives from the three spheres of government and with other organisations. Report to Council on outcomes.	5.20	1	0	0	1	2	5	7	16
5.3:	Ensure Council's media liaison activities are timely and responsive and portray a consistent, professional corporate image.	4.13	1	1	3	0	2	7	2	16
5.4:	Oversee the preparation of Council publications, Annual Report, published advertisements and articles, and other promotional documents (eg brochures, flyers etc) to ensure they present a professional image and are consistent with Council's communications strategy.	4.93	1	0	0	1	2	9	3	16
5.5:	Effective relationships are achieved with Federal, State Government and the ALGA on key policy and other issues associated with Local Government, Port Pirie Regional Council and development of the region in general.	5.07	1	0	0	1	2	7	5	16
5.6:	Identify and communicate major potential risks and threats for Council in dealing with all stakeholders.	5.00	0	0	0	2	1	8	5	16
5.7:	Provide competent representation at all civic and ceremonial occasions and where appropriate, ensure all protocols are properly addressed or executed.	5.47	1	0	0	1	1	3	10	16
5.8:	Ensure that a strategy to facilitate productive communication with the media, community, governments and other stakeholders is in place.	4.63	0	0	2	1	2	7	4	16

6.1:	Take responsibility for the cost effective management of Council's financial planning process. Monitor, review and report on Council assets, resources, investments, grant allocations and all committed expenditures (actual expenditure) against approved budgets.	5.06	0	0	0	1	3	6	6	16
6.2:	Financial policies and systems are in place that promote economic, social and environmental sustainability.	4.88	0	0	0	1	5	5	5	16
6.3:	Council's financial strategies are understood and pursued throughout the organisation.	4.71	2	0	0	1	5	5	3	16
6.4:	Financial statements are fully compliant with relevant accounting and statutory requirements.	5.21	2	0	0	0	4	3	7	16
6.5:	Useful, clear and accurate financial reports are provided to Council.	5.19	0	0	0	0	4	5	7	16
6.6:	Services, capital works programs and projects are delivered on time and within budget; and, within a "contestability" framework.	3.75	0	2	2	1	6	3	2	16
6.7:	Council's physical assets are accurately recorded and managed in accordance with legislative requirements and Council policies.	5.00	0	0	0	0	4	8	4	16
6.8:	Risk Management policies, procedures and programs are clearly defined and achieved.	5.00	1	0	0	0	4	7	4	16
6.9:	Ensure that the assets and resources of the Council are properly managed and maintained.	5.00	0	0	0	1	3	7	5	16
6.10:	Provide public infrastructure and amenities that enhance the image of the Port Pirie Region, that are safe, functional, welcoming and appealing to the local community, investors and visitors while achieving the principles of triple bottom line sustainability.	4.75	0	0	1	1	4	5	5	16
7.1:	Maintain effective Human Resource Management systems, policies and procedures that comply with statutory requirements and reflect industry best practice.	4.67	4	0	0	1	4	5	2	16
7.2:	Communicate HR systems, policies and procedures effectively to all staff.	4.83	4	0	0	0	5	4	3	16
7.3:	Actively promote a positive organisational culture and encourage innovation within the work place.	4.93	1	0	0	1	4	5	5	16
7.4:	Ensure that a multi directional communication strategy is in place which effectively ensures all staff receive general information and have an opportunity to contribute ideas to the work of Council.	4.73	5	0	1	0	3	4	3	16
7.5:	Ensure the effectiveness of current positions, staffing levels and productivity to meet Council's strategic objectives into the future.	4.07	2	0	1	3	4	6	0	16
7.6:	Ensure that individual performance of all staff is reviewed annually.	4.40	6	0	1	1	3	3	2	16
7.7:	Ensure that a corporate training program is in place which reflects organisational priorities and personal and career development needs of staff.	4.30	6	0	1	0	5	3	1	16
7.8:	Staff recruitment and retention strategies and policies are in place and relevant to the current and future needs of Council.	3.92	4	0	1	3	5	2	1	16
7.9:	Manage difficult behaviours appropriately and contribute to maintaining a sound level of industrial harmony.	4.20	6	0	1	1	3	5	0	16
7.10:	Observe and promote Council's Code of Conduct.	5.14	2	0	0	0	4	4	6	16
7.11:	Maintain effective working relationships across the organisation and encourage team work, innovation and improvements across all functions.	5.33	4	0	0	1	1	3	7	16
7.12:	Ensure the effective implementation of Enterprise Agreement strategies and commitments impacting on Council staff.	4.27	5	1	0	1	4	3	2	16
8.1:	Prepare, implement, monitor and review a suitable WH&S & Injury Management plan, policies and procedures to ensure a safe work environment for all staff, in accordance with the WH&S Act and Regulations and performance standards for self insurers.	4.82	5	0	0	0	4	5	2	16
8.2:	Ensure all managers are accountable for their roles, responsibilities and performance in line with Council's WH&S & IM policies and procedures, the WH&S Act and Regulations and performance standards for self insurers through regular performance review.	4.42	4	0	0	2	4	5	1	16
8.3:	Ensure effective consultation, communication and participation within Council.	5.07	2	0	0	1	2	6	5	16
8.4:	Meet the set objectives, targets and performance indicators as outlined in Council's WH&S Plan which strive for continuous improvement.	5.00	4	0	0	0	4	4	4	16
8.5:	Ensure all investigations for workplace incidents, accidents or injuries are completed with legislative requirements.	4.67	7	0	0	0	5	2	2	16
8.6:	Ensure sufficient resources are allocated (human & financial) for the implementation of Council's WH&S & IM Plans.	4.70	6	0	0	0	4	5	1	16

EB1:	Demonstrates leadership and vision.	5.31	0	0	0	0	3	5	8	16
EB2:	Adopts a collaborative management style.	5.31	0	0	0	0	2	7	7	16
EB3:	Treats all colleagues professionally and with dignity and respect (eg. common courtesies such as please and thankyou).	5.50	0	0	0	0	2	4	10	16
EB4:	Seeks and is receptive to other points of view.	5.25	0	0	0	0	4	4	8	16
EB5:	Demonstrates integrity and high ethical standards.	5.44	0	0	0	0	1	7	8	16
EB6:	Remains calm and resilient at all times despite pressures.	5.38	0	0	0	0	3	4	9	16
EB7:	Is approachable and available. That is, to my knowledge, spends sufficient time with relevant team members.	5.44	0	0	0	0	2	5	9	16
EB8:	Maintains confidentiality at all times.	5.60	1	0	0	0	1	4	10	16
EB9:	Delivers verbal messages clearly and succinctly.	5.50	0	0	0	0	1	6	9	16
EB10:	Delivers written messages clearly and succinctly.	5.50	0	0	0	0	1	6	9	16
EB11:	To my knowledge, sets clear and reasonable tasks and deadlines and supports staff in the achievement thereof.	5.43	2	0	0	0	1	6	7	16
EB12:	To my knowledge, delegates appropriate tasks to subordinates and empowers them to succeed.	5.29	2	0	0	0	2	6	6	16
EB13:	Acknowledges and recognises others' skills, abilities and achievements.	5.36	2	0	0	0	1	7	6	16
EB14:	Is receptive to and encouraging of positive and proactive change.	5.33	1	0	0	0	1	8	6	16
EB15:	Makes the tough decisions where necessary rather than choosing the popular option.	4.87	1	0	0	2	4	3	6	16
EB16:	Exercises sound judgement and makes decisions that are based on reasoned and well researched information.	5.44	0	0	0	0	1	7	8	16
EB17:	Sets a strong example in terms of time management, organisation and associated professional standards.	5.47	1	0	0	0	1	6	8	16
EB18:	Welcomes and accepts feedback constructively.	5.27	1	0	0	1	1	6	7	16
EB19:	Demonstrates thorough understanding of relevant area of professional expertise.	5.50	0	0	0	0	1	6	9	16
EB20:	Focuses on outcomes rather than overly dwelling on processes and procedures.	4.63	0	1	1	0	3	7	4	16
EB21:	Maintains a healthy work/leisure balance.	3.47	1	0	3	6	3	2	1	16
EB22:	Motivates and encourages others.	5.13	1	0	0	1	2	6	6	16
EB23:	Thinks and acts strategically.	5.31	0	0	0	1	1	6	8	16
EB24:	Is prepared to admit fault and rectify issues with own performance.	5.19	0	0	0	2	1	5	8	16
EB25:	Demonstrates versatility and flexibility in finding innovative solutions to problems.	5.27	1	0	0	0	2	7	6	16
EB26:	Is able to deliver difficult messages and/or bad news effectively i.e. is a truth teller.	5.19	0	0	0	1	3	4	8	16
EB27:	Demonstrates genuine courage in the workplace ie. breaks new ground via calculated and considered risk taking.	4.62	3	0	0	3	3	3	4	16
EB28:	Is able to establish immediate credibility and rapport with internal and external stakeholders to facilitate outcomes. That is, possesses genuine presence, confidence and assurity.	5.38	0	0	0	0	2	6	8	16
EB29:	Has the capacity to effectively negotiate beneficial outcomes for the organisation without compromising stakeholder relationships.	5.33	1	0	0	1	0	7	7	16
EB30:	Possesses a keen eye for process improvement and the capacity to implement changes to this end.	5.13	0	0	0	1	2	7	6	16
EB31:	Utilises warmth, compassion and good humour to achieve positive organisational outcomes.	5.50	2	0	0	0	3	1	10	16
EB32:	Demonstrates well developed commercial acumen in line with non financial corporate objectives.	5.40	1	0	0	0	1	7	7	16
EB33:	Demonstrates well developed political acumen whilst maintaining probity and transparency.	5.40	1	0	0	0	1	7	7	16
EB34:	Promotes Council in the media in a positive and proactive manner.	4.87	1	0	2	0	2	5	6	16

KPI 1:	South West Drainage SchemePursue agreement with willing developers for the delivery of the South West Drainage Scheme, including but not limited to the possibility of an application to the Federal Government's National Housing Finance Investment Corporation.Measure Meetings held with land owners to progress options. Proposal for support pitched to either of the State or Federal Governments if agreement can be reached with land owners.	4.27	1	0	2	2	2	8	1	16
KPI 2:	Riverfront Development – Stage 2In conjunction with current tenants, develop a masterplan for the potential development of the Council owned land generally encompassing the Lions Park, the Royal Port Pirie Yacht Club and the Port Pirie Rowing Club.Measure Meetings held with Royal Port Pirie Yacht Club and Port Pirie Rowing Club to seek in principal support and requirements. Based on level of agreement, concept plan and options delivery developed for consideration of Council.	4.47	1	0	1	3	0	10	1	16
KPI 3:	Stage 1 Greening StrategyEnsure capacity for the delivery of Councils responsibilities under Year 1 of the four year $6.1m "Port Pirie Greening Program" in collaboration with TLAP, Dept Environment and Water and SA Water.Measure Delivery plan for year 1 developed and agreed with funding partners. Plan substantially complete.	4.60	1	0	2	2	0	7	4	16
KPI 4:	Council Land Beach Road Port PirieConduct an Expression of Interest for the development of Council owned land on Beach Road.Measure Expression of Interest developed and taken to market. Process for the selection of preferred proponent developed and undertaken.	4.36	2	0	3	0	1	9	1	16
KPI 5:	Crystal Brook Child CareDevelop a concept design and costing, prepare a cost benefit analysis and other necessary supporting documentation in readiness for potential funding opportunities.Measure Concept Plan and costings prepared. Cost Benefit Analysis completed.	4.15	3	0	1	4	1	6	1	16
KPI 6:	Definition of Service Levels to Support Customer Service ResponseCommence the process to identify and prioritise the setting of service levels to support the adequate response timeframes for customer requests.Measure At least 20% of the service types existing in the customer request module as at 1 July 2022 will have service intervention levels determined by Council by 30 June 2023.	4.75	0	0	1	2	3	4	6	16
Overall Master Average Rating		**4.92**	**8.24**	**0.47**	**2.63**	**4.56**	**18.34**	**34.23**	**31.54**	**100.00**

MINUTES OF THE CEO PERFORMANCE REVIEW COMMITTEE MEETING HELD ON WEDNESDAY 2 AUGUST 2023 AT 5.30PM IN THE MAYOR'S OFFICE, 115 ELLEN STREET, PORT PIRIE.

1.0 ACKNOWLEDGEMENT OF COUNTRY:
We acknowledge and respect the traditional custodians whose ancestral lands we are meeting upon here today.

2.0 PRESENT: His Worship the Mayor L Stephens, Deputy Mayor Cr K Jackson and Crs A Zubrinich (Chairperson) and L Peters

Peter Ackland, Chief Executive Officer
Kate Carmody, Executive Assistant (Minutes)

3.0 APOLOGIES: Nil

4.0 CONFIRMATION OF MINUTES:

4.1 CEO Performance Review Committee Meeting 19 July 2023

MOVED Mayor Stephens SECONDED Cr Peters

CE31/23 That the Minutes of the CEO Performance Review Committee meeting held on 19 July 2023 be received and confirmed.

CARRIED

5.0 MATTERS ARISING: Nil

6.0 DECLARATION OF INTERESTS: Nil

7.0 ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY:

7.1 CEO' Remuneration
Pursuant to Section 90(3)(a)

MOVED Cr Peters SECONDED Cr Jackson

CE32/23 Pursuant to Section 90(2) and 90(3)(a) of the Local Government Act 1999 the Committee orders that all members of the public with the exception of P Ackland, Chief Executive Officer and K Carmody, Executive Assistant be excluded from attendance at that part of this meeting relating to Agenda Item 7.1 CEO's Remuneration to enable the Committee to consider Item 7.1 in confidence on the basis the Committee considers it necessary and appropriate to act in a meeting closed to the public (excepting those persons listed above) in order to receive, discuss or consider in confidence the following information personal affairs of any person (living or dead), the disclosure of which would be unreasonable information being information relating to the performance of the Chief Executive Officer, which is sensitive and are details which are only known to those who have participated in the review process.

Accordingly, on this basis, the principle that meetings of the Committee should be conducted in a place open to the public has been outweighed by the need to keep the information or matter confidential.

CARRIED

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7.0 ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY: (Cont'd)

7.1 CEO' Remuneration (Cont'd)

MOVED Cr Peters SECONDED Cr Jackson

CE33/23 That any requests for leave by the Chief Executive Officer be addressed to the Mayor bearing in mind an appropriate work / life balance to support the Chief Executive Officer.

CARRIED

MOVED Cr Jackson SECONDED Cr Peters

CE34/23 That the CEO Performance Review Committee recommend to Council an increase to the Chief Executive Officer's base salary of 5% backdated to his anniversary date of 16 April 2023.

CARRIED

Section 91(7) Order

MOVED Cr Peters SECONDED Mayor Stephens

CE35/23 Pursuant to Section 91(7) of the Local Government Act 1999, the Committee orders that the agenda reports, related attachments, discussion and minutes relating to Agenda Item 7.1 CEO's Remuneration shall be kept confidential, being documents relating to a matter dealt with by the Committee on a confidential basis under Sections 90(2) and 90(3)(a) of the Act on the grounds that the documents relate to information concerning the personal affairs of any person (living or dead), the disclosure of which would be unreasonable being information relating to the performance of the Chief Executive Officer, which is sensitive and are details which are only known to those who have participated in the review process.

This order shall operate until the CEO Performance Review process has been completed.

Pursuant to Section 91(9)(c) of the Local Government Act 1999, the Committee delegates to the Chief Executive Officer (or his delegate) the power to revoke this order in whole or part.

CARRIED

7.2 CEO Performance Review 2022/23 – Performance Appraisal Report Pursuant to Section 90(3)(a)

MOVED Mayor Stephens SECONDED Cr Peters

CE36/23 Pursuant to Section 90(2) and 90(3)(a) of the Local Government Act 1999 the Committee orders that all members of the public with the exception of P Ackland, Chief Executive Officer and K Carmody, Executive Assistant be excluded from attendance at that part of this meeting relating to Agenda Item 7.2 CEO Performance Review 2022/23 – Performance Appraisal Report to enable the Committee to consider Item 7.2 in confidence on the basis the Committee considers it necessary and appropriate to act in a meeting closed to the public (excepting those persons listed above) in order to receive, discuss or consider in confidence the following information or matter relating to Item 7.1 which is information concerning the personal affairs of any person (living or dead), the disclosure of which would be unreasonable information being information relating to the performance of the Chief Executive Officer, which is sensitive and are details which are only known to those who have participated in the review process.

CONFIDENTIAL

7.0 ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY: (Cont'd)

7.2 CEO Performance Review 2022/23 – Performance Appraisal Report (Cont'd)

Pursuant to Section 90(3)(a) (Cont'd)

Accordingly, on this basis, the principle that meetings of the Committee should be conducted in a place open to the public has been outweighed by the need to keep the information or matter confidential.

CARRIED

Section 91(7) Order (Cont'd)

MOVED Cr Jackson SECONDED Cr Peters

CE37/23 **Pursuant to Section 91(7) of the Local Government Act 1999, the Committee orders that the agenda reports, related attachments, discussion and minutes relating to Agenda Item 7.2 CEO Performance Review 2022/23 – Performance Appraisal Report shall be kept confidential, being documents relating to a matter dealt with by the Committee on a confidential basis under Sections 90(2) and 90(3)(a) of the Act on the grounds that the documents relate to information concerning the personal affairs of any person (living or dead), the disclosure of which would be unreasonable being information relating to the performance of the Chief Executive Officer, which is sensitive and are details which are only known to those who have participated in the review process.**

This order shall operate until the CEO Performance Review process has been completed.

Pursuant to Section 91(9)(c) of the Local Government Act 1999, the Committee delegates to the Chief Executive Officer (or his delegate) the power to revoke this order in whole or part.

CARRIED

8.0 OTHER BUSINESS: Nil

9.0 NEXT MEETING: To be determined.

10.0 CLOSURE: 6.24pm

_____

CHAIR

CONFIDENTIAL

Members of Council
His Worship the Mayor L Stephens
Deputy Mayor Cr K Jackson
Crs A Zubrinich, J Connor, A Gulin, M Hopgood, J Keain, L Peters, G Petagna, J Joyce

NOTICE OF MEETING

NOTICE IS HEREBY GIVEN in accordance with Section 83 of the *Local Government Act 1999* that a **SPECIAL COUNCIL MEETING** of the Port Pirie Regional Council will be held on **Wednesday 9 August 2023 at 5.15pm** in the Council Chamber, Port Pirie Regional Council Administration Centre, 115 Ellen Street, Port Pirie for the purpose of considering the item(s) included on the agenda below.

Members of the public are welcome to attend the Meeting (excluding any confidential items).

Peter Ackland
CHIEF EXECUTIVE OFFICER
4 August 2023

A G E N D A

ACKNOWLEDGEMENT OF COUNTRY

'We acknowledge and respect the traditional custodians whose ancestral lands we are meeting upon here today.'

1.0 PRESENT:

2.0 APOLOGIES:

3.0 DECLARATION OF INTERESTS:

4.0 REPORTS:
- 4.1 Woodward Park Toilet Location

5.0 ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY:
- 5.1 RFT for Contract 2023/118 – Construction of Solomontown Footpaths Pursuant to Section 90(3)(k)

MOVED **SECONDED**

Pursuant to Section 90(2) and (3)(k) of the Local Government Act 1999 the Council orders that all members of the public with the exception of P Ackland, Chief Executive Officer; C Davey, Director Development & Regulation; K Johnson, Director Infrastructure and K Carmody, Executive Assistant be excluded from attendance at that part of this meeting relating to Agenda Item 5.1 RFT for Contract 2023/118 – Construction of Solomontown Footpaths to enable the Council to consider Item 5.1 in confidence on the basis the Council considers it necessary and appropriate to act in a meeting closed to the public (excepting those

5.0 ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY: (Cont'd)

5.1 RFT for Contract 2023/118 – Construction of Solomontown Footpaths (Cont'd)

Pursuant to Section 90(3)(k) (Cont'd)

persons listed above) in order to receive, discuss or consider in confidence the following information or matter relating to Item 5.1 which relates to tenders for the supply of goods, the provision of services or the carrying out of works being the construction of Solomontown Footpaths.

Accordingly, on this basis, the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or matter confidential.

Section 91(7) Order

MOVED SECONDED

Pursuant to Section 91(7) of the Local Government Act 1999, the Council orders that the agenda reports, related attachments, discussion and minutes relating to Agenda Item 5.1 RFT for Contract 2023/118 – Construction of Solomontown Footpaths shall be kept confidential, being documents relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and 90(3)(k) of the Act on the grounds that the documents relate to tenders for the supply of goods, the provision of services or the carrying out of works being the construction of Solomontown Footpaths.

This order shall operate for a period of six (6) months or until the execution of a contract.

Pursuant to Section 91(9)(c) of the Local Government Act 1999, the Council delegates to the Chief Executive Officer (or his delegate) the power to revoke this order in whole or part.

6.0 CLOSURE:

MEETING: SPECIAL COUNCIL MEETING
DATE: 9 August 2023

DEPARTMENT: INFRASTRUCTURE
OFFICER: Peter Lock, Project Engineer

REPORT ITEM:	**4.1**
REPORT TITLE:	**WOODWARD PARK TOILET LOCATION**

Timeframe	2023/24 Financial Year			
Budget Impact	$26,000 to construct toilet in new proposed location $27,000 to convert existing slab into a BBQ/picnic shelter			
Risk Assessment	**Primary Risk Type(s):**		Reputation	
	Inherent Risk:	**Likelihood**	**Consequence**	**Rating**
		Likely	Moderate	High
	Controls:	▪ Complaints could be received in current new location ▪ New proposed location removes issues regarding sightlines ▪ Deliver works as per grant application		
	Residual Risk:	Unlikely	Minor	Low
File Reference	40.103.001.001			

STRATEGIC REFERENCE:	
Theme **Goal** **Strategy 3.1.3**	Our Lifestyle Built Environment Our public spaces are inspiring, stimulating and welcoming and encourage social interaction, gatherings and activity.

EXECUTIVE SUMMARY:

This report gives reasoning behind the existing location of the new toilet block and also provides an alternative solution for Council to consider.

RECOMMENDATION:

That Council:

- **receive the Woodward Park Toilet Location report;**
- **acknowledge it has reviewed the information provided regarding the location of the new toilet at Woodward Park;**
- **approve the location of the toilet to be altered to be in front of the existing old style toilet block;**
- **allocate $26,0000 from the budget allocated to the refurbishment of the canteen shelter; and**
- **approve the existing foundation to be converted to a BBQ and picnic shelter, subject to the required funding of $27,000 being identified at Budget Review 1.**

REPORT 4.1	**Woodward Park Toilet Location** (Cont'd)

DISCUSSION

At the Ordinary Meeting of Council on 26 July 2023, concern was raised around the location of the new Woodward Park toilets. The main concern regarding the location was it reducing the sightlines to the new nature playground from the existing canteen shelter.

The new toilet block location was determined by several factors related to centralising the toilet block, as the old toilet block in its current location is subject to a lot of anti-social behaviour and vandalism. The old toilet block in this location also has a dense canopy of trees around that in recent times has caused significant damage to the toilet block. The new location, more central to the park, was seen as a way to overcome these issues. However, due to the current SA Water sewer connection and the proximity of nearby underground power and water services, it was determined that the location by the canteen shelter in place of the shrub was the most appropriate location.

It was perceived that this shrub took up a larger space than the proposed toilet block and that the sightlines would not be reduced. Although once the shrub was removed and the foundation construction commenced, the improvement to the sightlines due to removing the large shrub was highlighted but how the toilet block would then impede the newly opened up sightlines was raised as a concern.







Figure 1: Shrub and Toilet Location

REPORT 4.1	**Woodward Park Toilet Location** (Cont'd)

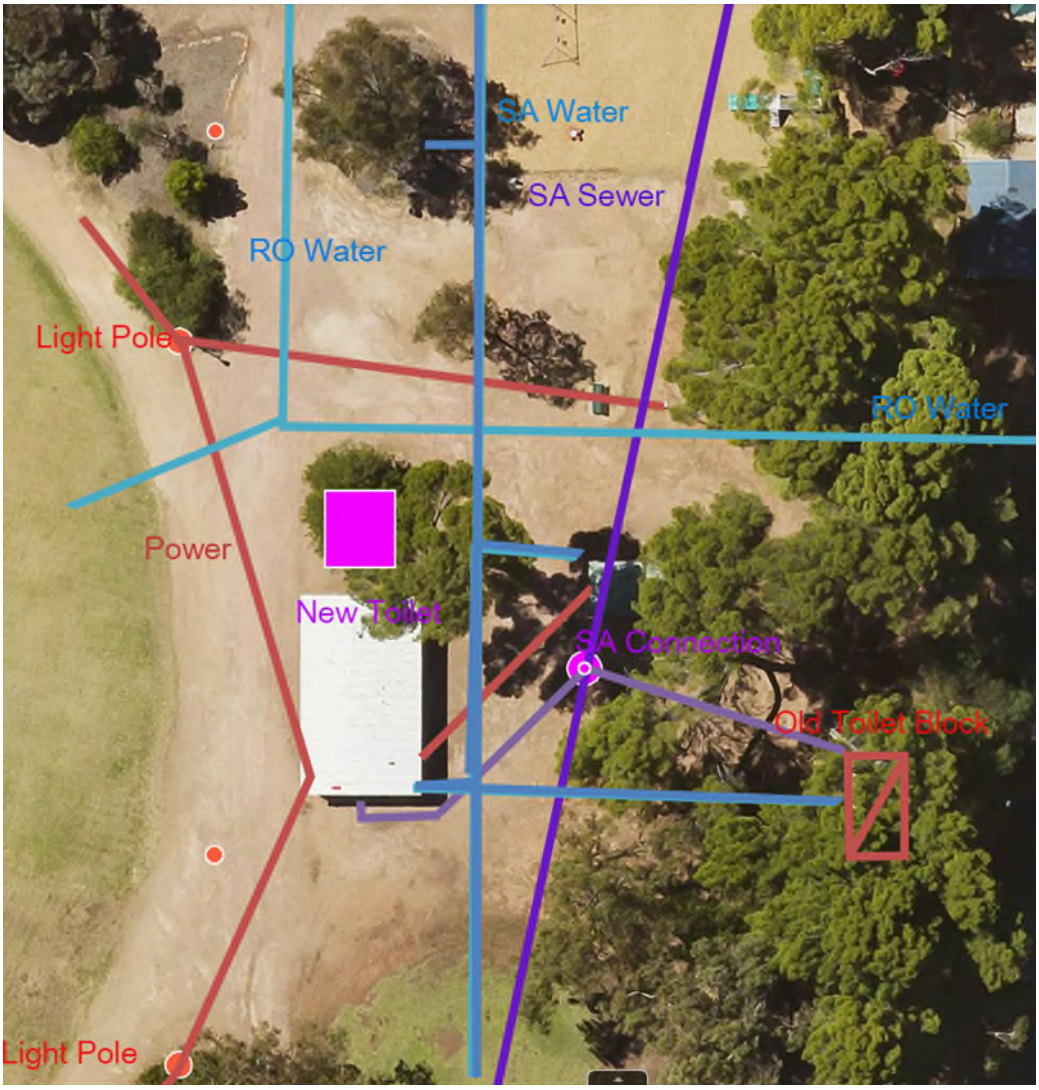


Figure 2: Indicative Service Plan



Figure 3: SA Sewer Connection - 20 m radius

REPORT 4.1	**Woodward Park Toilet Location** (Cont'd)

Referring to Figure 3: SA Water Sewer Connection Radius, due to sewer needing a minimum 300 mm ground cover and 1 in 60 falls for the pipe the toilet block is limited to a 20 m radius from the existing SA Water Sewer connection point. Therefore, the only other locations for the toilet block are between the BBQ and playground or back next to the old toilet block to avoid important underground services. Therefore, to not impede the sightlines the revised location is to install the toilet block a couple of meters in front of the old toilet block under the trees.

If Council wishes to change the location of the toilet block it is not recommended to demolish the existing slab that has been poured but utilise the new power connection and concrete foundation to create a new BBQ and shelter area. To create the new foundation for the alternative location by the old toilet block will cost Council approximately $26,000. A new BBQ and shelter on the existing slab would cost an estimated $27,000.

The toilet block was due to be completed by early October 2023 which would make it available for use in the Food Fair event being run later that month. Moving the location will make this less achievable with an increased risk of it not being ready. However, every effort will be made by the contractor to complete the toilet in time for the event.

BUDGET AND TIMING

The cost estimated to construct the new foundation for the toilet and convert the existing slab to a BBQ and picnic shelter is as follows:

New Foundation and Connections	$26,000
BBQ	$10,000
New Shelter	$13,000
Shelter lights and connection	$ 2,000

Council has committed $100,000 in the 2023/24 Capital Works Budget to complete improvements to the canteen shelter. The works for this site are anticipated to include the refitting of the kitchen, tiled floors, new doors, roller shutters and rendering of the exterior. It is anticipated that the works required to this site could be completed for $74,000 and that $26,000 could be made available for the new toilet foundation.

The funding of $27,000 for the BBQ and picnic shelter, would need to be funded from savings in other 2023/24 Capital Works projects which would be identified at Budget Review 1 as it is expected that the project plans for the capital works projects will be completed by then.

The timing of the works for the toilet block would aim to have the works completed before the Food Fair event in late October 2023, although this is at risk due to starting from scratch. The BBQ and picnic shelter would need to be quoted and depending on lead times would be hopeful of being installed by December 2023, subject to the budget being identified at Budget Review 1.

PREVIOUS REPORTS

22 March 2023 – Ordinary Meeting of Council - Agenda Item 15.3.1
24 February 2022 – Ordinary Meeting of Council – Agenda Item 15.3.1
24 November 2021 – Ordinary Meeting of Council – Agenda Item 15.3.3
10 November 2021 – Strategic Workshop

Port Pirie Regional Council

MEETING: SPECIAL COUNCIL MEETING - CONFIDENTIAL
DATE: 9 August 2023

DEPARTMENT: INFRASTRUCTURE
OFFICER: Simon Harley, Project Manager

REPORT ITEM:	**5.1**
REPORT TITLE:	**RFT FOR CONTRACT 2023/118 – CONSTRUCTION OF SOLOMONTOWN FOOTPATHS - CONFIDENTIAL**

Timeframe	2023/2024 Financial Year			
Budget Impact	$1,637,698.00 (excluding GST) within overall budget			
Risk Assessment	**Primary Risk Type(s):**		Financial/Infrastructure	
	Inherent Risk:	**Likelihood**	**Consequence**	**Rating**
		Almost Certain	Minor	High
	Controls:	▪ Award contracts and engage competent contractors ▪ Sound Project Management framework and specification for delivering project		
	Residual Risk:	Unlikely	Insignificant	Low
File Reference	40.014.009.118/2023			

STRATEGIC REFERENCE:	
Theme **Goal** **Strategy 1.3.3**	Our Community. Wellbeing. Community wellbeing is enhanced through positive health outcomes.

RECOMMENDATION:

That Council:

- **receive the RFT for Contract 2023/118 – Construction of Solomontown Footpaths;**
- **award individual contracts to the following contractors in accordance with the documents submitted in response to Request for Tender for Contract 2023/118 – Construction of Solomontown Footpaths:**
  - **Caddy Earthworks Pty Ltd for the amount of up to $480,255.12 (excluding GST);**
  - **Denco Civil Pty Ltd for the amount of up to $366,237.85 (excluding GST);**
- **delegate authority to the Chief Executive Officer to approve additional cost to execute the works up to the amount of 10% as contingency for the above contract should it be required.**

EXECUTIVE SUMMARY:

Council has allocated a combine total budget of $1,637,698.00 in its 2023/24 Capital Works Program for the construction of Solomontown Footpaths as lead abatement measure as managed by TLAP. This total consists of $821,538.00 TLAP funding and $816,160.00 as carried over from the 2022/23 Capital Works Program

A Request for Tender process was undertaken for the engagement of contractors to construct new concrete footpaths throughout this area and this report provides details of this and the recommendation to award dual contracts for these works.

CONFIDENTIAL

REPORT 5.1	RFT for Contract 2023/118 – Construction of Solomontown Footpaths - Confidential

DISCUSSION

Council has allocated a combine total budget of $1,637,698.00 in its 2023/24 Capital Works Program for the Construction of Solomontown Footpaths as Lead Abatement measure managed by TLAP. This total consists of $821,538.00 TLAP funding and $816,160.00 as carried over from the 2022/23 Capital Works Program.

A “pilot” section in Prince Street has been completed with a further section currently underway.

PROPOSED WORKS

The Project it is proposed to remove and replacement sections of sunken kerb and water table then the supply and construction of new concrete footpaths that will also include driveway crossovers, pram ramps, connection of dwelling stormwater downpipes to kerb where required. This will assist with the lead abatement program and allow TLAP’s footpath sweeper to be able to sweep the new concrete footpaths.

As part of the project works also include the supply and installation of “Green Inlets” with associated fittings and infiltration trenches utilising Water Sensitive Urban Design (WSUD) principles, which is funded from the overall Greening Port Pirie

The Council’s Parks & Recreation workgroup will follow through after the footpath works and complete planting of trees and groundcovers.

TERM OF CONTRACT

The term of the contract is for a one-off contract.

TENDER ASSESSMENT

Request for Tender documentation was uploaded to Tender SA to access a broad market.

Seven (7) individual contractors attended site briefing appointments during the tender period.

At the closing time of tenders of 2 pm 25 August 2023, four (4) tender submissions were received.

Due to differing interpretation of the tender quantities the pricing received was not able to be effectively assessed and required a revised pricing format to align all pricing. In addition to the change in pricing format, Council was notified by APA Group of approaching gas infrastructure works to be performed in this area requiring the full scope of work for this project to be revised.

As such amended pricing was sought from the Tenderers for the reduced scope as follows:

Tenderer	Tendered Price $ (excluding GST)
Caddy Earthworks Pty Ltd	$823,267.00
Denco Civil Pty Ltd	$910,010.75
Lynch and Saracino Concreting Pty Ltd	$1,169,890.00
High Impact Solutions Pty Ltd	$691,634.60 (partial works only)

CONFIDENTIAL

REPORT 5.1	RFT for Contract 2023/118 – Construction of Solomontown Footpaths - Confidential

Tenderers were initially invited on a Schedule of Rates basis, but due to confusion from tenderers with their initial submissions, it was subsequently changed to a Lump Sum. However, the rates provided will be used to calculate any increases or decreases in the scope of works.

QUALITATIVE ASSESSMENT

Tenders received have been assessed against the criteria as set out below:

Price	40%
Local Economic Benefit & Social Inclusion	5%
Company Details & Relevant Experience	15%
Implementation/Delivery Schedule	20%
Works Health & safety and Risk Management	20%
TOTAL	**100%**

The tenders were evaluated by:

- Simon Harley, Project Manager
- Glenn Miller, Procurement & Project Coordinator
- Kathryn Johnson, Director Infrastructure

A summary of the tender assessment is contained in the tables on the following pages as:

- The tender summary; and
- The tender scoring matrix

QUOTE CLARIFICATIONS SOUGHT

The following clarifications were sought:

- confirmation that tenderers could undertake sufficient works to meet the late September 2023 completion due to funding arrangements with Council's stakeholders.
- Acceptance of proportioning of the reduced scope between to two lowest conforming tenderers including detailed works programming accordingly.
- General licensing certification

OVERALL FINDING

All submissions received were deemed to be Complying Tenders. Despite the price differential between various Tenders, detailed assessments were undertaken on all submissions.

Caddy Earthworks Pty Ltd and Denco Civil Pty Ltd were both identified as the preferred contractors for this works. Council has been able to negotiate an outcome with both of these Tenderers to perform a portion of the works based on the geographical location of the works sites. As a result these tenderers have agreed to a split of the contract works for the following amounts:

- Caddy Earthworks Pty Ltd to the value of $480,255.12; and
- Denco Civil Pty Ltd to the value of $366,237.85

High Impact Solutions Pty Ltd only tendered on partial works and were not considered further through the tender assessment due to their non-competitive tender price.

Lynch & Saracino Pty Ltd were not considered further with the highest tender cost.

CONFIDENTIAL

REPORT 5.1	RFT for Contract 2023/118 – Construction of Solomontown Footpaths - Confidential

TIMING AND BUDGET

Total funding of just over $1,637,698.00 has been allocated to Construction of Solomontown Foothpaths in the 2023/24 Capital Works Budget. This proposed scope of works to be funded from this budget is as follows:

- 2022/23 Solomontown Footpaths - Carryover (TLAP Funds) $821,538.00
- 2022/23 Kerb Replacement - Carryover $416,156.00
- 2022/23 Footpath Replacement – Carryover $400,004.00

This does not include the $200,000 allocation for the WSUD and landscaping components which is funded from the Port Pirie Greening Program.

As the contracts proposed under this report only equate to a total of $846,492.97, the procurement strategy for the award of the remaining areas that are affected by the APA Group works will need to be determined when permitted by APA Group. It is likely the balance of works could be completed within or close to the available budgets, subject to re-pricing later in the year.

Should the Council agree to the recommendation, prior to engaging the preferred tenderers, the program schedules will be confirmed in order to maximise the delivery of works in the shortest possible time. However, consideration will need to be given to unfavourable weather conditions and any latent conditions that could delay works, which have already been experienced in the pilot section of Prince Street.

CONFIDENTIAL

REPORT 5.1	RFT for Contract 2023/118 – Construction of Solomontown Footpaths - Confidential

TENDER SUMMARY

Criteria	Weighting	Lynch and Saracino Concreting Pty Ltd	Caddy Earthworks	Decon Civil	High Impact Solutions Pty Ltd
Works Health & Safety and Risk Management.	20%	Has sound knowledge of WHS systems. Not third party certified, but has internal processes in place.	Not third party certified, but has internal processes in place and working on accreditation.	Not third party certified, but has internal processes in place and has applied for Accreditation	Company has sound knowledge of WHS & Risk management Systems has National Accreditation
Local Economic Benefit & Social Inclusion	5%	Local company using local businesses for supply of labour and materials	Local company using local businesses for supply of labour and materials	Adelaide based Company and labour. Intends to use all local businesses for supply of materials.	Adelaide based Company and labour. Intends to use all local businesses for supply of materials.
Experience.	15%	very experienced in concreting large projects & resources available	Is experienced in excavation works & assistance with concreting works	very experienced in kerb & footpath construction with various regional SA Councils	Experienced in excavation and concreting works
Implementation/Delivery Schedule	20%	Capable of high output of works within timeframe	honest and solid contribution with realistic delivery schedule	Capable of high output with delivery schedule and implementation	Can only achieve limited works in timeframe due to resources
Price	40%	Highest tender price	lowest tender price	second lowest tender price	high tender price
General Comments	100%	Contractor is very experienced and capable to deliver works but highest tender price	Contractor has experience to undertake works with an extension of timeframe	Contractor has the experience and capabilities to undertake works with extension of timeframe	Contractor only submitted for partial works only at a high tender price

CONFIL

REPORT 5.1	RFT for Contract 2023/118 – Construction of Solomontown Footpaths - Confidential

TENDER SCORING MATRIX

ITEM	DESCRIPTION Evaluation Criteria Note: ( )* Denotes Rating	WEIGHTING %	Lynch and Saracino Concreting Pty Ltd		Caddy Earthworks		Decon Civil		High Impact Solutions Pty Ltd	
			Score (out of 5)		Score (out of 5)		Score (out of 5)		Score (out of 5)	
	LUMPS SUM TENDER VALUE EXCL GST		**$1,169,890.00**		**$823,267.44**		**$910,011.05**		**$594,266.64**	
1	Works Health & Safety and Risk Management (Schedule 5)	20%	2	8.00	2	8.00	3	12.00	3	12.00
3	Local Economic Benefit & Social Inclusion (Schedule 7)	5%	3	3.00	3	3.00	2	2.00	2	2.00
5	Experience (Schedule 10)	15%	3	9.00	3	9.00	3	9.00	2	6.00
7	Implementation/Delivery Schedule (Schedule 12)	20%	3	12.00	3	12.00	3	12.00	2	8.00
10	Price (Schedules 16) Score = 2.5 + 5*(($M-$T)/$M)	40%	1.63	13.04	3.36	26.88	2.93	23.44	1	8.00
	TOTAL SCORE INCLUDING PRICE	**100%**	45.04		58.88		58.44		36.00	
	TOTAL RANK INCLUDING PRICE		**3**		**1**		**2**		**4**	
	TOTAL SCORE EXCLUDING PRICE		*34.04*		*47.88*		*44.44*		*22.00*	
	TOTAL RANK EXCLUDING PRICE		***3***		***1***		***2***		***4***	

Rating Scale:

5 = Outstanding offer, greatly exceeds criterion
4 = Very good offer, exceeds criterion
3 = Good offer, no deficiencies, meets criterion
2 = Fair offer, few deficiencies, almost meets criterion
1 = Marginal offer, some deficiencies, partly meets criterion
0 = Inadequate offer, many deficiencies, does not meet criterion

REPORT 5.1	RFT for Contract 2023/118 – Construction of Solomontown Footpaths - Confidential

REVISED – PRICING SUMMARY

	Caddy Earthworks Pty Ltd	Denco Civil Pty Ltd	Lynch & Saracino Concreting Pty Ltd	High Impact Solutions Pty Ltd
Section 1A - King Street: Alpha Street to Marriet Street (Right Hand Side)	$90,184.78	$102,704.59	$123,115.00	$0.00
Section 1B - King Street: Marriet Street to Three Chain Road (Left Hand Side)	$84,422.74	$91,046.61	$120,980.00	$0.00
Section 2 - Queen Street: Alpha Street to Park Street (Left Hand Side)	$42,744.40	$47,244.19	$58,675.00	$96,962.25
Section 3 - Prince Street: Park Street to Three Chain Road (Left Hand Side)	$130,471.38	$153,856.28	$179,890.00	$0.00
Section 4 - Park Street: Main Road to Albert Terrace (Right Hand Side)	$142,041.68	$146,771.67	$211,295.00	$0.00
Section 5 - Marriett Street - Main Road to Queen Street (Right Hand Side)	$68,041.46	$69,517.40	$101,165.00	$0.00
Section 6 - Young Street - Queen Street to Prince Street (Right Hand Side)	$60,987.30	$68,899.09	$85,845.00	$0.00
Section 7 - Wilkins Street: Main Road to Prince Street (Left Hand Side)	$138,190.80	$159,266.97	$197,140.00	$315,801.67
Section 8 - Three Chain Road: King Street to Queen Street (Right Hand Side)	$66,182.90	$70,704.25	$91,785.00	$181,502.92
Total	**$823,267.44**	**$910,011.05**	**$1,169,890.00**	**$594,266.84**

Selected Sections	$480,255.12	$366,237.85
Subtotal Selected Sections	$846,492.97	

CONFIDE

MINUTES OF THE SPECIAL COUNCIL MEETING HELD ON WEDNESDAY 9 AUGUST 2023 AT 5.17PM IN THE COUNCIL CHAMBERS, PORT PIRIE REGIONAL COUNCIL ADMINISTRATION CENTRE, 115 ELLEN STREET, PORT PIRIE.

ACKNOWLEDGEMENT OF COUNTRY
'We acknowledge and respect the traditional custodians whose ancestral lands we are meeting upon here today.'

1.0 PRESENT: His Worship the Mayor L Stephens and Crs A Zubrinich, M Hopgood, J Keain, J Connor, J Keain, J Joyce and G Petagna

P Ackland, Chief Executive Officer; K Johnson, Director Infrastructure; Chris Davey, Director Development & Regulation and K Carmody, Executive Assistant (Minutes)

Media: Nil Gallery: Nil

2.0 APOLOGIES: Cr Gulin

3.0 DECLARATION OF INTERESTS: Nil

4.0 REPORTS:

4.1 Woodward Park Toilet Location

MOVED Cr Keain SECONDED Cr Petagna

SM32/23 That Council:

- **receive the Woodward Park Toilet Location report;**
- **acknowledge it has reviewed the information provided regarding the location of the new toilet at Woodward Park;**
- **approve the location of the toilet to be altered to be in front of the existing old style toilet block;**
- **allocate $26,000 from the budget allocated to the refurbishment of the canteen shelter; and**
- **approve the existing foundation to be converted to a BBQ and picnic shelter, subject to the required funding of $27,000 being identified at Budget Review 1.**

CARRIED

5.0 ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY:

5.1 RFT for Contract 2023/118 – Construction of Solomontown Footpaths Pursuant to Section 90(3)(k)

MOVED Cr Zubrinich SECONDED Cr Hopgood

SM33/23 Pursuant to Section 90(2) and (3)(k) of the Local Government Act 1999 the Council orders that all members of the public with the exception of P Ackland, Chief Executive Officer; C Davey, Director Development & Regulation; K Johnson, Director Infrastructure and K Carmody, Executive Assistant be excluded from attendance at that part of this meeting relating to Agenda Item 5.1 RFT for Contract 2023/118 – Construction of Solomontown Footpaths to enable the Council to consider Item 5.1 in confidence on the basis the Council considers it necessary and appropriate to act in a meeting closed to the public (excepting those persons listed above) in order to receive, discuss or consider in confidence the following information or matter relating to Item 5.1 which relates to tenders for the supply of goods, the provision of services or the carrying out of works being the construction of Solomontown Footpaths.

CONFIDENTIAL

5.0 ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY: (Cont'd)

5.1 RFT for Contract 2023/118 – Construction of Solomontown Footpaths (Cont'd)

Pursuant to Section 90(3)(k) (Cont'd)

Accordingly, on this basis, the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or matter confidential.

CARRIED

MOVED Cr Zubrinich SECONDED Cr Peters

SM34/23 That Council:

- **receive the RFT for Contract 2023/118 – Construction of Solomontown Footpaths report;**
- **award individual contracts to the following contractors in accordance with the documents submitted in response to Request for Tender for Contract 2023/118 – Construction of Solomontown Footpaths:**
  - **Caddy Earthworks Pty Ltd for the amount of up to $480,255.12 (excluding GST);**
  - **Denco Civil Pty Ltd for the amount of up to $366,237.85 (excluding GST);**
- **delegate authority to the Chief Executive Officer to approve additional cost to execute the works up to the amount of 10% as contingency for the above contract should it be required; and**
- **that the unallocated balance of budget be retained to provide for the continuation of the project post the completion of the gas renewal works.**

CARRIED

Section 91(7) Order

MOVED Cr Petagna SECONDED Cr Hopgood

SM35/23 Pursuant to Section 91(7) of the Local Government Act 1999, the Council orders that the agenda reports, related attachments, discussion and minutes relating to Agenda Item 5.1 RFT for Contract 2023/118 – Construction of Solomontown Footpaths shall be kept confidential, being documents relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and 90(3)(k) of the Act on the grounds that the documents relate to tenders for the supply of goods, the provision of services or the carrying out of works being the construction of Solomontown Footpaths.

This order shall operate for a period of six (6) months or until the execution of a contract.

Pursuant to Section 91(9)(c) of the Local Government Act 1999, the Council delegates to the Chief Executive Officer (or his delegate) the power to revoke this order in whole or part.

CARRIED

6.0 CLOSURE: 5.28pm.

_____

MAYOR

CONFIDENTIAL

17. ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY:

17.3 CEO Performance Review Committee Meeting held 2 August 2023

Pursuant to Section 90(3)(a)

MOVED SECONDED

Pursuant to Section 90(2) and 90(3)(a) of the *Local Government Act 1999* the Council orders that the public, with the exception of K Carmody, Executive Assistant, be excluded from attendance at that part of this meeting relating to Agenda Item 17.3 CEO Performance Review Committee Meeting held 2 August 2023 to enable the Council to consider Item 17.3 in confidence on the basis the Council considers it necessary and appropriate to act in a meeting closed to the public (excepting those persons listed above) in order to receive, discuss or consider in confidence the following information or matter relating to Item 17.3 which is information concerning the personal affairs of any person (living or dead), the disclosure of which would be unreasonable information being information relating to the performance of the Chief Executive Officer.

Accordingly, on this basis, the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or matter confidential.

Receiving of Meeting Minutes

MOVED SECONDED

That the Minutes of the CEO Performance Review Committee meeting held on 2 August 2023 be received.

CEO's Remuneration

MOVED SECONDED

That the Chief Executive Officer be granted a 5% base salary increase backdated to his anniversary date of 16 April 2023.

Section 91(7) Order

MOVED SECONDED

Pursuant to Section 91(7) of the Local Government Act 1999, the Council orders that the agenda reports, related attachments, discussion and minutes relating to Agenda Item 17.3 CEO Performance Review Committee Meeting held 2 August 2023 shall be kept confidential, being documents relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and 90(3)(a) of the Act on the grounds that the documents relate to information concerning the personal affairs of any person (living or dead), the disclosure of which would be unreasonable being information relating to the performance of the Chief Executive Officer.

This order shall operate for a period of six (6) months or until the process has been completed.

Pursuant to Section 91(9)(c) of the Local Government Act 1999, the Council delegates to the Chief Executive Officer the power to revoke this order in whole or part.

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MINUTES OF THE CEO PERFORMANCE REVIEW COMMITTEE MEETING HELD ON WEDNESDAY 2 AUGUST 2023 AT 5.30PM IN THE MAYOR'S OFFICE, 115 ELLEN STREET, PORT PIRIE.

1.0 ACKNOWLEDGEMENT OF COUNTRY:
We acknowledge and respect the traditional custodians whose ancestral lands we are meeting upon here today.

2.0 PRESENT: His Worship the Mayor L Stephens, Deputy Mayor Cr K Jackson and Crs A Zubrinich (Chairperson) and L Peters

Peter Ackland, Chief Executive Officer
Kate Carmody, Executive Assistant (Minutes)

3.0 APOLOGIES: Nil

4.0 CONFIRMATION OF MINUTES:

4.1 CEO Performance Review Committee Meeting 19 July 2023

MOVED Mayor Stephens SECONDED Cr Peters

CE31/23 That the Minutes of the CEO Performance Review Committee meeting held on 19 July 2023 be received and confirmed.

CARRIED

5.0 MATTERS ARISING: Nil

6.0 DECLARATION OF INTERESTS: Nil

7.0 ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY:

7.1 CEO's Remuneration
Pursuant to Section 90(3)(a)

MOVED Cr Peters SECONDED Cr Jackson

CE32/23 Pursuant to Section 90(2) and 90(3)(a) of the Local Government Act 1999 the Committee orders that all members of the public with the exception of P Ackland, Chief Executive Officer and K Carmody, Executive Assistant be excluded from attendance at that part of this meeting relating to Agenda Item 7.1 CEO's Remuneration to enable the Committee to consider Item 7.1 in confidence on the basis the Committee considers it necessary and appropriate to act in a meeting closed to the public (excepting those persons listed above) in order to receive, discuss or consider in confidence the following information personal affairs of any person (living or dead), the disclosure of which would be unreasonable information being information relating to the performance of the Chief Executive Officer, which is sensitive and are details which are only known to those who have participated in the review process.

Accordingly, on this basis, the principle that meetings of the Committee should be conducted in a place open to the public has been outweighed by the need to keep the information or matter confidential.

CARRIED

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7.0 ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY: (Cont'd)

7.1 CEO's Remuneration (Cont'd)

MOVED Cr Peters SECONDED Cr Jackson

CE33/23 That any requests for leave by the Chief Executive Officer be addressed to the Mayor bearing in mind an appropriate work / life balance to support the Chief Executive Officer.

CARRIED

MOVED Cr Jackson SECONDED Cr Peters

CE34/23 That the CEO Performance Review Committee recommend to Council an increase to the Chief Executive Officer's base salary of 5% backdated to his anniversary date of 16 April 2023.

CARRIED

Section 91(7) Order

MOVED Cr Peters SECONDED Mayor Stephens

CE35/23 Pursuant to Section 91(7) of the Local Government Act 1999, the Committee orders that the agenda reports, related attachments, discussion and minutes relating to Agenda Item 7.1 CEO's Remuneration shall be kept confidential, being documents relating to a matter dealt with by the Committee on a confidential basis under Sections 90(2) and 90(3)(a) of the Act on the grounds that the documents relate to information concerning the personal affairs of any person (living or dead), the disclosure of which would be unreasonable being information relating to the performance of the Chief Executive Officer, which is sensitive and are details which are only known to those who have participated in the review process.

This order shall operate until the CEO Performance Review process has been completed.

Pursuant to Section 91(9)(c) of the Local Government Act 1999, the Committee delegates to the Chief Executive Officer (or his delegate) the power to revoke this order in whole or part.

CARRIED

7.2 CEO Performance Review 2022/23 – Performance Appraisal Report Pursuant to Section 90(3)(a)

MOVED Mayor Stephens SECONDED Cr Peters

CE36/23 Pursuant to Section 90(2) and 90(3)(a) of the Local Government Act 1999 the Committee orders that all members of the public with the exception of P Ackland, Chief Executive Officer and K Carmody, Executive Assistant be excluded from attendance at that part of this meeting relating to Agenda Item 7.2 CEO Performance Review 2022/23 – Performance Appraisal Report to enable the Committee to consider Item 7.2 in confidence on the basis the Committee considers it necessary and appropriate to act in a meeting closed to the public (excepting those persons listed above) in order to receive, discuss or consider in confidence the following information or matter relating to Item 7.1 which is information concerning the personal affairs of any person (living or dead), the disclosure of which would be unreasonable information being information relating to the performance of the Chief Executive Officer, which is sensitive and are details which are only known to those who have participated in the review process.

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7.0 ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY: (Cont'd)

7.2 CEO Performance Review 2022/23 – Performance Appraisal Report (Cont'd)

Pursuant to Section 90(3)(a) (Cont'd)

Accordingly, on this basis, the principle that meetings of the Committee should be conducted in a place open to the public has been outweighed by the need to keep the information or matter confidential.

CARRIED

Section 91(7) Order (Cont'd)

MOVED Cr Jackson SECONDED Cr Peters

CE37/23 **Pursuant to Section 91(7) of the Local Government Act 1999, the Committee orders that the agenda reports, related attachments, discussion and minutes relating to Agenda Item 7.2 CEO Performance Review 2022/23 – Performance Appraisal Report shall be kept confidential, being documents relating to a matter dealt with by the Committee on a confidential basis under Sections 90(2) and 90(3)(a) of the Act on the grounds that the documents relate to information concerning the personal affairs of any person (living or dead), the disclosure of which would be unreasonable being information relating to the performance of the Chief Executive Officer, which is sensitive and are details which are only known to those who have participated in the review process.**

This order shall operate until the CEO Performance Review process has been completed.

Pursuant to Section 91(9)(c) of the Local Government Act 1999, the Committee delegates to the Chief Executive Officer (or his delegate) the power to revoke this order in whole or part.

CARRIED

8.0 OTHER BUSINESS: Nil

9.0 NEXT MEETING: To be determined.

10.0 CLOSURE: 6.24pm

_____

CHAIR

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MEETING: ORDINARY MEETING OF COUNCIL - CONFIDENTIAL
DATE: 27 September 2023

DEPARTMENT: Office of the Chief Executive
OFFICER: Peter Ackland

REPORT ITEM:	**17.2**
REPORT TITLE:	**EOI LAND DEVELOPMENTS – INITIAL RESEARCH RESPONSE AND PROPOSAL TO RETAIN COMMERCIAL SUPPORT**

Timeframe	immediate			
Budget Impact	See body of the report under budget impact			
Risk Assessment	**Primary Risk Type(s):**		Legal / Regulatory / Policy Financial	
	Inherent Risk:	**Likelihood**	**Consequence**	**Rating**
		Possible	Moderate	Medium
	Controls:	▪ Seek legal and commercial advice throughout the project ▪ Engage competent and experienced advisors ▪ Regular reporting to Council		
	Residual Risk:	Unlikely	Moderate	Low
File Reference				

STRATEGIC REFERENCE:	
Theme **Goal** **Strategy 2.2.6**	Our Economy Business and Industry Investment, additional infrastructure and employment opportunities are attracted to the region

RECOMMENDATION:

That Council receive and note the report including the report prepared by Alinea containing the outcomes of its market sounding investigations for the separate development options on Council owned land.

That based on the market sounding information, Council commence the two stage Expression of Interest process for the land development option at Lot 25 Beach Road Port Pirie, based on the Guiding Principles for this development as previously resolved by Council.

That Council invite the Alinea Group to provide further advice on the prospects for development of the Council land occupied by the Royal Port Pirie Yacht Club and Port Pirie Rowing Club, noting the comments in the market sounding regarding the potential inclusion of gaming machines versus the Councils preferred development outcome and Guiding Principles.

That Council note the requirements of its Procurement Policy, but for the reasons set out in the agenda report, consider that circumstances apply where the potential benefits of an open market approach are outweighed by the benefits of a direct engagement approach.

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REPORT 17.2	**EOI Land Developments – Initial Research Response and Proposal to Retain Commercial Support** (Cont'd)

RECOMMENDATION: (Cont'd)

That Council engage the Alinea Group to provide assistance to the Council to facilitate the development options for both of the Council land parcels at Lot 25 Beach Road Port Pirie and also the land generally occupied by the Royal Port Pirie Yacht Club and the Port Pirie Rowing Club, consistent with Alinea's proposal dated 30 August 2023 and as set out in the agenda report.

EXECUTIVE SUMMARY:

Council has been investigating and preparing for two separate commercial land development projects for some time, being Lot 25 Beach Road Port Pirie and also the land currently occupied by the Royal Poort Pirie Yacht Club.

Council has engaged the Alinea Group, specialists in commercial land development and with a history supporting Councils, to undertake market sounding to determine the potential market interest in these projects, and identify any considerations Council may need to make before embarking on Expression of Interest phases.

This report provides the outcome of the market scoping exercise, and proposes options for Council to embark on the Expression of Interest processes using that market sounding information.

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DISCUSSION

Background

Council has been considering proposals for the commercial development of 2 separate parcels of Council owned freehold land, being:

- Lot 25 Beach Road Solomontown Port Pirie (known as the former Nyrstar camp land), and
- Land occupied by the Royal Port Pirie Yacht Club for its clubrooms (RPPYC land)

Council is close to achieving freehold title of Lot 25 Beach Road after a two stage land division process, and following the required public consultation process, has submitted an application to the relevant Minister seeking to revoke the community land status of said land in order to remove any restriction on the term of lease that can be offered, given the potential scale of possible development. Recent contact with the Office of Local Government has revealed that the assessment of Council's application has essentially been completed and a recommendation will be presented to the Minister for consideration very soon.

In terms of the RPPYC land, initial discussions were had with the Royal Port Pirie Yacht Club which resulted in securing its conditional involvement in seeking a development proposal for the RPPYC land. Council has also sought the services of a company experienced in commercial land development negotiations to undertake an initial market sounding for both sites, resulting in an indication that the RPPYC land may not be sufficient in size to attract a commercial development, and subsequent discussions have been held with the occupiers of an adjacent storage shed, which is the subject of a separate report in this agenda.

This report seeks to provide:

- Information gathered following the initial market sounding for both development sites
- Council with options to progress separate Expressions of Interest for both sites
- A timeframe for the separate EOI processes for both sites

REPORT 17.2	**EOI Land Developments – Initial Research Response and Proposal to Retain Commercial Support** (Cont'd)

Information gathered following the market sounding
As discussed with Council members over time, the Chief Executive Officer engaged the Alinea Group (Alinea) to undertake initial market sounding of the land at Lot 25 Beach Road.

Alinea came very highly recommended from two Chief Executive Officers from other Councils that had recently conducted commercially sensitive land developments, and also Sean Keenihan from Norman Waterhouse who has been advising Council on the Lot 25 beach Road land.

Arrangements were made for Alinea to visit Port Pirie to inspect the land at Lot 25 Beach Road, and at the same time the opportunity was taken to show them the RPPYC land, together with the Mayor, Deputy Mayor and Councillors Connor and Zubrinich (RPPYC and Lot 25 Beach road respectively).

As a result of that visit, and as authorised in resolution OM 298/23 (part) from Councils meeting 26 July 2023, Alinea were also retained to undertake initial market sounding for the RPPYC land as well.

Attached is the report received from Alinea as a result of the market sounding it has undertaken – please note this information is extremely commercially sensitive and should not be shared under any circumstances.

The report summarises the entities contacted and their relative interest in either or both sites.

Towards the rear of the Aliea report, there is a summary of the strength of the market demand that was unearthed for both sites, and for ease of recall, it is recounted in full below:

Strength of Market Demand

- The soft market sounding has confirmed strong market interest from multiple developers and operators, locally and nationally
- The strongest levels of interest are from local operators of tourist accommodation, who best understand the Port Pirie market, particularly Bentley's Cabin Park, The Edwards Group, Perks Hospitality and Costello Hotels. There was also interest from larger national / international operators such as Tasman and Quest
- Some hospitality groups have indicated they would be interested in developing the Royal Yacht Club site if gaming facilities could be incorporated into the development, including EDP and Hurley Hotel Group
- Alternate uses on the Yacht Club site include a hotel similar to Wallaroo Marina Apartments, or a mixed use purpose built facility for S.D Caputo and Sons to include seafood processing, wholesale, retail and café.

Timing

- The demand from developers is considered to support near term or immediate development potential, particularly for the accommodation site
- Continued market engagement for the F&B site prior to launching EOI campaign, particularly with local operators / hospitality groups

Considerations for conducting the separate two stage Expression of Interest phase
The engagement of Alinea to date has included the market sounding for both sites, and the preparation of documentation in the form of draft Information Memorandums to support the

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separate two stage Expression of Interest (EOI) phase that Council has already resolved to undertake for both sites.

Council essentially has three main options to progress these projects:

1. Use the information that Alinea has developed and Council has paid for and undertake the EOI process and contract / lease negotiations using existing staff resources (with supporting legal advice)

2. Undertake a request for quote process to seek other companies to support Council in the EOI process and the resultant contract / lease negotiations (with supporting legal advice)

3. Engage Alinea to support Council in the EOI process and the resultant contract / lease negotiations (with supporting legal advice), which would require consideration against Council's Procurement Policy

The following commentary provides Council with background information to consider each of the above mentioned options.

Use the information that Alinea has developed and Council has paid for and undertake the EOI process and contract / lease negotiations using existing staff resources (with supporting legal advice)

It is expected that the two stage EOI process will include commercial level negotiations with the preferred companies on development options. Based on the market sounding, it is assumed that the Lot 25 Beach Road land arrangements may see a single entity proposal being likely, but that the RPPYC land site could see a mix of tenants, and public realm impacts, making this negotiation possibly quite complex. Coupled with this is that Council is seeking the preferred developer to commit to develop the site(s) in a timely manner, ideally invest all the capital required and take all the risk in said development, and provide a commercially appropriate return to Council for the use of the land.

Given the size of the land at Lot 25 Beach Road and the potential term of the lease that could be offered, the resultant development could be in the 10s of millions if development of the entire site is able to be achieved. In the case of the RPPYC site, the desired outcome would see access to ground floor storage with Council's preferred position (and one that is required by the two Clubs) to be not at commercial rates.

These two land transactions, and particularly Lot 25 Beach Road, have potentially long lease periods, meaning it is important to have experienced commercial knowledge in order to be able to negotiate the most beneficial outcome to not only ensure longevity of the projects, but also reasonable return to the Council and realise the wider community benefit.

It is therefore considered that there is a significant risk to not being able to achieve, and being able to demonstrate, that the best commercial return for the community has been achieved without supporting external commercial advice and guidance, given that none of the current Council staff, the writer included, have detailed experience in sensitive commercial land transactions of the types considered likely to be required.

Additionally, Council has one Director position vacant until towards the end of November meaning that the Chief Executive Officer and the Director Development and Regulation are sharing this workload, reducing their available time to commit to this project. Finally, the TLAP transition proposal is still to be determined, and if this is to be progressed will result in significant work between now and May 2024 for the Chief Executive Officer and said Director.

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Whilst this option to conduct the Expression of Interest processes remains available, for the reasons listed it is recommended as not preferred.

Undertake a request for quote process to seek other companies to support Council in the EOI process and the resultant contract / lease negotiations (with supporting legal advice)

The estimated remaining cost for the support required to undertake commercial negotiations and provide support for both sites via a two stage EOI process is between $90,000 to $95,000, plus legal costs. This estimate is based on information provided by Alinea (see further in this report).

Council's procurement policy states that the process for procuring services for this expected value is via a request for quote process, and is close to the threshold of $100,000 requiring a request for tender process. The request for quote requires a minimum of three written quotations based on written. Typically this would take between 4 – 6 weeks to undertake, based on the development of written specifications (which has been done), a period of time to advertise, review of proposals, possibly seeking clarification on offers submitted, reference checking and then engagement. A request for tender process typically takes several weeks longer.

It is noted in the market sounding, particularly for Lot 25 Beach Road, that this development opportunity is near term or immediate development potential.

In the writer's initial contact with other Council's seeking advice on other consultants that they had used for similar transactions, the Council's contacted advised that they were not aware of other consultants that provided the types of services requested to the degree required, and that they had both engaged Alinea for similar purposes.

Similarly, the writer has since sought advice from Sean Keenihan from Norman Waterhouse who is supporting Council from the legal perspective in these transactions, and who has experience in these types of development projects with Councils, who has advised that there "is a limited contractor market for consultants of this type who can service the Council within the timeframes and to the standards required by Council".

Whilst the request for quote process is an option, it is considered that for the reasons listed above, and others contained in the following section of this report, that there are circumstances that warrant Council to consider waiving the application of its Procurement Policy as contemplated by section 10.2 of said policy.

Engage Alinea to support Council in the EOI process and the resultant contract / lease negotiations (with supporting legal advice)

Clause 10.2 of Council's Procurement Policy allows that:

> In certain circumstances, it may be considered appropriate to waive the application of this Policy and pursue a method which will bring the best outcome for the Council.
>
> In this regard, any departure from the provision in this Policy must be documented and co-signed by the CEO and the relevant Director / Manager.
>
> Some examples of when it may be appropriate to waive application of this Policy are:

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- There may be significant public risk if the procurement is delayed, such as emergency situation threatening life or property; or
- The pressures of time are such that an open tender call is not feasible, such as where there has been an unanticipated Council or Government policy decision; or
- A breach of statutory obligations and common law would occur; or
- Goods are purchased at an auction; or
- Second hand goods are purchased.

A situation presents itself wherein a contractor or consultant has considerable background knowledge and experience or specialist expertise on that particular Council project or asset e.g. an extension of a previous project.

In such situations the procurement of assets, goods, works or services on negotiated fees and terms through that consultant or contractor alone may be deemed sound and advantageous to the project. This could include engaging the contractor or consultant on a retainer basis for a specified period of time.

Given the potential commercial complexity of these two land transactions, and for the existing commitments of Council staff and lack of commercial experience to the degrees considered potentially required for these projects, it is considered that circumstances exist that give rise to the Council considering waiving the application of its Procurement Policy.

In considering whether to waive the application of the Policy, Council should give consideration to the circumstances applying to warrant a direct engagement against the requirements of the Policy, in order to come to the view whether the potential benefits of an open market approach are outweighed by the benefits of a direct engagement approach.

In formulating the following portion of the report, advice has been sought and provided from Sean Keenihan (Norman Waterhouse) who has experience in these types of commercial transactions for Councils.

In particular, having regard to the unique circumstances in which these projects requiring procurement is being undertaken, there are strong grounds to suggest that an open market tender process will not identify a more suitably qualified or experienced service provider for the following reasons:

- Alinea Group have a demonstrated track record of being experts in this field and have been selected by the other two Councils whose advice was sought as having the requisite capability, capacity and experience to undertake the services, these Councils being Renmark Paringa Council for a significant land development project and the Copper Coast Council for a CBD based development project, both having identified that Alinea had acted in for the Councils in each of these projects. The Chief Executive Officer also validated his understanding of Alinea's unique, contemporary market intelligence and understanding in a meeting with Alinea in June and by seeking advice from Sean Keenihan who has experience advising Councils on the legal aspects of these types of transactions.

- As part of its work to date with other councils in South Australia, Alinea Group have developed a detailed understanding of the prevailing private market appetite and commercial models for developments of this type, and following the recent meeting between the parties, Alinea Group are aware of the Council's strategic objectives. Given their existing relationships with other local government organisations, they are acutely aware of and familiar with the local

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government sector, and its associated project management and governance processes, making it ideally positioned to support the Council with the projects. Given the outcomes sought by the Council are similar to outcomes sought by other councils in the aforementioned projects, by engaging Alinea Group the Council is able to piggy back from those processes for a more efficient outcome

- Advice is that that the size of the market relative to the number of competent suppliers for specialist services of this type is limited. Alinea Group has acted in each of the comparable council led redevelopment projects that were identified in its market investigations.

- For the reasons listed previously, the Council is not best equipped at this time to undertake the projects by itself and as such will rely on external expertise from a variety of sources to progress the projects in a risk managed way. One such critical consultancy procurement is for the delivery of marketing, commercial and strategic advice to advance the projects. Alinea Group are highly regarded by the industry as possessing the specialist skillset required for commercial transactions of this type.

- The Council has received a quote from Alinea Group and has sought advice from the other Council's mentioned around whether the approximate market value of the services to be provided by Alinea Group is generally consistent with market estimates, given that each project is different in circumstances.

For the reasons set out below as requirements of the Procurement Policy, it is recommended that a direct engagement approach be preferred on the basis that it represents the most efficient process to achieve the Council's objectives in a timely and cost efficient manner. The relevant factors in relation to this direct procurement approach are:

- **Costs** – A direct engagement approach presents an opportunity for the Council to extract value for money from a 'whole-of-life' costs perspective for the projects. The time, financial costs and commitment of internal resources associated with going through the open market tender process likely defeats any potential value up-lift from a competitive open market approach.

- **Circumstances** – Given the profile of these projects, community expectations and criticality of the projects for the Council, it is imperative that the outcome from the provision of the services is of the highest standard. Alinea Group is uniquely placed to contrast and compare these project against such other projects in South Australia, making it an ideal candidate to advise and support the Council. Additionally they have been able to identify potential proponents for the projects during the market sounding process that Council was not aware of and may not have eventuated without a direct approach as undertaken by Alinea. This process potentially provides competitive tension in the next phase of this process which is likely to be of commercial benefit to the Council.

- **Size of the market** – Based on the Council's investigations and particularly on advice received, there is a limited market for consultants with experience in providing services of this type with a specific local government lens.

- **Time Pressures** – The Council is looking to progress theses projects as a priority, and as such requires timely input from a suitably qualified consultant on the commerciality and feasibility of pursuing such a development. A delay in implementing receiving such advice may have

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detrimental effects on the long-term strategies for particularly the Lot 25 Beach Road project and the Council.

Having regard to the above and the broader circumstances surrounding the engagement, the recommendation to directly engage Alinea Group is supported by the 'Procurement Principles' contained within the Policy, specifically:

- **Value for Money** – by engaging Alinea Group directly, the Council secures value for money by engaging a highly qualified, highly- skilled, and widely recognised consultant who has the capacity to progress the projects in line with the Council's strategic objectives and required timeframes. A direct engagement directly facilitates the Council achieving value for money by engaging the most appropriate provider.

  The standard of Alinea Group's services has been considered with advice from two similar regional councils and Sean Keenihan providing a strong indication that that they are capable of meeting the Council's objectives.

- **Probity, Accountability, Transparency**
  In considering a direct procurement, information on the various alternatives options have been provided to Council to determine if the potential benefits of an open market approach are outweighed by the benefits of a direct engagement approach.

- **Identification and Management of Risk**
  Considerations have been given to the need for timeliness to commence the EOI process, particularly for the Lot 25 Beach Road property to capitalise on the interest identified in the market sounding phase vs the risk of possible waning of interest if additional time was required for an open market approach, particularly leading up to the end of year break particularly with the risk of potentially not having activated the EOI phase to a reasonable degree.

- **Encouragement of Competitive Local Business & Industry**
  A direct procurement approach is not considered to negatively impact this Principle as it is not considered that there are any local businesses that could provide the required services to the required degree

For the reasons listed above, it is considered reasonable to conclude that the circumstances exist to warrant a direct engagement and that this approach gives reasonable prospects to outweigh an open market approach.

In particular, having regard to the unique circumstances in which this procurement is being undertaken, it is considered that there are strong grounds to suggest that an open market tender process will not identify a more suitably qualified or experienced service provider.

Alinea Groups proposal
Subject to Council's consideration of the portion of this report that sets out the benefits of a direct engagement of Alinea, the following proposal has been sought from Alinea for further consideration of Council.

For the information of Council, Alinea was advised that in the provision of this proposal, that their initial engagement was only for the purposes of the market sounding phase for initially the Lot 25 Beach Road project, then subsequently the RPPYC land, and then the provision of an Information Memorandum for both, and that Council will determine whether or not to offer further engagement in this projects. The cost estimates below are GST ex.

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Phase / Stage	Lot 25 Beach Road	RPPYC / Rowing Club
2 EOI Phase		
2.1 Prepare documentation for EOI – note this component has already been contracted but us shown for completeness of phase 2 proposal	$10,750	$3,500
2.2 Support Council with the EOI process	$25,000	$10,000
2.3 Evaluate offers with Council, shortlist groups and recommend the way forward	$7,500	$5,000
3 Detailed Bids, BAFO, and Final Negotiation Phase (EOI stage 2)		
3.1 Support Council with detailed bids, and any Best and Final Offer (BAFO)	$4,000	$4,000
3.2 Evaluate and support the recommendation of the preferred development partner	$5,000	$5,000
4 Heads of Agreement and Contract Documentation Phase		
4.1 Support Council with Documentation of Heads of Agreement and or formal contracts	Hourly rate (est $10,000 - $15,000)	Hourly rate (minimum $15,000)
4.2 Contract close		1% of the end value of the project
Total	$51,500 – $56,500	$39,000 plus 1% of finished project value

Alinea has provided the following commentary to support the proposed degree of costs in stages 2.1 and 2.2

2.1: Prepare Documentation for EOI

- Preparation of a high-quality graphically designed Information Memorandum 10-15 pages including custom branding. Just this piece alone for graphic design and custom branding is typically $10-15k if outsourced to a third party marketing and graphic design agency, excluding any of the written content and structuring.
- Draft press ads for the properties
- Uploading the listing to key websites
- Provide advice and recommendations on the assessment criteria and input to drafting of guiding principles for the transaction. This would be a key input to the Evaluation (assumed to be prepared by NW but reviewed by Alinea)
- For context, a significant part of the value we provide here is structuring and positioning the asset to maximise private sector competitive tension and set the tone that raises the standard of development, and is a foundational piece in unlocking significant value upside for Council. This is achieved principally through positioning the asset as a compelling investment opportunity, which is proven through Alinea's delivery model and track record in the strong value for money and civic outcomes achieved.

2.2 Support Council with the EOI Process

- Alinea to engage directly with all prospective investment and development groups on target list. As you can see from the soft market engagement summary, we have already contacted 20+ groups on our target list, and each of these interactions requires multiple discussions, meetings and correspondence. This is the most time-intensive portion of

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the process. As a guide, we typically will invest in excess of the fee charged on an equivalent hourly rates basis to secure the best possible outcome for Council. i.e. we overinvest in this phase to ensure highest level of certainty of transaction outcome, and all project objectives are achieved or exceeded, and to maximise value and public outcome from the project.

- Manage enquiries via DevelopmentReady and RealCommercial online listings.
- Regular project meetings with Council
- Provide direction to Council on elements such as commercial items and negotiation strategy as required.
- A key element that is not reflected in our fee structure is the IP and expertise we bring that is from national and international best practise with urban renewal and partnering transactions. To date, we have secured successful partnering transactions on all transactions that have concluded in 15 years. In the last 7 years, we have successfully secured partnering outcomes for urban renewal projects in excess of $3b.

In relation to phase 4.1, estimates have been provided by Alinea based on the anticipated complexity of the proposals likely to be received. Based on the market scoping, it is likely that the preferred development would be undertaken by a single entity, and given the location of the land, there is unlikely to be any public realm discussions, hence the hourly rate and estimation level. Conversely with the Yacht Club / Yacht Club Rowing Club land, there are multiple potential end occupants, the possibility of food and beverage and other use, and also some public realm opportunities that may be able to be extracted as part of the development proposal, all of which Alinea advises adds complexity to the negotiations and their estimate of likely cost.

Alinea advises that this phase could take up to 8 weeks depending on the complexity of the project, with its role being to negotiate with the preferred developer to ensure sufficient flexibility to enable development but still gain the desired outcome for Council. Once the key terms of the commercial arrangements are determined, Norman Waterhouse would become increasingly involved to commit the agreed terms to a legal document.

Budget impact
On the assumption that phase 4.1 for each project is a combined $30,000 (estimate only and wont be known until the proposals are received) the total cost for the involvement of Alinea over the two projects is estimated to be $125,850 plus the unknown cost for contract close fee for the Yacht Club project)

Costs committed to date for phase 1 of the project during the 2022/23 budget period is approximately $26,000, leaving a remaining balance of $99,850 which can be managed in the current economic development budget for this purpose.

Timeframe
Alinea have provided the following timeframe for the phases of the project set out above. It is anticipated that the Lot 25 Beach Road project would progress against these timeframes, however given the commentary in the market sounding report for the RPPYC land regarding some of the responses, further consideration may be desired by Council which may marginally impact the proposed commencement time of the RPPYC project.

Date / Phase	Description	Duration
27 Sept	Council consideration of proposal	
Phase 2.1	Council to review Information Memorandum document and provide feedback and suggestions. Arrange a Teams meeting for a page-turn of the document	
Phase 2.2	EOI campaign proposed to commence mid-October, say, 15/10 to 7/12	8-week

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Phase 2.3	Evaluate offers with Council, shot-list groups and recommend the way forward: Early December to Jan 2024	
Phase 3.1 & 3.2	- : Support Council with Detailed Bids, Best & Final Offers, and negotiations. Evaluate and support the recommendation of the preferred development partner	Q1-2024
Phase 4	Heads of Agreement & Contract Documentation	late Q1 2024

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Port Pirie Renewal

SOFT MARKET ENGAGEMENT
PREPARED FOR PORT PIRIE REGIONAL COUNCIL

SEPT 2023

COMMERCIAL IN CONFIDENCE

Alinea Group



Port Pirie Railway Station, Port Pirie SA

Background

Alinea Group has been engaged by the Port Pirie Regional Council to support the redevelopment of one of their key landholdings, being Royal Yacht Club and Former Nyrstar Accommodation site.

It is understood the Council is keen to unlock the value from the site to strategically reinvest in more impactful initiatives for the township and tourism sector.

This document primarily summarises Phase 1 of the process; Preliminary Development and Transaction Strategy. This prepares the asset for divestment and includes pre-work that is focused on ensuring the site is ready to transact and to maximise land-holder objectives.

Pre-Market Engagement



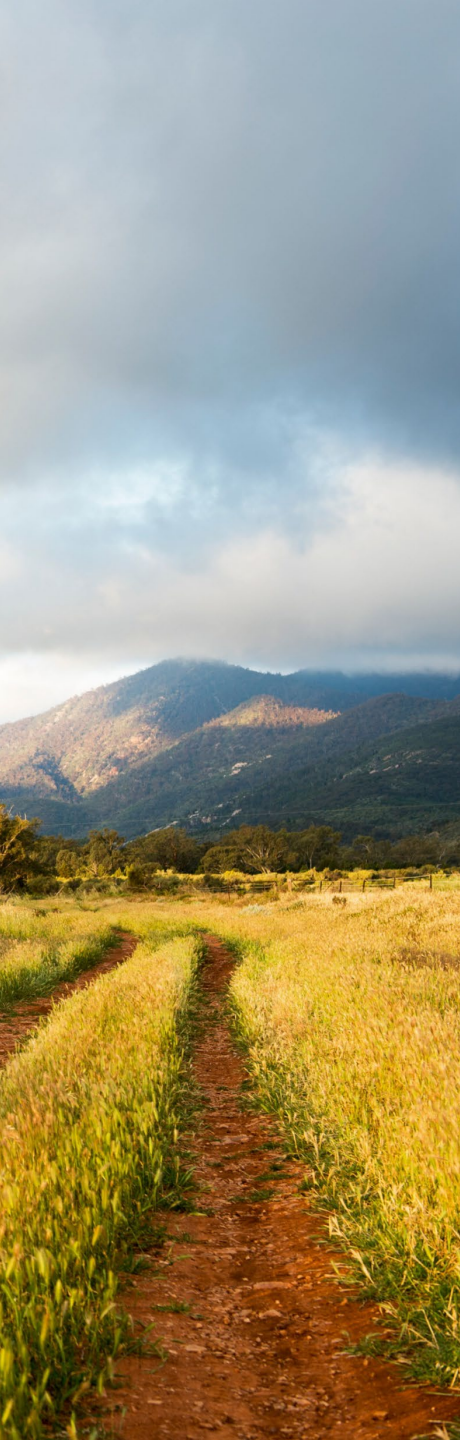
Summary

Alinea has engaged with a targeted mix of high-potential developers and operators well suited to this project to gauge market interest and form an opinion on the potential land uses.

High-potential groups engaged with included:

- The Ascott Group (Quest Hotels)
- Accord Property
- Bentley Cabin Parks
- Edwards Group
- Gadaleta Steel Fabrication
- Tasman Holiday Parks
- Perks Hospitality
- S.D. Caputo & Sons
- Costello Hotels

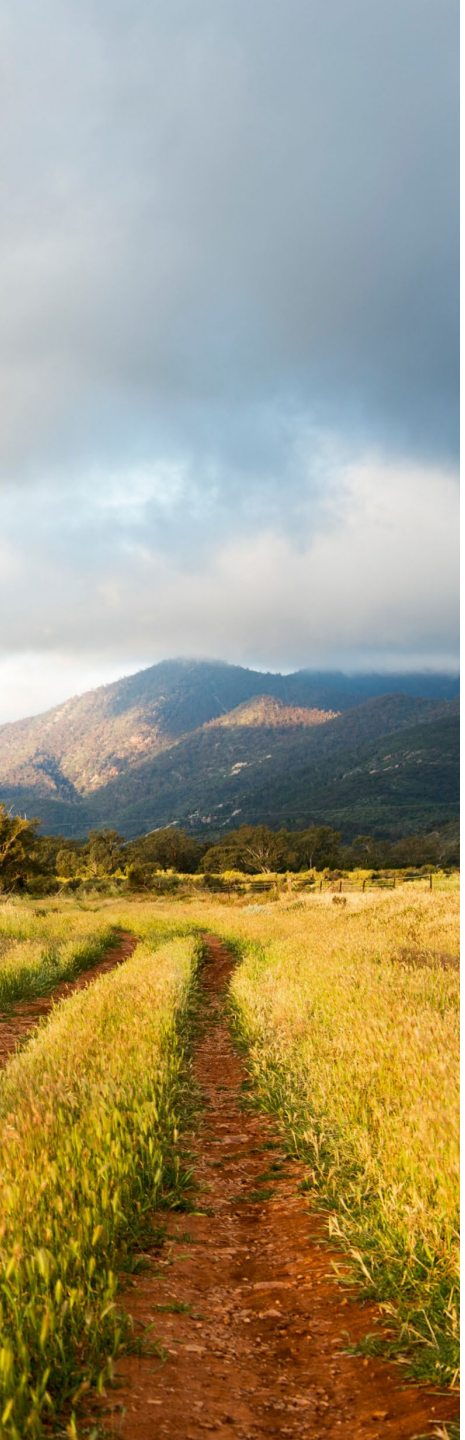
We summarise on the following pages the key attributes of each group, their views on the site's highest and best use and key takeaways that will then form the transaction strategy.



Summary

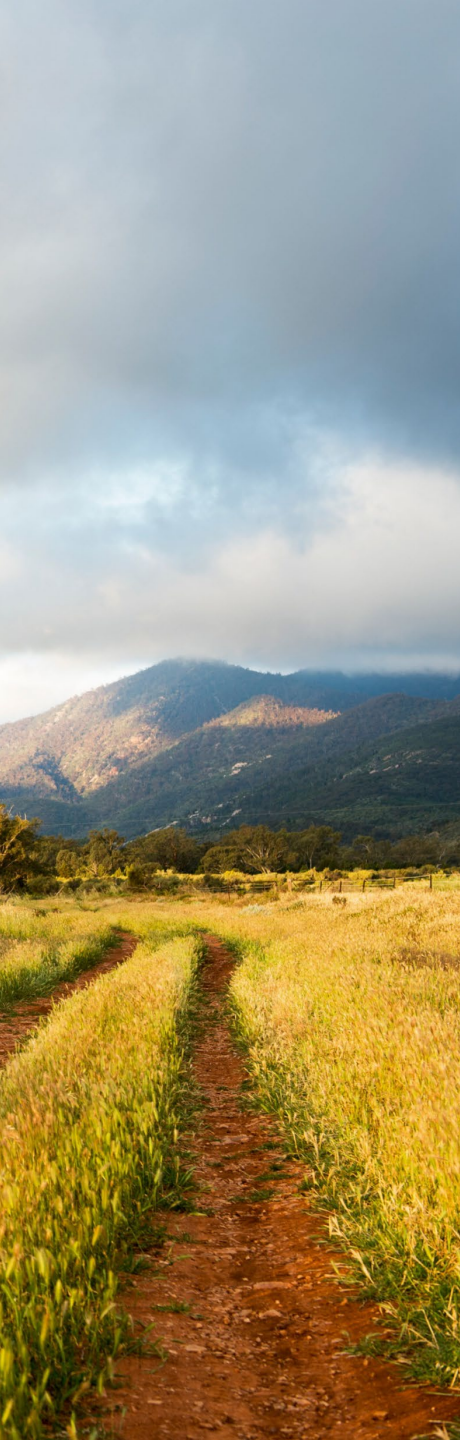
Alinea has engaged with a targeted mix of high-potential developers well suited to this project to gauge market interest and form an opinion on the potential land uses. We summarise on the following pages the key attributes of each development group, their views on the site's highest and best use and key takeaways that will then form the transaction strategy.

Port Pirie Potential Development Partners			
Company	**Industry**	**Track Record**	**Initial Feedback**
Black Rhino Group	Hospitality Group	■ Portside Tavern ■ The International Hotel Motel ■ Moonta Hotel ■ Kadina Hotel	Currently own and operate a number of hospitality properties in Port Pirie and the surrounding region. We are yet to receive a response on interest in the subject sites.
Harvest Hotel	Hospitality Group	■ The Crown Inn, Reynella ■ The Aussie Inn, Hackham	Not interested in greenfield sites.
1834 Hotel	Hotel Management	■ Anchorage Hotel, Victor Harbor ■ Berri Hotel, Berri ■ Bridgeport Hotel, Murray Bridge	Would be involved in the operation and management of accommodation and hospitality offerings, but not the development. Highlighted the demand for accommodation in Port Pirie and the Former Nyrstar Accommodation site would be suitable for a motel type of accommodation at a 3.5 - 4 star offering, particularly given the waterfront location. Potential for hybrid accommodation offerings on the site, however, this all depends on the number of keys and the hotel brand. Considers the Royal Yacht Club site would be ideal for a high-end bistro, however, some groups may require gaming facilities for viability.
EDP Hotels	Hotel Development and Operator	■ Sporties ■ Central Hotel ■ Bridgeport Hotel ■ Whyalla Playford Apartments	Potentially interested in the proposition and have requested further information. Their offering will likely require gaming facilities for feasibility, however, consider this may be difficult to acquire. Own and operate similar assets throughout the general region.
Accord	Property Development	■ Seaford Medical Centre ■ X Convenience Petrol Stations	Accord are interested and have requested further information. They are currently developing in Port Pirie and other regional locations such as Kadina. Accord have previously worked with Edwards Group.
RD Jones	Hospitality Group	■ The Moseley, Glenelg ■ The Woodcroft Hotel ■ Yankalilla Hotel	Not interested in regional locations.
Palmer Group	Hospitality Group	■ Paloma Bar and Eatery, Adelaide ■ The Lion Hotel, North Adelaide	Currently reviewing the information provided. Typically, only operate in metropolitan locations but will consider certain regions.



Summary

Port Pirie Potential Development Partners			
Company	**Industry**	**Track Record**	**Initial Feedback**
Loftus Business Advisory	Hotel Consultant		Highlighted there are high net-worth individuals in the general region, therefore, potential for both local investors/developers as well as patrons of the F&B offerings.
Emmett	Development and Construction	■ Various Shell & Liberty petrol stations ■ Bounce Inc, Richmond ■ Mainfreight, Wingfield ■ Kickstart for Kids, Glenelg	Limited interest as their focus is typically metropolitan developments.
Edwards Group	Holiday Park Operator	■ Port Pirie Beach Caravan Park ■ Naracoorte Holiday Park ■ Riverbend Caravan Park ■ Waikerie Holiday Park ■ Windsor Gardens Caravan Park ■ Virginia Residential Park	Interested in the opportunity, particularly the accommodation portion, however also has capability for café management. Highlighted that the region would benefit from higher-end F&B offering, however, is outside of their current capability. Would discuss partnering with a developer or potentially a F&B operator. Considers there to be good synergies between the accommodation site and the F&B site, however, their focus would be the accommodation site and have advised they intend to submit a proposal.
Bentley Group	Holiday Park Operator	■ Bentley Cabin Park: Port Augusta and Port Pirie	Have strong interest in the accommodation site and advised they intend to submit an offer.
Frazer Hawke Motel	Holiday Park Operator	■ Moonta Bay Tourist Park	Expressed interest in the site, particularly the accommodation portion as it aligns with their current business. Have requested further information.
Gadaleta Steel Fabrications	Development and Construction	■ Marcossan Street Development, Port Douglas	Would like to receive further information regarding the property but is open to the opportunity. They would prefer to develop the sites but would not operate the uses themselves and may require assistance in procuring tenants / operators.
Hurley Group	Hospitality Group	■ Marion Hotel ■ Port Lincoln Hotel ■ Hotel Royal, Torrensville ■ Torrens Arm, Mitcham	Regional location is not specifically on their radar at the moment, but they are interested in looking into the development potential. They consider gaming facilities will be required to make the F&B viable.



Summary

Port Pirie Potential Development Partners			
Company	**Industry**	**Track Record**	**Initial Feedback**
Duxton Pubs	Hospitality Group	■ Swanport Hotel, Murray Bridge ■ The Australasian, Goolwa ■ Old Noarlunga Hotel ■ The Lion Hotel, North Adelaide	Waiting to receive a response on interest.
Pulse Construction	Construction	■ Residential ■ Commercial ■ Industrial	Regional commercial builder located on the Yorke Peninsula. Recent work includes regional Council contracts. Potential interest and has request further documentation.
Perks Hotels	Hospitality Group	■ Port Pirie Lifestyle Village ■ Copper Coast Lifestyle Village ■ Moonta Lifestyle Village Formerly owned: ■ Portside Tavern ■ Moonta Hotel	Previously managed and operated the Nyrstar workers accommodation site. Would like to explore options for this site including redevelopment for tourist accommodation and potential for additional workers accommodation.
Tasman Group	Holiday Park Operator	Tasman Holiday Parks: ■ Airlie Beach ■ Albany ■ Ballina ■ Bendigo ■ Torquay Palms	Is interested in the accommodation site and has requested further information.
The Ascott Group	Serviced Apartment Hotel Operator	Hotel Brands include: ■ Quest ■ Oakwood ■ Citadines ■ Vertu Hotels	Have expressed interest in the Port Pirie region and would like to establish a Quest Serviced Hotel.
Costello Hotels	Hospitality Group	■ Wallaroo Marina Apartments ■ Lighthouse Port Hughes ■ Moonta Bay ■ Port Augusta	Has expressed interest in both sites. Considers there may be potential for apartment style tourist accommodation on both the Yacht Club and Accommodation sites. Costello Hotels model is to operate the accommodation business only, and does not typically own or develop the property, but would enter into long-term leases if the sites were developed.



Tasman Holiday Park, Bawley Point NSW

Tasman Holiday Parks

CAPACITY AND CAPABILITY

- Owner, developer and operator of holiday parks
- 40+ assets across Australia and New Zealand totalling $500m+

AREA OF EXPERTISE / SPECIALISATION

- Holiday parks, particularly in high tourist locations

HIGHLIGHTED POINTS OF CONSIDERATION / CONCERNS BY THE PROPONENT

- Interested in tourist accommodation sites within 3 hours of capital cities
- Preference is to purchase existing facilities, but may consider greenfield sites in regional locations
- Currently no assets in SA, but are looking to enter the SA market
- Would need to research whether there was strong year-round tourism demand to consider this opportunity
- Are comfortable with long-term lease and freehold tenure options



Quest Apartments, Cannon Hill QLD

Ascott Group

CAPACITY AND CAPABILITY

- The Ascott Group is a Singapore-based company which has grown to become one of the leading international lodging owner-operators.
- Ascott portfolio spans 190 cities over 30 continents with over 790 properties.
- Brands include Quest Apartment Hotels, Oakwood, Citadines and Vertu Hotels.

AREA OF EXPERTISE / SPECIALISATION

- Serviced apartment and hotel operators

HIGHLIGHTED POINTS OF CONSIDERATION / CONCERNS BY THE PROPONENT

- Interested in the site as it aligns with their brand and target market.
- Would require a developer to develop the asset, which would then be leased by Quest



The Gums, Salisbury SA

Accord Property

CAPACITY AND CAPABILITY

- South Australian based, national commercial property developer.
- Has associated Funds Management arm

AREA OF EXPERTISE / SPECIALISATION

- Commercial/Industrial.
- Retail.
- Student Accommodation.
- Medical.

HIGHLIGHTED POINTS OF CONSIDERATION / CONCERNS BY THE PROPONENT

- Some interest in the site, subject to further investigation and tenant interest
- Have previously worked with The Edwards Group, a local regional tourist accommodation operator
- Currently working on other regional developments including in Port Pirie and Kadina.


Bentley Cabin Park, Port Augusta SA

Bentley Cabin Parks

CAPACITY AND CAPABILITY

- Bentley Cabins have been operating since 1995 with cabin parks in Port Pirie and Port Augusta.
- Operator of cabin parks.
- Have a construction arm, specialising in tourist accommodation cabins.

AREA OF EXPERTISE / SPECIALISATION

- Self-Contained Accommodation
- Cabin construction

HIGHLIGHTED POINTS OF CONSIDERATION / CONCERNS BY THE PROPONENT

- Currently own and operate tourist/worker accommodation adjacent to the Accommodation site
- Have expressed strong interest in the accommodation site
- Currently exploring options to expand their business either in Port Pirie or other locations



Waikerie Holiday Park, Waikerie SA

The Edwards Group

CAPACITY AND CAPABILITY

- South Australia-based family-owned owner and operator of tourist parks.

AREA OF EXPERTISE / SPECIALISATION

- Tourist parks
- Retirement living
- Regional locations

HIGHLIGHTED POINTS OF CONSIDERATION / CONCERNS BY THE PROPONENT

- Currently own and operate tourist accommodation directly adjacent the Accommodation site
- Strong interest in developing the Accommodation site.
- Would prefer a mixed-type accommodation style with cabins, caravans and studios. Aiming to boost the local economy and attract tourists.
- Would like to incorporate additional amenities such waterpark, mini golf or similar recreational activities on the site.
- Highlighted the importance of establishing a tourist park to give travellers a purpose to stay in Port Pirie instead of Port Augusta, as well as extending stays for multiple nights.
- The Group currently offers deals to ensure customers stay that extra night along with the local dining discounts, which could be linked to the proposed Royal Yacht Club F&B offering.
- Royal Yacht Club F&B offering is not aligned to their core business, however, potential opportunity to partner with a F&B operator as a joint venture.



Gadaleta Steel Fabrication

CAPACITY AND CAPABILITY

- South Australia-based family-owned steel fabrications for 27 years with manufacturing locations in Port Pirie and Whyalla.
- Currently completing retail development in Port Douglas along with multiple investment properties in Australia.

AREA OF EXPERTISE / SPECIALISATION

- Development
- Steel Fabrication
- Construction

HIGHLIGHTED POINTS OF CONSIDERATION / CONCERNS BY THE PROPONENT

- Interested in developing the two sites, but would require assistance in procuring an operator / tenant.
- Owns another vacant site nearby, and would consider a hotel development on that site, subject to procuring an operator.



S.D. Caputo & Sons

CAPACITY AND CAPABILITY

- South Australia-based family-owned seafood processing business, operating in Port Pirie since 1951.
- Current facility is situated directly adjacent to the Yacht Club site

AREA OF EXPERTISE / SPECIALISATION

- Seafood processing – wholesale and retail
- Recently diversified into Fish & Chip retail business

HIGHLIGHTED POINTS OF CONSIDERATION / CONCERNS BY THE PROPONENT

- Consider the Yacht Club site ideal for a seafood restaurant or café
- Their existing tenancy improvements are dated and inefficient, requiring on-going maintenance and repairs. Would consider moving to a new, larger purpose-built facility on the Yacht Club site but would require partnering with a developer and entering into a lease. New facility could include seafood processing, retail sales and café/restaurant.



Costello Hotels

CAPACITY AND CAPABILITY

- South Australia-based family-owned hotel group specialising in tourist accommodation on the Yorke Peninsula and Upper Spencer Gulf region.
- Typically prefer long-term leases on properties.
- Current properties include Wallaroo Marina Apartments and The Lighthouse Port Hughes amongst others.
- In the process of acquiring accommodation properties in Moonta Bay and Port Augusta.
- Looking to further expand operations throughout the region.

AREA OF EXPERTISE / SPECIALISATION

- Tourist accommodation including apartments, tourist parks, single dwellings and school-camp accommodation

HIGHLIGHTED POINTS OF CONSIDERATION / CONCERNS BY THE PROPONENT

- Interested in exploring options to operate on either the Yacht Club and the Accommodation sites, however, would require a development partner to construct the improvements.
- Willing to enter into long term leases for purpose-built accommodation.
- Considers there may be potential for tourist accommodation on the Yacht Club site, similar to Wallaroo Marina Apartments, subject to construction of a multi-storey mixed-use building.



Perks Hospitality

CAPACITY AND CAPABILITY

- South Australia-based family-owned hospitality and property development group specialising in hospitality, accommodation and retirement living.
- Previously owned and operated a number of hospitality venues throughout the Yorke Peninsula and Upper Spencer Gulf region.
- Previously managed the operation of the Nyrstar worker accommodation facility
- Currently own and operate a number of lifestyle retirement villages in Port Pirie and Moonta.

AREA OF EXPERTISE / SPECIALISATION

- Hospitality
- Lifestyle retirement villages
- Tourist accommodation

HIGHLIGHTED POINTS OF CONSIDERATION / CONCERNS BY THE PROPONENT

- Interested in the Accommodation site and indicated the site would be idea for quality tourist accommodation, with potential for additional worker accommodation as well.
- See the strong potential of the Yacht Club site for the right operator, however, does not currently fit within the Perks business model.

Recommendations & Next Steps



Port Pirie Jetty, SA

Recommendations & next steps

Market Demand

Strength of Market Demand

- The soft market sounding has confirmed strong market interest from multiple developers and operators; locally and nationally.
- The strongest levels of interest are from local operators of tourist accommodation, who best understand the Port Pirie market, particularly Bentley's Cabin Park, The Edwards Group, Perks Hospitality and Costello Hotels. There was also interest from larger national/international operators such as Tasman and Quest.
- Some hospitality groups have indicated they would be interested in developing the Royal Yacht Club site if gaming facilities could be incorporated into the development, including EDP and Hurley Hotels Group.
- Alternate uses on the Yacht Club site include a hotel similar to Wallaroo Marina Apartments, or a mixed-use purpose-built facility for S.D. Caputo & Sons to include seafood processing, wholesale, retail and café.

Timing

- The demand from developers is considered to support near-term or immediate development potential, particularly for the accommodation site.
- Continued market engagement for the F&B site prior to launching EOI campaign, particularly with local operators/hospitality groups.

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MEETING: ORDINARY MEETING OF COUNCIL
DATE: 27 SEPTEMBER 2023

DEPARTMENT: INFRASTRUCTURE
OFFICER: Kathryn Johnson, Director Infrastructure

REPORT ITEM:	**17.3**
REPORT TITLE:	**RFT FOR CONTRACT 2023/115 – UPGRADE AND RESURFACE OF BOUNDARY ROAD**

Timeframe	2023/2024 Financial Year			
Budget Impact	$899,780 (excluding GST)			
Risk Assessment	**Primary Risk Type(s):**		Financial / Infrastructure	
	Inherent Risk:	**Likelihood**	**Consequence**	**Rating**
		Possible	Minor	Medium
	Controls:	▪ Competitive tender process ▪ Engagement of suitable qualified and experienced contractor ▪ Sound project management framework for delivering projects ▪ Allocation of contingency funds within project delivery budget		
	Residual Risk:	Unlikely	Insignificant	Low
File Reference	40.014.009.115/2023			

STRATEGIC REFERENCE:	
Theme **Goal** **Strategy 3.2.2**	Our Lifestyle Infrastructure Regional transport networks are prioritised to support primary and other industrial use

RECOMMENDATION:
That Council award a contract to Jakelco Contracting Pty Ltd for the upgrade and resurface of Boundary Road, in accordance with the documents submitted in response to Request for Tender for Contract 2023/115 – Upgrade and Resurface of Boundary Road for the amount of $899,780 (excluding GST).

EXECUTIVE SUMMARY:
Boundary Road is a two-way, two lane, unsealed road running from Spencer Highway (Germein Road) through to Warnertown Road and provides essential access to Viterra's Marshalling and Sampling Yard. The construction and sealing of Boundary Road has been identified in the 10 Year Capital Works Plan following a Road Safety Audit being undertaken by MACE Engineering in 2019.

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REPORT 17.3	**RFT for Contract 2023/115 Upgrade and Resurface of Boundary Road** (Cont'd)

EXECUTIVE SUMMARY: (Cont'd)

The Road Safety Audit identified two main areas of concern, being the intersection of Boundary Road and Warnertown Road and the alignment of Boundary Road and Viterra's property access.

The intersection of Boundary Road and Warnertown Road is substandard as there is insufficient sight distance to the intersection and the intersection has poor delineation and visibility. The majority of motorists currently access Boundary Road via the private Viterra property access, as it is far better delineated and appears to be the actual Boundary Road reserve.

The objective of the project is to provide an increase in road safety through the realignment of Boundary Road to the existing Viterra property access, realigning the Boundary Road and Warnertown Road intersection and sealing the road between the two intersections. The benefits will be particularly apparent during grain harvest months, with the number of truck movements associated with the Viterra grain facility significantly increasing the amount of traffic utilising the intersection.

Utilising the design completed by Tonkin in 2019, accompanied with a stabilisation report executed by Stabilised Pavements Australia, the project was tendered on the open market using Tenders SA to complete the upgrade and resurface works.

DISCUSSION

Council has allocated $1,039,742 in its 2023/2024 Capital Works Program for the Upgrade and Resurface of Boundary Road.

Proposed Works

The proposed works outlined within the tender scope includes the following core works:

- Preparation of the subbase layer in accordance to design, either through in-situ stabilization, or disposal of existing road material and supply of new sub base material.
- Roadworks construction including but not limited to road base preparation, forming, and sealing as outlined in the Tonkin Design and in-situ stabilisation design completed by Stabilised Pavements of Australia.
- Construction of drains and scour protection.

The contractor will supply all the plant, labour and materials necessary to execute the works described in the tender specification.

Term of Contract

The contract is a one-off.

Tender Assessment

The Request for Tender documentation was uploaded to Tenders SA.

At the closing time of tenders of 2pm on Thursday 3 August 2023, seven (7) tender submissions were received as follows:

REPORT 17.3	**RFT for Contract 2023/115 Upgrade and Resurface of Boundary Road** (Cont'd)

Tenderer	**Tendered Price $ (excluding GST)**
Downer EDI (3 Options)	$ 1,492,359.18 (Option 1) $ 1,405,181.94 (Option 2) $ 1,260,513.07 (Option 3)
Fulton Hogan Industries Pty Ltd	$ 1,644,673.00
Jakelco Contracting Pty Ltd	$ 899,780.00
LAKA Group Pty Ltd	$ 2,177,433.70
PD Excavations Pty Ltd	$ 1,115,424.15
Remo Contractors Pty Ltd (2 Options)	$ 1,178,566.00 (Option 1) $ 1,569,164.00 (Option 2)
Stabilised Pavements of Australia Pty Ltd	$ 956,439.97

Tenderers were invited on a Lump Sum basis.

Non-Conforming Quote
No tender responses were deemed non-conforming.

Qualitative Assessment
Tenders received have been assessed against the criteria as set out below:

Price	35%
Company Details & Relevant Experience	25%
Local Economic Benefit & Social Inclusion	10%
Management Systems	15%
Project Methodology, Management and Delivery	15%
TOTAL	**100%**

The tenders were evaluated by:
- Jason Crouch – Contract Project Manager
- Robert Stead – Manager Operations
- Glenn Miller – Projects and Procurement Officer
- Kathryn Johnson – Director Infrastructure

A summary of the tender assessment is contained in the tables on the following pages as;
- The tender summary; and
- The tender scoring matrix

Quote Clarifications Sought
Additional clarification was sought from four of the respondents regarding their tender submissions via a formal Request for Information letter sent via email. The clarifications that were sought included the following:

Jakelco Contracting
- A detailed cost breakdown was requested as a single lump sum price was initially provided. Key categories were sent to provide guidance as to how the pricing was required to be itemised to allow additional analysis of the inclusions and exclusions of their tender submission.

REPORT 17.3	**RFT for Contract 2023/115 Upgrade and Resurface of Boundary Road** (Cont'd)

PD Excavations
- A detailed breakdown of the preliminary costs included within their tender submission.
- Additional clarification of the inclusions and exclusions of the stormwater drainage component of their response.
- A breakdown of the subbase and base preparation specified within the tender submission.
- Clarification of the inclusion of signage within the tender submission as outlined within the tender scope.

Remo Contractors
- Clarification that the asphalt and spray seal works specified within the cement stabilization option includes surface pavement types 1, 2 and 3 as outlined within the tender scope.
- A cost breakdown of the preliminary/overhead costs.
- Clarification on the inclusions or a cost breakdown for the stormwater drainage works.

Stabilised Pavements of Australia
- A detailed cost breakdown was requested, segregating costs into key categories to allow additional analysis of the inclusions and exclusions of their tender submission.

All requests for additional information/clarification were sent to the tenderers on 24 August 2023, with the deadline for responses specified as 1 September 2023. All responses were received prior to the deadline.

Overall Finding
All tender submissions received were deemed to be Complying Tenders. Due to the price differential and alternate works proposals, a refined number of submissions were selected for detailed assessment. The following companies and options were shortlisted for a detailed assessment:

- Downer EDI – Option 3
- Jakelco Contracting Pty Ltd
- PD Excavations Pty Ltd
- Remo Contractors Pty Ltd – Option 1
- Stabilised Pavements of Australia Pty Ltd

The scoring was applied to the short-listed companies' responses, resulting in the two preferred suppliers being Jakelco Contracting Pty Ltd and Stabilised Pavements of Australia Pty Ltd. Referee checks were undertaken for both contracting organisations, speaking to other local government associations which were listed. There was no negative feedback provided for either of the companies with referees stating that they would quite happily utilise their services again in the future.

With the information provided and the scoring results, it is recommended that Jakelco Contracting Pty Ltd be engaged to undertake the upgrade and resurface of Boundary Road.

TIMING AND BUDGET

Total funding of $1,039,742 has been allocated in the 2023/2024 Capital Works Program to Boundary Road Construction and Seal in the 2023/24 Capital Works Budget. This proposed scope of works is to be funded from the existing budget.

Should Council agree to the recommendation, the preferred tenderer will be engaged, and works will be programmed to be completed early within the new calendar year.

REPORT 17.3	RFT for Contract 2023/115 Upgrade and Resurface of Boundary Road (Cont'd)

TENDER SUMMARY

Criteria	Weighting	Downer EDI (Option 3 Alternative)	Jakelco Contracting Pty Ltd	PD Excavations Pty Ltd	Remo Contractors Pty Ltd (Stabilisation)	Stabilised Pavements of Australia Pty Ltd
Works Health & Safety and Risk Management.	15%	Very good overview of Downer's safety and risk management systems	WHS Policy and management processes in place.	WHS Policy and management processes in place.	WHS Policy and management processes in place.	WHS Policy and management processes in place.
Local Economic Benefit & Social Inclusion	10%	Downer is proposing to utilise a larger number of Port Pirie based resources within their construction methodology.	Work to be executed using SA based resources.	Sourcing pavement material through CLM Quarries.	Sourcing pavement material through CLM Quarries.	Sourcing pavement material through CLM Quarries.
Experience.	25%	Downer EDI have significant experience with road construction and sealing.	Previous engagements for other Councils and DIT for works relating to road construction and sealing.	Previous engagements for other Councils and DIT for works relating to road construction and sealing.	Previous engagements for other Councils and DIT for works relating to road construction and sealing.	Previous engagments for other Councils relating to cement stabilisation and spray sealing.
Implementation/Delivery Schedule	15%	Staged approach using 3 stages proposed to avoid interruption to Viterra's sample yard.	Attachment H Appendix E outlines the construction methodology for Boundary Road with unclear detail relating to the sequencing of construction (i.e. whether it is to be compelted by closing all of boundary road or through a staged approach).	Schedule 8 construction program outlines implementation schedule over a 15 week period.	Appendix J outlines draft construction program showing a 15 week construction schedule from contract award.	Very compressed execution schedule with concerns that the works will be able to be executed within the timeframes allocated.
Price	35%	Price is towards the higher end of the responses	Price is one of the more competitive responses	Price is in the mid point of the tendereres selected to be evaluated.	Price is in the mid point of the tendereres selected to be evaluated.	Price is one of the more competitive responses
General Comments	100%					

REPORT 17.3	RFT for Contract 2023/115 Upgrade and Resurface of Boundary Road (Cont'd)

TENDER SCORING MATRIX

ITEM	DESCRIPTION Evaluation Criteria Note: ( )* Denotes Rating	WEIGHTING %	Downer EDI (Option 3 Alternate)		Jakelco Contracting Pty Ltd		PD Excavations Pty Ltd		Remo Contractors Pty Ltd (Stabilisation)		Stabilised Pavements of Australia Pty Ltd	
			Score (out of 5)		Score (out of 5)		Score (out of 5)		Score (out of 5)		Score (out of 5)	
	LUMPS SUM TENDER VALUE EXCL GST		**$ 1,260,513.07**		**$ 899,780.00**		**$ 1,115,424.15**		**$ 1,178,566**		**$ 956,440**	
1	Works Health & Safety and Risk Management (Schedule 5)	15%	4	12.00	3	9.00	3	9.00	3	9.00	3	9.00
3	Local Economic Benefit & Social Inclusion (Schedule 7)	10%	3	6.00	2	4.00	2	4.00	2	4.00	2	4.00
5	Experience (Schedule 10)	25%	3	15.00	3	15.00	3	15.00	3	15.00	3	15.00
7	Implementation/Delivery Schedule (Schedule 12)	15%	3	9.00	3	9.00	3	9.00	3	9.00	3	9.00
10	Price (Schedules 16) Score = 2.5 + 5*(($M-$T)/$M)	35%	1.42	9.91	3.16	22.10	2.12	14.81	1.81	12.68	2.88	20.19
	TOTAL SCORE INCLUDING PRICE	**100%**	51.91		59.10		51.81		49.68		57.19	
	TOTAL RANK INCLUDING PRICE		**3**		**1**		**4**		**5**		**2**	

Rating Scale:

5 = Outstanding offer, greatly exceeds criterion
4 = Very good offer, exceeds criterion
3 = Good offer, no deficiencies, meets criterion
2 = Fair offer, few deficiencies, almost meets criterion
1 = Marginal offer, some deficiencies, partly meets criterion
0 = Inadequate offer, many deficiencies, does not meet criterion

17.0 ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY: (Cont'd)

17.2 Expression of Interest Land Developments – Initial Research Response and Proposal to Retain Commercial Support
Pursuant to Section 90(3)(d)

MOVED Cr Petagna SECONDED Cr Connor

OM423/23 **Pursuant to Section 90(2) and 3(d) of the Local Government Act 1999, the Council orders that the public, with the exception of P Ackland, Chief Executive Officer; C Davey, Director Development & Regulation; K Johnson, Director Infrastructure and K Carmody, Executive Assistant, be excluded from attendance at that part of this meeting relating to Agenda Item 17.2 Expression of Interest Land Developments – Initial Research Response and Proposal to Retain Commercial Support to enable the Council to consider Item 17.2 in confidence on the basis the Council considers it necessary and appropriate to act in a meeting closed to the public (excepting those persons noted above) in order to receive, discuss or consider in confidence the following information or matter relating to Item 17.2 being commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information or confer a commercial advantage on a third party and which would, on balance, be contrary to the public interest being.**

Accordingly, on this basis, the principle that the meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or matter confidential.

CARRIED

MOVED Cr Hopgood SECONDED Cr Peters

OM424/23 **That Council receive and note the report including the report prepared by Alinea containing the outcomes of its market sounding investigations for the separate development options on Council owned land, including the verbal update provided by the Chief Executive Officer to the meeting that a tier one developer has shown recent interest in the Royal Port Pirie Yacht Club (RPPYC).**

That Council note the requirements of its Procurement Policy, but for the reasons set out in the agenda report, consider that circumstances apply where the potential benefits of an open market approach are outweighed by the benefits of a direct engagement approach.

That based on the market sounding information, Council commence the two stage Expression of Interest process for the land development option at Lot 25 Beach Road Port Pirie and for the RPPYC site based on the Guiding Principles for this development as previously resolved by Council.

CARRIED

Section 91(7) Order

MOVED Cr Gulin SECONDED Cr Petagna

OM425/23 **Pursuant to Section 91(7) of the Local Government Act 1999, the Council orders that agenda reports, related attachments, discussion and minutes relating to Agenda Item 17.2 Expression of Interest Land Developments – Initial Research Response and Proposal to Retain Commercial Support shall be kept**

17.2 Expression of Interest Land Developments – Initial Research Response and Proposal to Retain Commercial Support (Cont'd)

confidential, being documents relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and 90(3)(d) of the Act.

This order shall operate until the matter has been finalized or until further order of the Council.

In accordance with Section 91(9)(c) of the Local Government Act 1999, the Chief Executive Officer (or his delegate) is delegated the power to revoke this order in whole or part.

Council notes, in accordance with Section 91(9)(a) of the Local Government Act 1999, this order will be reviewed at least once in every year.

CARRIED

MAYOR

CONFIDENTIAL

17.0 ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY: (Cont'd)

17.3 RFT for Contract 2023/115 – Upgrade and Resurface of Boundary Road Pursuant to Section 90(3)(k)

MOVED Cr Joyce SECONDED Cr Gulin

OM426/23 **Pursuant to Section 90(2) and (3)(k) of the Local Government Act 1999 the Council orders that all members of the public with the exception of P Ackland, Chief Executive Officer; C Davey, Director Development & Regulation; K Johnson, Director Infrastructure and K Carmody, Executive Assistant be excluded from attendance at that part of this meeting relating to Agenda Item 17.3 RFT for Contract 2023/115 – Upgrade and Resurface of Boundary Road to enable the Council to consider Item 17.3 in confidence on the basis the Council considers it necessary and appropriate to act in a meeting closed to the public (excepting those persons noted above) in order to receive, discuss or consider in confidence the following information or matter relating to Item 17.3 which relates to tenders for the supply of goods, the provision of services or the carrying out of works being the Upgrade and Resurface of Boundary Road.**

Accordingly, on this basis, the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or matter confidential.

CARRIED

MOVED Cr HopgoodSECONDED Cr Peters

OM427/23 **That Council award a contract to Jakelco Contracting Pty Ltd for the upgrade and resurface of Boundary Road, in accordance with the documents submitted in response to Request for Tender for Contract 2023/115 – Upgrade and Resurface of Boundary Road for the amount of $899,780 (excluding GST).**

CARRIED

Section 91(7) Order

MOVED Cr Connor SECONDED Cr Petagna

OM428/23 **Pursuant to Section 91(7) of the Local Government Act 1999, the Council orders that the agenda reports, related attachments, discussion and minutes relating to Agenda Item 17.3 RFT for Contract 2023/115 – Upgrade and Resurface of Boundary Road shall be kept confidential, being documents relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and 90(3)(k) of the Act on the grounds that the documents relate to tenders for the supply of goods, the provision of services or the carrying out of works being the Upgrade and Resurface of Boundary Road.**

This order shall operate for a period of six (6) months or until the execution of a contract.

Pursuant to Section 91(9)(c) of the Local Government Act 1999, the Council delegates to the Chief Executive Officer (or his delegate) the power to revoke this order in whole or part.

Council notes, in accordance with Section 91(9)(a) of the Local Government Act 1999, this order will be reviewed at least once in every year.

CARRIED

MAYOR

Members of Council
His Worship the Mayor L Stephens
Deputy Mayor Cr K Jackson
Crs A Zubrinich, J Connor, A Gulin, M Hopgood, J Keain, L Peters, G Petagna, J Joyce

SPECIAL COUNCIL MEETING
Wednesday, 11 October 2023

Notice is hereby given that a **SPECIAL MEETING OF COUNCIL** will be held in the Council Chambers, Port Pirie Regional Council Administration Centre, 115 Ellen Street, Port Pirie on **Wednesday, 11 October 2023 at 6.00pm**.

Members of the public are welcome to attend the Meeting (excluding any confidential items).

Peter Ackland
CHIEF EXECUTIVE OFFICER
6 October 2023

A G E N D A

ACKNOWLEDGEMENT OF COUNTRY

'We acknowledge and respect the traditional custodians whose ancestral lands we are meeting upon here today.'

1.0 PRESENT:

2.0 APOLOGIES:

3.0 DECLARATION OF INTERESTS:

4.0 RECOMMENDATION REPORTS:

4.1 Revocation of Community Land Classification – Allotment 25 Beach Road, Solomontown

4.2 Consideration of the Establishment of a Section 41 Committee to Better Engage with the Targeted Lead Abatement Program

4.3 Unsealed Roads Renewal and Maintenance Upgrade – Presentation

5.0 ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY:

5.1 Notice of Claim - Update
Pursuant to Section 90(3)(i)
MOVED Cr SECONDED Cr
Pursuant to Section 90(2) and 3(i) of the Local Government Act 1999, the Council orders that the public, with the exception of P Ackland, Chief Executive Officer; C Davey, Director Development & Regulation; K Johnson, Director Infrastructure and K Carmody, Executive Assistant, be excluded from attendance at that part of the meeting relating to Agenda

5.0 ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY: (Cont'd)

5.1 Notice of Claim – Update (Cont'd)

Pursuant to Section 90(3)(i) (Cont'd)

Item 5.1 Notice of Claim – Update to enable the Council to consider Item 5.1 in confidence on the basis the Council considers it necessary and appropriate to act in a meeting closed to the public (excepting those persons noted above) in order to receive, discuss or consider in confidence the following information or matter relating to Item 5.1 being information relating to litigation that the Council believes on reasonable grounds will take place involving the Council.

Accordingly, on this basis, the principle that the meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or matter confidential.

Section 91(7) Order

MOVED Cr SECONDED Cr

Pursuant to Section 91(7) of the Local Government Act 1999, the Council orders that agenda reports, related attachments, discussion and minutes relating to Agenda Item 5.1 Notice of Claim – Update shall be kept confidential, being documents relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and 90(3)(i) of the Act on the grounds that the documents relate to litigation that the Council believes on reasonable grounds will take place involving the Council.

This order shall operate until the matter has been finalised or further order of the Council and be reviewed every twelve (12) months.

Pursuant to Section 91(9)(c) of the Local Government Act 1999, the Council delegates to the Chief Executive Officer the power to revoke this order in whole or part.

5.2 Expression of Interest Land Developments – Appointment of Consultant

Pursuant to Section 90(3)(d)

MOVED Cr SECONDED Cr

Pursuant to Section 90(2) and 3(d) of the Local Government Act 1999, the Council orders that the public, with the exception of P Ackland, Chief Executive Officer; C Davey, Director Development & Regulation; K Johnson, Director Infrastructure and K Carmody, Executive Assistant, be excluded from attendance at that part of this meeting relating to Agenda Item 5.2 Expression of Interest Land Developments – Appointment of Consultant to enable the Council to consider Item 5.2 in confidence on the basis the Council considers it necessary and appropriate to act in a meeting closed to the public (excepting those persons noted above) in order to receive, discuss or consider in confidence the following information or matter relating to Item 5.2 being commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information or confer a commercial advantage on a third party and which would, on balance, be contrary to the public interest being.

Accordingly, on this basis, the principle that the meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or matter confidential.

5.0 ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY: (Cont'd)

5.2 Expression of Interest Land Developments – Appointment of Consultant (Cont'd)

Section 91(7) Order

MOVED Cr SECONDED Cr

Pursuant to Section 91(7) of the Local Government Act 1999, the Council orders that agenda reports, related attachments, discussion and minutes relating to Agenda Item 5.2 Expression of Interest Land Developments – Appointment of Consultant shall be kept confidential, being documents relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and 90(3)(d) of the Act.

This order shall operate until the matter has finalised or further order of the Council and be reviewed every twelve (12) months.

Pursuant to Section 91(9)(c) of the Local Government Act 1999, the Council delegates to the Chief Executive Officer the power to revoke this order in whole or part.

5.3 Lease of Council Land – 43 Alexander Street, Port Pirie

Pursuant to Section 90(3)(b)

MOVED Cr SECONDED Cr

Pursuant to Section 90(2) and 90(3)(b) of the Local Government Act 1999 the Council orders that all members of the public with the exception of P Ackland, Chief Executive Officer; C Davey, Director Development & Regulation; K Johnson, Director Infrastructure and K Carmody, Executive Assistant be excluded from attendance at that part of this meeting relating to Agenda Item 5.3 Lease of Council Land - 43 Alexander Street, Port Pirie to enable the Council to consider Item 5.3 in confidence on the basis the Council considers it necessary and appropriate to act in a meeting closed to the public (excepting those persons noted above) in order to receive, discuss or consider in confidence the following information or matter relating to Item 5.3 being information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is conducting business with and would prejudice the commercial position of the Council and which would, on balance, be contrary to the public interest because the information to be disclosed and discussed has the potential to be competitive commercial information.

Accordingly, on this basis, the principle that the meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or matter confidential.

Section 91(7) Order

MOVED Cr SECONDED Cr

Pursuant to Section 91(7) of the Local Government Act 1999, the Council orders that agenda reports, related attachments, discussion and minutes relating to Agenda Item 5.3 Lease of Council Land - 43 Alexander Street, Port Pirie shall be kept confidential, being documents relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and 90(3)(b) of the Act.

This order shall operate until the matter has finalised or further order of the Council and be reviewed every twelve (12) months.

Pursuant to Section 91(9)(c) of the Local Government Act 1999, the Council delegates to the Chief Executive Officer the power to revoke this order in whole or part.

6.0 CLOSURE:

MEETING: SPECIAL COUNCIL MEETING - CONFIDENTIAL
DATE: 11 October 2023

DEPARTMENT: Office of the Chief Executive
OFFICER: Peter Ackland

REPORT ITEM:	**5.2**
REPORT TITLE:	**EXPRESSION OF INTEREST LAND DEVELOPMENTS – APPOINTMENT OF CONSULTANT**

Timeframe	immediate			
Budget Impact	See body of the report under budget impact			
Risk Assessment	**Primary Risk Type(s):**		Legal / Regulatory / Policy Financial	
	Inherent Risk:	**Likelihood**	**Consequence**	**Rating**
		Possible	Moderate	Medium
	Controls:	▪ Seek legal and commercial advice throughout the project ▪ Engage competent and experienced advisors ▪ Regular reporting to Council		
	Residual Risk:	Unlikely	Moderate	Low
File Reference				

STRATEGIC REFERENCE:	
Theme **Goal** **Strategy 2.2.6**	Our Economy Business and Industry Investment, additional infrastructure and employment opportunities are attracted to the region

RECOMMENDATION: (Cont'd)

That consistent with confidential resolution OM424/23 of Councils Ordinary Meeting held 27 September 2023 and the content of the corresponding agenda item from that meeting, Council engage the Alinea Group to provide assistance to the Council to facilitate the development options for both of the Council land parcels at Lot 25 Beach Road Port Pirie and also the land generally occupied by the Royal Port Pirie Yacht Club and the Port Pirie Rowing Club, consistent with Alinea's proposal dated 30 August 2023 and as set out in the agenda report from said Ordinary Meeting.

EXECUTIVE SUMMARY:

At its Ordinary Meeting held 27 September 2023, Council considered a report, which amongst other things set out reasons for the direct engagement of the Alinea Group to assist Council in the development of two sites in Port Pirie, being the land formally occupied by the Nyrstar Temporary Accommodation Camp, and also the Royal Port Pirie Yacht Club clubrooms and adjacent site.

The agenda report contained a 5 part recommendation, the final portion recommending the appointment of the Alinea Group to assist the Council on the basis of the content of the agenda report, however upon perusal of the minutes this last paragraph was not included.

CONFIDENTIAL

REPORT 5.2	**Expression of Interest Land Developments – Appointment of Consultant** (Cont'd)

DISCUSSION

At its Ordinary Meeting held 27 September 2023, Council considered a report, which amongst other things set out reasons for the direct engagement of the Alinea Group to assist Council in the development of two sites in Port Pirie, being the land formally occupied by the Nyrstar Temporary Accommodation Camp, and also the Royal Port Pirie Yacht Club clubrooms and adjacent site.

The agenda report contained a 5 part recommendation, the final portion recommending the appointment of the Alinea Group to assist the Council on the basis of the content of the agenda report, however upon perusal of the minutes this last paragraph was not included.

A verbal update was provided to the meeting regarding updating Council on the additional interest in the development of the Yacht Club site and portion of the recommendation was changed to reflect this verbal update.

The resultant resolution was carried and recorded as follows:

MOVED Cr Hopgood SECONDED Cr Peters

OM424/23 *That Council receive and note the report including the report prepared by Alinea containing the outcomes of its market sounding investigations for the separate development options on Council owned land, including the verbal update provided by the Chief Executive Officer to the meeting that a tier one developer has shown recent interest in the Royal Port Pirie Yacht Club (RPPYC).*

That Council note the requirements of its Procurement Policy, but for the reasons set out in the agenda report, consider that circumstances apply where the potential benefits of an open market approach are outweighed by the benefits of a direct engagement approach.

That based on the market sounding information, Council commence the two stage Expression of Interest process for the land development option at Lot 25 Beach Road Port Pirie and for the RPPYC site based on the Guiding Principles for this development as previously resolved by Council.

CARRIED

To ensure absolute clarity of Councils position in the matter, that portion of the recommendation from the agenda report of 27 September 2023 to appoint the Alinea Group is again presented for consideration of Council.

CONFIDENTIAL

MEETING: SPECIAL COUNCIL MEETING - CONFIDENTIAL
DATE: 11 October 2023

DEPARTMENT: DEVELOPMENT AND REGULATION
OFFICER: Chris Davey, Director

REPORT ITEM:	**5.3**
REPORT TITLE:	**LEASE OF COUNCIL LAND – 43 ALEXANDER STREET, PORT PIRIE - CONFIDENTIAL**

Timeframe	2023			
Budget Impact	TBD			
Risk Assessment	**Primary Risk Type(s):**		Legal / Regulatory / Policy	
	Inherent Risk:	**Likelihood**	**Consequence**	**Rating**
		Unlikely	Insignificant	Low
	Controls:	▪ Consider against relevant policies ▪ Use of Lease template ▪ Insert conditions within potential lease		
	Residual Risk:	Unlikely	Insignificant	Low
File Reference	16.51.2.1			

STRATEGIC REFERENCE:	
Theme **Goal** **Strategy 2.2.1**	Our Economy Business and Industry Local Businesses are supported to grow and expand.

RECOMMENDATION:

That the Lease of Council Land – 43 Alexander Street, Port Pirie report be received.

That Council:

- **acknowledge the request provided by MasterPlan SA to vary the terms and conditions of the Lease Agreement over Allotment 487 (43) Alexander Street, Port Pirie, Lease Agreement provided to Gadaleta Holdings Pty Ltd;**
- **approve the addition of a First Right of Refusal in the event the Council wished to sell the Land in the future, and only if the land was still actively being utilise by the BH Community Club to achieve its parking requirement for the proposed use of the adjacent property, being to support short term accommodation;**
- **approve the amendment of Clause 9 to permit Gadaleta to assign/sublease due to the tenants expected to utilise the carpark, conditioned that any sublease is not to exceed any current lease term of the subject land; and**
- **authorise the Chief Executive Officer, or his delegate, to negotiate, amend and execute the commercial lease of the said land.**

CONFIDENTIAL

REPORT 5.3	**Lease of Council Land: 43 Alexander Street, Port Pirie - Confidential** (Cont'd)

EXECUTIVE SUMMARY:
This report was compiled collaboratively with Property Officer Jodie Christensen. Council has received an unsolicited offer to purchase Allotment 487 (43) Alexander Street, Port Pirie from the adjacent landowner, Gadaleta Holdings Pty Ltd (Gadaleta). Due to the rarity of vacant land within the Port Pirie CBD area this report recommends a lease be offered to Gadaleta to support parking required for the proposed use of the adjacent property, to support short term accommodation.

DISCUSSION

Council received an unsolicited proposal to purchase Allotment 487 (43) Alexander Street, Port Pirie (Subject Land), MasterPlan SA, on behalf of Gadaleta Holdings Pty Ltd (Gadaleta). Council considered the proposal at the Ordinary Meeting of Council held on 26 April 2023, and resolved as follows:

OM180/23 That Council

- *acknowledge the limited availability of vacant land in the Port Pirie Central Business District, and the future potential Allotment 487 (43) Alexander Street, Port Pirie may provide;*
- *decline the offer made by MasterPlan SA, on behalf of Gadaleta Holdings Pty Ltd, to purchase the said land, and retain the land on the basis of future strategic potential;*
- *offer Gadaleta Holdings Pty Ltd a Lease Agreement at $4,000 per annum over the said land for a period of 5 years plus 5, for parking to support the proposed adjacent land use, being short-term accommodation; and*
- *authorise the Chief Executive Officer, or delegate, to negotiate and execute a commercial lease of the said land.*

Subject Land

The Subject Land is owned by Council as freehold interest, contained in Certificate of Title; Volume 5401, Folio 309, Filed Plan 184569. It is excluded from the classification of community land, in reference to the Local Government Act. In context, this means the land is not required to undergo community consultation to allow disposal. **(Refer Annexure A - Location Plan).**

The Subject Land is a rectangular allotment, approximately 500m^2, with a 14.63m frontage to Alexander Street. The vacant allotment is utilised as an informal public carpark within the Port Pirie CBD area, and shares off street access via Alexander Street, by way of a right of way easement between the Subject Land and Gadaleta properties.

Gadaleta owns adjacent properties east of the Subject Land, comprising 39 Alexander Street, formerly known as the BH Community Club, and 84-88 Florence Street, Port Pirie. Gadaleta has received Planning Consent to redevelop 39 Alexander Street into short-term accommodation, while 84-88 Florence Street will be retained as retail tenancies.

Lease Agreement

A Lease Agreement (**Refer Annexure C)** over the Subject Land was offered to Gadaleta in lieu of the proposed purchase, to secure off-street parking to support the adjacent land use, being short-term accommodation. Gadaleta accepted the offer, and a lease was drafted and issued for execution.

CONFIDENTIAL

REPORT 5.3	**Lease of Council Land: 43 Alexander Street, Port Pirie - Confidential** (Cont'd)

Proposal Consideration

Council has received correspondence from MasterPlan SA, on behalf of their client, Gadaleta, who seeks to vary the conditions of the Lease Agreement as follows:

1. Inclusion of a First Right of Refusal in the event the Council wished to sell the Land in the future.
2. Amend Clause 9 to permit Gadaleta to assign/sublease due to the tenants expected to utilise the carpark.
3. Variation to the Lease fee "($4,400) per annum inclusive of GST" to include "and Outgoings".

(Refer Annexure B – MasterPlan SA)

The writer reviewed the three requested variations with the Chief Executive Officer (CEO) Peter Ackland and reached a shared view as follows:

Reviewing Item 1 and considering that if the land was still actively being utilise by the BH Community Club to achieve its parking requirement for the proposed use of the adjacent property, being to support short term accommodation, and at that point of time the Council was to resolve to list the subject land for sale in the future it would be reasonable to provide a first right of refusal to Gadaleta.

Reviewing Item 2 the writer and CEO have no concerns with permitting any sublease, given the permitted use of the site is a car park for tenants using the land in association with the adjoining accommodation building and with a condition to the effect that any sublease is not to exceed any applicable lease term of the subject land.

Reviewing Item 3 the writer and CEO feel that this inclusion should not be considered as it would potentially remove the lessee's responsibility for "outgoings" identified in clause 5 – Power and Utilities, if such Power and Utilities are added to the subject land.

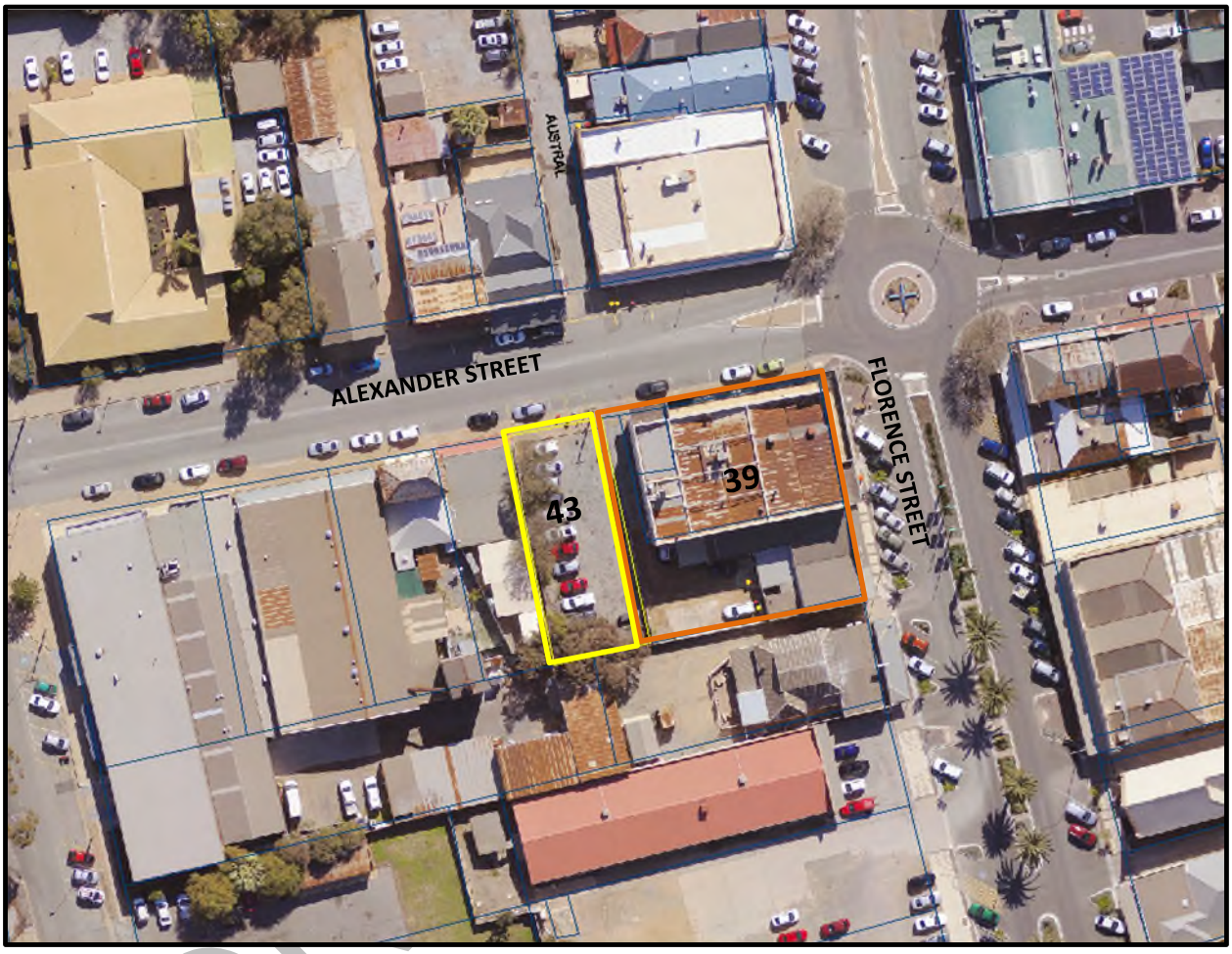
CONFIDENTIAL

REPORT 5.3	**Lease of Council Land: 43 Alexander Street, Port Pirie - Confidential** (Cont'd)

ANNEXURE A

Location Plan:

Allotment 487 (43) Alexander Street, Port Pirie



CONFIDENTIAL

REPORT 5.3	**Lease of Council Land: 43 Alexander Street, Port Pirie - Confidential** (Cont'd)

ANNEXURE B

Response to draft Lease Agreement:

MasterPlan SA, on behalf of Gadaleta Holdings Pty Ltd

From: Michael Richardson
Sent: Thursday, August 31, 2023 1:29 PM
To: 'Jodie Christensen' <jchristensen@pirie.sa.gov.au>
Cc: Rosalie Jones <rjones@pirie.sa.gov.au>; Trevor Cugley <tcugley@pirie.sa.gov.au>; Chris Davey <cdavey@pirie.sa.gov.au>; 'Sam Gadaleta' <sam.gadaleta@gadaleta.com.au>; Kirsten Falt <kirstenf@masterplan.com.au>
Subject: RE: E68060 - Unsolicited Purchase Proposal - 43 Alexander Street, Port Pirie (A4875) [Filed 31 Aug 2023 13:28]

Good Afternoon Jodie

Thank you for your patience in respect of the draft lease for 43 Alexander Street, Port Pirie.

Our client has now completed their review of the draft lease, and raises the following comments for Council's consideration:

1. *Could a First Right of Refusal be provided to our client in the event the council wished to sell the Land in the future.*
2. *Could Clause 9 be amended to permitting an assignment/sublease of lease. Due to the tenants of the redeveloped BH Club being expected to utilise the car park, we may need to include the car park as part of their Lease which would be deemed an assignment/sublease. We need a right for our tenants to use the car park which is in line with the permitted use.*
3. *On page 2 of the Lease after "($4,400) per annum inclusive of GST" please insert the words "and Outgoings".*

We look forward to your feedback in respect of these comments with a view to finalising the lease in the near future.

Kind regards

Michael Richardson
0417 828 979

MASTERPLAN
TOWN + COUNTRY PLANNERS SINCE 1977

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Kaurna Country
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Adelaide SA 5000

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COMMERCIAL LEASE

Lease No. 762
Alexander Street Car Park

Allotment 487 (43) Alexander Street
Port Pirie SA 5540

PORT PIRIE REGIONAL COUNCIL

(**Council**)

AND

GADALETA HOLDINGS PTY LTD

(**Lessee**)

DRAFT

LEASE

PRIVACY COLLECTION STATEMENT: The information in this form is collected under statutory authority and is used for maintaining publicly searchable registers and indexes. It may also be used for authorised purposes in accordance with Government legislation and policy requirements.

LAND DESCRIPTION

The land contained within Certificate of Title; Volume 5401, Folio 309 being the area delineated in red on the aerial map in the Third Schedule.

ESTATE & INTEREST

In fee simple

LESSOR (Full name, address, ABN)

PORT PIRIE REGIONAL COUNCIL of 115 Ellen Street, Port Pirie SA 5540
ABN 11 548 839 129

LESSEE (Full name, address, ABN)

GADALETA HOLDINGS PTY LTD of 18 Harrison Crescent, Port Pirie SA 5540po
ABN 47 060 095 043

TERM OF LEASE (First Schedule: Items 2 & 3)

Initial Term: Five (5) years - commencing on 1 August 2023 and expiring on 31 July 2028,

together with the right of renewal referred to in clause 12,

Renewal Term: Five (5) years – commencing on 1 August 2028 and expiring on 31 July 2033.

RENT AND MANNER OF PAYMENT (First Schedule: Items 4 & 5)

FOUR THOUSAND FOUR HUNDRED DOLLARS ($4,400) per annum inclusive of GST and subject to Review terms set out in Item 5 of the First Schedule of this agreement (clause 12). The Rent is payable in advance of each Payment Date.

DRAFT

IT IS COVENANTED BY AND BETWEEN THE LESSOR AND THE LESSEE as listed herein:
(Covenants, where not deposited, to be set forth on insert sheet(s) and securely attached)

1. DEFINED TERMS AND INTERPRETATIONS

1.1 Introductory

In this Lease unless the contrary intention appears:

1.1.1 a reference to this Lease is a reference to this document;

1.1.2 words beginning with capital letters are defined in clause 1.2;

1.1.3 a reference to a clause is a reference to a clause in this Lease;

1.1.4 a reference to an Item is a reference to an item in the First Schedule;

1.1.5 a reference to a Schedule is a reference to the schedules of this Lease; and

1.1.6 a reference to an Annexure is a reference to an annexure to this Lease.

1.2 Defined Terms

In this Lease:

'**Agreed Consideration**' means the Rent, Outgoings and all other consideration (whether in money or otherwise) to be paid or provided by the Lessee for any supply or use of the Premises and any goods, services or other things provided by the Lessor under this Lease (other than tax payable under clause 18);

'**Commencement Date**' means the date shown as the commencement date in Item 2;

'**Common Areas**' means all areas of the Land which are not leased or tenanted and which are for common use by tenants and lessees of the Premises and their invitees and customers including driveways, access and egress roads, car parks, loading bays, pedestrian walkways and pavements and entrances;

'**Default Rate**' means a rate of one per centum (1%) per annum greater than the published annual rate of interest charged from time to time by the Commonwealth Bank of Australia on overdraft facilities of no greater than the annual (reviewed) Rent payable under this Lease and if there is more than one rate published, the higher of those rates;

'**GST**' has the same meaning as given to that term in the GST Legislation;

'**GST Legislation**' means the *A New Tax System (Goods and Services Tax) Act 1999* and any similar legislation;

'**GST Rate**' means ten per centum (10%) or such other percentage equal to the rate of GST imposed from time to time under GST Legislation;

'**Institute**' means the South Australian Division of the Australian Property Institute;

'**Initial Term**' means the initial term of this Lease commencing on the Commencement Date and described in Item 2;

'**Land**' means the whole of the land comprised in Certificate of Title; Volume 5401 Folio 309 and includes any part of the Land;

'**Legislation**' means any relevant Statute or Act of Parliament (whether State or Federal) and any regulation or by-law including by-laws issued by any Council or local government body or authority;

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'**Lessee**' means the party described as 'Lessee' on the lease panel form and, where the context permits, includes the employees, contractors, customers, agents and other invitees of the Lessee;

'**Lessee's Equipment**' means any and all fixtures and fittings and other equipment installed in or brought onto or kept in the Premises by the Lessee;

'**Lessee's Share**' means the proportion the lettable area of the Premises bears from time to time to the total lettable area of the Land as measured in accordance with the method of measurement recommended for such Premises by the guidelines issued by the Institute current as at the Commencement Date or such other Institute method of measurement as the Lessor notifies the Lessee;

'**Lessor**' means the party described as 'Lessor' on the lease panel form and, where the context permits, includes the Manager (if any) and the employees, contractors, agents and other invitees of the Lessor and the Manager;

'**Lessor's Equipment**' means any and all fixtures, fittings, plant, equipment, services, chattels and other goods which are or may at any time be installed or situated in the Premises or made available for use by the Lessee;

'**Manager**' means any manager appointed by the Lessor under clause 10.7;

'**Outgoings**' means the total of all amounts paid or payable or otherwise incurred by the Lessor in connection with the ownership, management, maintenance, administration and operation of the Land and the Premises;

'**Payment Date**' means the Commencement Date, and on the anniversary of the commencement date each year during the Term;

'**Permitted Use**' means the use described in Item 6;

'**Premises**' means the premises described in Item 1 and includes the Lessor's Equipment and, where the context permits, includes any part of the Premises;

'**Renewal Term**' means the term (if any) of renewal or extension granted under this Lease and, if the Lessee has two or more rights of renewal under this Lease, then the term 'First Renewal Term' means the first period of renewal and the term 'Second Renewal Term' means the second period of renewal;

'**Rent**' means the rent reserved by this Lease (subject to review) and described in Item 4;

'**Review Date**' means each date in Item 6;

'**Reviewed Rent**' means the Rent payable from the Review Date in Item 6;

'**Statutory Authority**' means any authority created by or under any relevant Legislation;

'**Statutory Requirements**' means all relevant and applicable Legislation and all lawful conditions, requirements, notices, orders and directives issued or applicable under any such Legislation;

'**Term**' means the Initial Term, the Renewal Term(s) and any period of holding over;

'**Valuer**' means a qualified valuer appointed to make a determination or assessment under this Lease and:

- who shall be appointed as agreed by the Lessor or the Lessee or failing agreement within fourteen (14) days of either notifying the other of the requirement for such appointment at the request of either the Lessor or Lessee by the person holding or acting in the position of President of the Institute;

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- who shall have practised as a valuer with a minimum of five (5) years relevant experience;
- who is licensed to practice as a valuer of the kind of premises whose review is required; and
- who shall act as an expert and not as an arbitrator;

'**Yearly Amounts**' means the aggregate of the Rent, Outgoings and any other moneys payable by the Lessee during the Term.

1.3 Interpretation

Unless the contrary intention appears:

1.3.1 headings are for convenience only and do not affect interpretation;

1.3.2 the singular includes the plural and vice-versa;

1.3.3 a reference to an individual or person includes a corporation, partnership, joint venture, association, authority, trust, state or government and vice versa;

1.3.4 a reference to any party in this Lease or any other document or arrangement referred to in this Lease includes that party's executors, administrators, substitutes, successors and assigns;

1.3.5 a reference to any document (including this Lease) is to that document as varied, novated, ratified or replaced from time to time;

1.3.6 a reference to any statute or to any statutory provision include any statutory modification or re-enactment of it or any statutory provision substituted for it and all by-laws and regulations;

1.3.7 'including' and similar expressions are not and must not be treated as words of limitation;

1.3.8 the covenants and powers implied in leases by virtue of sections 124 and 125 of the *Real Property Act 1886* will apply and be implied in this Lease unless they are expressly or impliedly excluded or modified; and

1.3.9 any special conditions in the Second Schedule will apply to this Lease and in the event of any inconsistency with the terms and conditions in the body of this Lease then those special conditions will prevail.

2. GRANT OF LEASE

The Lessor grants and the Lessee accepts a lease of the Premises for the Term as set out in this Lease.

3. RENT PAYMENT

The Lessee must pay the Rent annually, in advance of the anniversary date of the Lease Agreement.

4. RENT REVIEWS

The Rent will increase on and from the Review Date in Item 5 to the Reviewed Rent.

5. POWER AND OTHER UTILITIES

5.1 The Lessee will be responsible for and pay when due the full amount of all accounts, invoices, assessments and charges with regard to the consumption, use or supply of telephone, light, electricity, gas and any other services and utilities supplied to or used from the Premises.

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5.2 If there is no separate meter for recording or measuring the services and utilities consumed on or from the Premises then the Lessee must, if required by the Lessor, install the necessary meters at its own cost.

5.3 Without limiting the generality of this clause 5, the Lessee will comply in all respects with the *Electricity (General) Regulations 1997* and any other applicable electricity laws.

6. USE OF PREMISES

6.1 Permitted Use

The Lessee must use the Premises only for the Permitted Use and must not use or allow the Premises to be used for:

6.1.1 residential purposes; or

6.1.2 any other use,

(without the Lessor's consent).

6.2 Statutory Requirements

The Lessee must comply with all Statutory Requirements relating to the Lessee's use of the Premises.

6.3 Signs

The Lessee must not place any signs or advertisements on the outside of the Premises or inside the Premises (if they can be seen from outside of the Premises), except a sign or signs advertising or promoting the name and nature of the business conducted on the Premises by the Lessee and which:

6.3.1 are approved (in writing) by the Lessor; and

6.3.2 comply with any relevant Statutory Requirements.

6.4 Dangerous Equipment and Installations

The Lessee may only install or use within the Premises equipment which is reasonably necessary for and which is normally used in connection with businesses of the type conducted on the Premises by the Lessee.

6.5 Fire Precautions

The Lessee must:

6.5.1 comply with all requirements and directives issued by the Lessor from time to time with regard to fire safety systems and procedures including fire evacuation drills and other procedures; and

6.5.2 comply with all Statutory Requirements relating to fire safety and procedures including any required structural works or modifications required as a result of:

(a) the Lessee's use or occupation of the Premises;

(b) the nature of the business conducted on the Premises by the Lessee; or

(c) any deliberate or negligent act or omission of the Lessee.

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6.6 Notice of Defect

The Lessee must:

6.6.1 give the Lessor prompt notice of any circumstance or event which the Lessee should reasonably be aware might cause danger, risk or hazard to the Premises or to any person in the Premises; and

6.6.2 if required by the Lessor, promptly rectify any defect or want of repair to make the Premises safe from any danger, risk or hazard.

6.7 Common Area Access

Subject to the terms of this Lease, the Lessee is entitled to access and use of the Common Areas.

6.8 No Warranty

The Lessor makes no warranty or representation regarding the suitability of the Premises (structural or otherwise) for the Permitted Use or any other purpose and the Lessee occupies the Premises at its risk.

7. INSURANCE

7.1 Lessee must Insure

The Lessee must keep current during the Term (in connection with the Premises and the Lessee's Equipment):

7.1.1 public risk insurance for at least the amount in Item 7 (or any other amount the Lessor reasonably requires) for each claim;

7.1.2 all insurance in respect of the Lessee's Equipment and trading stock for its full replacement value;

7.1.3 building, fire and extraneous insurance; and

7.1.4 other insurances required by law or which the Lessor reasonably requires for at least the amounts the Lessor reasonably requires.

7.2 Requirements for policies

Each policy the Lessee takes out under this clause 7 must:

7.2.1 be with an insurer and on terms approved by the Lessor;

7.2.2 be in the name of the Lessee and note the interest of the Lessor and any other person the Lessor requires;

7.2.3 have no limit on the number of claims that can be made under it;

7.2.4 cover events occurring during the policy's currency regardless of when claims are made; and

7.2.5 note that despite any similar policies of the Lessor, the Lessee's policies will be primary policies.

7.3 Evidence of insurance

On or before the Commencement Date, the Lessee must give the Lessor certificates evidencing the currency of the policies the Lessee has taken out under this clause 7. During the Term the Lessee must:

7.3.1 pay each premium before it is due for payment;

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7.3.2 give the Lessor certificates of currency each year when the policies are renewed and at other times the Lessor requests;

7.3.3 not allow any insurance policy to lapse or vary without the Lessor's consent;

7.3.4 notify the Lessor immediately if a policy is cancelled or if an event occurs which could prejudice or give rise to a claim under a policy.

7.4 Insurance affected

7.4.1 The Lessee must not do anything which may:

(a) prejudice any insurance of the Premises; or

(b) increase the premium for that insurance.

7.4.2 If the Lessee does anything that increases the premium of any insurance the Lessor has in connection with the Premises , the Lessee must pay the amount of that increase to the Lessor on demand.

8. REPAIR AND MAINTENANCE

8.1 Repair

The Lessee must keep, maintain, repair and replace the Premises, the Lessee's Equipment within the Premises and which exclusively service the Premises in good repair, order and condition.

8.2 Maintain and Replace

The Lessee must maintain and repair or replace items in or attached to the Premises which are damaged or worn with items of the same or similar quality to those in use when they were last replaced with the Lessor's approval or if they have not been so replaced, to those in use at the Commencement Date.

8.3 Alterations by Lessee

8.3.1 The Lessee must not carry out any alterations or additions to the Premises without the Lessor's consent.

8.3.2 The Lessee must provide full details of the proposed alteration and additions to the Lessor.

8.3.3 The Lessor may impose any conditions it considers necessary if it gives its approval, including requiring the Lessee to obtain the Lessor's consent to any agreements that the Lessee enters into in relation to the alterations or additions.

8.3.4 The Lessee must carry out any approved alterations and additions:

(a) in a proper and workmanlike manner;

(b) in accordance with the conditions imposed by the Lessor;

(c) in accordance with all Statutory Requirements; and

(d) in a way to minimise disturbance to others.

8.3.5 The Lessee will pay all of the Lessor's costs (including consultant's costs and legal costs) as a result of considering the Lessee's proposed alterations and additions (whether or not that consent is granted).

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8.4 Cleaning

The Lessee must keep the Premises clean and tidy and not cause the Common Areas to be left untidy or in an unclean state or condition.

9. ASSIGNMENT AND SUB-LETTING

9.1 Assignment

The Lessee must not assign the Lessee's interest in the Premises or any part of it under this Lease without the consent of the Lessor, which consent may be withheld in the Lessor's discretion.

9.2 Deemed Assignment

Where the Lessee is a company (other than a company, the voting shares of which are listed on a recognised Stock Exchange in Australia) there will be a deemed transfer or assignment of this Lease requiring the consent of the Lessor if:

9.2.1 the issue of any share or the transfer of the legal or beneficial ownership of or in any share in the issued capital of the Lessee or the ultimate holding company of the Lessee alters the effective control of the Lessee;

9.2.2 any change alters the effective control of the board of directors of such company; or

9.2.3 any variation or change to the constitution of such company varies the rights attaching to the issued shares in such company.

9.3 Sub-Lease, Mortgage or Licence

The Lessee may not:

9.3.1 grant any sub-lease, licence or concession for the whole or part of the Premises;

9.3.2 otherwise part with possession of the whole or a part of the Premises; or

9.3.3 mortgage or otherwise charge or encumber the Lessee's interest under this Lease,

without the prior written consent of the Lessor.

9.4 No Release

Where the Lessor grants consent or is deemed to grant consent to an assignment, the Lessee (ie the party assigning the Lease or rights under this Lease) will not be released or discharged from the current and future obligations and liabilities under this Lease.

10. LESSOR'S OBLIGATIONS AND RIGHTS

10.1 Quiet Enjoyment

Subject to the Lessor's rights and to the Lessee complying with the Lessee's obligations under this Lease, the Lessee may occupy the Premises during the Term without interference from the Lessor.

10.2 Right to Enter

The Lessor may (except in the case of emergency when no notice will be required) enter the Premises after giving the Lessee reasonable notice:

10.2.1 to see the state of repair of the Premises;

10.2.2 to do repairs to the Premises or other works which cannot reasonably be done when the Lessor enters the Premises;

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10.2.3 to do anything the Lessor must or may do under this Lease or must do under any law or to satisfy the requirements of any authority; and

10.2.4 to show prospective purchasers through the Premises.

10.3 Emergencies

In an emergency the Lessor may:

10.3.1 close the Premises; and

10.3.2 prevent the Lessee (and its agents) from entering the Premises.

10.4 Works and Restrictions

10.4.1 The Lessor may close (temporarily or permanently) and restrict access to the Common Areas.

10.4.2 The Lessor must (except in cases of emergency) take reasonable steps to minimise interference with the Lessee's use and occupation of the Premises.

10.5 Lessor may Sell

If the Lessor sells the Land and another person becomes the lessor, the Lessor is released from its obligations under this Lease with effect from the date it is no longer lessor.

10.6 Right to Rectify

The Lessor may at the Lessee's cost do anything which the Lessee should have done under this Lease but which the Lessee has not done or which the Lessor reasonably considers the Lessee has not done properly.

10.7 Management Services

The Lessor may appoint a Manager to manage the Land and any appointed Manager will represent the Lessor (unless the Lessee is otherwise notified by the Lessor).

11. DAMAGE OR DESTRUCTION

11.1 If the Premises or any part of the Premises is damaged:

11.1.1 and as a result of that damage the Premises cannot be used for the Permitted Use or are inaccessible, then for the period during which the Premises cannot be so used or are inaccessible, the Lessee will not be obliged to pay any Yearly Amounts in respect of that period; or

11.1.2 the Premises can still be used for the Permitted Use but the level or extent of useability is diminished due to the damage, the Lessee's liability for Yearly Amounts attributable to a period during which such useability is diminished will be reduced in proportion to the reduction in useability caused by the damage. If the Lessor and Lessee are unable to agree within fourteen (14) days as to the proportion by which these amounts should be reduced, then a Valuer must be appointed to make a determination. The cost of the Valuer shall be borne by the parties equally.

11.2 If the Lessor notifies the Lessee in writing that the Lessor considers that damage to the Premises is such as to make its repair impractical or undesirable, the Lessor or the Lessee may terminate this Lease by giving not less than seven (7) days written notice to the other party.

11.3 If the Lessor does not terminate this Lease under clause 11.2 and the Lessor fails to repair the damage within a reasonable time after the Lessee has requested the Lessor in writing to do so, the Lessee may terminate this Lease by giving not less than seven (7) days written notice to the Lessor.

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11.4 If this Lease is terminated by either party under this clause 11 then the rights and obligations of the Lessor and the Lessee will come to an end, but if any breach by either party still exists at that time then the rights of the other party with regard to that existing breach will continue.

11.5 If the damage to the Premises results from a deliberate or negligent act of the Lessee, then the Lessee will not be relieved of its obligation to continue to pay Yearly Amounts (and the provisions of clause 11.1 will not apply) unless:

11.5.1 the Lessor has an insurance policy covering loss of rent from the Premises as a consequence of that damage;

11.5.2 the Lessor is able to recover payment under that policy (after making reasonable endeavours); and

11.5.3 the Lessee has contributed to the cost of that insurance as an Outgoing under this Lease and is not in breach or in arrears of any such contribution,

and in that case, the obligation of the Lessee to continue to pay Yearly Amounts will be reduced by an amount equivalent to the payment (if any) received under that insurance policy.

11.6 The provisions of this clause 11 do not prejudice or alter the rights and entitlements of the Lessor to recover loss and damage from the Lessee if and to the extent that the damage to the Premises is caused or contributed to by any deliberate or negligent act or omission on the part of the Lessee.

12. RENEWAL

12.1 First Right of Renewal

If a right of renewal has been granted to the Lessee as described in Item 3 and the Lessee wishes to exercise that right of renewal, then the Lessee must serve a written notice on the Lessor not less than three (3) months and not more than six (6) months prior to the expiry of the Initial Term stating its desire to renew this Lease for the period of the renewal specified in Item 3 (**First Renewal Term**). If such notice is given then the Lessor will be obliged to renew this Lease for the First Renewal Term on the same terms and conditions as are contained in this Lease, except for the exclusion of this clause 12.1 commencing immediately after the Initial Term expires.

12.2 No Renewal Entitlement

The Lessee will not be entitled to a right of renewal pursuant to clause 12.1 if:

12.2.1 the Lessee has been in breach of this Lease at any time before giving notice of the Lessee's desire to exercise the right of renewal (**notice**);

12.2.2 the Lessee is in breach of this Lease at the time of giving that notice; or

12.2.3 the Lessee is in breach or commits any breach under this Lease after giving that notice but before commencement of the First Renewal Term or Second Renewal Term (as the case may be).

13. RIGHTS AND OBLIGATIONS ON EXPIRY

13.1 Expiry

This Lease will come to an end at midnight on the last day of the term of this Lease unless it is terminated earlier by the Lessor or the Lessee under any other provision of this Lease, in which case it will come to an end when such earlier termination is effected.

13.2 Handover of Possession

13.2.1 Before this Lease comes to an end, the Lessee will:

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(a) remove all of the Lessee's Equipment and repair any damage caused by such removal;

(b) if required by the Lessor, remove and reinstate any alterations or additions made by the Lessee; and

(c) carry out and complete any repairs and maintenance which the Lessee is obliged to carry out under this Lease.

13.2.2 If it is not practical for the Lessee to undertake and complete these requirements before this Lease comes to an end then such works must be undertaken immediately after this Lease comes to an end, but in accordance with the requirements of the Lessor relating to security, access and time for completion.

13.2.3 When this Lease comes to an end the Lessee will:

(a) hand over vacant possession of the Premises in good repair and condition consistent with the requirements of clause 8; and

(b) hand over to the Lessor all keys and other security devices for the Premises which the Lessee has in its possession or control.

13.2.4 If at the time that possession of the Premises is given back to the Lessor the Lessee has not complied with all or any of its obligations under this clause 13.2, the Lessee shall not be relieved of its obligation to comply with those requirements or to compensate the Lessor for failure to do so by reason of the fact that the Lessor has accepted or taken possession of the Premises.

13.3 Abandoned goods

If when this Lease comes to an end the Lessee leaves any goods or equipment at the Premises then the Lessor will be entitled to deal with and dispose of those goods subject to all Laws.

14. BREACH

14.1 Payment Obligations

14.1.1 The Lessee must make payments due under this Lease:

(a) without demand (unless this Lease provides demand must be made);

(b) without set-off, counter-claim, withholding or deduction;

(c) to the Lessor or as the Lessor directs; and

(d) by direct debit or such other means as directed by the Lessor.

14.1.2 If a payment is stated to be due on a particular Payment Date (such as the next Payment Date or the first Payment Date after an event) and there is no such Payment Date, the Lessee must make that payment on demand.

14.2 Essential Terms

14.2.1 The Lessee acknowledges that the following obligations under this Lease are essential terms:

(a) the obligation to pay Rent;

(b) the obligations and prohibitions in relation to use of the Premises; and

(c) the restriction on assignment, sub-letting, mortgaging and licensing.

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14.2.2 If the Lessor accepts payment of any moneys late or does not act or exercise any rights immediately or at all in respect of any breach of an essential term, that conduct on the part of the Lessor will not be deemed to amount to a waiver of the essential nature of that essential term.

14.3 Default, Breach and Re-Entry

In the event that:

14.3.1 any moneys (or part of any moneys) payable under this Lease are unpaid for the space of seven (7) days after any day on which the same ought to have been paid (although no formal or legal demand has been made);

14.3.2 the Lessee commits, permits or suffers to occur any breach or default in the due and punctual observances and performance of any of the covenants, obligations and provisions of this Lease;

14.3.3 in the case of a Lessee being a company:

(a) a meeting of the directors or members of the Lessee is convened to pass a resolution that an administrator of the Lessee be appointed or that the Lessee be wound up voluntarily;

(b) any person appoints an administrator of the Lessee;

(c) an application is made to any court to wind up the Lessee;

(d) an application is made pursuant to section 411 of the Corporations Law;

(e) a Controller, Managing Controller, Receiver or Receiver and Manager is appointed to the Lessee or in respect of any property of the Lessee; or

(f) the Lessee is deregistered or dissolved;

14.3.4 in the case of a Lessee being a natural person:

(a) the Lessee commits an act of bankruptcy or a sequestration order is made against the Lessee;

(b) a creditor of the Lessee presents a creditor's petition against the Lessee under the *Bankruptcy Act 1966*;

(c) the Lessee presents a petition against himself or herself under the *Bankruptcy Act 1966*;

(d) the Lessee signs an authority under section 188 of the *Bankruptcy Act 1966*;

(e) the Lessee gives a debt agreement proposal to the Official Trustee under Part IX of the *Bankruptcy Act 1966* and that debt agreement proposal is accepted by the Lessee's creditors;

(f) the Lessee becomes subject to an order directing the Official Trustee or a specified registered Trustee to take control of his or her property before sequestration; or

(g) the Lessee is convicted of an indictable offence (other than a traffic offence);

14.3.5 execution is levied against the Lessee and not discharged within thirty (30) days;

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14.3.6 any property in or on the Premises is seized or taken in execution under any judgment or proceedings; or

14.3.7 the Premises are left unoccupied for one (1) month or more without the Lessor's consent,

then despite any other clause of this Lease, the Lessor at any time has the right to terminate the Lease and re-enter into and upon the Premises in the name of the whole and to have again repossess and enjoy the same as of its former estate but without prejudice to any action or other remedy which the Lessor has or might or otherwise could have for arrears of Rent or any other amounts or breach of covenant or for damages as a result of any such event and the Lessor shall be freed and discharged from any action, suit, claim or demand by or obligation to the Lessee under or by virtue of this Lease.

14.4 Rights of Lessor not limited

The rights of the Lessor under this Lease and at law resulting from a breach of this Lease by the Lessee shall not be excluded or limited in any way by reason of the Lessor having or exercising any powers under clause 14.1 or clause 14.2.

14.5 Damages

If this Lease is terminated by the Lessor, the Lessor will be entitled to recover all costs, expenses, losses and damages in respect of loss of benefits or performance of this Lease which the Lessor would otherwise have received under this Lease had the Lessee not breached this Lease for the unexpired balance of the Term following such termination.

14.6 Repudiation

If the Lessee's conduct (whether by act or omission) constitutes a repudiation of this Lease or constitutes a breach of any of the terms of this Lease, the Lessee must compensate the Lessor for all loss and damage suffered as a result of such repudiation or breach and the Lessor's entitlement to recover damages will not be limited by:

14.6.1 the Lessee abandoning or vacating the Premises;

14.6.2 the Lessor electing to re-enter the Premises or terminate this Lease;

14.6.3 the Lessor accepting the Lessee's repudiation; or

14.6.4 the conduct of the Lessor and the Lessee constituting a surrender by operation of law.

14.7 Interest on Overdue Amounts

If the Lessee does not pay an amount when it is due, it must pay interest on that amount on demand from when the amount became due until it is paid in full. Interest is calculated on outstanding daily balances of that amount at the Default Rate.

14.8 Lessor's Rights on Breach

If the Lessee is at any time in breach of any of its obligations under this Lease and the Lessee fails to remedy that breach to the satisfaction of the Lessor after being requested by the Lessor to do so, the Lessor and anybody authorised by the Lessor for that purpose may at any time come onto the Premises without notice and do all things necessary to remedy that breach. The Lessee must pay or reimburse the Lessor for all costs and expenses incurred in that regard which the Lessor may recover from the Lessee as a debt due and payable on demand.

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14.9 Landlord and Tenant Act

In the case of a breach or default of any term of this Lease where notice is required to be given pursuant to section 10 of the *Landlord and Tenant Act 1936*, such notices will provide that the period of fourteen (14) days is the period within which the Lessee is to remedy any such breach or default if it is capable of remedy or to make reasonable compensation in money to the satisfaction of the Lessor.

15. POWER OF ATTORNEY

15.1 Appointment

If the Lessor becomes entitled to re-enter and take possession of the Premises after complying with any relevant statutory provision (of which the statutory declaration of any duly authorised officer or employee of the Lessor or any Manager shall be conclusive evidence for the purpose of the Registrar-General), the Lessee irrevocably appoints the Lessor to be the attorney of the Lessee to execute any documents and perform any acts the Lessor requires to give full effect to the power of re-entry under the *Real Property Act 1886*.

15.2 Ratification

The Lessor may do, execute and perform all things relating to the Premises fully and effectually as the Lessee could do and the Lessee will ratify and confirm the appointment of and all actions by the Lessor under this clause 15.

16. HOLDING OVER

If with the Lessor's consent the Lessee continues to occupy the Premises after the end of this Lease, the Lessee does so as a monthly tenant which:

16.1 either party may terminate on one (1) month's notice given at any time; and

16.2 is on the same terms as this Lease.

17. INDEMNITY AND RELEASE

17.1 Risk

The Lessee occupies and uses the Premises at the Lessee's risk.

17.2 Indemnity

The Lessee is liable for and indemnifies the Lessor against all actions, liabilities, penalties, claims or demands for any loss, damage, injury or death incurred or suffered directly or indirectly including in connection with:

17.2.1 any act or omission of the Lessee;

17.2.2 the overflow or leakage of any harmful agent or chemical into or from the Premises;

17.2.3 any fire on or from the Premises;

17.2.4 loss or damage to property or injury or death to any person caused by the Lessee, the use of the Premises by the Lessee or otherwise relating to the Premises;

17.2.5 a breach of this Lease by the Lessee; or

17.2.6 the Lessee's use or occupation of the Premises.

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17.3 Release

The Lessee releases the Lessor from all actions, liabilities, penalties, claims or demands for any damage, loss, injury or death occurring in the Premises , except to the extent that they are caused by the Lessor's negligence.

17.4 Indemnities are Independent

Each indemnity is independent from the Lessee's other obligations and continues during this Lease and after this Lease ends. The Lessor may enforce an indemnity before incurring expense.

17.5 Lessor's Liability

Despite anything else in this Lease, the Lessor will not be liable (except to the extent of any negligence of the Lessor) for any loss or damage and the Lessee has no right to terminate this Lease or reduce payments under this Lease for any acts of negligence of other occupants of the Land, or the public.

18. GOODS AND SERVICES TAX

18.1 Agreed Consideration

If a GST applies to impose tax on the Agreed Consideration or any part of it or if the Lessor is liable to pay GST in connection with this Lease or any goods, services or other things supplied under this Lease then:

18.1.1 the Agreed Consideration for that supply is exclusive of GST;

18.1.2 the Lessor may increase the Agreed Consideration or the relevant part of the Agreed Consideration by a percentage amount which is equal to the GST rate; and

18.1.3 the Lessee shall pay the increased Agreed Consideration on the due date for payment by the Lessee of the Agreed Consideration.

18.2 Tax Invoice

Where the Agreed Consideration is to be increased to account for GST under this clause 18, the Lessor shall, on or before the date on which the Agreed Consideration is payable, issue a tax invoice to the Lessee.

18.3 Liability for penalties

If the Lessee does not comply with its obligations under this Lease or with its obligations under GST Legislation in connection with this Lease and as a result the Lessor becomes liable for penalties or interest for late payment of GST, then the Lessee must pay the Lessor on demand an amount equal to the amount of the penalties and interest.

19. GENERAL

19.1 Costs

The Lessee must, on request, pay or reimburse to the Lessor:

19.1.1 if the Lessee has requested that this Lease be registered, all government fees for registration of this Lease. If a lease plan is required to be prepared and registered before this Lease can be registered, then the Lessee must arrange and pay for the preparation and registration of that lease plan;

19.1.2 all of the legal costs (determined on a solicitor and client basis) and other costs incurred by the Lessor in connection with the preparation, negotiating, revising, engrossing and registration of this Lease (including all attendances on the Lessee and its legal and other advisers and all advices provided to the Lessor) and attending to the execution of this Lease;

DRAFT

19.1.3 all of the legal costs incurred by the Lessor in connection with the preparation, negotiation, revision, execution and registration of any extension of this Lease; and

19.1.4 all legal and other costs and expenses incurred by the Lessor in consequence of any actual or threatened breach by the Lessee hereunder or in exercising or enforcing (or attempting to do so) any rights or remedies of the Lessor hereunder or at law or otherwise arising in consequence of any actual or threatened breach by the Lessee.

19.2 Consent

19.2.1 Unless otherwise provided in this Lease, in any case where the doing or execution of any act, matter or thing by the Lessee requires or is subject to the Lessor's consent or approval, that consent or approval may be given (conditionally or unconditionally) or withheld by the Lessor in its absolute discretion.

19.2.2 The Lessee must pay or reimburse the Lessor all costs, fees and expenses paid or incurred (including any fees of any agent, consultant, solicitor) arising from or with respect to any application for consent or approval.

19.3 No Absolute Caveat

The Lessee must not lodge or cause or permit to be lodged any absolute caveat over the certificate of title for the Premises.

19.4 Waiver

If the Lessor accepts or waives any breach by the Lessee, that acceptance or waiver cannot be taken as an acceptance or waiver of any future breach of the same obligation or of any other obligation under this Lease.

19.5 Notice

19.5.1 Without excluding any other form of service, any notice required to be given or served will be sufficiently given or served as follows:

(a) in the case of the Lessee, if left at the Premises or if the Lessee has vacated the Premises then if posted by pre-paid post to the last known address of the Lessee;

(b) in the case of the Lessor, if posted by pre-paid post to the Manager (if the Lessor has appointed one) at the Manager's principal place of business in South Australia or to the Lessor at its principal place of business in South Australia (which is taken to be the address stated in this Lease unless the Lessee is or ought reasonably be aware that that is not the Lessor's principal place of business at the relevant time).

19.5.2 Any notice may be signed on a party's behalf by its attorney, director, secretary, officer or solicitor.

19.5.3 Notice served by pre-paid post will be deemed to have been given or served three (3) business days after posting.

19.6 Severance

If any part of this Lease is found to be invalid or void or unenforceable, then that part will be severed from this Lease and the remainder of this Lease will continue to apply.

DRAFT

19.7 Entire agreement

The Lessor and the Lessee acknowledge and agree that this Lease contains and represents the entire agreement reached between them with regard to the Premises and that no promises, representations or undertakings, other than those contained in this Lease, were made or given or relied upon.

19.8 Resumption

If the Lessor receives notice of resumption or acquisition of the Premises (or any part of the Premises) from or by any Government (whether State, Federal or Local) or any Statutory Authority, then the Lessor may terminate this Lease by giving not less than three (3) months written notice to the Lessee. When such termination takes effect, the rights and obligations of the Lessor and the Lessee under this Lease will come to an end, but if any breach by either party still exists at that time then the rights of the other party with regard to that existing breach will continue.

DRAFT

EXECUTION

LESSOR

EXECUTED by **PORT PIRIE REGIONAL COUNCIL** in accordance with Section 127(1) of the Corporations Act by delegated authority:

.....	.....
Peter Ackland (Signature) Chief Executive Officer	Witness (Signature)
.....	.....
Date	Name of Witness (Print)

LESSEE

EXECUTED by **GADALETA HOLDINGS PTY LTD** in accordance with Section 127(1) of the Corporations Act by the authority of its Director:

.....	.....
Salvatore Gadaleta (Signature) Director	Witness (Signature)
.....	.....
Date	Name of Witness (Print)

DRAFT

FIRST SCHEDULE

ITEM 1 **Premises**	The land comprised in Certificate of Title: Volume 5401 Folio 309 being Allotment 487 (43) Alexander Street, Port Pirie, identified in the aerial map annexed (Third Schedule).
ITEM 2 **Initial Term**	Five (5) years commencing 1 August 2023 and expiring on 31 July 2028.
ITEM 3 **Renewal(s)**	Five (5) years commencing 1 August 2028 and expiring on 31 July 2033.
ITEM 4 **Rent**	**FOUR THOUSAND FOUR HUNDRED NINE DOLLARS** ($4,400.00) per annum (inclusive of GST) subject to review pursuant to clause 4.
ITEM 5 **Rent Dates and Review Method**	**Review Date:** Date: 1 August Year(s): Each year, commencing 1 August 2024 **Review Method:** Annual CPI Increase
ITEM 6 **Permitted Use**	Carkparking, ancillary to adjoining short-term accommodation.
ITEM 7 **Public Risk Insurance**	Twenty million dollars ($20,000,000.00).

DRAFT

SECOND SCHEDULE

SPECIAL CONDITIONS

The terms and conditions (if any) set out in the Second Schedule are deemed to be incorporated into this Lease and, in the event of any inconsistency with the terms and conditions contained in the body of this Lease, these special conditions will prevail.

All Site Improvements:

are to be maintained and insured by the Lessee for the term of the agreement.; and

are owned solely by the Lessee until such time as the Lessee vacates the site at which time ownership will transfer to the Council.

DRAFT

THIRD SCHEDULE

PLAN
43 Alexander Street, Port Pirie
(A4875)



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OPERATIVE CLAUSE

The Lessor LEASES TO THE LESSEE the land above described and the LESSEE ACCEPTS THIS LEASE of the land for the term and at the rent stipulated, subject to the covenants and conditions expressed herein and to the powers and covenants implied by the *Real Property Act 1886* (except to the extent that the same are modified or negatived below).

DEFINE THE LAND BEING LEASED INCORPORATING THE REQUIRED EASEMENT(S) ETC. (Item 10)

The land in the Certificates of Title referred to in Item 1

CONSENTS OF MORTGAGEES AND SECTION 32 DEVELOPMENT ACT 1993 CERTIFICATION

This Lease does not contravene Section 32 of the Development Act.

DRAFT

MINUTES OF THE SPECIAL COUNCIL MEETING HELD ON WEDNESDAY 11 OCTOBER 2023 AT 6.00PM IN THE COUNCIL CHAMBERS, PORT PIRIE REGIONAL COUNCIL ADMINISTRATION CENTRE, 115 ELLEN STREET, PORT PIRIE.

Port Pirie Regional Council

ACKNOWLEDGEMENT OF COUNTRY
'We acknowledge and respect the traditional custodians whose ancestral lands we are meeting upon here today.'

1.0 PRESENT: His Worship the Mayor L Stephens, Deputy Mayor Cr K Jackson and Crs M Hopgood, A Gulin, J Connor, J Keain, L Peters, G Petagna, Cr J Joyce and Cr Zubrinich (arrived 7.03pm)

P Ackland, Chief Executive Officer; K Johnson, Director Infrastructure; C Davey, Director Development & Regulation; R Stead, Manager Operations and K Carmody, Executive Assistant (Minutes)

Media: Nil Gallery: Nil

2.0 APOLOGIES: Nil

Mayor Stephens led a minute silence in recognition of the recent sudden passing of Ben Mumford and his son Charlie, well known and respected members of the Redhill community.

3.0 DECLARATION OF INTERESTS: Nil

4.0 RECOMMENDATION REPORTS:

MOVED Cr Peters SECONDED Cr Keain

SM40/23 That the recommendation reports be received.

CARRIED

4.1 Revocation of Community Land Classification – Allotment 25 Beach Road, Solomontown

MOVED Cr Jackson SECONDED Cr Peters

SM41/23 That Council, having received approval from the Minister for Local Government, revoke the community land classification of Allotment 25 Beach Road, Solomontown, comprised in deposited plan D132836, pursuant to Section 194(3)(b) of the Local Government Act 1999, to enable the development of the said land, under a lease.

CARRIED

4.2 Consideration of the Establishment of a Section 41 Committee to Better Engage with the Targeted Lead Abatement Program

MOVED Cr Hopgood SECONDED Cr Petagna

SM42/23 That the Mayor, with approval of two thirds of the members present, suspend the meeting procedures pursuant to Regulation 20(1) of Council's Code of Practice for Procedures at Meetings, for a period sufficient to facilitate informal discussion in relation to this matter. Suspension of the meeting procedures to commence at 6.03pm.

CARRIED

CONFIDENTIAL

4.0 RECOMMENDATION REPORTS: (Cont'd)

4.2 Consideration of the Establishment of a Section 41 Committee to Better Engage with the Targeted Lead Abatement Program (Cont'd)

MOVED Cr Jackson SECONDED Cr Petagna

SM43/23 **That with approval of two thirds of the members present, pursuant to Regulation 20(1) of Council's Code of Practice for Procedures at Meetings, the suspension of the meeting procedures end at 6.13pm.**

CARRIED

MOVED Cr Jackson SECONDED Cr Petagna

SM44/23 **That the Chief Executive Officer present a further report to Council including a recommendation to establish a TLAP Consultative Committee pursuant to section 41 of the Local Government Act 1999 with the following key considerations:**

- **Key objectives**
- **Number of members**
- **Meeting frequency**
- **Delegation (if any)**

That a review of the effectiveness of the Committee be undertaken in twelve months from commencement.

CARRIED

4.3 Unsealed Roads Renewal and Maintenance Upgrade – Presentation

MOVED Cr Jackson SECONDED Cr Keain

SM45/23 **That the Mayor, with approval of two thirds of the members present, suspend the meeting procedures pursuant to Regulation 20(1) of Council's Code of Practice for Procedures at Meetings, for a period sufficient to facilitate informal discussion in relation to this matter. Suspension of the meeting procedures to commence at 6.18pm.**

CARRIED

MOVED Cr Hopgood SECONDED Cr Connor

SM46/23 **That with approval of two thirds of the members present, pursuant to Regulation 20(1) of Council's Code of Practice for Procedures at Meetings, the suspension of the meeting procedures end at 6.58pm.**

CARRIED

5.0 ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY:

5.1 Notice of Claim - Update
Pursuant to Section 90(3)(h)&(i)

MOVED Cr Connor SECONDED Cr Petagna

SM47/23 **Pursuant to Section 90(2) and 3(i) of the Local Government Act 1999, the Council orders that the public, with the exception of P Ackland, Chief Executive Officer; C Davey, Director Development & Regulation; K Johnson, Director Infrastructure and K Carmody, Executive Assistant, be excluded from attendance at that part of the meeting relating to Agenda Item 5.1 Notice of Claim – Update to enable the Council to consider Item 5.1 in confidence on the basis the Council considers it necessary and appropriate to act in a meeting closed to the public (excepting those persons noted above) in order to receive, discuss or consider in confidence the following information or matter relating to Item 5.1 being information relating to litigation that the Council believes on reasonable grounds will take place involving the Council.**

CONFIDENTIAL

5.0 ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY: (Cont'd)

5.1 Notice of Claim – Update (Cont'd)
Pursuant to Section 90(3)(h)&(i) (Cont'd)

Accordingly, on this basis, the principle that the meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or matter confidential.

CARRIED

SM48/23



Section 91(7) Order

MOVED Cr Connor SECONDED Cr Petagna

SM49/23 **Pursuant to Section 91(7) of the Local Government Act 1999, the Council orders that agenda reports, related attachments, discussion and minutes relating to Agenda Item 5.1 Notice of Claim – Update shall be kept confidential, being documents relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and 90(3)(i) of the Act on the grounds that the documents relate to litigation that the Council believes on reasonable grounds will take place involving the Council.**

This order shall operate until the matter has been finalised or further order of the Council and be reviewed every twelve (12) months.

Pursuant to Section 91(9)(c) of the Local Government Act 1999, the Council delegates to the Chief Executive Officer the power to revoke this order in whole or part.

CARRIED

5.2 Expression of Interest Land Developments – Appointment of Consultant
Pursuant to Section 90(3)(d)

MOVED Cr Gulin SECONDED Cr Joyce

SM50/23 **Pursuant to Section 90(2) and 3(d) of the Local Government Act 1999, the Council orders that the public, with the exception of P Ackland, Chief Executive Officer; C Davey, Director Development & Regulation; K Johnson, Director Infrastructure and K Carmody,**

5.0 ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY: (Cont'd)

5.2 Expression of Interest Land Developments – Appointment of Consultant (Cont'd)

Pursuant to Section 90(3)(d) (Cont'd)

Executive Assistant, be excluded from attendance at that part of this meeting relating to Agenda Item 5.2 Expression of Interest Land Developments – Appointment of Consultant to enable the Council to consider Item 5.2 in confidence on the basis the Council considers it necessary and appropriate to act in a meeting closed to the public (excepting those persons noted above) in order to receive, discuss or consider in confidence the following information or matter relating to Item 5.2 being commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information or confer a commercial advantage on a third party and which would, on balance, be contrary to the public interest being.

Accordingly, on this basis, the principle that the meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or matter confidential.

CARRIED

MOVED Cr Hopgood SECONDED Cr Petagna

SM51/23 **That the Expression of Interest Land Developments – Appointment of Consultant report be received.**

That consistent with confidential resolution OM424/23 of Councils Ordinary Meeting held 27 September 2023 and the content of the corresponding agenda item from that meeting, Council engage the Alinea Group to provide assistance to the Council to facilitate the development options for both of the Council land parcels at Lot 25 Beach Road Port Pirie and also the land generally occupied by the Royal Port Pirie Yacht Club and the Port Pirie Rowing Club, consistent with Alinea's proposal dated 30 August 2023 and as set out in the agenda report from said Ordinary Meeting.

CARRIED

MOVED Cr Connor SECONDED Cr Petagna

SM52/23 **Pursuant to Section 91(7) of the Local Government Act 1999, the Council orders that agenda reports, related attachments, discussion and minutes relating to Agenda Item 5.2 Expression of Interest Land Developments – Appointment of Consultant shall be kept confidential, being documents relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and 90(3)(d) of the Act.**

This order shall operate until the matter has finalised or further order of the Council and be reviewed every twelve (12) months.

Pursuant to Section 91(9)(c) of the Local Government Act 1999, the Council delegates to the Chief Executive Officer the power to revoke this order in whole or part.

CARRIED

CONFIDENTIAL

5.0 ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY: (Cont'd)

Cr Zubrinich entered the meeting at 7.03pm.

5.3 Lease of Council Land – 43 Alexander Street, Port Pirie Pursuant to Section 90(3)(b)

MOVED Cr Hopgood SECONDED Cr Peters

SM53/23 **Pursuant to Section 90(2) and 90(3)(b) of the Local Government Act 1999 the Council orders that all members of the public with the exception of P Ackland, Chief Executive Officer; C Davey, Director Development & Regulation; K Johnson, Director Infrastructure and K Carmody, Executive Assistant be excluded from attendance at that part of this meeting relating to Agenda Item 5.3 Lease of Council Land - 43 Alexander Street, Port Pirie to enable the Council to consider Item 5.3 in confidence on the basis the Council considers it necessary and appropriate to act in a meeting closed to the public (excepting those persons noted above) in order to receive, discuss or consider in confidence the following information or matter relating to Item 5.3 being information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is conducting business with and would prejudice the commercial position of the Council and which would, on balance, be contrary to the public interest because the information to be disclosed and discussed has the potential to be competitive commercial information.**

Accordingly, on this basis, the principle that the meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or matter confidential.

CARRIED

MOVED Cr Hopgood SECONDED Cr Connor

SM54/23 **That the Lease of Council Land – 43 Alexander Street, Port Pirie report be received.**

That Council:

- **acknowledge the request provided by MasterPlan SA to vary the terms and conditions of the Lease Agreement over Allotment 487 (43) Alexander Street, Port Pirie, Lease Agreement provided to Gadaleta Holdings Pty Ltd;**
- **approve the addition of a First Right of Refusal in the event the Council wished to sell the Land in the future, and only if the land was still actively being utilise by the BH Community Club to achieve its parking requirement for the proposed use of the adjacent property, being to support short term accommodation;**
- **approve the amendment of Clause 9 to permit Gadaleta to assign/sublease due to the tenants expected to utilise the carpark, conditioned that any sublease is not to exceed any current lease term of the subject land; and**
- **authorise the Chief Executive Officer, or his delegate, to negotiate, amend and execute the commercial lease of the said land.**

CARRIED

5.0 ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY: (Cont'd)

5.3 Lease of Council Land – 43 Alexander Street, Port Pirie (Cont'd)
Section 91(7) Order

MOVED Cr Petagna SECONDED Cr Keain

SM55/23 **Pursuant to Section 91(7) of the Local Government Act 1999, the Council orders that agenda reports, related attachments, discussion and minutes relating to Agenda Item 5.3 Lease of Council Land - 43 Alexander Street, Port Pirie shall be kept confidential, being documents relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and 90(3)(b) of the Act.**

This order shall operate until the matter has finalised or further order of the Council and be reviewed every twelve (12) months.

Pursuant to Section 91(9)(c) of the Local Government Act 1999, the Council delegates to the Chief Executive Officer the power to revoke this order in whole or part.

CARRIED

6.0 CLOSURE: 7.10pm

MAYOR

CONFIDENTIAL

MEETING: ORDINARY MEETING OF COUNCIL - CONFIDENTIAL
DATE: 25 October 2023

DEPARTMENT: INFRASTRUCTURE
OFFICER: Kathryn Johnson, Director Infrastructure

REPORT ITEM:	**17.5**
REPORT TITLE:	**RFT FOR CONTRACT 2023/117 – 2023/24 FOOTPATH PROGRAM – CONFIDENTIAL**

Timeframe	2023/2024 Financial Year			
Budget Impact	$219,100.65 (excluding GST)			
Risk Assessment	**Primary Risk Type(s):**		Financial / Infrastructure	
	Inherent Risk:	**Likelihood**	**Consequence**	**Rating**
		Possible	Minor	Medium
	Controls:	▪ Competitive tender process ▪ Engagement of suitable qualified and experienced contractor ▪ Sound project management framework for delivering projects ▪ Allocation of contingency funds within project delivery budget		
	Residual Risk:	Unlikely	Insignificant	Low
File Reference	40.014.009.117/2023			

STRATEGIC REFERENCE:	
Theme **Goal** **Strategy 3.2.3**	Our Lifestyle Infrastructure Council provided assets are fit for purpose, proactively maintained and renewal recognises future demand.

RECOMMENDATION:

That Council:

- **award a contract to Denco Civil Pty Ltd for the construction of the FY2023/24 Footpath Program in accordance with the documents submitted in response to Request for Tender for Contract 2023/117 – FY2023/24 Footpath Program for up to the amount of $219,100.65 (excluding GST); and**
- **approve the budget allocation of up to $240,000 for the delivery of the footpath projects listed, noting that this includes an allowance of 10% as outlined in the Agenda Report.**

EXECUTIVE SUMMARY:

Following the review of the existing footpath priority list, a number of footpaths have been identified and recommended to be delivered in the 2023/2024 financial year.

Taking into consideration areas around schools, the list below has been proposed to construct a 1.5m wide footpath:

CONFIDENTIAL

REPORT 17.5	RFT for Contract 2023/117 - 2023/24 Footpath Program – Confidential (Cont'd)

EXECUTIVE SUMMARY: (Cont'd)

- Anzac Road from Kingston Road to Jervis Street (both sides) – spray seal bitumen
- Anzac Road from Jervis Street to Balmoral Road (both sides) – concrete west side, spray seal bitumen east side
- Port Davis Road from Kingston Road to Williams Drive (east side) – spray seal bitumen
- Port Davis Road from Williams Road to Ferme Street (east side) – spray seal bitumen

DISCUSSION

Council has allocated $350,000 in its 2023/2024 Capital Works Program for the construction of the Footpath Replacement Program. The footpaths not included within this scope of work includes the following:

- Goode Road from The Terrace to Fourth Street (north side)
- Goode Road from Fourth Street to Fifth Street (both sides)
- Goode Road from Fifth Street to Falconer Street (both sides)
- Goode Road from Falconer Street to Keith Street (both sides)
- Goode Road from Keith Street to Senate Road (both sides)

Proposed Works

The proposed works outlined within the tender scope includes the construction of the following footpaths:

- Anzac Road from Kingston Road to Jervis Street (both sides) – spray seal bitumen
- Anzac Road from Jervis Street to Balmoral Road (both sides) – concrete west side, spray seal bitumen east side
- Port Davis Road from Kingston Road to Williams Drive (east side) – spray seal bitumen
- Port Davis Road from Williams Road to Ferme Street (east side) – spray seal bitumen

Term of Contract

The term of the contract is a one-off.

Tender Assessment

Request for Tender documentation was uploaded to Tenders SA.

At the closing time of tenders of 2:00pm Tuesday 26 September 2023, three (3) tender submissions were received as follows:

Tenderer	Tendered Price $ (excluding GST)
Caddy Earthworks Pty Ltd (all concrete construction)	$296,935.48
Denco Civil Pty Ltd	$172,625.01 (revised during evaluation)
Leanic Civil Mining & Construction Pty Ltd	$270,485.24

Tenderers were invited on a lump sum basis, which means the successful tenderer will be paid for actual works completed on the rates provided in their tender. However, for the purpose of this report to Council, only the expected value of the contract is provided.

REPORT 17.5	RFT for Contract 2023/117 - 2023/24 Footpath Program – Confidential (Cont'd)

Non-Conforming Quote
Two of the quotes provided were non-conforming quotes. One being Caddy Earthworks who proposed to construct all footpath segments as concrete footpaths rather than the requested materials identified within the tender specification. The second non-conforming tender response was from Leanic who failed to provide copies of documents requested within the tender return schedule. The information provided was adequate for the tender to be accurately reviewed, however should Council seek to engage Leanic, additional information will need to be requested prior to being able to finalise the works contract.

Qualitative Assessment
Tenders received have been assessed against the criteria as set out below:

Work Health and Safety	20%
Local Economic Benefit & Social Inclusion	15%
Implementation/Delivery Schedule	25%
Price	40%
TOTAL	**100%**

The tenders were evaluated by:
- Jason Crouch – Contract Project Manager
- Robert Stead – Manager Operations
- Glenn Miller – Projects and Procurement Officer

A summary of the tender assessment is contained in the tables on the following pages as:
- The tender summary; and
- The tender scoring matrix

Quote Clarifications Sought
Additional clarification was sought from Denco Civil Pty Ltd regarding their tender sum and inclusions/exclusions that formed the basis of their response. Their initial response was priced to exclude the 100mm base preparation underneath the proposed footpaths which was initially asked for as part of the request for tender. Denco Civil was asked to amend their price to include the 100mm base.

As a result of this RFI, the updated submitted price is $219,100.65.

Overall Finding
The scoring was applied to the three tender submissions utilising the qualitive assessment process outlined above, with Denco Civil Pty Ltd being found to be the successful tenderer. Feedback was sought regarding the quality of Denco Civil's work from their previous work executed for Port Pirie Regional Council with no negative feedback provided.

With the information provided and the scoring results, it is recommended that Denco Civil Pty Ltd be engaged to complete the FY2024/24 Footpath Program.

TIMING AND BUDGET

Total funding of just over $350,000 has been allocated to the FY2023/24 Footpath Program in the 2023/24 Capital Works Budget. This proposed scope of works to be funded from the existing budget.

The proposed contract value will be up to $219,100.65 but the overall project budget will be capped at $240,000, allowing for the inclusion of 10% contingencies.

REPORT 17.5	**RFT for Contract 2023/117 - 2023/24 Footpath Program – Confidential** (Cont'd)

As recently experienced with other footpath projects, the contingency amount will be used to deal with any unknown emerging issues during construction or minor scope changes that add value to the delivery of the project when on site.

Any unspent contingency money will be returned to the overall project budget.

Should Council agree to the recommendation, the preferred tenderer will be engaged and works will be programmed to be completed by the end of the financial year.

REPORT 17.5	RFT for Contract 2023/117 - 2023/24 Footpath Program – Confidential (Cont'd)

TENDER SUMMARY

Criteria	Weighting	Caddy Earthworks Pty Ltd	Denco Civil Pty Ltd	Leanic Civil Mining & Construction Pty Ltd
Works Health & Safety and Risk Management.	20%	Safety policy in existance	Deco Civil has a detailed Health Safety & Environmental Management Plan & Policy within their tender submission.	Safety policy in existance
Local Economic Benefit & Social Inclusion	15%	All employees Port Pirie or surrounding districts based.	Denco utilising Holcim for concrete supply and Minipave for the spray seal.	South Australian based company
Implementation/Delivery Schedule	25%	Caddy Earthworks are anticipating being able to complete 60m2 per day.	Worked planned to be completed over a 6 week period as outlined in the tender submission. (assumed duration may be longer with inclusion of 100mm of fill under footpath segments)	No information provided detailing delivery schedule. Works anticipated to be compelted by 30 May 2024
Price	40%	Price is for full concrete construction of footpath segments listed within the tender submission.	Denco pricing is highly competitive similar to other pricing provide by Denco for other works.	Pricing high for the construction methodology.

REPORT 17.5	RFT for Contract 2023/117 - 2023/24 Footpath Program – Confidential (Cont'd)

TENDER SCORING MATRIX

ITEM	DESCRIPTION Evaluation Criteria Note: ( )* Denotes Rating	WEIGHTING %	Caddy Earthworks Pty Ltd Score (out of 5)		Denco Civil Pty Ltd Score (out of 5)		Leanic Civil Mining & Construction Pty Ltd Score (out of 5)	
	LUMPS SUM TENDER VALUE EXCL GST		**$ 296,935.48**		**$ 219,100.65**		**$ 270,485.24**	
1	Works Health & Safety and Risk Management (Schedule 5)	20%	3	12.00	4	16.00	3	12.00
3	Local Economic Benefit & Social Inclusion (Schedule 7)	15%	4	12.00	3	9.00	3	9.00
7	Implementation/Delivery Schedule (Schedule 12)	25%	3	15.00	3	15.00	2	10.00
10	Price (Schedules 16) Score = 2.5 + 5*(($M-$T)/$M)	40%	1.7458393	13.97	3.2541607	26.03	2.258405	18.07
	TOTAL SCORE INCLUDING PRICE	**100%**	52.97		66.03		49.07	
	TOTAL RANK INCLUDING PRICE		**2**		**1**		**3**	
	TOTAL SCORE EXCLUDING PRICE		*28.97*		*41.03*		*28.07*	

17.0 ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY: (Cont'd)

17.5 RFT for Contract 2023/117 – 2023/24 Footpath Program

Pursuant to Section 90(3)(d)&(h)

MOVED Cr Gulin SECONDED Cr Joyce

OM465/23 **Pursuant to Section 90(2) and (3)(k) of the Local Government Act 1999 the Council orders that all members of the public with the exception of P Ackland, Chief Executive Officer; C Davey, Director Development & Regulation; K Johnson, Director Infrastructure and S Cousins, Administration Assistant be excluded from attendance at that part of this meeting relating to Agenda Item 17.5 RFT for Contract 2023/117 – 2023/24 Footpath Program to enable the Council to consider Item 17.5 in confidence on the basis the Council considers it necessary and appropriate to act in a meeting closed to the public (excepting those persons noted above) in order to receive, discuss or consider in confidence the following information or matter relating to Item 17.5 which relates to tenders for the supply of goods, the provision of services or the carrying out of works being the 2023/24 Footpath Program.**

Accordingly, on this basis, the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or matter confidential.

CARRIED

MOVED Cr Petagna SECONDED Cr Joyce

OM466/23 **That Council:**

- **award a contract to Denco Civil Pty Ltd for the construction of the FY2023/24 Footpath Program in accordance with the documents submitted in response to Request for Tender for Contract 2023/117 – FY2023/24 Footpath Program for up to the amount of $219,100.65 (excluding GST); and**
- **approve the budget allocation of up to $240,000 for the delivery of the footpath projects listed, noting that this includes an allowance of 10% as outlined in the Agenda Report.**

CARRIED

Section 91(7) Order

MOVED Cr Petagna SECONDED Cr Connor

OM467/23 **Pursuant to Section 91(7) of the Local Government Act 1999, the Council orders that the agenda reports, related attachments, discussion and minutes relating to Agenda Item 17.5 RFT for Contract 2023/24 Footpath Program shall be kept confidential, being documents relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and (3)(k) of the Act on the grounds that the documents relate to tenders for the supply of goods, the provision of services or the carrying out of works being the 2023/24 Footpath Program.**

This order shall operate for a period of six (6) months or until the execution of a contract.

Pursuant to Section 91(9)(c) of the Local Government Act 1999, the Council delegates to the Chief Executive Officer (or his delegate) the power to revoke this order in whole or part.

CARRIED

MAYOR

Members of Council
His Worship the Mayor L Stephens
Deputy Mayor Cr K Jackson
Crs A Zubrinich, J Connor, A Gulin, M Hopgood, J Keain, L Peters, G Petagna, J Joyce

SPECIAL COUNCIL MEETING
Wednesday, 29 November 2023

Notice is hereby given that a **SPECIAL MEETING OF COUNCIL** will be held in the Council Chambers, Port Pirie Regional Council Administration Centre, 115 Ellen Street, Port Pirie on **Wednesday, 29 November 2023 at 5.15pm**.

Members of the public are welcome to attend the Meeting (excluding any confidential items).

Peter Ackland
CHIEF EXECUTIVE OFFICER
28 November 2023

A G E N D A

ACKNOWLEDGEMENT OF COUNTRY

'We acknowledge and respect the traditional custodians whose ancestral lands we are meeting upon here today.'

1.0 PRESENT:

2.0 APOLOGIES:

3.0 DECLARATION OF INTERESTS:

4.0 ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY:
- 4.1 Contract 2022/105 - Wandearah Rising Main Upgrade – Contract Variations
- 4.2 Contract 2023/117 - FY2023/24 Footpath Replacement Program – Contract Variations
- 4.3 RFT for Contract 2023/216 - Norman Street Crossing

5.0 CLOSURE:

MEETING: SPECIAL MEETING OF COUNCIL - CONFIDENTIAL
DATE: 29 November 2023

DEPARTMENT: INFRASTRUCTURE
OFFICER: Peter Lock, Project Engineer

REPORT ITEM:	**4.1**
REPORT TITLE:	**CONTRACT 2022/105 - WANDEARAH RISING MAIN UPGRADE – CONTRACT VARIATIONS**

Timeframe	2023/24 Financial Year			
Budget Impact	**$230,000 ex GST**			
Risk Assessment	**Primary Risk Type(s):**		Service Delivery / Infrastructure	
	Inherent Risk:	**Likelihood**	**Consequence**	**Rating**
		Possible	Moderate	Medium
	Controls:	▪ Replace rising main as per design requirements ▪ Sound project management framework for delivering projects ▪ Increase budget to allow for the completion of works		
	Residual Risk:	Possible	Minor	Low
File Reference	14.19.2.7			

STRATEGIC REFERENCE:	
Theme **Goal** **Strategy 3.1.3**	Our Lifestyle Infrastructure Council provided assets are fit for purpose, proactively maintained and renewal recognises future demand.

RECOMMENDATION:

That Council:

- **note the report identifies variations to the original scope of works resulting from the discovery of services that were not identified on plans and substantial structures in the general wharf area that were only identified as excavations were undertaken;**
- **note that the original contract amount and therefore Council's budget did not contain provision for contingencies;**
- **approve the reallocation of $230,000 from the Osborne Street Road construction budget that has been reported to Council and is not going to proceed, to the Wandearah Rising Main Upgrade budget; and**
- **authorise the Chief Executive Officer to negotiate required variations with the contractor for this project to the revised budget amount.**

CONFIDENTIAL

REPORT 4.1	**Contract 2022/105 – Wandearah Rising Main Upgrade – Contract Variation** (Cont'd)

EXECUTIVE SUMMARY:
The Wandearah Rising Main Upgrade works have been progressing where several unforeseen issues have been encountered. Therefore, additional funds are now required to be reallocated to allow for the contracted works to be completed.

DISCUSSION

Fleurieu Civil and Construction Pty Ltd has been engaged to undertake the Wandearah Rising Main Upgrade.

The key deliverables for this scope of works are as follows:

- Removal of 40m of existing asbestos rising main
- Construction of 511m of new 450mm to 500mm PVC-D or PE100 main
- Excavations up to 3m deep
- Reinstatement of road, kerbing, and footpath
- Under boring for rail crossing

Overview of site:

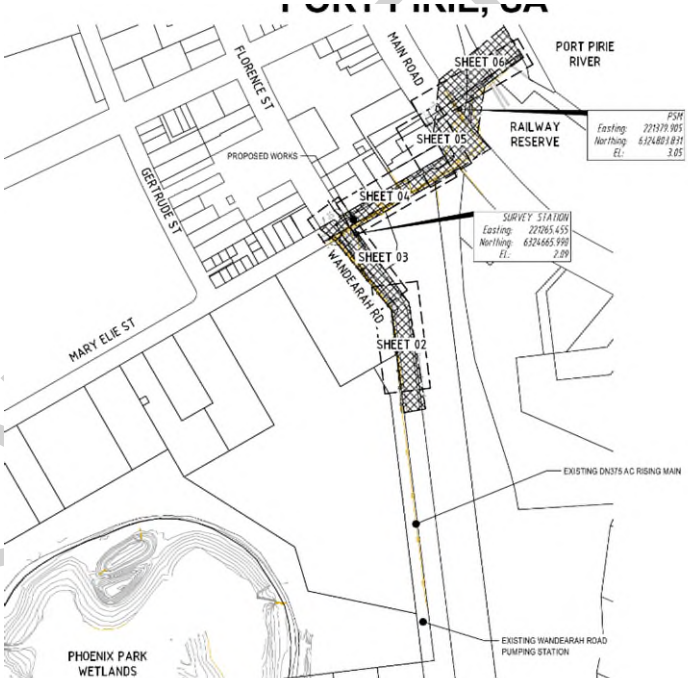


Figure 1: Overview of Alignment

To date, the works are behind the initially planned schedule primarily due to poor ground conditions related to the ingress of ground water and conflicting services along with several unforeseen factors.

The first major issue encountered was during the works on Wandearah Road when a cast iron pipe was discovered to run nearly parallel with the trench that slowly crossed over for

CONFIDENTIAL

REPORT 4.1	**Contract 2022/105 – Wandearah Rising Main Upgrade – Contract Variation** (Cont'd)

30m of the alignment. The pipe was not identified on the plans that were prepared by a third party. This required the contractor to be stood down over the weekend until SA Water could confirm if the service was theirs or not. It was later confirmed as an abandoned SA Water main that was allowed to be removed and was done so. The cost of this variation is not anticipated to affect the overall contract sum as a credit is anticipated for because of the ability to repurpose some of the clean rubble and soil on site rather than incurring a cost to dispose of it.



Figure 2: SA Water Abandoned Main

During the under boring of the rail lines near the wharf, a major issue was encountered. During the first boring attempt, another SA Water Main was struck underneath the rail corridor. Fortunately, the main was only slightly damaged and did not require major repairs. This issue occurred due to the detailed design prepared by a third party not identifying that there was a water main running alongside the rail line. Unfortunately, Dial Before you Dig also did not show this and was not located by either the designers or contractors' service locators, likely due to the interference from the metal rails on the track. SA Water attended the site and did not have record of this pipe in the location, but mentioned as it falls under a boundary line, they typically do not keep records of this.

Due to this issue, the engineering consultant approved the depth of the Council rising main to be lowered a further 1m in order to miss the SA Water main. However, this required all the pits to be lowered a further 1m in depth to greater than 3m. Unfortunately, this meant more costs were being incurred due to standing down the drilling operators, the time required to dig the pits lower, and the increase in the amount of material required for backfill.

It is important to note that the permit the contractor had obtained to bore under the rail line required the rail line to be opened back up in 48 hours to allow access into the wharf. Therefore, because of this issue, the works had to occur immediately and required additional subcontractors to come in and help. The works under the first/main rail line were completed during this time and access was not affected for the trains.



Figure 3: Under boring issue

The lowering of these pits required that other changes to the alignment across Ellen Street be essential to meet this extra 1m depth in order to tie-in, which will incur additional costs from Council as a variation.

Although the main rail crossing has been completed into Nyrstar and Flinders Ports, there is still the rail access into the silos at Viterra that is yet to be completed. This was not completed at the same time as the other rail crossing due to the discovery of old sections of wharf as the pits were dug. It was found that at the required boring depth, there were old steel rods that appear to be tie back anchors from the old wharf or other unknown structures. It was hoped that these would be avoided if the area was excavated deeper. However, once excavations began, old timber sleepers were being uncovered right in the middle of the alignment for the boring, meaning that going deeper wasn't a viable option. The boring contractor mentioned at the time that if they hit one of these steel rods or timbers under the rail alignment, they would have to abandon the works and come back mid-January 2024 with a bigger borer so that they could crawl up the encasing and cut out the conflicting structures.

Therefore, there was no other options but for the works to be halted and for the contractor to come back in January using the larger borer as it is anticipated that they will have no choice but to cut out these anchors and timbers as they were found on both sides of the rail crossing.

REPORT 4.1	**Contract 2022/105 – Wandearah Rising Main Upgrade – Contract Variation** (Cont'd)

The risk to Council if this was not done and the original boring method was undertaken on the hope that if/when these structures were hit, means the works would have no choice but to be abandoned and access into the silos by train would not be permitted until some date in January 2024, due to a 600mm diameter void that would be left underneath the track.

The boring contractor has now provided an alternative solution together with a cost of variation for consideration. The plan is that they will use a 900mm steel encasing and borer. They will then leave this encasing underneath the rail line and install Councils required GRP 600mm encasing, HDPE pipe and then grout both encasings. The proposed additional budget will also take account of having to back fill the pits and the creation of additional works by excavating deeper.



Figure 4: Example of Steel Rod



Figure 5: Example of services through the roundabout.



Figure 6: Example of the ground water. 1m depth of water below services. (We are at 3m in this location and the water level is around 1.5m to 2m)

REPORT 4.1	**Contract 2022/105 – Wandearah Rising Main Upgrade – Contract Variation** (Cont'd)

BUDGET AND TIMING

Due to these conflicting services which were not identified on the third party provided design plans, and unforeseen structures found as the excavations were undertaken, there are additional project costs that are now required in order to ensure there is sufficient budget to complete the scope of works for the Wandearah Rising Main Upgrade.

It has taken a significant amount of time to calculate the cost of the impact of these issues as the drilling contractor was unsure if they had availability in the near future as well as the wait on obtaining material prices for the steel encasing and grout.

The costs for the variations described above have now been able to be calculated as additional $223,000. It is important to note that this is not the whole cost of the works that occurred as a proportion of the works has been already covered under the contract works as one rail crossing is complete.

Additionally, it is important to note that when the tender for these works were accepted, and with the addition of other costs detailed below, Council's budget did not allow any additional contingency capacity, which would have been reasonable given the location and degree of excavation through existing streets and old sections of the wharf area.

Budget Breakdown ex GST

Current Budget 2023/24	$2,483,335
Contract sum after negotiations	$2,358,355
Pump testing, engineering fees, roundabout replacement and other fees	$130,000
All Variations required to complete works	$223,000
Additional Funding Required	**$228,020 (rounded to $230,000)**

Therefore, to enable the works to be completed to the original scope, additional funds of $230,000 will need to be added to the Wandearah Rising Main Upgrade budget. It is proposed that this additional budget be sourced from the Osborne Street Road construction project budget that is now not going to progress, as previously reported to Council.

It should be noted that although $230,000 additional funds are required, there is the potential that not all of this will be expended due to cost savings that are yet to be able to be calculated depending on the volume of possible reuse of excavated material.

In the event that Council approves the additional funds to cover the variations, the next available dates for the under boring contractor is mid-January 2023, where the entirety of contract should be completed by early February 2024.

PREVIOUS REPORTS

22 February 2023 Ordinary Meeting of Council – Agenda Item 17.1 (OM78/23)
26 October 2022 – Ordinary Meeting of Council – Agenda Item 16.4.1

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MEETING: SPECIAL MEETING OF COUNCIL - CONFIDENTIAL
DATE: 29 November 2023

DEPARTMENT: INFRASTRUCTURE
OFFICER: Kathryn Johnson, Director Infrastructure

REPORT ITEM:	**4.2**
REPORT TITLE:	**CONTRACT 2023/117 - FY2023/24 FOOTPATH REPLACEMENT PROGRAM – CONTRACT VARIATIONS**

Timeframe	2023/2024 Financial Year			
Budget Impact	$20,000 from the 2023/24 Footpath Program			
Risk Assessment	**Primary Risk Type(s):**		Financial/Infrastructure	
	Inherent Risk:	**Likelihood**	**Consequence**	**Rating**
		Possible	Minor	Medium
	Controls:	▪ Engagement of a suitable qualified and experienced contractor. ▪ Sound project management framework for delivering projects.		
	Residual Risk:	Unlikely	Insignificant	Low
File Reference	40.014.009.117/2023			

STRATEGIC REFERENCE:	
Theme **Goal** **Strategy 3.2.3**	Our Lifestyle Infrastructure Council provided assets are fit for purpose, proactively maintained and renewal recognises future demand.

RECOMMENDATION:

That Council endorse the additional funding of $20,000 towards the Anzac Road footpath project from within the FY2023/24 Footpath Program budget for the construction of the additional 232 square meters identified but not allowed for within Council's initial tender specification.

EXECUTIVE SUMMARY:

As part of the FY2023/24 Footpath Program, Council is currently constructing sealed footpaths along Anzac Road and Port Davis Road between Mid North Christian Collage and Airdale Primary School. Throughout the execution of the construction, it has been identified that a segment has been missed from the area in the initial tender specification, which equates to approximately 232 square meters of footpath. Although Council has sufficient budget as part of the footpath program, the cost for the additional section of footpath exceeds the initial contingency value endorsed by Council. It is requested that additional funding of $20,000 be allocated towards the footpath construction works to ensure the initial scope intended to be constructed is completed.

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REPORT 4.2	**Contract 2023/117 - FY2023/24 Footpath Replacement Program – Contract Variations** (Cont'd)

DISCUSSION

Council has allocated $350,000 in its 2023/2024 Capital Works Program for the construction of the Footpath Replacement Program. The footpaths not included within this scope of work comprises of the following:

- Goode Road from The Terrace to Fourth Street (north side)
- Goode Road from Fourth Street to Fifth Street (both sides)
- Goode Road from Fifth Street to Falconer Street (both sides)
- Goode Road from Falconer Street to Keith Street (both sides)
- Goode Road from Keith Street to Senate Road (both sides)

PROPOSED WORKS

The proposed works outlined within the tender scope includes the construction of the following footpaths:

- Anzac Road from Kingston Road to Jervis Street (both sides) – Spray seal bitumen
- Anzac Road from Jervis Street to Balmoral Road (both sides) – Concrete west side, spray seal bitumen east side
- Port Davis Road from Kingston Road to Williams Drive (east side) – Spray seal bitumen
- Port Davis Road from Williams Road to Ferme Street (east side) – Spray seal bitumen

The section that was not identified within the bill of quantities was 232m2 for Anzac Road from Kingston Road to Jervis Street. The approximate cost for this segment is approximately an additional $20,000 above the currently endorsed value of $240,000, which includes an existing $20,000 contingency allocated for raised service pits and sewer inspection points. The approval of the additional $20,000 will bring the total endorsed project value to $260,000 for the completion of the segments along Anzac Road and Port Davis Road.

TIMING AND BUDGET

Total funding of just over $350,000 has been allocated to the FY2023/24 Footpath Program in the 2023/24 Capital Works Budget. This proposed scope of works to be funded from the existing budget.

Should Council agree to the recommendation, the contractor will continue with the works as per the intended specification, and works will be programmed to be completed by the end of the financial year.

PREVIOUS REPORTS

25 October 2023 – Ordinary Meeting of Council – Agenda Item 17.5

CONFIDENTIAL

MEETING: SPECIAL MEETING OF COUNCIL - CONFIDENTIAL
DATE: 29 November 2023

DEPARTMENT: INFRASTRUCTURE
OFFICER: Peter Lock, Project Engineer

REPORT ITEM:	**4.3**
REPORT TITLE:	**RFT FOR CONTRACT 2023/216 - NORMAN STREET CROSSING**

Timeframe	2023/24 Financial Year			
Budget Impact	$141,000 (excluding GST)			
Risk Assessment	**Primary Risk Type(s):**		Financial / Infrastructure	
	Inherent Risk:	**Likelihood**	**Consequence**	**Rating**
		Possible	Minor	Medium
	Controls:	▪ Competitive tender process ▪ Engagement of suitable qualified and experienced contractor ▪ Sound project management framework for delivering projects ▪ Allocation of adequate budget to deliver project		
	Residual Risk:	Possible	Rare	Low
File Reference	40.014.009.216/2023			

STRATEGIC REFERENCE:	
Theme	Our Lifestyle
Goal	Infrastructure
Strategy 3.2.1	Township road networks support pedestrian, cycle and vehicle use.

RECOMMENDATION:

That Council:

- **award a contract to Civil Tech Pty Ltd for the construction of the Norman Street Crossing in accordance with the documents submitted in response to Request for Tender for Contract 2023/216 Norman Street Crossing, for the amount of up to $141,000 (excluding GST); and**
- **endorse the reallocation of $42,000 from Osborne Street Road construction project to the Norman Street Crossing.**

EXECUTIVE SUMMARY:

The below report provides a summary of the evaluation process that was undertaken for the award of contract for the Norman Street crossing. Additional funding is required to allow for the works to be contracted.

CONFIDENTIAL

REPORT 4.3	RFT for Contract 2023/216 - Norman Street Crossing (Cont'd)

DISCUSSION

Council has allocated $99,000 in its 2023/24 Capital Works Program for the construction of a Wombat Crossing in Norman Street.

The Wombat Crossing was part of Stage 2 works for the CBD upgrade that was designed in 2016. Public consultation was also undertaken at this time.

PROPOSED WORKS

The proposed works are to construct a Wombat Crossing on Norman Street in lieu of the existing pedestrian refuge crossing. To enable the works, all existing islands and protuberances are required to be removed and the size increased. Several car parks will be lost in order to fit this new crossing. The theme of the crossing is designed to match the Florence Street upgrades, using similar pavers and finishes.

The works will also include but not limited to:

- New kerbing around the crossing
- Paving of the areas
- Resin paving garden beds
- Removal of all trees (Council to replant new trees)
- Bollards
- Bike Rack
- Adjusting of Junction Box and new lid
- Relocation of Side Entry Pits, pits, and stormwater connections
- Asphalt Works
- Line Marking
- Electrical conduit for lights

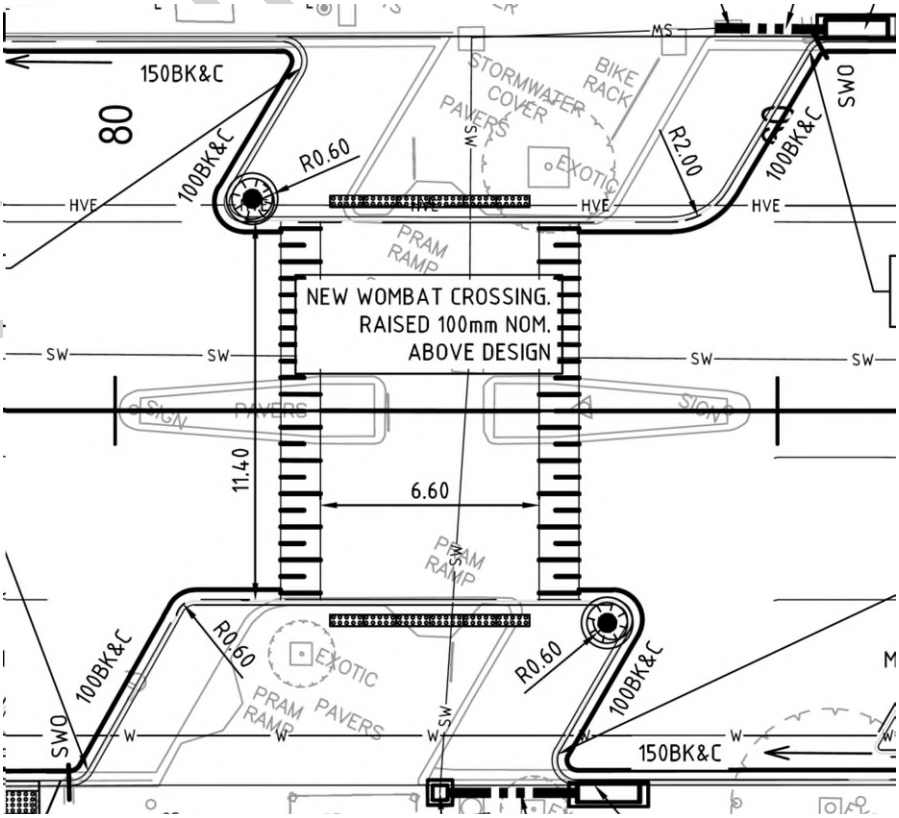


Figure 1: Wombat Crossing Design

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REPORT 4.3	RFT for Contract 2023/216 - Norman Street Crossing (Cont'd)

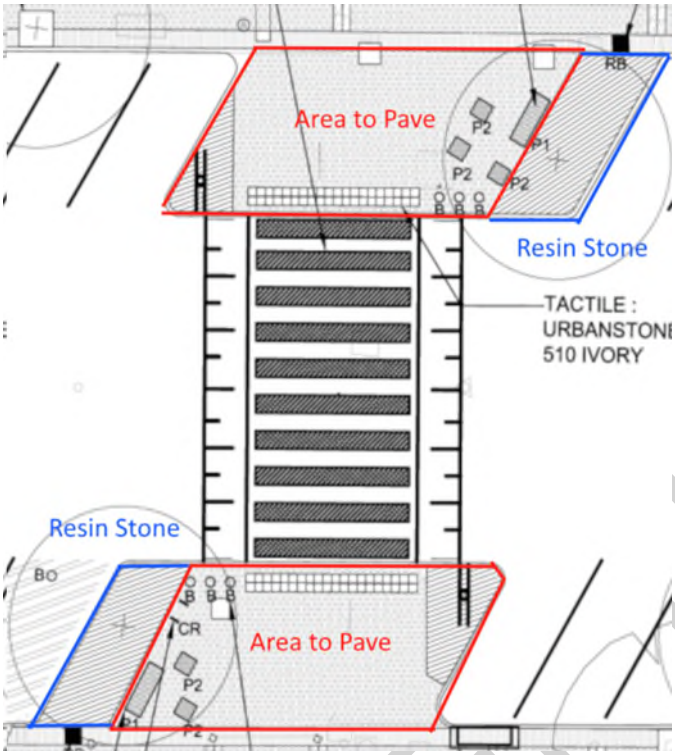


Figure 2: Paving areas



Figure 3: Crossing and Trees to be removed

TERM OF CONTRACT

The term of the contract is for a once off period, commencing on 1 March 2024 and completed by the 30 May 2024.

TENDER ASSESSMENT

Request for Tender documentation was uploaded to SA Tenders and Contracts.

REPORT 4.3	RFT for Contract 2023/216 - Norman Street Crossing (Cont'd)

At the closing time of tenders of 2:00pm Thursday 23 November, only one tender submission was received as follows:

Tenderer	Tendered Price $ (excluding GST)
Civil Tech Pty Ltd	$ 137,642

Tenderers were invited on a lump sum basis, which means that the successful tenderer will be paid for actual works completed on the rates provided in their tender. However, for the purpose of this report to Council, only the expected value of the contract is provided.

QUALITATIVE ASSESSMENT

Tenders received have been assessed against the criteria as set out below:

Price	30%
Management Systems	25%
Company Details & Relevant Experience	20%
Local Economic Benefit	5%
Methodology/Understanding of Project	20%
TOTAL	**100%**

The tenders were evaluated by Peter Lock, Project Engineer.

A summary of the tender assessment is contained in the tables on the following pages as
- the tender summary; and
- the tender scoring matrix

QUOTE CLARIFICATIONS SOUGHT

No clarifications were sought. The submission was clear and complete.

OVERALL FINDING

Civil Tech Pty Ltd was the only submission for the Norman Street crossing, however records indicated that around 13 other companies had downloaded the specification but chose not to submit. By only attaining this one submission it does make it harder to see if the works are overpriced. However, it is believed that the submission from Civil Tech Pty Ltd is still a competitive offer, where the unit rates provided in the costing breakdown are within reason to what is typically expected for each line item. In previously tendered works, Civil Tech Pty Ltd has been the most competitively priced submission and has recently completed such works as Bulters Bridge, Lower Broughton Floodway and are currently doing Port Davis Boat Ramp.

In general, Civil Tech Pty Ltd has good management systems in place, being ISO approved for WHS, Environment and Quality.

CONFIDENTIAL

REPORT 4.3	RFT for Contract 2023/216 - Norman Street Crossing (Cont'd)

Overall, the submission was a good one, where Civil Tech Pty Ltd has a good record with Council projects to date. They have completed similar projects around the State that appear to be of good quality. The only downside to their submission is that most of the works is completed within the company, which means there is limited local trades being used apart from material suppliers and hire equipment.

TIMING AND BUDGET

Total funding of $99,000 has been allocated to Norman Street Crossing in the 2023/24 Capital Works Budget.

This proposed scope of works to be funded from this budget is as follows:

The works will also include but not limited to:

- New kerbing around the crossing
- Paving of the areas
- Resin paving garden beds
- Removal of all trees (Council to replant new trees)
- Bollards
- Bike Rack
- Rasing of Junction Box and new lid
- Relocation of Side Entry Pits, pits, and stormwater connections
- Asphalt Works
- Line Marking
- Electrical conduit for lights

It should be noted that this project was carried over from the 2021/22 budget and has not increased to consider recent increases in construction costs.

Due to the tendered price of the works being above budget, additional funds are required to allow for the works to be undertaken. Below is a cost breakdown that shows the additional funds required.

Cost Breakdown

Current budget	$99,000
Tendered Price	$137,642
CITB Levy	$379
Replanting of trees/ garden	$2,500
Budget required	$141,000 (rounded up)

Required Funds (rounded figured) $42,000

Therefore, to enable the Wombat Crossing to be constructed, an additional $42,000 is required to be reallocated. It is proposed that this additional funding be sourced from the Osborne Street construction and seal as this project is no longer committed for delivery.

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REPORT 4.3	RFT for Contract 2023/216 - Norman Street Crossing (Cont'd)

Should Council agree to the recommendations, the preferred tenderer will be engaged, and works will be programmed to be completed by 30 May 2024, subject to favourable weather conditions.

There will be disruption to traffic and parking during construction. Information will be provided to businesses impacted by the works. Note that Business Port Pirie was contacted some time ago regarding the Norman Street crossing project and they contacted their members on behalf of Council regarding the proposed works and no feedback was received.

TENDER SUMMARY

Criteria	Weighting	Civil Tech Pty Ltd
Price	30%	$137,642
Management Systems -WHS -Environment -Quality	25%	Certified integrated management systems - ISO45001 (WHS) - ISO14001 (Environment) - AS/ISO9001 (Quality)
Relevant Experience of Tenderer	20%	Adelaide company with a good level of relevant experience. Over 41 years experience as a company doing civil constructions.
Understanding of Scope of Works, timing	20%	Appears to have a clear idea of the scope of works required and can completed the works this financial year.
Local Economic Benefit	5%	Will use a few local suppliers and accommodation. Doesn't plan to use any local trades as the works are completed within side the company.
General Comments		The only submission, but fairly priced. Overall, the submission was of good quality.

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REPORT 4.3	RFT for Contract 2023/216 - Norman Street Crossing (Cont'd)

TENDER SCORING MATRIX

ITEM	DESCRIPTION Evaluation Criteria Note: ( )* Denotes Rating	WEIGHTING %	Civil Tech Pty Ltd Score (out of 5)	
	LUMPS SUM TENDER VALUE EXCL GST		**$137,642**	
1	Works Health & Safety and Risk Management (Schedule 5)	15%	3	9.00
2	Environmental Management Systems and Quality Systems (Schedule 6)	10%	3	6.00
3	Local Economic Benefit & Social Inclusion (Schedule 7)	5%	2	2.00
4	Organisation Structure, Facilities and Resources (Schedule 9)	10%	3	6.00
5	Experience (Schedule 10)	10%	3	6.00
7	Implementation/Delivery Schedule (Schedule 12)	20%	3	12.00
10	Price (Schedules 16) Score = 2.5 + 5*(($M-$T)/$M)	30%	3	18.00
	TOTAL SCORE INCLUDING PRICE	**100%**	59.00	
	TOTAL RANK INCLUDING PRICE		**1**	
	TOTAL SCORE EXCLUDING PRICE		*18.00*	
	TOTAL RANK EXCLUDING PRICE		***1***	

Rating Scale:

5 = Outstanding offer, greatly exceeds criterion

4 = Very good offer, exceeds criterion

3 = Good offer, no deficiencies, meets criterion

2 = Fair offer, few deficiencies, almost meets criterion

1 = Marginal offer, some deficiencies, partly meets criterion

0 = Inadequate offer, many deficiencies, does not meet criterion

PORT PIRIE CBD REJUVENATION STAGE 2
70% DESIGN PRESENTATION

SEPTEMBER 2016

Port Pirie Regional Council | Jensen PLANNING + DESIGN | Tonkin CONSULTING

NORMAN STREET

EXISTING SUBSTATION

DISABLED PARKING BOTH SIDES OF STREET

DRIVEWAY ACCESS TO CAR PARK

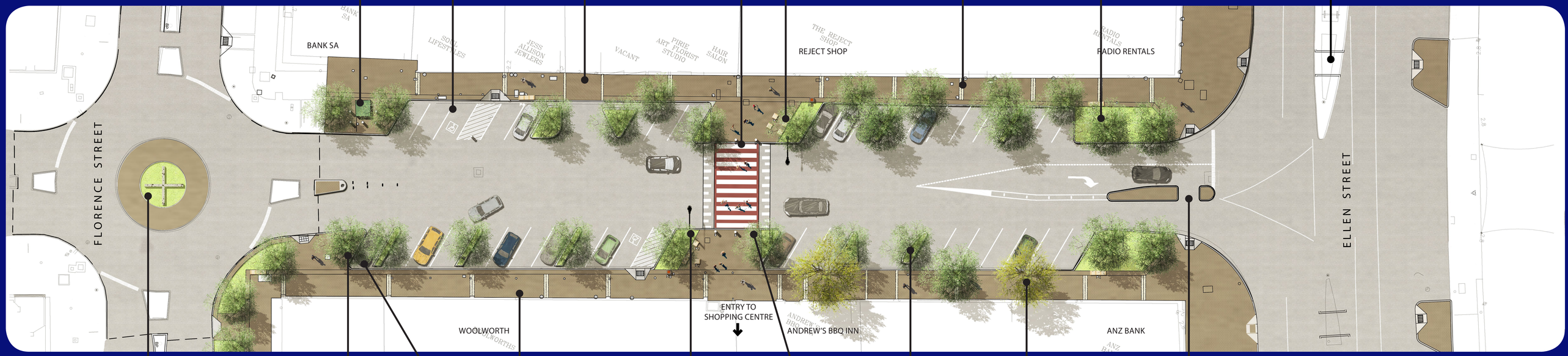
PEDESTRIAN WOMBAT (RAISED) CROSSING

NEW SEATING NODE

BANDING AND DIFFERENT PAVEMENT TEXTURE HIGHLIGHT SHOP ENTRANCES

NEW PLANE TREES AT ALL BUILD OUTS

IMPROVED REFUGE CROSSING & BUILDOUTS TO ELLEN STREET



ROUNDABOUT WITH FEATURE WALLS FOR COLOR AND WAYFINDING

NEW BIKE RACKS UNDER TREE

EXTRA PARKING

EXISTING AWNING STRUCTURE OVER

POTENTIAL NEW LIGHT POLE

NEW BOLLARDS

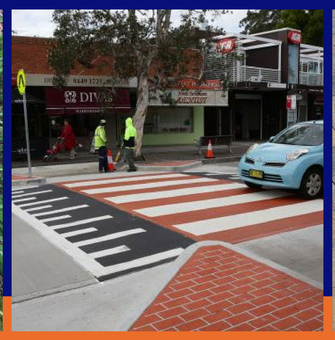
NEW SPRING FLOWERING STREET TREES

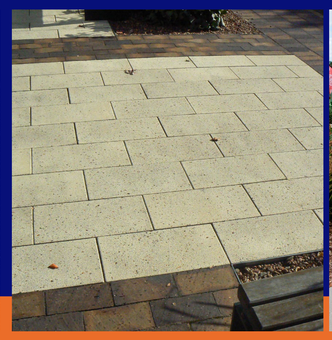
EXISTING PLANE TREES

NEW PEDESTRIAN REFUGE CROSSING










MINUTES OF THE SPECIAL COUNCIL MEETING HELD ON WEDNESDAY 29 NOVEMBER 2023 AT 5.16PM IN THE COUNCIL CHAMBERS, PORT PIRIE REGIONAL COUNCIL ADMINISTRATION OFFICE, 115 ELLEN STREET, PORT PIRIE.

Port Pirie Regional Council

ACKNOWLEDGEMENT OF COUNTRY
'We acknowledge and respect the traditional custodians whose ancestral lands we are meeting upon here today.'

1.0 PRESENT: His Worship the Mayor L Stephens, Deputy Mayor Cr K Jackson and Crs J Connor, L Peters, G Petagna, J Joyce, A Gulin and A Zubrinich

P Ackland, Chief Executive Officer; K Johnson, Director Infrastructure and K Carmody, Executive Assistant (Minutes)

Media: Nil Gallery: Nil

2.0 APOLOGIES: Crs M Hopgood and J Keain
S Rufus, Director Corporate & Community and C Davey, Director Development & Regulation

3.0 DECLARATION OF INTERESTS: Nil

4.0 ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY:

4.1 Contract 2022/105 - Wandearah Rising Main Upgrade – Contract Variations
Pursuant to Section 90(3)(k)

MOVED Cr Peters SECONDED Cr Jackson

SM57/23 **Pursuant to Section 90(2) and (3)(k) of the Local Government Act 1999 the Council orders that all members of the public with the exception of P Ackland, Chief Executive Officer; K Johnson, Director Infrastructure and K Carmody, Executive Assistant be excluded from attendance at that part of this meeting relating to Agenda Item 4.1 Contract 2022/105 - Wandearah Rising Main Upgrade – Contract Variations to enable the Council to consider Item 4.1 in confidence on the basis the Council considers it necessary and appropriate to act in a meeting closed to the public (excepting those persons noted above) in order to receive, discuss or consider in confidence the following information or matter relating to Item 4.1 which relates to tenders for the supply of goods, the provision of services or the carrying out of works being the Wandearah Rising Main Upgrade.**

Accordingly, on this basis, the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or matter confidential.

CARRIED

CONFIDENTIAL

4.0 ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY: (Cont'd)

4.1 Contract 2022/105 - Wandearah Rising Main Upgrade – Contract Variations (Cont'd)

MOVED Cr Peters SECONDED Cr Zubrinich

SM58/23 That Council:

- **receive the report;**
- **note the report identifies variations to the original scope of works resulting from the discovery of services that were not identified on plans and substantial structures in the general wharf area that were only identified as excavations were undertaken;**
- **note that the original contract amount and therefore Council's budget did not contain provision for contingencies;**
- **approve the reallocation of $230,000 from the Osborne Street Road construction budget that has been reported to Council and is not going to proceed, to the Wandearah Rising Main Upgrade budget; and**
- **authorise the Chief Executive Officer to negotiate required variations with the contractor for this project to the revised budget amount.**

CARRIED

Section 91(7) Order

MOVED Cr Petagna SECONDED Cr Joyce

SM59/23 Pursuant to Section 91(7) of the Local Government Act 1999, the Council orders that the agenda reports, related attachments, discussion and minutes relating to Agenda Item 4.1 Contract 2022/105 - Wandearah Rising Main Upgrade – Contract Variations shall be kept confidential, being documents relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and (3)(k) of the Act on the grounds that the documents relate to tenders for the supply of goods, the provision of services or the carrying out of works being the Wandearah Rising Main Upgrade.

This order shall operate for a period of six (6) months or until the execution of a contract.

Pursuant to Section 91(9)(c) of the Local Government Act 1999, the Council delegates to the Chief Executive Officer (or his delegate) the power to revoke this order in whole or part.

CARRIED

MAYOR

CONFIDENTIAL

4.0 ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY: (Cont'd)

4.2 Contract 2023/117 - FY2023/24 Footpath Replacement Program – Contract Variations

Pursuant to Section 90(3)(k)

MOVED Cr Connor SECONDED Cr Gulin

SM60/23 **Pursuant to Section 90(2) and (3)(k) of the Local Government Act 1999 the Council orders that all members of the public with the exception of P Ackland, Chief Executive Officer; K Johnson, Director Infrastructure and K Carmody, Executive Assistant be excluded from attendance at that part of this meeting relating to Agenda Item 4.2 Contract 2023/117 - FY2023/24 Footpath Replacement Program – Contract Variations to enable the Council to consider Item 4.2 in confidence on the basis the Council considers it necessary and appropriate to act in a meeting closed to the public (excepting those persons noted above) in order to receive, discuss or consider in confidence the following information or matter relating to Item 4.2 which relates to tenders for the supply of goods, the provision of services or the carrying out of works being the FY2023/24 Footpath Replacement Program.**

Accordingly, on this basis, the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or matter confidential.

CARRIED

MOVED Cr Jackson SECONDED Cr Gulin

SM61/23 **That the report be received and Council endorse the additional funding of $20,000 towards the Anzac Road footpath project from within the FY2023/24 Footpath Program budget for the construction of the additional 232 square meters identified but not allowed for within Council's initial tender specification.**

CARRIED

Section 91(7) Order

MOVED Cr Connor SECONDED Cr Jackson

SM62/23 **Pursuant to Section 91(7) of the Local Government Act 1999, the Council orders that the agenda reports, related attachments, discussion and minutes relating to Agenda Item 4.2 Contract 2023/117 - FY2023/24 Footpath Replacement Program – Contract Variations shall be kept confidential, being documents relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and (3)(k) of the Act on the grounds that the documents relate to tenders for the supply of goods, the provision of services or the carrying out of works being the FY2023/24 Footpath Replacement Program.**

This order shall operate for a period of six (6) months or until the execution of a contract.

Pursuant to Section 91(9)(c) of the Local Government Act 1999, the Council delegates to the Chief Executive Officer (or his delegate) the power to revoke this order in whole or part.

CARRIED

MAYOR

CONFIDENTIAL

4.0 ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY: (Cont'd)

4.3 RFT for Contract 2023/216 - Norman Street Crossing
Pursuant to Section 90(3)(k)

MOVED Cr Joyce SECONDED Cr Peters

SM63/23 **Pursuant to Section 90(2) and (3)(k) of the Local Government Act 1999 the Council orders that all members of the public with the exception of P Ackland, Chief Executive Officer; K Johnson, Director Infrastructure and K Carmody, Executive Assistant be excluded from attendance at that part of this meeting relating to Agenda Item 4.3 RFT for Contract 2023/216 - Norman Street Crossing to enable the Council to consider Item 4.3 in confidence on the basis the Council considers it necessary and appropriate to act in a meeting closed to the public (excepting those persons noted above) in order to receive, discuss or consider in confidence the following information or matter relating to Item 4.3 which relates to tenders for the supply of goods, the provision of services or the carrying out of works being the construction of the Norman Street Crossing.**

Accordingly, on this basis, the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or matter confidential.

CARRIED

Cr Jackson left the meeting at 5.33pm and returned at 5.35pm.

MOVED Cr Connor SECONDED Cr Zubrinich

SM64/23 **That this matter lay on the table.**

CARRIED

Section 91(7) Order

MOVED Cr Peters SECONDED Cr Petagna

SM65/23 **Pursuant to Section 91(7) of the Local Government Act 1999, the Council orders that the agenda reports, related attachments, discussion and minutes relating to Agenda Item 4.3 RFT for Contract 2023/216 - Norman Street Crossing shall be kept confidential, being documents relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and (3)(k) of the Act on the grounds that the documents relate to tenders for the supply of goods, the provision of services or the carrying out of works being the construction of the Norman Street Crossing.**

This order shall operate for a period of six (6) months or until the execution of a contract.

Pursuant to Section 91(9)(c) of the Local Government Act 1999, the Council delegates to the Chief Executive Officer (or his delegate) the power to revoke this order in whole or part.

CARRIED

5.0 CLOSURE: 5.37pm

MAYOR

CONFIDENTIAL

MEETING:	**ORDINARY MEETING OF COUNCIL - CONFIDENTIAL**
DATE:	**20 December 2023**
DEPARTMENT:	**Office of the Chief Executive**
OFFICER:	**Peter Ackland**

REPORT ITEM:	**17.3**
REPORT TITLE:	**MAGNETITE MINES DELEGATION – CONFIDENTIAL**

Timeframe	To be determined as a result of the company's presentation to this meeting			
Budget Impact	Not know			
Risk Assessment	**Primary Risk Type(s):**		To be determined following the presentation to this meeting	
	Inherent Risk:	**Likelihood**	**Consequence**	**Rating**
	Controls:	▪		
	Residual Risk:			
File Reference				

STRATEGIC REFERENCE:	
Theme **Goal** **Strategy 4.2.4**	To be determined following the presentation to this meeting

RECOMMENDATION:
To be determined at the meeting if necessary following the presentation to Council by Magnetite Mines.

EXECUTIVE SUMMARY:
The Mayor and Chief Executive Officer have met on several occasions with Magnetite Mines, a company that has tenements in the Braemar iron region of South Australia. Magnetite Mines Chief Executive Officer, Tim Dobson and Allan Kane, General Manager Sustainability will make a presentation to the meeting.

DISCUSSION

The Mayor and Chief Executive Officer have met on several occasions with Magnetite Mines, a company that has tenements in the Braemar iron region of South Australia. Magnetite Mines has a total mineral resource of 6 billion tonnes of iron ore including 2 billion tonnes of Probable Ore Reserves located 240km from Adelaide – 100% owned by Magnetite Mines.

Magnetite Mines current focus is its flagship Razorback Iron Ore Project which is comprised of the Razorback and Iron Peak deposits. The Project has many unique geographical advantages. The iron ore is hosted in siltstone which is soft relative to WA magnetite ores and the resource outcrops, allowing for minimal stripping. The Project also benefits from access to existing

CONFIDENTIAL

REPORT 17.3	**Magnetite Mines Delegation – Confidential** (Cont'd)

infrastructure and is located close to heavy rail and iron ore ports. High-voltage grid power is available from the South Australian grid, which is forecast to be 100% renewables powered by 2030. The Project's access to grid-scale renewables gives it a distinctive advantage in reducing, and possibly eliminating, the carbon footprint associated with its operations.

In response to rapidly evolving market conditions and downstream industry feedback, in September 2022 Magnetite Mines announced a decision to increase the initial production scale of the Razorback Project to a minimum of 5Mtpa and assess production options for high-value concentrate product streams.

Magnetite Mines Chief Executive Officer, Tim Dobson and Allan Kane, General Manager Sustainability will make a presentation to the meeting regarding Magnetite Mines intentions in pursuing an alliance to progress a conceptual iron-making facility in Port Pirie. They will present a more in-depth overview as to what is happening in the steel sector, the State's ambitions through the green steel strategy and where Magnetite Mines and Council could possibly collaborate.

Attached is a brief overview which was provided during one of the meetings with the Mayor and Chief Executive Officer.

This report is included in the agenda to allow an opportunity for a resolution if necessary following the presentation by Tim and Allan.

CONFIDENTIAL

MAGNETITE MINES

OUR PURPOSE

Developing South Australia's Braemar for our decarbonised steel future.

SOUTH AUSTRALIA

SA's Green Iron Opportunity

Japan and Korea are actively pursuing investment in HBI hubs with extensive:

1. Premium-grade iron ore (magnetite concentrates)
2. Low cost renewable energy
3. Green hydrogen production

SA is competing for investment with Western Australia, Brazil and Canada

The Braemar

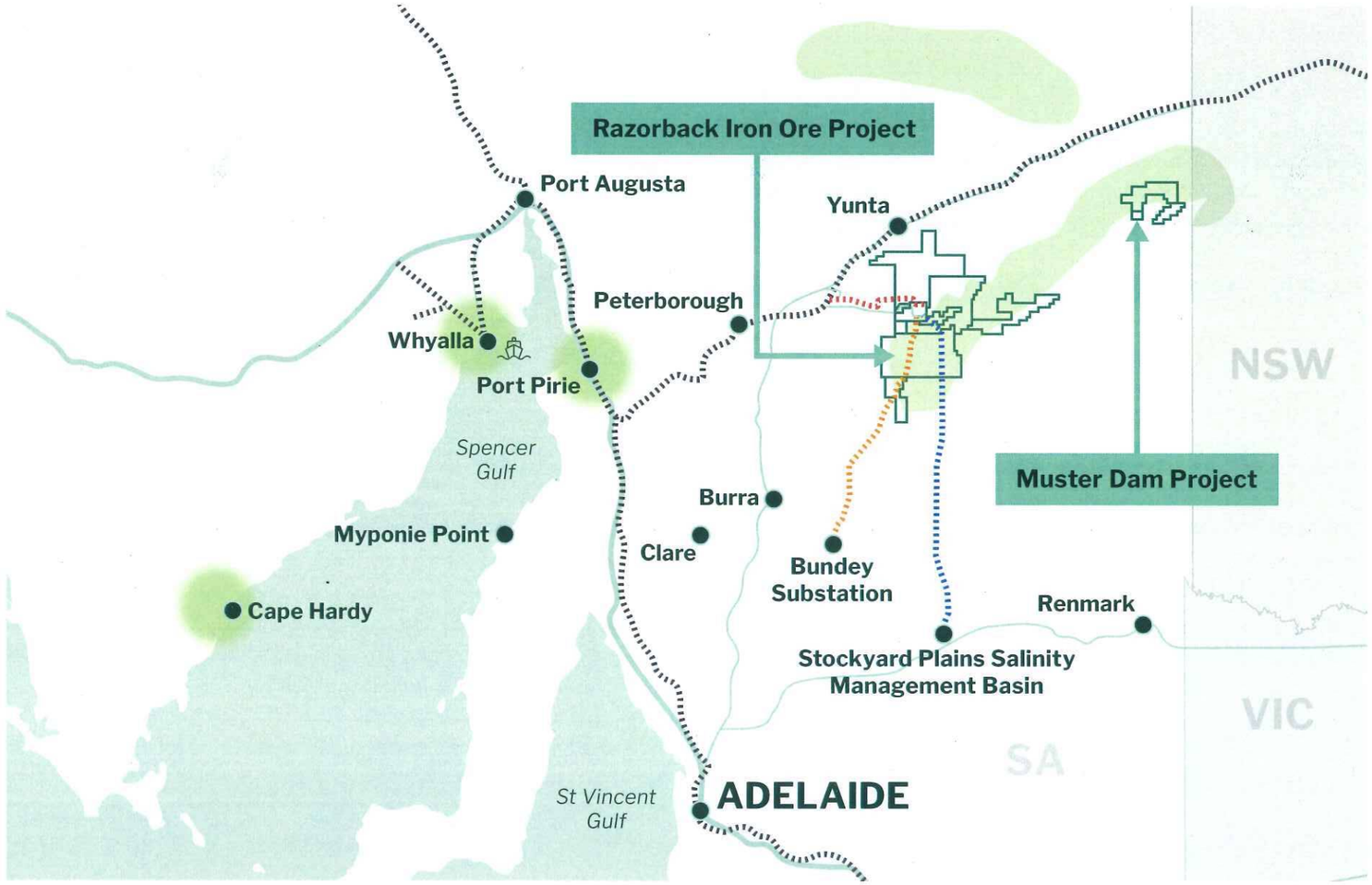
- SA's largest magnetite resource base

To take advantage SA will need:

- State Gov leadership: creation of hubs
- Consortiums of partners including offtakers
- State support for Federal infrastructure funding
- Innovation / R&D commitment

Logical staged development

1. Concentrate export
2. DR pellet production & export
3. NG-HBI export
4. H_2-HBI (Green Iron)
5. Future: EAF (Green Steel)



Razorback's Generational Contribution to SA

30 years LOM at 5 Mtpa

Construction	$377M Regional SA GRP	$1.2B SA GSP
Operations	$5.8B Regional SA GRP	$30.3B SA GSP
Ops jobs	1,058 Regional SA FTE	2,849 SA FTE
Gov revenue		$1.6B South Australia
Population		+800 Regional SA

Stage 1	Stage 2	Future Expansion
5Mtpa	10Mtpa	
Year 1	Year 6	via continued resource drilling

Razorback: Logical first mover

- Largest, most developed project
- 4.5Bt outcropping, low strip ratio ore
- Closest to infrastructure

In Partnership With Communities

- DC Peterborough MoU
- Land access agreements
- Ngadjuri Nation

Early Collaborative Action:

1 Clear SA Government vision
Magnetite Strategy to mature into Green Iron Strategy and Action Plan

2 Targeted infrastructure policy
Certainty on corridors, water supply, power distribution, strategic industrial hubs

3 Joint investment attraction
Targeted green iron missions, delegations – SA Government with industry

Port Pirie Regional Council

MEETING: ORDINARY MEETING OF COUNCIL - CONFIDENTIAL
DATE: 20 December 2023

DEPARTMENT: Office of the Chief Executive
OFFICER: Peter Ackland

REPORT ITEM:	**17.4**
REPORT TITLE:	**ENTERPRISE AGREEMENT NEGOTIATIONS – CONFIDENTIAL**

Timeframe	Agreement expired 30 November 2023 – terms and conditions in the agreements continue until a new agreement is certified			
Budget Impact	Council has budget provision for a 5% increase			
Risk Assessment	**Primary Risk Type(s):**		Financial	
	Inherent Risk:	**Consequence**	**Consequence**	**Rating**
		Insignificant	Insignificant	Low
	Controls:	▪ No mitigation required		
	Residual Risk:			Medium
File Reference				

STRATEGIC REFERENCE:	
Theme **Goal** **Strategy 4.2.4**	Our Leadership Organisational Excellence Council will be financially responsible and sustainable across generations.

RECOMMENDATION:

That Council reject the counter-offer put by the Australian Workers Union on behalf of employees employed by Council pursuant to the Local Government Employees Award, as detailed in the agenda report.

That the Chief Executive Officer be required to continue negotiations based on the following criteria:

- **to be determined by Council at the meeting**

EXECUTIVE SUMMARY:

The Enterprise Bargaining Committee has met and discussed Councils offer authorised by Council at its November Ordinary meeting, being a 5% increase in year 1 and a further 4% increase in year 2 of a proposed 2 year agreement.

Councils offer was rejected and a counter-offer put forward by the Union / employees.

Given the counter-offer is more than the Councils authorised offer, it is presented to Council for direction.

CONFIDENTIAL

REPORT 17.4	**Enterprise Agreement Negotiations – Confidential** (Cont'd)

DISCUSSION

I refer to agenda item 15.1.1 from Council's November Ordinary meeting where Council confirmed the quantum of offer that could be made for the second year of a potential 2 year agreement. This is in addition to the 5% increase included in the budget for the current year.

This offer was relayed to the Enterprise Bargaining Committee (EBC) at its most recent meeting, being a 2 year agreement with a 5% increase in Year 1 followed by a 4% increase in Year 2. For clarity, there are additional matters under negotiation, none of which are anticipated to result any significant increase in wage costs.

Council's offer was rejected, as was a second offer of the same quantum over two years but with a commitment to investigate options for a 4 day working week in lieu of the current 9 day fortnight.

The Union and employee representatives (the Union) have placed the following counter-offer on the table together with the following reasons for the request. It is presented to this meeting for direction given that it is in excess of the current budget and financial plan and therefore exceeds the scope of the Chief Executive Officers authority.

- Request is for less than a three year agreement
- Wage increase requested to be CPI + 2% in year 1 and a further increase of CPI + 2% in year 2
- This request is supported by the following positions:
    - A CPI based increase just keeps pace with the cost of living hence the request for the additional 2% which equates to real wage growth
    - Cost of living pressures are more than the CPI figure
    - Over the years there has been an increase in the residential areas to be serviced and this has been accommodated by the employees without increase in numbers
    - Employees have taken up new initiatives such as the customer request system, the planning and program tool and the grading initiative
    - Since amalgamation there has been more done with less employees
    - Employees have responded to a request to bring forward business improvement ideas as a way of getting above CPI increases, to which many where flagged and few have been completed, for example centrally controlled irrigation and stores project.

To assist Members in consideration of this request, the most recent annual CPI figures to the end of September 2024, which is the CPI timing that is used to calculate CPI in past agreements was 5.9% (Adelaide all group). The cost of 0.9% of total wages is approximately $86,500 per annum, of which approximately 35% is attributable to the AWU based employees. The impact on the budget of the current request by employees would be approximately $30,000.

Commentary in relation to the relevant dot points from the employee request is as follows:

- The theory of enterprise agreements is that where savings / benefits are made through employee initiatives, there are shared in an agreed portion between employees and the employer. This is not always in direct wage payments but can also be in employment conditions.
- The recent history of enterprise negotiations has generally seen a range of conditions bargained away in return for wage increases to a point now that there is little left to bargain on that basis, hence in this councils recent Enterprise Agreement history

CONFIDENTIAL

REPORT 17.4	**Enterprise Agreement Negotiations – Confidential** (Cont'd)

resulting in increases based largely on or close to the annual CPI (Adelaide all groups) movement.

- CPI has traditionally been used as a reasonable benchmark to measure increases in the cost of living, albeit it is an average and may or may not directly reflect an individual households cost of living depending on their particular circumstances.
- A review of employee numbers has been undertaken commencing in 2018 where Council employed 31.9 (FTE) and at the current time there is 32.9 (FTE) meaning the employment numbers have been stable over this time with a small increase overall. In the recent history the programming and planning tool for Councils Parks and Gardens employees was used to prove the need for 2 additional employees who were recruited on 2 year contracts targeting primarily new works to support Councils strategic initiative to improve the amenity and presentation of our public spaces.
- The customer service system, planning and program tool and grading initiative were predominately initiated by Council / management, but it is correct that these have been now well taken up by employees. There is still work to be done to continually refine these more automated systems, particularly on the grading initiative. It is very difficult to quantify the efficiencies / additional benefits of these initiatives to determine their value in terms of an increase in wages.
- When the Business Improvement system was reinstated about 5 years ago, it was promoted in part as an opportunity for employees to bring forward ideas and initiatives for improvement which could result in efficiencies or increase in services, in return for a share of the savings / efficiencies – essentially along the lines of the enterprise agreement theology listed above. The statement made by employees in this regard is true however the quantum saved / efficiencies gained that is as a result of employee effort vs the cost incurred by Council in implementing these ideas, and whether the savings are once off or ongoing, is difficult to quantify and has not been calculated at this time.

The current position of Council and the most recent position of the Union are at reasonable variance one to another.

Options to bridge this divide include, but are not limited to:

- Council maintain the current position on the basis that the offer is considered fair in the current economic climate, with the most recent increase in the current enterprise agreement, whilst in line with the relevant CPI movement, significantly over the budget provision at the time.
- Increase the offer in year 1 by 0.9% to be consistent with the September annual CPI movement – note that the ASU based Enterprise Agreement is currently out for staff vote and this includes increased of 5% and 4% respectively over the two year term.
- Offer non cash initiatives such as two graces days to be used over the Christmas / New year break given that this is an enforced closure of the Council. The cost of this would be approximately 0.43% per day but would not be incurred as a direct wages impact in the budget but acknowledge that ultimately this "cost" would be incurred via less work being done as these days are now taken as annual or other leave which would become available to use at other times of the year.
- Seek to quantify the value of savings and efficiencies from agreed initiatives for potential part conversion to wages increases.

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MEETING: ORDINARY MEETING OF COUNCIL - CONFIDENTIAL
DATE: 20 December 2023

DEPARTMENT: INFRASTRUCTURE
OFFICER: Kathryn Johnson, Director

REPORT ITEM:	**17.5**
REPORT TITLE:	**RFT FOR CONTRACT 2023/115 – FORESHORE PROMENADE PATH CONSTRUCTION – CONFIDENTIAL**

Timeframe	2023/2024 Financial Year			
Budget Impact	$380,000 (excluding GST)			
Risk Assessment	**Primary Risk Type(s):**		Financial / Infrastructure	
	Inherent Risk:	**Likelihood**	**Consequence**	**Rating**
		Possible	Minor	Medium
	Controls:	▪ Competitive tender process ▪ Engagement of suitable qualified and experienced contractor ▪ Sound project management framework for delivering projects ▪ Allocation of contingency funds within project delivery budget		
	Residual Risk:	Unlikely	Insignificant	Low
File Reference	40.014.009.115/2023			

STRATEGIC REFERENCE:	
Theme **Goal** **Strategy 1.3.5**	Our Community Wellbeing Open spaces are enhanced through well maintained and attractive landscaping providing opportunity for increased community activity.

RECOMMENDATION:

That Council award a contract to Caddy Earthworks Pty Ltd for the construction of Stage 1 and Stage 3 of the foreshore promenade path in accordance with the documents submitted in response to Request for Tender for Contract 2023/115 – Foreshore Promenade Path Construction for up to the amount of $380,000 ($350,970.29 for the contracted works plus a contingency of ~$30,000) (excluding GST).

EXECUTIVE SUMMARY:

The Port Pirie Regional Council is commencing an upgrade of the foreshore precinct at Solomontown Beach with a number of landscaping and civil works to be undertaken to improve the facilities and services within the area. As part of the upgrade, a request for

REPORT 17.5	**RFT for Contract 2023/115 – Foreshore Promenade Path Construction - Confidential** (Cont'd)

EXECUTIVE SUMMARY: (Cont'd)

tender has been called for the construction of Stage 1 and Stage 3 of the promenade path which includes the following:

- Demolition of existing materials identified within the tender document
- Raising of the levee bank to the required level of 3.4m AHD
- Construction of the exposed aggregate footpath as outlined within the tender document

A detailed tender evaluation has been executed and now Council are requested to provide approval for the award of the contract to the successful tenderer.

DISCUSSION

An allowance of $645,000 has been made in the overall project budget for the Riverbank Precinct Master Plan Stage 1 Works in the 2023/2024 Capital Works Program for the construction of the Foreshore Promenade Path and Levee. The promenade path not included within this scope of work is from chainage 160 to 300. This excluded section is intended to be completed after finalising the design and construction of the beach shelter and deck.

PROPOSED WORKS

The proposed works outlined within the tender scope includes the construction of the following sections:

- Section 1: Chainage 0 to 160 – This section runs from either side of the skate park through to the beach access mat
- Section 3: Chainage 300 to 418 – This section runs from the eastern side of the existing beach shelter through to the caravan park on the eastern end of the existing path

Note that the middle section (Section 2) will be completed in conjunction with the proposed beach shelter and deck.

TERM OF CONTRACT

The term of the contract is a one-off.

TENDER ASSESSMENT

Request for Tender documentation was uploaded to Tenders SA.

At the closing time of tenders of 2pm Thursday 23 November 2023, two (2) tender submissions were received as follows:

Tenderer	**Tendered Price $ (excluding GST)**
Caddy Earthworks Pty Ltd (all concrete construction)	$350,970.29
Denco Civil Pty Ltd	$343,314.00 (revised during evaluation)

REPORT 17.5	**RFT for Contract 2023/115 – Foreshore Promenade Path Construction - Confidential** (Cont'd)

Tenderers were invited on a lump sum basis, which means that the successful tenderer will be paid for actual works completed at the rates provided in their tender. However, for the purpose of this report to Council, only the expected value of the contract is provided.

Non-Conforming Quote

The two quotes provided were both conforming to the tender specification.

QUALITATIVE ASSESSMENT

Tenders received have been assessed against the criteria as set out below:

Work Health and Safety	20%
Local Economic Benefit & Social Inclusion	15%
Implementation/Delivery Schedule	25%
Price	40%
TOTAL	**100%**

The tenders were evaluated by:

- Jason Crouch, Contract Project Manager
- Robert Stead, Manager Operations
- Glenn Miller, Projects and Procurement Officer

A summary of the tender assessment is contained in the tables on the following pages as

- The tender summary; and
- The tender scoring matrix

QUOTE CLARIFICATIONS SOUGHT

Additional clarification was sought from both tenderers as outlined below.

Denco Civil Pty Ltd

The following clarifications were sought from Denco Civil Pty Ltd with responses shown in red:

- Can Denco Civil please confirm that 80-100mm of crusher dust has been allowed for to act as a buffer between the new footpath and the existing pavers to prevent cracking. Denco can confirm that 80-100mm of rubble will be used as a buffer between existing paving and new concrete.
- Can the doweling methodology please be confirmed for the joins between the concrete segments? The doweling methodology for concrete segments will be the Connolly Joint system, which have a metal frame with a foam/able flex attached and evenly spaced dowel holes at 300mm centers to accommodate hot dipped Galvanized dowels with a locking cap that holds the dowels firmly in place and pegs to secure the unit to the prep work for a rigid Joint.
- Listed in the exclusions Denco has listed the following: "No allowance for damage to services unless clearly marked on accurate plan provided by the principle". Council seeks to remove the pathway lighting from this exclusion. Can Denco Civil please confirm that should the pathway lighting or associated power supply be damaged throughout the works that Denco Civil will repair the damage. Denco will take responsibility for the repair of any damage that occurs to power supply of the promenade pathway lighting please note there has been no cost allowance for any unforeseen damage.
- Can Denco Civil please revise their price to include the acid wash and sealing of the promenade path? Price for wash & seal is 1325m² @ $21.10 = $27,957.50 (Ex GST)

REPORT 17.5	**RFT for Contract 2023/115 – Foreshore Promenade Path Construction - Confidential** (Cont'd)

- Can the square meterage allowed for within the tender response please be provided for the two sections. Total m² allowed in pricing is 1325m².

As a result of this RFI the updated submitted price is $371,271.50 excl GST.

Caddy Earthworks Pty Ltd

The following clarifications were sought from Caddy Earthworks with responses shown in red:

- Can an example of Caddy Earthworks WHS and Risk Management documentation please be provided (a previous example from a prior project would be sufficient). Document was attached.
- Can Caddy Earthworks please provide the methodology for how the slurry and debris are intended to be managed during the washing away of the mortar. As the excavations will be completed to 150mm either side of the form work to allow for catchment of the slurry and all Slurry to be washed away from the river side and to be shovelled up and disposed of to landfill.
- Can a schedule please be provided outlining the proposed start and end dates of the two sections. A schedule can be provided on receival of purchase order however earthworks are scheduled to take 12 working days for stage 1 and 10 working days for stage 2. Concrete placement is scheduled to take 16 working days for stage 1 and 14 working days for stage 2 with works being completed Monday to Friday, backfilling off edges to commence once path has been washed and sealed.
- Can confirmation please be provided that the doweled expansion joints allowed for within the tender submission are as specified within *Attachment 1 – Riverbank Precinct Prominade Path Dwg Set* drawing number 011. Confirmed.
- Can Caddy Earthworks please confirm whether there are any sections intended to have the proposed promenade path poured on top of the existing pavers. If so can the chainages please be provided and confirmation that an allowance has been included in the price for the 80-100mm of crusher dust under the concrete footpath as a buffer to prevent cracking of the new footpath. All pavers to be removed as per the project proposal.
- Can further information please be provided as to the definition of crank bars listed within the exclusions? There has been no allowance for 12mm bars at the corners where path and seating areas meet or where penetrations to the concrete are (i.e. where a post may be located).
- Can Caddy Earthworks please confirm that their tendered price includes acid washing and sealing of the newly constructed exposed aggregate concrete? Confirmed acid washing and sealing allowed for.
- Can the estimated meterage allowed for as part of the tender submission please be provided? Stage 1: 887m and Stage 2: 610m.

As a result of the RFI, the price remained the same as the initial tender price.

OVERALL FINDING

The scoring was applied to the two tender submissions utilising the qualitive assessment process outlined above with Caddy Earthworks Pty Ltd being found to be the successful tenderer. Feedback was sought regarding the quality of Caddy Earthworks work from their previous work executed for the Port Pirie Regional Council with no negative feedback provided.

With the information provided and the scoring results, it is recommended that Caddy Earthworks Pty Ltd be engaged to complete the Foreshore Promenade Construction.

REPORT 17.5	**RFT for Contract 2023/115 – Foreshore Promenade Path Construction - Confidential** (Cont'd)

TIMING AND BUDGET

Total funding of just over $645,000 has been allocated to the Foreshore Promenade Path Construction in the 2023/24 Capital Works Budget. This proposed scope of works to be funded from the existing budget.

Should Council agree to the recommendation, the preferred tenderer will be engaged, and works will be programmed to be completed by the end of May 2024.

MEETING: ORDINARY MEETING OF COUNCIL - CONFIDENTIAL
DATE: 20 December 2023

DEPARTMENT: INFRASTRUCTURE
OFFICER: Matthew Seidel, Depot Supervisor

REPORT ITEM:	**17.6**
REPORT TITLE:	**RFT FOR CONTRACT 2023/130 – SUPPLY AND DELIVERY OF ONE TOW BEHIND ROLLER – CONFIDENTIAL**

Timeframe	2023/2024 Financial Year			
Budget Impact	$134,480.00 (excluding GST)			
Risk Assessment	**Primary Risk Type(s):**		Availability/Delivery	
	Inherent Risk:	**Likelihood**	**Consequence**	**Rating**
		Possible	Moderate	Medium
	Controls:	▪ Pre-purchase check list completed ▪ Delivery time frame requested as part of tender process		
	Residual Risk:	Unlikely	Minor	Low
File Reference	40.014.009.130/2023			

STRATEGIC REFERENCE:	
Theme **Goal** **Strategy 3.2.3**	Our Lifestyle Infrastructure Council provided assets are fit for purpose, proactively maintained and renewal recognises future demand.

RECOMMENDATION:
That Council award a contract to Broons for the supply and delivery of one tow behind roller in accordance with the documents submitted in response to Request for Tender for Contract 2023/130 – Supply and Delivery of One Tow Behind Roller for the amount of $134,480 (excluding GST).

EXECUTIVE SUMMARY:
Council has allocated $975,000 (ex GST) in the 2023/24 Capital Budget for the changeover of two graders and the purchase of one extra tow behind roller to support the unsealed road maintenance, grading and re sheeting requirements. The information provided is for the tow behind roller only.

CONFIDENTIAL

REPORT 17.6	**RFT for Contract 2023/130 – Supply and Delivery of One Tow Behind Roller - Confidential** (Cont'd)

DISCUSSION

Council has allocated funds in the 2023/24 Capital Plant Purchase/Replacement Budget for the purchase of one tow behind roller to support the unsealed road maintenance, grading and re sheeting requirements. Council currently has three graders, with two of the existing graders both having tow behind rollers. The third grader is limited in use due to not having the required equipment to be able to assist fully in the unsealed road maintenance program.

The purchase of this roller will give Council three graders that will all be equipped with tow behind rollers to be able to provide full support to the unsealed road maintenance program.

TERM OF CONTRACT

The term of the contract is for a once off supply contract.

TENDER ASSESSMENT

Request for Tender documentation was sent to one company known as a specialist in the supply of unsealed road compaction equipment. As per the procurement plan, a single source of supply was chosen to match Council's existing units so that the roller can be interchangeable between all three graders as well as the supply of parts, repairs and maintenance being the same across all three pieces of equipment.

At the closing time of tenders of 2pm Tuesday 5 December 2023, tender submissions were received as follows:

Tenderer	**Tendered Price $ (excluding GST)**
Broons	$134,480

QUALITATIVE ASSESSMENT

Tenders received have been assessed against the criteria as set out below:

Compliance With Specification	15%
Experience	25%
Delivery Timeframe	15%
Warranty	5%
South Australian Support	15%
Price	25%
TOTAL	**100%**

The tender submission was evaluated by Matthew Seidel, Depot Supervisor and Robert Stead, Manager Operations, with feedback from operator Rob McRae being included in the tender evaluation matrix.

A summary of the tender assessment is contained in the tables on the following pages as

- The tender summary; and
- The tender evaluation

CONFIDENTIAL

REPORT 17.6	**RFT for Contract 2023/130 – Supply and Delivery of One Tow Behind Roller - Confidential** (Cont'd)

QUOTE CLARIFICATIONS SOUGHT

No clarifications were sought as the tendered submission was complete.

OVERALL FINDING

As stated in the Tender Assessment above, the documentation was sent to one company known as specialists in the supply of unsealed road compaction equipment. As per the procurement plan, a single source of supply was chosen to match Council's existing units so the roller can be interchangeable between all three graders as well as the supply of parts, repairs and maintenance being the same across all three pieces of equipment.

Through previous dealings with this supplier, Broons are found to have excellent back up and support that includes a parts warehouse and support based out of Adelaide.

The two existing Broons rollers currently owned by Council have been extremely reliable and are able to do the exact job required of them.

TIMING AND BUDGET

Total funding of just over $975,000 has been allocated to job number 77065 in the 2023/24 Capital Works Budget, with $135,000 being allocated for the purchase of this tow behind roller.

The expected delivery timeframe is 12-14 weeks, subject to confirmation at time of ordering.

Should Council agree to the recommendation, a purchase order will be placed with the tenderer and the delivery date expected to be late April to early May 2024.

CONFIDENTIAL

REPORT 17.6	RFT for Contract 2023/130 – Supply and Delivery of One Tow Behind Roller - Confidential (Cont'd)

TENDER SUMMARY

Broons Group PTY LTD

Make / Model	Warranty Period	Purchase Price $ (ex GST)	Trade In Allowance $ (ex GST)	Additional Options Requested $ (ex GST)	Upgrade Options At No Cost	Changeover Price $ (ex GST)	Comments
Broons eCombi Smooth Drum Roller	10 Years structural	$134,480	N/A One off purchase	N/A	Nil Offered	N/A	• Delivery date 12-14 Weeks from order conformation • Matching existing equipment • Able to be interchanged between all 3 graders if required

CONFIDENTIAL

REPORT 17.6	RFT for Contract 2023/130 – Supply and Delivery of One Tow Behind Roller - Confidential (Cont'd)

TENDER EVALUATION

Criteria	Weighting	Tender Summary Compliance
Compliance with Specification	15%	Specification has been met
Experience	25%	Good understanding of the works required and has been trading for more than 50 years.
Delivery Timeframe	15%	Able to deliver goods between 12-14 weeks of receiving order conformation.
Warranty	5%	10 Year Structural warranty on equipment
South Australian Support	15%	National company with great support on parts and knowledge within South Australia.
Price	25%	$134,480.00 Price within budget.
	100%	
General Comments		Well presented and detailed tender submission.

CONFIDENTIAL

MEETING: ORDINARY MEETING OF COUNCIL - CONFIDENTIAL
DATE: 20 December 2023

DEPARTMENT: INFRASTRUCTURE
OFFICER: Peter Lock, Project Engineer

REPORT ITEM:	**17.7**
REPORT TITLE:	**RFT FOR CONTRACT 2023/216 - NORMAN STREET CROSSING – CONFIDENTIAL**

Timeframe	2023/24 Financial Year			
Budget Impact	$141,000 (excluding GST)			
Risk Assessment	**Primary Risk Type(s):**		Financial / Infrastructure	
	Inherent Risk:	**Likelihood**	**Consequence**	**Rating**
		Possible	Minor	Medium
	Controls:	▪ Competitive tender process ▪ Engagement of suitable qualified and experienced contractor ▪ Sound project management framework for delivering projects ▪ Allocation of adequate budget to deliver project		
	Residual Risk:	Possible	Rare	Low
File Reference	40.014.009.216/2023			

STRATEGIC REFERENCE:	
Theme **Goal** **Strategy 3.2.1**	Our Lifestyle Infrastructure Township road networks support pedestrian, cycle and vehicle use.

RECOMMENDATION:

That Council raise item 14.1 RFT for Contract 2023/216 - Norman Street Crossing off the table (Item 4.3 in the confidential section of the Special Council meeting held 29 November – SM64/23).

That Council:

- **award a contract to Civil Tech Pty Ltd for the construction of the Norman Street Crossing in accordance with the documents submitted in response to Request for Tender for Contract 2023/216 Norman Street Crossing, for the amount of up to $141,000 (excluding GST); and**
- **endorse the reallocation of $42,000 from Osborne Street Road construction project to the Norman Street Crossing.**

REPORT 17.7	**RFT for Contract 2023/216 - Norman Street Crossing - Confidential** (Cont'd)

EXECUTIVE SUMMARY:
The below report provides a summary of the evaluation process that was undertaken for the award of contract for the Norman Street crossing. Additional funding is required to allow for the works to be contracted.

DISCUSSION

Council has allocated $99,000 in its 2023/24 Capital Works Program for the construction of a Wombat Crossing in Norman Street.

The Wombat Crossing was part of Stage 2 works for the CBD upgrade that was designed in 2016. Public consultation was also undertaken at this time.

PROPOSED WORKS

The proposed works are to construct a Wombat Crossing on Norman Street in lieu of the existing pedestrian refuge crossing. To enable the works, all existing islands and protuberances are required to be removed and the size increased. Several car parks will be lost in order to fit this new crossing. The theme of the crossing is designed to match the Florence Street upgrades, using similar pavers and finishes.

The works will also include but not limited to:

- New kerbing around the crossing
- Paving of the areas
- Resin paving garden beds
- Removal of all trees (Council to replant new trees)
- Bollards
- Bike Rack
- Adjusting of Junction Box and new lid
- Relocation of Side Entry Pits, pits, and stormwater connections
- Asphalt Works
- Line Marking
- Electrical conduit for lights



Figure 1: Crossing and Trees to be removed

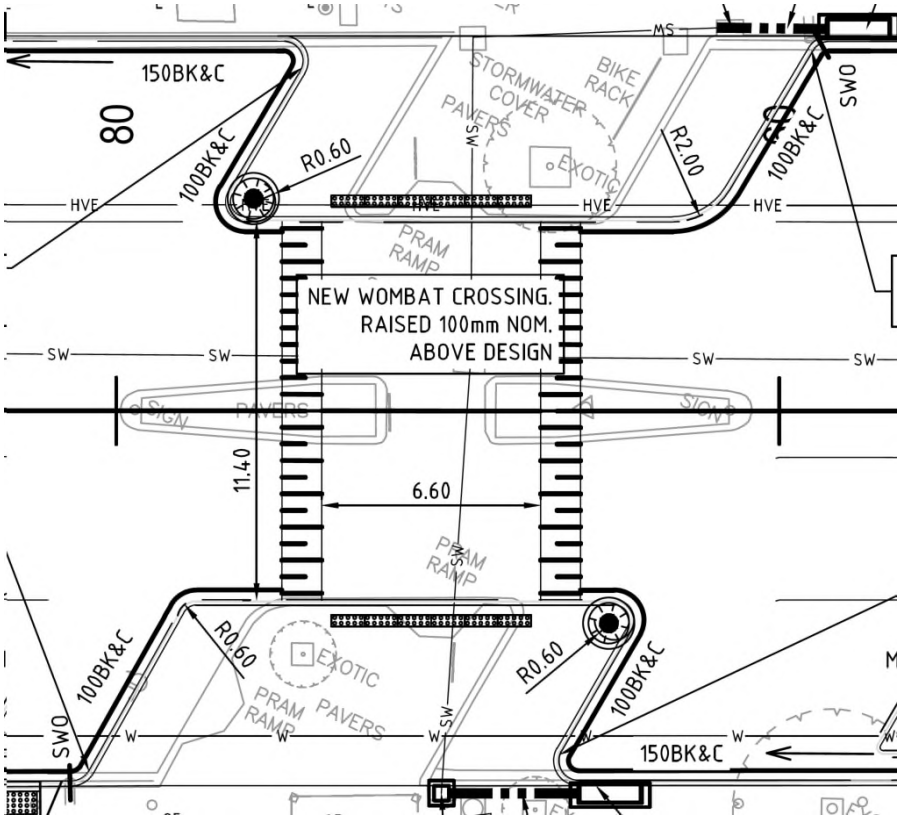


Figure 2: Wombat Crossing Design

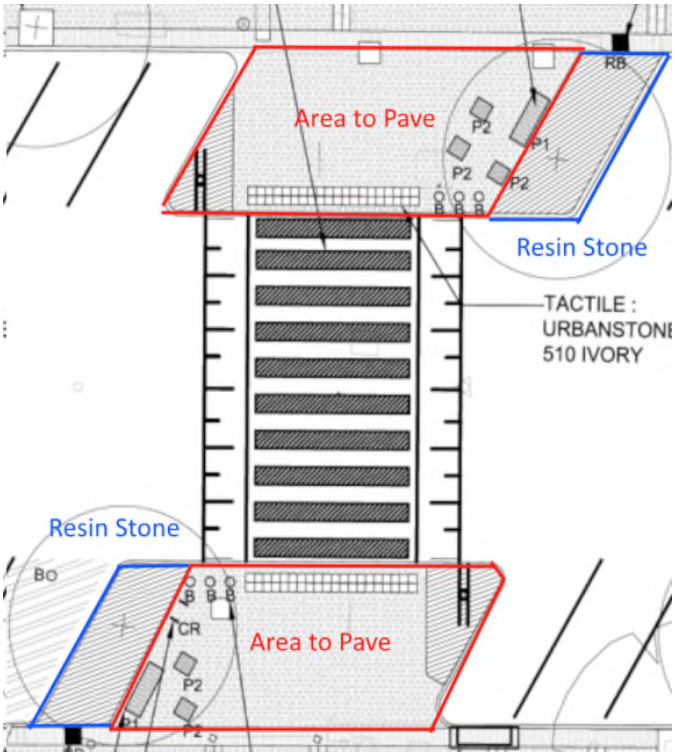


Figure 3: Paving areas

REPORT 17.7	**RFT for Contract 2023/216 - Norman Street Crossing - Confidential** (Cont'd)

TERM OF CONTRACT

The term of the contract is for a once off period, commencing on 1 March 2024 and completed by the 30 May 2024.

TENDER ASSESSMENT

Request for Tender documentation was uploaded to SA Tenders and Contracts.

At the closing time of tenders of 2:00pm Thursday 23 November, only one tender submission was received as follows:

Tenderer	**Tendered Price $ (excluding GST)**
Civil Tech Pty Ltd	$ 137,642

Tenderers were invited on a lump sum basis, which means that the successful tenderer will be paid for actual works completed on the rates provided in their tender. However, for the purpose of this report to Council, only the expected value of the contract is provided.

QUALITATIVE ASSESSMENT

Tenders received have been assessed against the criteria as set out below:

Price	30%
Management Systems	25%
Company Details & Relevant Experience	20%
Local Economic Benefit	5%
Methodology/Understanding of Project	20%
TOTAL	**100%**

The tenders were evaluated by Peter Lock, Project Engineer.

A summary of the tender assessment is contained in the tables on the following pages as
- the tender summary; and
- the tender scoring matrix

QUOTE CLARIFICATIONS SOUGHT

No clarifications were sought. The submission was clear and complete.

OVERALL FINDING

Civil Tech Pty Ltd was the only submission for the Norman Street crossing, however records indicated that around 13 other companies had downloaded the specification but chose not to submit. By only attaining this one submission it does make it harder to see if the works are overpriced. However, it is believed that the submission from Civil Tech Pty Ltd is still a competitive offer, where the unit rates provided in the costing breakdown are within reason to what is typically expected for each line item. In previously tendered works, Civil Tech Pty Ltd has been the most competitively priced submission and has recently completed such works as Bulters Bridge, Lower Broughton Floodway and are currently doing Port Davis Boat Ramp.

REPORT 17.7	**RFT for Contract 2023/216 - Norman Street Crossing - Confidential** (Cont'd)

In general, Civil Tech Pty Ltd has good management systems in place, being ISO approved for WHS, Environment and Quality.

Overall, the submission was a good one, as Civil Tech Pty Ltd has a good record with Council projects to date. They have completed similar projects around the State that appear to be of good quality. The only downside to their submission is that most of the works is completed within the company, which means there is limited local trades being used apart from material suppliers and hire equipment.

TIMING AND BUDGET

Total funding of $99,000 has been allocated to Norman Street Crossing in the 2023/24 Capital Works Budget.

This proposed scope of works to be funded from this budget is as follows:

The works will also include but not limited to:

- New kerbing around the crossing
- Paving of the areas
- Resin paving garden beds
- Removal of all trees (Council to replant new trees)
- Bollards
- Bike Rack
- Rasing of Junction Box and new lid
- Relocation of Side Entry Pits, pits, and stormwater connections
- Asphalt Works
- Line Marking
- Electrical conduit for lights

It should be noted that this project was carried over from the 2021/22 budget and has not increased to consider recent increases in construction costs.

Due to the tendered price of the works being above budget, additional funds are required to allow for the works to be undertaken. Below is a cost breakdown that shows the additional funds required.

Cost Breakdown

Current budget	$99,000
Tendered Price	$137,642
CITB Levy	$379
Replanting of trees/ garden	$2,500
Budget required	$141,000 (rounded up)

Required Funds (rounded figured) $42,000

Therefore, to enable the Wombat Crossing to be constructed, an additional $42,000 is required to be reallocated. It is proposed that this additional funding be sourced from the Osborne Street construction and seal as this project is no longer committed for delivery.

REPORT 17.7	**RFT for Contract 2023/216 - Norman Street Crossing - Confidential** (Cont'd)

Should Council agree to the recommendations, the preferred tenderer will be engaged, and works will be programmed to be completed by 30 May 2024, subject to favourable weather conditions. There will be disruption to traffic and parking during construction. Information will be provided to businesses impacted by the works in advance. Note that Business Port Pirie was contacted some time ago regarding the Norman Street crossing project and they contacted their members on behalf of Council regarding the proposed works and no feedback was received.

Nighttime works were being considered to reduce the public impact, however due to the nature of the works e.g. concrete saw cutting and loading concrete into a truck it was recognised that these activities would cause significant impacts to St. Joseph's House. It is anticipated that for a majority of the works, that traffic will still be permitted under reduced speeds. The contractor will likely pull the middle section out first, then one side of the crossing at a time. They will then be able to construct most of the sides without having major effects on the traffic, although there will be short-term impacts when the concrete truck arrives to do the kerbing as it will need to be within the trafficable lane. The only time that a full closure is foreseen is during the construction of the asphalt section of the Wombat Crossing which will take approximately one day and then some additional time for the line marking.

The contractor has confirmed that if the asphalt works are requested to be done at night, then there will be additional costs of around $13,000. This requires an asphalt plant opening fee, double time on labor for the works and lighting tower hire. If Council wishes to do this section of works during night hours than the contract figure and additional funds shall need to be amended accordingly. However, it is important to note that these works can be quite loud due to the equipment required.

REPORT 17.7	**RFT for Contract 2023/216 - Norman Street Crossing - Confidential** (Cont'd)

TENDER SUMMARY

Criteria	Weighting	Civil Tech Pty Ltd
Price	30%	$137,642
Management Systems -WHS -Environment -Quality	25%	Certified integrated management systems - ISO45001 (WHS) - ISO14001 (Environment) - AS/ISO9001 (Quality)
Relevant Experience of Tenderer	20%	Adelaide company with a good level of relevant experience. Over 41 years' experience as a company doing civil constructions.
Understanding of Scope of Works, timing	20%	Appears to have a clear idea of the scope of works required and can completed the works this financial year.
Local Economic Benefit	5%	Will use a few local suppliers and accommodation. Doesn't plan to use any local trades as the works are completed within side the company.
General Comments		The only submission, but fairly priced. Overall, the submission was of good quality.

REPORT 17.7	**RFT for Contract 2023/216 - Norman Street Crossing - Confidential** (Cont'd)

TENDER SCORING MATRIX

ITEM	DESCRIPTION Evaluation Criteria Note: ( )* Denotes Rating	WEIGHTING %	Civil Tech Pty Ltd Score (out of 5)	
	LUMPS SUM TENDER VALUE EXCL GST		**$137,642**	
1	Works Health & Safety and Risk Management (Schedule 5)	15%	3	9.00
2	Environmental Management Systems and Quality Systems (Schedule 6)	10%	3	6.00
3	Local Economic Benefit & Social Inclusion (Schedule 7)	5%	2	2.00
4	Organisation Structure, Facilities and Resources (Schedule 9)	10%	3	6.00
5	Experience (Schedule 10)	10%	3	6.00
7	Implementation/Delivery Schedule (Schedule 12)	20%	3	12.00
10	Price (Schedules 16) Score = 2.5 + 5*(($M-$T)/$M)	30%	3	18.00
	TOTAL SCORE INCLUDING PRICE	**100%**	59.00	
	TOTAL RANK INCLUDING PRICE		**1**	
	TOTAL SCORE EXCLUDING PRICE		*18.00*	
	TOTAL RANK EXCLUDING PRICE		***1***	

Rating Scale:

5 = Outstanding offer, greatly exceeds criterion

4 = Very good offer, exceeds criterion

3 = Good offer, no deficiencies, meets criterion

2 = Fair offer, few deficiencies, almost meets criterion

1 = Marginal offer, some deficiencies, partly meets criterion

0 = Inadequate offer, many deficiencies, does not meet criterion

PORT PIRIE CBD REJUVENATION STAGE 2
70% DESIGN PRESENTATION

SEPTEMBER 2016

Port Pirie Regional Council | Jensen PLANNING + DESIGN | Tonkin CONSULTING

NORMAN STREET

EXISTING SUBSTATION

DISABLED PARKING BOTH SIDES OF STREET

DRIVEWAY ACCESS TO CAR PARK

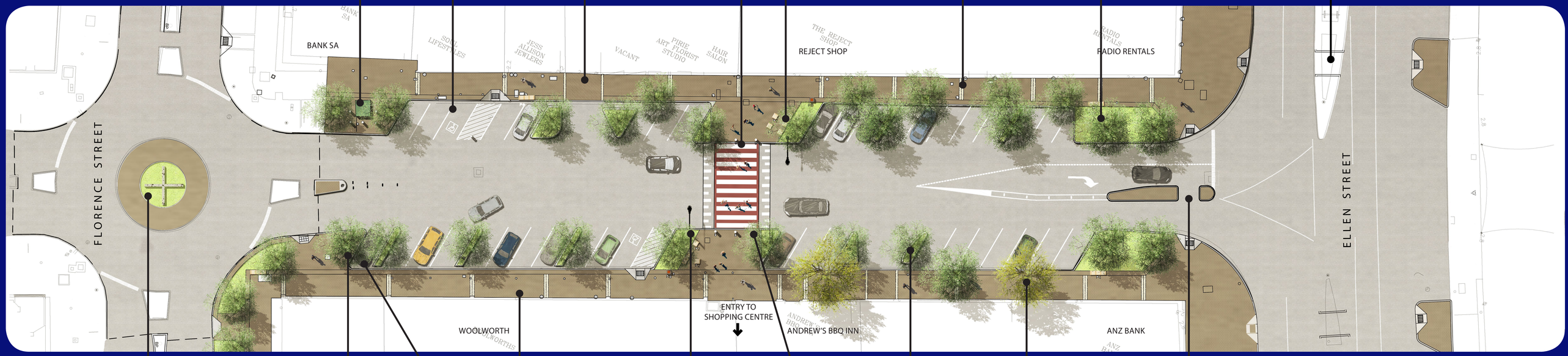
PEDESTRIAN WOMBAT (RAISED) CROSSING

NEW SEATING NODE

BANDING AND DIFFERENT PAVEMENT TEXTURE HIGHLIGHT SHOP ENTRANCES

NEW PLANE TREES AT ALL BUILD OUTS

IMPROVED REFUGE CROSSING & BUILDOUTS TO ELLEN STREET



ROUNDABOUT WITH FEATURE WALLS FOR COLOR AND WAYFINDING

NEW BIKE RACKS UNDER TREE

EXTRA PARKING

EXISTING AWNING STRUCTURE OVER

POTENTIAL NEW LIGHT POLE

NEW BOLLARDS

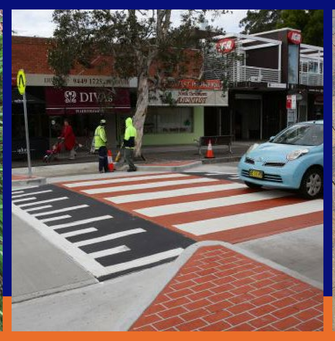
NEW SPRING FLOWERING STREET TREES

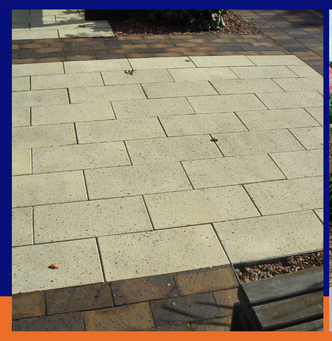
EXISTING PLANE TREES

NEW PEDESTRIAN REFUGE CROSSING










MEETING: ORDINARY MEETING OF COUNCIL - CONFIDENTIAL
DATE: 20 December 2023

DEPARTMENT: INFRASTRUCTURE
OFFICER: Frank Endemann, Project Manager

REPORT ITEM:	**17.8**
REPORT TITLE:	**RFT FOR CONTRACT 2023/218 – MEMORIAL PARK TOILETS - CONFIDENTIAL**

Timeframe	20213/2024 Financial Year			
Budget Impact	Budget allocation $338,575 (excluding GST)			
Risk Assessment	**Primary Risk Type(s):**		Service Delivery	
	Inherent Risk:	**Likelihood**	**Consequence**	**Rating**
		Possible	Minor	Medium
	Controls:	▪ Award contract and provide funding to ensure project can be completed by 30 June 2024		
	Residual Risk:	Unlikely	Minor	Low
File Reference	40.014.001.038			

STRATEGIC REFERENCE:	
Theme **Goal** **Strategy 1.3.2**	Our Community Wellbeing Community facilities are vibrant and increasingly multi use

RECOMMENDATION:

That Council:

- **award a contract to Alsanto Constructions PTY LTD for the construction of new toilets at Memorial Park in accordance with the documents submitted in response to Request for Tender for Contract 2023/128 Memorial Park Toilets for an amount up to $212,518 (excluding GST);**
- **endorse the toilet design and location as outlined in the Agenda Report; and**
- **acknowledge the complexity associated with the connection of services and note the project will be completed by 30 June 2024.**

EXECUTIVE SUMMARY:

The tender for the construction of the new toilets at Memorial Park has been called and the submissions evaluated.

A recommendation has been provided to award the contract to the preferred contractor.

Designs and applications to provide service connections for the proposed toilets are being prepared.

The sewer connection point will not be available until June 2024.

REPORT 17.8	**RFT for Contract 2023/218 – Memorial Park Toilets - Confidential** (Cont'd)

EXECUTIVE SUMMARY: (Cont'd)

This project is linked to a funding grant even though it is funded by Council.

The funding agency requires completion by 30 March 2024, but this is unlikely to be achievable.

A development application has been lodge to construct the toilets as per the design and location outlined in the report.

The proposed site's proximity to a local heritage site (the John Pirie Anchor) is a variance with the planning rules and may require further treatments to obtain planning consent.

Construction cannot commence until development approval is granted.

The preferred contractor has nominated 30 June 2024 as a completion date which aligns with the provision of service connections.

DISCUSSION

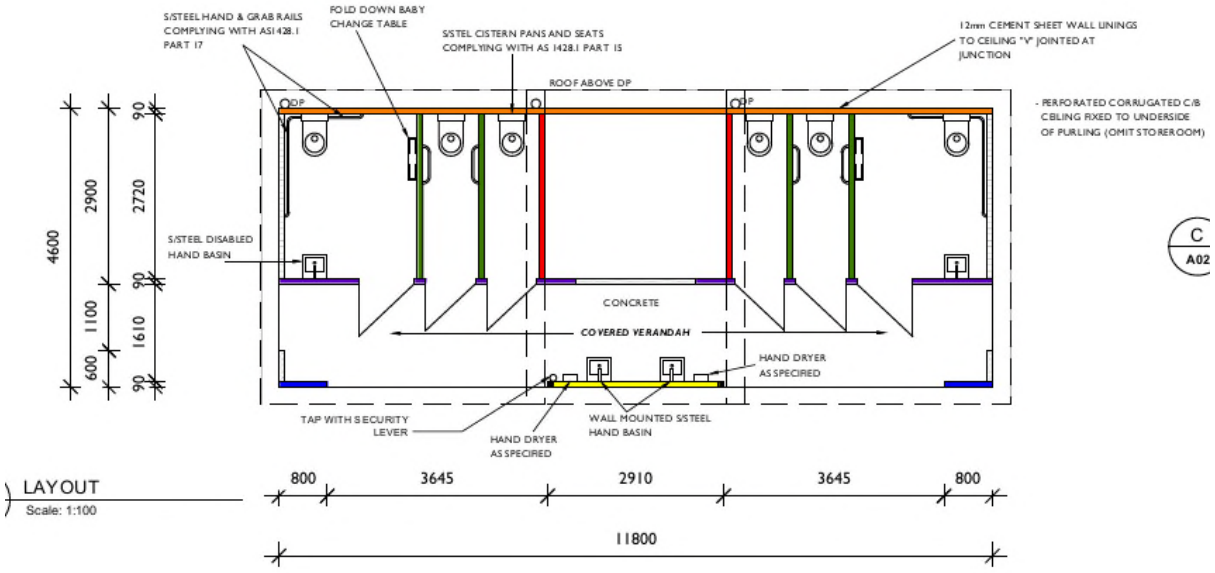
Tenders were called for the construction of new toilet facilities in Memorial Park, pursuant to Resolution OM369/23 of Council's August 2023 Ordinary Council meeting, on the site determined by Director Infrastructure in consultation with Councilors Keain and Jackson.



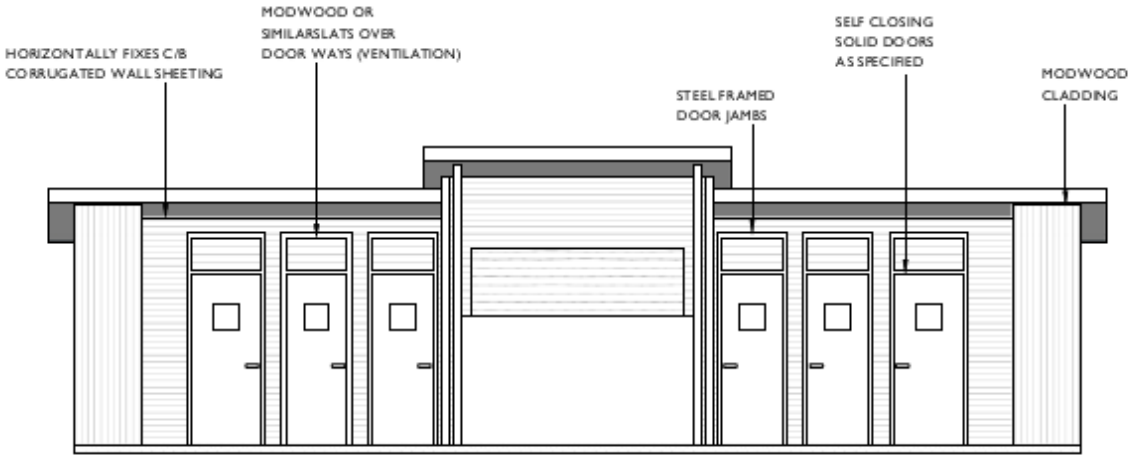
Proposed Toilet Site

Plans for the preferred design, modelled on the toilets in Victoria Square Kadina, were amended to suit local requirements and conditions to include a storage area and more resilient internal linings.

REPORT 17.8	RFT for Contract 2023/218 – Memorial Park Toilets - **Confidential** (Cont'd)



Floor Plan



Front Elevation

A development application for approval to construct the new facilities has been lodged and there are some issues with the proposed toilet's proximity to a local heritage item (the John Pirie Anchor) that will need to be resolved. Work cannot commence until development approval is granted.

I have instructed our Services Engineer to commence the process to have SA Water provide a sewer connection in Norman Street (OM 489/23) to allow the toilets to be connected via a pump station and rising main to the SA Water Sewer, and a separate metered water supply.

The sewer connection point is unlikely to be provided before June 2024.

REPORT 17.8	**RFT for Contract 2023/218 – Memorial Park Toilets - Confidential** (Cont'd)

Even though this project is funded by Council, it appears to be inextricably linked to the Local Government Infrastructure Partnership Program (LGIPP), which requires the work to be completed by 30 March 2024.

I am unsure of what the ramifications, if any, would be if this arbitrary date is not met, given Council is funding the project, but this date will be difficult to meet if the development approval is delayed and/or the service connection point(s) are not available, both of which are highly probable.

PROPOSED WORKS

Construction of new toilet block consisting of:

- 2 x Disabled facilities (Male & Female)
- 2 x Ambulant disabled cubicles (Male & Female)
- 2 x standard cubicles (Male & Female
- External hand basins and dryers
- Central storage area
- Connection of toilets to a (future) SA Water sewer connection via a pump chamber and rising main and indirect service to the proposed Norman Street connection point
- Provision of a power supply to the building from the existing distribution board fronting Gertrude Street
- Connect toilet block to new (future) SA Water meter

TENDER ASSESSMENT

Request for Tender documentation was uploaded to Tenders SA on 31 October 2023.

At the closing time of tenders of 2:00pm 21 November 2023, four tender submissions were received as follows:

Tenderer	**Tendered Price $ (excluding GST)**
Alsanto Constructions P/L	$ 212.518.00
DynaBuilt Group P/L	$ 238,950.00
ASCO Group Aust.P/L	$ 177,287.40
Mykra P/L	$ 436,000.00

One tender received could not be considered as it was at variance with Clause 2.2.3 of the Conditions of Tender which states tenders not lodged electronically will not be considered.

Tenderers were invited on a lump sum basis.

Non-Conforming Quote

The submission provided by ASCO P/L was deemed non-conforming as the price submitted was for the supply of the building only with no concrete footings, fill, plumbing, electrical or associated works.

REPORT 17.8	RFT for Contract 2023/218 – Memorial Park Toilets - **Confidential** (Cont'd)

QUALITATIVE ASSESSMENT

Tenders received have been assessed against the criteria as set out below:

Schedule No	Schedule Name	Schedule Description	Weighting %
Schedule 5	Works Health & Safety and Risk Management.	WHS systems, injuries, COR & NHVR, plant risk assessment, chemical assessment.	20
Schedule 7	Local Economic Benefit & Social Inclusion	Employment, supply inputs, training/social inclusion, supplier diversity.	10
Schedule 9	Organisation Structure, Facilities and Resources.	Organisation Structure, Fair Work Act, Modern Slavery Act, key personnel, faciliites, proposed subcontractors, contingency arrangements, current agreements and other commitments.	10
Schedule 12	Implementation/Delivery Schedule	Implementation Schedule, Transition Plan, Project Program, Project Methodology, Timeframe	10
Schedule 16	Price	Price and Variations	50
			100

The tenders were evaluated by:

- Frank Endemann, Project Manager
- Glenn Miller, Projects & Procurement Coordinator

A summary of the tender assessment is contained in the tables on the following pages as

- The tender summary; and
- The tender scoring matrix

QUOTE CLARIFICATIONS SOUGHT

No clarifications were sought during the evaluation of quotes.

RISK ASSESSMENT

Residual Risk	Comments
Cannot meet 30 March 2024 LGIPP completion date	This date is impractical given that we cannot commence until Development Approval is received and if the toilet were constructed prior to service connection being available it would have a detrimental reputational impact on Council.

REPORT 17.8	**RFT for Contract 2023/218 – Memorial Park Toilets - Confidential** (Cont'd)

OVERALL FINDING

A pre-qualitative assessment was undertaken on all four submissions received.

One was deemed non-conforming at this stage, another was considered challenging to assess further as it was felt they had priced themselves out of contention.

A detailed evaluation was undertaken on the other two submissions.

Both other tenderers were considered capable of delivering the desired outcomes, with price being the determining factor, although it is noted that the second placed tenderer indicated they could meet the 'required' timeframe.

As noted elsewhere in this report, this administrative completion date is unlikely to be met anyway due to other practical reasons.

We therefore recommend that Alsanto Construction P/L be awarded the contract to construct the new toilets in Memorial Park for the Sum of up to $ 212,518 Ex GST.

TIMING AND BUDGET

Total funding of $338,750 has been allocated to the construction of the Memorial Park toilets in the 2023/2024 Capital Works Budget. This proposed scope of works to be funded from this budget is as follows:

- Construction of Toilets - $212,518
- Provision of service connections, supply of fixtures and fittings, installation of electronic strikes (locks) and possible additional services design – $126,232

As the specifications for the service connection are still being prepared, the price for the construction of the toilets includes $50,000 in Prime Cost items (PC Sums) for the connection to future service connection points, and the true cost won't be known until these designs and third-party approvals are confirmed, and the cost of the service connections is based on a cost estimate provided by the Services Engineer. As with all PC Items, there is a possibility that the cost will be less than the PC sum, if so, we will receive a credit.

Should Council agree to the recommendation, the preferred tenderer will be engaged, and works will be programmed to be completed by 30 June 2024, subject to favorable weather conditions.

PREVIOUS REPORTS

22 November 2023 – Ordinary Meeting of Council – Agenda Item 15.3.5
23 August 2023 – Ordinary Meeting of Council – Agenda Item 15.3.5
9 August 2023 – Strategic Workshop – Agenda Item 2
26 April 2023 – Ordinary Meeting of Council – Agenda Item 15.3.4
22 February 2023 – Ordinary Meeting of Council - Agenda Item 15.3.6

REPORT 17.8	RFT for Contract 2023/218 – Memorial Park Toilets - **Confidential** (Cont'd)

TENDER SUMMARY

Criteria	Weighting	Alsanto $ 212,518.00 Ex GST	DynaBuilt $238,950.00 Ex GST	Mykra $436,000.00 Ex GST
Works Health & Safety and Risk Management.	20%	Good WHS Management systems in place	Good WHS Management systems in place	Good WHS Management systems in place
Local Economic Benefit & Social Inclusion	10%	All employees and subcontractors reside in PPRC area.	All SA employees and subcontractors 50% PPRC area.	All SA employees and subcontractors 25% PPRC area.
Organisation Structure, Facilities and Resources.	10%	Details provided and past experience suggests company has resources and structures to successfully complete project	Company structure provided shows management stucture , no employee details provided	Organisational structure indicates company capable of delivering project.
Implementation/Delivery Schedule	10%	Whilst submission provides alternate completion date to the proposed date, this is alternate date is concidered more acheiveable	Submission indicates the nominated 30 March completion date can be met	Submission indicates the nominated 30 March completion date can be met
Price	50%	Lowest price submission	$ 26,432.00 more than the lowest submission	$223,485.00 Higher than the lowest offer
General Comments	100%	Good overall submission, could undertake work at a competative cost	Good submission, can meet "required" timeframe but at a slightly higher cost.	Challenging to consider offer given cost compared to other submissions.

TENDER SCORING MATRIX

ITEM	DESCRIPTION Evaluation Criteria Note: ( )* Denotes Rating	WEIGHTING %	Alsanto Consructions P/L		DynaBuilt P/L	
			Score (out of 5)		Score (out of 5)	
	LUMPS SUM TENDER VALUE EXCL GST		**$212,518**		**$238,950**	
1	Works Health & Safety and Risk Management (Schedule 5)	20%	3	12.00	3	12.00
3	Local Economic Benefit & Social Inclusion (Schedule 7)	10%	4	8.00	3	6.00
4	Organisation Structure, Facilities and Resources (Schedule 9)	10%	3	6.00	3	6.00
7	Implementation/Delivery Schedule (Schedule 12)	10%	2	4.00	3	6.00
10	Price (Schedules 16) Score = 2.5 + 5*(($M-$T)/$M)	50%	2.8	28.00	2.2	22.00
	TOTAL SCORE INCLUDING PRICE	**100%**	58.00		52.00	
	TOTAL RANK INCLUDING PRICE		**1**		**2**	
	TOTAL SCORE EXCLUDING PRICE		*38.00*		*34.00*	
	TOTAL RANK EXCLUDING PRICE		***1***		***2***	

MINUTES OF ITEMS THAT WERE CONSIDERED UNDER CONFIDENTIALITY PURSUANT TO SECTION 90(2) OF THE LOCAL GOVERNMENT ACT 1999 FOR THE ORDINARY MEETING HELD ON WEDNESDAY 20 DECEMBER 2023

9.0 DELEGATIONS:

9.1 Magnetite Mines

Chief Executive Officer, Tim Dobson and Allan Kane, General Manager Sustainability will make a presentation to the meeting in confidence.

MOVED Cr Hopgood SECONDED Cr Zubrinich

OM506/23 That confidential item 17.3 Magnetite Mines Delegation be brought forward and considered at this point of the meeting.

CARRIED

Pursuant to Section 90(3)(d)

MOVED Cr Zubrinich SECONDED Cr Petagna

OM507/23 Pursuant to Section 90(2) and 3(d) of the Local Government Act 1999, the Council orders that the public, with the exception of P Ackland, Chief Executive Officer; C Davey, Director Development & Regulation; K Johnson, Director Infrastructure; S Rufus, Director Corporate & Community and K Clonan, Personal Assistant, be excluded from attendance at that part of this meeting relating to Agenda Item 17.3 Magnetite Mines Delegation to enable the Council to consider Item 17.3 in confidence on the basis the Council considers it necessary and appropriate to act in a meeting closed to the public (excepting those persons noted above) in order to receive, discuss or consider in confidence the following information or matter relating to Item 17.3 being commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information or confer a commercial advantage on a third party and which would, on balance, be contrary to the public interest.

Accordingly, on this basis, the principle that the meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or matter confidential.

CARRIED

Magnetite Mines Chief Executive Officer, Tim Dobson and Allan Kane, General Manager Sustainability presented to the meeting.

Section 91(7) Order

MOVED Cr Gulin SECONDED Cr Keain

OM509/23 Pursuant to Section 91(7) of the Local Government Act 1999, the Council orders that agenda reports, related attachments, discussion and minutes relating to Agenda Item 17.3 Magnetite Mines Delegation shall be kept confidential, being documents relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and 90(3)(d) of the Act.

CONFIDENTIAL

9.0 DELEGATIONS: (Cont'd)

9.1 Magnetite Mines (Cont'd)

Section 91(7) Order

This order shall operate until the matter has been finalized or until further order of the Council.

Pursuant to Section 91(9)(c) of the Local Government Act 1999, the Council delegates to the Chief Executive Officer (or his delegate) the power to revoke this order in whole or part.

CARRIED

MAYOR

CONFIDENTIAL

17.0 ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY: (Cont'd)

17.3 Magnetite Mines Delegation

Pursuant to Section 90(3)(d)

MOVED Cr Zubrinich SECONDED Cr Petagna

OM538/23 **Pursuant to Section 90(2) and 3(d) of the Local Government Act 1999, the Council orders that the public, with the exception of P Ackland, Chief Executive Officer; C Davey, Director Development & Regulation; K Johnson, Director Infrastructure; S Rufus, Director Corporate & Community and K Clonan, Personal Assistant, be excluded from attendance at that part of this meeting relating to Agenda Item 17.3 Magnetite Mines Delegation to enable the Council to consider Item 17.3 in confidence on the basis the Council considers it necessary and appropriate to act in a meeting closed to the public (excepting those persons noted above) in order to receive, discuss or consider in confidence the following information or matter relating to Item 17.3 being commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information or confer a commercial advantage on a third party and which would, on balance, be contrary to the public interest.**

Accordingly, on this basis, the principle that the meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or matter confidential.

CARRIED

MOVED Cr Peters SECONDED Cr Keain

OM539/23 **That Council thank Magnetite Mines for their presentation and indicate an in principle interest in receiving a formal proposal for further consideration.**

CARRIED

Section 91(7) Order

MOVED Cr Gulin SECONDED Cr Keain

OM540/23 **Pursuant to Section 91(7) of the Local Government Act 1999, the Council orders that agenda reports, related attachments, discussion and minutes relating to Agenda Item 17.3 Magnetite Mines Delegation shall be kept confidential, being documents relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and 90(3)(d) of the Act.**

This order shall operate until the matter has been finalized or until further order of the Council.

Pursuant to Section 91(9)(c) of the Local Government Act 1999, the Council delegates to the Chief Executive Officer (or his delegate) the power to revoke this order in whole or part.

CARRIED

MAYOR

17.0 ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY: (Cont'd)

Cr Hopgood declared a material interest in item 17.4 Enterprise Agreement Negotiations in that he is the Branch and State President of the Australian Workers Union (AWU). The AWU represents its members who are employed by Council. There is a potential for employees to become its members. Cr Hopgood left the meeting at 8.29pm.

Cr Petagna declared a material interest in item 17.4 Enterprise Agreement Negotiations in that he is and Executive Member of the Australian Workers Union which represents Council employees. Cr Petagna left the meeting at 8.29pm.

Cr Peters declared a material interest in item 17.4 Enterprise Agreement Negotiations in that her husband is an employee of this Council and as such she will directly benefit from any financial benefit derived as a result of the current Enterprise Agreement negotiations and left the meeting at 8.29pm.

17.4 Enterprise Agreement Negotiations

The Mayor declared that there was no longer a quorum present and moved on to the next item.

Crs Hopgood, Petagna and Peters returned to the meeting at 8.30pm.

Cr Hopgood declared a material interest in item 17.5 RFT for Contract 2023/115 – Foreshore Promenade Path Construction in that he is the Branch and State President of the Australian Workers Union (AWU). The Australian Workers Union represents its members who are employed by a company that submitted a tender for this contract. There is a potential for employees to become its members. Cr Hopgood left the meeting at 8.31pm.

17.5 RFT for Contract 2023/115 – Foreshore Promenade Path Construction
Pursuant to Section 90(3)(k)

MOVED Cr Peters SECONDED Cr Zubrinich

OM541/23 **Pursuant to Section 90(2) and (3)(k) of the Local Government Act 1999 the Council orders that all members of the public with the exception of P Ackland, Chief Executive Officer; C Davey, Director Development & Regulation; K Johnson, Director Infrastructure; S Rufus, Director Corporate & Community and K Clonan, Personal Assistant be excluded from attendance at that part of this meeting relating to Agenda Item 17.5 RFT for Contract 2023/115 – Foreshore Promenade Path Construction to enable the Council to consider Item 17.5 in confidence on the basis the Council considers it necessary and appropriate to act in a meeting closed to the public (excepting those persons noted above) in order to receive, discuss or consider in confidence the following information or matter relating to Item 17.5 which relates to tenders for the supply of goods, the provision of services or the carrying out of works being the Foreshore Promenade Path Construction.**

Accordingly, on this basis, the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or matter confidential.

CARRIED

CONFIDENTIAL

17.0 ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY: (Cont'd)

17.5 RFT for Contract 2023/115 – Foreshore Promenade Path Construction (Cont'd)

MOVED Cr Zubrinich SECONDED Cr Peters

OM542/23 **That Council award a contract to Caddy Earthworks Pty Ltd for the construction of Stage 1 and Stage 3 of the foreshore promenade path in accordance with the documents submitted in response to Request for Tender for Contract 2023/115 – Foreshore Promenade Path Construction for up to the amount of $380,000 ($350,970.29 for the contracted works plus a contingency of ~$30,000) (excluding GST).**

CARRIED

Section 91(7) Order

MOVED Cr Keain SECONDED Cr Gulin

OM543/23 **Pursuant to Section 91(7) of the Local Government Act 1999, the Council orders that the agenda reports, related attachments, discussion and minutes relating to Agenda Item 17.5 RFT for Contract 2023/115 – Foreshore Promenade Path Construction shall be kept confidential, being documents relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and (3)(k) of the Act on the grounds that the documents relate to tenders for the supply of goods, the provision of services or the carrying out of works being the 2023/24 Footpath Program.**

This order shall operate for a period of six (6) months or until the execution of a contract.

Pursuant to Section 91(9)(c) of the Local Government Act 1999, the Council delegates to the Chief Executive Officer (or his delegate) the power to revoke this order in whole or part.

CARRIED

MAYOR

CONFIDENTIAL

17.0 ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY: (Cont'd)

Cr Hopgood returned to the meeting at 8.32pm.

17.6 RFT for Contract 2023/130 – Supply and Delivery of One Tow Behind Roller

Pursuant to Section 90(3)(k)

MOVED Cr Jackson SECONDED Cr Peters

OM544/23 **Pursuant to Section 90(2) and (3)(k) of the Local Government Act 1999 the Council orders that all members of the public with the exception of P Ackland, Chief Executive Officer; C Davey, Director Development & Regulation; K Johnson, Director Infrastructure; S Rufus, Director Corporate & Community and K Clonan, Personal Assistant be excluded from attendance at that part of this meeting relating to Agenda Item 17.6 RFT for Contract 2023/130 – Supply and Delivery of One Tow Behind Roller to enable the Council to consider Item 17.6 in confidence on the basis the Council considers it necessary and appropriate to act in a meeting closed to the public (excepting those persons noted above) in order to receive, discuss or consider in confidence the following information or matter relating to Item 17.6 which relates to tenders for the supply of goods, the provision of services or the carrying out of works being the Supply and Delivery of One Tow Behind Roller.**

Accordingly, on this basis, the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or matter confidential.

CARRIED

MOVED Cr Jackson SECONDED Cr Petagna

OM545/23 **That Council award a contract to Broons for the supply and delivery of one tow behind roller in accordance with the documents submitted in response to Request for Tender for Contract 2023/130 – Supply and Delivery of One Tow Behind Roller for the amount of $134,480 (excluding GST).**

CARRIED

Section 91(7) Order

MOVED Cr Petagna SECONDED Cr Peters

OM546/23 **Pursuant to Section 91(7) of the Local Government Act 1999, the Council orders that the agenda reports, related attachments, discussion and minutes relating to Agenda Item 17.6 RFT for Contract 2023/130 – Supply and Delivery of One Tow Behind Roller shall be kept confidential, being documents relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and (3)(k) of the Act on the grounds that the documents relate to tenders for the supply of goods, the provision of services or the carrying out of works being the Supply and Delivery of One Tow Behind Roller.**

This order shall operate for a period of six (6) months or until the execution of a contract.

CONFIDENTIAL

17.0 ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY: (Cont'd)

17.6 RFT for Contract 2023/130 – Supply and Delivery of One Tow Behind Roller

Section 91(7) Order

Pursuant to Section 91(9)(c) of the Local Government Act 1999, the Council delegates to the Chief Executive Officer (or his delegate) the power to revoke this order in whole or part.

CARRIED

MAYOR

CONFIDENTIAL

17.0 ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY: (Cont'd)

17.7 RFT for Contract 2023/216 – Norman Street Crossing

Pursuant to Section 90(3)(k)

MOVED Cr Petagna SECONDED Cr Peters

OM547/23 **Pursuant to Section 90(2) and (3)(k) of the Local Government Act 1999 the Council orders that all members of the public with the exception of P Ackland, Chief Executive Officer; C Davey, Director Development & Regulation; K Johnson, Director Infrastructure; S Rufus, Director Corporate & Community and K Clonan, Personal Assistant be excluded from attendance at that part of this meeting relating to Agenda Item 17.7 RFT for Contract 2023/216 – Norman Street Crossing to enable the Council to consider Item 17.7 in confidence on the basis the Council considers it necessary and appropriate to act in a meeting closed to the public (excepting those persons noted above) in order to receive, discuss or consider in confidence the following information or matter relating to Item 17.7 which relates to tenders for the supply of goods, the provision of services or the carrying out of works being the Norman Street Crossing.**

Accordingly, on this basis, the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or matter confidential.

CARRIED

MOVED Cr Gulin SECONDED Cr Peters

OM548/23 **That Council raise item 14.1 RFT for Contract 2023/216 - Norman Street Crossing off the table (Item 4.3 in the confidential section of the Special Council meeting held 29 November – SM64/23).**

CARRIED

MOVED Cr Jackson SECONDED Cr Peters

OM549/23 **That Council:**

- **award a contract to Civil Tech Pty Ltd for the construction of the Norman Street Crossing in accordance with the documents submitted in response to Request for Tender for Contract 2023/216 Norman Street Crossing, for the amount of up to $154,000 (excluding GST); and**
- **endorse the reallocation of $42,000 from Osborne Street Road construction project to the Norman Street Crossing.**
- **consider the required allocation of $13,000 as part of Budget Review 2.**

CARRIED

Section 91(7) Order

MOVED Cr Hopgood SECONDED Cr Petagna

OM550/213 **Pursuant to Section 91(7) of the Local Government Act 1999, the Council orders that the agenda reports, related attachments, discussion and minutes relating to Agenda Item 17.7 RFT for Contract 2023/216 – Norman Street Crossing shall be kept confidential, being documents relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and (3)(k) of the Act on the grounds that the documents relate to tenders for the supply of goods, the provision of services or the carrying out of works being the Norman Street Crossing.**

CONFIDENTIAL

17.0 ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY: (Cont'd)

17.7 RFT for Contract 2023/216 – Norman Street Crossing (Cont'd)

Section 91(7) Order (Cont'd)

This order shall operate for a period of six (6) months or until the execution of a contract.

Pursuant to Section 91(9)(c) of the Local Government Act 1999, the Council delegates to the Chief Executive Officer (or his delegate) the power to revoke this order in whole or part.

CARRIED

MAYOR

CONFIDENTIAL

17.0 ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY: (Cont'd)

17.8 RFT for Contract 2023/218 – Memorial Park Toilets

Pursuant to Section 90(3)(k)

MOVED Cr Petagna SECONDED Cr Gulin

OM551/23 **Pursuant to Section 90(2) and (3)(k) of the Local Government Act 1999 the Council orders that all members of the public with the exception of P Ackland, Chief Executive Officer; C Davey, Director Development & Regulation; K Johnson, Director Infrastructure; S Rufus, Director Corporate & Community and K Clonan, Personal Assistant be excluded from attendance at that part of this meeting relating to Agenda Item 17.8 RFT for Contract 2023/218 – Memorial Park Toilets to enable the Council to consider Item 17.8 in confidence on the basis the Council considers it necessary and appropriate to act in a meeting closed to the public (excepting those persons noted above) in order to receive, discuss or consider in confidence the following information or matter relating to Item 17.8 which relates to tenders for the supply of goods, the provision of services or the carrying out of works being the construction of the Memorial Park Toilets.**

Accordingly, on this basis, the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or matter confidential.

CARRIED

MOVED Cr Keain SECONDED Cr Petagna

OM552/23 **That Council:**

- **award a contract to Alsanto Constructions PTY LTD for the construction of new toilets at Memorial Park in accordance with the documents submitted in response to Request for Tender for Contract 2023/128 Memorial Park Toilets for an amount up to $212,518 (excluding GST);**
- **endorse the toilet design and location as outlined in the Agenda Report; and**
- **acknowledge the complexity associated with the connection of services and note the project will be completed by 30 June 2024.**

CARRIED

Section 91(7) Order

MOVED Cr Peters SECONDED Cr Hopgood

OM553/23 **Pursuant to Section 91(7) of the Local Government Act 1999, the Council orders that the agenda reports, related attachments, discussion and minutes relating to Agenda Item 17.8 RFT for Contract 2023/218 – Memorial Park Toilets shall be kept confidential, being documents relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and (3)(k) of the Act on the grounds that the documents relate to tenders for the supply of goods, the provision of services or the carrying out of works being the construction of the Memorial Park Toilets.**

This order shall operate for a period of six (6) months or until the execution of a contract.

CONFIDENTIAL

17.0 ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY: (Cont'd)

17.8 RFT for Contract 2023/218 – Memorial Park Toilets (Cont'd)

Section 91(7) Order (Cont'd)

Pursuant to Section 91(9)(c) of the Local Government Act 1999, the Council delegates to the Chief Executive Officer (or his delegate) the power to revoke this order in whole or part.

CARRIED

MAYOR

CONFIDENTIAL

Port Pirie Regional Council

MEETING: ORDINARY MEETING OF COUNCIL - CONFIDENTIAL
DATE: 24 January 2024

DEPARTMENT: Office of the Chief Executive
OFFICER: Peter Ackland

REPORT ITEM:	**17.1**
REPORT TITLE:	**ENTERPRISE AGREEMENT NEGOTIATIONS – CONFIDENTIAL**

Timeframe	Agreement expired 30 November 2023 – terms and conditions in the agreements continue until a new agreement is certified			
Budget Impact	Council has budget provision for a 5% increase			
Risk Assessment	**Primary Risk Type(s):**		Financial	
	Inherent Risk:	**Consequence**	**Consequence**	**Rating**
		Insignificant	Insignificant	Low
	Controls:	▪ No mitigation required		
	Residual Risk:			Medium
File Reference				

STRATEGIC REFERENCE:	
Theme **Goal** **Strategy 4.2.4**	Our Leadership Organisational Excellence Council will be financially responsible and sustainable across generations.

RECOMMENDATION:

That Council reject the counter offer put by the Australian Workers Union on behalf of employees employed by Council pursuant to the Local Government Employees Award, as detailed in the agenda report.

That the Chief Executive Officer be required to continue negotiations based on the following criteria:

- **to be determined by Council at the meeting**

EXECUTIVE SUMMARY:

The AWU Enterprise Bargaining Committee has met and discussed Councils offer authorised by Council at its November Ordinary meeting, being a 5% increase in year 1 and a further 4% increase in year 2 of a proposed 2 year agreement.

Councils offer was rejected and a counter-offer put forward by the Union / employees.

Given the counter-offer is more than the Councils authorised offer, it is presented to Council for direction.

CONFIDENTIAL

REPORT 17.1	**Enterprise Agreement Negotiations – Confidential** (Cont'd)

DISCUSSION

I refer to agenda item 15.1.1 from Council's November Ordinary meeting where Council confirmed the quantum of offer that could be made for the second year of a potential 2 year agreement. This is in addition to the 5% increase included in the budget for the current year.

This offer was relayed to the AWU Enterprise Bargaining Committee (EBC) at its most recent meeting, being a 2 year agreement with a 5% increase in Year 1 followed by a 4% increase in Year 2. For clarity, there are additional matters under negotiation, none of which are anticipated to result any significant increase in wage costs.

Council's offer was rejected, as was a second offer of the same quantum over two years but with a commitment to investigate options for a 4 day working week in lieu of the current 9 day fortnight.

The Union and employee representatives (the Union) have placed the following counter-offer on the table together with the following reasons for the request. It is presented to this meeting for direction given that it is in excess of the current budget and financial plan and therefore exceeds the scope of the Chief Executive Officers authority.

- Request is for less than a three year agreement
- Wage increase requested to be CPI + 2% in year 1 and a further increase of CPI + 2% in year 2.
- To support their request, the following positions have been put by the Union and employee representatives:
    - A CPI based increase just keeps pace with the cost of living hence the request for the additional 2% which equates to real wage growth
    - Cost of living pressures are more than the CPI figure
    - Over the years there has been an increase in the residential areas to be serviced and this has been accommodated by the employees without increase in numbers
    - Employees have taken up new initiatives such as the customer request system, the planning and program tool and the grading initiative
    - Since amalgamation there has been more done with less employees
    - Employees have responded to a request to bring forward business improvement ideas as a way of getting above CPI increases, to which many where flagged and few have been completed, for example centrally controlled irrigation and stores project.

To assist Members in consideration of this request, the most recent annual CPI figures to the end of September 2023, which is the CPI timing that is used to calculate CPI in past agreements, was 5.9% (Adelaide all groups). The cost of 0.9% of total wages is approximately $86,500 per annum, of which approximately 35% is attributable to the AWU based employees. The impact on the budget of the current request by employees would be approximately $30,000, albeit this will have a compounding effect across future years of Councils Long Term Financial Plan.

Commentary in relation to the relevant dot points from the employee request is as follows:

- The theory of enterprise agreements is that where savings / benefits are made through employee initiatives, there are shared in an agreed portion between employees and the employer. This is not always in direct wage payments but can also be in employment conditions.

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REPORT 17.1	**Enterprise Agreement Negotiations – Confidential** (Cont'd)

- The recent history of enterprise negotiations has generally seen a range of conditions bargained away in return for wage increases to a point now that there is little left to bargain on that basis, hence in this councils recent Enterprise Agreement history, increases have been based largely on or close to the annual CPI (Adelaide all groups) movement.

- CPI has traditionally been used as a reasonable benchmark to measure increases in the cost of living, albeit it is an average and may or may not directly reflect an individual households cost of living depending on their particular circumstances.

- A review of employee numbers covered by this award has been undertaken commencing in 2018 where Council employed 31.9 (FTE) and at the current time there is 32.9 (FTE) meaning, the employment numbers have been stable over this time with a small increase overall.

- In the recent history, the programming and planning tool for Councils Parks and Gardens employees was used to prove the need for 2 additional employees who were recruited on 2 year contracts targeting primarily new works to support Councils strategic initiative to improve the amenity and presentation of our public spaces. These employees are included in the current 32.9 FTE count.

- The customer service system, planning and program tool and grading initiative were predominately initiated by Council / management, but it is correct that these have been now well taken up by employees. There is still work to be done to continually refine these more automated systems, particularly on the grading initiative. It is very difficult to quantify the efficiencies / additional benefits of these initiatives to determine their value in terms of an increase in wages.

- When the Business Improvement system was reinstated about 5 years ago, it was promoted in part as an opportunity for employees to bring forward ideas and initiatives for improvement which could result in efficiencies or increase in services, in return for a share of the savings / efficiencies – essentially along the lines of the enterprise bargaining theology listed above. The statement made by employees in this regard is true however the quantum saved / efficiencies gained that is as a result of employee effort vs the cost incurred by Council in implementing these ideas, and whether the savings are once off or ongoing, is difficult to quantify and has not been calculated at this time.

The current position of Council and the most recent position of the Union are at reasonable variance one to another.

Options to bridge this divide include, but are not limited to:

- Council maintain the current position on the basis that the offer is considered fair in the current economic climate, with the most recent increase in the current enterprise agreement, whilst in line with the relevant CPI movement, significantly over the budget provision at the time.
- Increase the offer in year 1 by 0.9% to be consistent with the September annual CPI movement – note that the ASU based Enterprise Agreement negotiations have just reached in principle agreement and is currently before SACAT which includes wage increases of 5% and 4% respectively over the two year term, consistent with the current offer by Council in the negotiations with the Australian Workers Union.
- Offer non cash initiatives such as two grace days to be used over the Christmas / New year break given that this is an enforced closure of the Council. The cost of this would be approximately 0.43% per day for the current FTE cohort, but would not be incurred

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REPORT 17.1	**Enterprise Agreement Negotiations – Confidential** (Cont'd)

as a direct wages impact in the budget. it is acknowledged that ultimately this "cost" would be incurred via less work being done as these days are now taken as annual or other leave which would become available to use at other times of the year.

- Seek to quantify the value of savings and efficiencies from agreed initiatives for potential part conversion to wages increases.

CONFIDENTIAL

MEETING: ORDINARY MEETING OF COUNCIL - CONFIDENTIAL
DATE: 24 January 2024

DEPARTMENT: Office of the Chief Executive
OFFICER: Peter Ackland

REPORT ITEM:	**17.2**
REPORT TITLE:	**MAGNETITE MINES PROPOSAL FOR A MEMORANDUM OF UNDERSTANDING – CONFIDENTIAL**

Timeframe	Proposed MOU in the short term – project expected to take a number of years to be realised – current expectation is ore exports commencing in Q1 2029			
Budget Impact	Not know			
Risk Assessment	**Primary Risk Type(s):**		Reputational	
	Inherent Risk:	**Likelihood**	**Consequence**	**Rating**
		Possible	Minor	Low
	Controls:	▪ Clear / early statements about degree of Council involvement ▪ Clarify no financial impact from signing the MOU		
	Residual Risk:	Possible	Minor	Low
File Reference				

STRATEGIC REFERENCE:	
Theme **Goal** **Strategy 2.2.3**	Our Economy Business and Industry Opportunities to diversify our economic base into other sectors such as tourism, renewables and value added agriculture are pursued

RECOMMENDATION:

That Council accept the offer of Magnetic Mines to enter into a non-binding non-exclusive Memorandum of Understanding (MOU) aiming to collectively recognise Port Pirie as a Green Iron / Steel Hub, with specific focus on:

- **Water supply and infrastructure planning**
- **Social and economic impact**
- **Community and business engagement**

That the Mayor and Chief Executive Officer be authorised to seek any necessary advice and subject to that advice, negotiate and agree any required changes to the draft MOU. This authority be conditioned that the final intent of the MOU is not materially different to the draft included in the agenda.

That the Mayor be authorised to sign the agreed version of the MOU.

EXECUTIVE SUMMARY:

Council received a presentation from Magnetite Mines Chief Executive Officer, Tim Dobson and Allan Kane, General Manager Sustainability at its December 2023 OM, detailing

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REPORT 17.2	**Magnetite Mines Proposal for a Memorandum of Understanding – Confidential** (Cont'd)

EXECUTIVE SUMMARY:
amongst other things the possibility of Magnetite Mines exporting ore via Port Pirie with future consideration of value added production in Port Pirie. The presentation concluded with the proposition of entering a Memorandum of Understanding working to the aim of Port Pirie being recognised as a Green Iron / Steel Hub. This report considers the proposal of a Memorandum of Understanding.

DISCUSSION

Background

Council received a presentation from Magnetite Mines (MM) Chief Executive Officer, Tim Dobson and Allan Kane, General Manager Sustainability at its December 2023 OM, detailing amongst other things, the possibility of MM exporting magnetite ore via Port Pirie with future consideration of value added production in Port Pirie.

The MM presentation included the following key points:

- Global production of steel has doubled every 20 years since 1950.
- Increasing volumes of steel are required for the global push into green energy production.
- The steel industry produces 8% of global carbon emissions.
- Global steel producers have significant carbon reduction targets as early as 2030 through to 2050.
- Traditional coal fired blast furnaces used in current steel production to be replaced over the next 5 – 25 years.
- MM considering Razorback magnetite ore production for steel using Direct Reduction Iron (DRI) techniques fired by natural gas or green hydrogen to significantly reduce carbon emissions.
- Port Pirie has natural advantages in being the closest port to the Razorback Oron Ore Project with open access rail and long history of working in and understanding heavy industry.
- Water supply to the mine site is a key requirement.
- South Australia has globally competitive advantages in the green iron / steel economy being that it is a geopolitically stable location, has abundant high grade magnetite deposits, aims to be 100% renewable energy on grid by 2030 and has a government commitment to green hydrogen.

Proposed Memorandum of Understanding

MM concluded the presentation with the proposition that the Port Pirie Regional Council (Council) enter a Memorandum of Understanding (MOU) with MM.

Subsequently MM has provided a draft MOU for consideration identifying the key purpose being collaboration:

- On strategic planning activities during infrastructure/project conceptualisation and design stages, including for the Port Pirie Green Iron Hub proposal, stakeholder consultation initiatives, economic development and participation planning and advocacy supporting individual and shared projects.

- To establish appropriate processes for engagement between MM and Council, its elected members, residents and other entities to ensure alignment between Razorback Iron Ore Project developments and local strategic planning, and that stakeholder interests inform proposed activities, including for:
    - water supply infrastructure (coast to Razorback Project)
    - future port development to enable export of iron ore and iron products.

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- To undertake planning for the Port Pirie Green Iron Hub concept, including:
  - strategic positioning with State and Federal Government
  - the development of other partnerships that support a future iron ore processing industry in Port Pirie.

State Government Green Steel / Iron Strategy
Given the inclusion in MM's presentation and draft MOU identifying the aim to have Port Pirie recognised as a Green Steel / Iron Hub as part of a State Government Green Steel Strategy, contact has been made with the Department for Mining and Energy seeking information on the proposed strategy.

It has been confirmed that the Government is developing a strategy based on South Australia's competitive advantages in terms of green steel / iron production and opportunities for value adding to the ore produced, and these competitive advantages are generally consistent with those put forward by MM as part of its presentation to Council. Additionally, it was identified that the strategy will likely not just be based on one location but will respond to sovereign need for local production and the markets assessment of the most beneficial location(s). The strategy is still being developed and the comments above should be considered in that light.

In discussions, it was recognised that Port Pirie had in the past sought to present itself to government and industry as a possible export point, and this had been noted.

Summary
The State Government is developing a strategy to build on the competitive advantages of the state in terms of mining resources and also the renewable energy opportunities which are largely identified in the Upper Spencer Gulf Region.

Council has over time sought options to build on its industrial strengths to attract alternative industry in order to diversify its local economy and thereby soften the impacts of being heavily reliant on a single major industry.

Whilst the current Business and Industry section of Councils Community Plan identifies options for this diversification based on other sectors such as tourism, renewables and value added agriculture, Council has previously prepared and promoted options to attract mining interests to use the Port of Pirie. The Community Plan also contains other complimentary priorities of employment creation and business support.

The proposal by MM does not in itself require significant expenditure by Council, rather is based on collaboration to promote options and advantages of Port Pirie playing a significant part in the States efforts to become more involved in green iron / steel production. Council is at liberty to decide how it may want to approach the promotion of this aim, and whether or not to commit resources, and to what degree.

Whilst the project being promoted by MM still has challenges to reach a point of surety, it is considered there is little downside in agreeing to be party to a non-exclusive non-binding MOU to promote industrial growth in Port Pirie, in a sector that is understood to be generally consistent with the aims of the State Government.

A recommendation for consideration is included in this report on that basis.

It is further recommended that this matter be considered and debated in confidential session based on the possibility that there may be changes required by Council to be negotiated with MM, however if there is an indication of support to enter a MOU based on no or minimal change, that this decision be considered to be taken in open session.

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MEMORANDUM OF UNDERSTANDING

between

PORT PIRIE REGIONAL COUNCIL

and

MAGNETITE MINES LIMITED

for

RAZORBACK IRON ORE PROJECT INFRASTRUCTURE AND INDUSTRY PLANNING

Version	Date from	Date to	Amendment
1.0	18 January 2024	Current	Draft version

1. INTRODUCTION

1.1 The Razorback Iron Ore Project is a magnetite iron ore deposit capable of producing a high-grade iron ore concentrate product for use in green steel production. With a defined 2012 JORC resource of 3.2 billion tonnes of iron ore, the project envisages a minimum production of 5 million tonnes of iron ore concentrate annually through the development of a new mine, processing plant and associated infrastructure.

1.1.1 The project is located approximately 160km east-northeast of Port Pirie, South Australia and within the Unincorporated Area; however, infrastructure corridors, including those for water supply and product export logistics, are proposed within the Port Pirie Regional Council area.

1.1.2 As an existing mineral processing and industrial precinct with an operating port and highly-skilled workforce, and its proximity to the Braemar Iron Province, Port Pirie is recognised as an outstanding candidate for future iron ore export and downstream processing in line with the South Australian Government's proposed green steel and iron strategy.

The Port Pirie Regional Council and Magnetite Mines acknowledge that the Port Pirie region is located within the traditional lands of the Nukunu People.

1.2 Regional Council of Port Pirie
The Port Pirie Regional Council (**PPRC**) is a proclaimed council pursuant to Chapter 2 of the *Local Government Act 1999* (SA).

1.3 Magnetite Mines Limited
Magnetite Mines Limited (**MGT**) is an Australian Public Company registered pursuant to the *Corporations Act 2001* (Cth) with ACN 108 102 432.

2. BACKGROUND

2.1 Mining and mineral processing has long been a key industry in South Australia, responsible for significant economic development within the State. Following the discovery of lead in Broken Hill, the development of Port Pirie's first lead smelter occurred in 1889. Over the following 130 years, Port Pirie has evolved to become a globally-scaled mineral and metal processing centre.

2.2 It is well understood that for successful development, proponents of major mining and mineral processing developments must work closely with communities, First Nations and other stakeholders to ensure its actions are aligned to stakeholder aspirations and needs, is transparent in its plans, is environmentally, socially and financially sustainable, and remains accountable for its long-term performance.

2.3 Preliminary engagement between PPRC and MGT acknowledged opportunities arising from MGT's proposed infrastructure development and from potential future downstream iron ore processing within the Port Pirie region, and that shared outcomes will be best achieved through a partnership model.

A Memorandum of Understanding (**Memorandum**) was identified as the preferred mechanism on which PPRC and MGT can collaborate and support project development outcomes, position Port Pirie for future mineral processing opportunities and to ensure community involvement.

3. PURPOSE OF THIS MEMORANDUM

3.1 This document records the intention of the parties to:

3.1.1 establish appropriate processes for engagement between MGT and PPRC, its elected members, residents and other entities to ensure alignment between Razorback Iron Ore Project developments and local strategic planning, and that stakeholder interests inform proposed activities, including for:

water supply infrastructure (coast to Razorback Project)

future port development to enable export of iron ore and iron products.

3.1.2 undertake planning for the Port Pirie Green Iron Hub concept, including:

strategic positioning with State and Federal Government

the development of other partnerships that support a future iron ore processing industry in Port Pirie.

4. STATEMENT OF INTENT

4.1 The parties acknowledge that this is an administrative arrangement between parties and is not intended to create legal relations or a legally binding agreement, except in relation to Clauses 8 and 9 of this Memorandum.

4.1.1 This Memorandum does not negate or replace any of the current or future statutory obligations that either party has pursuant to statute, regulation, policy or other agreement and contract.

4.2 Each party will work cooperatively in the spirit of goodwill and shall take fair and reasonable action to ensure that they fulfill their obligations and undertakings as set out in Clauses 5, 6 and 7 of this Memorandum.

4.2.1 If one party believes that the principles and undertakings of this Memorandum are not being fulfilled it will initiate discussions with the counterparty to seek resolution on the matter.

4.2.2 If the parties are unable to reach satisfactory resolution of a dispute, the matters may be referred to a special meeting of the parties.

5. PRINCIPLES

5.1 The parties agree that the following principles will apply:

5.1.1 PPRC and MGT should collaborate on:

strategic planning activities during infrastructure/project conceptualisation and design stages, including for the Port Pirie Green Iron Hub proposal

stakeholder consultation initiatives

economic development and participation planning

advocacy supporting individual and shared projects.

5.1.2 Effective communication is integral to the successful implementation of the Memorandum.

5.1.3 The PPRC is a key representative body for local communities and other directly-affected stakeholders, and it is acknowledged that they have the right to be

engaged and participate in any relevant projects, so as to maximise opportunities, reduce potential negative impacts and build trust.

5.1.4 Collaboration between PPRC and MGT must be transparent, with parties acting with integrity throughout their undertakings as defined in Clauses 6 and 7.

6. GENERAL UNDERTAKING

6.1 The parties are committed to cooperate and collaborate in respect of the Principles set out in Clause 5.

6.2 PPRC and MGT each agree to:

6.2.1 Appoint a primary person of responsibility for the implementation of the Memorandum and provide the necessary resources for that person to engage with the counterparty.

6.2.2 Meet on a periodic basis to progress priority matters, and to record and distribute minutes of these meetings in accordance with good governance practices (noting any confidentiality requirements of Clause 8).

6.2.3 Share information relevant to priority matters to ensure the counterparty is suitably informed on all relevant matters, including infrastructure/project information (MGT) and local context/network development (PPRC).

6.2.4 Identify opportunities to partner, collaborate and/or form consortia with other stakeholders in the planning and/or development of infrastructure/projects, including for the Port Pirie Green Iron Hub.

6.2.5 Collaborate to deliver fit-for-purpose community consultation processes for any local infrastructure projects supporting the Razorback Iron Ore Project or for the Port Pirie Green Iron Hub.

7. FURTHER OPPORTUNITIES

7.1 Under this Memorandum, PPRC and MGT may identify and collaborate on other matters and opportunities not listed here, or may include other parties in the planning or delivery of any undertakings subject to agreement.

8. CONFIDENTIALITY AND ASSOCIATED REQUIREMENTS

8.1 This Memorandum does not permit the use of copyright materials (including logos) and dissemination of confidential information (including the content of discussions between the parties in respect of matters addressed in this Memorandum) without prior written agreement. Nothing in this clause precludes MGT from complying with its continuous disclosure obligations under the ASX Listing Rules or the *Corporations Act 2001* (Cth).

8.2 Staff from either of the parties are not permitted to represent each other, and any statements to be made relating to this Memorandum or undertakings associated with this Memorandum require the approval of both parties.

8.3 Nothing in this Clause 8 prevents the parties from releasing public announcements about this Memorandum, or the discussions, undertakings, agreements or other actions arising from this Memorandum, provided each is agreed to by the parties in writing before publication.

8.4 Conflicts of interest must be disclosed and managed appropriately.

8.5 This Clause 8 and Clause 9 are governed by the laws of South Australia.

9. CHANGES TO THIS MEMORANDUM

9.1 The Memorandum may be amended by mutual agreement in writing by the parties.

9.2 This Memorandum may be terminated by either party giving one (1) month's written notice to that effect.

10. TERM OF THE MEMORANDUM

10.1 This Memorandum will come into effect from the date of its execution and will remain in force for a period of four years.

10.2 The Memorandum can be extended by mutual agreement in writing by the parties.

EXECUTED AS A MEMORANDUM OF UNDERSTANDING

PORT PIRIE REGIONAL COUNCIL

....

Date: Date:

MAGNETITE MINES LIMITED

....

Date: Date:

MEETING: ORDINARY MEETING OF COUNCIL - CONFIDENTIAL
DATE: 24 January 2024

DEPARTMENT: INFRASTRUCTURE
OFFICER: Frank Endemann, Project Manager

REPORT ITEM:	**17.3**
REPORT TITLE:	**RFT FOR CONTRACT 2023/123 – PORT PIRIE POOL RELINE**

Timeframe	2023/2024 Financial Year			
Budget Impact	$394,000 (excluding GST)			
Risk Assessment	**Primary Risk Type(s):**		Service Delivery	
	Inherent Risk:	**Likelihood**	**Consequence**	**Rating**
		Possible	Moderate	Medium
	Controls:	▪ **Advise contractor to order imported materials as soon as possible**		
	Residual Risk:	Unlikely	Moderate	Medium
File Reference	40.014.009.123/2023			

STRATEGIC REFERENCE:	
Theme	Our Community
Goal	Wellbeing
Strategy 1.3.1	A wide range of sporting and recreational opportunities are available

RECOMMENDATION:

That Council:

- **acknowledge that leak testing will be performed by method of dye testing prior to the execution of the contract by both parties and that the result of the testing will determine the final pricing to be included in the contract;**
- **award a contract to Hydrilla Pty Ltd for the relining of the Port Pirie 50-metre outdoor pool in accordance with the documents submitted in response to Request for Tender for Contract 2023/123 – Port Pirie Pool Reline and subject to the results of the leak testing for the amount up to $416,850 (excluding GST); and**
- **delegate authority to the Chief Executive Officer to approve variations under the contingency allowance up to the value of $25,000 (excluding GST).**

EXECUTIVE SUMMARY:

Tenders for the relining of the Port Pirie 50-metre outdoor pool have been evaluated and a preferred contractor has been identified.

The contractor suggested an alternate construction methodology to what was specified which will provide considerable cost savings. This proposal was accepted but will require

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REPORT 17.3	RFT for Contract 2023/123 - Port Pirie Pool Reline (Cont'd)

EXECUTIVE SUMMARY: (Cont'd)

leak testing to be undertaken to ensure at least equal performance to what was specified.

The leak testing will be undertaken on 22 January 2024.

Work is to be completed by end of September 2024.

An access ramp will be constructed within the pool concurrent with the pool relining under a separate contract.

DISCUSSION

Council has allocated funds in its 2023/24 Capital Works Program for the relining of the Port Pirie 50-metre outdoor pool.

A specification was prepared and tenders for the work were called.

Due to the specialised technical nature of the proposed work and the existing pool construction methods, an independent expert with vast experience and knowledge of the pool was engaged to provide advice and assess the tender submissions for compliance with the tender specifications.

They are also engaged to undertake inspections of the work during the construction phase.

During the tender process, it was agreed that the pool closure and proposed work provided the opportunity to construct an access ramp into the pool.

A report to the Ordinary Meeting of Council in December 2023 sought support for the proposed ramp and the recommendation to construct the ramp was carried.

PROPOSED WORKS

The proposed works for this contract consists of the removal of the existing pool liner and replacement of a new PVC liner in the 50-metre outdoor pool. The Contractor is also required to investigate any sources of potential leaks and report to Council for remediation.

As a separate contract to this award, works to construct a disability access ramp will be performed and at times, interface with the pool liner replacement works.

Details of the ramp construction recommendation have been provided in a separate report within the Agenda for the January 2024 Ordinary Meeting of Council.

TENDER ASSESSMENT

Request for Tender documentation was uploaded to the Tender SA website.

At the closing time of 2:00pm Tuesday 24 October, two tender submissions were received as follows:

REPORT 17.3	RFT for Contract 2023/123 - Port Pirie Pool Reline (Cont'd)

Tenderer	Tendered Price $ (excluding GST)
Mattioli Bros. P/L	$ 867,711.36
Hydrilla P/L	$ 380,850.00

Tenderers were invited on a Lump Sum basis.

QUALITATIVE ASSESSMENT

Tenders received have been assessed against the criteria as set out below:

Offered Products and Sample Supplied	10%
Experience with Myrtha Pool Systems & PVC Lining Systems	15%
Works Methodology/Scope of Works	20%
Inspection & Test Plan (ITP) & Quality Assurance Statement	15%
Price	40%
TOTAL	**100%**

The tenders were evaluated by:

- Frank Endemann, Project Manager
- Greg Clarke, Aqua Guard Technologies (Independent Technical Expert)

A summary of the tender assessment is contained in the tables on the following pages as

- The tender summary; and
- The tender scoring matrix

QUOTE CLARIFICATIONS SOUGHT

As it was deemed that Mattioli Bros had priced themselves out of contention, clarification on some points were sought from Hydrilla via email.

- Clarified that Hydrilla could supply the updated non-slip membrane for the end walls now recommended by the Royal Life Saving Society. Additional $7,000 cost
- Agreed that non-evasive dye leak testing be undertaken prior to draining the pool
- Hydrilla will match the 15-year warranty offered by Mattioli Bros at a negotiated cost of $29,000

ISSUES OF CONCERN

The following issues of concern were identified in the evaluation:

- Supply delays of the liner materials which are sourced from Europe

NEGOTIATION OUTCOMES

Hydrilla offered a proposal to retain the end wall tiles to avoid compromising the existing waterproof membrane. This is dependent on the results of the dye leak test.
We have accepted this proposal subject the dye test results.

REPORT 17.3	RFT for Contract 2023/123 - Port Pirie Pool Reline (Cont'd)

RISK ASSESSMENT

Residual Risk	Comments/Mitigation Strategy
Unable to source liner material within timeframes	Award and advise successful contractor as soon as possible

OVERALL FINDING

Mattioli Bros had priced themselves out of consideration and this would appear to reflect their lack of experience in PVC membrane work.

Hydrilla displayed a deeper understanding of PVC membrane work and have some familiarity with the Port Pirie 50-metre pool. Hydrilla pricing aligns with what we expect for the Scope of Work.

Hydrilla's initial price was competitive, and they provided an alternate methodology with considerable cost savings (this proposal is dependent on the results of the forementioned dye leak testing). This is shown in the table below.

PRICING MATRIX – ADJUSTED HYDRILLA

Description	HYDRILLA TENDER PRICE (*Inc GST in Total*)	HYDRILLA (*Adjusted and GST in total*)	NOTES and ADDITIONAL POST-TENDER PRICES
Preliminaries	$ 60,350.00	$60,350.00	
Demolition	$ 45,500.00	$ 45,500.00	
Tiling	$ 85,000.00	$ 9,500,00	**Dye testing is to be carried out to ascertain if tiles can remain, and a per-tile replacement cost will be considered – deduct $75,500.00 for no tiling.**
Relining of Pool Floor	$110,000.00	$110,000.00	**Materials to be ordered ASAP**
Relining of Gutter	$ 35,000.00	$ 35,000.00	**Material to be ordered ASAP**
Relining of Pool Walls	$ 45,000.00	$ 52,000.00	**Change to heavy-duty anti-slip to walls** • **add $7000.00**
Warranty Extension 15 Years	No cost	$ 29,000.00	**RFT offer was 10 years**
Price (no GST)	$380,850.00	$341,350.00	
Price to order all materials ex-Europe			TBC
Per tile replacement			Quoted $100/tile

Hydrilla will be able to provide a reduction of $75,500 if the wall tiles do not require replacement as part of the works. A leak test will be performed by method of dye testing prior to the commencement of the works to determine if tile replacement is required. Should the result of the leak testing show that the tiles require replacement, the total cost of the contract shall then be $416,850 + GST.

We therefore recommend that Hydrilla Pty Ltd be awarded the pool relining contract for the amount up to $416,850 ex GST, less the cost of any tile replacement should the leak testing be favorable.

REPORT 17.3	RFT for Contract 2023/123 - Port Pirie Pool Reline (Cont'd)

TIMING AND BUDGET

Whilst Hydrilla have indicated they can complete the works within the required timeframe (April - September 2024) it is imperative that the liner be ordered as soon as possible as delivery will take at least 12 weeks.

The construction of the proposed ramp (see pool ramp recommendation report) will also have an impact on the construction schedule.

Total funding of $350,000 has been allocated for the relining of the Port Pirie 50-metre outdoor pool in the 2023/2024 Capital Works Budget. An additional amount of $59,700 has been added from 2022/23 FY carryover at the budget adjustment (OM258/23) as well as the reallocated amount of $154,655 from the pump shed project (OM522/23). This brings the total budget amount available for the project to $564,355.

Given the complexity of the project, and the number of possible issues with the hydraulics of the pool filtration system, wall inlets and other items and variables that cannot be investigated or assessed until the pool is emptied, Council's consultant, Aqua Guard Technologies, has recommended that a contingency sum of $25,000 be included in the award to prevent unnecessary and avoidable delays in the project whilst variations are approved.

The proposed scope of works to be funded from this budget is as follows:

Item	**Amount**
Tender review and inspection services	$28,000
Pool Relining	$341,350
Tile replacement if required	$75,500
Contingency	$25,000
Total	**$469,850**

This leaves surplus funding of $95,005 available to be allocated to the construction of the proposed ramp.

Should Council agree to the recommendation, the preferred tenderer will be engaged, and works will be programmed to be completed by the end of September 2024.

REPORT 17.3	RFT for Contract 2023/123 - Port Pirie Pool Reline (Cont'd)

TENDER SUMMARY

Criteria	Weighting	Hydrilla Pty Ltd	The Trustee for the Mattioli Bros Unit Trust
Offered Products and Samples Supplied	10%	Sample PVC membrane supplied and acceptable. Tiles to be selected at award	Sample PVC membrane supplied and acceptable. Tiles to be selected at award
Experience with Myrtha Pool System and PVC Lining System	15%	Myrtha Pools Distributer. Has direct experience in PVC membrane installation	Myrtha Pools Accredited. One employee is certified. Assumed PVC membrane experience.
Work Methodology/Scope of Work	20%	Specification fully understood.	Specification fully understood.
ITP and QA Statement	15%	Third party quality certified to ISO 9001. Detailed ITP provided.	Third party certified for quality ISO 9001 and ISO 14001. No ITP provided.
Price	40%	Approximately 50% less than the pricing offered by other tenderer.	Highest price which is twice that of Hydrilla.
General Comments	100%	Well experienced and has capacity to perform the works. Lowest price. Preferred Contractor.	Tenderer shows they are accredited for this pool system. Pricing is much higher than the other tenderer. Not preferred.

REPORT 17.3	RFT for Contract 2023/123 - Port Pirie Pool Reline (Cont'd)

TENDER SCORING MATRIX

ITEM	DESCRIPTION Evaluation Criteria Note: ( )* Denotes Rating	WEIGHTING %	Hydrilla Pty Ltd Score (out of 5)		The Trustee for the Mattioli Bros Unit Trust Score (out of 5)	
	LUMPS SUM TENDER VALUE EXCL GST		**$**	**341,350.00**	**$**	**867,711.36**
1	Offered Products and Samples Supplied	10%	3	6.00	3	6.00
2	Experience with Myrtha Pool System and PVC Lining System	15%	4	12.00	3	9.00
3	Work Methodology/Scope of Work	20%	3	12.00	3	12.00
4	ITP and QA Statement	15%	3	9.00	2	6.00
10	Price Score = 2.5 + 5*(($M-$T)/$M)	40%	4.3	34.40	0.7	5.60
	TOTAL SCORE INCLUDING PRICE	**100%**	73.40		38.60	
	TOTAL RANK INCLUDING PRICE		**1**		**2**	
	TOTAL SCORE EXCLUDING PRICE		*39.00*		*33.00*	
	TOTAL RANK EXCLUDING PRICE		***1***		***2***	

MINUTES OF ITEMS THAT WERE CONSIDERED UNDER CONFIDENTIALITY PURSUANT TO SECTION 90(2) OF THE LOCAL GOVERNMENT ACT 1999 FOR THE ORDINARY MEETING HELD ON WEDNESDAY 24 JANUARY 2024

17.0 ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY:

Cr Hopgood declared a material interest in item 17.1 Enterprise Agreement Negotiations in that he is the Branch and State President of the Australian Workers Union (AWU). The AWU represents its members who are employed by the Council. There is a potential for employees to become its members. Cr Hopgood left the meeting at 6.57pm.

Cr Petagna declared a material interest in item 17.1 Enterprise Agreement Negotiations in that he is and Executive Member of the Australian Workers Union which represents Council employees. Cr Petagna left the meeting at 6.57pm.

Cr Peters declared a material interest in item 17.1 Enterprise Agreement Negotiations in that her husband is an employee of this Council and as such she will directly benefit from any financial benefit derived as a result of the current Enterprise Agreement negotiations and left the meeting at 6.57pm.

17.1 Enterprise Agreement Negotiations

The Mayor declared that there was no longer a quorum present and moved on to the next item.

Crs Hopgood, Petagna and Peters returned to the meeting at 6.58pm.

17.2 Magnetite Mines Proposal for a Memorandum of Understanding Pursuant to Section 90(3)(d)

MOVED Cr Peters SECONDED Cr Joyce

OM23/24 **Pursuant to Section 90(2) and 3(d) of the Local Government Act 1999, the Council orders that the public, with the exception of P Ackland, Chief Executive Officer; C Davey, Director Development & Regulation; K Johnson, Director Infrastructure; S Rufus, Director Corporate & Community and K Carmody, Executive Assistant, be excluded from attendance at that part of this meeting relating to Agenda Item 17.2 Magnetite Mines Proposal for a Memorandum of Understanding to enable the Council to consider Item 17.2 in confidence on the basis the Council considers it necessary and appropriate to act in a meeting closed to the public (excepting those persons noted above) in order to receive, discuss or consider in confidence the following information or matter relating to Item 17.2 being commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information or confer a commercial advantage on a third party and which would, on balance, be contrary to the public interest.**

Accordingly, on this basis, the principle that the meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or matter confidential.

CARRIED

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17.0 ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY: (Cont'd)

17.2 Magnetite Mines Proposal for a Memorandum of Understanding Section 91(7) Order

MOVED Cr Hopgood SECONDED Cr Joyce

OM24/24 **Pursuant to Section 91(7) of the Local Government Act 1999, the Council orders that agenda reports and discussion relating to Agenda Item 17.2 Magnetite Mines Proposal for a Memorandum of Understanding shall be kept confidential, being documents relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and 90(3)(d) of the Act.**

This order shall operate until the matter has been finalized or until further order of the Council.

Pursuant to Section 91(9)(c) of the Local Government Act 1999, the Council delegates to the Chief Executive Officer (or his delegate) the power to revoke this order in whole or part.

CARRIED

MAYOR

CONFIDENTIAL

17.0 ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY: (Cont'd)

17.3 RFT for Contract 2023/123 – Port Pirie Pool Reline

Pursuant to Section 90(3)(k)

MOVED Cr Petagna SECONDED Cr Joyce

OM26/24 **Pursuant to Section 90(2) and (3)(k) of the Local Government Act 1999 the Council orders that all members of the public with the exception of P Ackland, Chief Executive Officer; C Davey, Director Development & Regulation; K Johnson, Director Infrastructure; S Rufus, Director Corporate & Community and K Carmody, Executive Assistant be excluded from attendance at that part of this meeting relating to Agenda Item 17.3 RFT for Contract 2023/123 – Port Pirie Pool Reline to enable the Council to consider Item 17.3 in confidence on the basis the Council considers it necessary and appropriate to act in a meeting closed to the public (excepting those persons noted above) in order to receive, discuss or consider in confidence the following information or matter relating to Item 17.3 which relates to tenders for the supply of goods, the provision of services or the carrying out of works being the Port Pirie Pool Reline.**

Accordingly, on this basis, the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or matter confidential.

CARRIED

MOVED Cr Petagna SECONDED Cr Peters

OM27/24 **That Council:**

- **acknowledge that leak testing will be performed by method of dye testing prior to the execution of the contract by both parties and that the result of the testing will determine the final pricing to be included in the contract;**
- **award a contract to Hydrilla Pty Ltd for the relining of the Port Pirie 50-metre outdoor pool in accordance with the documents submitted in response to Request for Tender for Contract 2023/123 – Port Pirie Pool Reline and subject to the results of the leak testing for the amount up to $416,850 (excluding GST); and**
- **delegate authority to the Chief Executive Officer to approve variations under the contingency allowance up to the value of $25,000 (excluding GST).**

CARRIED

Section 91(7) Order

MOVED Cr Joyce SECONDED Cr Peters

OM28/24 **Pursuant to Section 91(7) of the Local Government Act 1999, the Council orders that the agenda reports, related attachments, discussion and minutes relating to Agenda Item 17.3 RFT for Contract 2023/123 – Port Pirie Pool Reline shall be kept confidential, being documents relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and (3)(k) of the Act on the grounds that the documents relate to tenders for the supply of goods, the provision of services or the carrying out of works being the Port Pirie Pool Reline.**

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17.0 ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY: (Cont'd)

17.3 RFT for Contract 2023/123 – Port Pirie Pool Reline (Cont'd)
Section 91(7) Order (Cont'd)

This order shall operate for a period of six (6) months or until the execution of a contract.

Pursuant to Section 91(9)(c) of the Local Government Act 1999, the Council delegates to the Chief Executive Officer (or his delegate) the power to revoke this order in whole or part.

CARRIED

MAYOR

CONFIDENTIAL

Members of Council
His Worship the Mayor L Stephens
Deputy Mayor Cr K Jackson
Crs A Zubrinich, J Connor, A Gulin, M Hopgood, J Keain, L Peters, G Petagna, J Joyce

SPECIAL COUNCIL MEETING
Wednesday, 14 February 2024

Notice is hereby given that a **SPECIAL MEETING OF COUNCIL** will be held in the Council Chambers, Port Pirie Regional Council Administration Centre, 115 Ellen Street, Port Pirie on **Wednesday, 14 February 2024 at 5.30pm**.

Members of the public are welcome to attend the Meeting (excluding any confidential items).

Peter Ackland
CHIEF EXECUTIVE OFFICER
12 February 2024

A G E N D A

ACKNOWLEDGEMENT OF COUNTRY

'We acknowledge and respect the traditional custodians whose ancestral lands we are meeting upon here today.'

1.0 PRESENT:

2.0 APOLOGIES:

3.0 DECLARATION OF INTERESTS:

4.0 ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY:

4.1 Enterprise Agreement Negotiations
Pursuant to Section 90(3)(b)

MOVED SECONDED

Pursuant to Section 90(2) and 3(b) of the Local Government Act 1999, the Council orders that the public, with the exception of P Ackland, Chief Executive Officer; C Davey, Director Development & Regulation; K Johnson, Director Infrastructure; S Rufus, Director Corporate & Community and K Carmody, Executive Assistant, be excluded from attendance at that part of this meeting relating to Agenda Item 4.1 Enterprise Agreement Negotiations to enable the Council to consider Item 4.1 in confidence on the basis the Council considers it necessary and appropriate to act in a meeting closed to the public (excepting those persons noted above) in order to receive, discuss or consider in confidence the information or matter relating to Item 4.1 being information the disclosure of which could reasonably be expected to confer a commercial advantage on a person or persons with whom the Council is conducting business with and would prejudice the commercial position of

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4.0 ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY: (Cont'd)

4.1 Enterprise Agreement Negotiations (Cont'd)

Pursuant to Section 90(3)(b) (Cont'd)

the Council, and which would, on balance, be contrary to the public interest, being negotiations to finalise the terms and conditions of an employee Enterprise Agreement. The information to be considered in relation to this Agenda Item is information the disclosure of which would confer an advantage on the person or persons being negotiated with and prejudice the Council's position during the current ongoing negotiations.

Accordingly, on this basis, the principle that the meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or matter confidential.

MOVED SECONDED

That Council reject the counter-offer put by the Australian Workers Union on behalf of employees employed by Council pursuant to the Local Government Employees Award, as detailed in the agenda report.

That the Chief Executive Officer be required to continue negotiations based on the following criteria:

- **to be determined by Council at the meeting**

Section 91(7) Order

MOVED Cr SECONDED Cr

Pursuant to Section 91(7) of the Local Government Act 1999, the Council orders that agenda reports, related attachments, discussion and minutes relating to Agenda Item 4.1 Enterprise Agreement Negotiations shall be kept confidential, being documents relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and 90(3)(b) of the Act.

This order shall operate until the matter has been finalized or until further order of the Council.

Pursuant to Section 91(9)(c) of the Local Government Act 1999, the Council delegates to the Chief Executive Officer (or his delegate) the power to revoke this order in whole or part.

5.0 CLOSURE:

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Our Organisation – Our Values

Every Port Pirie Regional Council employee carries the responsibility of working towards achieving a continuing, measurable improvement in our workplace culture.

This will be achieved through upholding Port Pirie Regional Council values by:

Doing the Right Thing

Accountability

Council acts on behalf of the communities of Port Pirie Regional Council and accepts accountability for its decisions and actions.

Honesty, Integrity and Transparency

Council will strive to be valued and trusted by the community through its actions and open and honest communication.

Ethical Behaviour and Good Governance

Council values ethical conduct and employs principles of good governance

Deliver Services that Meet the Needs of our Community

Service Delivery Excellence

Council will ensure that its services meet quality, cost and efficiency standards; are accessible and are responsive to the needs of the community.

Together we Achieve More

Team Work and Professionalism

Council values a cohesive team approach with the administration and elected members working together to lead the region forward with appropriate skills, knowledge and experience.

Inclusivity

Council acts on behalf of all residents and ratepayers. We value the community and will treat all people with dignity, respect and equity.

MEETING:	**SPECIAL MEETING OF COUNCIL - CONFIDENTIAL**
DATE:	**14 February 2024**
DEPARTMENT:	**Office of the Chief Executive**
OFFICER:	**Peter Ackland**

REPORT ITEM:	**4.1**
REPORT TITLE:	**ENTERPRISE AGREEMENT NEGOTIATIONS – CONFIDENTIAL**

Timeframe	Agreement expired 30 November 2023 – terms and conditions in the agreements continue until a new agreement is certified			
Budget Impact	Council has budget provision for a 5% increase			
Risk Assessment	**Primary Risk Type(s):**		Financial	
	Inherent Risk:	**Consequence**	**Consequence**	**Rating**
		Insignificant	Insignificant	Low
	Controls:	▪ No mitigation required		
	Residual Risk:			Medium
File Reference				

STRATEGIC REFERENCE:	
Theme **Goal** **Strategy 4.2.4**	Our Leadership Organisational Excellence Council will be financially responsible and sustainable across generations.

RECOMMENDATION:

That Council reject the counter-offer put by the Australian Workers Union on behalf of employees employed by Council pursuant to the Local Government Employees Award, as detailed in the agenda report.

That the Chief Executive Officer be required to continue negotiations based on the following criteria:

- **to be determined by Council at the meeting**

EXECUTIVE SUMMARY:

The Enterprise Bargaining Committee has met and discussed Councils offer authorised by Council at its November Ordinary meeting, being a 5% increase in year 1 and a further 4% increase in year 2 of a proposed 2 year agreement.

Councils offer was rejected and a counter-offer put forward by the Union / employees.

Given the counter-offer is more than the Councils authorised offer, it is presented to Council for direction.

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DISCUSSION

I refer to agenda item 15.1.1 from Council's November Ordinary meeting where Council confirmed the quantum of offer that could be made for the second year of a potential 2 year agreement. This is in addition to the 5% increase included in the budget for the current year.

This offer was relayed to the Enterprise Bargaining Committee (EBC) at its most recent meeting, being a 2 year agreement with a 5% increase in Year 1 followed by a 4% increase in Year 2. For clarity, there are additional matters under negotiation, none of which are anticipated to result any significant increase in wage costs.

Council's offer was rejected, as was a second offer of the same quantum over two years but with a commitment to investigate options for a 4 day working week in lieu of the current 9 day fortnight.

The Union and employee representatives (the Union) have placed the following counter-offer on the table together with the following reasons for the request. It is presented to this meeting for direction given that it is in excess of the current budget and financial plan and therefore exceeds the scope of the Chief Executive Officers authority.

- Request is for less than a three year agreement
- Wage increase requested to be CPI + 2% in year 1 and a further increase of CPI + 2% in year 2
- This request is supported by the following positions:
    - A CPI based increase just keeps pace with the cost of living hence the request for the additional 2% which equates to real wage growth
    - Cost of living pressures are more than the CPI figure
    - Over the years there has been an increase in the residential areas to be serviced and this has been accommodated by the employees without increase in numbers
    - Employees have taken up new initiatives such as the customer request system, the planning and program tool and the grading initiative
    - Since amalgamation there has been more done with less employees
    - Employees have responded to a request to bring forward business improvement ideas as a way of getting above CPI increases, to which many where flagged and few have been completed, for example centrally controlled irrigation and stores project.

To assist Members in consideration of this request, the most recent annual CPI figures to the end of September 2024, which is the CPI timing that is used to calculate CPI in past agreements was 5.9% (Adelaide all group). The cost of 0.9% of total wages is approximately $86,500 per annum, of which approximately 35% is attributable to the AWU based employees. The impact on the budget of the current request by employees would be approximately $30,000.

Commentary in relation to the relevant dot points from the employee request is as follows:

- The theory of enterprise agreements is that where savings / benefits are made through employee initiatives, there are shared in an agreed portion between employees and the employer. This is not always in direct wage payments but can also be in employment conditions.
- The recent history of enterprise negotiations has generally seen a range of conditions bargained away in return for wage increases to a point now that there is little left to bargain on that basis, hence in this councils recent Enterprise Agreement history

CONFIDENTIAL

resulting in increases based largely on or close to the annual CPI (Adelaide all groups) movement.

- CPI has traditionally been used as a reasonable benchmark to measure increases in the cost of living, albeit it is an average and may or may not directly reflect an individual households cost of living depending on their particular circumstances.
- A review of employee numbers has been undertaken commencing in 2018 where Council employed 31.9 (FTE) and at the current time there is 32.9 (FTE) meaning the employment numbers have been stable over this time with a small increase overall. In the recent history the programming and planning tool for Councils Parks and Gardens employees was used to prove the need for 2 additional employees who were recruited on 2 year contracts targeting primarily new works to support Councils strategic initiative to improve the amenity and presentation of our public spaces.
- The customer service system, planning and program tool and grading initiative were predominately initiated by Council / management, but it is correct that these have been now well taken up by employees. There is still work to be done to continually refine these more automated systems, particularly on the grading initiative. It is very difficult to quantify the efficiencies / additional benefits of these initiatives to determine their value in terms of an increase in wages.
- When the Business Improvement system was reinstated about 5 years ago, it was promoted in part as an opportunity for employees to bring forward ideas and initiatives for improvement which could result in efficiencies or increase in services, in return for a share of the savings / efficiencies – essentially along the lines of the enterprise agreement theology listed above. The statement made by employees in this regard is true however the quantum saved / efficiencies gained that is as a result of employee effort vs the cost incurred by Council in implementing these ideas, and whether the savings are once off or ongoing, is difficult to quantify and has not been calculated at this time.

The current position of Council and the most recent position of the Union are at reasonable variance one to another.

Options to bridge this divide include, but are not limited to:

- Council maintain the current position on the basis that the offer is considered fair in the current economic climate, with the most recent increase in the current enterprise agreement, whilst in line with the relevant CPI movement, significantly over the budget provision at the time.
- Increase the offer in year 1 by 0.9% to be consistent with the September annual CPI movement – note that the ASU based Enterprise Agreement is currently out for staff vote and this includes increased of 5% and 4% respectively over the two year term.
- Offer non cash initiatives such as two graces days to be used over the Christmas / New year break given that this is an enforced closure of the Council. The cost of this would be approximately 0.43% per day but would not be incurred as a direct wages impact in the budget but acknowledge that ultimately this "cost" would be incurred via less work being done as these days are now taken as annual or other leave which would become available to use at other times of the year.
- Seek to quantify the value of savings and efficiencies from agreed initiatives for potential part conversion to wages increases.

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MINUTES OF THE SPECIAL COUNCIL MEETING HELD ON WEDNESDAY 14 FEBRUARY 2024 AT 5.30PM IN THE COUNCIL CHAMBERS, PORT PIRIE REGIONAL COUNCIL ADMINISTRATION OFFICE, 115 ELLEN STREET, PORT PIRIE.

ACKNOWLEDGEMENT OF COUNTRY

'We acknowledge and respect the traditional custodians whose ancestral lands we are meeting upon here today.'

1.0 PRESENT: His Worship the Mayor L Stephens, Deputy Mayor Cr K Jackson and Crs M Hopgood, J Keain, J Connor, L Peters, G Petagna, J Joyce, A Gulin and A Zubrinich

P Ackland, Chief Executive Officer; K Johnson, Director Infrastructure and K Carmody, Executive Assistant (Minutes)

Media: Nil Gallery: Nil

2.0 APOLOGIES: C Davey, Director Development & Regulation and S Rufus, Director Corporate & Community

3.0 DECLARATION OF INTERESTS:

3.1 Cr Hopgood declared a material interest in item 4.1 Enterprise Agreement Negotiations in that he is the Branch and State President of the Australian Workers Union (AWU). The AWU represents its members who are employed by Council. There is a potential for employees to become its members. Cr Hopgood left the meeting at 5.31pm.

3.2 Cr Petagna declared a material interest in item 4.1 Enterprise Agreement Negotiations in that he is and Executive Member of the Australian Workers Union which represents Council workers in these negotiations. Cr Petagna left the meeting at 5.31pm.

3.3 Cr Peters declared a material interest in item 4.1 Enterprise Agreement Negotiations in that her husband is an employee of this Council and as such she will directly benefit from any financial benefit derived as a result of the current Enterprise Agreement negotiations. Cr Peters left the meeting at 5.31pm.

4.0 ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY:

4.1 Enterprise Agreement Negotiations
Pursuant to Section 90(3)(b)

MOVED Cr Jackson SECONDED Cr Gulin

SM1/24 Pursuant to Section 90(2) and 3(b) of the Local Government Act 1999, the Council orders that the public, with the exception of P Ackland, Chief Executive Officer; K Johnson, Director Infrastructure and K Carmody, Executive Assistant, be excluded from attendance at that part of this meeting relating to Agenda Item 4.1 Enterprise Agreement Negotiations to enable the Council to consider Item 4.1 in confidence on the basis the Council considers it necessary and appropriate to act in a meeting closed to the public (excepting those persons noted above) in order to receive, discuss or consider in confidence the information or matter relating to Item 4.1 being information the disclosure of

CONFIDENTIAL

4.0 ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY: (Cont'd)

4.1 Enterprise Agreement Negotiations (Cont'd)

Pursuant to Section 90(3)(b) (Cont'd)

which could reasonably be expected to confer a commercial advantage on a person or persons with whom the Council is conducting business with and would prejudice the commercial position of the Council, and which would, on balance, be contrary to the public interest, being negotiations to finalise the terms and conditions of an employee Enterprise Agreement. The information to be considered in relation to this Agenda Item is information the disclosure of which would confer an advantage on the person or persons being negotiated with and prejudice the Council's position during the current ongoing negotiations.

Accordingly, on this basis, the principle that the meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or matter confidential.

CARRIED

MOVED Cr Connor SECONDED Cr Joyce

SM2/24 **That Council receive and consider the letter emailed by Mr Simon Peters on behalf of the outside staff of the Port Pirie Regional Council and which was emailed to all Elected Members by Mr Peters on Saturday 10 February 2024.**

CARRIED

MOVED Cr Connor SECONDED Cr Jackson

SM3/24 **That Council reject the counter-offer put by the Australian Workers Union on behalf of employees employed by Council pursuant to the Local Government Employees Award, as detailed in the agenda report.**

CARRIED

Section 91(7) Order

MOVED Cr Connor SECONDED Cr Zubrinich

SM4/24 **Pursuant to Section 91(7) of the Local Government Act 1999, the Council orders that agenda reports, related attachments, discussion and minutes relating to Agenda Item 4.1 Enterprise Agreement Negotiations shall be kept confidential, being documents relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and 90(3)(b) of the Act.**

This order shall operate until the matter has been finalized or until further order of the Council.

Pursuant to Section 91(9)(c) of the Local Government Act 1999, the Council delegates to the Chief Executive Officer (or his delegate) the power to revoke this order in whole or part.

CARRIED

5.0 CLOSURE: 5.56pm

MAYOR

CONFIDENTIAL

MEETING: ORDINARY COUNCIL MEETING - CONFIDENTIAL
DATE: 28 February 2024

DEPARTMENT: Office of the Chief Executive
OFFICER: Peter Ackland

REPORT ITEM:	**17.2**
REPORT TITLE:	**PROPOSAL TO PREPARE A BUSINESS CASE TO DETERMINE VIABILITY OF CONTAMINATED SOIL REPOSITORY**

Timeframe	Immediate			
Budget Impact	Up to $40,000 this current budget year, which is not currently budgeted and recovery of this value via gate fees in a future financial period – see body of report for more detail			
Risk Assessment	**Primary Risk Type(s):**		Financial	
	Inherent Risk:	**Likelihood**	**Consequence**	**Rating**
		Possible	Insignificant	Low
	Controls:	▪ No mitigation required		
	Residual Risk:			
File Reference				

STRATEGIC REFERENCE:	
Theme **Goal** **Strategy 1.3.4**	Our Community Wellbeing Coordinated initiatives and activities reduce lead exposure in the community

RECOMMENDATION:

That Council receive and note the report.

That for the reasons listed in the report, and in particular that the soil repository is proposed to be located on Council land and licenced to and operated by Council, Council offer to put forward up to $40,000 to fund the business case to determine viability (or not) under various scenarios.

That this offer of funding be conditioned on agreement from the Department for Energy and Mining, and if necessary the Environment Protection Authority that the funding is able to be recovered from gate fees from the operation of the facility of it proceeds.

That the budget be amended to account for this decision, noting this will increase the predicted operating surplus in the current budget year, but will be recovered in a future financial period in the event the repository proceeds..

CONFIDENTIAL

REPORT 17.2	**Proposal to prepare a business case to determine viability of a contaminated soil repository - Confidential** (Cont'd)

EXECUTIVE SUMMARY:
As part of the Port Pirie Taskforce suit of projects, a proposal to establish a lead contaminated soil repository at the Council's Waste Transfer Station in Port Pirie is being investigated, primarily on the basis that unless a local repository is available, it is unlikely that a significant reduction of legacy lead in the community imbedded in soils in private and government land will be viable. This investigation has stalled to some degree awaiting budget availability to undertake the business case to determine viability, or not, of the proposed repository. This report proposes that Council offer to up front fund the business case, subject to agreement that the cost of same can be recovered via gate fees if the repository is built and operational at some future time.

DISCUSSION

Background

Contaminated soil is categorised by the Environment Protection Authority (EPA) by level of contamination in the following escalating categories:

- Clean
- Intermediate – being the lowest level of contamination
- Low Level –above intermediate

Councils Port Pirie Waste Transfer Station Licence, issued by the Environment Protection Authority, (EPA) allows that Council can receive, but not dispose of intermediate classified contaminated soil at that Waste Transfer Station. Intermediate contaminated waste soil can have a range of chemical characteristics, as described by the "Intermediate Waste Soil appendix" contained in the Waste Transfer Station Licence and appended to this report. In the Port Pirie context this is predominately, but not only, related to lead contamination.

Once contaminated soil is received, Council will arrange for transport of the intermediate contaminated soil to a repository licenced to dispose of it and pay the gate fee applicable, typically being licenced receival site(s) at Inkerman north of Adelaide. The costs to receive intermediate contaminated soil at the Port Pirie Waste Transfer Station are effectively passed through to the person / entity depositing the soil, including the costs incurred by Council staff to handle and reload the soil. The costs to transport and dispose of contaminated soils to sites north of Adelaide effectively make it cost prohibitive, particularly on a large scale.

Investigation – Port Pirie based contaminated soil repository

One of the projects that is being investigated under the auspices of the Port Pirie Taskforce is the viability of establishing a lead contaminated soil repository in Port Pirie, predominately to reduce the transport related component of costs of disposal of intermediate contaminated soil described above.

It has been previously reported to Council that these investigations are focussed on a Council operated, dedicated intermediate contaminated waste soil disposal cell(s) at the Port Pirie Waste Transfer Station which, if viable, and subject to Council agreement, would support future consideration of precinct-wide clean-up projects and enable significant greening and other infrastructure projects that may require the disposal of large quantities of lead contaminated soils.

In early 2023 approval was given to procure a consultant to undertake preliminary design and costing of the project which proposes to utilise an existing borrow pit at the Port Pirie Waste Transfer Station.

CONFIDENTIAL

REPORT 17.2	**Proposal to prepare a business case to determine viability of a contaminated soil repository - Confidential** (Cont'd)

Through a request for quote process via SA Tenders lead by the Department for Energy and Mining, Tonkin Consulting was engaged to deliver a two-stage consultancy involving:

- Stage 1 – preliminary design and costing (which has been completed)
- Stage 2 – detailed engineering (subject to funding to proceed).

Tonkin's Stage 1 report has been received and is available upon request. The table below taken from the Tonkin Stage 1 report outlines the estimated construction costs of a series of cells. The portion of the site being considered has capacity for 4 cells which are proposed to be constructed consecutively, on an 'as needed' basis.

Cell 1	$1.10 M
Cell 2	$1.07 M
Cell 3	$0.90 M
Cell 4	$1.16 M
Future leachate pond	$0.36 M
Total	**$4.59 M**

Note the leachate system will likely be required, at an additional cost, following the construction of cells 1 and 2

Prior to progressing to Stage 2, a business case is required to determine the cost recovery / operational viability of the project. A business case assessment will be highly impacted by the estimated volumes of intermediate contaminated soil that may be required to be disposed of.

At this time, the ability to accurately calculate the volume of intermediate contaminated soil that may need to be disposed of annually is limited. This will become more certain as the draft Master Plan and future TLAP precinct wide remediation program are finalised.

In terms of the potential drivers for a Port Pirie based intermediate contaminated soil repository, the follow projects are noted:

- Precinct wide clean-ups are part of the consideration of the next 10 year period of TLAP. Intervention at this scale will require a cost-effective approach to the management of soils and dust that are both too contaminated to remain in place but also not of sufficient metal concentration to enable reprocessing to be a viable option. A soil repository or disposal option is considered a prerequisite for this scale of program. A detailed project plan is required for a precinct wide clean-up program to define the scope and to understand the expected increase in volumes of material requiring disposal as potentially every land parcel, footpath or public open space may be impacted.

- Under the current TLAP program, soils that require disposal under the Homes and Houses program, and street and pavement sweepings from the cleaning program are returned to the Nyrstar site for reprocessing or disposal at Nyrstar's landfill. Nyrstar's EPA waste licence currently restricts receipt of contaminated soils to those that are part of the Nyrstar operations. In the event that the street sweeping and other "civic" cleaning activities that are currently undertaken by Nyrstar transition to Council, a longer term alternate disposal path will be required.

- The current Government Lead Abatement Program (GLAP) has also required limited need to dispose of contaminated soil as it has undertaken the following projects:
    - Current greening strategy projects including the Phoenix Park Wetlands and the Railway Yard intend to cap contaminated soil.

CONFIDENTIAL

REPORT 17.2	**Proposal to prepare a business case to determine viability of a contaminated soil repository - Confidential** (Cont'd)

- The SA Housing Authority project to remediate 43 public houses is nearing completion. There has been some contaminated soil removed from sites at an approximate cost of $12,500 to dispose at the Inkerman Waste Facility.

- Future government projects will likely require a contaminated soil repository, particularly large-scale greening projects and footpath sealing which may result from the draft Master Plan, which remains under development and requires further feasibility work to refine the scope and costs of its recommended initiatives.

- Council has previously created "mounds" along roads such as The Terrace to cap contaminated soil in situ. In the event that a cost effective local contaminated soil repository was established, an option exists for removal of those mounds to create a more aesthetic footpath environment.

Proposal to up front fund the business case
Whilst the Stage 1 – preliminary design and costing consultancy has been funded by others, there is currently no budget provision in either Government or TLAP to advance the business case preparation, meaning the project has stalled awaiting new budget cycles and or identification of capacity in existing budgets. Council's budget does not currently contemplate this project.

From the writer's perspective, it is considered important that this project investigation continue and not lose any further momentum in case other projects or issues around the state divert the Governments focus, or there is a change of government at the next election who may have an alternate focus. The reason for this perspective is that precinct wide cleanups are required to achieve a step change in Port Pirie's environment, and as stated previously, these will not be viable if large volumes of contaminated soil is required to be transported to the existing licenced receival sites north of Adelaide.

Given the proposed repository is to be located within Council's Waste Transfer Station, is also proposed to be operated by Council, and coupled with the view expressed above to maintain (or not lose further) momentum, this report proposes that Council put forward the required funding to progress the business case, subject to an agreement from the Department for Energy and Mining that this cost can be recovered via gate fees in the event that the repository is constructed and operational.

If this is supported, it will mean that Council has a greater degree of input and influence over the business case of a facility that it will ultimately operate, the viability triggers will have been established by the input of varying soil volume scenarios, and Council's direction on its involvement in this project (and the TLAP transition) being based on at least a cost neutral position will have been maintained via the condition of funding provision.

An estimate of the cost of provision of the business case and supporting assumptions is between $30,000 and $40,000.

For clarity, in the event that the business case proves viability at a level considered achievable by receipt of intermediate contaminated soil from Port Pirie, the current discussion regarding funding for the construction of the repository is that it will be sourced from other than Council.

Risk with the provision of up front funding
The recommendation is constructed to allow for the recovery of the up front funding through the provision of gate fees from users of the contaminated soil repository, which by association presumes that the repository will be constructed at some point in time.

CONFIDENTIAL

REPORT 17.2	**Proposal to prepare a business case to determine viability of a contaminated soil repository - Confidential** (Cont'd)

The following risks and mitigation comments have been listed in terms of the recommendation to provide the upfront funding required for the business case:

Risk	Likelihood	Consequence	Possible Mitigation
Council's condition for funding not agreed by required partners	Unlikely	Minor Negative impact on Councils budget	Council not provide funding unless condition agreed
Business case does not prove viability under any scenario	Unlikely	Minor Negative impact on Councils budget	Unlikely as others operate commercial soil repositories supposedly in a viable configuration
The volumes of soils required to prove viability is not achievable resulting in no opportunity to recover the up front cost	Possible	Minor Negative impact on Councils budget	Impact is that the business case as a precursor for a decision on precinct wide cleanups is delayed – see report for possible loss of focus
The decision to undertake precinct wide cleanup does not eventuate	Possible	Minor Negative impact on Councils budget	Impact is that the business case as a precursor for a decision on precinct wide cleanups is delayed - see report for possible loss of focus
Funding to undertake the business case is sought from other than Council delaying the assessment of viability	Possible	Further loss of momentum	Delays viability assessment, possible loss of momentum and may further delay Government budget consideration of construction costs

As stated above, there is no provision in Council's current budget for provision of this funding, nor has it been included in the Budget Review report listed for consideration later in this meeting agenda.

The basis of this report was originally discussed with other partners to this project (Department Energy and Mining and TLAP) when our budget was predicting a surplus and there was obvious capacity for Council to consider it.

The Budget Review report now predicts an operating deficit effective 30 June 2024, primarily based on the likelihood that quantum of Financial Assistance Grants will be paid in a different period than anticipated when the budget was prepared. (see Budget Review 2 report in the meeting agenda for greater detail on this).

It is noted that the recommendation to provide funding is proposed to be conditioned that the cost can be recovered if / when the repository is constructed, meaning that recovery of this cost may be achieved, but in a future financial period. Based on the writer's view of the importance of this project to the potential step change improvement in Port Pirie's environment as mentioned earlier in this report, the recommendation to fund and anticipate future recovery is provided for debate.

CONFIDENTIAL

Intermediate Waste Soil – Chemical characteristics

CHEMICAL SUBSTANCE	Concentration in mg/kg (dry weight)	MAXIMUM LEACHATE CONCENTRATION - in mg/L Method of Analysis - AS 4439.3 – 1997
Aldrin + dieldrin (total)	<2	#
Arsenic	<200	5
Barium		
Benzene	<5	#
Benzo(a)pyrene	<2	#
Beryllium	<40	1
Cadmium	<30	0.5
Cobalt	<170	#
Chlordane	<2	#
Chromium (III)	<12%	#
Chromium (VI)	<200	5
Copper	<2000	10
Cyanides (Total)	<1000	10
DDT	<2	#
Ethylbenzene	<100	#
Heptachlor	<2	#
Lead	<1200	5
Manganese	<6000	50
Methyl mercury	<20	#
Mercury	<30	0.1
Nickel	<600	2
Total Petroleum Hydrocarbons (TPH) C_6-C_9	<100	#
TPH > C_9	<1000	#
Phenolic compounds (total)	<17000	#
Polychorinated biphenyls	<2	#
Polycyclic Aromatic Hydrocarbons (PAH) (Total)	<40	#
Toluene	<50	#
Xylene (total)	<180	#
Zinc	<14000	250

CONFIDENTIAL

MEETING: ORDINARY MEETING OF COUNCIL - CONFIDENTIAL
DATE: 28 February 2024

DEPARTMENT: INFRASTRUCTURE
OFFICER: Peter Lock, Acting Manager Operations

REPORT ITEM:	**17.4**
REPORT TITLE:	**SUPPLY OF RUBBLE MATERIAL FOR 2023/24 ROAD RESHEETING PROGRAM**

Timeframe	February to June 2024			
Budget Impact	Estimated Value $741,000 ex GST			
Risk Assessment	**Primary Risk Type(s):**		Service Delivery	
	Inherent Risk:	**Likelihood**	**Consequence**	**Rating**
		likely	Moderate	High
	Controls:	▪ Engage a commercial quarry to supply material for road resheeting program		
	Residual Risk:	Likely	Minor	Medium
File Reference	40.082.007.016			

STRATEGIC REFERENCE:	
Theme **Goal** **Strategy 3.2.3**	Our Lifestyle Infrastructure Council provided assets are fit for purpose, proactively maintained and renewal recognises future demand

RECOMMENDATION:

That Council:

- **waive the application of Council's Procurement Policy as per Clause 10.2 and approve the single sourcing of CL Asset Management Pty Ltd for the supply of additional rubble material for the 2023/24 Road Resheeting Program on the basis that the current market for the supply of required material has been tested within the last 12 month period; and**
- **enter into a contract with CL Asset Management Pty Ltd for the supply of rubble material for the 2023/24 Road Resheeting Program in accordance with their submitted rates of $9.50 per tonne in response to Request for Tender for Contract 110/2023 supply of Road Resheeting Rubble material for unsealed roads.**

EXECUTIVE SUMMARY:

Council reviewed its methodology of obtaining material suitable for the Road Resheeting Program and have undertaken a trial material from a commercial quarry. Through an investigation with Tonkin Consulting assessing the potential whole of life cost of suppling material from a commercial quarry and maintaining the unsealed road, it is shown to be more cost effective than sourcing material from private landowners and rubble pits, when the quarry and road are within a 30 to 35 km range.

CONFIDENTIAL

REPORT 17.4	**Supply of Rubble Material for 2023/24 Road Resheeting Program - Confidential** (Cont'd)

EXECUTIVE SUMMARY: (Cont'd)

Council previously released a tender for the supply of material based on the specification developed through the investigations with Tonkin Consulting and received three submissions. A contract was formed with both CL Asset Management & SC Heindrich Pty Ltd based mostly on their geographical location and price offered. The locations of the roads being resheeted dictated which quarry is required, through the cost analysis of distance and material price.

These initial contracts were for the supply of the 2022/23 Annual Road Resheeting Program and since the time of the initial contract Council has added additional roads from the 2023/24 Annual Road Resheeting Program which also include heavy grades and track upgrades.

DISCUSSION

Council requires approximately 78,000 tonnes of additional rubble to be supplied in order to complete 2023/24 road resheeting, heavy grades and track upgrades for roads that are in the northern zone of Councils region. This northern zone is an area defined by affordable carting distances from CL Asset Management Pty Ltd at Warnertown and the southern zone is defined by affordable carting distances from SC & Heinrich Pty Ltd quarry at Brinkworth. Both quarries hold separate contracts for the northern or southern zones respectively to supply Council rubble for the 2022/23 Road Resheeting list in this southern area. In addition, Council is charged at a per km rate to cart material for either quarry which is carted by a haulage contractor under a separate agreement to collect the material from the quarry for distribution to the selected roads. Therefore, there is typically a certain radius that each quarry can supply to before it becomes non-cost-effective for one or another, in which defines the northern and southern zones.

From the last tendering process, it was identified that CL Asset Management Pty Ltd was $4.50 per tonne (32%) cheaper to supply rubble than the other 2 submissions who were the same price. Which means that they are able to provide a larger area / zone with material compared to SC & Heindrich Pty Ltd as you can afford to pay for slightly larger carting costs, as they offset each other. However, with regards to the remaining roads that material needs to be supplied, they have been identified to be outside of the cost neutral zone for SC & Heindrich Pty Ltd as they are mostly northern zone roads remaining. This means that only CL Asset Management Pty Ltd material price and carting costs make it affordable to deliver the works as planned.

In addition, the rubble material sourced must fit the technical specification ranges as determined by Tonkin Consulting and be located within a close proximity to the roads being resheeted to ensure economic resheeting activities where practical. Two material specifications were included for pricing which were a 20mm and a 40mm product. The supply of material will be used in our Resheeting Program, Heavy Grades Program and Unsealed Road Maintenance.

Based on the previously submitted information from the last tendering process, Council had three submissions that could supply material in accordance with the specifications provided. The suppliers are all experienced in providing quarry material for road construction purposes, although the supply of unsealed road material is a growth area. However, with regards to the material being supplied, CL Asset Management Pty Ltd quarry was $4.50 cheaper per tonne at a rate of $9.50 compared to $14.00 from the other suppliers. With CL Asset Management Pty Ltd quarry being located at Warnertown, they also have the lowest carting distance, therefore making them the most cost-effective option for Council for the remaining roads.

CONFIDENTIAL

REPORT 17.4	**Supply of Rubble Material for 2023/24 Road Resheeting Program - Confidential** (Cont'd)

CL Asset Management Pty Ltd quarry have mentioned that they will honor the existing rate that was previously tendered and meet the existing contractual agreements and specifications where they will take several months to raise the full amount of rubble as required, which will still align with Council's Resheeting Program.

TIMING AND BUDGET

Total funding of $3.26m, including carryover from the 2022/23 program, has been allocated to the Resheeting Program in the 2023/24 Capital Works Budget. This proposed scope of works to be funded from this budget is as follows:

- Supply of road resheeting rubble material
- Haulage of road resheeting rubble material
- Resheeting of selected unsealed roads using internal resources

Should Council agree to the recommendation, the preferred tenderer will be engaged, and works to supply material will continue to be supplied as per programmed, subject to material testing confirming compliance with the specification.

Pricing Schedule

	Product 2 – 40mm	
Supplier	**Rate**	**Amount**
CL Asset Management Pty Ltd	$9.50 per tonne	$741,000

Supply is based on approximately 78,000 tonnes of material.

CONFIDENTIAL

REPORT 17.4	**Supply of Rubble Material for 2023/24 Road Resheeting Program - Confidential** (Cont'd)

Tender Summary

Previous commentary assessment of CL Asset management Pty Ltd from last tender assessment.

Criteria	Weighting	C L Asset Management Pty Ltd
Price	30%	Lowest Price
Company Details and Relevant Experience of Tenderer	25%	Trading for 4 years
Local Economic Benefit & Social Inclusion	5%	Based at Warnertown and 5 employees
Management Systems -WHS -Environment -Quality	20%	suitably qualified
Project Methodology, Management & Delivery	20%	Sufficient plant and equipment on site and the ability to source replacement equipment within 24hrs if required
General Comments		Good submission, experience of working with Port Pirie Regional Council

CONFIDENTIAL

MEETING: ORDINARY MEETING OF COUNCIL - CONFIDENTIAL
DATE: 28 February 2024

DEPARTMENT: INFRASTRUCTURE
OFFICER: Allan Henderson, Parks & Recreation Supervisor

REPORT ITEM:	**17.5**
REPORT TITLE:	**RFT FOR CONTRACT 2023/129 – SUPPLY AND INSTALLATION OF THREE PLAYGROUNDS**

Timeframe	2023/24 Financial Year			
Budget Impact	$170,000 (excluding GST)			
Risk Assessment	**Primary Risk Type(s):**		People – Injury	
	Inherent Risk:	**Likelihood**	**Consequence**	**Rating**
		Possible	Moderate	Medium
	Controls:	▪ **Replace three playgrounds as per recommendation**		
	Residual Risk:	Rare	Moderate	Low
File Reference	40.014.009.129/2023			

STRATEGIC REFERENCE:	
Theme **Goal** **Strategy 3.2.3**	**Our Lifestyle** **Infrastructure** **Council provided assets are fit for purpose, proactively maintained and renewal recognises future demand**

RECOMMENDATION:

That Council:

- **award a contract to Forpark Australia (SA) for supply and installation of three playgrounds in accordance with the documents submitted in response to Request for Tender for Contract 2023/129 Supply and Installation of Three Playgrounds for the amount of $169,395 (excluding GST); and**
- **delegate authority to the Chief Executive Officer to approve variations under the contingency allowance up the value of 10% of the contract sum.**

EXECUTIVE SUMMARY:

Port Pirie Regional Council have allocated funds in its 2023/24 Capital Budget to replace three playgrounds located in Port Pirie. The location of the three playgrounds are:

- Plenty Street Park, Plenty Street, Port Pirie
- Jubilee Estate, Higgins Court, Port Pirie
- Tennyson Park, Laureate Street, Port Pirie

This report provides a recommendation for the process taken to evaluate tender submissions for each playground and the preferred option that Forpark Australia be awarded the contract for supply and installation of these three playgrounds.

CONFIDENTIAL

REPORT 17.5	**RFT for Contract 2023/129 Supply and Installation of Three Playgrounds** (Cont'd)

DISCUSSION

Council has allocated funds of $220,000 in its 2023/24 Capital Works Program for the replacement of three playgrounds within the Council area. $170,000 has be allocated from this funding for the supply and installation.

PROPOSED WORKS

Works under this contract will see the supply and installation of three playgrounds located at:

- Plenty Street Park, Plenty Street, Port Pirie
- Jubilee Estate, Higgins Court, Port Pirie
- Tennyson Park, Laureate Street, Port Pirie

Each playground will have a mixture of climbing apparatus, swing sets and singular person rockers.

Under a separate contract, the removal of the existing playground at each site will be undertaken prior to the supply and installation by Rotary through the Rotary Overseas Relocated Playgrounds (RORP) project. Council will remove and replace soft fall for each site and conduct any repairs to soft fall edging where required. These costs will utilise the remaining budget.

TERM OF CONTRACT

The term of the contract is for a once off period commencing in March 2024, with works being scheduled to be completed by the end of the financial year.

TENDER ASSESSMENT

Request for Tender documentation was uploaded to SA tenders and contracts in approach to test the market space.

At the closing time of tenders of 2pm 30 January 2024, 7 tender submissions were received as follows:

Tenderer	Tendered Price $ (excluding GST)
A Space Australia	$164,000.00
CRS	$169,970.99
Forpark Australia (SA)	$169,395.00
Moduplay	$169,925.00
Playground Centre	$169,135.00
Playmazing	$164,867.60
Violi Construction P/L	$204,150.00

Tenderers were invited on a Lump Sum basis, which means that the successful tenderer will be paid for actual works completed on the rates provided in their tender. However, for the purpose of this report to Council, only the expected value of the contract is provided.

CONFIDENTIAL

REPORT 17.5	**RFT for Contract 2023/129 Supply and Installation of Three Playgrounds** (Cont'd)

QUALITATIVE ASSESSMENT
Tenders received have been assessed against the criteria as set out below:

Price	25%
WHS	20%
Management Systems, Environment/ Quality	10%
Company Details & Relevant Experience	5%
Delivery schedule	20%
Value Added Service and Innovation	5%
Warranty	15%
TOTAL	**100%**

The tenders were evaluated by Allan Henderson, Parks & Recreation Supervisor, and reviewed by Peter Lock, Acting Manager Operations.

A summary of the tender assessment is contained in the tables on the following pages as:
- The tender summary; and
- The tender scoring matrix

QUOTE CLARIFICATIONS SOUGHT

Forepark was asked to confirm details around their company credentials and provided a satisfactory response.

Additionally, preferred tenders were contacted around the timeframes indicated as all submissions suggested the works could be delivered on time. However, it was understood that this was at risk due to lead times on materials, which was confirmed as a concern.

ISSUES OF CONCERN

The following issues of concern were identified and addressed in the evaluation:

Within the evaluation assessment, the timing of the works was the largest concern area as all tendered indicated the works could be completed on time, yet there was the opinion that each tenderer will have issues with supply lead times. However, it was mentioned that the works will be very close to being completed by the end of the financial year with either tenderer, although there is a possibility that it will still likely fall into early next financial year.

OVERALL FINDING

Overall, every tenderer apart from one presented a good submission, meeting the expectation of the evaluation team with regards to WHS, environmental and quality systems being sufficient. Violi Construction Pty Ltd was the outlier who was considerably higher priced than the other tenders and lacked details of the products being offered, as well as other areas of the return schedules were also deficient.

With regards to the other 6 tenderers, it is believed that either one of these companies could complete the works that Council is requiring, and all come underbudget. They all proposed similar sized products with a similar quality. However, it may be perceived that Playmazing has a slightly higher quality with the equipment being imported from Germany and having good quality systems as Council has one playground which uses their product and seems to be aging well.

However, it is being recommended that Forpark Australia be awarded the contract for supply and installation of the three playgrounds mainly due to the added service that they can provide. Forpark have readily available replacement parts and are located within Adelaide.

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REPORT 17.5	**RFT for Contract 2023/129 Supply and Installation of Three Playgrounds** (Cont'd)

In addition, Council currently has a majority of parks which use Forpark Australia Playgrounds. They have currently been supplying Council with spare parts for playgrounds that are their own, as well as others which are not, including obsolete products where some of these parts require special modifications. By using Forpark Australia it will allow for efficiencies to be retained by Council's Park and Recreation team as they can use similar parts for most playgrounds and can source replacements easily.

In general, Forpark Australia are the preferred contractor and have a wealth of experience. Their submission is within budget, and they have provided good examples of the playgrounds that they can provide.

Please see the below examples for concepts at each park, as provided by Forpark Australia.

Example of Playground Jubilee Estate – Forpark Australia



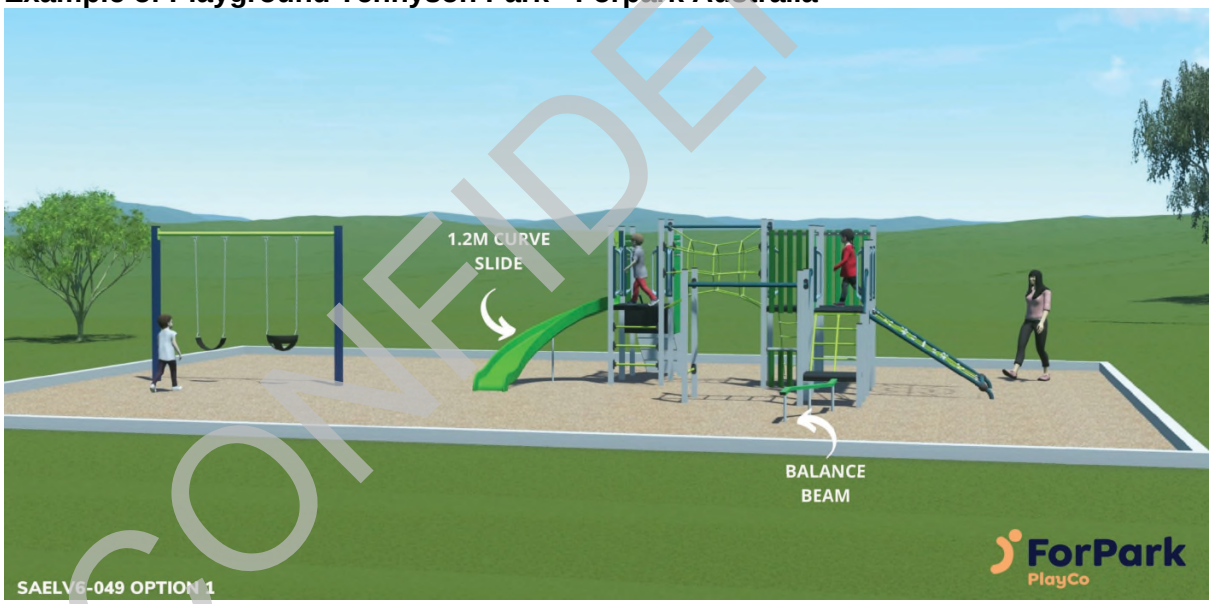
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REPORT 17.5	**RFT for Contract 2023/129 Supply and Installation of Three Playgrounds** (Cont'd)

Example of Playground Plenty Street Park - Forpark Australia



Example of Playground Tennyson Park - Forpark Australia



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TIMING AND BUDGET

Total funding of just over $220,000 has been allocated to supply and install three playgrounds in the 2023/24 Capital Works Budget.

Council will engage Rotary to remove the existing playgrounds at each site and Council will replace soft fall and some edging as required with the remaining $50,000.

Should Council agree to the recommendation, the preferred tenderer will be engaged, and works will be programmed to be completed by end of June 2024 subject to favourable weather conditions and supply lead times of playground items.

REPORT 17.5	RFT for Contract 2023/129 Supply and Installation of Three Playgrounds (Cont'd)

TENDER SUMMARY

Criteria	Weighting	A Space Australia	CRS	Forpark Aust
Works Health & Safety and Risk Management.	20%	Full management plan included.	good management plans in place	Full management & WHS plan included.
Environmental Management Systems and Quality Systems	10%	Environmental management has been considered. Third party approved for quality	Environmental management has been considered. And quality plan	Environmental management has been considered and company certified. Has quality plans in place
Local Economic Benefit & Social Inclusion	0%	No local contactors will be used. Only SA.	No local contactors will be used. Only interstate.	Local contractors used and Adelaide contractors.
Organisation Structure, Facilities and Resources.	0%	Structured workforce and facilities.	Structured workforce and facilities.	Structured workforce and facilities.
Experience.	5%	Company commenced 2017.	25 years experience.	23 years experience. Has been to site and has supplied a lot of parks within council and stocks replacement parts for Councils other playgrounds
Implementation/Delivery Schedule	20%	indicated it can be Delivered on time. Leadtime on material supply maybe issue	indicated it can be Delivered on time. Leadtime on material supply maybe issue	indicated it can be Delivered on time. Leadtime on material supply maybe issue
Value Added Services and Improvement & Innovation	5%	Australian made. Own design team	Australian made. Own design team	South Aust company, quick turn around with any maintenance issues due to being local in Adelaide.
Warranty	15%	12 months for moving parts and 20 years for structural failure of steel	12 months. 20 years on structural	12 months moving parts, 20 years structural.
Price	25%	$164,000	$169,970.99	$169,395
General Comments	100%	Council has used A space before and appears to be good quality	unused by Council before	most of Councils parks use forepark products

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REPORT 17.5	RFT for Contract 2023/129 Supply and Installation of Three Playgrounds (Cont'd)

Criteria	Weighting	Moduplay	Playground Centre	Playmazing	Violi
Works Health & Safety and Risk Management.	20%	has management plans in place.	WHS policy attached but no plan provided. Okay systems	WHS management plans in place.	No Management System in place for the works. Has indicated they have them
Environmental Management Systems and Quality Systems	10%	Some environmental management has been considered.	Environmental management has been considered. Has ISO quality approved	Environmental management has been considered. ISO approved for quality	Environmental Management or quality has not been considered.
Local Economic Benefit & Social Inclusion	0%	Yes, some local contractors used plus interstate contractors.	No local contactors will be used. Only SA.	No local contactors will be used. Only SA.	Yes, some local contractors used plus SA.
Organisation Structure, Facilities and Resource	0%	Structured workforce and facilities.	Violi will be used to install.	Structured workforce and facilities.	Structured workforce and facility.
Experience.	5%	35 years experience.	None given.	13 years. Attended a site meeting and indicated an okay understanding	Well experienced. Over 50 playgrounds
Implementation/Delivery Schedule	20%	indicated it can be Delivered on time. Leadtime on material supply maybe issue	indicated it can be Delivered on time. Leadtime on material supply maybe issue	indicated it can be Delivered on time. Leadtime on material supply maybe issue	indicated it can be Delivered on time. Leadtime on material supply maybe issue
Value Added Services and Improvement & Innovation	5%	Leading edge designs.	Unique, high quality. Own design team	have stated they have great quality but haven't indicated any other benefits.	own design team
Warranty	15%	12 months. Up to12 years for structural steel	12 months on general. 25 years on structural galv and 10 years on standard steel	12 months. 10 years on metal parts and 15 on robina wood parts	12 months.
Price	25%	$169,925	$169,135	$164,867.60	$204,150
General Comments	100%	unused by Council before	unused by Council before	Council has used playmazing products before. Seems to be an okay product but needs to come from overseas	unused by Council before hasn't provided concepts for designs

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REPORT 17.5	RFT for Contract 2023/129 Supply and Installation of Three Playgrounds (Cont'd)

TENDER SCORING MATRIX

ITEM	DESCRIPTION Evaluation Criteria Note: ( )* Denotes Rating	WEIGHTING %	A Space Austarlia		CRS		Forpark Aust		Moduplay		Playgound Centre		Violi		Playmazing	
			Score (out of 5)		Score (out of 5)		Score (out of 5)		Score (out of 5)		Score (out of 5)		Score (out of 5)		Score (out of 5)	
	LUMPS SUM TENDER VALUE EXCL GST		**$ 164,000.00**		**$ 169,970.99**		**$ 169,395.00**		**$ 169,925.00**		**$ 169,135.00**		**$ 204,150.00**		**$ 164,867.60**	
1	Works Health & Safety and Risk Management (Schedule 5)	20%	3	12.00	3	12.00	3	12.00	3	12.00	2	8.00	2	8.00	3	12.00
2	Environmental Management Systems and Quality Systems (Schedule 6)	10%	3	6.00	3	6.00	3	6.00	3	6.00	3	6.00	1	2.00	3	6.00
5	Experience (Schedule 10)	5%	3	3.00	3	3.00	3	3.00	3	3.00	2	2.00	3	3.00	3	3.00
7	Implementation/Delivery Schedule	20%	3	12.00	3	12.00	3	12.00	3	12.00	3	12.00	3	12.00	3	12.00
8	Value Added Services and Improvement & Innovation	5%	3	3.00	3	3.00	4	4.00	3	3.00	3	3.00	3	3.00	2	2.00
9	Warranty	15%	3	9.00	3	9.00	3	9.00	2	6.00	3	9.00	2	6.00	3	9.00
10	Price (Schedules 16) Score = 2.5 + 5*(($M-$T)/$M)	25%	2.76	13.81	2.59	12.95	2.61	13.03	2.59	12.95	2.61	13.07	1.60	8.01	2.74	13.68
	TOTAL SCORE INCLUDING PRICE	**100%**	58.81		57.95		59.03		54.95		53.07		42.01		57.68	
	TOTAL RANK INCLUDING PRICE		**2**		**3**		**1**		**5**		**6**		**7**		**4**	
	TOTAL SCORE EXCLUDING PRICE		*40.81*		*39.95*		*41.03*		*36.95*		*39.07*		*32.01*		*39.68*	
	TOTAL RANK EXCLUDING PRICE		***2***		***3***		***1***		***6***		***5***		***7***		***4***	

Rating Scale:

5 = Outstanding offer, greatly exceeds criterion

4 = Very good offer, exceeds criterion

3 = Good offer, no deficiencies, meets criterion

2 = Fair offer, few deficiencies, almost meets criterion

1 = Marginal offer, some deficiencies, partly meets criterion

0 = Inadequate offer, many deficiencies, does not meet criterion

CONFIDENTIAL

MEETING: ORDINARY MEETING OF COUNCIL - CONFIDENTIAL
DATE: 28 February 2024

DEPARTMENT: INFRASTRUCTURE
OFFICER: Peter Lock, Acting Manager Operations

REPORT ITEM:	**17.6**
REPORT TITLE:	**RFT FOR CONTRACT 2023/134 – CONSTRUCTION OF THREE CHAIN ROAD SHARED PATHWAY**

Timeframe	2023/24 Financial Year			
Budget Impact	$520,558 (excluding GST)			
Risk Assessment	**Primary Risk Type(s):**		Financial – Loss of grant funding	
	Inherent Risk:	**Likelihood**	**Consequence**	**Rating**
		Almost Certain	Moderate	High
	Controls:	▪ **Award works for construction as per recommendation**		
	Residual Risk:	Rare	Moderate	Low
File Reference	40.014.009.134/2023			

STRATEGIC REFERENCE:	
Theme **Goal** **Strategy 3.2.1**	Our Lifestyle Infrastructure Council provided assets are fit for purpose, proactively maintained and renewal recognises future demand

RECOMMENDATION:

That Council:

- **award a contract to Civil Tech Pty Ltd for the construction of Three Chain Road Shared Pathway in accordance with the documents submitted in response to Request for Tender for Contract 2023/134 – Construction Of Three Chain Road Shared Pathway for the amount up to $455,000 (excluding GST); and**
- **delegate authority to the CEO to negotiate variations to the scope of works to add value within the intent of the project by installing additional kerb ramps, access point and cross connections to side streets, up to the grant funding total of $520,558.**

EXECUTIVE SUMMARY:

This report provides a breakdown of the evaluation process undertaken and recommends a contractor for the construction of the Three Chain Road Shared Pathway.

Council has attained grant funding to continue the Three Chain Road Shared Pathway.

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REPORT 17.6	**RFT for Contract 2023/134 Construction of Three Chain Road Shared Pathway** (Cont'd)

DISCUSSION

Council has allocated funds in its 2023/24 Capital Works Program for the construction of the Three Chain Road Shared Pathway. Council has attained grant funding from both the State Bicycle fund and the Local Roads and Community Infrastructure Program for a total of $520,558.

PROPOSED WORKS

As per the grant application, Council is required to construct an asphalt pathway from Simpson Road to Afford Road, where the key deliverables for this can be outline below.

- Construct a new 3m wide shared pathway
- Construction of Kerb Ramps
- Widen road shoulder between pathway and roadway
- Supply and installation of signage, bollards and rubber kerbing blocks
- Removal of timber bollards and guard railing

The pathway will travel down the eastern side service road of Three Chain Road.

Example of typical pathway (image source public consultation poster):



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REPORT 17.6	**RFT for Contract 2023/134 Construction of Three Chain Road Shared Pathway** (Cont'd)

TERM OF CONTRACT

The term of the contract is for a once off period commencing in March 2024 for completion in June 2024.

TENDER ASSESSMENT

Request for Tender documentation was uploaded to SA Tenders and Contracts in a method to test the full potential of the market.

At the closing time of tenders of 2 pm on 18 January 2024, four (4) tender submissions were received as follows:

Tenderer	**Tendered Price $ (excluding GST)**
Alsanto Constructions Pty Ltd	$906,488
Civil Tech Pty Ltd	$587,698 alternative offer
Denco Civil Pty Ltd	$828,670
Fleurieu Civil & Construction Pty Ltd	$893,724.3

Tenderers were invited on a Lump Sum basis, which means that the successful tenderer will be paid for actual works completed on the rates provided in their tender. However, for the purpose of this report to Council, only the expected value of the contract is provided.

QUALITATIVE ASSESSMENT

Tenders received have been assessed against the criteria as set out below:

Price	25%
Works Health & Safety and Risk Management.	25%
Environmental Management Systems and Quality Systems	10%
Local Economic Benefit & Social Inclusion	10%
Company Details & Relevant Experience	10%
Implementation/Delivery Schedule	15%
Value Added Services and Improvement & Innovation	5%
TOTAL	**100%**

The tenders were evaluated by Peter Lock, Acting Manager Operations.

A summary of the tender assessment is contained in the tables on the following pages as

- The tender summary; and
- The tender scoring matrix

CONFIDENTIAL

REPORT 17.6	**RFT for Contract 2023/134 Construction of Three Chain Road Shared Pathway** (Cont'd)

QUOTE CLARIFICATIONS SOUGHT

All tenders were asked to provide a cost for a reduced scope of works as the initial tender called for contractors to price the extension from Simpson Road to Magor Road, as it was perceived that the grant funding that was available would allow for Council to reach a further distance. However, as all the price's but one were significantly higher than hoped, the scope was reverted back to the proposal made within the grant application.

All tenders provided updated prices where all but one was within the anticipated budget, meaning that there would be no requirement for Council contribution.

Both Civil Tech Pty Ltd and Fleurieu Civil & Construction Pty Ltd were asked to provide further details via email around either their return schedules, where a majority of the missing or conflicting information was resolved.

Civil Tech Pty Ltd was also asked to reconfirm their compliance with the timeframe, as it was noted that they currently hold serval other contracts with Council that are required to be completed before the end of the financial year as well. Civil Tech Pty Ltd indicated they could complete the work on time. In the initial submission, Civil Tech Pty Ltd had only allowed for a spray seal pathway rather than the desired asphalt to match the existing one. Therefore, their initial submission was classed as an alternative offer, where their updated price for the reduced scope reflected using asphalt.

ISSUES OF CONCERN

The following issues of concern were identified and addressed in the evaluation:

A budget issue was addressed by refining the scope of works back to the parameters of the grant application. Where it is understood that Council have multiple contractors who can undertake the works on budget.

However, the additional concern was awarding a contractor the works who are unlikely to meet the grant conditions, where several companies at the time of tendering mentioned they were chasing works. This has been included in the assessment weighting within this recommendation.

NEGOTIATION OUTCOMES

The negotiated outcomes below is a summary of the consolidated scope of works to only involve the works required to complete the shared pathway between Simpson Road and Afford Road, as per the grant agreement.

Tenderer	**Tendered Price $ (excluding GST)**
Alsanto Constructions Pty Ltd	$463,981.50
Civil Tech Pty Ltd	$452,661.00
Denco Civil Pty Ltd	$488,474.64
Fleurieu Civil & Construction Pty Ltd	$672,221.93

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REPORT 17.6	**RFT for Contract 2023/134 Construction of Three Chain Road Shared Pathway** (Cont'd)

It was identified in Denco Civil's offer that they have allowed for waste disposal of $48,000, whereas all other tenderers have made allowances to spread and retain the soil onsite throughout the swale. Council could work with Denco Civil to retain the soil onsite and level like other tenderers have allowed. By removing some cost for the time to level the soil off, it can be estimated that Denco Civil's price would drop around $40,000 making their submission around $448,000.

However, Civil Tech Pty Ltd have also made an over allowance for asphalt with regards to one section which would reduce their offer by approximately $20,000, meaning Civil Tech Pty Ltd's offer informally would be closer to $432,000 with this correction, which they have indicated would be reduced if required.

OVERALL FINDING

In general, it is believed that all tenderers have the skill set to undertake the works and deliver a successful outcome for Council, where only Fleurieu Civil & Construction Pty Ltd is over budget.

All tenders have suitable WHS, environmental and quality systems in place, and have provided good references for similar works or Civil Construction jobs. All tenders are previously used contractors that have won works with Council for the 2023/24 financial year and all have a good track record with Council to date.

Alsanto Construction Pty Ltd and Fleurieu Civil & Construction Pty Ltd are both deemed as local contractors, where Fleurieu Civil & Construction Pty Ltd has local staff and recently set up an office. Alsanto Construction Pty Ltd, have a large number of local employees and have been running as a local company for many years. Both contractors have completed works to a high standard for Council in the past and are very experienced. However, both tenderers do not have a lot of experience with construction on shared pathways as required. Although based on previous works, are confident that they could deliver the works.

With regards to Civil Tech Pty Ltd and Denco Civil Pty Ltd, these two companies appear to have the most experience with footpath constructions that are most similar to this scope of works. Which might be reflective of why they have priced the works most competitively as they have been doing a lot of similar works. Civil Tech Pty Ltd has provided several examples from metro councils in Adelaide that appear to be of a high standard.

TIMING AND BUDGET

Total funding of $520,558 has been allocated to construct Three Chain Road Shared Pathway in the 2023/24 Capital Works Budget. This proposed scope of works to be funded from this budget is as follows:

- Construct a new 3 m wide shared pathway from Simpson Road to Afford Road.
- Construction of Kerb Ramps
- Widen road shoulder between pathway and roadway
- Supply and Installation of Signage, Bollards and rubber kerbing blocks
- Removal of timber bollards and guard railing

Should Council agree to the recommendation, the preferred tenderer will be engaged, and works will be programmed to be completed by June 2024, subject to favourable weather conditions.

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REPORT 17.6	**RFT for Contract 2023/134 Construction of Three Chain Road Shared Pathway** (Cont'd)

Due to the funding being grant money, it is recommended that Council works with the successful contractor to utilise the funding. Additional kerb ramps, access points and cross connections to side streets can be completed to complement the extension of the shared path and ensure that the grant funds are fully expended.

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REPORT 17.6	RFT for Contract 2023/134 Construction of Three Chain Road Shared Pathway Cont'd)

TENDER SUMMARY

Criteria	Weighting	Alsanto Constructions Pty Ltd	Civil Tech Pty Ltd	Denco Civil Pty Ltd	Fleurieu Civil and Construction
Works Health & Safety and Risk Management.	25%	Has suitable WHS policy Management system in place.	has provided WHS policy is ISO 45001 approved for OHS management systems	Not third party certified, but has internal processes in place and has applied for Accreditation	Holds Civil Contractors Federation integrated management system for WHS.
Environmental Management Systems and Quality Systems	10%	Is not ISO approved for either Environmental or Quality Systems. Although has as provided suitable management plans for both.	ISO 14001 for approved Environmental and ISO 9001 approved for quality Management systems	is currently in the process of working towards attaining ISO for Environmental and Quality.	Does not have ISO approved management systems for Environment and Quality but has attached suffice policies
Local Economic Benefit & Social Inclusion	10%	Alsanto is a local company that will be using a majority of local labour - excluding the asphalt works	is an Adelaide company that will be using local material and accommodation	Adelaide based Company and labour. Intends to use all local businesses for supply of materials.	is setting up local office and has some local workforce. But hasn't indicated a lot of local economic benefit.
Experience.	10%	Alsanto has around 14 years as a company tendering similar works, primarily building works. They have not provided a lot examples of similar road/ path construction jobs. But does have some exposure.	Civil Tech has approx. 41 years engaging in similar works. They have also provided some good examples of previously completed works of similar natures that appear of a good standard.	very experienced in kerb & footpath construction with various regional SA Councils	15 experience. has undertaken some larger scale civil construction works of late.

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REPORT 17.6	RFT for Contract 2023/134 Construction of Three Chain Road Shared Pathway Cont'd)

Implementation/ Delivery Schedule	15%	Alsanto has provided a program that will meet the grant deadlines	civil tech has provided a project program that shows that they timeframes are achievable.	Capable of high output with delivery schedule and implementation	has indicated that the works can be completed in the timeframe that Council requires
Value Added Services and Improvement & Innovation	5%	additional value is mainly local content/ labour	can provide additional design support, can generate maintenance programs if required etc.	no clear additional benefit on top	no clear additional benefits/ added services indicated apart from local content
Price	25%	is the highest priced tenderer for the works. Price to Magor $906,488 ex Price to Afford $463,981.5	one of the lowest priced tenderer. Price to Magor $587,698 ex Price to Afford $452,661	is the second lowest priced tenderer for the works. Price to Magor $828,670 ex Price to Afford $488,474.64	is the second highest priced tenderer for the works. Price to Magor $893,724.3 ex Price to Afford $672,221.93
General Comments	100%	Has not done a lot of this time of work	Has done a lot of this work	Has done a lot of footpath work	Hasn't done a lot of this works but has done Civil works

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REPORT 17.6	RFT for Contract 2023/134 Construction of Three Chain Road Shared Pathway Cont'd)

TENDER SCORING MATRIX

ITEM	DESCRIPTION Evaluation Criteria Note: ( )* Denotes Rating	WEIGHTING %	Alsanto Constructions Pty Ltd Score (out of 5)		Civil Tech Pty Ltd Score (out of 5)		Denco Civil Score (out of 5)		Fleurieu Civil and Construction Score (out of 5)	
	LUMPS SUM TENDER VALUE EXCL GST		$463,981.5		$452,661		**$ 488,475**		**$672,221.93**	
1	Works Health & Safety and Risk Management (Schedule 5)	25%	3	15.00	3	15.00	3	15.00	3	15.00
2	Environmental Management Systems and Quality Systems (Schedule 6)	10%	3	6.00	3	6.00	3	6.00	3	6.00
3	Local Economic Benefit & Social Inclusion (Schedule 7)	10%	3	6.00	2	4.00	2	4.00	3	6.00
5	Experience (Schedule 10)	10%	2	4.00	3	6.00	3	6.00	3	6.00
7	Implementation/Delivery Schedule (Schedule 12)	15%	3	9.00	3	9.00	3	9.00	3	9.00
8	Value Added Services and Improvement & Innovation (Schedule 13)	5%	2	2.00	3	3.00	2	2.00	2	2.00
10	Price (Schedules 16) Score = 2.5 + 5*(($M-$T)/$M)	25%	3.03	15.16	3.14	15.71	2.80	13.99	1.03	5.14
	TOTAL SCORE INCLUDING PRICE	100%	57.16		58.71		55.99		49.14	
	TOTAL RANK INCLUDING PRICE		**3**		**1**		**2**		**4**	
	TOTAL SCORE EXCLUDING PRICE		*42.00*		*43.00*		*42.00*		*44.00*	
	TOTAL RANK EXCLUDING PRICE		***3***		***2***		***4***		***1***	

Rating Scale:

5 = Outstanding offer, greatly exceeds criterion

4 = Very good offer, exceeds criterion

3 = Good offer, no deficiencies, meets criterion

2 = Fair offer, few deficiencies, almost meets criterion

1 = Marginal offer, some deficiencies, partly meets criterion

0 = Inadequate offer, many deficiencies, does not meet criterion

CONFIDENTIAL

MEETING: ORDINARY MEETING OF COUNCIL - CONFIDENTIAL
DATE: 28 February 2024

DEPARTMENT: INFRASTRUCTURE
OFFICER: Terry McGinnis, Project Manager

REPORT ITEM:	**17.7**
REPORT TITLE:	**RFT FOR CONTRACT 2023/136 – BUS SHELTER REPLACEMENT PROGRAM 2023/24**

Timeframe	2023/24 Financial Year			
Budget Impact	$ 193,874.12 (excluding GST)			
Risk Assessment	**Primary Risk Type(s):**		Legal / Regulatory / Policy	
	Inherent Risk:	**Likelihood**	**Consequence**	**Rating**
		Almost Certain	Moderate	High
	Controls:	▪ Competitive tender process ▪ Award an appropriately qualified contractor		
	Residual Risk:	Rare	Insignificant	Low
File Reference	40.014.009.136/2023			

STRATEGIC REFERENCE:	
Theme	Our Community
Goal	Inclusivity & Diversity
Strategy 1.13	Community facilities and services are welcoming and accessible

RECOMMENDATION:

That Council award a contract to Denco Civil Pty Ltd for Civil and Construction Works in accordance with the documents submitted in response to Request for Tender for Contract 2023/136 – Bus Shelter Replacement Program 2023/24 up to the amount of $193,874.12 (excluding GST).

EXECUTIVE SUMMARY:

In 2016, a Disability Discrimination Act (DDA) audit was conducted to examine the current infrastructure and its suitability for use, specifically around access at bus stops for persons with a disability. The review was undertaken by Tonkin Consulting, using Australian Standards AS1428: Design for Access and Mobility and all-encompassing parts. The standard details the requirements for new infrastructure and forms the basis for comparison of existing infrastructure in order to meet DDA requirements.

Council has received grant funding as part of the Local Government Infrastructure Partnership Program (LGIPP). The amount of $255,000 has been allocated to this project with an additional $40,000 as part of the continual upgrade to bus shelters.

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REPORT 17.7	**RFT for Contract 2023/136 – Bus Shelter Replacement Program 2023/24** (Cont'd)

EXECUTIVE SUMMARY: (Cont'd)

By completing the works stipulated, the Port Pirie Bus Route will have eight new upgraded bus stops, six of these with new shelters, all with improved accessibility on both sides of the road, meeting DDA requirements.

This report details the tender process that was conducted for the works. The tender submission received from Denco Civil was deemed to be the only compliant offer in relation the specified works and is therefore recommended to be award the contract.

DISCUSSION

In 2016, a Disability Discrimination Act (DDA) audit was conducted to examine the current infrastructure and its suitability for use, specifically around access at bus stops for persons with a disability. The review was undertaken by Tonkin Consulting, using Australian Standards AS1428: Design for Access and Mobility and all-encompassing parts. The standard details the requirements for new infrastructure and forms the basis for comparison of existing infrastructure in order to meet DDA requirements.

The bus stop audits were compared to the standard DIT layout which provides a good indication of what a desirable bus stop looks like. Items to be included on the renewed, upgraded bus stops include:

- new shelters (where required)
- footpaths (construction, width, cross falls)
- proximity to kerb ramps (install where required)
- wheelchair circulation space
- tactile ground surface indicators
- signage
- removal or relocating of any hazards

The bus stops in Port Pirie identified as those needing improvement works have been prioritised for upgrades by the frequency of use, current condition, and location in reference to being in an area where persons with a disability or low mobility frequently use.

Council has received grant funding as part of the Local Government Infrastructure Partnership Program (LGIPP). The amount of $255,000 has been allocated to this project with an additional $40,000 as part of the continual upgrade to bus shelters. $99,964 has already been committed to the purchase of six new shelters and six new seats.

The remaining budget of $195,036 will be used to upgrade eight stops on the Port Pirie bus route. By completing the works stipulated, the Port Pirie Bus Route will have eight new upgraded bus stops, six of these with new shelters, all with improved accessibility on both sides of the road, meeting DDA requirements.

A request for tender process was undertaken, with three suitably qualified contractors. This report provides the details and recommendation to award the contract for these works.

PROPOSED WORKS

The following works will be completed where identified at the eight nominated bus stops:

- Footpath construction
- Install kerb ramps, where required
- Install wheelchair circulation pads
- Install Tactile Guide Surface Indicators (TGSI)
- New concrete pads for bus shelters and TGSI

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REPORT 17.7	**RFT for Contract 2023/136 – Bus Shelter Replacement Program 2023/24** (Cont'd)

- New bus shelters in six locations
- Signage where required
- Removal of any hazards or obstructions

TENDER ASSESSMENT

Request for Tender documentation was sent to three companies known as specialists in Civil Construction works. All of which have completed works for the Port Pirie Regional Council previously.
At the closing time of tenders of 2pm, Monday 12 February 2024, two tender submissions were received as follows:

Tenderer	**Tendered Price $ (excluding GST)**
Denco Civil Pty Ltd	$ 234,588.09
Caddy Earthmoving	$ 276,054.52 (non-conforming)
Lynch and Saracino Concreting Pty Ltd	Did not submit

Tenderers were invited on a Lump Sum basis.

Non-Conforming Quote

The Caddy Earthworks tender submission received was deemed non-conforming as they did not have the capability to complete the assembly of the supplied bus shelters and seats. This was informally discussed prior to the tender closing off. Caddy Earthworks were encouraged to still complete the tender, stating the exclusion of the assembly of the shelters and seats. If there were no other suitable tenders submitted, then an alternative may have been looked at to assemble the shelters and deliver to the nominated locations for installation.

Lynch and Saracino Contracting did not submit a quotation.

QUALITATIVE ASSESSMENT

Tenders received have been assessed against the criteria as set out below:

Price	40%
Implementation / Delivery schedule	35%
Environmental Management Systems and Quality Systems	10%
Works Health & Safety and Risk Management	25%
TOTAL	**100%**

The tenders were evaluated by Terry McGinnis, Project Manager; Glenn Miller, Projects and Procurement Coordinator; and Trevor Cugley, Assets Manager.

A summary of the tender assessment is contained in the tables on the following pages as
- The tender summary; and
- The tender scoring matrix

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REPORT 17.7	**RFT for Contract 2023/136 – Bus Shelter Replacement Program 2023/24** (Cont'd)

QUOTE CLARIFICATIONS SOUGHT

Clarifications were sought generally from Denco Civil Pty Ltd in relation to the following:

- The accuracy of the pricing submitted was questioned as it appeared to not be in accordance with the level of required scope for one of the bus stops. The Tenderer provided updated pricing to capture the item of scope they had missed.
- Confirmation that the Tenderer's price included assembly of the shelters and seats.
- Confirmation that the works would be completed by 31 March 2024.

OVERALL FINDING

The tender submission received from Denco Civil was deemed to be the only compliant offer in relation the specified works. The pricing provided by Denco Civil provides best value for money when compared against the other non-conforming pricing received. Denco Civil have completed similar works for Council recently and were efficient and professional in the works they were undertaking. With the quick turnaround, it would be recommended that Denco Civil are the successful Tenderer.

TIMING AND BUDGET

Council has allocated the following funding sources for the execution of this project:

- LGIPP grant funding - $295,000
- Bus Shelter Capital Replacement Program - $40,000
- Total Budget - $335,000

With $99,964 of the total budget already allocated to the purchase of new shelter and seating equipment, $193,874 remains for the construction and installation works. In order to complete the works within the available budget, the size of the scope of works has been reviewed and adjusted accordingly. It is therefore recommended that a contract be awarded to Denco Civil up to the value of $193,874 plus GST.

Should Council agree to the recommendation, the preferred tenderer will be engaged, and works will be programmed to be completed by 31 March 2024, subject to favorable weather conditions.

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REPORT 17.7	RFT for Contract 2023/136 – Bus Shelter Replacement Program 2023/24 (Cont'd)

TENDER SUMMARY

Criteria	Weighting	Denco Civil Pty Ltd	Caddy Earthworks	Lynch and Saracino Concreting Pty Ltd
Price	40%	**$234,588.09** Lowest price from submitted pricing. The price includes the assembly of the bus shelters that the others don't. Scope reduction required to get within budget.	**$276,054.52** Highest cost from submitted prices, excluded assembling the shelters. Tender is non-complying due to removing assembly of shelters and seats from scope.	Did not submit
Works Health & Safety and Risk Management	15%	WHS - Not third party certified, but has internal processes in place. Attachments supplied of all processes in the Tender return document.	WHS - Not third party certified, but has internal processes in place. No attachments supplied in submission.	Did not submit
Environmental Management Systems and Quality Systems	10%	ENVIRO - Not third party certified, but has internal processes in place including Environmental Management Plan. Attached documents with tender submission. QUALITY - Not third party certified, but has internal processes in place including Quality Report for all works carried out. Attached documents with tender submission.	ENVIRO - Not third party certified, but has internal processes in place including Environmental Management Plan. QUALITY - Not third party certified, but has internal processes in place including Quality Report for all works carried out.	Did not submit
Implementation/Delivery Schedule	35%	Can complete the works in the tight deadlines supplied.	Has agreed to the completion date in the Tender return documents, flags that the deadlines may not be achievable due to other commitments.	Did not submit
General Comments		Preferred Contractor. Confident they can get the work completed with tight deadlines, if engaged early enough.	Non compliant. Have other commitments with PPRC completing other works. May struggle to meet the deadlines due to the work load.	Did not submit

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REPORT 17.7	RFT for Contract 2023/136 – Bus Shelter Replacement Program 2023/24 (Cont'd)

TENDER SCORING MATRIX

ITEM	DESCRIPTION Evaluation Criteria Note: ( )* Denotes Rating	WEIGHTING %	Denco Civil Pty Ltd Score (out of 5)	
	LUMPS SUM TENDER VALUE EXCL GST		**$234,588.09**	
1	Works Health & Safety and Risk Management (Schedule 5)	15%	3	9.00
2	Environmental Management Systems and Quality Systems (Schedule 6)	10%	3	6.00
3	Implementation/Delivery Schedule (Schedule 12)	35%	4	28.00
4	Price (Schedules 16)	40%	3	24.00
	TOTAL SCORE INCLUDING PRICE	**100%**	67.00	
	TOTAL RANK INCLUDING PRICE		**1**	
	TOTAL SCORE EXCLUDING PRICE		*52.00*	
	TOTAL RANK EXCLUDING PRICE		***1***	

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MEETING: ORDINARY MEETING OF COUNCIL - CONFIDENTIAL
DATE: 28 February 2024

DEPARTMENT: INFRASTRUCTURE
OFFICER: Matthew Seidel, Depot Supervisor

REPORT ITEM:	**17.8**
REPORT TITLE:	**RFT FOR CONTRACT 2023/131 - GRADER REPLACEMENT 2023/24 (DCMR 2023-041)**

Timeframe	2023/2024 Financial Year			
Budget Impact	$636,000 (excluding GST)			
Risk Assessment	**Primary Risk Type(s):**		Financial / Infrastructure	
	Inherent Risk:	**Likelihood**	**Consequence**	**Rating**
		Possible	Moderate	Medium
	Controls:	▪ Pre purchase check list completed ▪ Fit for purpose ▪ Safety risk with type of equipment being purchased ▪ Delivery time frame requested as part of the tender processes		
	Residual Risk:	Unlikely	Minor	Low
File Reference	40.014.009.131/2023			

STRATEGIC REFERENCE:	
Theme **Goal** **Strategy 3.2.3**	Our Lifestyle Infrastructure Council provided assets are fit for purpose, proactively maintained and renewal recognises future demand.

RECOMMENDATION:

That Council:

- **award a contract to Cavpower for the supply and delivery of two (2) Caterpillar 140JOY3 Motor Graders in accordance with the documents submitted in the response to Request for Tender Contract 2023/131 Grader Replacement 2023/24 (DCMR 2023-041);**
- **acknowledge the total amount of up to $636,000 (excluding GST) which includes warranty package of our choice as listed; and**
- **agree on the 36 month, 3,000 hour warranty package and a revised replacement program to replace all graders between 6-7,000 hours to increase the resale value as well as keeping repair and maintenance costs down.**

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REPORT 17.8	**RFT for Contract 2023/131 Grader Replacement 2023/24 (DCMR 2023-041)** (Cont'd)

EXECUTIVE SUMMARY:
Council has allocated $974,973k (ex GST) in its 2023/24 Capital Budget for the replacement of two (2) Motor Graders and a Smooth Drum Roller. This outlines the procurement process and provides information to Council so that a decision can be made regarding the purchase of two motor graders.

DISCUSSION

Council has allocated funds in its 2023/24 Capital Replacement Budget for the replacement of two (2) Motor Graders. The first one being P1010 John Deere 670/GP Motor Grader and the second being P1013 Caterpillar M12 Motor Grader. Both graders are due for replacement as part of the 10-year replacement program.

TENDER ASSESSMENT

Port Pirie Regional Council participated in a joint tender process with the Flinders Alliance Councils facilitated by the District Council of Mount Remarkable. The aim of the joint tender process was to prequalify suppliers under the DCMR Head Agreement Panel.

Council's three year plant replacement program was included in the joint tender process.

Request for Tender documentation was sent via the DCMR Head Agreement Panel to four companies for the supply of goods and plant known as specialists in Motor Graders

At the closing time of tenders of 2pm December 8 2023, tender submissions were received as follows:

Tenderer	**Tendered Price $ (excluding GST)**
Cavpower (CAT)	$624,048.00 + Warranty Package 36-month 3000hr $5634.41 Ex. GST 48-month 4000hr $11483.87 Ex. GST 60-month 5000hr $14591.40 Ex. GST 72-month 6000hr $18645.16 Ex. GST (Warranty package is per grader) Total with 36 Month 3000hr Warranty for both graders is $635,316.82
RDO Equipment (John Deere)	$618,000.00
Komatsu	$585,190.00
(All tendered prices shown have trade in price on existing graders already deducted).	

Tenderers were invited on a Lump Sum basis, which means that the successful tenderer will be paid for actual works completed on the rates provided in their tender. However, for the purpose of this report to Council, only the expected value of the contract is provided.

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REPORT 17.8	**RFT for Contract 2023/131 Grader Replacement 2023/24 (DCMR 2023-041)** (Cont'd)

QUALITATIVE ASSESSMENT

Tenders received have been assessed against the criteria as set out below:

Compliance with specification	15%
Company Details & Relevant Experience	25%
Delivery timeframe	15%
Warranty	5%
South Australian Support	15%
Price	25%
TOTAL	**100%**

The tenders were evaluated by Matthew Seidel, Depot Supervisor; Robert Stead, Manager Operations; Peter Lock, Acting Manager Operations; and Robert McRae, Operator.

A summary of the tender assessment is contained in the tables on the following pages as
- The tender summary; and
- The tender scoring matrix

ISSUES OF CONCERN

The following issues of concern were identified and addressed in the evaluation:

John Deere
- The grader blade is not able to be tucked away while traveling whereas it can be with the other two brands.
- The steering does not have any safety return feature. Should a steering shaft or link break, the movement of the front wheels will be uncontrolled.

Komatsu
- It was found on the plant inspection that the Komatsu has a "No Stall" function in the transmission. This means that it eliminates engine braking, where this is a function that can be used to slow the grader down in conjunction with the brakes.
  This is a major safety concern as while towing a roller in the scenario the brakes fail on the grader, there is no secondary braking system to rely on. It is also important to understand that Council's standard tow behind rollers are unbraked and are dependent on the grader for braking.
- The grader does not have auto correct steering unlike both other brands. (highly relied on by our operators as our current CAT grader has it as standard).

OVERALL FINDING

The evaluation demonstrates that all graders offered are reputable brands and all have traditionally offered great service and support. Cavpower have come in at a higher price overall, however, the quality and safety features of the product appear to be of a much higher standard than the other competitors.

As part of the operator plant evaluation, which was conducted as part of the selection process, each operator had the chance to inspect and operate all three graders that had been put out to tender. As part of this process, the operators score each brand of grader separately comparing ergonomics, serviceability, parts availability, and backup, as well as comfort, function ability and many others. After totaling the operator's overall scores, the CAT 140JOY3

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REPORT 17.8	**RFT for Contract 2023/131 Grader Replacement 2023/24 (DCMR 2023-041)** (Cont'd)

grader has been identified as a clear leader in points with John Deere 620GP coming in second.

As Council are heading towards conformity/consistency with all operators over the resheeting and maintenance grading of all roads, it makes sense to have all three of our graders being "like for like" equipment where each operator will be familiar with the same piece of machinery as there will be no difference between them all. This also allows the ability to simply move operators between jobs without having to move any other machine directly to the grader on site. This will then have minimal impact on timeframes due to not having to refamiliarise themselves with different controlled machinery.

As for vehicle maintenance, having all three graders of the same brand means less training for mechanics as they only need to familiarise themselves with the one brand. This also allows for the cut back on the supply of parts that is in our stores and keeps enough stock to be able to service and maintain the graders as required. There will then be no requirement to keep extra spare parts like we would need to if we had two or more different branded graders in our fleet.

In addition to the above justification, Cavpower offers an Operator Demonstrator with over 30 years' operating experience who will work with any staff to help get them comfortable with operating their graders. They will provide a continuous service while Council has these graders. The sole role of this trainer is to get people comfortable with using these graders and best practices.

It is important to note that CAT graders have a significant resale value compared to other such brands as Komatsu which helps justify the additional costs of purchasing.

With the safety concerns addressed being significant in nature, it makes it hard to ignore that there is only one suitable machine for Council's needs. It is recommended that Council purchases two graders with a 36-month, 3000-hour warranty package.

Due to the value of these plant items, choosing the warranty package suggested is important as typically a majority of the larger issues that occur with such machines occur within this period of time. Additional years may be considered but the perception that major issues will typically occur within the 3000 hours and beyond are still possible, but typically a lesser issue.

TIMING AND BUDGET

Total funding of just over $974,973 has been allocated to job number 77065 in the 2023/24 Capital Works Budget. This proposed scope of works to be as follows:

Replacement of two (2) Motor Graders including the trade-in of existing graders P1010 John Deere 670GP and P1013 Caterpillar M12.

Should Council agree to the recommendation, a purchase order will be placed with the preferred tenderer and the delivery of the grader expected to be between September and December 2024.

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REPORT 17.8	RFT for Contract 2023/131 Grader Replacement 2023/24 (DCMR 2023-041) (Cont'd)

TENDER SUMMARY

Criteria	Weighting	Cavpower	John Deere	Komatsu
Compliance with specification	15%	Complied	Complied	Complied
Company Details and Relevant Experience	25%	Council has current and previous experience with the supplier, currently have 2x CAT M12 graders in operation and a Backhoe in the Councils existing fleet.	Council currently has a John Deere grader in its fleet however have had minimal experience with Spare Parts and Service. New model has over protruding blade issue which extends the configuration width during transportation down the road	Council has current and previous experience with the supplier, currently have 3x Komatsu Front Loaders in Councils existing fleet. Has a no stall function which is a safety risk to Council. As Council uses non braked rollers and has hilly terrain.
Delivery Timeframe	15%	6-9 months from date of order	Floor stock available at the current point in time, 4-6 weeks for delivery once order placed	Build date is expected to be prior to June 30 however actual handover date could be up to 6 months from that
Compliance With Warranty	5%	Able to select between extended warranty packages as listed above.	60 months or 5000hrs	60 months or 6000hrs
South Australian Support	15%	Backup support from Adelaide or Whyalla (Mechanical and Spare Parts) provide trainer for no charge	Backup support from Adelaide (Mechanical and Spare Parts)	Backup support from Adelaide or Whyalla (Mechanical and Spare Parts)
Price	25%	$635,316.82 Highest Price. Has good resale/ trade in rates for old fleet, compared to other brands.	$618,000.00 Median Price	$585,190.00 Lowest Price Has perceived lower resale value.

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REPORT 17.8	RFT for Contract 2023/131 Grader Replacement 2023/24 (DCMR 2023-041) (Cont'd)

TENDER SCORING MATRIX

ITEM	DESCRIPTION Evaluation Criteria Note: ( )* Denotes Rating	WEIGHTING %	Komatsu Australia PTY LTD Score (out of 5)		RDO Equipment PTY LTD Score (out of 5)		Cavpower PTY LTD Score (out of 5)	
	LUMPS SUM TENDER VALUE EXCL GST		**$585,190.00**		**$618,000.00**		**$635,317**	
1	Compliance with specification	15%	2	6.00	2	6.00	4	12.00
2	Experience	25%	3	15.00	3	15.00	3	15.00
3	Delivery timeframe	15%	2	6.00	3	9.00	2	6.00
4	Warranty	5%	4	4.00	3	3.00	2	2.00
5	South Australian Support	15%	3	9.00	2	6.00	4	12.00
6	Price Score = 2.5 + 5*(($M-$T)/$M)	25%	2.73	13.63	2.46	12.29	2.32	11.58
	TOTAL SCORE INCLUDING PRICE	**100%**	53.63		51.29		58.58	
	TOTAL RANK INCLUDING PRICE		**2**		**3**		**1**	
	TOTAL SCORE EXCLUDING PRICE		*26.63*		*21.29*		*25.58*	
	TOTAL RANK EXCLUDING PRICE		***1***		***3***		***2***	

Rating Scale:

5 = Outstanding offer, greatly exceeds criterion
4 = Very good offer, exceeds criterion
3 = Good offer, no deficiencies, meets criterion
2 = Fair offer, few deficiencies, almost meets criterion
1 = Marginal offer, some deficiencies, partly meets criterion
0 = Inadequate offer, many deficiencies, does not meet criterion

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MEETING: ORDINARY MEETING OF COUNCIL - CONFIDENTIAL
DATE: 28 February 2024

DEPARTMENT: INFRASTRUCTURE
OFFICER: Matthew Seidel, Depot Supervisor

REPORT ITEM:	**17.9**
REPORT TITLE:	**RFT FOR CONTRACT 141/2023 – REPLACEMENT OF WHEELED EXCAVATOR**

Timeframe	2023/2024 Financial Year			
Budget Impact	$320,000 (excluding GST)			
Risk Assessment	**Primary Risk Type(s):**		Service Delivery	
	Inherent Risk:	**Likelihood**	**Consequence**	**Rating**
		Possible	Minor	Medium
	Controls:	▪ Replace plant in timely to prevent long term breakdowns		
	Residual Risk:	Unlikely	Minor	Low
File Reference	40.014.009.141/2024			

STRATEGIC REFERENCE:	
Theme **Goal** **Strategy 3.2.3**	Our Lifestyle Infrastructure Council provided assets are fit for purpose, proactively maintained and renewal recognises future demand

RECOMMENDATION:

That Council:

- **award a contract to Hitachi Construction and Machinery Australia Pty Ltd for the supply and delivery of one Hitachi ZX170W-5 Excavator in accordance with the document submitted in the response to Request for Tenders via the DCMR Head Agreement 2023-041 for a value up to up to $320,000 (excluding GST) including the 2,000-hour service package; and**
- **note the potential trade in range for the current excavator being between $40,000 to $80,000**

EXECUTIVE SUMMARY:

Council has allocated funds in its 2023/24 Capital Budget for the replacement of the existing Hitachi ZX170W-5 Excavator. This report outlines the tender evaluation process undertaken.

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REPORT 17.9	**RFT for Contract 141/2023 - Replacement of Wheeled Excavator** (Cont'd)

DISCUSSION

Council has allocated funds in its 2023/24 Capital Plant Replacement Budget for the replacement of the wheeled Hitachi excavator that is located at the Waste Transfer Station.

PROPOSED WORKS

It is proposed to replace the existing wheeled Hitachi excavator with a new wheeled excavator that has an operating weight between 15 to 20 tonnes.

Key specifications:

- Front blade and rear stabilisers
- Approximate SWL capacity of 4 and safety valves for lifting purposes
- Quick hitch compatible
- Particulate filter to exhaust or other demonstrated reduction emissions/particulates.
- Reversible radiator fan
- Auto lube system
- Front windscreen protection guard

TERM OF CONTRACT

The term of the contract is for a once off purchase.

TENDER ASSESSMENT

Port Pirie Regional Council participated in a joint tender process with the Flinders Alliance Council facilitated by the District Council of Mount Remarkable. The aim of the joint tender process was to prequalify suppliers under the DCMR Head Agreement Panel.

Council's three-year plant replacement program was included in the joint tender process.

Request for Tender documentation was sent via the DCMR Head Agreement Panel to four companies for the supply of goods and plant known as specialists in excavators.

The tender submissions were received as per the following:

Tenderer	**Tendered Price $ (excluding GST)**
Hitachi Construction and Machinery Australia	$310,000
JCB – Option 1 - LOADER	$281,700
JCB – Option 2 - LOADER	$327,900
JCB – Option 3 – excavator (undersized machine)	$238,200
CAVPOWER	$385,500

*Trade in will be in the range of $40,000 to $80,000, however, requires a further visual appraisal due to damage and the age of the unit. This is not included in any of the above pricing.

Tenderers were invited on a Lump Sum basis, with an estimate provided for trade-in.

CONFIDENTIAL

REPORT 17.9	**RFT for Contract 141/2023 - Replacement of Wheeled Excavator** (Cont'd)

Non-Conforming Quote

JCB had submitted three submissions for plant items that were considerably lesser offers and did not meet the needs or specification that Council required, as they were either undersized machines or had offered loaders instead of an excavator. Due to this factor, it makes these three submissions non-conforming, and no further evaluation was undertaken for these plant items.

QUALITATIVE ASSESSMENT

Tenders received have been assessed against the criteria as set out below:

Compliance with specification	15%
Company Details & Relevant Experience	25%
Warranty	5%
South Australian Support	15%
Price	40%
TOTAL	**100%**

The tender was evaluated by Matthew Seidel, Depot Supervisor and Peter Lock, acting Manager Operations,

ISSUES OF CONCERN

As Council currently has a Hitachi wheel excavator, all the attachments (buckets and claws etc.) that fit the current machine will not fit any other machine but the excavator that has been offered by Hitachi Construction and Machinery Australia. This means that the offer from CAVPOWER would require Council to purchase additional attachments that could cost over $80,000. These existing attachments are in good condition and do not need replacement and would be a non-essential cost to Council.

NEGOTIATION OUTCOMES

All offers provided in the initial pricing were for base model prices. Following a review of the non-conforming submissions. Hitachi was asked to provide an additional cost for extras on items on the excavator to ensure the machine met Councils requirements.

This price includes key items such as:

- Rock guard for the front windshield
- Automatic greasing system
- Additional hydraulic lines for grab attachments
- Quick hitch attachments

The updated price including a service packet can be seen below.

Tenderer	**Tendered Price $ (excluding GST)**
Hitachi Construction and Machinery (with extras)	$335,140.00
Australia ConSol Premium service package (up to 2,000hrs)	$5,163.00

CONFIDENTIAL

REPORT 17.9	**RFT for Contract 141/2023 - Replacement of Wheeled Excavator** (Cont'd)

OVERALL FINDING

Overall, it was deemed that only two of the suppliers, CAVPOWER and Hitachi, could meet the specifications required by Council in order to fully service the needs of the Waste Transfer Station. Both companies have proposed high quality products that have a good reputable name. Both have indicated that they would have similar lead times on the supply of the plant items. They both have good servicing offers available and standard plant warranties.

However, as the excavator being offered by Hitachi, in theory, is just a newer model to the one that Council is replacing, this will save Council costs as it will allow for the existing grab attachment and bucket attachments that are currently being used to be reutilised. If Council was to purchase an excavator from CAVPOWER it would cost Council a further $80,000 to $100,000 in attachments which makes the pricing non comparable, as the existing attachments currently owned by Council would not fit any other brand of machine.

Regardless of the attachments, Hitachi's offer including the extras and service package is approximately $45,000 cheaper and with Council already using a similar model, the Hitachi is proven to meet Council's current needs. It is understood that the CAVPOWER is offering a slightly larger machine, being around 2 tonnes heavier but still having a very similar engine size. However, the Hitachi has a slightly higher reach compared to the CAVPOWER offer, therefore, the models are quite comparable.

TIMING AND BUDGET

Initially, a budget estimate of $210,000 had been allocated towards the replacement of the wheeled Hitachi excavator. However, as each of the graders being replaced fall under their allocation, it allows for a budget line of $320,000 ex GST to be allowed in the 2023/24 Capital Works Budget.

This proposed scope of works to be funded from this budget is as follows:

Replace the existing wheeled Hitachi excavator with a new Replacement of Hitachi ZX170 Wheeled Excavator.

Key specifications:

- Front blade and rear stabilisers
- Approximate SWL capacity of 4 and safety valves for lifting purposes
- Quick hitch compatible
- Particulate filter to exhaust or other demonstrated reduction emissions/particulates.
- Reversible radiator fan
- Auto lube system
- Front windscreen protection guard

Expected delivery is 3-6 months from date of order. Depending on order date, there is machine availability by May 2024, or the following shipment will land in late June 2024. However, this availability is on a first come first served basis.

Should Council agree to the recommendation, a purchase order will be placed with the direct supplier, and the delivery to take place within 6 months. Additional negotiations will be undertaken to attain the best value trade-in where it is estimated that the trade-in should fall within $40,000 to $80,000 due to the age and previous damage.

CONFIDENTIAL

17.0 ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY: (Cont'd)

17.2 Proposal to Prepare a Business Case to Determine Viability of Contaminated Soil Repository

Pursuant to Section 90(3)(j)

MOVED Cr Connor SECONDED Cr Joyce

OM64/24 **Pursuant to Section 90(2) and 3(j) of the Local Government Act 1999, the Council orders that the public, with the exception of P Ackland, Chief Executive Officer; K Johnson, Director Infrastructure and K Carmody, Executive Assistant, be excluded from attendance at that part of this meeting relating to Agenda Item 17.2 Proposal to Prepare a Business Case to Determine Viability of Contaminated Soil Repository to enable the Council to consider Item 17.2 in confidence on the basis the Council considers it necessary and appropriate to act in a meeting closed to the public (excepting those persons noted above) in order to receive, discuss or consider in confidence the following information or matter relating to Item 17.2 is information the disclosure of which would divulge information provided on a confidential basis by or to Department for Energy and Mining (not being an employee of the Council, or a person engaged by the Council), the disclosure of which would on balance be contrary to the public interest.**

The disclosure of this information would, on balance, be contrary to the public interest because it includes in principle positions of various parties yet to be considered by their governing bodies.

Accordingly, on this basis, the principle that the meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or matter confidential.

CARRIED

MOVED Cr Peters SECONDED Cr Connor

OM65/24 **That Council receive and note the report.**

That for the reasons listed in the report, and in particular that the soil repository is proposed to be located on Council land and licensed to and operated by Council, Council offer to put forward up to $40,000 to fund the business case to determine viability (or not) under various scenarios.

That this offer of funding be conditioned on agreement from the Department for Energy and Mining, and if necessary the Environment Protection Authority that the funding is able to be recovered from gate fees from the operation of the facility if it proceeds.

That the budget be amended to account for this decision, noting this will increase the predicted operating deficit in the current budget year, but will be recovered in a future financial period in the event the repository proceeds.

CARRIED

CONFIDENTIAL

17.0 ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY: (Cont'd)

17.2 Proposal to Prepare a Business Case to Determine Viability of Contaminated Soil Repository (Cont'd)

Section 91(7) Order

MOVED Cr Joyce **SECONDED Cr Peters**

OM66/24 **Pursuant to Section 91(7) of the Local Government Act 1999, the Council orders that agenda reports, related attachments, discussion and minutes relating to Agenda Item 17.2 Proposal to Prepare a Business Case to Determine Viability of Contaminated Soil Repository of Understanding shall be kept confidential, being documents relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and 90(3)(j) of the Act on the grounds that the documents relate to information if disclosed would divulge information provided on a confidential basis by or to the Department for Energy and Mining the disclosure of which would on balance be contrary to the public interest.**

The disclosure of this information would, on balance, be contrary to the public interest because it includes in principle positions of various parties yet to be considered by their governing bodies.

This order shall operate until the matter has been finalized or until further order of the Council and be reviewed every 12 months (if the confidentiality period is longer than 12 months in duration).

Pursuant to Section 91(9)(c) of the Local Government Act 1999, the Council delegates to the Chief Executive Officer (or his delegate) the power to revoke this order in whole or part.

CARRIED

MAYOR

CONFIDENTIAL

17.0 ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY: (Cont'd)

17.4 Supply of Rubble Material for 2023/24 Road Resheeting Program Pursuant to Section 90(3)(k)

MOVED Cr Joyce SECONDED Cr Peters

OM70/24 **Pursuant to Section 90(2) and (3)(k) of the Local Government Act 1999 the Council orders that all members of the public with the exception of P Ackland, Chief Executive Officer; K Johnson, Director Infrastructure and K Carmody, Executive Assistant be excluded from attendance at that part of this meeting relating to Agenda Item 17.4 Supply of Rubble Material for 2023/24 Road Resheeting Program to enable the Council to consider Item 17.4 in confidence on the basis the Council considers it necessary and appropriate to act in a meeting closed to the public (excepting those persons noted above) in order to receive, discuss or consider in confidence the following information or matter relating to Item 17.4 which relates to tenders for the supply of goods, the provision of services or the carrying out of works being the supply of road resheeting rubble material.**

Accordingly, on this basis, the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or matter confidential.

CARRIED

MOVED Cr Hopgood SECONDED Cr Joyce

OM71/24 **That Council:**

- **waive the application of Council's Procurement Policy as per Clause 10.2 and approve the single sourcing of CL Asset Management Pty Ltd for the supply of additional rubble material for the 2023/24 Road Resheeting Program on the basis that the current market for the supply of required material has been tested within the last 12 month period; and**
- **enter into a contract with CL Asset Management Pty Ltd for the supply of rubble material for the 2023/24 Road Resheeting Program in accordance with their submitted rates of $9.50 per tonne in response to Request for Tender for Contract 110/2023 supply of Road Resheeting Rubble material for unsealed roads.**

CARRIED

Section 91(7) Order

MOVED Cr Joyce SECONDED Cr Hopgood

OM72/24 **Pursuant to Section 91(7) of the Local Government Act 1999, the Council orders that the agenda reports, related attachments, discussion and minutes relating to Agenda Item 17.4 Supply of Rubble Material for 2023/24 Road Resheeting Program shall be kept confidential, being documents relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and (3)(k) of the Act on the grounds that the documents relate to tenders for the supply of goods, the provision of services or the carrying out of works being the supply of road resheeting rubble material.**

This order shall operate for a period of six (6) months or until the execution of a contract.

CONFIDENTIAL

17.0 ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY: (Cont'd)

17.4 Supply of Rubble Material for 2023/24 Road Resheeting Program (Cont'd)

Section 91(7) Order (Cont'd)

Pursuant to Section 91(9)(c) of the Local Government Act 1999, the Council delegates to the Chief Executive Officer (or his delegate) the power to revoke this order in whole or part.

CARRIED

MAYOR

CONFIDENTIAL

17.0 ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY: (Cont'd)

17.5 RFT for Contract 2023/129 – Supply and Installation of Three Playgrounds

Pursuant to Section 90(3)(k)

MOVED Cr Peters SECONDED Cr Keain

OM73/24 **Pursuant to Section 90(2) and (3)(k) of the Local Government Act 1999 the Council orders that all members of the public with the exception of P Ackland, Chief Executive Officer; K Johnson, Director Infrastructure and K Carmody, Executive Assistant be excluded from attendance at that part of this meeting relating to Agenda Item 17.5 RFT for Contract 2023/129 – Supply and Installation of Three Playgrounds to enable the Council to consider Item 17.5 in confidence on the basis the Council considers it necessary and appropriate to act in a meeting closed to the public (excepting those persons noted above) in order to receive, discuss or consider in confidence the following information or matter relating to Item 17.5 which relates to tenders for the supply of goods, the provision of services or the carrying out of works being the supply and installation of three playgrounds.**

Accordingly, on this basis, the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or matter confidential.

CARRIED

MOVED Cr Zubrinich SECONDED Cr Keain

OM74/24 **That Council:**

- **award a contract to Forpark Australia (SA) for supply and installation of three playgrounds in accordance with the documents submitted in response to Request for Tender for Contract 2023/129 Supply and Installation of Three Playgrounds for the amount of $169,395 (excluding GST); and**
- **delegate authority to the Chief Executive Officer to approve variations under the contingency allowance up the value of 10% of the contract sum.**

CARRIED

Section 91(7) Order

MOVED Cr Joyce SECONDED Cr Hopgood

OM75/24 **Pursuant to Section 91(7) of the Local Government Act 1999, the Council orders that the agenda reports, related attachments, discussion and minutes relating to Agenda Item 17.5 RFT for Contract 2023/129 – Supply and Installation of Three Playgrounds shall be kept confidential, being documents relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and (3)(k) of the Act on the grounds that the documents relate to tenders for the supply of goods, the provision of services or the carrying out of works being the supply and installation of three playgrounds.**

This order shall operate for a period of six (6) months or until the execution of a contract.

CONFIDENTIAL

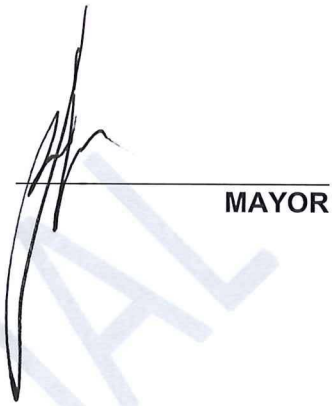
17.0 ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY: (Cont'd)

17.5 RFT for Contract 2023/129 – Supply and Installation of Three Playgrounds (Cont'd)

Section 91(7) Order (Cont'd)

Pursuant to Section 91(9)(c) of the Local Government Act 1999, the Council delegates to the Chief Executive Officer (or his delegate) the power to revoke this order in whole or part.

CARRIED



MAYOR

CONFIDENTIAL

17.0 ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY: (Cont'd)

17.6 RFT for Contract 2023/134 – Construction of Three Chain Road Shared Pathway

Pursuant to Section 90(3)(k)

MOVED Cr Zubrinich SECONDED Cr Peters

OM76/24 **Pursuant to Section 90(2) and (3)(k) of the Local Government Act 1999 the Council orders that all members of the public with the exception of P Ackland, Chief Executive Officer; K Johnson, Director Infrastructure and K Carmody, Executive Assistant be excluded from attendance at that part of this meeting relating to Agenda Item 17.6 RFT for Contract 2023/134 – Construction of Three Chain Road Shared Pathway to enable the Council to consider Item 17.6 in confidence on the basis the Council considers it necessary and appropriate to act in a meeting closed to the public (excepting those persons noted above) in order to receive, discuss or consider in confidence the following information or matter relating to Item 17.6 which relates to tenders for the supply of goods, the provision of services or the carrying out of works being the construction of Three Chain Road shared pathway.**

Accordingly, on this basis, the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or matter confidential.

CARRIED

MOVED Cr Joyce SECONDED Cr Keain

OM77/24 **That Council:**

- **award a contract to Civil Tech Pty Ltd for the construction of Three Chain Road Shared Pathway in accordance with the documents submitted in response to Request for Tender for Contract 2023/134 – Construction of Three Chain Road Shared Pathway for the amount up to $455,000 (excluding GST); and**
- **delegate authority to the CEO to negotiate variations to the scope of works to add value within the intent of the project by installing additional kerb ramps, access point and cross connections to side streets, up to the grant funding total of $520,558.**

CARRIED

Section 91(7) Order

MOVED Cr Connor SECONDED Cr Hopgood

OM78/25 **Pursuant to Section 91(7) of the Local Government Act 1999, the Council orders that the agenda reports, related attachments, discussion and minutes relating to Agenda Item 17.6 RFT for Contract 2023/134 – Construction of Three Chain Road Shared Pathway shall be kept confidential, being documents relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and (3)(k) of the Act on the grounds that the documents relate to tenders for the supply of goods, the provision of services or the carrying out of works being the construction of Three Chain Road shared pathway.**

This order shall operate for a period of six (6) months or until the execution of a contract.

17.0 ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY: (Cont'd)

17.6 RFT for Contract 2023/134 – Construction of Three Chain Road Shared Pathway (Cont'd)

Section 91(7) Order (Cont'd)

Pursuant to Section 91(9)(c) of the Local Government Act 1999, the Council delegates to the Chief Executive Officer (or his delegate) the power to revoke this order in whole or part.

CARRIED

MAYOR

CONFIDENTIAL

17.0 ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY: (Cont'd)

17.7 RFT for Contract 2023/136 – Bus Shelter Replacement Program 2023/24

Pursuant to Section 90(3)(k)

MOVED Cr Keain SECONDED Cr Hopgood

OM79/24 **Pursuant to Section 90(2) and (3)(k) of the Local Government Act 1999 the Council orders that all members of the public with the exception of P Ackland, Chief Executive Officer; K Johnson, Director Infrastructure and K Carmody, Executive Assistant be excluded from attendance at that part of this meeting relating to Agenda Item 17.7 RFT for Contract 2023/136 – Bus Shelter Replacement Program 2023/24 to enable the Council to consider Item 17.7 in confidence on the basis the Council considers it necessary and appropriate to act in a meeting closed to the public (excepting those persons noted above) in order to receive, discuss or consider in confidence the following information or matter relating to Item 17.7 which relates to tenders for the supply of goods, the provision of services or the carrying out of works being the replacement of bus shelters.**

Accordingly, on this basis, the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or matter confidential.

CARRIED

MOVED Cr Hopgood SECONDED Cr Joyce

OM80/24 **That Council award a contract to Denco Civil Pty Ltd for Civil and Construction Works in accordance with the documents submitted in response to Request for Tender for Contract 2023/136 – Bus Shelter Replacement Program 2023/24 up to the amount of $193,874.12 (excluding GST).**

CARRIED

Section 91(7) Order

MOVED Cr Hopgood SECONDED Cr Peters

OM81/24 **Pursuant to Section 91(7) of the Local Government Act 1999, the Council orders that the agenda reports, related attachments, discussion and minutes relating to Agenda Item 17.7 RFT for Contract 2023/136 – Bus Shelter Replacement Program 2023/24 shall be kept confidential, being documents relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and (3)(k) of the Act on the grounds that the documents relate to tenders for the supply of goods, the provision of services or the carrying out of works being the replacement of bus shelters.**

This order shall operate for a period of six (6) months or until the execution of a contract.

Pursuant to Section 91(9)(c) of the Local Government Act 1999, the Council delegates to the Chief Executive Officer (or his delegate) the power to revoke this order in whole or part.

CARRIED

MAYOR

CONFIDENTIAL

17.0 ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY: (Cont'd)

Cr Peters declared a general interest in item 17.8 RFT for Contract 2023/131 – Grader Replacement 2023/24 (DCMR 2023-041) in that her husband is employed by Council as a Grader Operator. Cr Peters will stay in the meeting while this matter is discussed and resolved, will participate in any debate and vote on the matter as the graders being purchased are not replacing the grader her husband operates and neither Cr Peters nor her husband will gain any direct personal benefit.

17.8 RFT for Contract 2023/131 – Grader Replacement 2023/24 (DCMR 2023-041)

Pursuant to Section 90(3)(k)

MOVED Cr Keain SECONDED Cr Zubrinich

OM82/24 **Pursuant to Section 90(2) and (3)(k) of the Local Government Act 1999 the Council orders that all members of the public with the exception of P Ackland, Chief Executive Officer; K Johnson, Director Infrastructure and K Carmody, Executive Assistant be excluded from attendance at that part of this meeting relating to Agenda Item 17.8 RFT for Contract 2023/131 – Grader Replacement 2023/24 (DCMR 2023-041) to enable the Council to consider Item 17.8 in confidence on the basis the Council considers it necessary and appropriate to act in a meeting closed to the public (excepting those persons noted above) in order to receive, discuss or consider in confidence the following information or matter relating to Item 17.8 which relates to tenders for the supply of goods, the provision of services or the carrying out of works being the supply and delivery of two graders.**

Accordingly, on this basis, the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or matter confidential.

CARRIED

MOVED Cr Zubrinich SECONDED Cr Joyce

OM83/24 **That Council:**

- **award a contract to Cavpower for the supply and delivery of two (2) Caterpillar 140JOY3 Motor Graders in accordance with the documents submitted in the response to Request for Tender Contract 2023/131 Grader Replacement 2023/24 (DCMR 2023-041);**
- **acknowledge the total amount of up to $636,000 (excluding GST) which includes warranty package of our choice as listed; and**
- **agree on the 36 month 3,000 hour warranty package and a revised replacement program to replace all graders between 6-7,000 hours to increase the resale value as well as keeping repair and maintenance costs down.**

CARRIED

Cr Peters voted in favour of the motion.

The remaining members entitled to vote voted in favour of the motion.

Section 91(7) Order

MOVED Cr Keain SECONDED Cr Hopgood

OM84/24 **Pursuant to Section 91(7) of the Local Government Act 1999, the Council orders that the agenda reports, related attachments, discussion and minutes relating to Agenda Item 17.8 RFT for**

17.0 ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY: (Cont'd)

17.8 RFT for Contract 2023/131 – Grader Replacement 2023/24 (DCMR 2023-041) (Cont'd)

Section 91(7) Order (Cont'd)

Contract 2023/131 – Grader Replacement 2023/24 (DCMR 2023-041) shall be kept confidential, being documents relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and (3)(k) of the Act on the grounds that the documents relate to tenders for the supply of goods, the provision of services or the carrying out of works being the supply and delivery of two graders.

This order shall operate for a period of six (6) months or until the execution of a contract.

Pursuant to Section 91(9)(c) of the Local Government Act 1999, the Council delegates to the Chief Executive Officer (or his delegate) the power to revoke this order in whole or part.

CARRIED

MAYOR

CONFIDENTIAL

17.0 ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY: (Cont'd)

17.9 RFT for Contract 141/2023 – Replacement of Wheeled Excavator Pursuant to Section 90(3)(k)

MOVED Cr Hopgood SECONDED Cr Joyce

OM85/24 **Pursuant to Section 90(2) and (3)(k) of the Local Government Act 1999 the Council orders that all members of the public with the exception of P Ackland, Chief Executive Officer; K Johnson, Director Infrastructure and K Carmody, Executive Assistant be excluded from attendance at that part of this meeting relating to Agenda Item 17.9 RFT for Contract 141/2023 – Replacement of Wheeled Excavator to enable the Council to consider Item 17.9 in confidence on the basis the Council considers it necessary and appropriate to act in a meeting closed to the public (excepting those persons noted above) in order to receive, discuss or consider in confidence the following information or matter relating to Item 17.9 which relates to tenders for the supply of goods, the provision of services or the carrying out of works being the supply and delivery of an excavator.**

Accordingly, on this basis, the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or matter confidential.

CARRIED

MOVED Cr Hopgood SECONDED Cr Joyce

OM86/24 **That Council:**

- **award a contract to Hitachi Construction and Machinery Australia Pty Ltd for the supply and delivery of one Hitachi ZX170W-5 Excavator in accordance with the document submitted in the response to Request for Tenders via the District Council of Mt Remarkable Head Agreement 2023-041 for a value up to up to $320,000 (excluding GST) including the 2,000-hour service package;**
- **note the potential trade in range for the current excavator being between $40,000 to $80,000; and**
- **delegate the Chief Executive Officer to negotiate and agree the best net trade in value.**

CARRIED

Section 91(7) Order

MOVED Cr Keain SECONDED Cr Zubrinich

OM87/24 **Pursuant to Section 91(7) of the Local Government Act 1999, the Council orders that the agenda reports, related attachments, discussion and minutes relating to Agenda Item 17.9 RFT for Contract 141/2023 – Replacement of Wheeled Excavator shall be kept confidential, being documents relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and (3)(k) of the Act on the grounds that the documents relate to tenders for the supply of goods, the provision of services or the carrying out of works being the supply and delivery of an excavator.**

This order shall operate for a period of six (6) months or until the execution of a contract.

17.0 ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY: (Cont'd)

17.9 RFT for Contract 141/2023 – Replacement of Wheeled Excavator (Cont'd)

Section 91(7) Order (Cont'd)

Pursuant to Section 91(9)(c) of the Local Government Act 1999, the Council delegates to the Chief Executive Officer (or his delegate) the power to revoke this order in whole or part.

CARRIED

MAYOR

CONFIDENTIAL

MEMBERS OF CEO PERFORMANCE REVIEW COMMITTEE
Mayor L Stephens, Deputy Mayor Cr K Jackson and
Crs A Zubrinich (Chair) and L Peters

Council Officers
Peter Ackland, Chief Executive Officer
Kate Carmody, Executive Assistant (Minutes)

Notice is hereby given that a **CEO Performance Review Committee meeting** will be held on **Wednesday, 13 March 2024 at 5.00pm** in the Mayor's Office, 115 Ellen Street, Port Pirie.



Peter Ackland
CHIEF EXECUTIVE OFFICER
8 March 2024

A G E N D A

1.0 ACKNOWLEDGEMENT OF COUNTRY:
We acknowledge and respect the traditional custodians whose ancestral lands we are meeting upon here today.

2.0 PRESENT:

3.0 APOLOGIES:

4.0 CONFIRMATION OF MINUTES:

4.1 CEO Performance Review Committee Meeting 2 August 2023

MOVED **SECONDED**

That the Minutes of the CEO Performance Review Committee meeting held on 2 August 2023 be received and confirmed.

5.0 MATTERS ARISING FROM MINUTES:

6.0 DECLARATION OF INTERESTS:

7.0 ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY:

7.1 CEO's 2023/24 KPIs – Progress Report
Pursuant to Section 90(3)(a)

MOVED **SECONDED**

Pursuant to Section 90(2) of the Local Government Act 1999 the Committee orders that all members of the public, with the exception of P Ackland, Chief Executive Officer and K Carmody, Executive Assistant be excluded from attendance at the meeting for Agenda Item 7.1 CEO's 2023/24 KPIs – Progress Report.

The Committee is satisfied that pursuant to section 90(3)(a) of the Act, the information to be received, discussed or considered in relation to this Agenda item is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person.

7.0 ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY: (Cont'd)

7.1 CEO's 2023/24 KPIs – Progress Report (Cont'd)

Pursuant to Section 90(3)(a) (Cont'd)

The Committee is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the disclosure may prematurely be disclosed before the details of the review have been discussed and a direction determined.

Section 91(7) Order

MOVED SECONDED

That having considered Agenda Item 7.1 CEO's 2023/24 KPIs – Progress Report in confidence under Section 90(2) and (3)(a) of the Local Government Act 1999, the Committee, pursuant to Section 91(7) of that Act orders that discussion and all documents and minutes be retained in confidence until further order of the Committee or Council.

In accordance with Section 91(9)(c) of the Local Government Act 1999, the Chief Executive Officer (or his delegate) is delegated the power to revoke this order in whole or part.

The Committee notes, in accordance with Section 91(9)(a) of the Local Government Act 1999, this order will be reviewed at least once in every year.

7.2 CEO Performance Review Process for 2023/24

7.3 Remuneration Tribunal of South Australia Consultation – Minimum and Maximum Remuneration for Local Government Chief Executive Officers

7.4 Invitation to CEO to join a Committee of the Libraries Board

7.5 Setting of Dates for Committee Ordinary Meetings

8.0 OTHER BUSINESS:

9.0 NEXT MEETING:

10.0 CLOSURE:

MINUTES OF THE CEO PERFORMANCE REVIEW COMMITTEE MEETING HELD ON WEDNESDAY 2 AUGUST 2023 AT 5.30PM IN THE MAYOR'S OFFICE, 115 ELLEN STREET, PORT PIRIE.

1.0 ACKNOWLEDGEMENT OF COUNTRY:
We acknowledge and respect the traditional custodians whose ancestral lands we are meeting upon here today.

2.0 PRESENT: His Worship the Mayor L Stephens, Deputy Mayor Cr K Jackson and Crs A Zubrinich (Chairperson) and L Peters

Peter Ackland, Chief Executive Officer
Kate Carmody, Executive Assistant (Minutes)

3.0 APOLOGIES: Nil

4.0 CONFIRMATION OF MINUTES:

4.1 CEO Performance Review Committee Meeting 19 July 2023

MOVED Mayor Stephens SECONDED Cr Peters

CE31/23 That the Minutes of the CEO Performance Review Committee meeting held on 19 July 2023 be received and confirmed.

CARRIED

5.0 MATTERS ARISING: Nil

6.0 DECLARATION OF INTERESTS: Nil

7.0 ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY:

7.1 CEO' Remuneration
Pursuant to Section 90(3)(a)

MOVED Cr Peters SECONDED Cr Jackson

CE32/23 Pursuant to Section 90(2) and 90(3)(a) of the Local Government Act 1999 the Committee orders that all members of the public with the exception of P Ackland, Chief Executive Officer and K Carmody, Executive Assistant be excluded from attendance at that part of this meeting relating to Agenda Item 7.1 CEO's Remuneration to enable the Committee to consider Item 7.1 in confidence on the basis the Committee considers it necessary and appropriate to act in a meeting closed to the public (excepting those persons listed above) in order to receive, discuss or consider in confidence the following information personal affairs of any person (living or dead), the disclosure of which would be unreasonable information being information relating to the performance of the Chief Executive Officer, which is sensitive and are details which are only known to those who have participated in the review process.

Accordingly, on this basis, the principle that meetings of the Committee should be conducted in a place open to the public has been outweighed by the need to keep the information or matter confidential.

CARRIED

CONFIDENTIAL

7.0 ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY: (Cont'd)

7.1 CEO' Remuneration (Cont'd)

MOVED Cr Peters SECONDED Cr Jackson

CE33/23 **That any requests for leave by the Chief Executive Officer be addressed to the Mayor bearing in mind an appropriate work / life balance to support the Chief Executive Officer.**

CARRIED

MOVED Cr Jackson SECONDED Cr Peters

CE34/23 **That the CEO Performance Review Committee recommend to Council an increase to the Chief Executive Officer's base salary of 5% backdated to his anniversary date of 16 April 2023.**

CARRIED

Section 91(7) Order

MOVED Cr Peters SECONDED Mayor Stephens

CE35/23 **Pursuant to Section 91(7) of the Local Government Act 1999, the Committee orders that the agenda reports, related attachments, discussion and minutes relating to Agenda Item 7.1 CEO's Remuneration shall be kept confidential, being documents relating to a matter dealt with by the Committee on a confidential basis under Sections 90(2) and 90(3)(a) of the Act on the grounds that the documents relate to information concerning the personal affairs of any person (living or dead), the disclosure of which would be unreasonable being information relating to the performance of the Chief Executive Officer, which is sensitive and are details which are only known to those who have participated in the review process.**

This order shall operate until the CEO Performance Review process has been completed.

Pursuant to Section 91(9)(c) of the Local Government Act 1999, the Committee delegates to the Chief Executive Officer (or his delegate) the power to revoke this order in whole or part.

CARRIED

7.2 CEO Performance Review 2022/23 – Performance Appraisal Report Pursuant to Section 90(3)(a)

MOVED Mayor Stephens SECONDED Cr Peters

CE36/23 **Pursuant to Section 90(2) and 90(3)(a) of the Local Government Act 1999 the Committee orders that all members of the public with the exception of P Ackland, Chief Executive Officer and K Carmody, Executive Assistant be excluded from attendance at that part of this meeting relating to Agenda Item 7.2 CEO Performance Review 2022/23 – Performance Appraisal Report to enable the Committee to consider Item 7.2 in confidence on the basis the Committee considers it necessary and appropriate to act in a meeting closed to the public (excepting those persons listed above) in order to receive, discuss or consider in confidence the following information or matter relating to Item 7.1 which is information concerning the personal affairs of any person (living or dead), the disclosure of which would be unreasonable information being information relating to the performance of the Chief Executive Officer, which is sensitive and are details which are only known to those who have participated in the review process.**

CONFIDENTIAL

7.0 ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY: (Cont'd)

7.2 CEO Performance Review 2022/23 – Performance Appraisal Report (Cont'd)

Pursuant to Section 90(3)(a) (Cont'd)

Accordingly, on this basis, the principle that meetings of the Committee should be conducted in a place open to the public has been outweighed by the need to keep the information or matter confidential.

CARRIED

Section 91(7) Order (Cont'd)

MOVED Cr Jackson SECONDED Cr Peters

CE37/23 **Pursuant to Section 91(7) of the Local Government Act 1999, the Committee orders that the agenda reports, related attachments, discussion and minutes relating to Agenda Item 7.2 CEO Performance Review 2022/23 – Performance Appraisal Report shall be kept confidential, being documents relating to a matter dealt with by the Committee on a confidential basis under Sections 90(2) and 90(3)(a) of the Act on the grounds that the documents relate to information concerning the personal affairs of any person (living or dead), the disclosure of which would be unreasonable being information relating to the performance of the Chief Executive Officer, which is sensitive and are details which are only known to those who have participated in the review process.**

This order shall operate until the CEO Performance Review process has been completed.

Pursuant to Section 91(9)(c) of the Local Government Act 1999, the Committee delegates to the Chief Executive Officer (or his delegate) the power to revoke this order in whole or part.

CARRIED

8.0 OTHER BUSINESS: Nil

9.0 NEXT MEETING: To be determined.

10.0 CLOSURE: 6.24pm

_____

CHAIR

CONFIDENTIAL

2023/24 KPIs - CHIEF EXECUTIVE OFFICER

1.	Implement strategies to improve communication and positively promote Council activities			Update on Progress March 2024
	Activity	**Timeframe**	**Measure**	
1.1	Develop a list of known key projects where there is a high a level of community interest.	No later than 30 June 2023	List developed Presented to EMT	List detailing suggested Communication Plans for identified projects considered by EMT 3 July 2023 and attached
1.2	Develop a communications plan template.	No later than 28 July 2023		Template developed and actioned Information on the template and key projects included in Strategic Workshop 13 Sept 2023
1.3	Individual project comms plans implemented	As per each plan	Evidence of implementation of each plan Data captured from Council media channels	Numerous media releases, Social Media posts, public information Sessions etc for FOGO, Greening, Unsealed Roads, Dog Parks, EOI process for 2 Council land parcels, Swimming Pools, Playground replacements, Greening (Church Circle), Riverbank Precinct, New Years Eve, Fisherman's Jetty Data has been captured predominately from social media statistics
1.4	Communication Survey developed and undertaken	No later than 29 September 2023	Survey developed and discussed with Communication Portfolio members	Included for discussion at the 13 Sept 2023 workshop
		No later than 27 October 2023	Survey issued	Released 9 October 2023 – refer media statement Council website
		29 February 2024	Results compiled and recommendation for Communication Strategy review presented to Council	Survey results included in report 15.1.2 OM 22 Nov 2023 with resultant resolution "That the outcomes of the Community Survey be noted and be further considered in the Community Plan review process to be recommenced in early 2024."
1.5	Utilise Council email database to better communicate with the community.			Not actioned to any meaningful degree

2023/24 KPIs - CHIEF EXECUTIVE OFFICER

2.	Masterplan, Taskforce, TLAP Transition			
	Activity	**Timeframe**	**Measure**	
2.1	Present a quarterly report to Council.	At least every three months, reports can alternate between the three activities	Reports presented to Council	May 2023 OM - TLAP May 23 Strategic Workshop – Taskforce and TLAP July 2023 Special Strategic Workshop - draft masterplan October 2023 OM – TLAP and S41 Committee TLAP October 2023 Special Meeting – TLAP October 2023 Strategic Workshop – Greening February 2024 OM – TLAP, Masterplan, EHC Lands, Soil Repository February 2024 – TLAP S41 committee

3.	Adequate Housing - Land Supply – Identify possible solutions			
	Activity	**Timeframe**	**Measure**	
3.1	Ensure there is adequate supply of land suitably zoned for residential development to meet the expected growth targets	Identification by 30 June 2023 Rezoning – representation to the State via the Masterplan process – during and at the adoption of the Masterplan by the State	Short and long term residential land supply is identified and (re)zoned (if applicable)	Short term need deemed adequate – provision for over and additional 200 allotments able to be divided (mostly rural but some rural living) As part of the master planning process, representations made regarding longer term residential land requirements, predominately to the south of Pirie Planned release of the Masterplan for consultation in Sept 2023 delated by decision of the State Government – expected now mid 2024
3.2	Identify the infrastructure gaps and costs required for residential land supply referred to above	Ensure is included in the State Governments Masterplan	Proposal for infrastructure provision is developed and pitched to government and developers (as required)	Infrastructure requirements for the south of Pirie residential expansion identified as part of the Masterplan process. Need prosecuted via USG Housing Advisory Group

3.3	Funding package for infrastructure gap (council and other) is developed.	Ensure is included in the State Governments Masterplan and Councils pitch for 2026 State Election	Funding package developed	Letter sent to Min Environment Climate and Water March 2023 seeking meeting re SA Water augmentation for Port Pirie Staged plans for residential development of southern land received from land owners and forwarded to SA Water (by RDA) seeking concept design and cost for augmentation. Costs for SA Water to undertake the design sought from Taskforce Ongoing negotiations with land owner to seek the purchase / transfer of land required for storm water drainage Above information required for preparation of funding submission

4.	**Stage 2 Riverfront Development**			
	Activity	**Timeframe**	**Measure**	
4.1	Identify options for redevelopment of the Council lands occupied by the Royal Port Pirie Yacht Club and possibly the Port Pirie Rowing Club	No later than end December 2023	Current tenants agreeable to vacate property or become incorporated in the revised development	Royal Port Pirie Yacht Club agreement and terms reported to Council's OM 28 June 2023 Port Pirie Rowing Club agreement and terms reported to Council's OM 27 September 2023
		No later than 29 March 2024	Soft approach to market undertaken to gain understanding of what if any considerations need to be made to offering to achieve outcome	Report on outcome of soft market approach reported to Council's OM 27 September 2023

2023/24 KPIs - CHIEF EXECUTIVE OFFICER

5.	Identify Shovel Ready Projects			
	Activity	**Timeframe**	**Measure**	
5.1	Provide support to the Town / District Development Associations to review their Town Plans	Offer to be forwarded by 30 June 2023 Encourage provision of Plans to council by 30 September 2023	Evidence of offer	Invitation forwarded to all town associations Attendance at Redhill's meeting to prepare plan on 4 July 2023 Crystal Brook advised that their town plan will be delayed until after March 2024 as they have a facilitated process that won't conclude until then
5.2	Undertake a Community Plan review	Commence in September with the aim to have the draft plan considered by Council at its December OM	Draft plan prepared for review at the December OM	Community Plan review process endorsed at Council's OM July 2023 Community Survey issued Oct 2023 and result reported to Council in 22 Nov 2023 with resultant resolution "That the outcomes of the Community Survey be noted and be further considered in the Community Plan review process to be **recommenced in early 2024."** Community groups presentation to special strategic Workshop held 6 March 2024
5.3	Seek agreement on the priority projects for scoping	By end February 2024	List of projects identified and prioritised by Council	Proposed for April 2024 Strategic Workshop
5.4	Commence scoping (subject to budget)	30 June 2024	Scoping undertaken to the degree resolved by Council	

Additional action included by the CEO Performance Review Committee

- Seek the indulgence of the CEO to run a workshop on his responsibilities in relation to workforce and succession planning

ACTION – presentation to be made to the March Strategic Workshop

Priority Projects - Communications Plans

Project	Level of Risk	Level of Interest	Department	Project Owner	Timeframe	Notes	Priority
FOGO	High	High	D&R	Chris Davey	Feb/Mar 2024	Link in with RawTech project implementation timeline and communications plan. Start communications late 2023.	L
Port Pirie Masterplan	High	High	Council	Peter Ackland (Council contact)	Immediate	Link in with Operations Framework (Port Pirie Taskforce) Talking points for Mayor & CEO based on Masterplan actions	S
Port Pirie Greening Program	High	High	Infrastructure	Simon Harley	Immediate	Link in with Operations Framework (Port Pirie Taskforce) Include a strategy to communicate issuing of native plants	I
Unsealed Roads	High	High	Infrastructure	Rob Stead	Immediate		I
Sealed Roads and Kerbs	High	High	Infrastructure	Rob Stead	Immediate		I
Community Plan	High	Medium-High	C&C	Peter Ackland	Late 2023		S
Dog Parks	Medium	High	D&R	Chris Davey	Immediate	Works have started in Crystal Brook	I
Nyrstar Camp Land development	Medium	Medium		Peter Ackland	Later 2023	Expression of Interest process	L
Use of Yacht Club Site	Medium	High		Peter Ackland	Later 2023		L
Riverbank Precinct	Medium	High	Infrastructure	Kathryn Johnson	?	Stage 1 - Solomontown Stage 2 - Fishermans Jetty and Yacht Club	S
Dog & Cat Management Plan changes	Medium	Medium	D&R	Chris Davey	Mar-24	Include Anne and Todd in discussions	L
Court Sports (Sports Precinct 2.0)	Medium	High	C&C	Peter Ackland	?	$100K for investigations - comms will ramp up further in future years when works commence	L
Playground Replacements	Medium	High	Infrastructure	Allan Henderson	?	Locations TBC	L
Port Pirie Swimming Pool	Medium	Medium	Infrastructure	Trevor Cugley	Apr-24	Pumphouse and lining pool	L

	Communication Plan needed - High level of both risk/sensitivity and community interest
	Communication Plan needed - Lower level of risk/sensitivity but still strong community interest
	Communication Plan needed but low levels of risk/sensitivity - may not require as extensive communications

I	Immediate Priority - project has already started or about to start
S	Short Term - project set to start within the next 6 months
L	Long Term - project starting late 2023/early 2024

Remuneration Tribunal of South Australia

CONSULTATION PAPER

Minimum and Maximum Remuneration for Local Government Chief Executive Officers

January 2024

About this consultation paper

On 16 June 2023, the Remuneration Tribunal of South Australia (**Tribunal**) issued Determination 4 of 2023 (**Current Determination**) and accompanying Report 4 of 2023. The Current Determination covers 67 Councils who are grouped into eight bands. Each band contains a minimum and maximum remuneration amount that may be paid to a Council's Chief Executive Officer (**CEO**). The amount payable to a CEO is at the discretion of each Council, so long as it falls within the applicable band.

The eight bands are based on the current adjusted total remuneration packages of CEOs. The Tribunal does not consider this approach to be a long-term sustainable position and is therefore considering various options to improve the evaluation method of minimum and maximum remuneration amounts for CEOs ahead of the next review, scheduled for July 2024.

The Tribunal has some reservation about the extent of participation in the process. As the Tribunal has noted, it incorporates the substantial and unexplained diversity of remuneration arrangements between Councils which have at least some inherently similar characteristics. These are characteristics of current arrangements. Councils apply significantly different approaches to calculating and reporting on current remuneration arrangements. Those current arrangements create the potential for flow-on effects to senior staff reporting to CEOs and hence may exacerbate instability within the Local Government sector. The Tribunal is acutely aware that the effect of the current determination is to limit movements in current remuneration and that current remuneration levels require further review. That further review will require the provision of substantially more information from Local Government than that which has been provided to date.

The purpose of this consultation paper is to outline the likely approach to be adopted by the Tribunal over the coming months and offer the Local Government sector an opportunity to engage with the Tribunal to provide input and suggestions for the next review. The Tribunal emphasises that this review will be progressed in 2024. Comments and suggestions are invited but a protracted period for debate over how the review should be undertaken is not proposed.

The Tribunal is seeking to move toward a remuneration structure for Council CEOs which considers the following criteria:

- CEO position descriptions and responsibilities
- The skills and experience required
- The complexity of CEO roles
- The population size, density, and characteristics of a Council district
- The geographic size and characteristics of a Council district

- Industry issues specific to a Council district
- Social or cultural issues specific to a Council district
- Isolation and distance factors
- Accommodation issues
- Consideration of tenure and contract duration
- Specifically nominated performance criteria
- Consideration of objectively established remuneration for comparable positions
- Recognition of attraction and retention approaches.

In considering these issues the Tribunal will have regard to current remuneration arrangements but does not consider these to be determinative of future remuneration minima and maxima.

The Tribunal recognises two important considerations for Local Government relative to this review. Firstly, it is desirable that both CEOs and elected members have the capacity to have input into this review. The Tribunal recognises that this represents a complication in that arrangements and opportunities for elected members comment will need to be arranged. Secondly, the *Local Government Act 1999* (SA) provides that, following consultation with the Local Government Association, the costs of the proposed review are to be met by Councils. The Tribunal is committed to minimising these costs, provided the integrity of the review is not compromised.

This consultation paper canvasses options for consideration and comment. The Tribunal recognises there are various ways to analyse the minimum and maximum remuneration amounts to be set for Local Government CEOs and that there may be other options not covered in this consultation paper. Submissions are welcomed, however, please take into account the Tribunal's jurisdiction which is primarily contained in section 99A of the *Local Government Act 1999* (SA).

Information required

It appears to the Tribunal that, irrespective of the approach to be taken in the future, Councils will ultimately need to provide the Tribunal with detailed position descriptions for CEOs. Further, that it is also appropriate that Councils provide a description of how current CEO remuneration arrangements have been developed and reviewed. **Consequently, the Tribunal requests that, irrespective of any submissions about the options outlined below, this information be provided to the Tribunal by no later than 15 April 2024**.

How to make a submission

Written submissions, position descriptions and/or procedures or practices in relation to the current remuneration arrangements can be sent via email to RemunerationTribunal@sa.gov.au by no later than **15 April 2024.**

Disclaimer

The views expressed in this discussion paper are of a preliminary nature only. The Tribunal's views may change as a result of the submissions it receives or as other circumstances change.

OPTION 1

PROGRESSIVELY REVIEW REMUNERATION ARRANGEMENTS AT THE REQUEST OF INDIVIDUAL COUNCILS

This option would allow individual Councils to make an application requesting an increase or decrease to the minimum and maximum remuneration levels applicable to its CEO. Over time, the Tribunal expects that this will result in a minimum and maximum remuneration structure that reflects objective consideration of the relevant criteria.

The Tribunal would require each application to address in sufficient detail the reasons why a Council submits an increase or decrease is warranted. Those details would need to extend beyond a simple comparison with one or more other Councils, to address the criteria already identified.

Given there are 67 Councils covered by the Current Determination, this option could be time consuming, costly for the Local Government sector who bear the reasonable costs of the Tribunal and could result in up to 67 bands applying.

More significantly, consideration of individual Councils is likely to expose the significant differences between remuneration arrangements as inconsistencies that require broader review.

The Tribunal expects to evaluate individual submissions by considering each of the criteria referenced above.

The outcome of such an individual review may differ substantially from current arrangements.

This option also raises potential costing issues. These go to whether the Local Government Association will determine whether individual reviews will be funded by Councils concerned or whether these costs should be shared amongst other Councils. If individual reviews highlight inconsistencies that require consideration, then the Local Government Association will need to consider how that is funded.

The Tribunal would need to receive strong support from a majority of Councils to consider this option and therefore those making submissions are encouraged to indicate their level of support and preparedness to be bound by this option. Those who do not believe this is a viable option should also indicate that in any submission.

OPTION 2

ENGAGE A PROFESSIONAL EXTERNAL REMUNERATION SPECIALIST

The Tribunal is considering engaging an external remuneration specialist to undertake a detailed evaluation of the remuneration framework. The Tribunal notes that external expertise assisted in the development of the West Australian approach to developing remuneration minimums and maximums.

This process would provide an opportunity for consideration of all of the relevant criteria as they relate to each Council. It would also enable elected members from each Council to have input into a consistently applied approach.

If the external consultant reviews each Council individually, the indicative cost of such an approach is likely to be between $300,000 - $350,000. The Tribunal is aware that, consistent with the other options below, there may be scope to substantially reduce this cost, and will endeavour to incorporate cost reduction capacity into any arrangement reached with the selected remuneration consultant – noting that a competitive tender process will take place. The Tribunal proposes to begin conferring with the Minister about these cost estimates shortly.

The Tribunal has looked at what this approach would involve. On the information available to it, it appears the process could take up to 22 weeks, would involve cooperation from CEOs and Mayors who would need to work with the external consultant. Such a review may involve consideration of other Local Government staff functions and benchmarking with an appropriate comparator market.

OTHER OPTIONS

There are other options that might be suggested by the Local Government sector.

Without limiting these in any way, they include the potential for Councils who use established remuneration setting methodologies, to propose a broader application of these approaches to include the CEO.

In terms of the second option (engaging and external remuneration specialist) Councils which believe they have similar relevant characteristics and CEO remuneration arrangements, may wish to propose that they be collectively reviewed.

If Councils are prepared to provide all available information covering the criteria identified in this paper, the Tribunal is open to engaging with elected members and/or CEOs to consider how remuneration has been set, how Councils can be compared and the appropriate criteria for remuneration levels. Because of the number of Councils and CEOs involved, it would seem appropriate that a smaller group or groups be established with the capacity to convey information about the criteria used to establish remuneration. An important consideration in this respect will be the extent to which such an approach has unanimous support and can be expeditiously undertaken. The Tribunal estimates that such an approach would involve substantially reduced costs.

The Tribunal acknowledges that, if the Local Government sector can provide adequate information addressing each of the criteria identified in this paper, it may be possible for the Tribunal to undertake the remuneration assessment with limited additional resources and costs. However, the Tribunal's experience to date indicates this could not be achieved in a timely manner that takes into account the positions of both CEOs and elected members.

The Tribunal is open to considering other approaches that might be proposed by Councils but stresses that a consistent approach across the sector will be required.

MINUTES OF THE CEO PERFORMANCE REVIEW COMMITTEE MEETING HELD ON WEDNESDAY 13 MARCH 2024 AT 5.00PM IN THE MAYOR'S OFFICE, 115 ELLEN STREET, PORT PIRIE.

1.0 ACKNOWLEDGEMENT OF COUNTRY:
We acknowledge and respect the traditional custodians whose ancestral lands we are meeting upon here today.

2.0 PRESENT: His Worship the Mayor L Stephens, Crs A Zubrinich (Chairperson) and L Peters

Peter Ackland, Chief Executive Officer (joined the meeting at 5.28pm)
Kelly Clonan, Personal Assistant (Minutes)

3.0 APOLOGIES: Nil

4.0 CONFIRMATION OF MINUTES:

4.1 CEO Performance Review Committee Meeting 2 August 2023

MOVED Mayor Stephens SECONDED Cr Peters

CE1/24 That the Minutes of the CEO Performance Review Committee meeting held on 2 August 2023 be received and confirmed.

CARRIED

5.0 MATTERS ARISING FROM MINUTES: Nil

6.0 DECLARATION OF INTERESTS: Nil

7.0 ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY:

7.1 CEO's 2023/24 KPIs – Progress Report
Pursuant to Section 90(3)(a)

MOVED Mayor Stephens SECONDED Cr Peters

CE2/24 Pursuant to Section 90(2) of the Local Government Act 1999 the Committee orders that all members of the public, with the exception of P Ackland, Chief Executive Officer and K Clonan, Personal Assistant be excluded from attendance at the meeting for Agenda Item 7.1 CEO's 2023/24 KPIs – Progress Report.

The Committee is satisfied that pursuant to section 90(3)(a) of the Act, the information to be received, discussed or considered in relation to this Agenda item is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person.

The Committee is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the disclosure may prematurely be disclosed before the details of the review have been discussed and a direction determined.

CARRIED

MOVED Cr Peters SECONDED Mayor Stephens

CE3/24 The Committee received, noted and discussed the Chief Executive Officer's 2023/24 KPIs – Progress Report.

CARRIED

CEO Peter Ackland joined the meeting at 5.28pm.

CONFIDENTIAL

7.0 ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY: (Cont'd)

7.1 CEO's 2023/24 KPIs – Progress Report (Cont'd)

Section 91(7) Order

MOVED Cr Peters SECONDED Mayor Stephens

CE4/24 **That having considered Agenda Item 7.1 CEO's 2023/24 KPIs – Progress Report in confidence under Section 90(2) and (3)(a) of the Local Government Act 1999, the Committee, pursuant to Section 91(7) of that Act orders that discussion and all documents and minutes be retained in confidence until further order of the Committee or Council.**

In accordance with Section 91(9)(c) of the Local Government Act 1999, the Chief Executive Officer (or his delegate) is delegated the power to revoke this order in whole or part.

The Committee notes, in accordance with Section 91(9)(a) of the Local Government Act 1999, this order will be reviewed at least once in every year.

CARRIED

7.2 CEO Performance Review Process for 2023/24

MOVED Cr Peters SECONDED Mayor Stephens

CE5/24 **That the Executive Assistant seek quotes to assist with the Chief Executive Officer's performance review process from Hender Consulting, Perks People Solutions, Albrighton Consulting and Training Services and McArthur as well as a fifth provider with experience in Local Government review processes.**

That the quotes be for provision of this service until the end of the Chief Executive Officer's current contract term.

That the Executive Assistant report back to the Committee the options available and the Chairperson make the determination of the preferred provider.

That the same process be undertaken for the Directors.

CARRIED

7.3 Remuneration Tribunal of South Australia Consultation – Minimum and Maximum Remuneration for Local Government Chief Executive Officers

MOVED Cr Peters SECONDED Mayor Stephens

CE6/24 **That the Committee recommend to Council that no written submission be sent to the Remuneration Tribunal of South Australia as at this time it is happy to work within the minimum and maximum remuneration amounts for the Chief Executive Officer this year as per the determination.**

CARRIED

7.4 Invitation to CEO to join a Committee of the Libraries Board

MOVED Cr Peters SECONDED Mayor Stephens

CE7/24 **That the Committee recommend to Council that the invitation from the Director of the State Library of South Australia for the Chief Executive Officer to join a Committee of the Libraries Board be approved.**

CARRIED

CONFIDENTIAL

7.0 ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY: (Cont'd)

7.5 Setting of Dates for Committee Ordinary Meetings

MOVED Mayor Stephens SECONDED Cr Peters

CE8/24 That pursuant to clause 6.3 of the Terms of Reference, the Committee determines that the Ordinary Meetings of the Committee be held quarterly on the second Wednesday of the month commencing July 2024 starting at 5.00pm.

CARRIED

8.0 OTHER BUSINESS: Nil

9.0 NEXT MEETING: 10 July 2024 at 5.00pm

10.0 CLOSURE: 5.52 pm

_____

CHAIR

CONFIDENTIAL

MINUTES OF THE CEO PERFORMANCE REVIEW COMMITTEE MEETING HELD ON WEDNESDAY 13 MARCH 2024 AT 5.00PM IN THE MAYOR'S OFFICE, 115 ELLEN STREET, PORT PIRIE.

1.0 ACKNOWLEDGEMENT OF COUNTRY:
We acknowledge and respect the traditional custodians whose ancestral lands we are meeting upon here today.

2.0 PRESENT: His Worship the Mayor L Stephens, Crs A Zubrinich (Chairperson) and L Peters

Peter Ackland, Chief Executive Officer (joined the meeting at 5.28pm)
Kelly Clonan, Personal Assistant (Minutes)

3.0 APOLOGIES: Nil

4.0 CONFIRMATION OF MINUTES:

4.1 CEO Performance Review Committee Meeting 2 August 2023

MOVED Mayor Stephens SECONDED Cr Peters

CE1/24 That the Minutes of the CEO Performance Review Committee meeting held on 2 August 2023 be received and confirmed.

CARRIED

5.0 MATTERS ARISING FROM MINUTES: Nil

6.0 DECLARATION OF INTERESTS: Nil

7.0 ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY:

7.1 CEO's 2023/24 KPIs – Progress Report
Pursuant to Section 90(3)(a)

MOVED Mayor Stephens SECONDED Cr Peters

CE2/24 Pursuant to Section 90(2) of the Local Government Act 1999 the Committee orders that all members of the public, with the exception of P Ackland, Chief Executive Officer and K Clonan, Personal Assistant be excluded from attendance at the meeting for Agenda Item 7.1 CEO's 2023/24 KPIs – Progress Report.

The Committee is satisfied that pursuant to section 90(3)(a) of the Act, the information to be received, discussed or considered in relation to this Agenda item is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person.

The Committee is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the disclosure may prematurely be disclosed before the details of the review have been discussed and a direction determined.

CARRIED

MOVED Cr Peters SECONDED Mayor Stephens

CE3/24 The Committee received, noted and discussed the Chief Executive Officer's 2023/24 KPIs – Progress Report.

CARRIED

CEO Peter Ackland joined the meeting at 5.28pm.

CONFIDENTIAL

7.0 ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY: (Cont'd)

7.1 CEO's 2023/24 KPIs – Progress Report (Cont'd)

Section 91(7) Order

MOVED Cr Peters SECONDED Mayor Stephens

CE4/24 **That having considered Agenda Item 7.1 CEO's 2023/24 KPIs – Progress Report in confidence under Section 90(2) and (3)(a) of the Local Government Act 1999, the Committee, pursuant to Section 91(7) of that Act orders that discussion and all documents and minutes be retained in confidence until further order of the Committee or Council.**

In accordance with Section 91(9)(c) of the Local Government Act 1999, the Chief Executive Officer (or his delegate) is delegated the power to revoke this order in whole or part.

The Committee notes, in accordance with Section 91(9)(a) of the Local Government Act 1999, this order will be reviewed at least once in every year.

CARRIED

7.2 CEO Performance Review Process for 2023/24

MOVED Cr Peters SECONDED Mayor Stephens

CE5/24 **That the Executive Assistant seek quotes to assist with the Chief Executive Officer's performance review process from Hender Consulting, Perks People Solutions, Albrighton Consulting and Training Services and McArthur as well as a fifth provider with experience in Local Government review processes.**

That the quotes be for provision of this service until the end of the Chief Executive Officer's current contract term.

That the Executive Assistant report back to the Committee the options available and the Chairperson make the determination of the preferred provider.

That the same process be undertaken for the Directors.

CARRIED

7.3 Remuneration Tribunal of South Australia Consultation – Minimum and Maximum Remuneration for Local Government Chief Executive Officers

MOVED Cr Peters SECONDED Mayor Stephens

CE6/24 **That the Committee recommend to Council that no written submission be sent to the Remuneration Tribunal of South Australia as at this time it is happy to work within the minimum and maximum remuneration amounts for the Chief Executive Officer this year as per the determination.**

CARRIED

7.4 Invitation to CEO to join a Committee of the Libraries Board

MOVED Cr Peters SECONDED Mayor Stephens

CE7/24 **That the Committee recommend to Council that the invitation from the Director of the State Library of South Australia for the Chief Executive Officer to join a Committee of the Libraries Board be approved.**

CARRIED

CONFIDENTIAL

7.0 ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY: (Cont'd)

7.5 Setting of Dates for Committee Ordinary Meetings

MOVED Mayor Stephens SECONDED Cr Peters

CE8/24 **That pursuant to clause 6.3 of the Terms of Reference, the Committee determines that the Ordinary Meetings of the Committee be held quarterly on the second Wednesday of the month commencing July 2024 starting at 5.00pm.**

CARRIED

8.0 OTHER BUSINESS: Nil

9.0 NEXT MEETING: 10 July 2024 at 5.00pm

10.0 CLOSURE: 5.52 pm

CHAIR

CONFIDENTIAL

2023/24 KPIs - CHIEF EXECUTIVE OFFICER

1.	Implement strategies to improve communication and positively promote Council activities			Update on Progress March 2024
	Activity	**Timeframe**	**Measure**	
1.1	Develop a list of known key projects where there is a high a level of community interest.	No later than 30 June 2023	List developed Presented to EMT	List detailing suggested Communication Plans for identified projects considered by EMT 3 July 2023 and attached
1.2	Develop a communications plan template.	No later than 28 July 2023		Template developed and actioned Information on the template and key projects included in Strategic Workshop 13 Sept 2023
1.3	Individual project comms plans implemented	As per each plan	Evidence of implementation of each plan Data captured from Council media channels	Numerous media releases, Social Media posts, public information Sessions etc for FOGO, Greening, Unsealed Roads, Dog Parks, EOI process for 2 Council land parcels, Swimming Pools, Playground replacements, Greening (Church Circle), Riverbank Precinct, New Years Eve, Fisherman's Jetty Data has been captured predominately from social media statistics
1.4	Communication Survey developed and undertaken	No later than 29 September 2023	Survey developed and discussed with Communication Portfolio members	Included for discussion at the 13 Sept 2023 workshop
		No later than 27 October 2023	Survey issued	Released 9 October 2023 – refer media statement Council website
		29 February 2024	Results compiled and recommendation for Communication Strategy review presented to Council	Survey results included in report 15.1.2 OM 22 Nov 2023 with resultant resolution "That the outcomes of the Community Survey be noted and be further considered in the Community Plan review process to be recommenced in early 2024."
1.5	Utilise Council email database to better communicate with the community.			Not actioned to any meaningful degree

2023/24 KPIs - CHIEF EXECUTIVE OFFICER

2.	Masterplan, Taskforce, TLAP Transition			
	Activity	**Timeframe**	**Measure**	
2.1	Present a quarterly report to Council.	At least every three months, reports can alternate between the three activities	Reports presented to Council	May 2023 OM - TLAP May 23 Strategic Workshop – Taskforce and TLAP July 2023 Special Strategic Workshop - draft masterplan October 2023 OM – TLAP and S41 Committee TLAP October 2023 Special Meeting – TLAP October 2023 Strategic Workshop – Greening February 2024 OM – TLAP, Masterplan, EHC Lands, Soil Repository February 2024 – TLAP S41 committee

3.	Adequate Housing - Land Supply – Identify possible solutions			
	Activity	**Timeframe**	**Measure**	
3.1	Ensure there is adequate supply of land suitably zoned for residential development to meet the expected growth targets	Identification by 30 June 2023 Rezoning – representation to the State via the Masterplan process – during and at the adoption of the Masterplan by the State	Short and long term residential land supply is identified and (re)zoned (if applicable)	Short term need deemed adequate – provision for over and additional 200 allotments able to be divided (mostly rural but some rural living) As part of the master planning process, representations made regarding longer term residential land requirements, predominately to the south of Pirie Planned release of the Masterplan for consultation in Sept 2023 delated by decision of the State Government – expected now mid 2024
3.2	Identify the infrastructure gaps and costs required for residential land supply referred to above	Ensure is included in the State Governments Masterplan	Proposal for infrastructure provision is developed and pitched to government and developers (as required)	Infrastructure requirements for the south of Pirie residential expansion identified as part of the Masterplan process. Need prosecuted via USG Housing Advisory Group

3.3	Funding package for infrastructure gap (council and other) is developed.	Ensure is included in the State Governments Masterplan and Councils pitch for 2026 State Election	Funding package developed	Letter sent to Min Environment Climate and Water March 2023 seeking meeting re SA Water augmentation for Port Pirie Staged plans for residential development of southern land received from land owners and forwarded to SA Water (by RDA) seeking concept design and cost for augmentation. Costs for SA Water to undertake the design sought from Taskforce Ongoing negotiations with land owner to seek the purchase / transfer of land required for storm water drainage Above information required for preparation of funding submission

4.	**Stage 2 Riverfront Development**			
	Activity	**Timeframe**	**Measure**	
4.1	Identify options for redevelopment of the Council lands occupied by the Royal Port Pirie Yacht Club and possibly the Port Pirie Rowing Club	No later than end December 2023	Current tenants agreeable to vacate property or become incorporated in the revised development	Royal Port Pirie Yacht Club agreement and terms reported to Council's OM 28 June 2023 Port Pirie Rowing Club agreement and terms reported to Council's OM 27 September 2023
		No later than 29 March 2024	Soft approach to market undertaken to gain understanding of what if any considerations need to be made to offering to achieve outcome	Report on outcome of soft market approach reported to Council's OM 27 September 2023

2023/24 KPIs - CHIEF EXECUTIVE OFFICER

5.	Identify Shovel Ready Projects			
	Activity	**Timeframe**	**Measure**	
5.1	Provide support to the Town / District Development Associations to review their Town Plans	Offer to be forwarded by 30 June 2023 Encourage provision of Plans to council by 30 September 2023	Evidence of offer	Invitation forwarded to all town associations Attendance at Redhill's meeting to prepare plan on 4 July 2023 Crystal Brook advised that their town plan will be delayed until after March 2024 as they have a facilitated process that won't conclude until then
5.2	Undertake a Community Plan review	Commence in September with the aim to have the draft plan considered by Council at its December OM	Draft plan prepared for review at the December OM	Community Plan review process endorsed at Council's OM July 2023 Community Survey issued Oct 2023 and result reported to Council in 22 Nov 2023 with resultant resolution "That the outcomes of the Community Survey be noted and be further considered in the Community Plan review process to be **recommenced in early 2024."** Community groups presentation to special strategic Workshop held 6 March 2024
5.3	Seek agreement on the priority projects for scoping	By end February 2024	List of projects identified and prioritised by Council	Proposed for April 2024 Strategic Workshop
5.4	Commence scoping (subject to budget)	30 June 2024	Scoping undertaken to the degree resolved by Council	

Additional action included by the CEO Performance Review Committee

- Seek the indulgence of the CEO to run a workshop on his responsibilities in relation to workforce and succession planning

ACTION – presentation to be made to the March Strategic Workshop

Priority Projects - Communications Plans

Project	Level of Risk	Level of Interest	Department	Project Owner	Timeframe	Notes	Priority
FOGO	High	High	D&R	Chris Davey	Feb/Mar 2024	Link in with RawTech project implementation timeline and communications plan. Start communications late 2023.	L
Port Pirie Masterplan	High	High	Council	Peter Ackland (Council contact)	Immediate	Link in with Operations Framework (Port Pirie Taskforce) Talking points for Mayor & CEO based on Masterplan actions	S
Port Pirie Greening Program	High	High	Infrastructure	Simon Harley	Immediate	Link in with Operations Framework (Port Pirie Taskforce) Include a strategy to communicate issuing of native plants	I
Unsealed Roads	High	High	Infrastructure	Rob Stead	Immediate		I
Sealed Roads and Kerbs	High	High	Infrastructure	Rob Stead	Immediate		I
Community Plan	High	Medium-High	C&C	Peter Ackland	Late 2023		S
Dog Parks	Medium	High	D&R	Chris Davey	Immediate	Works have started in Crystal Brook	I
Nyrstar Camp Land development	Medium	Medium		Peter Ackland	Later 2023	Expression of Interest process	L
Use of Yacht Club Site	Medium	High		Peter Ackland	Later 2023		L
Riverbank Precinct	Medium	High	Infrastructure	Kathryn Johnson	?	Stage 1 - Solomontown Stage 2 - Fishermans Jetty and Yacht Club	S
Dog & Cat Management Plan changes	Medium	Medium	D&R	Chris Davey	Mar-24	Include Anne and Todd in discussions	L
Court Sports (Sports Precinct 2.0)	Medium	High	C&C	Peter Ackland	?	$100K for investigations - comms will ramp up further in future years when works commence	L
Playground Replacements	Medium	High	Infrastructure	Allan Henderson	?	Locations TBC	L
Port Pirie Swimming Pool	Medium	Medium	Infrastructure	Trevor Cugley	Apr-24	Pumphouse and lining pool	L

	Communication Plan needed - High level of both risk/sensitivity and community interest
	Communication Plan needed - Lower level of risk/sensitivity but still strong community interest
	Communication Plan needed but low levels of risk/sensitivity - may not require as extensive communications

I	Immediate Priority - project has already started or about to start
S	Short Term - project set to start within the next 6 months
L	Long Term - project starting late 2023/early 2024

17.0 ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY: (Cont'd)

Pursuant to Section 120(1) of the Local Government Act 1999 CEO P Ackland declared an interest in item 17.3 CEO Performance Review Committee Meeting held 13 March 2024 - CEO's 2023/24 KPIs – Progress Report in that he is the subject of this Committee and left the meeting at 7.58pm.

Directors Johnson, Davey and Rufus left the meeting at 7.58pm.

17.3 CEO Performance Review Committee Meeting held 13 March 2024
CEO's 2023/24 KPIs – Progress Report
Pursuant to Section 90(3)(a)

MOVED Cr Gulin SECONDED Cr Joyce

OM125/24 **Pursuant to Section 90(2) and 90(3)(a) of the Local Government Act 1999 the Council orders that the public, with the exception of K Carmody, Executive Assistant, be excluded from attendance at that part of this meeting relating to Agenda Item 17.3 CEO Performance Review Committee Meeting held 13 March 2024 to enable the Council to consider Item 17.3 in confidence on the basis the Council considers it necessary and appropriate to act in a meeting closed to the public (excepting those persons listed above) in order to receive, discuss or consider in confidence the following information or matter relating to Item 17.3 which is information concerning the personal affairs of any person (living or dead), the disclosure of which would be unreasonable information being information relating to the performance of the Chief Executive Officer.**

Accordingly, on this basis, the principle that the meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or matter confidential.

CARRIED

MOVED Cr Jackson SECONDED Cr Gulin

OM126/24 **That the confidential Minutes of the CEO Performance Review Committee Meeting 13 March 2024 be received.**

CARRIED

MOVED Cr Jackson SECONDED Cr Petagna

OM127/24 **That Council receive and note the Chief Executive Officer's 2023/24 KPIs – Progress Report as contained in the Agenda.**

CARRIED

Section 91(7) Order

MOVED Cr Connor SECONDED Cr Gulin

OM128/24 **Pursuant to Section 91(7) of the Local Government Act 1999, the Council orders that the agenda reports, related attachments, discussion and minutes relating to Agenda Item 17.3 CEO Performance Review Committee Meeting held 13 March 2024 shall be kept confidential, being documents relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and 90(3)(a) of the Act on the grounds that the documents relate to information concerning the personal affairs of any person (living or dead), the disclosure of which would be unreasonable being information relating to the performance of the Chief Executive Officer.**

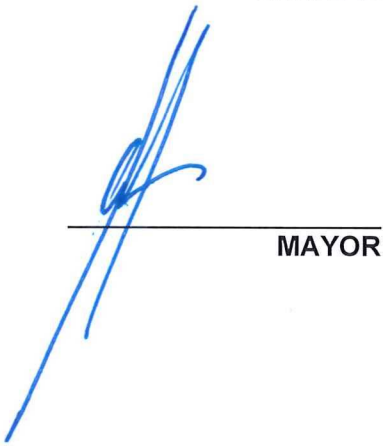
17.0 ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY: (Cont'd)

17.3 CEO Performance Review Committee Meeting held 13 March 2024
CEO's 2023/24 KPIs – Progress Report (Cont'd)
Section 91(7) Order (Cont'd)

This order shall operate for a period of six (6) months or until the process has been completed.

Pursuant to Section 91(9)(c) of the Local Government Act 1999, the Council delegates to the Chief Executive Officer (or his delegate) the power to revoke this order in whole or part.

CARRIED



MAYOR

MEETING: ORDINARY MEETING OF COUNCIL - CONFIDENTIAL
DATE: 24 April 2024

DEPARTMENT: INFRASTRUCTURE
OFFICER: Kathryn Johnson, Director Infrastructure

REPORT ITEM:	**17.2**
REPORT TITLE:	**RFT FOR CONTRACT 2024/138 – FORESHORE PROMENADE PATH CONSTRUCTION SECTION 2**

Timeframe	2023/2024 Financial Year			
Budget Impact	$280,000 (excluding GST)			
Risk Assessment	**Primary Risk Type(s):**		Financial / Infrastructure	
	Inherent Risk:	**Likelihood**	**Consequence**	**Rating**
		Possible	Minor	Medium
	Controls:	▪ Competitive tender process ▪ Engagement of suitable qualified and experienced contractor ▪ Sound project management framework for delivering projects ▪ Allocation of contingency funds within project delivery budget		
	Residual Risk:	Unlikely	Insignificant	Low
File Reference	40.014.009.115/2023			

STRATEGIC REFERENCE:	
Theme **Goal** **Strategy 3.2.3**	Our Lifestyle Infrastructure Council provided assets are fit for purpose, proactively maintained and renewal recognises future demand.

RECOMMENDATION:

That Council:

- **waive the application of Council's Procurement Policy as per Clause 9.2 and approve the single sourcing of Caddy Earthworks Pty Ltd for Section 2 of the Foreshore Promenade Path on the basis that the contract rates have already been tested as part of the initial tender for sections 1 & 3 of the works and to ensure consistency of the work being performed for the whole of the pathway;**
- **award a contract to Caddy Earthworks Pty Ltd for the construction of Section 2 of the Foreshore Promenade Path in accordance with the documents submitted in response to Request for Tender for Contract 2024/138 – Foreshore Promenade Path Construction Section 2 for up to the amount of $280,000 ($257,922.65 for the contracted works plus a contingency of $22,000) (excluding GST); and**
- **delegate authority to the Chief Executive Officer to approve variations under the contingency allowance up the value of $22,000 (excluding GST).**

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REPORT 17.2	**RFT for Contract 2024/138 – Foreshore Promenade Path Construction Section 2** (Cont'd)

EXECUTIVE SUMMARY:

The Port Pirie Regional Council is undertaking an upgrade of the foreshore precinct at Solomontown Beach with a number of landscaping and civil works to be carried out to improve the facilities and services within the area. As part of the upgrade, a request for tender was distributed to Caddy Earthworks Pty Ltd to determine whether their previous square meter rate would be honoured. The RFT entailed the following construction activities:

- Demolition of existing materials identified within the tender document
- Raising of the levee bank to the required level of 3.4m AHD
- Construction of the exposed aggregate footpath as outlined within the tender document.

An evaluation has been executed and now Council are requested to provide approval for the award of the contract to the successful tenderer.

DISCUSSION

Council has allocated $645,000 in its 2023/2024 Capital Works Program for the construction of the Foreshore Promenade Path and Levee. Sections 1 & 3 have been awarded previously to Caddy Earthworks Pty Ltd following the public tender and evaluation. The value of sections 1 & 3 came to $380,000 ($350,970.29 for the contracted work plus a contingency of ~$30,000). The section of promenade path included as part of Section 2 is the remaining segments not being constructed within Sections 1 & 3.

PROPOSED WORKS

The proposed works outlined within the tender scope includes the construction of the following sections:

- Section 2: Chainage 160 to 300 including the beach access at chainage 170 and the central path and circular segment at chainage 270.

TERM OF CONTRACT

The term of the contract is a one-off.

TENDER ASSESSMENT

Request for Tender documentation was sent directly to Caddy Earthworks on the premise that the square meter rates would need to be similar to the previously tendered rates successful for the award of Sections 1 & 3.

At the closing time of tenders of 2pm Thursday 23 November 2023, a submission was received as follows:

Tenderer	**Tendered Price $ (excluding GST)**
Caddy Earthworks Pty Ltd	$257,922.65

Tenderers were invited on a Lump Sum basis.

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REPORT 17.2	**RFT for Contract 2024/138 – Foreshore Promenade Path Construction Section 2** (Cont'd)

Non-Conforming Quote

The quote received was deemed conforming.

QUALITATIVE ASSESSMENT

The tender received was assessed based on the cost per square meter in comparison with the previously tendered segments. The square meter rates tendered can be seen below:

- Section 1: $217/m2
- Section 2: $275/m2 (the tender relating to this recommendation)
- Section 3: $258/m2

The tender received was also assessed against the historical pricing of competing tenderers for Sections 1 & 3 from the initial SA Tenders process. It was identified that the next cheapest supplier's response equated to $280/m2.

QUOTE CLARIFICATIONS SOUGHT

Additional clarification was sought from the tenderer as outlined below.

Caddy Earthworks Pty Ltd
Further clarification was sought from Caddy Earthworks Pty Ltd to understand the reasons behind the variability of the square meter rate when compared to sections 1 & 3. Caddy Earthworks identified that due to the extra thickness of the trafficable part of the path and the extra allowance for a concrete pump to complete section 2, this has caused an increase to the overall price per square meter.

As a result of the RFI, the price remained the same as the initial tender price.

OVERALL FINDING

With the information provided and assessment against historical competing pricing, it is recommended that Caddy Earthworks Pty Ltd be engaged to complete the Foreshore Promenade Construction.

It is requested that Council waive the application of Council's Procurement Policy as per Clause 9.2 and approve the single sourcing of Caddy Earthworks Pty Ltd for Section 2 of the Foreshore Promenade Path on the basis that the contract rates have already been tested as part of the initial tender for sections 1 & 3 of the works and to ensure consistency of the work being performed for the whole of the pathway.

TIMING AND BUDGET

Total funding of just over $645,000 has been allocated to the Foreshore Promenade Path Construction in the 2023/24 Capital Works Budget. This proposed scope of works to be funded from the existing budget allocation.

Section 1 & 3	$380,000	($350,970.29 plus contingency ~$30,000)
Section 2	$280,000	($257,922.65 plus contingency ~ $22,000)
Total	$660,000	(which includes contingency of ~$52,000)

A variation of $12,000 has been approved for Section 1 and 2 for the exposed aggregate concrete which has been finalised.

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REPORT 17.2	**RFT for Contract 2024/138 – Foreshore Promenade Path Construction Section 2** (Cont'd)

A variation of $7,500 is expected for the same for Section 3.

It is anticipated that overall, the promenade path will be delivered within the $645,000 budget allocation.

Should Council agree to the recommendation, the preferred tenderer will be engaged, and works will be programmed to be completed by the end of the financial year.

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17.0 ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY: (Cont'd)

Cr Hopgood declared a material interest in item 17.2 RFT for Contract 2024/138 – Foreshore Promenade Path Construction Section 2 in that he is the Branch and State President of the Australian Workers Union (AWU). The Australian Workers Union represents its members who are employed by a company that submitted a tender for this contract. There is a potential for employees to become its members. Cr Hopgood left the meeting at 7.28pm.

Cr Petagna declared a material interest in item 17.2 RFT for Contract 2024/138 – Foreshore Promenade Path Construction Section 2 in that he is an Executive Member of the Australian Workers Union (AWU). The AWU represents members that are employed by a company that submitted a tender for this contract. Cr Petagna left the meeting at 7.28pm.

17.2 RFT for Contract 2024/138 – Foreshore Promenade Path Construction Section 2

Pursuant to Section 90(3)(k)

MOVED Cr Gulin SECONDED Cr Joyce

OM156/24 Pursuant to Section 90(2) and (3)(k) of the Local Government Act 1999 the Council orders that all members of the public with the exception of P Ackland, Chief Executive Officer; C Davey, Director Development & Regulation; K Johnson, Director Infrastructure; S Rufus, Director Corporate & Community and K Carmody, Executive Assistant be excluded from attendance at that part of this meeting relating to Agenda Item 17.2 RFT for Contract 2024/138 – Foreshore Promenade Path Construction Section 2 to enable the Council to consider Item 17.2 in confidence on the basis the Council considers it necessary and appropriate to act in a meeting closed to the public (excepting those persons noted above) in order to receive, discuss or consider in confidence the following information or matter relating to Item 17.2 which relates to tenders for the supply of goods, the provision of services or the carrying out of works being the Foreshore Promenade Path Construction Section 2.

Accordingly, on this basis, the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or matter confidential.

CARRIED

MOVED Cr Peters SECONDED Cr Zubrinich

OM157/24 That Council:

- **waive the application of Council's Procurement Policy as per Clause 9.2 and approve the single sourcing of Caddy Earthworks Pty Ltd for Section 2 of the Foreshore Promenade Path on the basis that the contract rates have already been tested as part of the initial tender for sections 1 & 3 of the works and to ensure consistency of the work being performed for the whole of the pathway;**
- **award a contract to Caddy Earthworks Pty Ltd for the construction of Section 2 of the Foreshore Promenade Path in accordance with the documents submitted in response to Request for Tender for Contract 2024/138 – Foreshore Promenade Path Construction Section 2 for up to the amount of $280,000 ($257,922.65 for the contracted works**

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17.0 ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY: (Cont'd)

17.2 RFT for Contract 2024/138 – Foreshore Promenade Path Construction Section 2 (Cont'd)

- **plus a contingency of $22,000) (excluding GST); and**
- **delegate authority to the Chief Executive Officer to approve variations under the contingency allowance up the value of $22,000 (excluding GST).**

CARRIED

Section 91(7) Order

MOVED Cr Peters SECONDED Cr Gulin

OM158/24 **Pursuant to Section 91(7) of the Local Government Act 1999, the Council orders that the agenda reports, related attachments, discussion and minutes relating to Agenda Item 17.2 RFT for Contract 2024/138 – Foreshore Promenade Path Construction Section 2 shall be kept confidential, being documents relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and (3)(k) of the Act on the grounds that the documents relate to tenders for the supply of goods, the provision of services or the carrying out of works being the Foreshore Promenade Path Construction Section 2.**

This order shall operate for a period of six (6) months or until the execution of a contract.

Pursuant to Section 91(9)(c) of the Local Government Act 1999, the Council delegates to the Chief Executive Officer (or his delegate) the power to revoke this order in whole or part.

CARRIED

Crs Hopgood and Petagna returned to the meeting at 7.29pm.

MAYOR

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MEETING ORDINARY MEETING OF COUNCIL - CONFIDENTIAL
DATE: 22 May 2024

DEPARTMENT: INFRASTRUCTURE
OFFICER: Frank Endemann, Project Manager

REPORT ITEM:	**17.5**
REPORT TITLE:	**RIVERBANK PRECINCT MASTER PLAN STAGE 1 WORKS – BEACH SHELTER AND DECK – PROJECT STATUS – CONFIDENTIAL**

Timeframe	Completion by December 2024			
Budget Impact	Total project cost - up to $2,000,000 which is in excess of current budget allowance of $1,000,000			
Risk Assessment	**Primary Risk Type(s):**		Financial/Infrastructure	
	Inherent Risk:	**Likelihood**	**Consequence**	**Rating**
		Likely	Moderate	High
	Controls:	▪ **Selection of projects aligned with Council's Community Plan and Asset Management Plans** ▪ **Community support for projects.** ▪ **Management of projects in order to deliver in accordance with grand funding conditions** ▪ **Ensure the project is adequately funded**		
	Residual Risk:	Rare	Moderate	Low
File Reference	40.014.009.139/2024			

STRATEGIC REFERENCE:	
Theme **Goal** **Strategy 1.3.5**	Our Community Wellbeing Open spaces are enhanced through well maintained and attractive landscaping providing opportunity for increased community activity

RECOMMENDATION:

That Council:

- **note the proposed scope of works for the Beach Shelter and Deck;**
- **note that the tender submissions received have come in higher than anticipated and in excess of the available budget;**
- **await a report containing the outcomes of continued assessment of the tender submissions received for the proposed Beach Shelter and Deck with a view to investigation of all options to minimise the cost; and**

That concurrent with the assessment of tender submissions, Council review the outcome sought from the replacement and upgrade of this structure, with (to be appointed at the meeting) authorised to meet with the Director Infrastructure to review the scope of said structure.

CONFIDENTIAL

REPORT 17.5	**Riverbank Precinct Master Plan Stage 1 Works - Beach Shelter and Deck – Project Status - Confidential** (Cont'd)

EXECUTIVE SUMMARY:

Tenders for the proposed new Beach Shelter and Deck, which are an integral part of the Foreshore Redevelopment, have now closed.

Tenders received are almost twice the expected cost.

Geotech investigations (soil tests) revealed poor soil profiles requiring reengineering of footings.

Tender submissions received required further information and clarification of proposed materials and construction methods nominated by tenderers.

Requests for Information (RFIs) requests have been sent to tenderers for clarification.

Updated footing designs, based on the latest geotechnical information, have also been sent to allow accurate costs to be submitted.

The information, due 21 May 2024, will allow the assessment panel to properly evaluate the submissions.

It is anticipated that an Award Recommendation Report will be provided to the Ordinary Meeting of Council in June 2024, if the recommendation in this report is carried.

DISCUSSION

Tender for the construction of the proposed Beach Shelter and Deck, which is an integral part of the Riverbank Precinct Master Plan Stage 1 Works, were called on 29 February 2024.

The Beach Shelter and Deck is the centerpiece of the works and will provide the Port Pire community with an accessible, quality area to enjoy the beach area and provide access to the beach and jetty for all. The concept plans and detailed design plans have been included with this report for reference.

Concurrent with the tender call, a further geotechnical investigation of the site was undertaken as the results of an initial test were inconclusive as the test method used was unsuitable for the soil profiles encountered.

The results of this investigation were required to enable suitable footings to be designed to ensure structural stability of the proposed structure.

As the soil profile was still unknown at the time of the tender, Prime Cost Sums (PC Sums) were provided for the shade column footings to allow tenders to make an allowance for the footings in their submissions.

Whilst PC Sums provide prospective tenderers an 'equal playing field' they do not reflect the actual cost of the works.

Results of the second geotechnical investigation required a redesign of the shade column footings and showed that the alternate footing designs proposed by the respondents were not adequate, nor were the original proposed deck footings.

A briefing of proposed tenderers was held on 8 March 2024 and was attended by six companies. A site visit was also held outside of the tender briefing for one of the companies

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who were unable to attend at the scheduled time.

At the close of Tenders on 21 March 2024, three submissions were received.

It should be noted that 39 companies viewed and downloaded the tender documents so there was general interest in the project. Further, it is felt sufficient time was allowed for tendering with the closing date even extended in response to requests from a number of proposed tenderers. Companies were also asked to indicate their availability for construction so not to limit the availability of proposed tenderers.

All the submissions received were considerably over budget, but as two were very close in terms of price at less than 1% difference, they appear to reflect the true market cost of the proposed work.

The third was also relatively close given the overall cost.

Submitted prices were in the $1.7 to 1.9 million range, however, will be subject to change once the actual footing costs are known.

The cost exceeded the anticipated budget, as the budget was estimated prior to the design being finalised, and engineering design for the footings could not be completed until the geotechnical results were received. The inconclusive result of the initial tests, requiring further investigation, delayed the footing design. Given the unique design and the complexity of the project the cost estimate was always just that, an estimate, as a Quantity Survey, which could have provided a more accurate anticipated cost, could not be undertaken prior to tender call due to design delays and grant funding time constraints. Contractors have also indicated that anticipated delays in construction due to tides have increased costs.

Cost of some of the construction methods required, due to the problematic soil profile (Screw Piling), are more than would have been expected.

The design is such that all the elements are inextricably linked, so the scope of works cannot be modified or reduce without compromising the integrity of the project.

The submissions received required clarification on various matters, including alternate construction methods and/or materials proposed by the tenderers, which have to be assessed so Requests for Further Information (RFIs) were sent to the tenderers.

The RFIs sent also provided new footing designs for the Beach Shelter and Deck columns, and design loads for the alternate footing methodology nominated by tenderers, to allow the contractors to provide accurate costs for those elements.

This will take the PC Sums out of the equation and provide actual costs.

RFI responses are due on 21 May 2024, and this will allow us to complete the tender assessment and provide an award recommendation to the to the Ordinary Meeting of Council in June 2024.

With regard to the scope and design of the Beach Shelter and Deck, the design that has been tendered is in keeping with original concept footprint. However, if the direction is to reduce cost then the Beach Shelter and Deck will need to be redesigned to a structure that can be delivered within the available budget noting that the cost of a redesign will impact the available construction budget and likely further delay the project.

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REPORT 17.5	**Riverbank Precinct Master Plan Stage 1 Works - Beach Shelter and Deck – Project Status - Confidential** (Cont'd)

BUDGET AND TIMING

As stated previously, an allowance of $1 million was made for the Beach Deck and Shelter.

The breakdown of anticipated costs based on the submissions received is provided in the table below.

Construction of Deck and Shade Sails	$1,750,000	Subject to change once RFI responses received
Demolition of existing structure	$36,000	High cost due to the presence of asbestos
Removal of existing playground and trees	$10,000	Estimated
Contingency sum	$175,000	
Total	**$1,971,000**	**May rise or fall**

These costs are subject to change once responses to RFIs are received and assessed.

The work was originally required to be completed by June 2024 to meet grant funding conditions but has now been moved to Phase 4 of the LRCI Program, which required completion by June 2025. However, if Council continues to support the project and provides the required funds, completion could be achieved by December 2024 making it available for the summer holiday period and Australia Day 2025 activities. Therefore, the funding required could be included in the 2024/25 Capital Works Program.

PREVIOUS REPORTS

28 February 2024 - Ordinary Meeting of Council – Agenda Item 15.3.2

20 December 2023 – Ordinary Meeting of Council – Agenda Item 16.4.2

27 September 2023 – Ordinary Meeting of Council – Agenda Item 16.4.1

26 July 2023 – Ordinary Meeting of Council – Agenda Item 15.3.2

24 May 2023 – Ordinary Meeting of Council – Agenda Item 15.3.2

22 February 2023 – Ordinary Meeting of Council – Agenda Item 15.3.5

23 January 2023 – Design Workshop for Stage 1 Works

27 Jul 2022 – Ordinary Meeting of Council – Agenda Item 15.3.4

24 August 2022 – Ordinary Meeting of Council – Agenda Item 17.5

22 September 2021 – Ordinary Meeting of Council – Agenda Item 15.3.2

18 February 2021 - Special Meeting of Council – Agenda Item 4.1.1

27 January 2021 - Ordinary Meeting of Council – Agenda Item 15.3.1

2 December 2020 - Special Meeting of Council – Agenda Item 4.2.1

CONFIDENTIAL



Port Pirie Riverbank Precinct

Stage 1 Concept Plan

RIVERBANK PRECINCT

STAGE 1 DESIGN UPDATE

POSTER 2 OF 5



JOHN PIRIE

PORT PIRIE CREEK

IMPORT NEW BEACH SAND

FOOTPATH LINK ACROSS CAUSEWAY ROAD

NEW SIGNAGE

SKATE PARK MAINTENANCE

NEW BBQ SHELTER (LARGE)

NEW SHELTERS WITH PICNIC SEATING BETWEEN AVENUE OF PALMS,

ENJOY SCENIC VIEWS.

BEACH MAT

SEAT WALL AROUND EXISTING FIG TREE

NEW BEACH DECK AS FOCAL POINT OF SOLOMONTOWN BEACH PRECINCT.

LINKING PROMENADE PATH WITH BEACH.

VIEWS TO FLINDERS RANGES

CUSTOMISED SAIL SHELTER, RAMPS, TIMBER SEATING AND SHOWERS

GREAT LOCATION FOR GATHERINGS AND TO REST AFTER A SWIM.

SHADE SAILS ARE UPGRADED TO NEW COLOURFUL SAILS

NEW SIGN LOCATION

NEW MAINTENANCE ACCESS TRACK WITH BOLLARDS

NEW PROMENADE PATH

DECORATING THE EXTERIOR OF PUBLIC TOILET WITH MURAL ART OR HISTORIC PHOTOS

MISTING SCULPTURE

CONNECTED FOOTPATH NETWORK

NEW SAFETY FEATURES: WOMBAT CROSSING, BOLLARD AND FENCE

NEW NATURE PLAY SPACE WITH NAUTICAL THEME

DISABLED CAR PARK AND LOADING AREA E.G. KAYAKS, EVENTS

MULTI-FUNCTION EVENT SHELTERS

PUMP TRACK

NEW EXPOSED AGGREGATE CONCRETE PATH WITH ARTISTIC PAVING AND SEATING TRANSFORMED FROM HMAS SUCCESS BOLLARDS

FEATURE PLANTING + LIGHTING AROUND ENTRY WALLS + NEW SIGN LOCATION

MICRO-FOREST WITH LOW FENCE

NEW BASKETBALL COURT (HALF-COURT)

NEW BIKE NODE PROVIDES BIKE REPAIR, INFORMATION AND WAYFINDING

ADDITIONAL LARGE TREES

MAIN ROAD

CHAIN RD

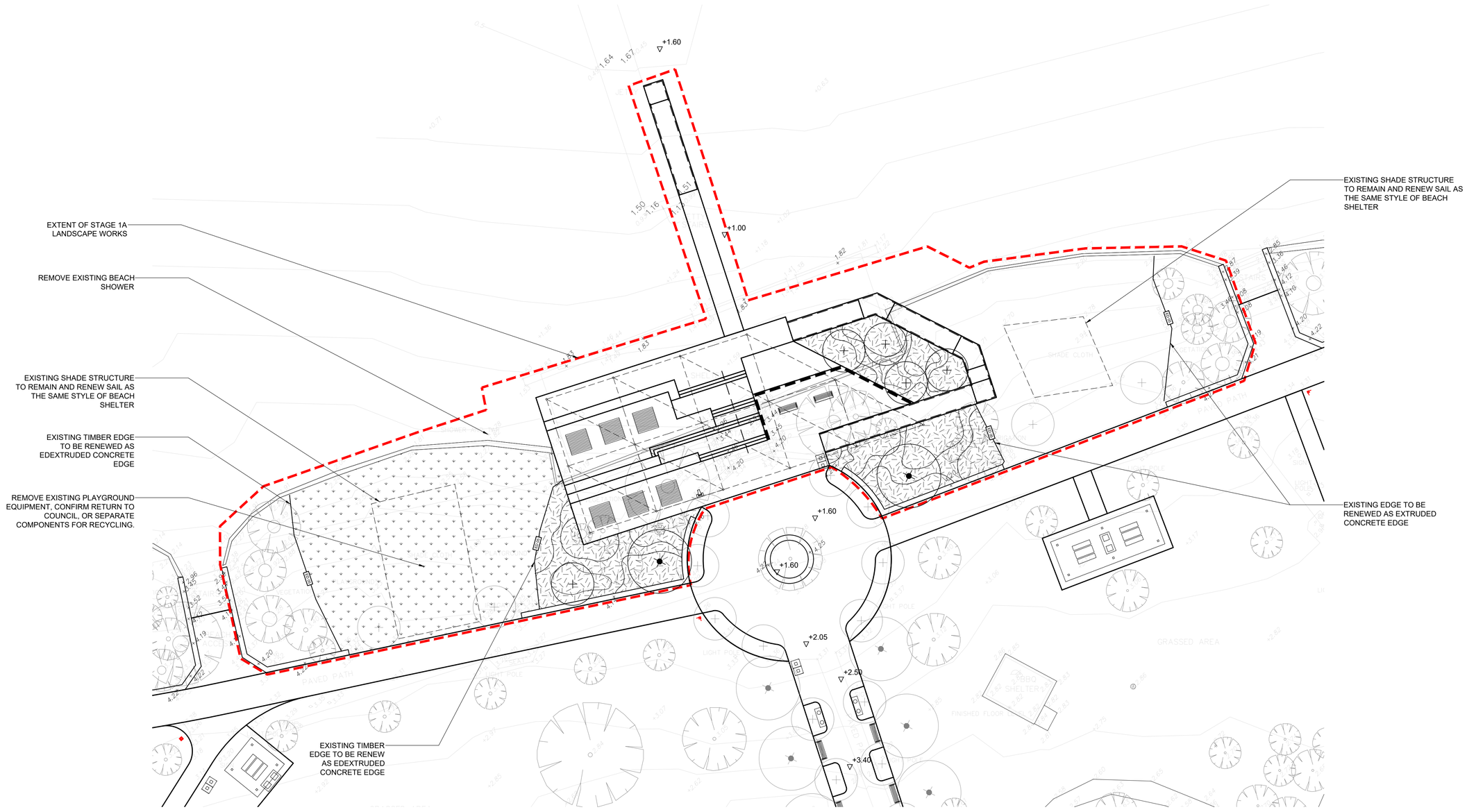
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N

JENSEN PLUS

Planning
Landscape Architecture
Urban Design
Social Planning

Port Pirie Regional Council



SCALE 1:200 — 5 0 5 10 15 Metres

No.	REVISION	BY	DATE
E	FOR_TENDER_(STAGE_1E)	BD	2_24
D	100%_DESIGN_(STAGE_1A_&_1E)	BD	12_23
C	100%_TENDER_DOCUMENTATION	BD	07_23
B	70%_DETAILED_DESIGN	BD	06_23
A	30%_DESIGN_DEVELOPMENT	BD	02_23

JENSEN PLUS
Planning
Landscape Architecture
Urban Design
Social Planning

Title
BEACH_SHELTER_AND_DECK PLAN_1/2

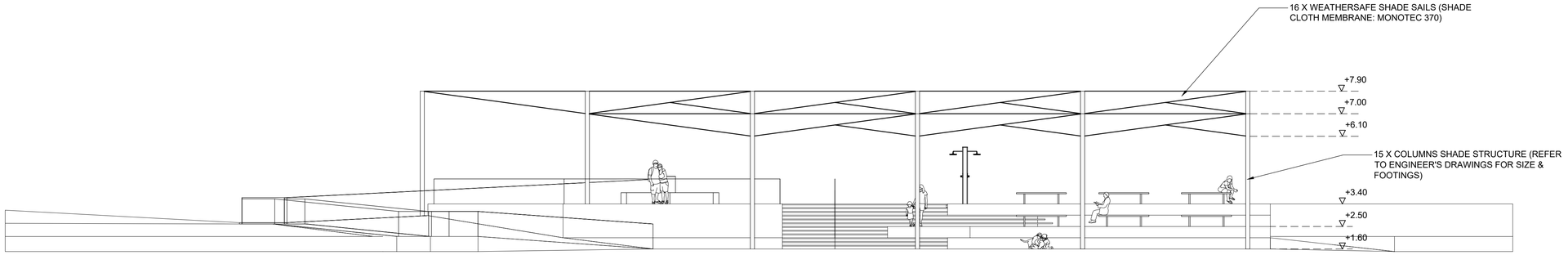
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RIVERBANK_PRECINCT_PORT_PIRIE STAGE_1A_LANDSCAPE_WORKS

Client
PORT_PIRIE REGIONAL_COUNCIL

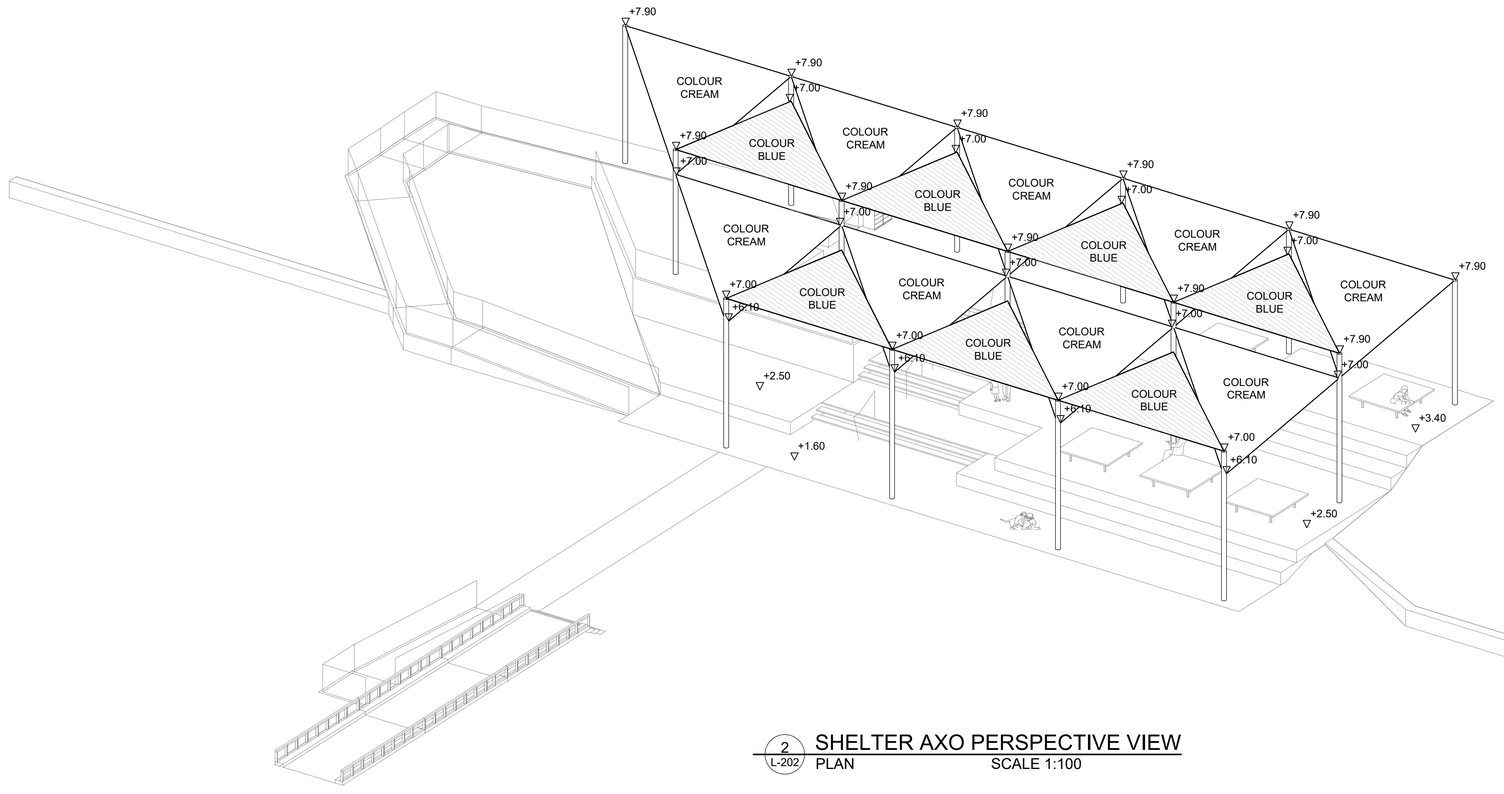
Project No. P0321/RPPP/L102
Category
Drawing No.
Date 02/2024
Revision E
Scale 1/200
Issue FOR_TENDER
Drawn BD
Checked MMC

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Level 1, 21 Roper Street, Adelaide, South Australia 5000
Tel 08 8338 5511
www.jensenplus.com.au

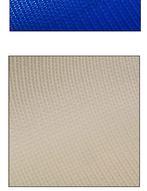
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1 L-202 BEACH SHELTER AND DECK ELEVATION
ELEVATION SCALE 1:100







2 L-202 SHELTER AXO PERSPECTIVE VIEW
PLAN SCALE 1:100

AILA®

SCALE 1:50 5 0 5 10 15 20 Metres

No.	REVISION	BY	DATE
E	FOR_TENDER_(STAGE_1E)	BD	2_24
D	100%_DESIGN_(STAGE_1A_&_1E)	BD	12_23
C	100%_TENDER_DOCUMENTATION	BD	07_23
B	70%_DETAILED_DESIGN	BD	06_23
A	30%_DESIGN_DEVELOPMENT	BD	02_23

JENSEN PLUS
Planning
Landscape Architecture
Urban Design
Social Planning

Title
BEACH_SHELTER AND_DECK_DETAILS_1/2

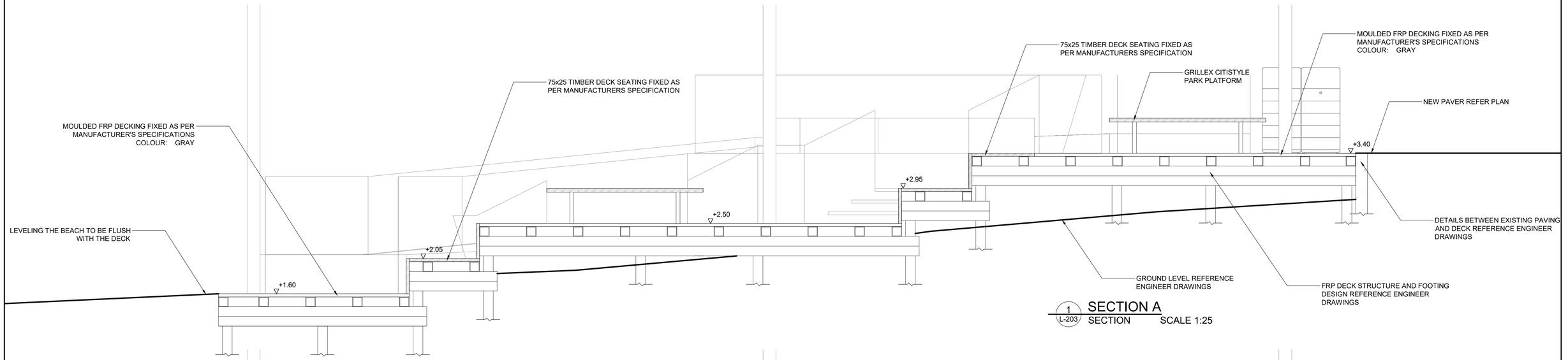
Project
RIVERBANK_PRECINCT_PORT_PIRIE STAGE_1_LANDSCAPE_WORKS

Client
PORT_PIRIE REGIONAL_COUNCIL

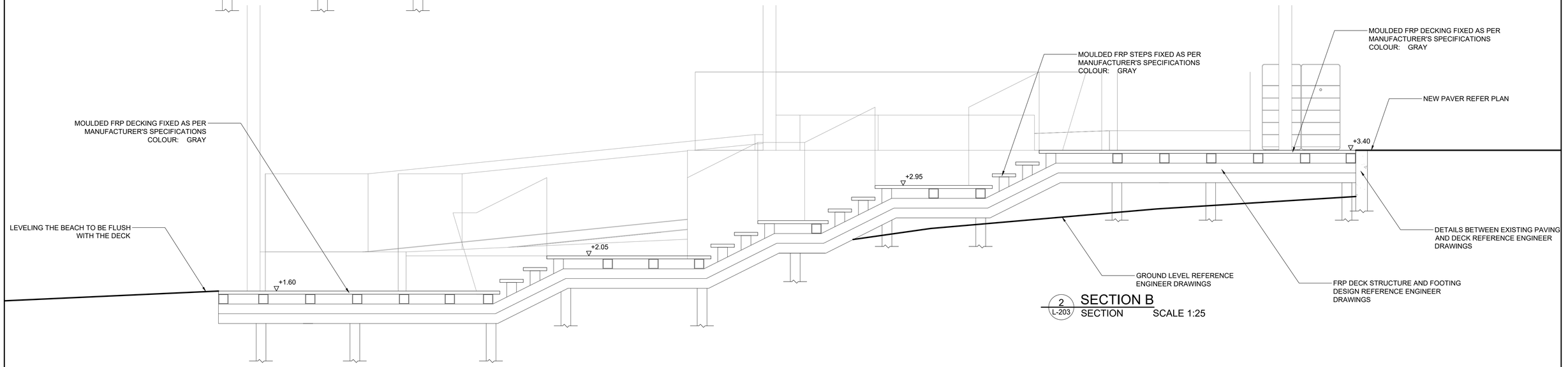
Project No. P0321/RPPP/L202
Category
Drawing No.
Date 02/2024
Revision E
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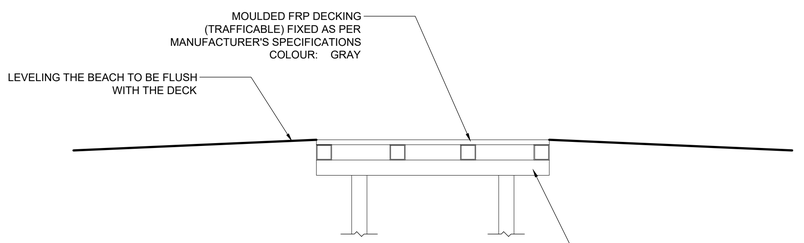
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1 L-203 **SECTION A**
SECTION SCALE 1:25



2 L-203 **SECTION B**
SECTION SCALE 1:25



3 L-203 **SECTION C**
SECTION SCALE 1:25

AILA®

SCALE 1:50 5 0 5 10 15 20 Metres

No.	REVISION	BY	DATE
E	FOR_TENDER_(STAGE_1E)	BD	2_24
D	100%_DESIGN_(STAGE_1A_&_1E)	BD	12_23
C	100%_TENDER_DOCUMENTATION	BD	07_23
B	70%_DETAILED_DESIGN	BD	06_23
A	30%_DESIGN_DEVELOPMENT	BD	02_23

JENSEN PLUS
Planning
Landscape Architecture
Urban Design
Social Planning

Title
BEACH_SHELTER AND_DECK_DETAILS_2/2

Project
RIVERBANK_PRECINCT_PORT_PIRIE STAGE_1_LANDSCAPE_WORKS

Client
PORT_PIRIE REGIONAL_COUNCIL

Project No. P0321 Category RPPP Drawing No. L203

Date 02/2024 Revision E
Scale 1:25
Issue FOR_TENDER
Drawn BD Checked MMC

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17.0 ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY: (Cont'd)

17.5 Riverbank Precinct Master Plan Stage 1 Works – Beach Shelter and Deck – Project Status

Pursuant to Section 90(3)(k)

MOVED Cr Joyce SECONDED Cr Gulin

OM198/24 **Pursuant to Section 90(2) and (3)(k) of the Local Government Act 1999 the Council orders that all members of the public with the exception of P Ackland, Chief Executive Officer; C Davey, Director Development & Regulation; K Johnson, Director Infrastructure and K Carmody, Executive Assistant be excluded from attendance at that part of this meeting relating to Agenda Item 17.5 Riverbank Precinct Master Plan Stage 1 Works – Beach Shelter and Deck – Project Status to enable the Council to consider Item 17.5 in confidence on the basis the Council considers it necessary and appropriate to act in a meeting closed to the public (excepting those persons noted above) in order to receive, discuss or consider in confidence the following information or matter relating to Item 17.5 which relates to tenders for the supply of goods, the provision of services or the carrying out of works being the construction of a beach shelter and deck.**

Accordingly, on this basis, the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or matter confidential.

CARRIED

MOVED Cr Connor SECONDED Cr Gulin

OM199/24 **That Council:**

- **note the proposed scope of works for the Beach Shelter and Deck;**
- **note that the tender submissions received have come in higher than anticipated and in excess of the available budget; and**
- **await a report containing the outcomes of continued assessment of the tender submissions received for the proposed Beach Shelter and Deck with a view to investigation of all options to minimise the cost.**

CARRIED

Section 91(7) Order

MOVED Cr Connor SECONDED Cr Keain

OM200/24 **Pursuant to Section 91(7) of the Local Government Act 1999, the Council orders that the agenda reports, related attachments, discussion and minutes relating to Agenda Item 17.5 Riverbank Precinct Master Plan Stage 1 Works – Beach Shelter and Deck – Project Status shall be kept confidential, being documents relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and (3)(k) of the Act on the grounds that the documents relate to tenders for the supply of goods, the provision of services or the carrying out of works being the construction of a beach shelter and deck.**

This order shall operate until the matter is finalised or a further order has been made.

17.0 ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY: (Cont'd)

17.5 Riverbank Precinct Master Plan Stage 1 Works – Beach Shelter and Deck – Project Status (Cont'd)

Section 91(7) Order (Cont'd)

Pursuant to Section 91(9)(c) of the Local Government Act 1999, the Council delegates to the Chief Executive Officer (or his delegate) the power to revoke this order in whole or part.

CARRIED

MAYOR

CONFIDENTIAL

MEMBERS OF CEO PERFORMANCE REVIEW COMMITTEE
Mayor L Stephens, Deputy Mayor Cr K Jackson and
Crs A Zubrinich (Chair) and L Peters

Council Officers
Kate Carmody, Executive Assistant (Minutes)

Notice is hereby given that a **CEO Performance Review Committee Special Meeting** will be held on **Wednesday, 12 June 2024 at 5.00pm** in the Mayor's Office, 115 Ellen Street, Port Pirie.

Peter Ackland
CHIEF EXECUTIVE OFFICER
6 June 2024

A G E N D A

1.0 ACKNOWLEDGEMENT

We acknowledge and respect the traditional custodians whose ancestral lands we are meeting upon here today.

We pay tribute to those who have served and continue to serve this great country, we pay tribute to our first responders and recognise the multicultural community that makes this region so unique.

2.0 PRESENT:

3.0 APOLOGIES:

4.0 CONFIRMATION OF MINUTES:

4.1 CEO Performance Review Committee Meeting 13 March 2024

MOVED SECONDED

That the Minutes of the CEO Performance Review Committee meeting held on 13 March 2024 be received and confirmed.

5.0 MATTERS ARISING FROM MINUTES:

6.0 DECLARATION OF INTERESTS:

7.0 ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY:

7.1 Chief Executive Officer Performance Review Process Consultant for 2023/24, 2024/25, 2025/26 and 2026/27
Pursuant to Section 90(3)(k)

MOVED SECONDED

Pursuant to Section 90(2) and (3)(k) of the Local Government Act 1999 the Committee orders that all members of the public with the exception of K Carmody, Executive Assistant be excluded from attendance at that part of this meeting relating to Agenda Item 7.1 Chief Executive Officer Performance Review Process Consultant for 2023/24, 2024/25, 2025/26 and 2026/27 to enable the Committee to consider Item 7.1 in confidence on the basis the Committee considers it necessary and appropriate to act in a meeting closed to the public (excepting those persons noted

7.0 ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY: (Cont'd)

7.1 Chief Executive Officer Performance Review Process Consultant for 2023/24, 2024/25, 2025/26 and 2026/27 (Cont'd)

Pursuant to Section 90(3)(k) (Cont'd)

above) in order to receive, discuss or consider in confidence the following information or matter relating to Item 7.1 which relates to tenders for the provision of services being to assist the Committee with the CEO's annual performance review process.

Accordingly, on this basis, the principle that meetings of the Committee should be conducted in a place open to the public has been outweighed by the need to keep the information or matter confidential.

Section 91(7) Order

MOVED SECONDED

Pursuant to Section 91(7) of the Local Government Act 1999, the Committee orders that the agenda reports, related attachments, discussion and minutes relating to Agenda Item 7.1 Chief Executive Officer Performance Review Process Consultant for 2023/24, 2024/25, 2025/26 and 2026/27 shall be kept confidential, being documents relating to a matter dealt with by the Committee on a confidential basis under Sections 90(2) and (3)(k) of the Act on the grounds that the documents relate to tenders for the provision of services being to assist the Committee with the CEO's annual performance review process.

This order shall operate for a period of six (6) months or until the execution of an agreement.

Pursuant to Section 91(9)(c) of the Local Government Act 1999, the Council delegates to the Chief Executive Officer (or his delegate) the power to revoke this order in whole or part.

8.0 OTHER BUSINESS:

9.0 NEXT MEETING:

10.0 CLOSURE:

MINUTES OF THE CEO PERFORMANCE REVIEW COMMITTEE MEETING HELD ON WEDNESDAY 13 MARCH 2024 AT 5.00PM IN THE MAYOR'S OFFICE, 115 ELLEN STREET, PORT PIRIE.

1.0 ACKNOWLEDGEMENT OF COUNTRY:
We acknowledge and respect the traditional custodians whose ancestral lands we are meeting upon here today.

2.0 PRESENT: His Worship the Mayor L Stephens, Crs A Zubrinich (Chairperson) and L Peters

Peter Ackland, Chief Executive Officer (joined the meeting at 5.28pm)
Kelly Clonan, Personal Assistant (Minutes)

3.0 APOLOGIES: Nil

4.0 CONFIRMATION OF MINUTES:

4.1 CEO Performance Review Committee Meeting 2 August 2023

MOVED Mayor Stephens SECONDED Cr Peters

CE1/24 That the Minutes of the CEO Performance Review Committee meeting held on 2 August 2023 be received and confirmed.

CARRIED

5.0 MATTERS ARISING FROM MINUTES: Nil

6.0 DECLARATION OF INTERESTS: Nil

7.0 ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY:

7.1 CEO's 2023/24 KPIs – Progress Report
Pursuant to Section 90(3)(a)

MOVED Mayor Stephens SECONDED Cr Peters

CE2/24 Pursuant to Section 90(2) of the Local Government Act 1999 the Committee orders that all members of the public, with the exception of P Ackland, Chief Executive Officer and K Clonan, Personal Assistant be excluded from attendance at the meeting for Agenda Item 7.1 CEO's 2023/24 KPIs – Progress Report.

The Committee is satisfied that pursuant to section 90(3)(a) of the Act, the information to be received, discussed or considered in relation to this Agenda item is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person.

The Committee is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the disclosure may prematurely be disclosed before the details of the review have been discussed and a direction determined.

CARRIED

MOVED Cr Peters SECONDED Mayor Stephens

CE3/24 The Committee received, noted and discussed the Chief Executive Officer's 2023/24 KPIs – Progress Report.

CARRIED

CEO Peter Ackland joined the meeting at 5.28pm.

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7.0 ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY: (Cont'd)

7.1 CEO's 2023/24 KPIs – Progress Report (Cont'd)

Section 91(7) Order

MOVED Cr Peters SECONDED Mayor Stephens

CE4/24 **That having considered Agenda Item 7.1 CEO's 2023/24 KPIs – Progress Report in confidence under Section 90(2) and (3)(a) of the Local Government Act 1999, the Committee, pursuant to Section 91(7) of that Act orders that discussion and all documents and minutes be retained in confidence until further order of the Committee or Council.**

In accordance with Section 91(9)(c) of the Local Government Act 1999, the Chief Executive Officer (or his delegate) is delegated the power to revoke this order in whole or part.

The Committee notes, in accordance with Section 91(9)(a) of the Local Government Act 1999, this order will be reviewed at least once in every year.

CARRIED

7.2 CEO Performance Review Process for 2023/24

MOVED Cr Peters SECONDED Mayor Stephens

CE5/24 **That the Executive Assistant seek quotes to assist with the Chief Executive Officer's performance review process from Hender Consulting, Perks People Solutions, Albrighton Consulting and Training Services and McArthur as well as a fifth provider with experience in Local Government review processes.**

That the quotes be for provision of this service until the end of the Chief Executive Officer's current contract term.

That the Executive Assistant report back to the Committee the options available and the Chairperson make the determination of the preferred provider.

That the same process be undertaken for the Directors.

CARRIED

7.3 Remuneration Tribunal of South Australia Consultation – Minimum and Maximum Remuneration for Local Government Chief Executive Officers

MOVED Cr Peters SECONDED Mayor Stephens

CE6/24 **That the Committee recommend to Council that no written submission be sent to the Remuneration Tribunal of South Australia as at this time it is happy to work within the minimum and maximum remuneration amounts for the Chief Executive Officer this year as per the determination.**

CARRIED

7.4 Invitation to CEO to join a Committee of the Libraries Board

MOVED Cr Peters SECONDED Mayor Stephens

CE7/24 **That the Committee recommend to Council that the invitation from the Director of the State Library of South Australia for the Chief Executive Officer to join a Committee of the Libraries Board be approved.**

CARRIED

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7.0 ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY: (Cont'd)

7.5 Setting of Dates for Committee Ordinary Meetings

MOVED Mayor Stephens SECONDED Cr Peters

CE8/24 **That pursuant to clause 6.3 of the Terms of Reference, the Committee determines that the Ordinary Meetings of the Committee be held quarterly on the second Wednesday of the month commencing July 2024 starting at 5.00pm.**

CARRIED

8.0 OTHER BUSINESS: Nil

9.0 NEXT MEETING: 10 July 2024 at 5.00pm

10.0 CLOSURE: 5.52 pm

CHAIR

CONFIDENTIAL

MEETING: CEO PERFORMANCE REVIEW COMMITTEE
DATE: 12 June 2024

DEPARTMENT: Office of the Mayor and Chief Executive
OFFICER: Kate Carmody, Executive Assistant

REPORT ITEM:	**7.1**
REPORT TITLE:	**CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW PROCESS CONSULTANT FOR 2023/24, 2024/25, 2025/26 AND 2026/27**

Timeframe	Immediate			
Budget Impact	($10,000 budgeted for 2023/24)			
Risk Assessment	**Primary Risk Type(s):**			
	Inherent Risk:	**Likelihood**	**Consequence**	**Rating**
	Controls:	▪ Formal Framework		
	Residual Risk:			
File Reference				

STRATEGIC REFERENCE:	
Theme	Our Leadership
Goal	Organisational Excellence
Strategy	N/a

RECOMMENDATION:

That the CEO Performance Review Committee recommend to Council the appointment of _____ as the consultant to assist with the performance review process for the Chief Executive Officer for 2023/24, 2024/25, 2025/26 and 2026/27.

EXECUTIVE SUMMARY:

Five external consultants were approached to submit proposals to assist the CEO Performance Review Committee with the annual Performance Review Process for the Chief Executive Officer (CEO) for the 2023/24, 2024/25, 2025/26 and 2026/27 years.

This report provides a summary of the proposals received with full proposals attached to provide further details.

As Directors also undergo annual performance reviews, consultants were asked to also submit separate proposals to assist the CEO with their review processes and to consider any discount that may be applicable if they were successful in being awarded an agreement to assist with both the CEO and Director performance review processes.

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REPORT 7.1	**Chief Executive Officer Performance Review Process Consultant for 2023/24, 2024/25, 2025/26 and 2026/27** (Cont'd)

DISCUSSION

A structured performance review process is required for the Chief Executive Officer (CEO) with KPI's linked to the Business Plan and with 360 degree feedback obtained from Elected Members, peers and direct reports.

Five external providers of the required services were approached to put forward proposals. All five providers have worked across local government in this capacity and offer insight into the development of key KPI's and the provision of feedback.

In brief consultants will:

- meet with the Committee and CEO to establish the scope of the review process;
- review the CEO's job description and consider relevant objectives and key result areas to be assessed (responsibilities, agreed strategic priority projects and leadership behaviours);
- develop/modify and distribute surveys to Council Members, direct reports and the CEO who will complete a self assessment;
- be available to support survey respondents with technical or process questions;
- review and analyse data and feedback;
- prepare a report containing findings and recommendations and present to the Performance Review Committee, and Council if required;
- provide feedback on any performance improvements or skill gaps;
- provide remuneration advice if required; and
- meet with the CEO, Committee and Council as required (either in person or remotely).

A summary of fees quoted is provided below:

	CEO Performance Review Proposals (GST exclusive)				
	Albrighton	**McArthur**	**Stillwell**	**Hender**	**Perks**
Per Year (fixed fee)	$4,990	$5,500	$4,950 + CPI	$8,000	$12,000
Total	**$19,990**	**$22,000**	**$19,800 + CPI**	**$32,000**	**$48,000**
Discount if awarded both	**$17,991**	**$19,800**	**Nil**	**Nil**	**Nil**
Exclusions		Travel Expenses		Travel Expenses	Travel Expenses
Inclusions	Reasonable travel and accomm'n costs are included.				
Comments	Discount 10%	Discount 10%	No mention of travel and accomm'n costs.		
	Capped	Capped	**Annual CPI increase**	Capped	Capped

Perks provided two pricing options, the option in the table above being a fixed fee, and a second option being based on an hourly rate with an estimated cost per activity (please see their attached proposal for these details).

Albrighton have submitted the lowest pricing over the term of the agreement. Stillwell were lower for the first year but will increase each year after that, adding CPI each year.

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REPORT 7.1	**Chief Executive Officer Performance Review Process Consultant for 2023/24, 2024/25, 2025/26 and 2026/27** (Cont'd)

	Director Performance Review Proposals (GST exclusive)				
	Perks	**Hender**	**Albrighton**	**McArthur**	**Stillwell**
Per Director per year*	$2,750	$3,000	$3,990	$4,200	$4,450 + CPI
Total	**$27,500**	**$30,000**	**$39,900**	**$42,000**	**$44,500 + CPI**
Discount if awarded both	**$22,500**	**Nil**	**$35,910**	**$37,800**	**Nil**
Exclusions	Travel Expenses	Travel Expenses		Travel Expenses	
Inclusions			Reasonable travel and accommodation costs are included.		
Comments	Discount - roughly 18%		Discount - 10%	Discount - 10%	No mention of travel and accommodation costs.
					Annual CPI increase

*Only one Director in the first year (2023/24)

	CEO & Director Performance Review Proposals – Combined if offered both (GST exclusive)				
	Perks	**Hender**	**Albrighton**	**McArthur**	**Stillwell**
CEO	$48,000	$32,000	$17,991*	$19,800*	$19,800 + CPI
Directors	$22,500*	$30,000	$35,910*	$37,800*	$44,500 + CPI
TOTAL	**$70,500**	**$62,000**	**$53,901**	**$57,600**	**$64,300 + CPI**

*Discounted

For the Committee's information, the CEO has reviewed the Director proposals and has selected Perks as the preferred consultant to assist with the Director review processes based essentially on meeting the specification and being a reasonable comparison on the base level information, and the lowest conforming quote.

Given the CEO's selection of Perks to assist with the Director review processes, for the Committee's consideration the following scenarios are provided –

If **Albrighton** are selected for the CEO reviews at $19,990 + gst, with **Perks** being selected by the CEO for the Director reviews at $27,500 + gst **the total cost would be $47,490 + gst.**

If **McArthur** are selected for the CEO reviews at $22,000 + gst, with **Perks** being selected by the CEO for the Director reviews at $27,500 + gst **the total cost would be $49,500 + gst.**

Both of the above scenario total costs (not discounted given not being awarded to assist with both processes) would still be less than the lowest discounted total cost if awarded both (being **Albrighton** at **$53,901 + gst**).

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Port Pirie Regional Council

CEO Review

Deirdre Albrighton

ALBRIGHTON CONSULTING
TRAINING & SERVICES

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3 May 2024

Kate Carmody
Executive Assistant to the CEO and Mayor
Port Pirie Regional Council

Dear Kate

Request for quotation for a Chief Executive Officer Annual Review

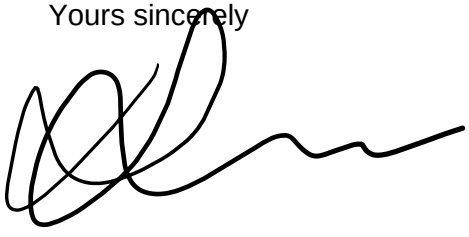
Thank you for the opportunity to provide a proposal to assist Port Pirie Regional Council with the review of your CEO.

A CEO review is an important strategic process involving the whole council with an outcome that impacts one individual. With this in mind it is not a role to take on lightly or without the respect for the impact a process done well, can have on a council and their CEO and the impact when done poorly can have on an individual. A review is NOT a staff survey, it is NOT a happy stamp of council achievements. It is a formal review of an individual impact both from a skill and knowledge perspective but also the relationships with community, elected members, the mayor, and the council staff.

A robust and professional process is aware of the emotional impact that can sometimes permeate responses and the facilitator is able to separate development requirements from emotive and biased feedback. We achieve this through using multiple sources of qualitative and quantitative data and create a report for council in clear and concise language and proved the CEO will valuable personalised and confidential reporting on their own strengths and areas of development. Albrighton Consulting provides this superior end-to-end service to assist councils with their CEO review Human Resources needs.

We offer over 30 years' collective experience in human resources and a cost-effective process, based on delivering the highest professional standards, ethical values, and a sound knowledge of the local government sector. We look forward to the opportunity of working with you to deliver a positive outcome for your council and your community.

Yours sincerely



Deirdre Albrighton

Director Albrighton Consulting

Email: deirdre@albrightonconsulting.com.au

About Albrighton Consulting



Deirdre Albrighton, Director

Deirdre is an experienced human resource professional. She has been responsible for the leadership, management, and development of human resource functions across commercial and government sectors locally, nationally, and internationally. These human resources roles required the development and implementation of business-focused and culture, enhancing human resources strategies, policies, and practices.

Key areas of her expertise include performance review of CEO's and C suite senior executives, recruitment and selection, performance management, induction, outplacement, learning, and development including coaching, employee engagement and succession and workforce planning, industrial relations, WH&S including workers compensation, remuneration and benefits, and organisation design.

As a Management Consultant, Project Manager and Educator with over 30 years' experience in both public and private companies, government departments, state and federal, Deirdre has a comprehensive background in conducting performance reviews. The methodology provides management with the opportunity to conduct an open, two-way discussion with an employee that determines what ongoing development needs should be addressed during the coming year, what KPI's are required and support on achieving them.

Deirdre is also widely skilled in facilitation, coaching and the delivery of psychometric testing for recruitment and online psychometrics. Deirdre has a Graduate Certificate in Public Sector Management, Graduate Certificate in Education Leadership and Management, BA in Sociology, Policy and Management, Associate Diploma in Human Resource management and Diploma in Training Assessment and Design. Deirdre is also an accredited deliverer of the GeneSys Psychometric tools including the 360 programs and is a member of the Australian Human Resources Institute (MAHRI).

We provide our services with a full suite of clearances and insurances including Public Liability and Professional Indemnity.

Our Experience

Our solutions come to you with over 30 years of experience in the HR Consulting field. Our Chief consultant, Deirdre Albrighton, has work extensively in the industry conducting reviews and brings a wealth of knowledge to support your organisation at this time.

Previously Deirdre has conducted multiple reviews for the following councils

- Robe District Council – Mayor and CEO
- Barunga District Council - CEO
- Wudinna District Council - CEO
- Peterborough Council -CEO x 3
- Berri Barmera Council – CEO
- Copper Coast Council -CEO x 3

In addition, we have conducted reviews for a variety of organisations including, Not for Profits, Automotive, Manufacturing and Commercial businesses for leadership and performance.

HR Consulting to

- Robe District Council
- Kingston District Council
- Coorong District Council
- Port Lincoln District Council
- Wudinna District Council and
- Local Government Risk Services.
- Clare District Council
- Mitcham City Council
- Karoonda Council
- Peterborough Council
- Northern Areas Council
- Barunga West Council
- Orroroo Carrieton Council
- Kangaroo Island Council

References available on request.

The Brief

The Port Pirie Regional Council is seeking quotations for the provision of services in the undertaking of the Chief Executive Officer Annual Review.

As required under Section 102A of the Local Government Act 1999, Council is looking to engage a qualified independent person to advise Council on the outcome of the upcoming annual review due to be completed in 2024.

The council is seeking a quotation that covers the following four (4) years up to and including 2028 in accordance with best practice methodology.

We believe our methodology to be robust, in line with the Psychological Society professional standards and only using Psychometric tools based on qualified and robust norm data. Whilst the 360 is delivered ‘online’ it is not universally available and must be only delivered by persons with an organisational psychology background, rigorous training, and professional accountability from assessment to debrief and accredited by Psytech International. (Example Attached)

Our KPI survey is contextualised to your council if you have specific requirements, otherwise we adopt a survey suite of questions that cover all facets of council and establish a base line for future comparison. An example has been included in the appendices of this proposal.

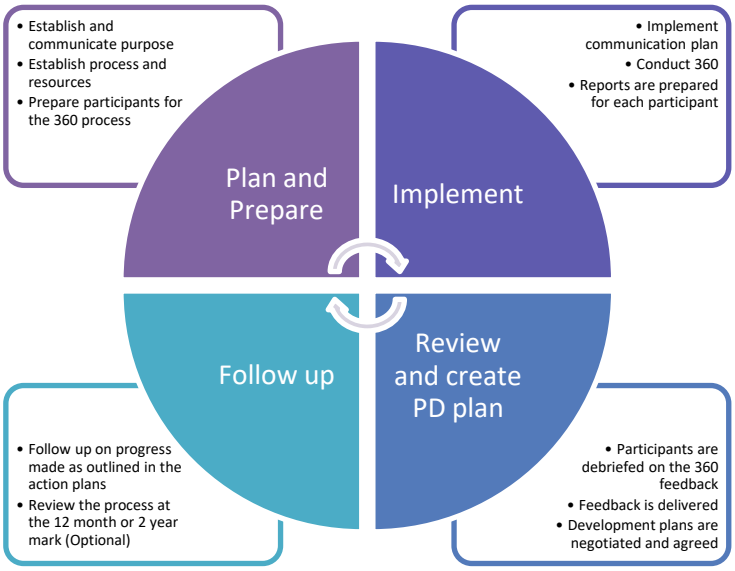
Our Solution

360 Evaluation Process & Methodology

As part of the 360 Performance Review services offered by Albrighton Consulting, our consultants will:

- facilitate initial briefing/workshop meeting with staff, and nominated contact from the council panel on site to build report with the members
- deliver the 360 process, surveys and be available to support members with technical or process questions
- develop the reports for the CEO, Mayor, and Council – each report is contextualised to the audience
- formulate development plans for the CEO and discuss options
- facilitate the debrief for council
- meet with the CEO, Management and Council as requested

Methodology used



A successful evaluation process will have a number of key traits; it should:

- be constructive.
- have both a past and future focus.
- provide sufficient mechanisms to bring elected members' instincts to the surface.
- provide for multiple sources of input.
- allow for realignment of future goals; and
- emphasise the persons personal development.

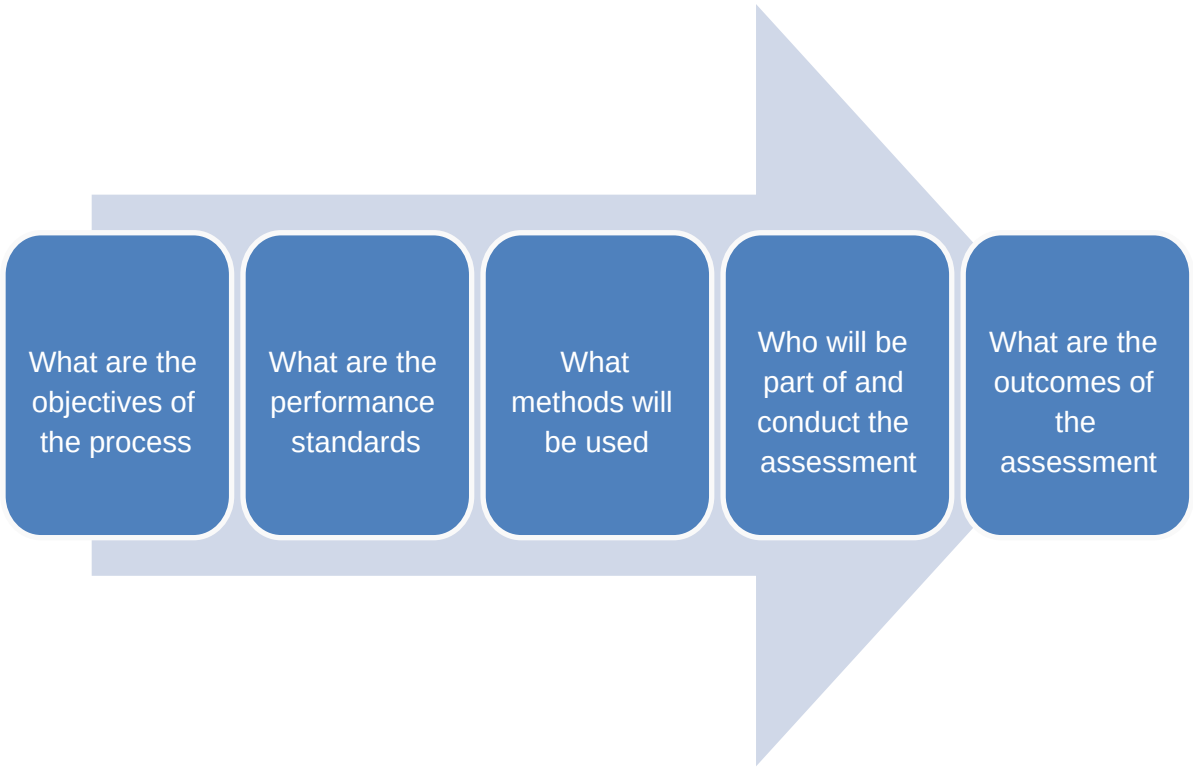
Guiding and assessing performance

Meeting expectations, particularly those of the council, remains one of the persistent challenges facing CEOs. Therefore, once the council and CEO have discussed and set the council's expectations for the CEO's performance including interaction with the council, ongoing communication is critical. At regular intervals, data can be collected to inform the council on the CEO's progress against these objectives. If the council, preferably through the chair, can furnish input to the CEO on their performance on an ongoing basis, the CEO will be able to correct any performance issue mid-course. For example, the council may suggest coaching or mentoring for a new CEO, if aspects of their leadership are found wanting. Also critical are touch points for formal milestones. Formal, annual goal setting and feedback sessions, for example, should be supported by additional formal, semi-annual feedback.

CEO evaluation process

An effective CEO evaluation process is where performance expectations for the CEO are aligned with the strategy of the organisation integrated with the council's strategic planning cycle. It is easier to establish meaningful goals for the CEO's performance when they are considered in the context of goals set for overall corporate performance.

CEO evaluation process must be tailored to the organisation. In establishing the CEO evaluation process for your organisation, the council, or council committee/panel, should consider the questions asked in the figure below.



A successful CEO evaluation process will:

- be critical, but not adversarial.
- have both a past and future focus.
- provide for multiple sources of input.
- allow for (re)setting of future CEO goals; and
- emphasise the CEO's personal development.

What are the objectives?

The process adopted for a CEO assessment is influenced by what the assessment needs to achieve. It is imperative that the objectives of the assessment are clearly documented to provide a foundation for a shared understanding between the council and CEO of the process itself. The major factors to consider when defining the objectives are:

- how the evaluation will impact on CEO remuneration, both base salary and any at risk component.
- the balance between CEO individual development targets and overall organisation goals.
- the fit between the CEO's capabilities and the organisation's future needs; and
- the required focus on strengthening the council-CEO relationship.

What are the performance standards?

Once the focus of the evaluation has been determined, it is able to agree or review the council's performance expectations (or objectives or targets), if it has not already done so. As discussed above, it is not possible to objectively measure CEO performance without a framework against which to evaluate performance. For a council that have never conducted a CEO evaluation previously, this may involve obtaining the views of interested parties apart from the council and CEO (e.g., management and key stakeholders), by means of interviews and/or surveys to establish current and future expectations for the CEO's performance and baselines for comparison data.

What method will be used?

The qualitative data is collected via face-to-face interviews, whereas the quantitative data uses **GeneSys® 360 Methodology**. It is renowned internationally as a high-quality system developed by one of the world's leading psychometric publishers, used by major organisations, including federal and state government departments.

Reliability and Validity

GeneSys® methodology has high reliability and validity. Reliability means accuracy, and validity means that a test measures what it sets out to measure.

Advantages

The GeneSys® 360° Appraisal report can be generated instantly once all the ratings have been completed. The data is stored in a secure database for further detailed analysis, audit, and benchmarking.

GeneSys® 360° Report

GeneSys® 360 Online provides a detailed report covering all the selected competencies, with a specific focus on facilitating self-awareness and personal development. The report not only highlights overall rated competencies but also how self-ratings vary from those of other participant groups. It includes a listing of rated strengths and development needs for each competency and provides full details of all obtained ratings.

CEO 360

360° appraisals compare an individual's self-ratings on a number of behavioural competencies to the ratings provided by other individuals who regularly interact with them at work. These "raters" are grouped by the nature of their relationship with the individual being appraised to be a manager a peer, a direct report, or other key stakeholders such as clients.



In this instance, the participants are the **CEO** (self), **Mayor** (manager), **selected staff** (direct reports), and **elected members** (peers).

The results are based on the questionnaires completed by the CEO and the various raters involved in the 360° appraisal. The questionnaires focused on the CEO's behaviour in the workplace and the way they perform in relation to the competencies being measured.

The information contained in this report provides insight into their strengths and weaknesses within the competencies as well as any differences that might exist between their perception of their behaviour and that of others. The information can be used to enhance the CEO's self-awareness and better engage in personal and professional development.

Rating Scale

A 7-point rating scale are used in the 360 questionnaires. The below table lists the level descriptions and the numerical values associated to each. These numerical values form the basis for all further analysis and data representation. The rating scale requires thought and decision making and does not allow for an opt out mid-point.

Value	Level Description
7	Always
6	Almost Always
5	Often
4	Sometimes
3	Rarely
2	Almost Never
1	Never

The Competency Framework

The competency framework measures against the following.

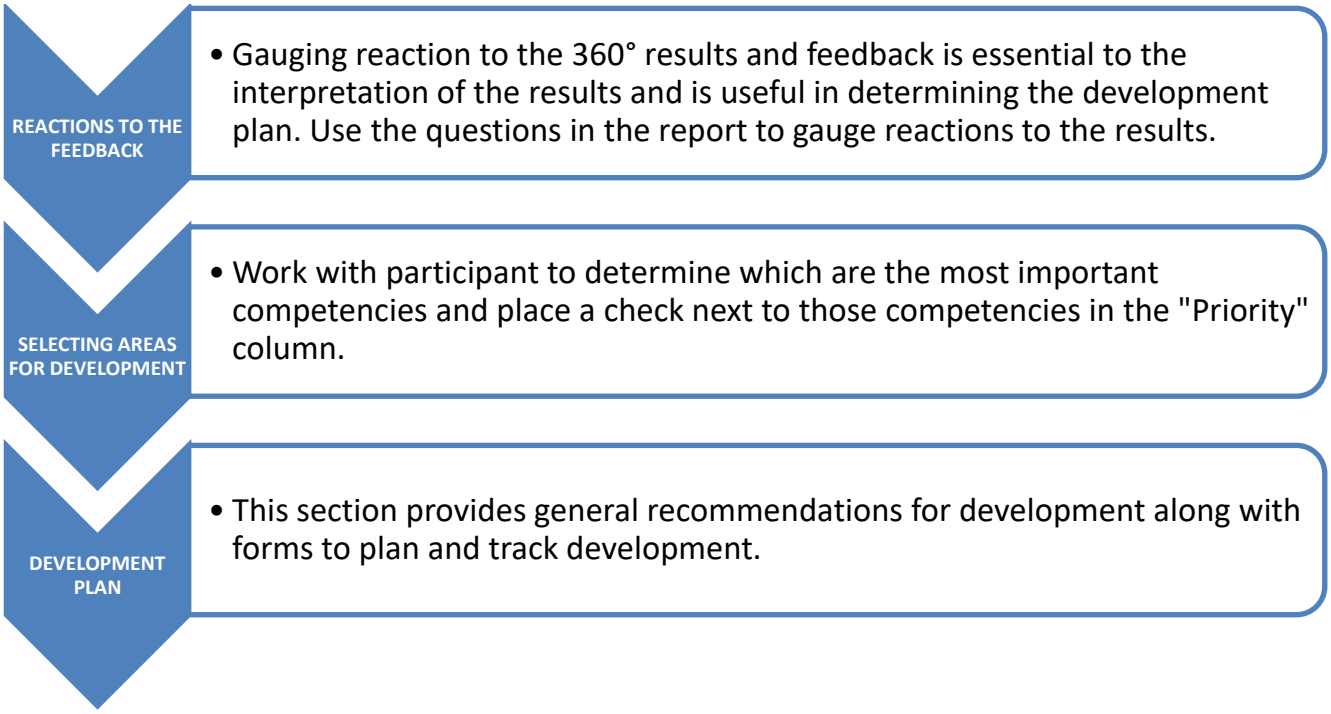
Competency Framework	
Category Name	**Definition**
Integrity	The tendency to be trustworthy, reliable, and honest - someone who has a strong competency in this area can be relied upon to work independently, with only minimal supervision. They avoid taking inappropriate risks, are responsible and can be relied upon to act with due diligence.
Creativity	The capacity to think and act in a creative and innovative manner - someone who has a strong competence in this area is good at generating novel, innovative ideas. They are often described as having the ability to 'think outside of the box', in strategic ways. They often come up with original, creative solutions to problems.
Logical and Analytical	The capability to think in a logical and analytical manner - Someone who has a strong ability in this area is very rational. They base their decisions on a logical analysis of all the relevant information. They have a well-tuned critical faculty and an ability for understanding mathematical/numerical problems.
Interpersonal Skills	The capacity to build rapport with other people in a positive manner – Someone who has a strong competence in this area has a high level of interpersonal sensitivity and empathy. They are good at building and maintaining harmonious relationships, at resolving interpersonal conflicts and supporting colleagues.

Commercial in Confidence

Resilience	The tendency to remain objective and keep control of emotions in the face in criticism - Someone who has a strong competence in this area copes well with pressure and is generally calm and controlled. They have the ability to cope with emotionally charged situations and are unlikely to get flustered, or lose their temper, in such situations.
Persuasiveness	The capacity to convince others of an opinion both verbally and in writing - Someone who has a strong competence in this area is an effective speaker. They are often charismatic and have a strong social presence. They are good at breaking down communication barriers and bringing people round to their point of view. They communicate clearly and effectively, both face-to-face and in writing.
Planning and organizing	The capacity to effectively organise own and others' work and to plan for all contingencies to ensure optimal outcome - Someone who has a strong competence in this area works within timeframes and delegates work appropriately. They plan workloads and break work down into realistic, achievable sub-goals.
Quality Orientation	The capacity to attend to detail, produce work that is accurate and of a high standard - Someone with this competency has high standards. They attend to detail and are systematic and orderly in their work. They see tasks through to the end and stay focused on one task at a time.
Energy and Drive	The capacity to maintain high levels of drive, energy, and enthusiasm - Someone with this competency has high levels of energy and drive and does not tire easily. They are enthusiastic about their work, self-motivated and committed. They take the initiative and display passion and pride in their work.

Development Plans

These forms are designed to be used alongside the standard or extended reports. Users can work with individuals to define development goals based on the results of the 360° Appraisal. In this process we gain agreement on the following aspects.



Traditionally, the CEO assessment is conducted by a small committee/panel comprising of the consultant (Deirdre Albrighton) the mayor and nominated councillors. There is also a designated chair. The committee/panel can meet at intervals to review and synthesise its findings before formal discussion at a council meeting. This process retains added advantage of sharing the task among several people, which reduces the potential for bias and the workload. Where there are more emotional and subjective influences a structured process is more useful, due the complexities of such processes. Using an independent third-party consultant who collects confidential data allows for a greater degree of confidentiality than where the process is conducted internally. Under this scenario, councillors, and in some cases senior managers, will complete questionnaires and participate in one-on-one interviews with the consultant relating to the performance of the CEO.

In determining who will conduct the CEO's assessment, key considerations include:

- the smaller the group the greater the potential for bias; it is safer to err on the side of more rather than less council involvement.
- the CEO reports to the council, not to an individual – the whole council should have an opportunity to comment at some point.
- permitting the assessors to meet both independently of the CEO and with the CEO.

Since the CEO reports to the council, we recommend that all councillors should be involved, at least in agreeing the total process and a full council discussion of the outcome of the evaluation results of the CEO.

What are the outcomes?

There is substantial variation in CEO evaluation processes and approaches: Open-ended questions, rating scales, self-evaluations, interviews, etc.

Commercial in Confidence

The outcomes of the CEO evaluation process can be to:

- determine overall performance for the previous 12 months
- assist in determining remuneration levels for the next 12 months
- assist in determining the amount of performance bonus; and
- enhance the CEO's performance through personal development.

What is vitally important is the way in which a debrief is delivered and the skills and abilities of the facilitator to pivot with the reactions to the feedback. CEO reviews are not 'one size' fits all. They are not impersonal; they are a career defining point in time of an individual that can either support them moving forward or bring their career to an abrupt halt if delivered poorly or by unskilled individuals with little or no understanding of the human psyche and the emotional investment CEO roles carry.

Determining overall performance forms the foundation for the other outcomes of the evaluation. It is critical the council reach a consensus on the overall performance of the CEO that is unbiased and based on facts, outcomes, and deliverables. This is best done in a closed forum without the CEO (or other managers) present and may be a separate meeting either prior to, or following, a formal council meeting or a 'councillors' only' section of a regular council meeting. If a situation eventuates that the council is struggling to reach consensuses, it is the role of a skilled facilitator to bring them on a journey of education, understanding and separation of personal views as opposed to business outcomes.

CEO Remuneration

Apart from the evaluation of the CEO's performance over a 12-month period, an annual CEO remuneration review may also take into consideration:

- movements in the consumer price index (CPI)
- current market rates of pay for CEOs in similar jobs
- the current ratings of the Remuneration Tribunal for the level of council.

Whilst movement is currently limited, there can be other benefits for CEOs to reward them for their service which is not of a monetary value. Albrighton Consulting can work with council on a variety of ways to achieve these outcomes when required.

The true value of a CEO evaluation is not in the individual's ratings or scores, but in the opportunity, it provides for the CEO to enhance their performance through ongoing personal development. In general, the CEO's personal development plan (PDP) should:

- reflect the individual's personal aspirations.
- be based on development objectives for the next 12 months.
- have the commitment of the council; and
- be properly resourced.

The CEO's personal development plan should highlight the learning needs of the individual as the top manager in the organisation. The plan could include, for example:

- counselling/coaching.
- emotional intelligence program.
- mentoring; or
- further education/management development program.

Debriefing the CEO

The CEO feedback process belongs to the entire council, and all should be involved; it is not a chairs or a committee's responsibility. However, an initial briefing from the chair and the external advisor will give the CEO time to formulate a response to the full council on the evaluation findings.

One of the primary inhibitors of candid feedback on performance is the emotional element of these processes. One way to overcome this hurdle is to design a system that allows for a less formal and more considered approach to providing the feedback. Again, we cannot reiterate enough that a process or procedure is no substitute for a good working relationship between the council and the CEO. However, there are some guidelines for delivering the feedback that may make the task easier.

1. The first stage involves the consultant discussing the feedback with the CEO and the Mayor in private. This allows him or her to absorb and respond to the review in a less threatening and high-pressured environment.

2. The second stage in the process involves a repeat and elaboration of the feedback in a full council meeting. This provides a forum for the CEO to respond to all councillors as well as to ensure that the information communicated in stage 1 was accurate. This can be with the CEO present or in confidence for part of the meeting.

Reporting against KPI's

A further report is conducted using a council specific survey tool to gauge the councillors' responses to the effectiveness and completeness of the CEO's performance against the contracts KPI's. This is conducted on a rating scale used by councils and is as follows.

PERFORMANCE RATING SCALE	
Rating	**Definition**
5	**Exceptional** • A standard of competency / performance / achievement that far exceeds overall requirements. • Ability, initiative, and creativity far beyond the normal requirements for the job. • Achievement and influence go beyond the immediate job. • Behaviour always exemplifies commitment to constructive culture.
4	**Highly Commendable** • A standard of competency / performance / achievement that clearly exceeds the overall requirements. • Achievement goes beyond the immediate job. • Looks for opportunities and shows initiative and creativity. • Behaviour consistently demonstrates commitment to constructive cultures and sets an example for others.
3	**Competent** • A standard of competency / performance / achievement that meets the requirements. • Developing within the position. • Behaviour demonstrates commitment to constructive culture.
2	**Below Required Performance** • A standard of competency / performance / achievement that meets minimum requirements. • Performance improvement is required in some areas (could be new to role). • Behaviour often falls below the expected standards of a constructive approach.
1	**Unacceptable** • A standard of competency / performance / achievement that requires significant improvement • Behaviour rarely demonstrates constructive approach. • Performance is below acceptable levels and improvement is essential.

The data collected is reported back in graph form and any additional comments are collated for feedback and debrief with the council.

Future Priorities



Where KPI's are lacking or if future priorities do not exist, it is recommended to collect forward planning data at the same time with a focus on the following areas.

- **Corporate (e.g., finance, HR, governance, WHS and risk)**
- **Infrastructure (e.g., assets, building development, planning and development, CWMS, Cemeteries)**
- **Operations (e.g., roads, green space, recreational space, public amenities and playgrounds, sporting facilities, recreational facilities)**
- **Economic Development (e.g., Tourism, events, small business, main street activation, placemaking)**
- **Futures (e.g., Major environmental, technological, or business development projects, internal technological refresh, participation in large state or federal projects etc.)**

This can assist the Mayor and the Council better define the areas of focus for the CEO over the next 12 months. This information is often found in the Strategic Plan and helps identify areas of focus for

the Annual Business Plan. If existing data is available, then these will be used as the basis of the data collection.

An example is attached to the Appendices of this proposal.

Payment Schedule

Program includes

- Initial face to face meeting with the review committee representatives for discussion on the scope of the review.
- Full Genesis 360 review, debrief of the CEO, development plan and associated costs for up to twenty seats completed online (sample report attached)
- All KPI data collection (online), analysis and reporting back to the committee face to face or online
- Final report collating all data and debrief with the mayor and any other designated persons.
- Travel and accommodation.

Proposal assumptions

- An existing current and relevant position description exists and is aligned to the council's business plan.
- KPI's exist for the CEO position.

Should work on these be required extra costs may apply.

Total Cost for the delivery of four (4) review programs is **$19,990** + GST (4 x $4,990)

50 %Payment for commencement payable 14 days in advance of each start date.

50 % Payment on completion.

No price increases over the period of the agreement.

Reasonable travel and accommodation are included. If extenuating circumstances arise, travel and accommodation will be charged and agreed at cost.

Should both proposals be accepted a further 10% discount will apply to both proposals on completing of the agreement. IE: a discount of 10% of the total program will be applied to the final invoice or each program.

All prices quoted are plus GST.

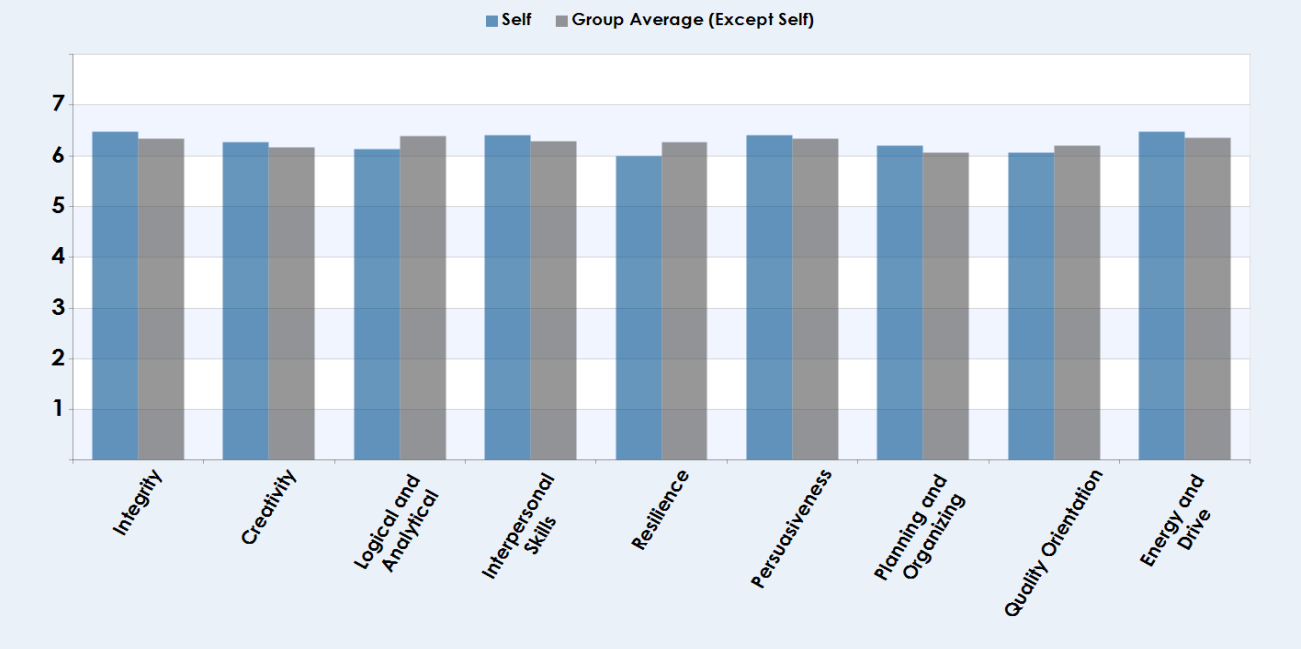
Appendices

An example of Summary group data and feedback for council members is below. This is not the whole report but a subset to gain insight into the type of feedback and support the council will be debriefed with.

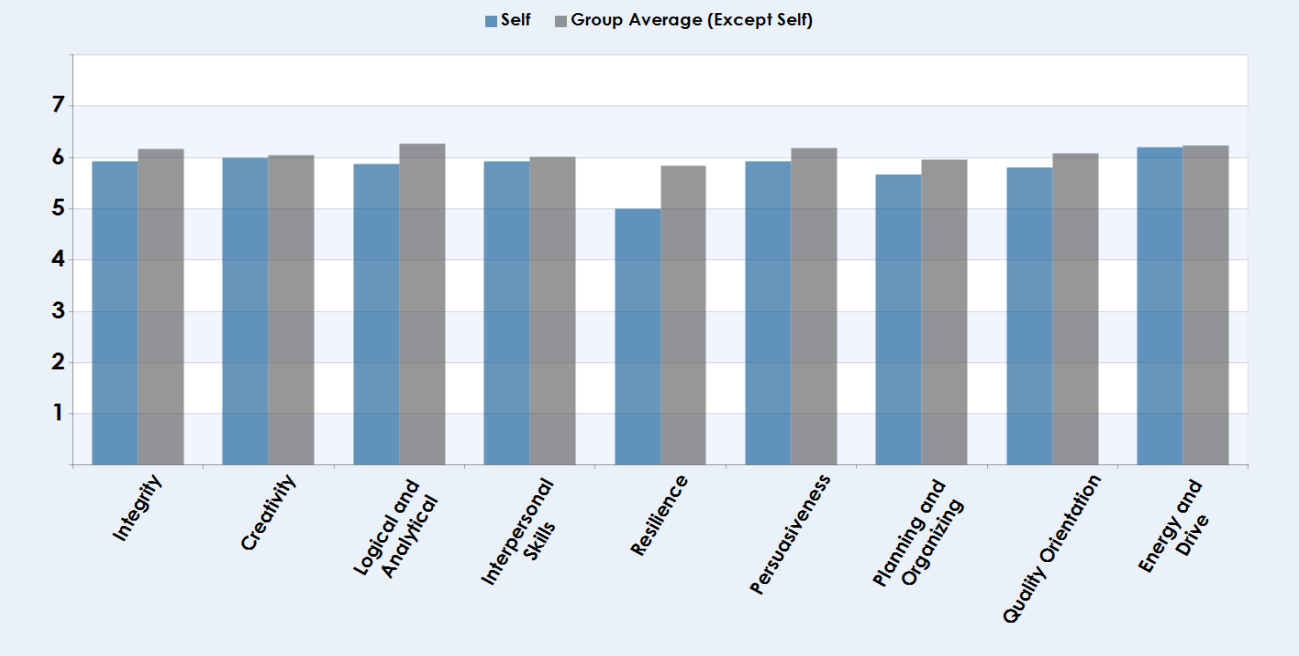
The 360 feedback and Professional Development report for the CEO is attached to the proposal as a separate document.

Summary Chart Group Average 2022

The summary below shows the averages of the feedback across all groups comparing the average of the group to the self-rating. These ratings consistently between the 6 and 7 scales, suggesting a moderately high to high result.



Summary Chart Group Average 2023



Noticeable variations CEO has rated themselves lower on resilience than in the previous year.

Summary Chart Per Role 2022

The summary below shows the averages of the feedback across each roles comparing the averages between the roles and the rating of self. In this instance there are several ratings that either fall on the 6 points of the rating or dip slightly below. Whilst still considered to be an excellent summary, minor considerations have been extracted for consideration in the recommendations.



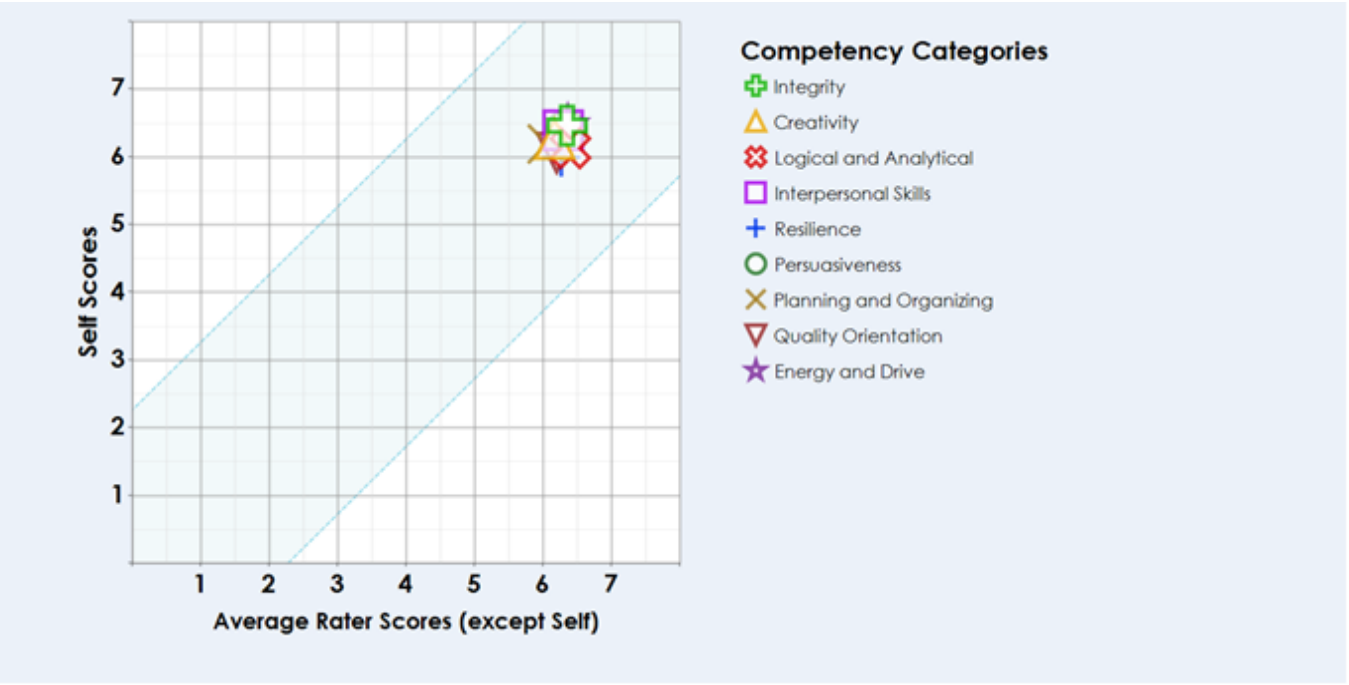
Summary Chart Per Role 2023



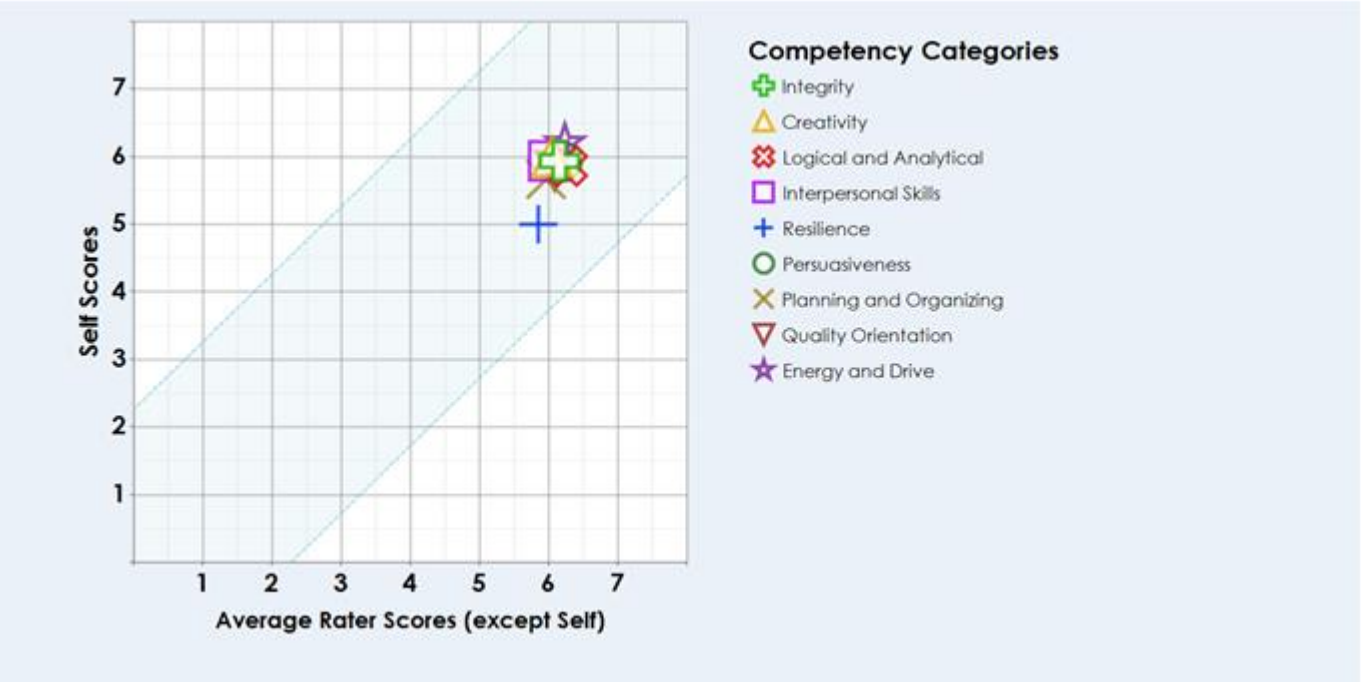
Noticeable variations CEO has rated themselves lower on a number of variables as compared to the raters than in the previous year. This may suggest an increase in stress or confidence in their achievements.

Perception Gaps 2022

This section of the report focuses specifically on the differences between how you perceive your performance and how others view your performance. Exploring perception gaps is essential for gaining insight into the source for rating discrepancies and how to resolve them. The scores in this chart indicate the CEO's perception of their own skills are consistent with that of the raters.



Perception Gaps 2023



Noticeable variations CEO has a perception in the area of resilience that is slightly inconsistent with that of the raters.

Recommendations 2022 / 2023 comparison

Integrity

No recommendations required

Creativity

2022

Ideas Generation: *has many new, radical ideas* *5.13*

This score suggests that either more opportunity needs to be presented to be creative and think outside the square or opportunities for development in this area should occur. **Monitor**

2023

Holistic Thinking: *focuses on the bigger picture rather than on details* *5.79*

This score suggests there could be slight increased focus on the operational matters. **Monitor**

Ideas Generation: *has many new, radical ideas* *4.43*

This score has dropped and suggests either development or opportunity in this area should occur. **Action Recommended**

Logical and Analytical

2022

No recommendations required

Critical Appraisal: *critically scrutinises new ideas/information* *6.00*

Critical Appraisal: *critically evaluates new information and ideas* *6.13*

2023

Critical Appraisal: *critically scrutinises new ideas/information* *5.79*

Critical Appraisal: *critically evaluates new information and ideas* *5.50*

This score has dropped and suggests either development or opportunity in this area should occur. **Action Recommended**

Interpersonal Skills

2022

Empathic: accurately anticipates others' reactions to events/situations *5.67*

This score suggests an increase in awareness of reactions to change or to situations might be advantageous. It could also be an indication of an organisation under new leadership and the varying behaviours between previous and new CEO. **Monitor**

Empathic: is tactful and avoids upsetting others *6.07*

2023

Empathic: accurately anticipates others' reactions to events/situations *5.79*

This score has increased continue to. **Monitor**

Empathic: is tactful and avoids upsetting others *5.57*

This score has dropped and suggests either development or opportunity in this area should occur. **Action Recommended**

Resilience

2022

No recommendations required

Composure: copes well with stress *6.13*

Temperance: is calm, patient and not pushy *6.00*

Temperance: does not easily lose his/her temper *midrange*

Prudence: responds to situations in a measured way, avoiding impulsive action *6.47*

Trustfulness: takes criticism in a constructive manner *midrange*

Note: Midrange denotes that in the previous data set this competency neither rated high or low in the results.

2023

Composure: copes well with stress *5.64*

Temperance: is calm, patient and not pushy *5.64*

Temperance: does not easily lose his/her temper *5.64*

Prudence: responds to situations in a measured way, avoiding impulsive action *5.64*

Trustfulness: takes criticism in a constructive manner *5.43*

All of the above scores have dropped and suggest a potential increase in stress or workload is having an adverse impact on the CEO and/or the relationship component of the role between the CEO and others is being impacted. **Action Recommended**

Persuasiveness

2022

No recommendations required

Coaching	*is a good teacher/mentor*	*midrange*
Social Presence	*is successful at bringing people round to their point of view*	*5.80*

2023

Coaching	*is a good teacher/mentor*	*5.79*
Social Presence	*is successful at bringing people round to their point of view*	*5.64*

This score has dropped slightly and should be **monitored.**

Planning and Organising

2022

Time Management	*manages time effectively*	*5.73*
Time Management	*meets deadlines*	*5.6*
Time Management	*ensures that work is not left to the last minute*	*5.33*

This score suggests an increase in awareness of time management strategies is required. This can suggest a review of time management strategies and skills is required or a delegation of activities to others to enable an opening of time to ensure activities and priorities are achieved and on target. The current re organisation of the senior management team may alleviate and show an improvement, in this area over time. **Monitor**

2023

Time Management	*manages time effectively*	*5.50*
Time Management	*meets deadlines*	*5.57*
Time Management	*ensures that work is not left to the last minute*	*5.21*
Delegation	*delegates work appropriately*	*5.79*
Prioritisation	*accurately appraises the priority of tasks*	*5.21*

This score has dropped slightly and should be **monitored.**

Quality Orientation

2022

Task-Focus	*focuses on one task at a time*	*5.53*
Detail Consciousness	*does not make careless mistakes*	*5.47*

This score often arises when time management is raised. In this instance it could be a combination of Planning and Organising giving rise to mistakes or missing deadlines. Subject to the changes to the senior management team, this could be alleviated and would expect to improve. This said, it is not a low score and should not be an alarm. **Monitor**

2023

Task-Focus	*focuses on one task at a time*	*5.14*
Detail Consciousness	*does not make careless mistakes*	*5.79*

This score often arises when time management is raised. In this instance it could be a combination of Planning and Organising giving rise to mistakes or missing deadlines. **Monitor**

Energy and Drive

2022

No recommendations required

Motivating	*has the ability to get the best out of people*	*6.13*

2023

Motivating	*has the ability to get the best out of people*	*5.5*

This score has dropped and in conjunction with the drop in the scores for resilience, careful consideration for the support and or resource allocation should be considered. **Action Recommended**

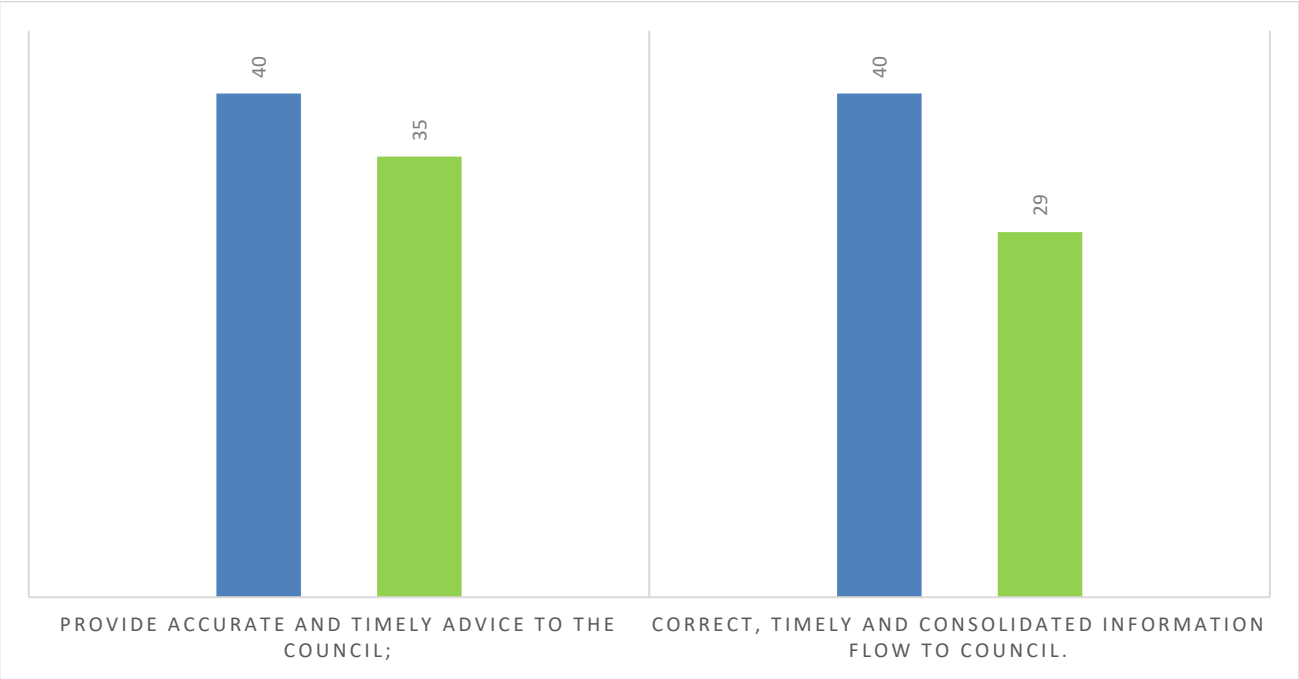
Performance Criteria Results

The performance criteria are reviewed by the members of council and was sent to 9 members. Of the 9 members only 8 have completed the review as of Sunday 12pm 16/07/2023.

I have adjusted the weightings to take into account the variation in returns.

The following charts reflect the results of the elect member rating of the CEO performance against the performance rating scale.

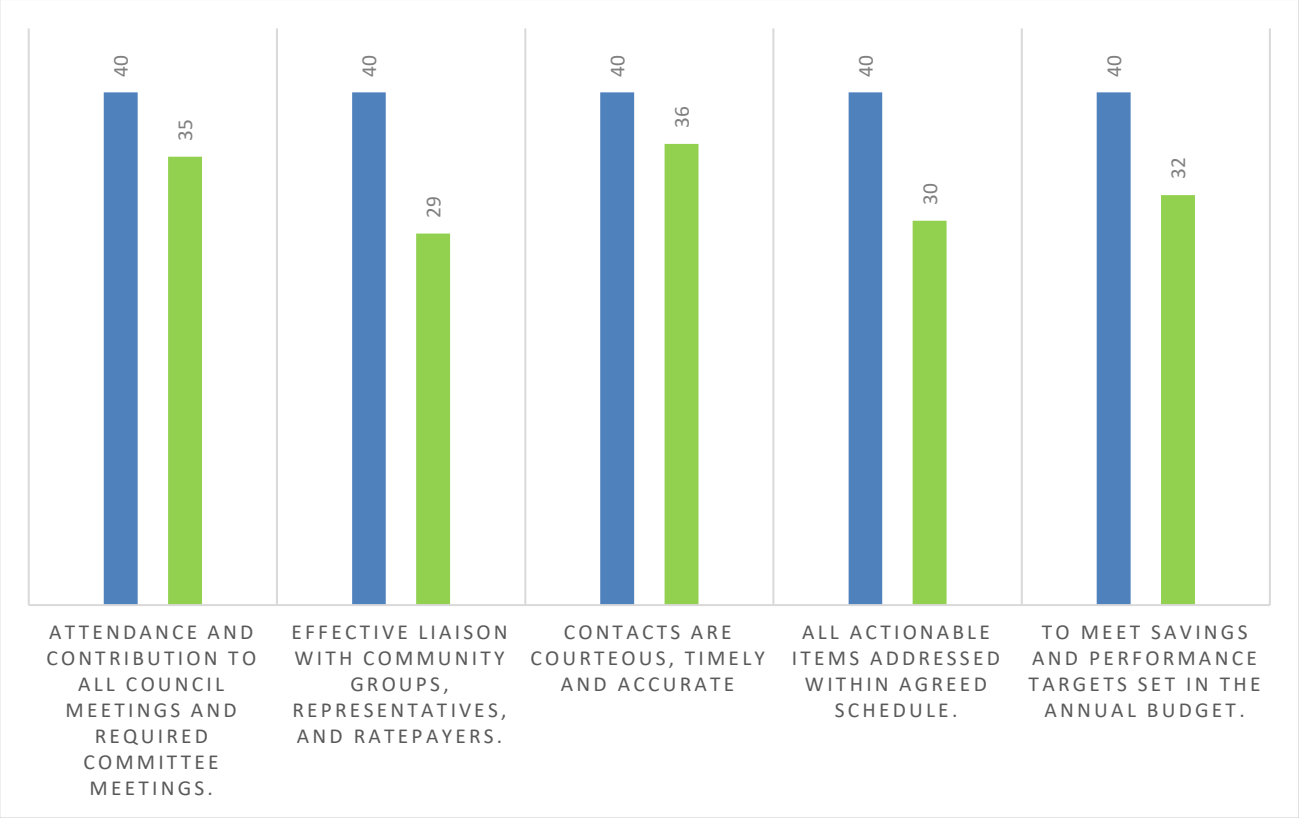
Performance Criteria 1



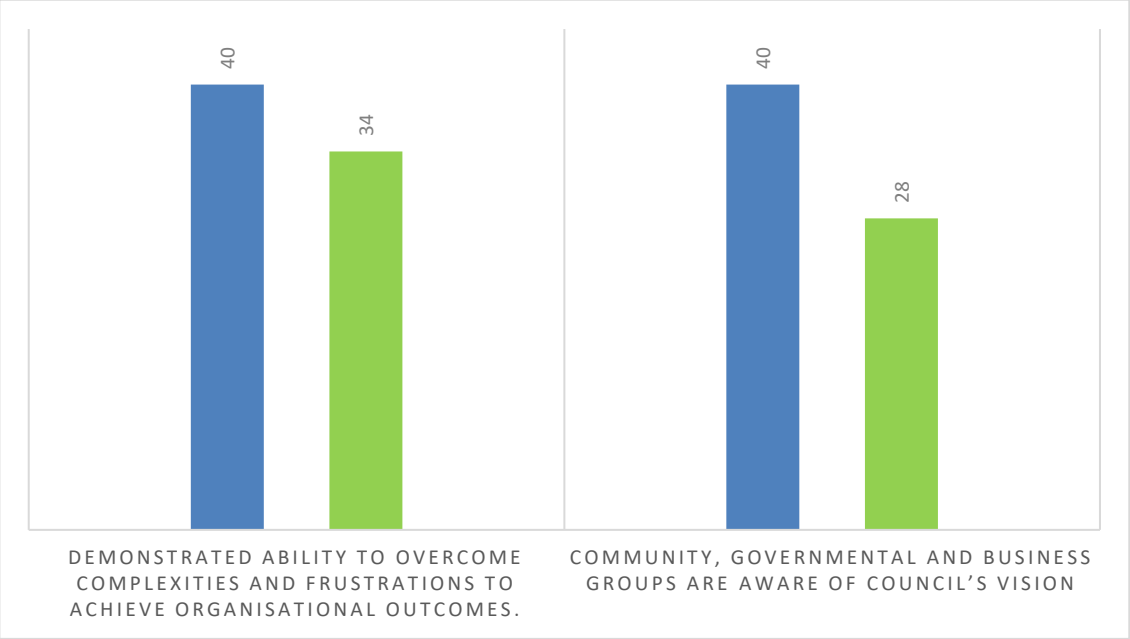
Notes

For the criteria ***Correct, timely and consolidated information flow to Council***, one council member omitted a result resulting in a slightly lower score than would be expected.

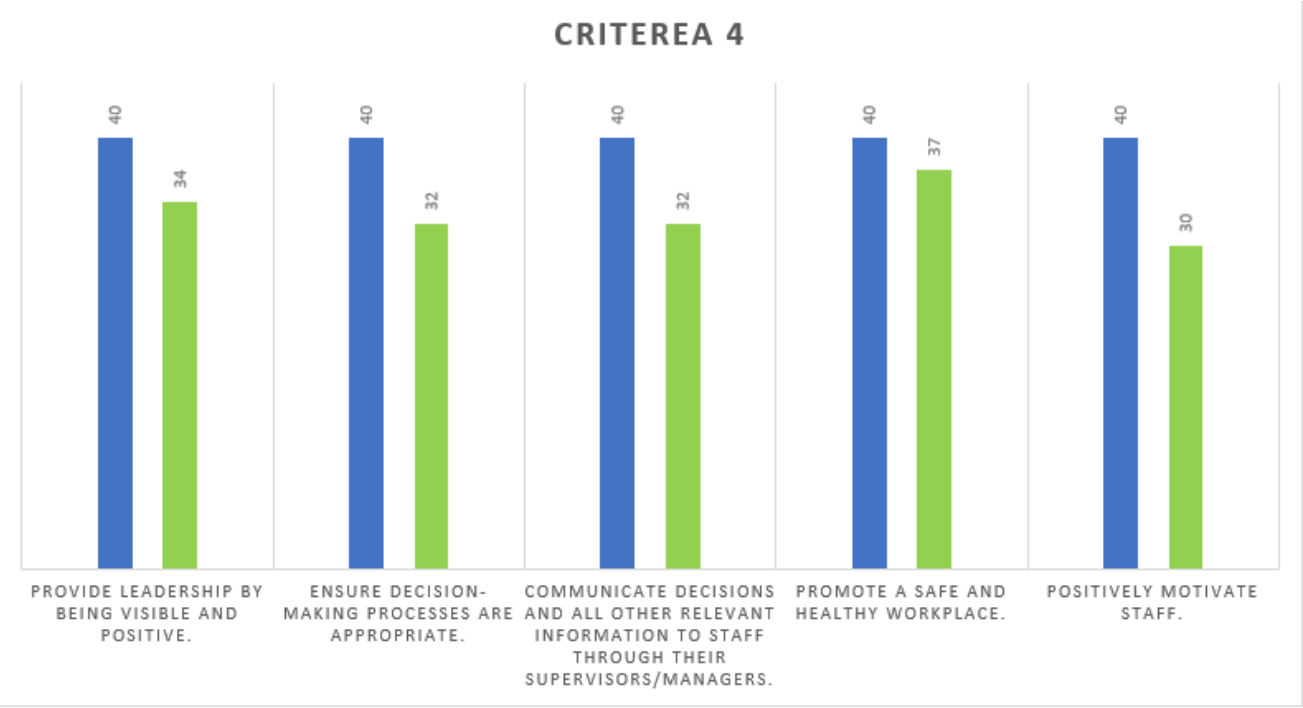
Performance Criteria 2



Performance Criteria 3



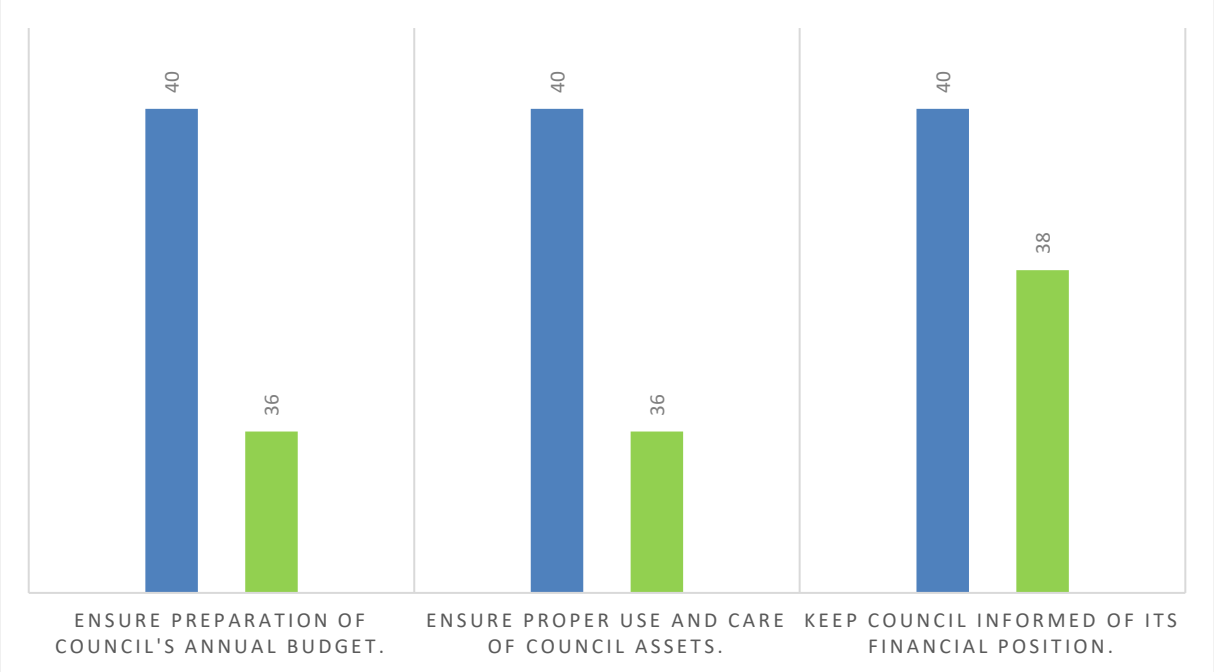
Performance Criteria 4



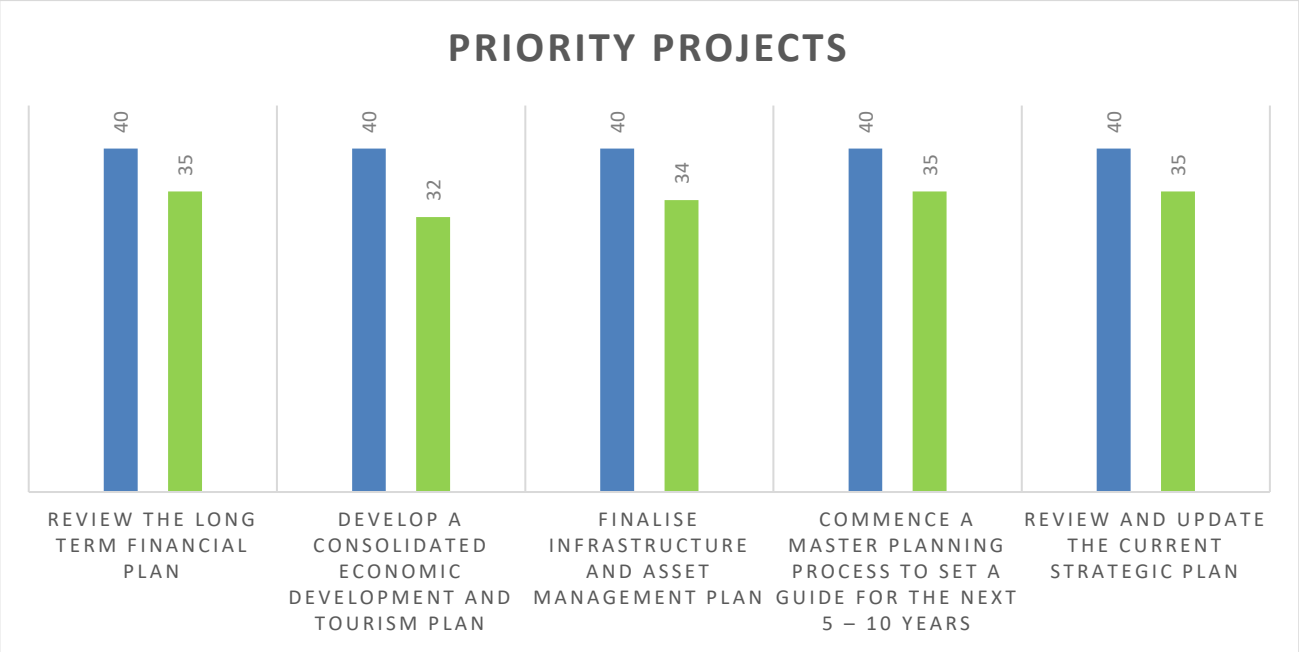
Notes

For the criteria ***Positively motivate staff,*** one council member omitted a result resulting in a slightly lower score than would be expected.

Performance Criteria 5



Priority Project Results 2023



Notes A number of elected members have voiced concern that the amount of time required by CEO to achieve the outcomes as well as manage a number of operational matters, was above their expectations and under the circumstances the results were appreciated.

Acceptance

The Parties hereby agree to the Proposal and the Terms and Conditions set out above.

Executed by the Client

Dated: / / 20

SIGNED for and on behalf of **Port Pirie Regional Council** by its authorised representative:

Name of authorised representative:

Signature of authorised representative

Execution by the Consultant

SIGNED for and on behalf of **Albrighton Consulting** by its authorised representative:

Name of authorised representative:

Deirdre Albrighton

Signature of authorised representative



PSYTECH INTERNATIONAL

Sam Sample
Sam@psytech.com

RESPONDENT

FEEDBACK REPORT

360° APPRAISAL

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ABOUT THE PSYTECH 360° APPRAISAL

360° appraisals compare an individual's self ratings on a number of behavioural competencies to the ratings provided by other individuals who regularly interact with them at work. These "raters" are grouped by the nature of their relationship with the individual being appraised to be a manager a peer, a direct report or other key stakeholders such as clients.



The results are based on the questionnaires completed by yourself and the various raters involved in the 360° appraisal. The questionnaires focused on yours behaviour in the workplace and the way you perform in relation to the competencies being measured.

The information contained in this report provides insight into your strengths and weaknesses within the competencies as well as any differences that might exist between your perception of your behaviour and that of others. The information can be used to enhance your self-awareness and better engage in your personal and professional development.

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GUIDE TO USING PSYTECH'S 360° REPORT

This report focuses on providing a summary of the information gained from the 360° appraisal.

REPORT SECTIONS

Your results are presented in the following sections:

Overall Summary
Shows your self ratings as well as the ratings provided by others raters according to their relationship to you.

Category Overviews
Provides further details regarding the competency categories and behavioural competencies being measured within each category. These sections also provide the highest and lowest rated items per competency category.

Perception Gaps
Gives an overall view of the level of agreement between self perceptions and the perceptions of other rater groups.

Rater Comments
Shares the written feedback from raters who participated in the 360° appraisal.

DISCLAIMER

The Psytech 360° appraisal is an instrument designed to provide a focus about specific behavioural competency strengths and development needs. It should not be used as the sole source of information concerning personnel actions including promotion, salary review, or termination. The authors and distributors accept no responsibility for decisions made using this tool and cannot be held liable for the consequences of those decisions.

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RATING SCALE

A 7-point rating scale was used in the 360 questionnaires. The below table lists the level descriptions and the numerical values associated to each. These numerical values form the basis for all further analysis and data representation.

Value	Level Description
7	Always
6	Almost Always
5	Often
4	Sometimes
3	Rarely
2	Almost Never
1	Never

COMPETENCY FRAMEWORK

You were rated against the following competency framework.

Competency Framework	
Category Name	**Definition**
Integrity	The tendency to be trustworthy, reliable and honest - someone who has a strong competency in this area can be relied upon to work independently, with only minimal supervision. They avoid taking inappropriate risks, are responsible and can be relied upon to act with due diligence.
Creativity	The capacity to think and act in a creative and innovative manner - someone who has a strong competence in this area is good at generating novel, innovative ideas. They are often described as having the ability to 'think outside of the box', in strategic ways. They often come up with original, creative solutions to problems.
Logical and Analytical	The capability to think in a logical and analytical manner - Someone who has a strong ability in this area is very rational. They base their decisions on a logical analysis of all the relevant information. They have a well-tuned critical faculty and an ability for understanding mathematical/numerical problems.
Interpersonal Skills	The capacity to build rapport with other people in a positive manner – Someone who has a strong competence in this area has a high level of interpersonal sensitivity and empathy. They are good at building and maintaining harmonious relationships, at resolving interpersonal conflicts and supporting colleagues.
Resilience	The tendency to remain objective and keep control of emotions in the face in criticism - Someone who has a strong competence in this area copes well with pressure and is generally calm and controlled. They have the ability to cope with emotionally charged situations and are unlikely to get flustered, or lose their temper, in such situations.
Persuasiveness	The capacity to convince others of an opinion both verbally and in writing - Someone who has a strong competence in this area is an effective speaker. They are often charismatic and have a strong social presence. They are good at breaking down communication barriers and bringing people round to their point of view. They communicate clearly and effectively, both face-to-face and in writing.
Planning and Organizing	The capacity to effectively organise own and others' work and to plan for all contingencies to ensure optimal outcome - Someone who has a strong competence in this area works within timeframes and delegates work appropriately. They plan workloads and break work down into realistic, achievable sub-goals.

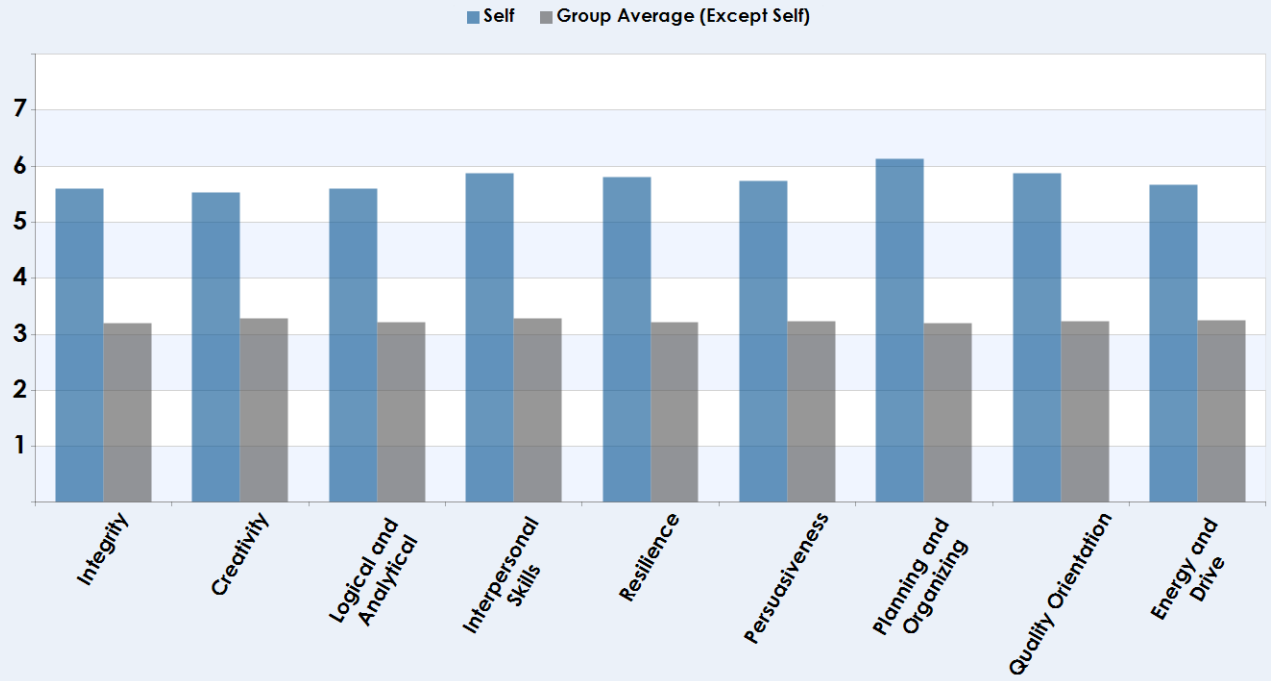
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Quality Orientation	The capacity to attend to detail, produce work that is accurate and of a high standard - Someone with this competency has high standards. They attend to detail and are systematic and orderly in their work. They see tasks through to the end and stay focused on one task at a time.
Energy and Drive	The capacity to maintain high levels of drive, energy and enthusiasm - Someone with this competency has high levels of energy and drive and does not tire easily. They are enthusiastic about their work, self-motivated and committed. They take the initiative and display passion and pride in their work.

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OVERALL SUMMARY

OVERALL SUMMARY CHART WITH GROUP AVERAGE



OVERALL SUMMARY CHART FOR EACH ROLE



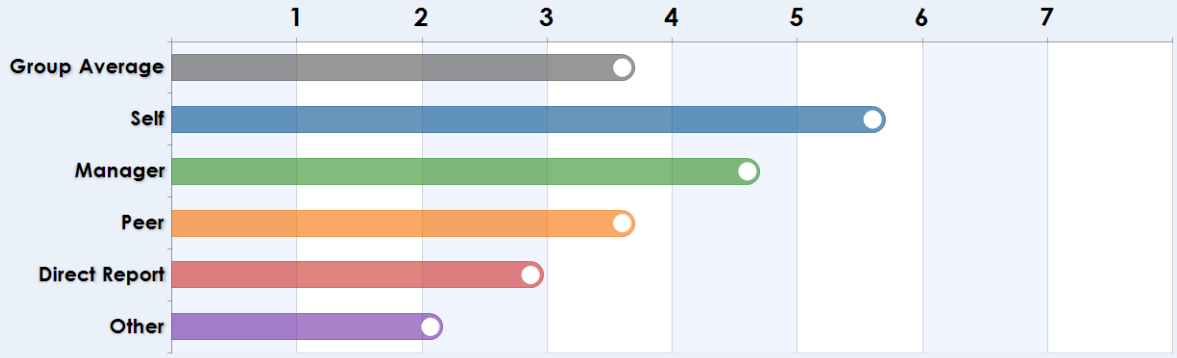
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INTEGRITY

This section provides further detail regarding your results on the Integrity competency category. The section starts with an overall look at the category scores and level of consensus between the rater groups, and continues to breakdown the results on each of the competencies that make up the category.

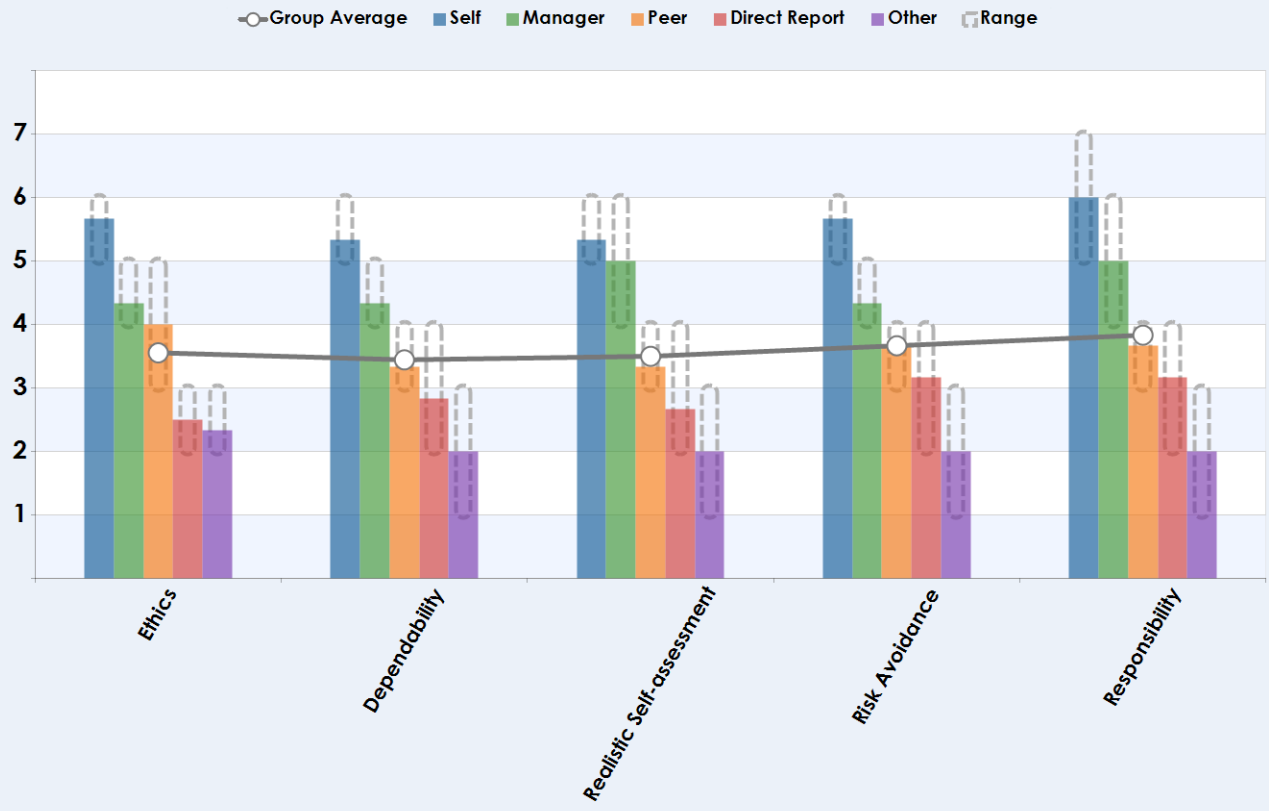
CATEGORY SUMMARY CHART

The following chart provides the category's scores for each rater group.



COMPETENCY SUMMARY CHART

The following chart provides a breakdown of the individual competency scores which contribute to the category for each rater group.



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The five **HIGHEST** rated items (highest to lowest):

No.	Item	Competency	Average Score
1	is sensitive to issues of risk	**Risk Avoidance**	**4**
2	is able to work without the need for close supervision	**Dependability**	**3.83**
3	accepts responsibility for their own mistakes	**Responsibility**	**3.83**
4	does not blame other people for mistakes/errors they have not made	**Responsibility**	**3.83**
5	is open to discussing work problems/difficulties	**Responsibility**	**3.83**

The five **LOWEST** rated items (highest to lowest):

No.	Item	Competency	Average Score
1	does not take unnecessary risks	**Risk Avoidance**	**3.67**
2	has a high level of integrity	**Ethics**	**3.33**
3	is cautious and avoids unnecessary risk	**Risk Avoidance**	**3.33**
4	accurately appraises personal strengths and weaknesses	**Realistic Self-assessment**	**3.17**
5	can be relied upon to work independently	**Dependability**	**2.83**

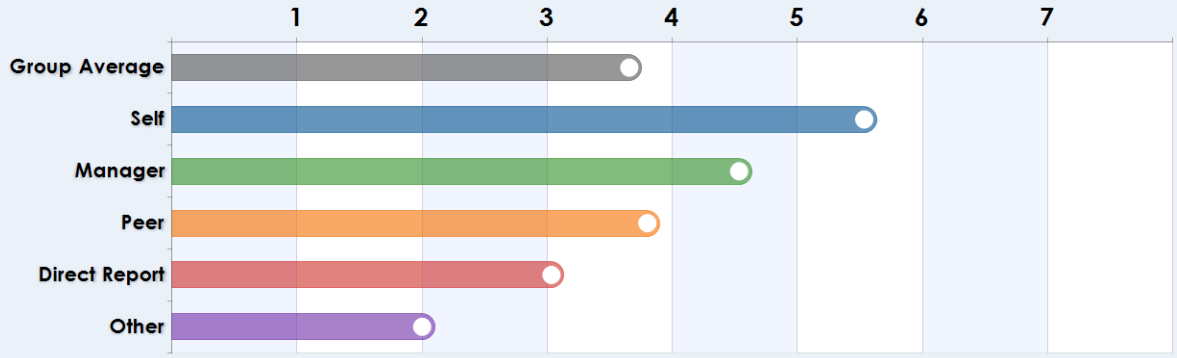
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CREATIVITY

This section provides further detail regarding your results on the Creativity competency category. The section starts with an overall look at the category scores and level of consensus between the rater groups, and continues to breakdown the results on each of the competencies that make up the category.

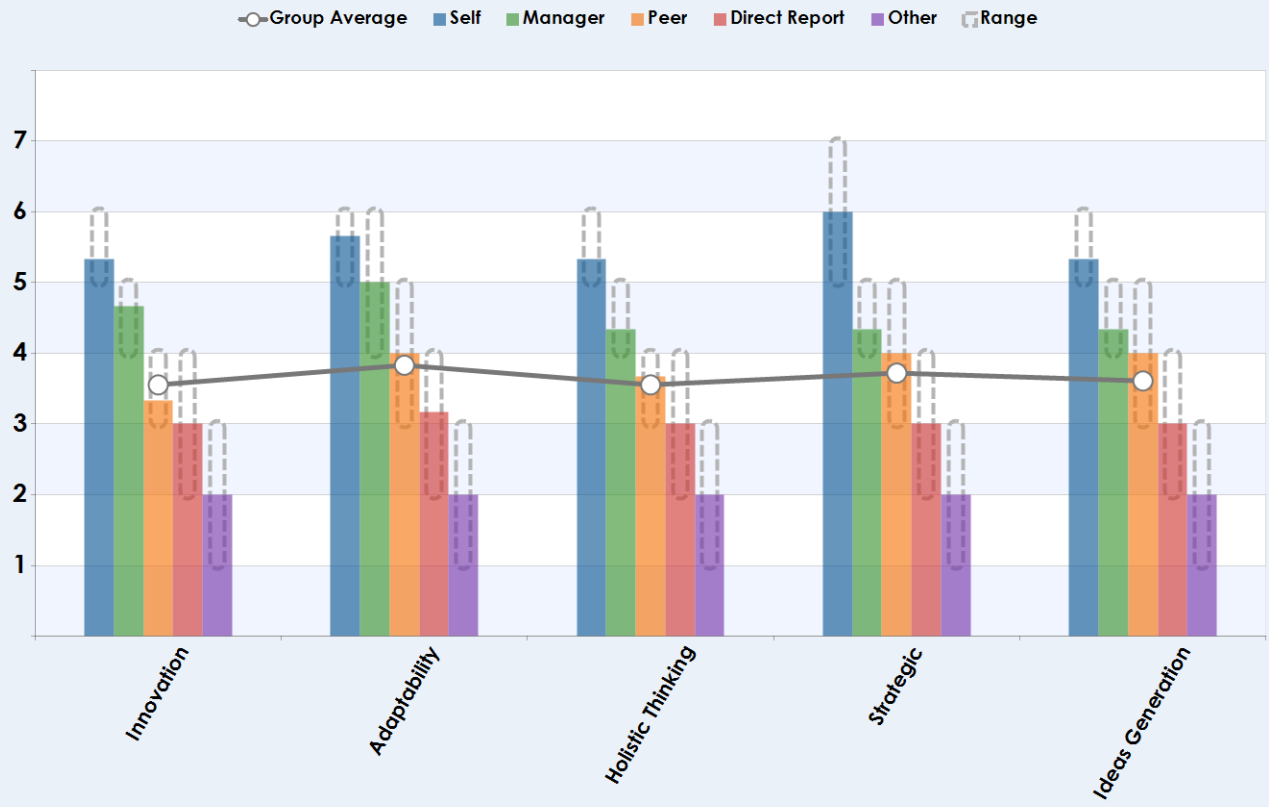
CATEGORY SUMMARY CHART

The following chart provides the category's scores for each rater group.



COMPETENCY SUMMARY CHART

The following chart provides a breakdown of the individual competency scores which contribute to the category for each rater group.



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The five **HIGHEST** rated items (highest to lowest):

No.	Item	Competency	Average Score
1	plans for long-term benefit	**Strategic**	**4.17**
2	has an adaptable and flexible thinking style	**Adaptability**	**4**
3	has a strategic approach to problems	**Strategic**	**4**
4	brings a creative and innovative approach to problem-solving	**Innovation**	**3.83**
5	is open to new ideas and concepts	**Adaptability**	**3.83**

The five **LOWEST** rated items (highest to lowest):

No.	Item	Competency	Average Score
1	good at understanding patterns and relationships in the big picture	**Holistic Thinking**	**3.5**
2	takes a holistic perspective, focusing on the "big picture"	**Holistic Thinking**	**3.5**
3	is good at generating new ideas	**Ideas Generation**	**3.33**
4	finds novel, inventive solutions to problems	**Innovation**	**3.17**
5	appreciates how current actions and events influence future outcomes	**Strategic**	**3**

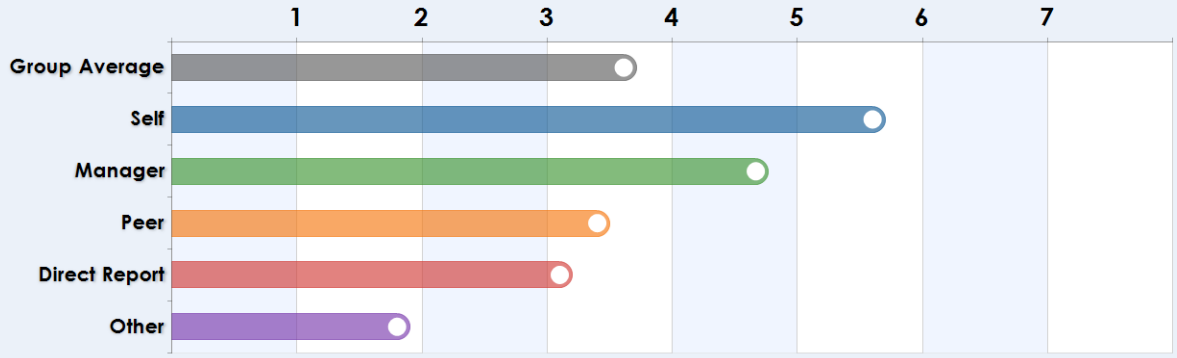
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LOGICAL AND ANALYTICAL

This section provides further detail regarding your results on the Logical and Analytical competency category. The section starts with an overall look at the category scores and level of consensus between the rater groups, and continues to breakdown the results on each of the competencies that make up the category.

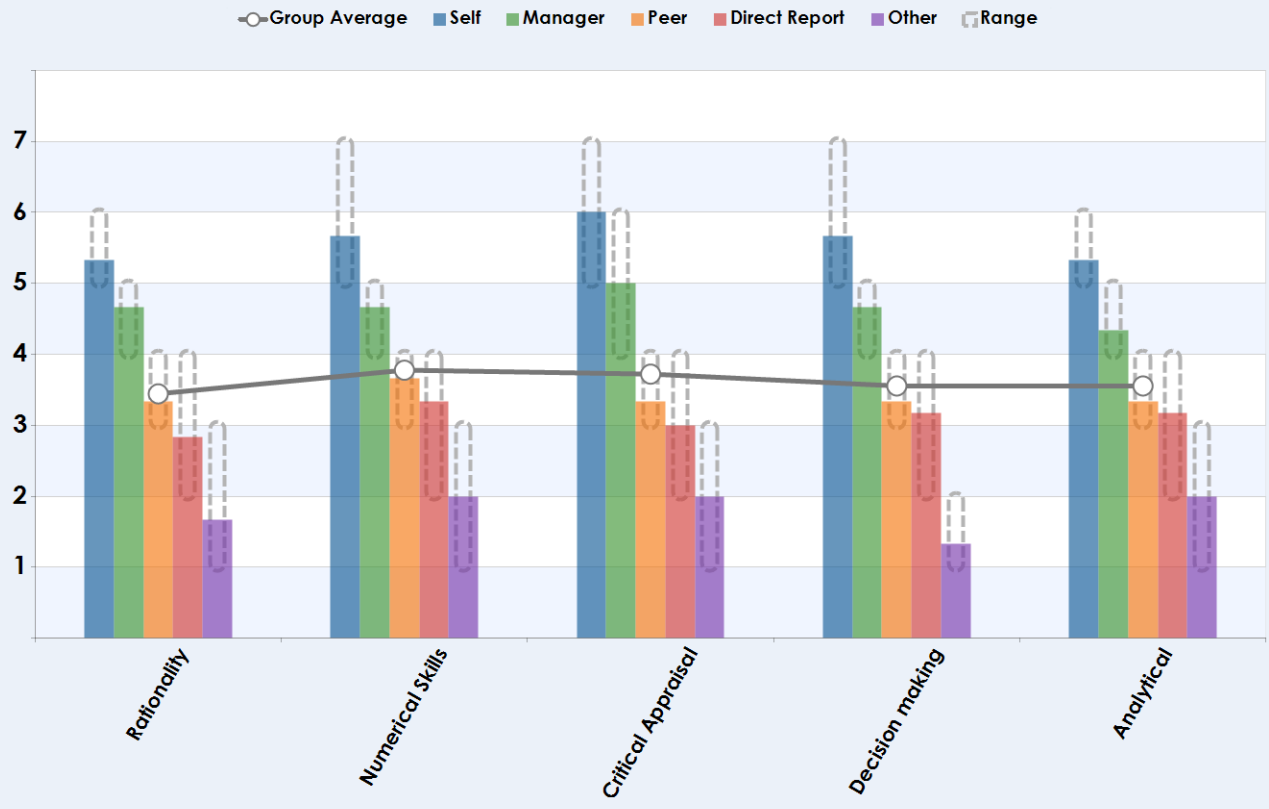
CATEGORY SUMMARY CHART

The following chart provides the category's scores for each rater group.



COMPETENCY SUMMARY CHART

The following chart provides a breakdown of the individual competency scores which contribute to the category for each rater group.



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The five **HIGHEST** rated items (highest to lowest):

No.	Item	Competency	Average Score
1	is good at analysing trends in numerical/statistical data	**Numerical Skills**	**4.17**
2	critically appraises new information and ideas	**Critical Appraisal**	**4.17**
3	makes decisions in a considered and well thought-out manner	**Decision making**	**4.17**
4	has a good grasp of financial/numerical data	**Numerical Skills**	**3.83**
5	is quick to identify relevant information and arguments	**Analytical**	**3.83**

The five **LOWEST** rated items (highest to lowest):

No.	Item	Competency	Average Score
1	critically scrutinises new ideas/information	**Critical Appraisal**	**3.33**
2	bases decisions on all the available information	**Decision making**	**3.33**
3	quickly understands the implications of information and arguments	**Analytical**	**3.33**
4	is clear thinking, logical and analytical	**Rationality**	**3.17**
5	decision-making is based on sound reasoning and judgement	**Decision making**	**3.17**

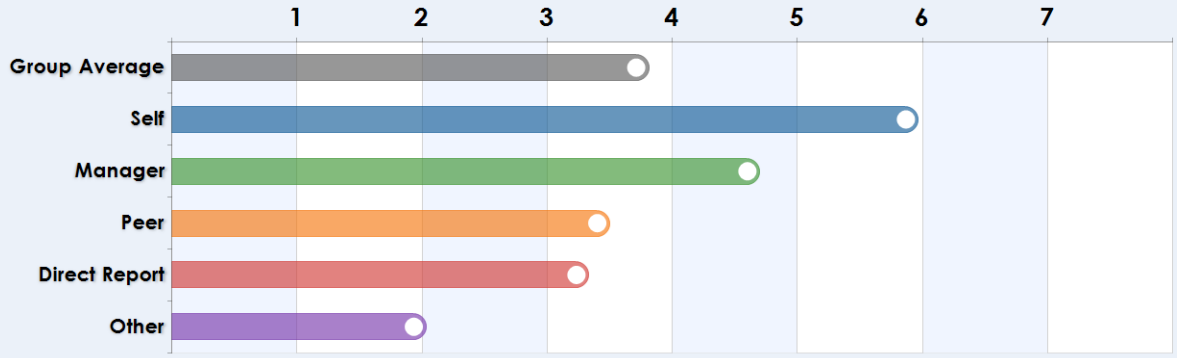
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INTERPERSONAL SKILLS

This section provides further detail regarding your results on the Interpersonal Skills competency category. The section starts with an overall look at the category scores and level of consensus between the rater groups, and continues to breakdown the results on each of the competencies that make up the category.

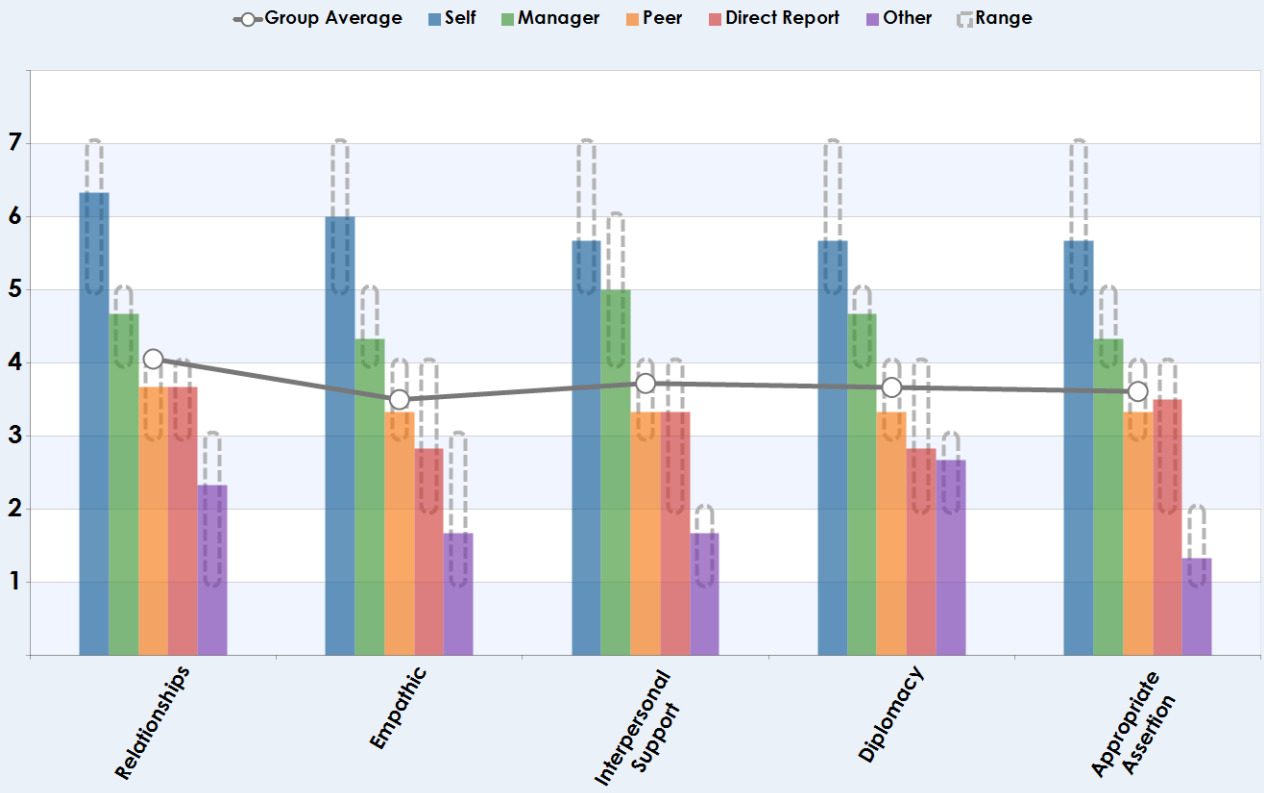
CATEGORY SUMMARY CHART

The following chart provides the category's scores for each rater group.



COMPETENCY SUMMARY CHART

The following chart provides a breakdown of the individual competency scores which contribute to the category for each rater group.



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The five **HIGHEST** rated items (highest to lowest):

No.	Item	Competency	Average Score
1	fosters good working relationships with colleagues	Relationships	4.33
2	shows genuine concern about colleagues' welfare	Interpersonal Support	4.17
3	has good relationships with colleagues	Relationships	4
4	relates well to colleagues	Relationships	3.83
5	has clear expectations of colleagues/staff	Appropriate Assertion	3.83

The five **LOWEST** rated items (highest to lowest):

No.	Item	Competency	Average Score
1	is assertive in an appropriate and constructive manner	Appropriate Assertion	3.67
2	accurately anticipates others' reactions to events/situations	Empathic	3.5
3	is insightful with regard to others' thoughts/feelings	Empathic	3.33
4	is concerned and considerate of colleagues	Interpersonal Support	3.33
5	is assertive in a direct, non-aggressive manner	Appropriate Assertion	3.33

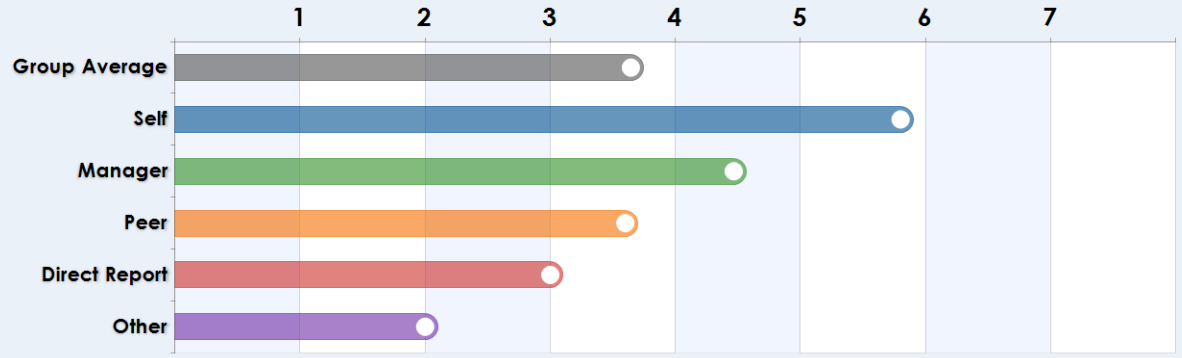
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RESILIENCE

This section provides further detail regarding your results on the Resilience competency category. The section starts with an overall look at the category scores and level of consensus between the rater groups, and continues to breakdown the results on each of the competencies that make up the category.

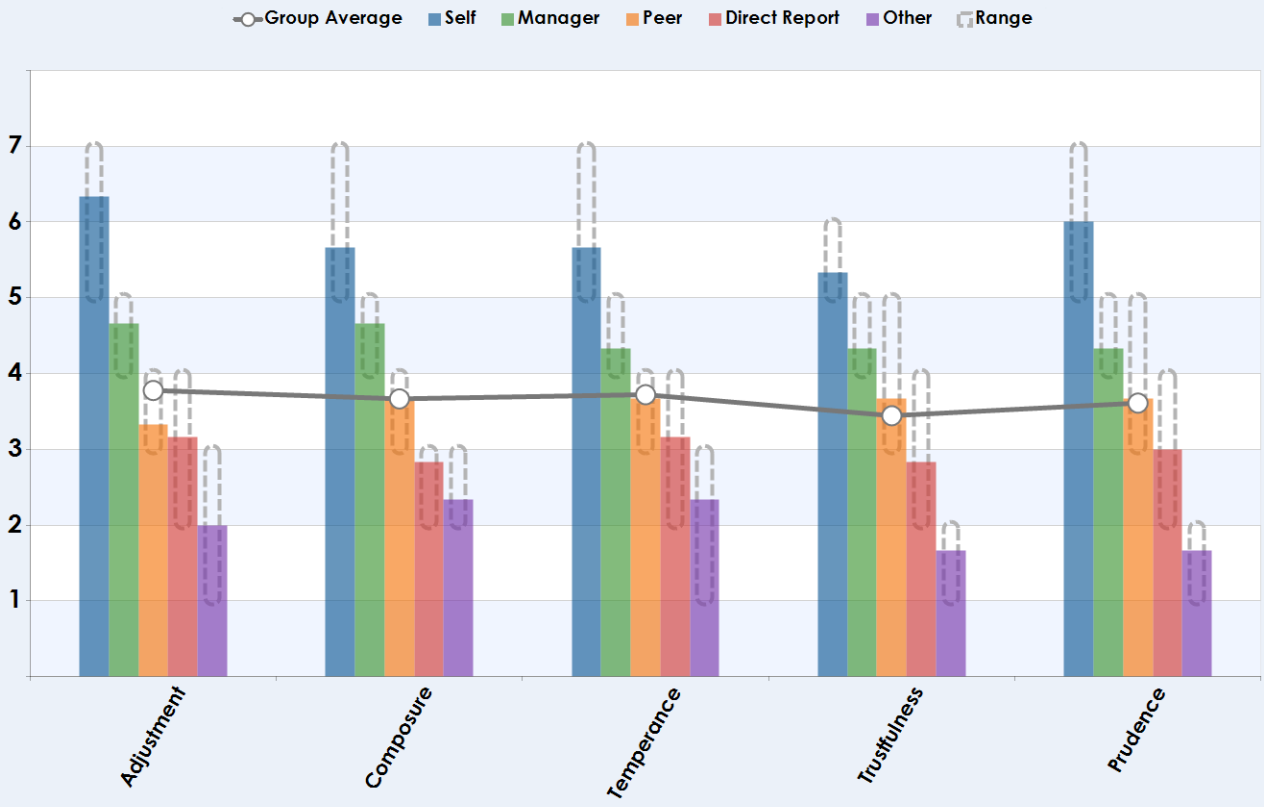
CATEGORY SUMMARY CHART

The following chart provides the category's scores for each rater group.



COMPETENCY SUMMARY CHART

The following chart provides a breakdown of the individual competency scores which contribute to the category for each rater group.



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The five **HIGHEST** rated items (highest to lowest):

No.	Item	Competency	Average Score
1	is emotionally stable and not temperamental	Adjustment	4
2	responds to situations in a measured way, avoiding impulsive action	Prudence	4
3	is phlegmatic, predictable and even-tempered	Adjustment	3.83
4	does not easily lose his/her temper	Temperance	3.83
5	copes well with stress	Composure	3.67

The five **LOWEST** rated items (highest to lowest):

No.	Item	Competency	Average Score
1	is restrained and measured, avoiding rash, impetuous action	Prudence	3.67
2	is emotionally composed and not easily upset	Adjustment	3.5
3	is accepting and trusting of colleagues	Trustfulness	3.5
4	takes criticism in a constructive manner	Trustfulness	3.17
5	responds to situations in a well considered manner	Prudence	3.17

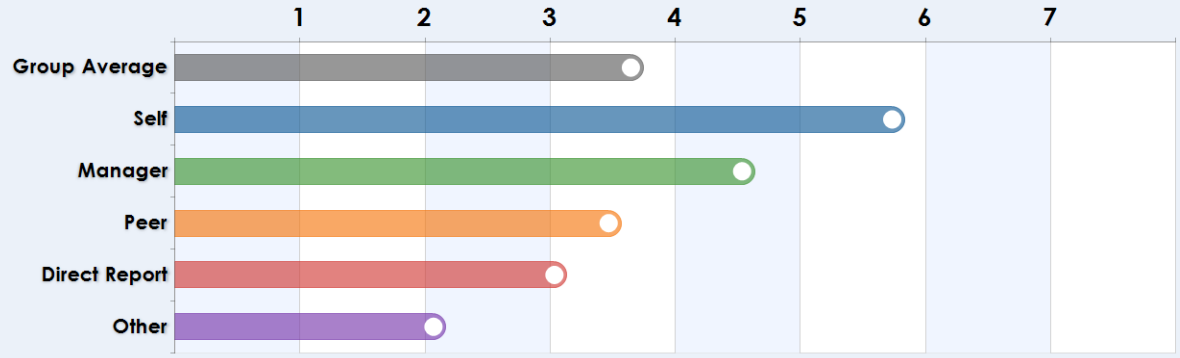
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PERSUASIVENESS

This section provides further detail regarding your results on the Persuasiveness competency category. The section starts with an overall look at the category scores and level of consensus between the rater groups, and continues to breakdown the results on each of the competencies that make up the category.

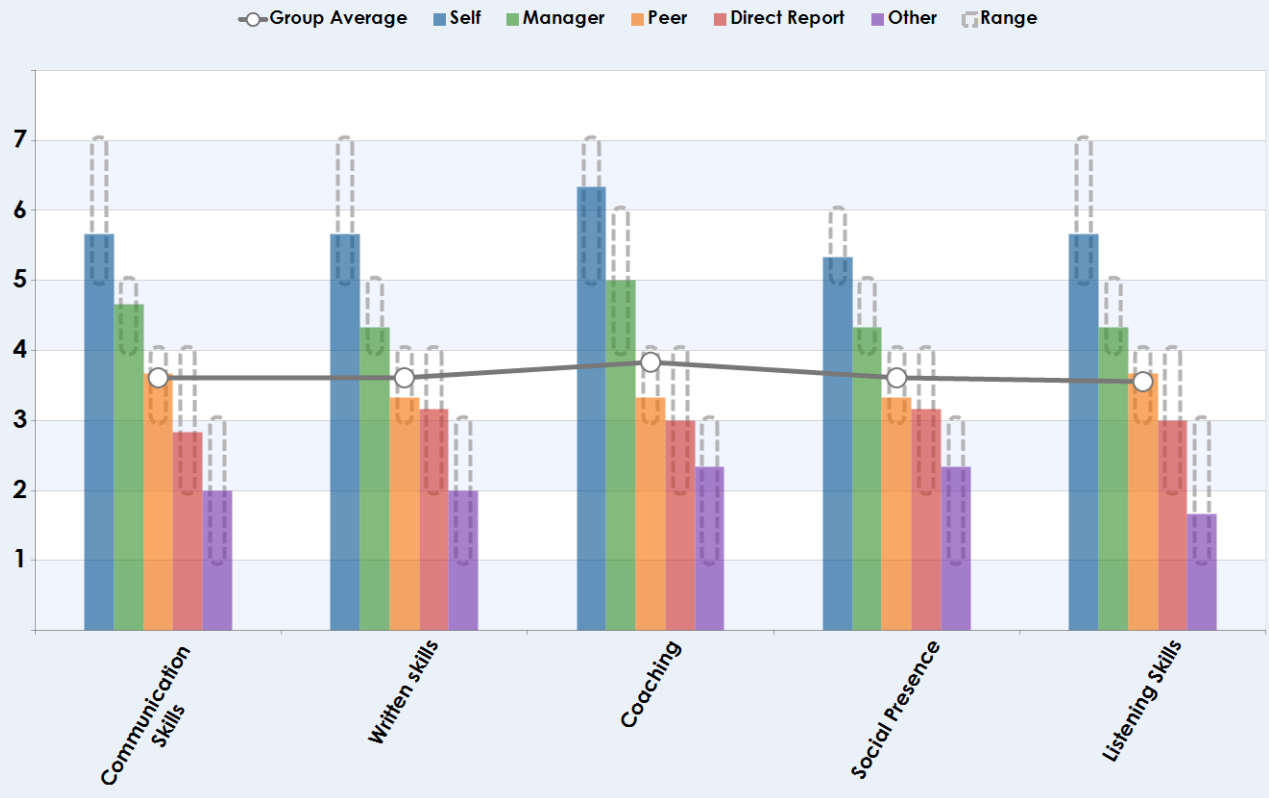
CATEGORY SUMMARY CHART

The following chart provides the category's scores for each rater group.



COMPETENCY SUMMARY CHART

The following chart provides a breakdown of the individual competency scores which contribute to the category for each rater group.



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The five **HIGHEST** rated items (highest to lowest):

No.	Item	Competency	Average Score
1	is a good teacher/mentor	Coaching	4.17
2	is good at helping others learn/develop new skills	Coaching	4.17
3	is successful at bringing people round to their point of view	Social Presence	4
4	attends to what others are saying	Listening Skills	4
5	effective at communicating their point of view	Communication Skills	3.83

The five **LOWEST** rated items (highest to lowest):

No.	Item	Competency	Average Score
1	writes in a clear, intelligible way	Written skills	3.33
2	gives due consideration to others' expressed opinions	Listening Skills	3.33
3	is an attentive listener	Listening Skills	3.33
4	explains things in a clear and coherent manner	Coaching	3.17
5	is a persuasive speaker	Social Presence	3.17

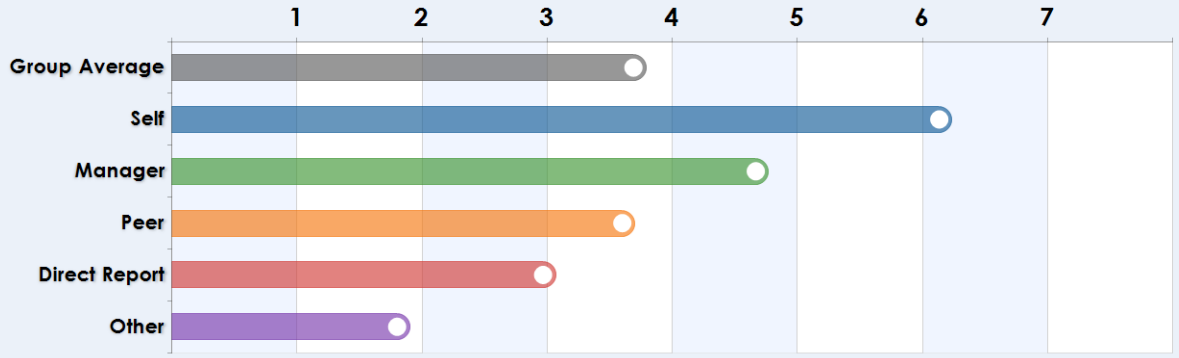
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PLANNING AND ORGANIZING

This section provides further detail regarding your results on the Planning and Organizing competency category. The section starts with an overall look at the category scores and level of consensus between the rater groups, and continues to breakdown the results on each of the competencies that make up the category.

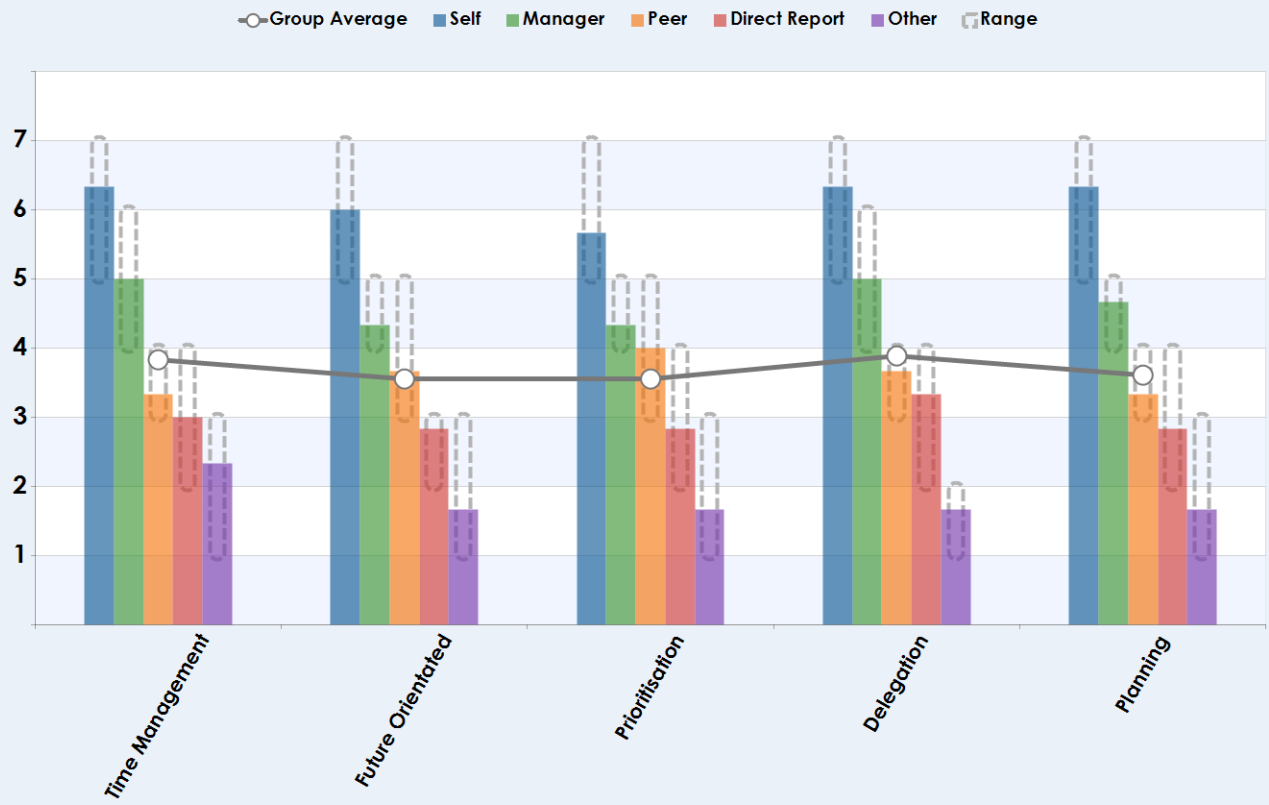
CATEGORY SUMMARY CHART

The following chart provides the category's scores for each rater group.



COMPETENCY SUMMARY CHART

The following chart provides a breakdown of the individual competency scores which contribute to the category for each rater group.



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The five **HIGHEST** rated items (highest to lowest):

No.	Item	Competency	Average Score
1	ensures that work is not left to the last minute	Time Management	4.17
2	manages time effectively	Time Management	4
3	effectively anticipates problems	Future Orientated	4
4	happy to delegate work to others	Delegation	4
5	accurately appraises the priority of tasks	Prioritisation	3.83

The five **LOWEST** rated items (highest to lowest):

No.	Item	Competency	Average Score
1	attends to work demands in order of priority	Prioritisation	3.5
2	meets deadlines	Time Management	3.33
3	prioritises work effectively	Prioritisation	3.33
4	thinks ahead	Future Orientated	3.17
5	creates detailed plans and schedules	Planning	3.17

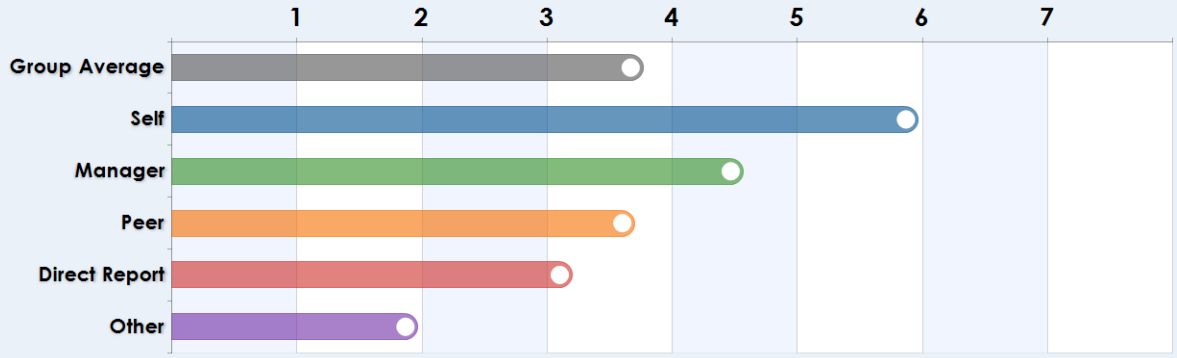
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QUALITY ORIENTATION

This section provides further detail regarding your results on the Quality Orientation competency category. The section starts with an overall look at the category scores and level of consensus between the rater groups, and continues to breakdown the results on each of the competencies that make up the category.

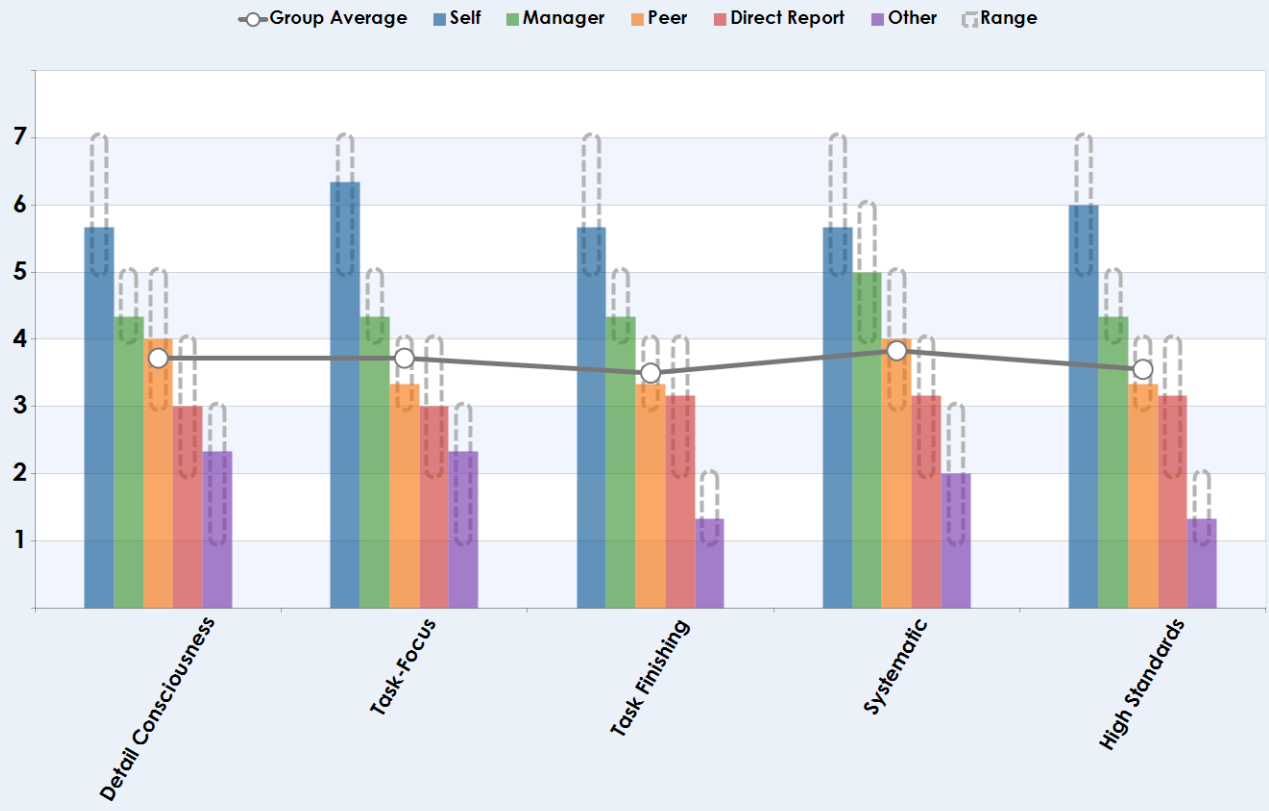
CATEGORY SUMMARY CHART

The following chart provides the category's scores for each rater group.



COMPETENCY SUMMARY CHART

The following chart provides a breakdown of the individual competency scores which contribute to the category for each rater group.



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The five **HIGHEST** rated items (highest to lowest):

No.	Item	Competency	Average Score
1	follows rules and procedures diligently	Systematic	4.17
2	is systematic and organised	Systematic	4
3	sets high standards for themselves and others	High Standards	4
4	does not make careless mistakes	Detail Consciousness	3.83
5	attends to the small details of tasks	Detail Consciousness	3.83

The five **LOWEST** rated items (highest to lowest):

No.	Item	Competency	Average Score
1	ensures tasks are completed	Task Finishing	3.5
2	sees tasks through to the end	Task Finishing	3.5
3	consistently produces work that meets agreed quality standards	High Standards	3.5
4	has an orderly and methodical approach to work	Systematic	3.33
5	is motivated to produce work of a high standard	High Standards	3.17

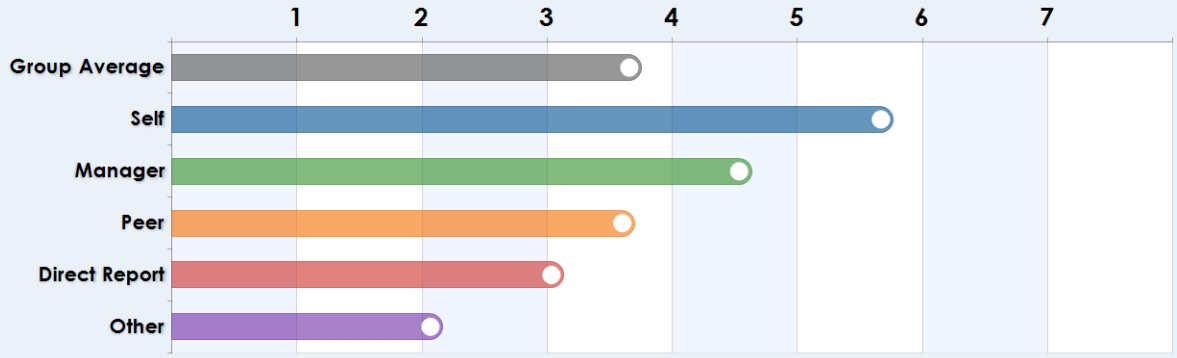
© Psychometrics Ltd.

ENERGY AND DRIVE

This section provides further detail regarding your results on the Energy and Drive competency category. The section starts with an overall look at the category scores and level of consensus between the rater groups, and continues to breakdown the results on each of the competencies that make up the category.

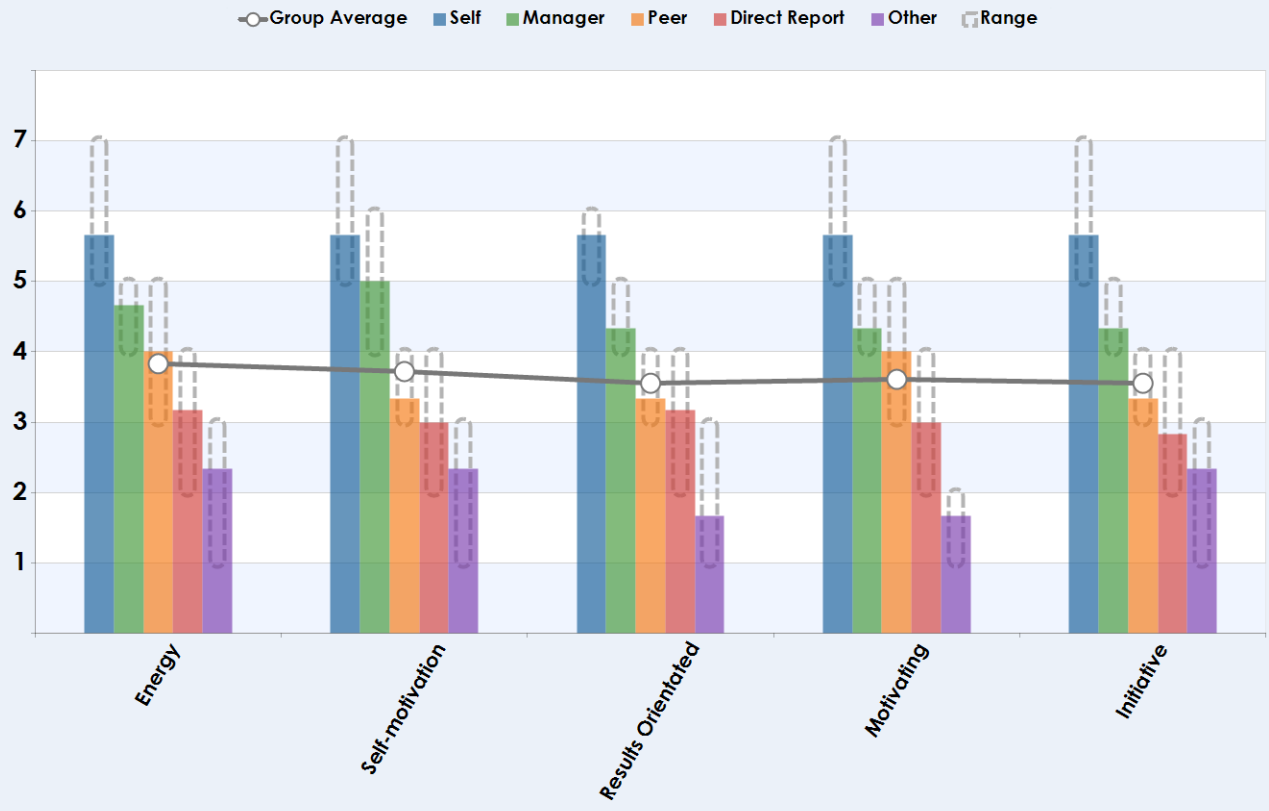
CATEGORY SUMMARY CHART

The following chart provides the category's scores for each rater group.



COMPETENCY SUMMARY CHART

The following chart provides a breakdown of the individual competency scores which contribute to the category for each rater group.



© Psychometrics Ltd.

The five **HIGHEST** rated items (highest to lowest):

No.	Item	Competency	Average Score
1	has sufficient stamina to meet work demands	Energy	4.17
2	is a self-starter who is driven to succeed	Self-motivation	4
3	achieves results	Results Orientated	4
4	has high levels of energy and activity	Energy	3.83
5	is ambitious and is driven to succeed	Self-motivation	3.83

The five **LOWEST** rated items (highest to lowest):

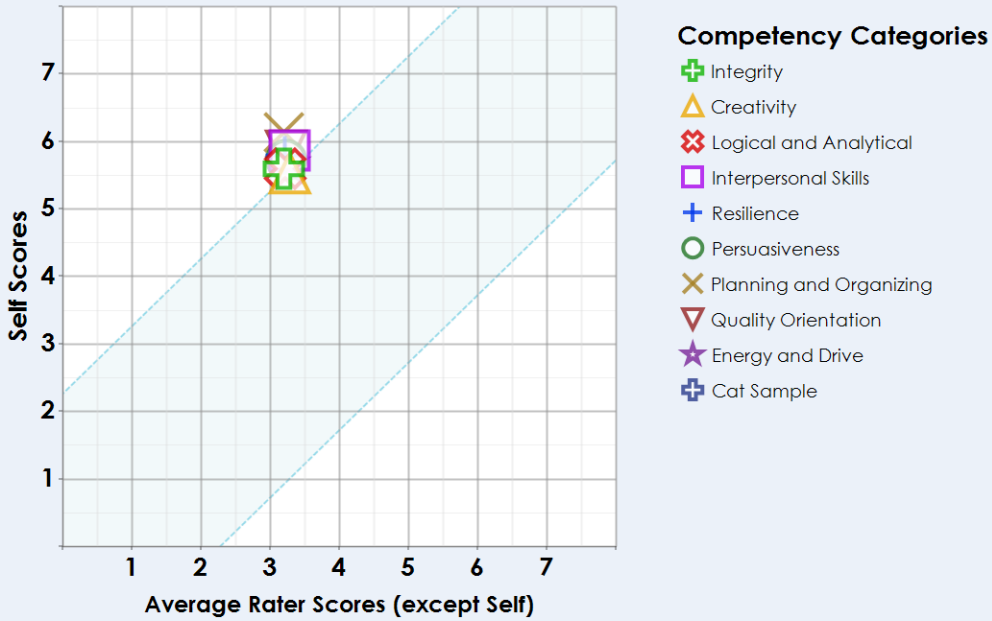
No.	Item	Competency	Average Score
1	is motivated and enthusiastic about work	Self-motivation	3.33
2	is results orientated	Results Orientated	3.33
3	is goal orientated	Results Orientated	3.33
4	motivates others	Motivating	3.33
5	takes the initiative	Initiative	3.33

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PERCEPTION GAPS

This section of the report focuses specifically on the differences between how you perceive your performance and how others view your performance. Exploring perception gaps is essential for gaining insight into the source for rating discrepancies and how to resolve them.

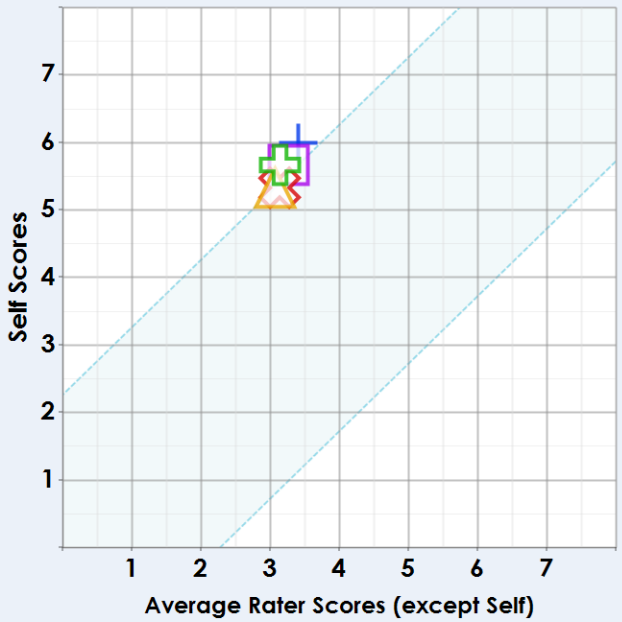
OVERALL SELF PERCEPTION



Competency categories above the middle band: You rate yourself higher than others.
Competency categories within the middle band: You rate yourself similarly to how others rate you.
Competency categories below the middle band: You rate yourself lower than others.

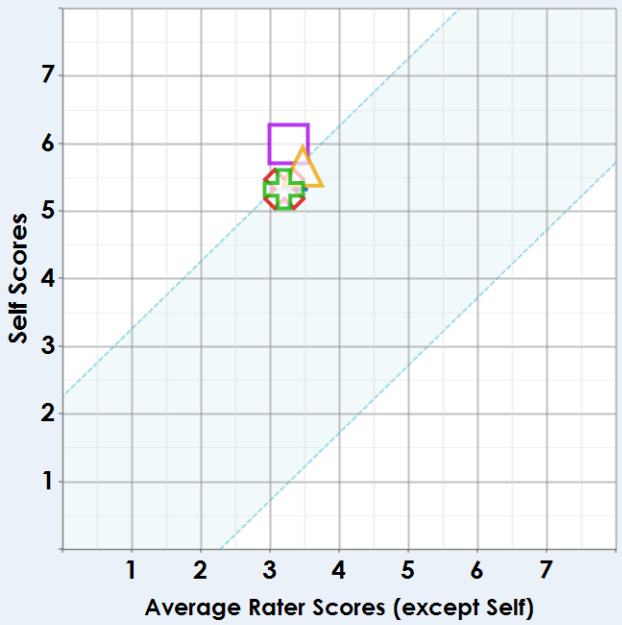
© Psychometrics Ltd.

INTEGRITY SELF PERCEPTION



Competencies above the middle band: You rate yourself higher than others.
Competencies within the middle band: You rate yourself similarly to how others rate you.
Competencies below the middle band: You rate yourself lower than others.

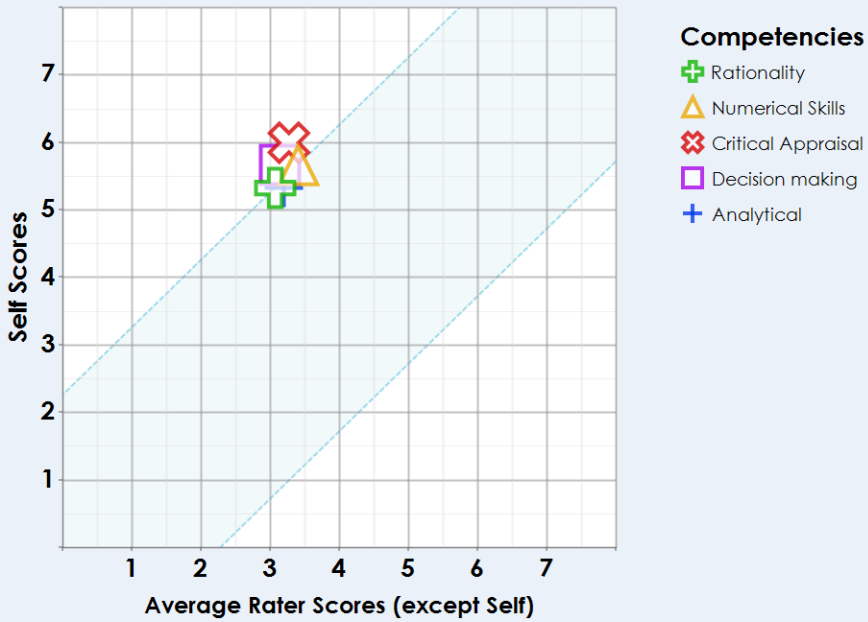
CREATIVITY SELF PERCEPTION



Competencies above the middle band: You rate yourself higher than others.
Competencies within the middle band: You rate yourself similarly to how others rate you.
Competencies below the middle band: You rate yourself lower than others.

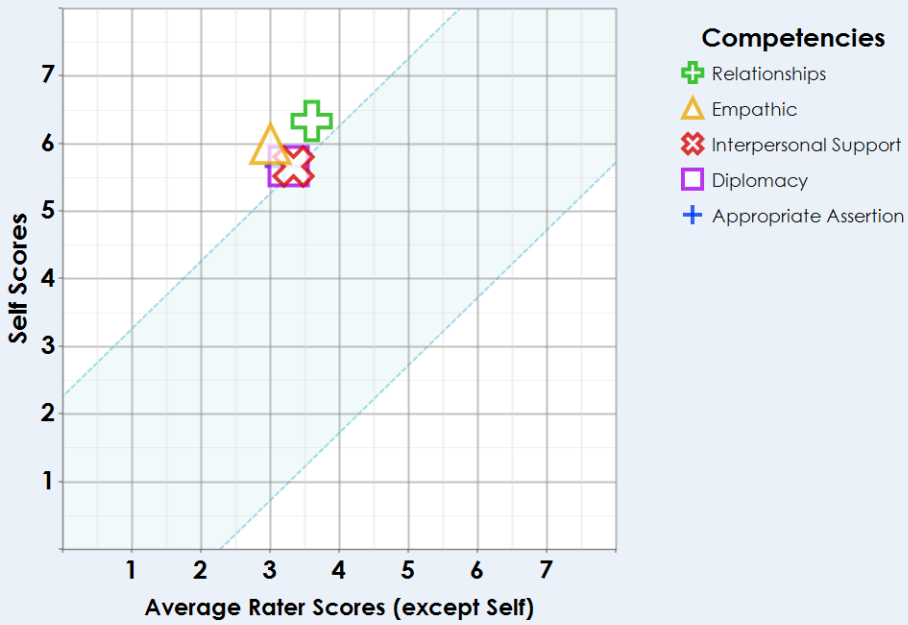
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LOGICAL AND ANALYTICAL SELF PERCEPTION



Competencies above the middle band: You rate yourself higher than others.
Competencies within the middle band: You rate yourself similarly to how others rate you.
Competencies below the middle band: You rate yourself lower than others.

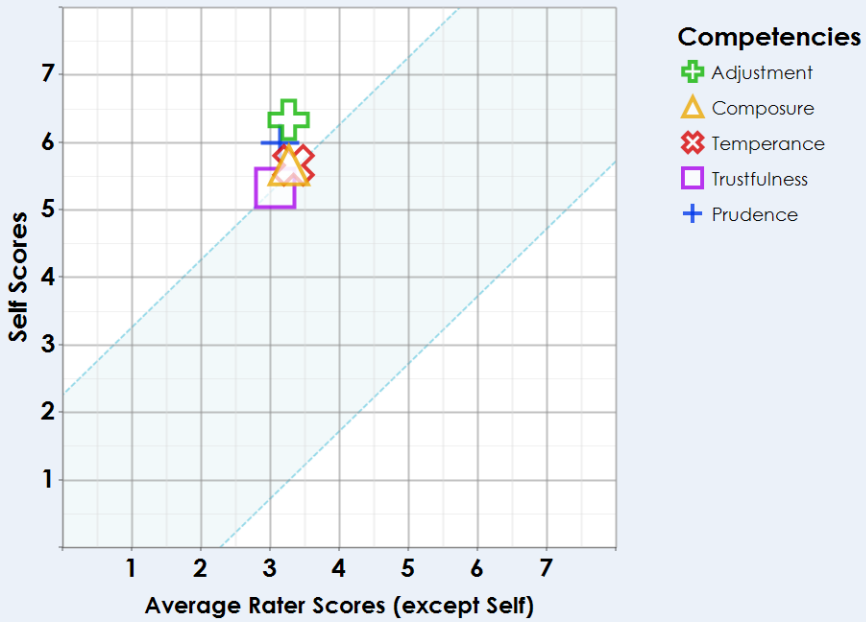
INTERPERSONAL SKILLS SELF PERCEPTION



Competencies above the middle band: You rate yourself higher than others.
Competencies within the middle band: You rate yourself similarly to how others rate you.
Competencies below the middle band: You rate yourself lower than others.

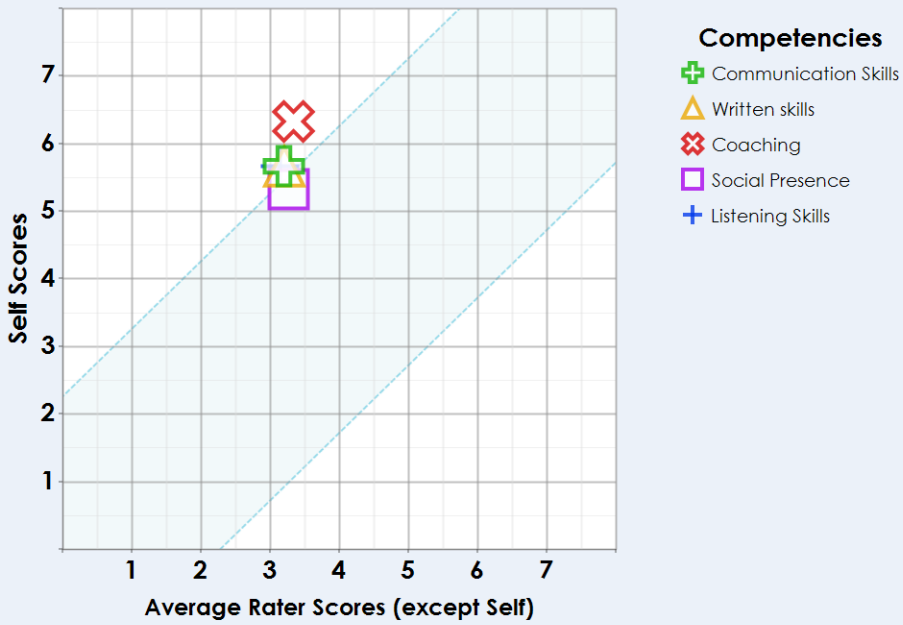
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RESILIENCE SELF PERCEPTION



Competencies above the middle band: You rate yourself higher than others.
Competencies within the middle band: You rate yourself similarly to how others rate you.
Competencies below the middle band: You rate yourself lower than others.

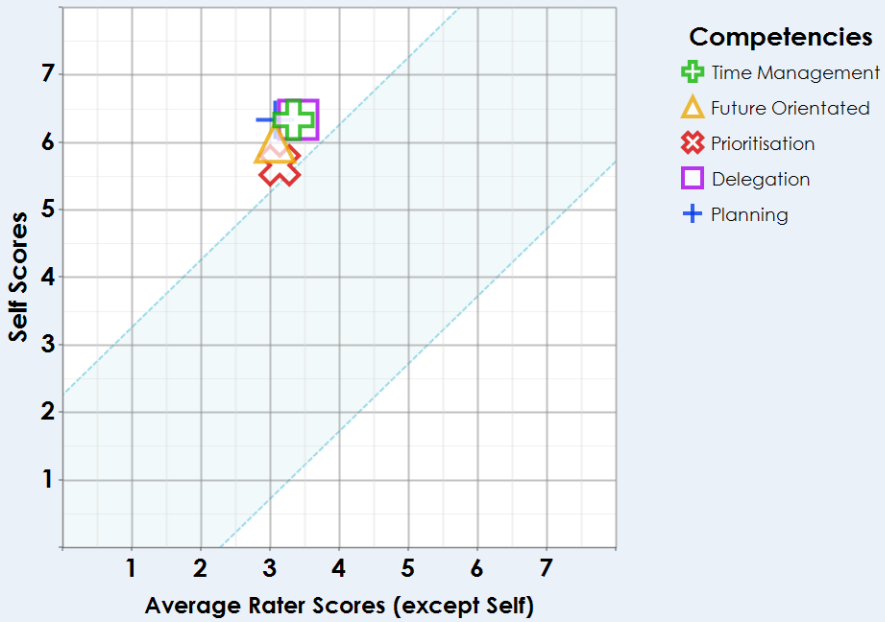
PERSUASIVENESS SELF PERCEPTION



Competencies above the middle band: You rate yourself higher than others.
Competencies within the middle band: You rate yourself similarly to how others rate you.
Competencies below the middle band: You rate yourself lower than others.

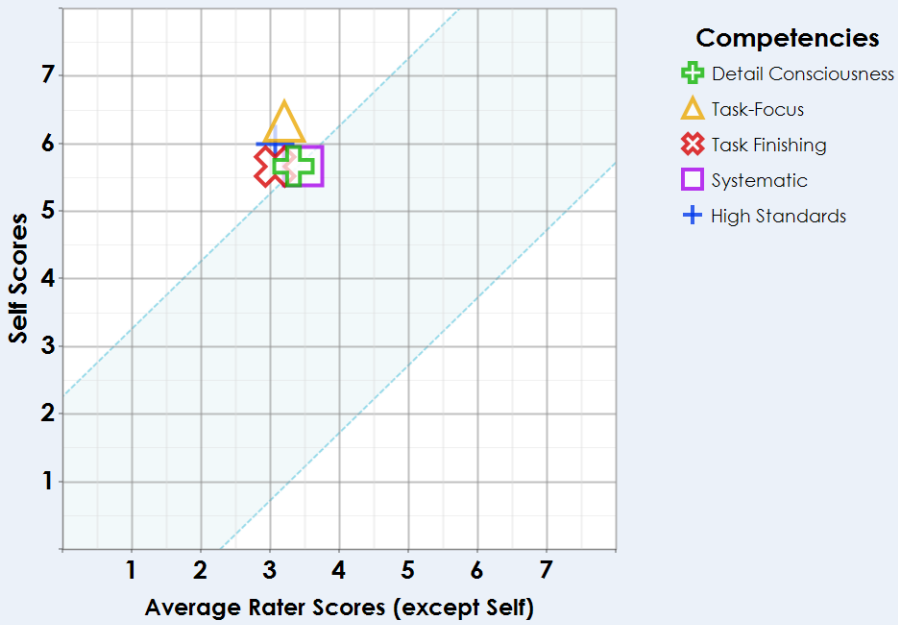
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PLANNING AND ORGANIZING SELF PERCEPTION



Competencies above the middle band: You rate yourself higher than others.
Competencies within the middle band: You rate yourself similarly to how others rate you.
Competencies below the middle band: You rate yourself lower than others.

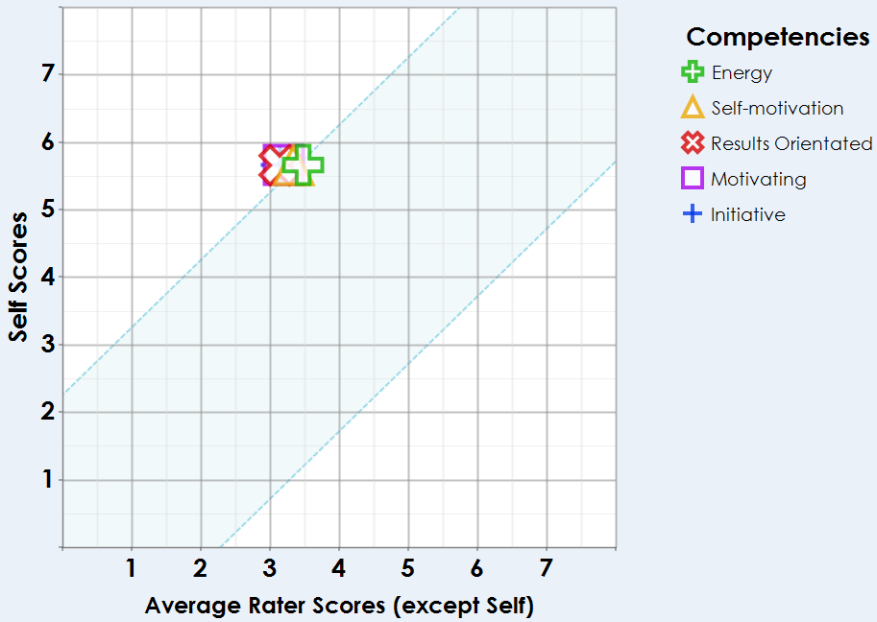
QUALITY ORIENTATION SELF PERCEPTION



Competencies above the middle band: You rate yourself higher than others.
Competencies within the middle band: You rate yourself similarly to how others rate you.
Competencies below the middle band: You rate yourself lower than others.

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ENERGY AND DRIVE SELF PERCEPTION



Competencies above the middle band: You rate yourself higher than others.
Competencies within the middle band: You rate yourself similarly to how others rate you.
Competencies below the middle band: You rate yourself lower than others.

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Proposal to Provide

Chief Executive Officer

Annual Performance Review (4 year term)

Presented to

Port Pirie Regional Council

McArthur

Best People Fit

Port Pirie Regional Council

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Executive Summary

This submission is in response to your request for a proposal to support and assist the CEO Performance Review Committee in facilitating the Annual Performance Review relating to the CEO.

McArthur use the SALMAC© Performance Appraisal System. Salmac, developed specifically for Local Government, will integrate seamlessly with Council's current process framework and allow the construction of a comprehensive range of clear and practical performance criteria. New to 2024/25 McArthur are developing an easy to use online tool (tablet compatible) to survey participants however, there will be still an offline option available.

As required, McArthur will facilitate a general discussion to define position boundaries and objectives of the CEO which will be reviewed during the review period with the CEO Performance Review Committee. Rebecca Hunt – General Manager Recruitment and HR Consulting will be available to attend CEO Performance Review Committee and Council meetings as a qualified independent person and will be always available to provide advice and guidance as required.

McArthur has 35 years' experience providing professional advice on performance of Executives and the development of Key Performance Indicators (KPI's). McArthur will facilitate the CEO Performance Review and provide advice on any performance improvements or skill gaps. A formal review document will be provided for review and official record.

This submission discusses the benefits of engaging McArthur, the costs and provides details of the relevant capabilities and experience of McArthur.

As a leading provider in Performance Management, McArthur Talent Team is delighted to submit our proposal to continue to support Council in the provision of the annual CEO performance review advice and facilitation of the reviews. Should you have any enquiries with respect to our submission, please do not hesitate to **Contact:** Rebecca Hunt, General Manager Recruitment & HR Consulting - South Australia **Telephone:** 08 8100 7000 / 0404 286 147 **Email:** rebecca.hunt@mcarthur.com.au

McArthur Profile

McArthur is a specialist provider of Executive Recruitment, temporary employment services and related human resource management consultancies to both the public and private sectors. Established in 1969, McArthur now boasts a 55 year history of success and commercial longevity. With offices in Adelaide, Brisbane, Canberra, Melbourne, Perth and Sydney, McArthur provides the following range of services to clients nationally:

- Executive Search and Selection
- Executive / Professional Staff Contracting
- Permanent Recruitment
- Temporary Staff Supply
- Outplacement
- Executive / Leadership Team Development
- **Management / Human Resource Consulting**

  - **Performance management and reviews**
  - **Organisation reviews**
  - **Culture/Engagement surveys**
  - **Skills testing/audit/analysis**
  - **Strategic and business planning**
  - **Psychometric testing**
  - **Benchmarked remuneration surveys and remuneration advice**
  - **Outsourced Generalist HR Service**

Employing local recruitment professionals in each state, McArthur has developed a nationally consistent recruitment methodology which is controlled through Quality Assured procedures. McArthur directly employs more than 170 management, recruitment and administration staff across Australia.

The McArthur commitment to excellence has resulted in the company enjoying a marketplace reputation for competence and professionalism. Our client portfolio numbers are more than 4,000 and include a wide variety of public and private sector organisations and a broad cross section of the sectors in which they operate. An impressive number of clients of McArthur represent relationships of fifteen years and more.

Initially, the principal thrust of the business was towards the development of dominance in temporary staffing services in specialist markets, whilst vigorously pursuing recruiting activities on behalf of clients. Today, McArthur continues with these core activities, but over the last 35 years, clients have benefited from the introduction of Human Resource services embracing Outsourced Generalist HR Services, Leadership Development, Performance Management, Organisation Reviews, Strategic Planning and Training Programs as well as general advice and support.

Relationship Management / Service Delivery

With all clients we insist on providing a professional and quality assured approach to relationship management, as we believe that this is integral to fully understanding each other's:

- culture
- expectations
- operational environment
- strategic direction

Once we have gained an understanding of each of the above, we will work in partnership with the Council to ensure that our service delivery is closely aligned to Council's business objectives, vision, values and strategic directions. We believe that a true partnering arrangement is the most effective means of ensuring a responsive, constructive and collaborative business relationship which enables our consultants to work closely with all stakeholders throughout the entire process.

To ensure efficient, effective and quality assured service delivery McArthur will manage our relationship through a structured team approach, which provides an initial point of contact for all services. Our team approach also ensures the constant availability of a consultant to receive enquiries and requests.

We recognise the profile and significance of this process and the importance of the Chief Executive's position in the achievement of Council's vision, mission and strategic objectives. Therefore, to ensure the quality of our service delivery through the review period, McArthur has appointed a dedicated Consultant to guarantee a smooth process and successful completion of this review.

The Consultant appointed to this assignment will be Rebecca Hunt – General Manager Recruitment & HR Consulting.

Rebecca will manage and facilitate the entire process for the Port Pirie Regional Council - KPI Setting, Performance Review and attendance to all meetings and advice and support for the CEO Performance Review Committee.

Her profile outlining her experience is contained in **Attachment A**.

Relevant Experience

McArthur is extensively involved in facilitating performance reviews and assisting clients develop and implement structured performance management systems within their organisations.

Since its introduction in 1993, the Salmac© Performance Management System has enjoyed great success in Australian Councils, with over 100 Councils in Queensland, New South Wales, Victoria and South Australia utilising it to evaluate performance.

Recently we have been appointed to undertake performance reviews of Chief Executive Officers and second level executive positions within the following Councils.

Recent Salmac© Performance Reviews – Across Australia

Northern Territory

Central Desert Regional Council
City of Palmerston
East Arnhem Regional Council
Roper Gulf Regional Council

QLD

Central Highland Regional Council
Southern Downs Regional Council
Rockhampton Regional Council



NSW

Armidale Regional Council
Bankstown City Council
Bellingen Council
Cabonne Council
Camden Council
Central Coast Council
Cessnock City Council
Coffs Harbour City Council
Hornsby Council
Inner West Council
Ku-ring-gai Council
Lithgow Council
Newcastle City Council
North Sydney Council
Northern Beaches Council
Port Stephens Council
Richmond Valley Council
Tenterfield Shire Council
Willoughby Council

SA

Kangaroo Island Council
City Port Lincoln
Adelaide Plains Council
District Council of Lower Eyre Peninsula
Legatus Group
Goyder Regional Council
Renmark Paringa Council
District Council of Kimba
Eyre Peninsula LGA
The Rural City of Murray Bridge
The District Council of Karoonda East Murray
District Council of Grant
District Council of Streaky Bay
City of Burnside
District Council of Tatiara
District Council of Orroroo Carrieton
The City of Unley
Naracoorte Lucindale Council
Barunga West Council
Adelaide Hills Region Waste Management Association
Southern Region Waste Resource Authority
Southern & Hills Local Government Association
District Council of Franklin Harbour
Flinders Ranges Council
District Council of Tumby Bay
Berri Barmera Council
Mid Murray Council
Regional Development Association Murraylands and Riverland
District Council of Mount Remarkable
District Council of Ceduna
Yorke Peninsula Council
Wattle Range Council
City of Mount Gambier
Adelaide Hills Council
Kingston District Council
District Council of Robe
Limestone Coast LGA
Wakefield Regional Council
Regional Development Australia Limestone Coast
LGA SA
Light Regional Council
Riverland Mallee Coorong Local Health Network

VIC

Bass Coast Shire Council
City of Greater Bendigo
City of Greater Dandenong
Colac Otway Shire Council
Corangamite Shire Council
Hindmarsh Shire Council
Horsham Rural City Council
Hume City Council
Mildura Rural City Council
Mitchell Shire Council
Moira Shire Council
Moreland City Council
Moyne Shire Council
Murrindindi Shire Council
Shire of Campaspe
Wellington Shire Council
West Wimmera Shire Council

TAS

Break O'Day Municipal Council
George Town Council

Performance Review - Salmac Methodology

The Salmac© approach to performance management provides a rigorous yet appropriate model for monitoring and measuring performance at this level. The model has been developed and successfully introduced into many Councils Australia-wide.

Methodology - The McArthur Salmac© System

Specifically, the McArthur process involves the following steps:

1. Creation of the documentation established for the review

We have found performance management to be most effective when two dimensions of performance are measured; the outcomes that need to be achieved; and the leadership behaviours we expect to be demonstrated while the agreed outcomes are met.

The first dimension covers the specific goals (outcomes) set for the period for which the Chief Executive Officer is the prime driver. These are typically big-ticket items reflected in the Council Strategic and Business Plans or outcomes that must be achieved in dealing with major issues facing Council at the time. These are the KPI's/performance objectives that were agreed following the CEO's performance review.

The second dimension captures a set of leadership behaviours. These are Key Result Area's and are linked to the CEO Position Description and/or outlined in the CEO's Employment Agreement.

2. Facilitating the Performance Review of the Chief Executive Officer

Once the Council has decided who will be involved in the performance evaluation of the Chief Executive Officer, we will work closely with that group to prepare for, and conduct, the performance review. Typically, this requires the following activities:

- The Chief Executive Officer will provide a self-assessment against the agreed criteria using the agreed rating system. The CEO can also, if required, deliver a presentation / progress report to participants prior to the review.
- The Council Members independently and individually rate the performance of the Chief Executive Officer in a questionnaire either in a one on one interview, electronically or in hard copy.
- In 360 degree review participants will include Council Members, Direct Reports/Key Staff and External Stakeholders.
- The Consultant prepares a report based on consolidating all the information provided by the participants.
- The Consultant produces a draft Performance Review Report which captures the outcomes of the process. This report can also capture KPI's, goals or objectives recommended during the review for the next review period (if any are recommended), both from an organisational perspective as well as in terms of personal and professional development.
- The draft report is sent/presented to the CEO Performance Review Committee for review.
- The McArthur Consultant will communicate with CEO Performance Review Committee to discuss this appraisal prior to inviting the Chief Executive Officer to join the discussion.
- A final report is produced to Council for adoption, which becomes the official record of the review.
- The McArthur Consultant to attend Performance Review Committee Meetings and Council Meetings as required.
- The McArthur Consultant can provide remuneration advice aligned to the Remuneration Tribunal Determination.

Consultant Commitment

To clarify the range of activities which are incorporated in our service delivery for the Salmac© Performance Management System, our commitment will involve working with Council and the Chief Executive Officer to:

- Assist with the development of the KPIs/objectives for the following 12 months.
- Use the provided set of relevant behavioural accountabilities that focus on those characteristics which an effective Chief Executive Officer will and should demonstrate.
- With Council and the Chief Executive Officer, facilitate the actual review process.
- Produce a Summary Review Report which covers the outcomes of the appraisal process.
- Assist with amendments and renegotiation of contracts (non-legal).
- Provide remuneration advice if required.

The benefits are clear:

- An independent, qualified and experienced HR Consultant enables an impartial review to be conducted.
- A clear emphasis on continuous improvement.
- Improved ongoing relationships between all stakeholders.
- A basis for recognition and reward clearly established.
- Corrective actions for areas of identified concern.
- The ability to weight KPI, strategic objectives and to better define performance.
- High standards for future reviews.
- A fully documented process and sign off that establishes legality and official record.

The SALMAC© System delivers organisational effectiveness through strong and structured performance management.

Fee

Rebecca Hunt will be available to attend meetings out of hours and be contactable with any queries or questions from the CEO Performance Review Committee and the CEO.

	CEO Performance Review
Review Type	Chief Executive Officer Performance Review
Participants	Chief Executive Officer, Council Members, Direct Reports/Key Staff and External Stakeholders.
Review conduct	Online/Emailed/Posted/Telephone.
Agreement term	4 years
Fixed Fee excluding GST	**$5,500***

Total 4 Year Term - $22,000 plus GST – a 10% discount will apply if successful in the Facilitation of the Director Performance Reviews - $19,800 plus GST.

In addition, included –

- Attendance to all required meetings.

***Notes:**

1. Fee structure is GST exclusive.
2. Fee is per year.
3. Travel expenses excluded – prior approval will be sought for travel.

Schedule of milestone payments

50% – Due at the time M^{c}Arthur is retained for the specific assignment.

50% – Due on acceptance of final report/end of assignment.

Our proposed fees are valid for a period of three months from 22nd April 2024.

Referees

To establish M^cArthur's credibility, we recommend that you contact any of the following referees who will testify with respect to our capacity and capability in delivering the services required by Council.

Contact Name	Services Provided	Organisation	Telephone
Mayor Dean Johnson	CEO Performance Review	District Council of Kimba and LGA SA	0427 619 815
Mayor Anne Monceaux	CEO Performance Review	City of Burnside	0455 336 599
Mayor Leonie Kerley	CEO Performance Review	Barunga West Council	0428 353 025
Mayor Mark Wasley	CEO Performance Review	Adelaide Plains Council	0456 939 376

Testimonials

'We have had nothing but excellent outcomes when dealing with M^cArthur. The team especially Bec goes above and beyond to make things as easy and as smooth sailing as possible. From helping with recruitment of staff, to CEO performance reviews right through to simple advice is not only prompt but courteous. I highly recommend their services and have had no issue in promoting them whenever people ask for suggestions! The whole M^cArthur team should be everyone's first point of call when looking to recruit or review their CEO's performance!'

Mayor Travis Barber, District Council of Streaky Bay

'Adelaide Plains Council has utilised the services of M^cArthur for the past five (5) years for the purposes of both recruitment and performance appraisals. From my perspective, having worked closely with Rebecca in performance appraisal, I cannot emphasise enough her high level of professionalism, diligence and commitment that she possesses.

M^cArthur is a large reason why the former District Council of Mallala, now Adelaide Plains Council (APC), has managed to rebuild and rebrand itself so successfully. Through the wonderful support and guidance of M^cArthur, APC has rebuilt an entirely new executive management team which has proven to be extremely stable and successful in what is a highly pressurised environment, as we grapple all the challenges of a growth Council with a relatively low-rate base.

I would strongly recommend M^cArthur to anyone seeking to engage the services of a recruitment agency for the purposes of either recruitment or performance appraisal'.

James Miller, CEO, Adelaide Plains Council

The City of Tea Tree Gully's experiences with the work provided by M^cArthur has always been of excellent quality and within agreed timeframes. Recently, our Council engaged with M^cArthur (Rebecca Hunt) to undertake a benchmarking exercise. During the task, our objectives shifted slightly, and Rebecca was more than happy to accommodate our adjusted scope and still achieve the timelines we were after.

The quality of the report was sound, and the Rebecca was always responsive when we posed questions during the process.

M^cArthur have also been very timely with the provision of several psychometric and digital testing requests and bookings and the timelines achieved to suit our recruitment processes has been exceptional.

Kirstin Dodson, Business Partner Organisational Development City of Tea Tree Gully

We have engaged M^cArthur over the last three years, specifically with senior leader remuneration industry benchmarking data and with their LifeApp employee engagement platform.

During this time, I have found all I have dealt with responsive, customer focused, professional and flexible in their approach.

We highly value the professional relationship we have developed and the understanding our M^cArthur key contacts has gained and demonstrated of our business and needs, which has ensured the outcomes have hit the mark on all occasions.

I would have no hesitation in recommending M^cArthur to other businesses.

Steph Roberts, Former People and Culture Manager, City of Marion

'The M^cArthur team have been our partner for HR consultancy and advice at the District Council of Karoonda East Murray for a number of years. During that time, they have assisted with numerous activities including executive and non-executive recruitment, conducting employee engagement studies, facilitating a HR system review and developing a HR Action Plan through to more operational HR activities such as assisting with the review and creation of Position Descriptions and Performance Development and Review processes.

The M^cArthur team has always been quick to assist and respond, have provided good timely advice and are always willing to help when needed. For an organisation our size, with no internal HR resourcing, M^cArthur has been our 'go to'. I am more than comfortable recommending the services of Rebecca and the team at M^cArthur for HR assistance and advice, their combined years of experience, knowledge and expertise in term help us to achieve good outcomes ourselves in this area.'

Matthew Morgan former CEO District Council of Karoonda East Murray and CEO City of Port Lincoln

ATTACHMENT A
CONSULTANT PROFILE

Rebecca Hunt – BA Hons - MAHRI

Prior to joining McArthur Rebecca was a People Consultant in a Big 4 Professional Services Firm, she has also worked in State Government and locally and interstate for a Global Commercial Firm.

Rebecca brings international knowledge with extensive experience in the UK and USA providing a unique depth of experience and more recently has been working locally with all levels of Government and commercial clients. Rebecca specialises in advising in Talent Management, Performance Reviews, Cultural, Remuneration and Structural Reviews, Psychometric Testing and Generalist Human Resources.

Since joining McArthur, Rebecca has provided extensive HR Consulting expertise across the Local Government sector, servicing regional, rural and metropolitan Councils.

Rebecca's astute business acumen, exceptional communication and organisation skills, and wealth of experience ensure clients are provided with a holistic, high quality and comprehensive service. Rebecca is passionate about creating lasting relationships with clients, based on integrity, effective tailoring of service to clients' needs/requirements and ingrained best practice approach.

ATTACHMENT B
INSURANCE

Certificate of Currency

about UNDERWRITING

This Certificate confirms that the undermentioned Policy is effective in accordance with the details shown below. The information provided is a summary only. For full details of all applicable terms, conditions, exclusions and definitions that may affect the cover, please refer to the full Policy documentation.

Date of Issue:	14 February 2024
Class of Insurance:	General and Products Liability & Professional Indemnity
Policy Number:	REC 23 000096
Named Insured:	McArthur (NSW) Pty Ltd (ABN 26 078 078 298), McArthur (QLD) Pty Ltd (ABN 51 078 078 341), McArthur (SA) Pty Ltd (ABN 97 007 895 703), McArthur (VIC) Pty Ltd (ABN 75 008 186 383), Medstaff Caring Pty Ltd (ABN 73 008 177 464), Talent Architects Pty Ltd (ABN 60 079 054 863) Trading as McArthur
Business Activities:	Placement of permanent employees, on hired employees and on hired contractors, training and induction, employment consulting services and other recruitment and workforce services.
Period of Insurance:	From: 4.00 pm on 13/02/2024 To: 4.00 pm on 13/02/2025 Local Standard Time at the **insured's** head office.
General and Products Liability:	
Limit of Liability:	**General Liability (Public Liability & Advertising Injury)** **$20,000,000** in respect of any one claim or series of claims arising out of any one occurrence. **Products Liability** **$20,000,000** in respect of any one claim or series of claims arising out of any one occurrence and in the aggregate during any one period of insurance.
Professional Indemnity:	
Limit of Liability:	**$20,000,000** any one claim and in the aggregate during any one period of insurance.
Security:	Certain Underwriters at Lloyd's

This Policy is current as shown in the Period of Insurance details above unless it is cancelled in the meantime.

Signed on behalf of the underwriter(s):

Name: Liz Peach **Title:** Portfolio Manager **Date:** 14 February 2024

about | UNDERWRITING | ABN: 78 608 848 479 | AFSL: 483210
Suite 304/546 Collins Street, Melbourne, VIC 3000 | PO Box 16106, Collins Street West, Melbourne, VIC 8007
Web: aboutunderwriting.com | **Office:** 03 9998 9080

Private & Confidential

PERFORMANCE REVIEW
PROPOSAL

FOR THE POSITION OF:

CHIEF EXECUTIVE OFFICER

PREPARED FOR:

Cr Alan Zubrinich
Chair – CEO Performance Review Committee
Port Pirie Regional Council

Port Pirie
Regional Council

Stillwell
MANAGEMENT CONSULTANTS

INTRODUCTION

Dear Cr Zubrinich,

Thank you for your invitation (via Kate Carmody) of Tuesday 30 April 2024 to respond to a Request for Quote – CEO Performance Review. I note that you are seeking a multi-year proposal covering the CEO performance review periods of 2023/2024, 2024/2025, 2025/2026 and 2026/2027, with the CEO's current contract concluding in 2028.

I have taken careful note of the scope of the proposed Review (including further detail provided by Kate in a very helpful telephone discussion), the methodology for which is extremely familiar to us given our intimate involvement over more than 40 years, in undertaking such Reviews for CEOs in Local Government both in South Australia and interstate.

We are also proud to highlight the following value-adding aspects of our service:

- We have an unmatched breadth and depth of experience in consulting to Local Government, specifically around CEO Performance Review, CEO/Director executive search and selection, senior executive remuneration review, organisational structuring, strategic planning and the setting of KPIs (Key Performance Indicators), KRAs (Key Result Areas) and SPOs (Strategic Performance Objectives).
- We have an unparalleled store of relevant data relating to KPIs, KRAs and SPOs for roles at CEO level; and in the same way ours is the most extensive database of current remuneration applicable to this sector for CEO roles.
- SMC employs in-house Registered Organisational Psychologists including myself and this provides Port Pirie Regional Council with a distinct advantage in our being able to provide you with significant thought leadership on the latest thinking relating to objective performance measurement and remuneration review.
- Because we are involved in the widest range of human resource management consulting of any firm in South Australia (and indeed, arguably, nationally) we are in the best position to provide value added advice, peripheral to – while remaining highly relevant to – the project brief (examples include succession planning, coaching and mentoring requirements, workforce planning, organisational structuring, job description review, person specification review and professional development programs). We intend to provide such advice, broadly, on a complimentary basis.

We are very pleased to now respond to your invitation to provide our recommended best practice approach to reviewing the CEO's performance, and we look forward to your feedback or questions in due course.



DARYL STILLWELL
Managing Director
Registered Organisational Psychologist
BA, Dip. App. Psych., FCOP, MAPS, FAICD
0411 106 611 | 08 8218 0901
daryl@stillwellmanagement.com.au



ABOUT

STILLWELL MANAGEMENT CONSULTANTS

Stillwell Management Consultants is South Australia's largest all-encompassing Human Resource Management Consultancy combining Executive Search and Advertised Selection experts with in-house Registered Psychologists and Organisational Development specialists. Established to provide excellence in all facets of Recruitment, Organisational Development, Organisational Psychology and Human Resource Management Consulting, Stillwell Management Consultants employs some of Australia's most experienced and trusted consultants who provide superior advice to clients all over the world and execute true search capabilities in order to provide our clients with the best possible shortlist of candidates.

Based in Adelaide, while undertaking regular national and international work and maintaining networks of same, we employ state-of-the-art technology in all aspects of our approach to business. We are renowned for our attention to detail in providing the highest possible quality of services while at all times behaving in a highly ethical, honest and reliable way in satisfying clients' needs through the provision of value-for-money services.

METHODOLOGY

Stillwell Management Consultants (SMC), under my project directorship, will design, circulate, manage, analyse and report on a custom-designed survey that canvasses perceptions of the CEO's:

- Achievement of specific KPIs
- Leadership and management skills
- Interpersonal and communication style
- Strategic thinking, operational leadership and problem-solving skills
- Ability to create a thriving, high-performing and psychologically healthy organisational culture and climate
- Governance and risk management abilities
- Human, financial and material resource management skills
- Any other item as nominated by the Committee

The above survey questionnaire will be completed by the CEO, the CEO's direct reports, and Council's Elected Members. We use state of the art survey technology which is not used by any of our competitors. These survey tools are particularly suited for use by Registered Organisational Psychologists such as myself to ensure high levels of reliability, validity and confidentiality, and our approach will ensure appropriate use of qualitative questions and rating scales properly structured and designed to yield reliable, fair and equitable, ultimately accurate results to guide both the Committee and the CEO.

We will then present the survey findings to the CEO and to the Committee via Microsoft Teams or similar videoconference technology.

LEAD CONSULTANTS

I propose to undertake the management of the assignment in totality and will be assisted in survey tool administration and evaluation by Lauren Wright, Head, Psychological Appraisal Consulting. Lauren has almost 20 years' experience in assisting me with reviews of this nature and indeed she has undertaken a significant number of CEO Performance Reviews in Local Government autonomously.

DARYL STILLWELL
MANAGING DIRECTOR & REGISTERED ORGANISATIONAL PSYCHOLOGIST

Daryl's career has spanned more than 40 years, dedicated to executive search and advertised selection, organisational psychology and human resource management consulting. He has been engaged in some of the most senior level appointments in South Australia, including for large Australian corporations, and his network of contacts in both the private and public sectors is immense. Daryl is one of South Australia's, and Australia's, most experienced head-hunters, registered organisational psychologists and management consultants. He is a Fellow of the Australian Institute of Company Directors, Deputy Chairman of leading financial services group KeyInvest, a Certified Management Consultant and a Fellow of the College of Organisational Psychologists.

LAUREN WRIGHT
HEAD OF PSYCHOLOGICAL APPRAISAL CONSULTING & REGISTERED PSYCHOLOGIST

Lauren's expertise lies in all facets of psychological appraisal, especially in recruitment decisions, counselling, performance management, team building, organisational development, learning and development, facilitation, executive coaching and mentoring, outplacement and career transition and employee survey services. Lauren holds a Bachelor of Psychology with First Class Honours from Flinders University and is a Member of the Australian Psychological Society (MAPS). She is also an accredited Human Synergistics™ practitioner and has used this tool to facilitate culture change assignments for large organisations and complex senior management teams.

CONSULTING FEES

Our all-inclusive fee for this assignment will be $4,950 + GST per performance review, and the only fee increase per annual appraisal will be the amount of CPI. We will also provide complimentary advice, if required, on the CEO's level of remuneration increase. We will charge half of our fees on commencement of each review, with the remainder payable on completion.

HENDER CONSULTING
HUMAN RESOURCE SERVICES
LEVEL 5
81 FLINDERS ST
ADELAIDE SA 5000
www.hender.com.au
TELEPHONE
08 8100 8888
FACSIMILE
08 8100 8800

2 May 2024

PRIVATE & CONFIDENTIAL

Kate Carmody
Executive Assistant to the Chief Executive Officer & Mayor
Port Pirie Regional Council
115 Ellen Street
Port Pirie SA 5540

Via email: kcarmody@pirie.sa.gov.au

Dear Kate

RE: CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW PROPOSAL

Understanding

Thank you for the opportunity to submit a proposal to facilitate the CEO performance review for the current year up to and including the 2026/27 review. We are pleased to submit our credentials and our methodology and would be delighted to partner again with Council to undertake this important work. Our previous work in this capacity with Port Pirie Regional Council over many years equips us with unique insight and capability to support these processes.

As a regular provider of CEO performance appraisal processes and remuneration advice to the Local Government sector and beyond, we are well experienced in this work and have a good understanding of the strategic challenges and opportunities facing both regional and metropolitan councils. We are able to provide a best practice process that ensures consistency with other similar appraisals, providing relevant and meaningful reporting of results while offering independent and objective advice.

Consultancy Profile

Formed over 31 years ago by Mark Hender, Hender Consulting is one of the largest locally owned HR consultancies in South Australia and has a particular focus on the local government, education, health and not for profit sectors. The organisation has provided performance and remuneration review, HR consulting and executive search and recruitment services for a significant number of public and private organisations. The firm offers clients a stable, long serving and highly experienced senior consulting team with significant experience partnering clients in the local, state and federal government domains and comparable industry sectors.

The assignment would be managed personally by Executive Consultant Justin Hinora, with further support from consulting and administration team members. Please refer to our attached *Team Profile and Portfolio* to expand on the team members and their relevant experience.

Please note we have no conflicts of interest in regard to the provision of this performance review service.

Past and Relevant Assignment Capability

Please find below a list of Chief Executive Officer performance review and remuneration assignments for the local government sector undertaken by Hender Consulting (many of these have included engagement for multiple cycles or CEOs):

- Adelaide City Council
- Alice Springs Town Council
- Barossa Council
- City of Burnside
- City of Charles Sturt
- City of Holdfast Bay
- City of Marion
- City of Mitcham
- City of Mount Gambier
- City of Norwood, Payneham and St Peters
- City of Onkaparinga
- City of Port Adelaide Enfield
- City of Salisbury
- City of Sydney
- City of Tea Tree Gully
- City of Unley
- City of Victor Harbour
- Coorong District Council
- Corporation of the Town of Walkerville
- District Council of Grant
- District Council of Mallala
- District Council of Mount Barker
- District Council of Mount Remarkable
- District Council of Yankalilla
- East Waste Management Authority
- Local Government Association
- NAWMA
- Northern Areas Council
- Port Pirie Regional Council
- Regional Development Authority – Limestone Coast
- Regional Development Authority – Whyalla & Eyre Peninsula
- Regional Development Authority – Yorke and Mid North
- Rural City of Murray Bridge
- Town of Gawler
- Whyalla City Council

In addition to our work within the local government sector, CEO performance appraisals and remuneration reviews undertaken outside of the sector include:

- Maxima Group
- UnitingSA
- Wine Australia
- ACH Group
- Kooyonga Golf Club
- Scouts Australia (SA)
- Trinity College
- Prince Alfred College

Performance Review Process Methodology

We propose to perform the following service and are happy to further tailor the process based on your specific needs:

- meet with the CEO Performance Review Committee to discuss methodology and overview of the process for the CEO performance review and setting of KPIs;
- meet with the CEO to discuss and review his job specification to ensure reasonableness of objectives and KPIs being assessed;
- consider past processes and identify, communicate and activate improvements accordingly;
- attend the CEO's presentation on performance against endorsed KPIs and participate in discussion and reflection;
- provide advice on the proposed survey questions for use in gathering feedback from Elected Members and staff along with the CEO for self-assessment;
- develop/modify and distribute an online survey to the participants including communication to the recipients inviting them to participate, outlining the process and highlighting confidentiality, to encourage open and objective feedback regarding the CEO's performance;
- receive responses, monitor response rates, issue reminders and, once the survey responses have been received, organise direct discussion with respondents should further clarity be required on any feedback;
- review, analyse and de-identify feedback to relate findings in the context of the CEO's KPIs, job specification and other leadership behaviours being assessed;
- prepare detailed draft appraisal report containing our findings and recommendations;
- deliver a final report so that the Committee can make formal recommendations to Council on the CEO's performance and position description;
- schedule a debrief feedback session with the CEO to discuss and provide feedback on the performance appraisal report, findings and recommendations;
- in discussion with the Committee and the CEO, finalise KPIs for the following year;
- attend meetings with the CEO and CEO Performance Review Committee as required.

Each process methodology is tailored to support specific requirements, timing and organisational pre-requisites. We would work closely with the Committee to develop a survey specifically aligned to the CEO's current responsibilities and leadership competencies, behaviours and development needs (from position description, strategic plan, leadership frameworks, vision, values, etc).

Assessment Tool Methodology

In addition to capturing feedback from current Elected Members, we recommend also including feedback from the following:

- direct reports to the CEO and other members of the senior leadership team;
- the CEO, for self-assessment purposes.

Benefits of extending to a larger sample by inviting the senior leadership team to offer feedback include:

- improved sample size, increasing response rates and validity of feedback;
- higher sample size supports greater confidentiality and anonymity for respondents;
- provides a broader view of feedback for the Council prior to re-setting strategic performance objectives and reviewing the position description for the next performance cycle;
- provides the CEO with the opportunity for more inclusive and balanced feedback from both above and below him in the organisational chart;
- provides the ability to capture feedback on the CEO's leadership and operational management performance within the organisation, which otherwise may not be visible to Elected Members. This can also assist in determining priorities from both people and culture and operational leadership perspectives;
- provides participants with a greater understanding, familiarity and confidence in the appraisal process leading into future appraisal cycles.

It is recommended that feedback be captured utilising a series of customised survey questions designed specifically to assess performance against the CEO's management accountabilities, KPIs, strategic project priorities and leadership behaviours as follows:

Section 1 – assesses against the CEO responsiblities (from position description)
Section 2 – assesses against any specific KPIs for the relevant period
Section 3 – assesses against key executive leadership behaviours expected
Section 4 – a concise "stop, start, continue section" focussing on pragmatic outcomes

Section 3 incorporates questions to capture feedback against a suite of executive leadership behaviours and characteristics typically expected of senior executives in this type of role. These can easily be further tailored to align with your organisational values and leadership framework if desired.

Respondents would be asked to provide feedback in both quantitative (applying a performance rating) and qualitative (providing contextual comments) forms.

Surveys can be simplified to seek one overall rating for each headline KPI, however asking respondents to rate *each individual subcomponent* (as is more often done in similar processes) provides a more thorough assessment. While this takes slightly longer for respondents to complete, it will allow us to provide more specific context and report in more detail regarding the highest and lowest rated areas of performance, therefore assisting the Council and the CEO to more clearly define key performance and development themes.

While respondents will generally be happy to complete and return surveys via the online mechanism, we will also offer our availability to receive feedback by confidential phone discussion if desired by any individuals.

Proposed Rating Scale

A six-point rating scale is recommended. This aligns with universally accepted and understood performance rating systems and is closely aligned to performance scales used for many other appraisals conducted by Hender across the sector, allowing for benchmark comparison across CEOs in the sector.

The scale includes an "Unable to Assess" rating for respondents who genuinely feel they are unable to make an accurate assessment on any particular criteria due to limited visibility, short time in role, etc. Any 'U' ratings are removed before averages are calculated.

U	1	2	3	4	5	6
Unable to assess	Serious concerns	Minor concerns	Satisfactory	Good	Very Good	Excellent

Reporting of Survey Results

The survey results and findings will be compiled into a detailed, comprehensive report that includes raw data, validity indicators, overall feedback percentages, participant group breakdown percentages, master average ratings, participant group average ratings, de-identified commentary across all segments of the survey and Hender's recommendations.

The report will be provided to the CEO Performance Review Committee and to the CEO when the Committee authorises.

Referees

Mayor Bim Lange OAM, Barossa Council, phone 0499 500 350
Mayor Gillian Aldridge OAM, City of Salisbury, phone 0411 703 706
Councillor Lucas Jones, City of Tea Tree Gully, phone 0425 411 618
Gael Fraser, Chair, UnitingSA, phone 0400 627 702
John Schumann, Chair, Maxima Group, phone 0438 838 587

Timing

Hender Consulting will allocate resources appropriately to meet the Committee's desired timeframes for the annual performance reviews. A nominal timetable would be as follows:

Week 1	• Discussion with the Committee to clarify and agree on process, requirements, tools, respondents and timeframes • Survey questions, distribution lists, supporting documents and communications prepared by Hender and finalised by the Committee (with visibility to CEO for comment)
Week 2	• Hender distributes surveys with communication to respondents via secure online survey process (allowing 2 weeks to complete) • Respondents start completing and returning surveys
Week 3	• Respondents complete and return responses • Hender issues reminders to those not yet received • Final responses returned to Hender by confidential email, by due date
Week 4-5	• Hender analyses, de-identifies and consolidates feedback and prepares draft report • Hender prepares draft remuneration review report
Week 6	• Hender provides and presents (via Zoom) draft reports to the Committee
Week 7	• Final reports approved by the Committee • Hender schedules debrief feedback discussion/meeting with the CEO, to discuss performance appraisal results and provide feedback • Hender finalises feedback and associated actions with the Committee and CEO to support KPIs and development planning

Professional fees

In good faith and recognition of our continuing partnership we are pleased to hold the fees to the same level applicable to the previous two processes, capped at $8,000 + GST to be invoiced as follows:

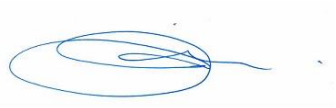
- half on commencement after instructions for each annual assignment have been taken;
- half following completion of the relevant final report and recommendations.

Fees quoted are per year for the 4-year agreement. These fees include all consulting time and reasonable attendance at out of hours Committee and Council meetings. Attendance for meetings of regional Councils and Committees is typically undertaken online by Teams or Zoom mechanisms. Where in person meetings are required beyond those agreed at an initial briefing meeting, an additional hourly rate may be applied.

Thank you for this opportunity to present our credentials and our keen interest to assist the Port Pirie Regional Council again. We can assure you of our timely, objective, independent and professional advisory services.

Please do not hesitate to contact me should you have any queries relating to our proposal.

Yours sincerely



Justin Hinora
Executive Consultant
Direct line: (08) 8100 8829
Email: justin.hinora@hender.com.au

Attachment: Hender Consulting Team Profile & Portfolio

Perks
People
Solutions

Port Pirie
Regional Council

PROPOSAL TO

PORT PIRIE REGIONAL COUNCIL

CEO PERFORMANCE REVIEW
CONSULTANCY SERVICES

PROPOSAL

Perks People Solutions is a leading provider of CEO performance review services across Local Government in South Australia, offering comprehensive and effective solutions to Local Councils of all sizes. Our team of qualified and experienced Human Resources (HR) professionals bring with them, a wealth of knowledge and expertise, ensuring that every review is tailored to the unique needs and goals of each client. With a focus on transparency, accountability, and clear communication, Perks People Solutions delivers results that are both legally compliant and impactful.

Our **Principal Consultant, Collette Ordish** is the primary Consultant delivering CEO Performance Review services across the Local Government sector, with support from the broader team within Perks People Solutions.

1.		Cecilia White Director Perks People Solutions Pty Ltd
	ABN	90 624 084 984
	ACN	-
2.	**Contact Person**	Collette Ordish Principal Consultant
3.	**Registered Address**	Level 6, 81 Flinders Street Adelaide 5000
4.	**Postal Address**	Level 6, 81 Flinders Street Adelaide 5000
5.	**Telephone**	08 8273 9343
6.	**Email**	cordish@ppsconsulting.com.au

SIGNATURE

Dated this 3rd of May 2024

***Signature**: .....

Print name of person signing: Cecilia White

Title / Position of person signing: Director

PRICE SCHEDULE

Assumptions and exclusions are detailed in the tables below:

No.	Assumptions
1	The Council will provide Perks People Solutions with any relevant documentation throughout the CEO Performance Review.
2	Estimated cost per activity fee structure includes all services contained within the Methodology Schedule (other than those specifically stated in the Exclusions table below)
4	Any travel costs directly associated with the services provided (such as accommodation, airfares, meals and incidents etc) will be on-charged to the Council

Anything not listed below is included in the fixed price fee quoted below.

No.	Exclusions	Cost
1	Travel costs (including travel time)	Travel time charged at $150.00 per hour (excluding GST)

Fees:

Perks People Solutions would like to provide flexibility for our consulting services by offering two pricing options below:

- **Option One: Total Fixed Price Fee**

Description	Unit	Price (ex GST)	GST Component	Price (inc GST)
Fixed Price – CEO Performance Review Services (see assumptions and exclusions above) **Primary Consultant delivering the services: Collette Ordish, Senior Consultant**	Annual Cost	$12,000	$1,200	$13,200
Total cost for 4-year term agreement	4-year term	$48,000	$4,800	$52,800

- **Option Two: Consultant Hourly Rates**

Description	Price/Hour (ex GST)	GST Component	Price (inc GST)
Collette Ordish, Principal Consultant	**$285**	**$28.50**	**$313.50**

Estimated cost per activity:

Description	Estimated Price (ex GST) based on hourly rates	GST Component	Total Estimated Price (incl. GST) based on hourly rates
KPI and Performance 360 Survey with Report	$3,000	$300	$3,300
Saville Wave Assessment and Behavioural and Leadership 360 Report (Behavioural and leadership competencies 360 assessment) * *Cost of Saville report included within the estimated price	$3,000	$300	$3,300
KPI Setting – SMART Goals	$2000	$200	$2,200
Remuneration Benchmarking Report	$1,750	$175	$1,925
Hourly rates for attendance at meetings or optional HR advice: Cecilia White Amanda Green **Collette Ordish** Jessica Carter Alicia Del Corso Jemma Andretkze	 $375 per hour $350 per hour **$285 per hour** $130 per hour $120 per hour $120 per hour	 $37.5 $35 **$28.5** $13 $12 $12	 $412.5 $385 **$313.5** $143 $132 $132

Estimated Travel Costs (per onsite meeting):

Description (per person)	Units	Price (ex GST)	Total (ex GST)
Travel time (5 hours return)	5 hours	$150 per hour	$750
Accommodation	1 night, 1 room	$120	$120
Meals & Incidentals	1 day/night	$110	$110
Total Estimated Travel Costs (per onsite meeting, per person)			**$980**

METHODOLOGY AND ESTIMATED TIMEFRAMES

At Perks People Solutions, we recognise that each Council is unique and we pride ourselves on our tailored and flexible approach to the provision of our services. We will work with you to put together a specific schedule that fulfills your needs.

Specific activities that may be undertaken (methodology) and estimated timeframes for each are detailed within the table below:

ACTIVITIES
Identify and align expectations of the review process • Facilitate a meeting with Council Performance Review Panel to ensure that all parties are aligned
Understand the Historical Perspective • Review current Position Description, contract, KPIs / Strategic Goals • Review of the Strategic Plan and other key Council documents • Review of most recent Performance Review and adjust if required
Meeting with CEO to discuss expectations of review and CEO's responsibilities within the process
Facilitate the Mid-Year Performance Update • Facilitate a review process involving: o CEO to provide a presentation to the review panel regarding achievement against KPIs o Facilitate a discussion/process with the review panel to assess CEO's achievement against KPIs (using Perks People Solutions CEO Performance Review assessment matrix) • Provide timely verbal feedback to CEO (along with Mayor/Chair of Performance Review Panel)
Facilitate Annual Review Presentation • Facilitate a review process involving: o CEO to provide a presentation to the review panel regarding achievement against KPIs

- Facilitate a discussion/process with the review panel to assess CEO's achievement against KPIs (using Perks People Solutions CEO Performance Review assessment matrix)

- Provide timely verbal feedback to CEO (along with Mayor/Chair of Performance Review Panel)

Facilitate Performance Feedback Survey (to be undertaken after the CEO's annual review presentation addressing set KPIs)

- KPI and Performance 360 survey
  - Design a customised KPI and Performance 360 survey to assess the relevant KPIs and Key Result Areas of the CEO
  - Launch and monitor survey participation throughout the duration of the survey, sending regular reminders
  - Analyse survey data and provide a comprehensive report detailing the survey results with relevant recommendations
- Verbal feedback methodology utilising supporting assessment matrix*

**Verbal feedback methodology can be tailored to the client's needs. This can either be undertaken in a group setting with members of the Performance Review Panel or can be undertaken as one-on-one interviews with all relevant stakeholders. Feedback should be focussed only on review assessment criteria (established and agreed KPIs). Perks People Solutions has established an assessment matrix tool to aide with ensuring an objective verbal feedback process.*

Saville Wave Professional Styles Assessment and Behavioural and Leadership 360 Report (Behavioural and leadership competencies 360 assessment).

- **Saville Wave Professional Styles Assessment –** A self-report personality questionnaire provides thorough diagnostics required to identify an individual's strengths and their development areas to increase their self-awareness and gain insight into their leadership potential. The identification of the key behaviours that contribute to success in their leadership role, and how they can better utilise these to work more effectively as a team, lead others and drive the organisation forward.

- **Saville Behavioural and Leadership 360 Report –** A dynamic multi-rater tool combining self-perception and feedback from colleagues. To enhance the objectivity and meaning of the feedback collected, the report has a dual-reporting capability captures ratings and comparisons against an external benchmark. The report can highlight any possible misalignment in perception leading to valuable insights into an individual's strengths, areas for improvement, and blind spots.

Combined together, the Saville Wave Professional Styles Report and Behavioural and Leadership 360 Report facilitate a deeper understanding of an individual, effectively bridging the gaps between their current performance and discerning potential areas for growth.

For more information on Saville Assessment Asia Pacific, please use the link below:

Saville 360 Report
Produce Report based on Annual Review • Provide a report for the CEO and Council that summarises the findings of the review process (including the Performance 360 survey if undertaken) • Attend meeting with Performance Review Panel to finalise report and recommendations to go to Council
CEO Feedback Meeting
Review of Performance Review Process • Undertake review of the process with all participants and recommended any changes for the next review period
Remuneration Benchmarking Report • Undertake benchmarking process to provide comparative data for similar Local Government CEO's • Provide remuneration recommendation report based on the outcome of the annual performance review and in line with relevant benchmarking data and the terms and conditions of the CEO employment contract
Attend Council meeting to present the final report and recommendations to the Elected Members with the assistance of the CEO Performance Review Panel

PAST PERFORMANCE

Matt Hobby has been facilitating CEO Performance Reviews in Local Government since 2010. In this time, he has partnered with Elected Members and CEO's to get the best outcomes for the Council through establishing clear KPIs that are connected to the strategic plans of the Council and providing coaching and support for the CEO and Elected Members to improve performance and cohesion between the two parties. Matt provides honest feedback in a pragmatic way, always trying to ensure that the relationship between the CEO and Elected Members is productive. During this time, Matt has facilitated in excess of 70 CEO Performance Reviews.

Collette Ordish is a qualified HR practitioner with over 20 years experience in business and human resources, including working as the Human Resources Manager for Carpentaria Shire Council as well as her more recent experience working as a Senior Consultant for Perks People Solutions, providing HR advice and support to clients, including a number of Local Government organisations.

Since the recent change to the Local Government Act, Perks People Solutions feels that the combination of Matt's experience and the HR qualifications and expertise that Collette Ordish brings, will create the best outcomes for Councils.

VALUE ADDED SERVICES

Our point of difference is that we can offer our clients a truly integrated HR consultancy service. We are flexible in our approach, allowing our clients to utilise our services on their terms. We are a team of qualified and experienced HR Professionals and we draw upon this collective expertise to provide the best possible service and advice to our clients.

Collette will work with your Council to ensure that:

- The KPI and Performance 360° surveys are designed to be objective and are based on agreed performance criteria (e.g., KPIs and/or Key Result Areas of the position description)
- The review is a process where both positive and constructive feedback is obtained
- Data obtained through the KPI and Performance 360° survey is analysed and outlined in an easy-to-read report, along with any relevant recommendations from our team of HR experts.

IMPROVEMENT AND INNOVATION

Our flexible approach allows us to work collaboratively with our clients. Collette will listen to your needs and draw upon her 20 years of experience in HR to design a performance review process that is fit for purpose for Port Pirie Regional Council.

We are passionate about quality improvement and continue to evolve and innovate our products and services to provide a bespoke and best practice service that meets the clients needs.

RECENT LOCAL GOVERNMENT WORK

- Adelaide Hills Council – CEO KPI Setting
- District Council of Cleve – CEO Performance Review & Employee Engagement Surveys
- Alexandrina Council – CEO Performance Review & Employee Engagement Surveys
- Town of Gawler – CEO Performance Review, CEO Position Description Review, Elected Member Team Building and Gender, Diversity & Inclusion Project
- Yorke Peninsula Council – CEO Performance Review
- Team Building and Gender, Equity, Diversity & Inclusion Project
- Northern Areas Council – CEO Performance Review

- District Council of Mount Remarkable – Employee Engagement Survey
- District Council of Yankalilla – Outsourced human resources consulting
- City of Mitcham – Ad Hoc HR Consulting Services

RECENT EXECUTIVE LEVEL PERFORMANCE REVIEWS

- Murray Bridge and District Community Club – Remuneration Benchmarking Report
- Blackwood Golf Club - General Manager 360 Degree Performance Review

REFERENCES

The table below provides details of relevant work (within the last 18 months) undertaken by Perks People Solutions and details of referees who can attest to that work.

Client	**Location**	**Nature of Work**	**Date of Project**	**Referee** (current phone number, contact name and email address)
District Council of Cleve	Cleve	CEO Performance Review	Completed March 2024	Phil Cameron Mayor 0428 860 883 Phil.cameron@cleve.sa.gov.au
Alexandrina Council	Goolwa	CEO Performance Review	2023/2024 Financial Year (current)	Nigel Morris Chief Executive Officer 0417 280 640

				nigel.morris@alexandrina.sa.gov.au
Northern Areas Council	Jamestown	CEO Performance Review	2023/2024 Financial Year	Kelly Westell CEO (08) 8664 1139 Kelly.Westell@NACouncil.sa.gov.au

CONSULTANT BIOGRAPHICAL PROFILES

Name	Role & Biographical Profile
Collette Ordish 	**Principal HR Consultant (Primary Consultant)** Collette brings over 20 years of professional experience in business and human resources across Australia, with over 10 years served in strategic HR leadership positions. With experience in a diverse range of industries, including aged care, hospitality, health, and state & local government, Collette is a results-focused, pragmatic, creative and strategic thinker who thrives on finding effective solutions to problems and identifying areas for opportunity. Collette is passionate about organisational development and has a track record of the successful implementation of a number of organisational development activities throughout her career thus far, including workforce design, culture & engagement strategies, leadership & mentoring programs and talent management frameworks and programs. She has developed, implemented and facilitated a number of training solutions and is a qualified trainer and assessor. From leading her own teams, Collette has hands on experience in understanding the challenges that come with leadership and greatly enjoys coaching leaders in how to get the most from their people. Collette is experienced in facilitating performance review processes for senior Executives, particularly in the Local Government environment.

	As a champion for diversity and inclusion, Collette has experience in developing gender equity, diversity and inclusion strategy and initiatives and providing leadership to a reconciliation action plan. **Qualifications** • Bachelor of Business & Commerce (HR & Business Law) • Certified Organisational Development Practitioner (AIHR) • Certificate IV Training & Assessment • Certified Learning & Development Specialist (AIHR) • Member of the Australian Human Resources Institute (AHRI) • Certificate III in Investigative Services • Investigations Agents License (SA) • Certified Axiology Practitioner • Certified Behaviours Practitioner (DISC) • Certified Motivators Practitioner **Areas of expertise** • Employee Engagement • Organisational Development • Employment & Industrial Relations • Disciplinary & Performance Matters • Award Interpretation • Policy Development • Facilitation of Executive performance reviews • Workplace Facilitation, Education & Training • Gender Equity, Diversity & Inclusion
Matt Hobby 	**Director - Recruitment** Matthew has been an executive recruiter and business manager for over 15 years, developing his skills both locally and internationally. He has a genuine interest in helping leaders navigate the future of work and assisting them to adapt to increase productivity and engagement. Over Matthew's career, he has worked on behalf of some of the world's leading brands and organisations and has an in-depth understanding of how to attract and retain the people who have a considerable impact on the business they lead. In addition to recruitment, Matthew has also delivered and managed HR Consulting Services for SME's and worked with the leadership of large organisations to better align people with their strategic plan and values.

INSURANCES

Details of insurance to provide cover for the services.

Insurance type	Policy no	Extent of cover		Expiry date	Name of insurer
		Per incident $A	In aggregate $A		
Public and products liability	PPL-004525-2023	$20,000,000.00	$20,000,000.00	30/06/2024	Prorisk
Professional indemnity (if applicable)	PIG-001695-2023	$5,000,000	$10,000,000	30/06/2024	Prorisk
Return to Work	29280606	-	-	30/06/2024	Return to WorkSA

MINUTES OF THE CEO PERFORMANCE REVIEW COMMITTEE SPECIAL MEETING HELD ON WEDNESDAY 12 JUNE 2024 AT 5.04PM IN THE MAYOR'S OFFICE, 115 ELLEN STREET, PORT PIRIE.

1.0 ACKNOWLEDGEMENT

We acknowledge and respect the traditional custodians whose ancestral lands we are meeting upon here today.

We pay tribute to those who have served and continue to serve this great country, we pay tribute to our first responders and recognise the multicultural community that makes this region so unique.

2.0 PRESENT: Cr A Zubrinich (Chairperson), Deputy Mayor Cr K Jackson and Cr L Peters

Kate Carmody, Executive Assistant (Minutes)

3.0 APOLOGIES: His Worship the Mayor L Stephens

4.0 CONFIRMATION OF MINUTES:

4.1 CEO Performance Review Committee Meeting 13 March 2024

MOVED Cr Jackson SECONDED Cr Peters

CE9/24 That the Minutes of the CEO Performance Review Committee meeting held on 13 March 2024 be received and confirmed.

CARRIED

5.0 MATTERS ARISING FROM MINUTES: Nil

6.0 DECLARATION OF INTERESTS: Nil

7.0 ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY:

7.1 Chief Executive Officer Performance Review Process Consultant for 2023/24, 2024/25, 2025/26 and 2026/27

Pursuant to Section 90(3)(k)

MOVED Cr Peters SECONDED Cr Jackson

CE10/24 Pursuant to Section 90(2) and (3)(k) of the Local Government Act 1999 the Committee orders that all members of the public with the exception of K Carmody, Executive Assistant be excluded from attendance at that part of this meeting relating to Agenda Item 7.1 Chief Executive Officer Performance Review Process Consultant for 2023/24, 2024/25, 2025/26 and 2026/27 to enable the Committee to consider Item 7.1 in confidence on the basis the Committee considers it necessary and appropriate to act in a meeting closed to the public (excepting those persons noted above) in order to receive, discuss or consider in confidence the following information or matter relating to Item 7.1 which relates to tenders for the provision of services being to assist the Committee with the CEO's annual performance review process.

Accordingly, on this basis, the principle that meetings of the Committee should be conducted in a place open to the public has been outweighed by the need to keep the information or matter confidential.

CARRIED

CONFIDENTIAL

7.0 ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY: (Cont'd)

7.1 Chief Executive Officer Performance Review Process Consultant for 2023/24, 2024/25, 2025/26 and 2026/27 (Cont'd)

MOVED Cr Jackson SECONDED Cr Peters

CE11/24 That the CEO Performance Review Committee recommend to Council the appointment of Albrighton Consulting & Training Services as the consultant to assist with the performance review process for the Chief Executive Officer for 2023/24, 2024/25, 2025/26 and 2026/27.

CARRIED

Section 91(7) Order

MOVED Cr Peters SECONDED Cr Jackson

CE12/24 Pursuant to Section 91(7) of the Local Government Act 1999, the Committee orders that the agenda reports, related attachments, discussion and minutes relating to Agenda Item 7.1 Chief Executive Officer Performance Review Process Consultant for 2023/24, 2024/25, 2025/26 and 2026/27 shall be kept confidential, being documents relating to a matter dealt with by the Committee on a confidential basis under Sections 90(2) and (3)(k) of the Act on the grounds that the documents relate to tenders for the provision of services being to assist the Committee with the CEO's annual performance review process.

This order shall operate for a period of six (6) months or until the execution of an agreement.

Pursuant to Section 91(9)(c) of the Local Government Act 1999, the Council delegates to the Chief Executive Officer (or his delegate) the power to revoke this order in whole or part.

CARRIED

8.0 OTHER BUSINESS: Nil

9.0 NEXT MEETING: 10 July 2024 at 5.00pm

10.0 CLOSURE: 5.18pm

_____

CHAIR

CONFIDENTIAL

ORDINARY MEETING OF COUNCIL

26 June 2024

Members of Council

His Worship the Mayor L Stephens
Councillors:
Deputy Mayor K Jackson, J Connor, A Gulin, M Hopgood,
J Joyce, J Keain, G Petagna, L Peters, A Zubrinich

Confidential Agenda

The business to be considered at the above-mentioned meeting is set out in the attached Agenda.

Peter Ackland
Chief Executive Officer
21 June 2024

AGENDA

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16.7 RFT for Contract 2024/139 - Foreshore Deck and Shelter 27

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16.6 RIVERBANK PRECINCT MASTER PLAN STAGE 1 WORKS - NATURE INSPIRED PLAY SPACE

Author: **Kathryn Johnson, Director Infrastructure**

File Reference: **2024.1987**

Timeframe:	2024/2025 Financial Year			
Budget Impact:	$316,650			
Risk Assessment:	Primary Risk Type(s):		Finance/Infrastructure	
	Inherent Risk:	**Likelihood**	**Consequence**	**Rating**
		Possible	Minor	Medium
	Controls:	▪ Competitive tender process ▪ Engagement of suitable qualified and experienced contractor ▪ Sound project management framework for delivering projects ▪ Allocation of contingency funds within project delivery budget		
	Residual Risk:	Unlikely	Insignificant	Low

STRATEGIC REFERENCE:	
Theme	Our Community
Goal	Wellbeing
Strategy 1.3.5	Open spaces are enhanced through well maintained and attractive landscaping providing opportunity for increased community activity.

RECOMMENDATION

That Council:

- **confirm the intent to provide a nature inspired play space incorporating water play that is inclusive;**
- **note the various approaches to market and outcomes;**
- **award the contracts for the delivery of Option 2 (total value of $206,930) as follows:**
  - **award a contract to Forpark for the construction of the playground including the basket swing for a value of up to $105,535 excluding GST;**
  - **award a contract to Caddy Earthworks to undertake the construction of the Water Play Area for a value of up to $93,000 excluding GST; and**
- **delegate authority to the Chief Executive Officer to approve variations under the contingency allowance up to the value of $20,693 (10% of the expected cost of the playground structure and water play area);**
- **endorse the installation of rubberised softfall around the playground structure to ensure that play space is inclusive; and**
- **acknowledge the overall project cost is currently $307,623 including the contingency amount.**

EXECUTIVE SUMMARY

As part of the Riverbank Precinct Master Plan Stage 1 works, it is proposed to construct a nature inspired play space including a nature themed playground and a water play area.

After numerous approaches to the market to find and engage suitable contractors to assist with delivering the proposed concept, Council are requested to provide approval for the award of contracts to the successful tenderers as follows:

- Forpark – Supply and construction of the playground and basket swing
- Caddy Earthworks – Construction of the water play area and adjoining footpath

Further consideration is being given to ensure the play space is inclusive which will require the installation of rubberised softfall around the playground structure.

DISCUSSION

As part of the Riverbank Precinct Master Plan Stage 1 works, a Nature Inspired Play Space has been planned to be located in the vicinity of the existing central barbeque shelter.

The concept plan prepared by Climbing Tree Creations was used as the basis for the tender specifications for construction.

The design and tendering process to deliver the nature inspired play space has faced several challenges which has led the infrastructure team to have to modify and adapt their approach. The modifications have included changing the final play space from being a “Nature Play” area to a “Nature Inspired Play Space”, multiple tendering occurrences with varying scopes and work packages as well as modifying and developing the final tender specification for the water play area internally.

This being said, the work completed to date has provided Council with a workable solution and a number of different options for consideration which all present their own benefits and disadvantages. Further information on these challenges can be found under the subheadings below.

Tender process

As part of efforts to deliver the Nature Inspired Play space, the approach the market has been undertaken in several ways to find suitable suppliers and contractors to enable the completion of the work. The tendering events and details are as follows:

- RFT 2023/126 – Delivery of Foreshore Nature Inspired Play Space
  - Council approached the market through SA Tenders for responses to deliver a nature play space or similar to the concept provided initially by Climbing Tree.
  - Only one response was received for the package of work from Climbing Tree Creations for the value of $350,699 excluding GST.
  - Selected suppliers were contacted following the review to seek feedback as to why they didn’t respond to the tender. The general feedback was that it featured large amounts of landscaping and that these suppliers typically only provided the playground equipment.
- RFT 2024/137 – Construction of Solomontown Beach Playground
  - Council approached the market through SA Tenders for responses to deliver a playground with guidance to be taken from the concept provided initially by Climbing Tree.
  - Two responses were received, one from Adventure Plus and the other from Forpark. These two responses were for the playground supply only and did not include any landscaping works, including the water play area, as these companies do not

provide these services.

- RFT 2024/146 – Foreshore Upgrade Playground Water Play
  - Council approached multiple potential suppliers to seek a supplier who would undertake the landscaping activities including the water play component.
  - Climbing Tree Creations were approached to separate the playground supply component from the landscaping activities and provide individual pricing.
  - A tender specification was put together, and a price was sought from Caddy Earthworks for the construction of the water play area.

Revision of Tender Options

The following options are for consideration by Council:

	Option 1 – Climbing Tree Creations	**Option 2 – Combination Forpark & Caddy Earthworks**	**Option 3 – Combination Adventure Plus & Caddy Earthworks**
Playground Supply	$116,700 - includes basket swing as per concept.	$105,535 - includes supply of basket swing and rubber surfacing under swing.	$136,400 – includes supply of basket swing.
Water Play	$244,608.00 – includes sand soft fall impact surface.	$93,000 – Caddy Earthworks.	$93,000 – Caddy Earthworks.
Supply of Free Issue Items	N/A	$8,395 – Rainwell Lil Guppy & Tadpole Pumps and 2 x pressure reduction systems.	$8,395 – Rainwell Lil Guppy & Tadpole Pumps and 2 x pressure reduction systems.
Sub Total for Playground (excl GST)	$361,308	$206,930	$237,795
Landscaping	Included within Climbing Tree Creations price	To be completed by Council	To be completed by Council
Contingency @ 10%	$36,130	$20,693	$23,780
Total (excl GST)	$397,438	$227,623	$261,575

In order to ensure that the new play space is inclusive, it is proposed to install rubberised soft fall under the playground structure. The expected cost for the rubberised soft fall is expected to by approximately $80,000. This will be sourced as part of a separate procurement process. The cost of the rubberised soft fall will need to be added to the overall budget as follows:

Total (excl GST)	$477,438	$307,623	$341,575

TIMING AND BUDGET

The following timing has been indicated from suppliers in their responses:

Supplier	Timing
Forpark	17 week delivery schedule provided with tender response
Adventure Plus	22-26 week lead time from confirmed order identified within tender response
Climbing Tree Creations	No clear timeframe was provided within tender response, specified as "months of preparation would be required once awarded the project".
Caddy Earthworks	Water Play can be completed by the end of August should Council look to award early July.

At the Special Meeting of Council held on 29 May 2024, Council endorsed the allocation of $2.45 million to complete Stage 1 works of the Riverbank Precinct Master Plan (SM23/24). This funding allows for the completion of the Nature Inspired Play Space as well as the Foreshore Deck and Shade Sails.

It anticipated that the budget required is an upper limit and there is still opportunity to negotiate savings with the preferred contractor for the foreshore deck and shade sails.

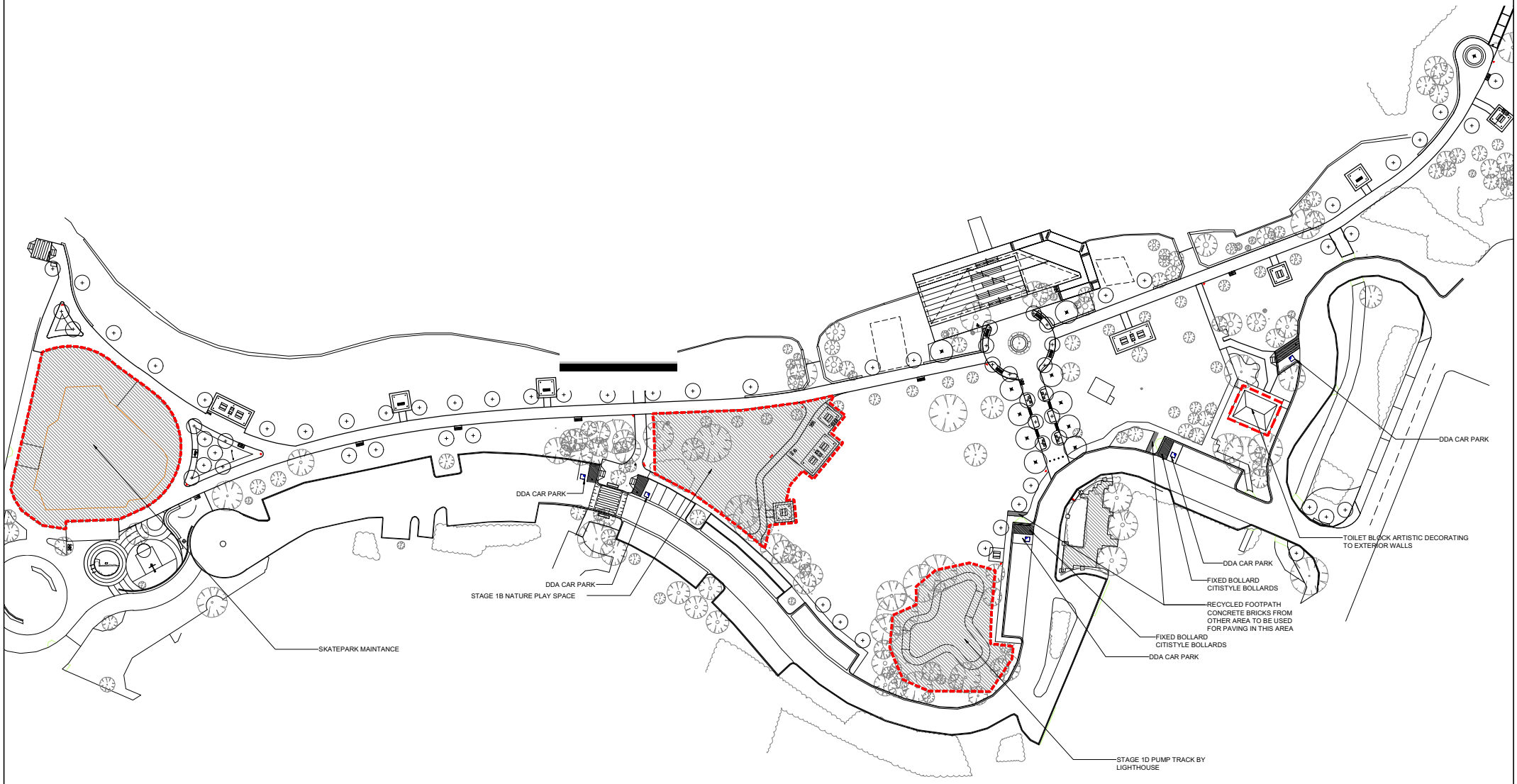
At this stage the total project costs for the foreshore deck and shade sails combined with the nature inspired playground is expected to be $2.496 million, but it is important to note that this figure includes $210,000 contingency across both projects.

Should Council agree to the recommendation, the preferred tenderers will be engaged, and works will be programmed to be completed by mid-December 2024, subject to favourable weather conditions and no supply chain issues.

ATTACHMENTS

1. **CTC Foreshore Riverbank Overview - Confidential**
2. **Forpark Alternate Option - Confidential**
3. **Forpark Proposal - Confidential**
4. **Adventure + Proposal - Confidential**

Attachment 1 - Foreshore Riverbank Overview



SCALE 1:500 — 10 0 10 20 30 40 Metres

No.	REVISION	BY	DATE
C	100%_TENDER_DOCUMENTATION	BD	07_23
B	70%_DETAILED_DESIGN	BD	06_23
A	30%_DESIGN_DEVELOPMENT	BD	02_23

JENSEN PLUS
Planning
Landscape Architecture
Urban Design
Social Planning

Title
OTHER
PLAN

Project
RIVERBANK_PRECINCT_PORT_PIRIE
STAGE_1L_LANDSCAPE_WORKS

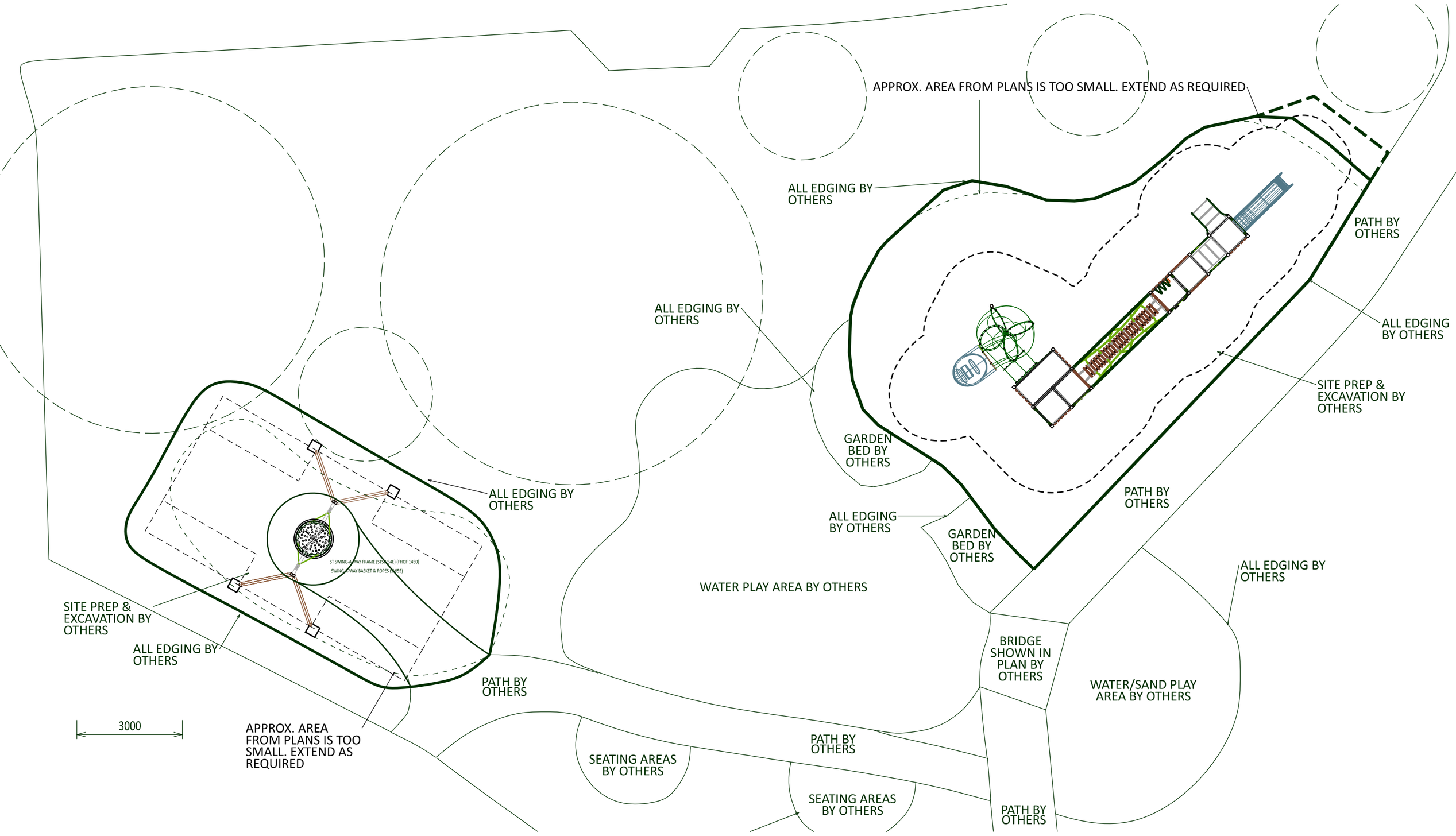
Client
PORT_PIRIE
REGIONAL_COUNCIL

Project No. P0321/RPPP/L113
Category
Drawing No.

Date 07/2023
Scale 1/500
Issue 100%TD
Drawn BD
Revision C
Checked MMC

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APPROX. AREA FROM PLANS IS TOO SMALL. EXTEND AS REQUIRED
ALL EDGING BY OTHERS
PATH BY OTHERS
ALL EDGING BY OTHERS
SITE PREP & EXCAVATION BY OTHERS
GARDEN BED BY OTHERS
PATH BY OTHERS
ALL EDGING BY OTHERS
GARDEN BED BY OTHERS
ALL EDGING BY OTHERS
ALL EDGING BY OTHERS
ST SWING-A-WAY FRAME (STSF54E) (FHOF 1450)
SWING-A-WAY BASKET & ROPES (LL055)
WATER PLAY AREA BY OTHERS
SITE PREP & EXCAVATION BY OTHERS
ALL EDGING BY OTHERS
BRIDGE SHOWN IN PLAN BY OTHERS
WATER/SAND PLAY AREA BY OTHERS
3000
APPROX. AREA FROM PLANS IS TOO SMALL. EXTEND AS REQUIRED
PATH BY OTHERS
PATH BY OTHERS
SEATING AREAS BY OTHERS
SEATING AREAS BY OTHERS
PATH BY OTHERS

SOLOMONTOWN BEACH PLAYGROUND DESIGNS

OPTION 1 - SAELV6-050

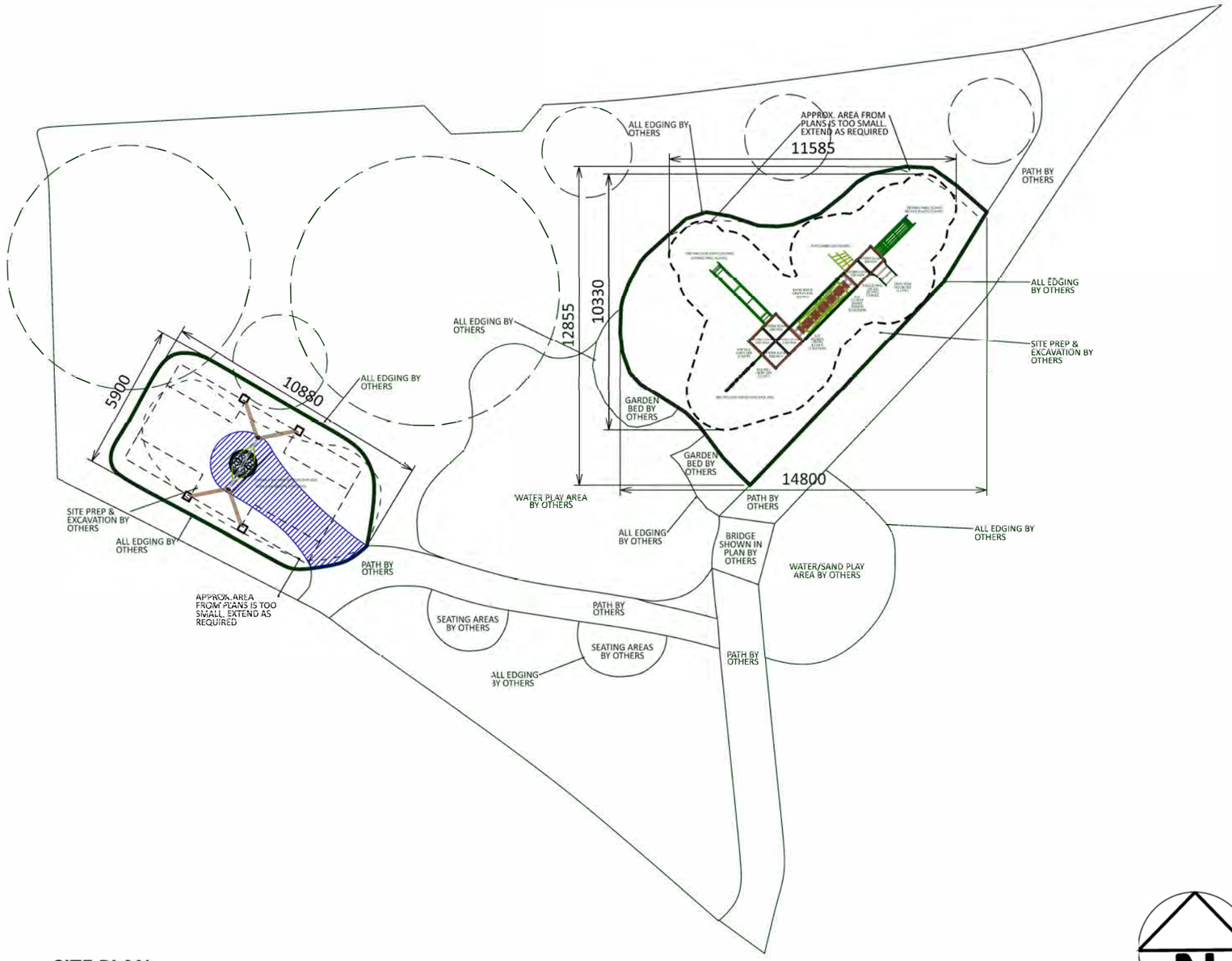
- Site Plans
- Elevations
- Digital Renders

OPTION 2 - SALOF1-001

- Site Plans
- Elevations
- Digital Renders

ForPark PlayCo

BEACH RD



SITE PLAN

SCALE 1:200

LEGEND

ELEVATE

MINIMUM FALLZONE REQUIREMENT

PLAY SPACE BOUNDARY

RUBBER

ELEVATE SPECIFICATIONS

UPRIGHTS
75mmx75mm Aluminium (3.5mm wall thickness). Powder coated.
Strength: Meets the strength requirements of Section 4.2.2 of AS 4685 SET:2014.
Caps: Mouldedplastic Polyetnylene.
POWDER COATING
All steel components have a lead and TGIC free, baked polyester powder-coat finish.
Our finish of 80-120 microns greatly exceeds the required Australian Standard (AS3715-2002) of 60 microns.
PLATFORMS AND PLATFORM INFILLS
Fully reinforced, Marine Grade Aluminium (5005-H34). Minimum thickness 3mm.
Finish: Textured powder-coat.
STEEL PLAY COMPONENTS
Galvanised Steel - Galtube plus, meeting the specifications C350L0.
Stainless Steel 304 and 316 Grade Stainless Steel.
Finish: Powder-coated.
PLASTIC PLAY COMPONENTS
Rota-moulded Polyethylene (UV stabilised, Rating 8) with 930 density. Finish: as moulded.
Injection Moulded 30% Glass Filled Nylon.
SLIDES
Rota-moulded Polyethylene (UV stabilised, Rating 8) with 930 density.
Stainless steel grades T304 & T316.
Galvanised steel side (HDG).
Fully reinforced, commercial grade aluminium (5005-H34).
Minimum thickness 3mm. Powder coated finish
PANELS
Galvanised steel with powder-coated finish.
Rota-moulded Polyethylene (UV stabilised, rating 8) with 930 density.
Tri-laminate high density polyethylene (routed designs).
Marine Grade laser cut and routed Aluminium sheet (5005-H34).
Minimum thickness 6mm. Powder coated finish
Aluminium T5 (Anodised 15um) Extruded section
S/S Woven Wire 1.6x6A 316
CHAINS
6mm short link Stainless Steel chain.
6mm and 8mm short link zinc passivated or galvanised chains.
TUNNELS
Rota-moulded Polyethylene (UV stabilised, rating 8) with 930 density.
Fully reinforced, Commercial Grade Aluminium (5005-H34).
Minimum thickness 3mm. Powder coated finish.
ROPES
Rope Diameter – 16mm and 18mm
Rope Covering – Nylon
Rope Core – Polypropylene
Steel Reinforcement – 6 x galvanised wire strand 1570N/mm2
Hydraulically pressed aluminium terminals
Stainless steel hardware
Plastic connectors – Nylon
BOLTS
All bolts, fixtures and fittings meet Australian Standard AS 1112 and AS 1390
Pan head trilobular recess with cone point and tamper proof head.
Case hardened to 450 HV5 minimum.
Finish: zinc 5 micron and yellow dichromate.
Size: M10 x 20 x 1.5 thread. Also available as T302 stainless steel.
ROOFS
Available in the following materials:
1. Rota-moulded Polyethylene (UV stabilised, rating 8) with 930 density.
2. Zincalume steel with powder-coat finish.
3. Marine Grade Laser cut and Routed Aluminium sheet (5005-H34). Minimum thickness 6mm. Powder coated finish
STEPS & STAIRS
Available in the following materials:
1. Aluminium (5005-H34) with powder coated finish.
2. Galvanised steel with powder coated finish.
3. Rota-moulded Polyethylene (UV stabilised, rating 8) with 930 density
SPRING EQUIPMENT
Shapes available in the following materials:
1. Cast aluminium and fabricated steel.
2. Tri-laminate high density polyethylene. Springs are rust protected. Fixing plates zinc passivated. All aluminium, plates and springs have a powder-coated finish
TIMBER
Type: Meranti of the Shorea species - A light hardwood
Durable and resistant to insect attacks
Coated with a long lasting UV and weather resistant timber stain
All Forpark timber is responsibly sourced through a FSC certified supplier

N

ForPark PlayCo

PORT PIRIE REGIONAL COUNCIL FORESHORE

SOLOMONTOWN BEACH

07.02.2024

PRELIMINARY DESIGN

SAELV6-050 | OPTION 1

SCALE 1:200

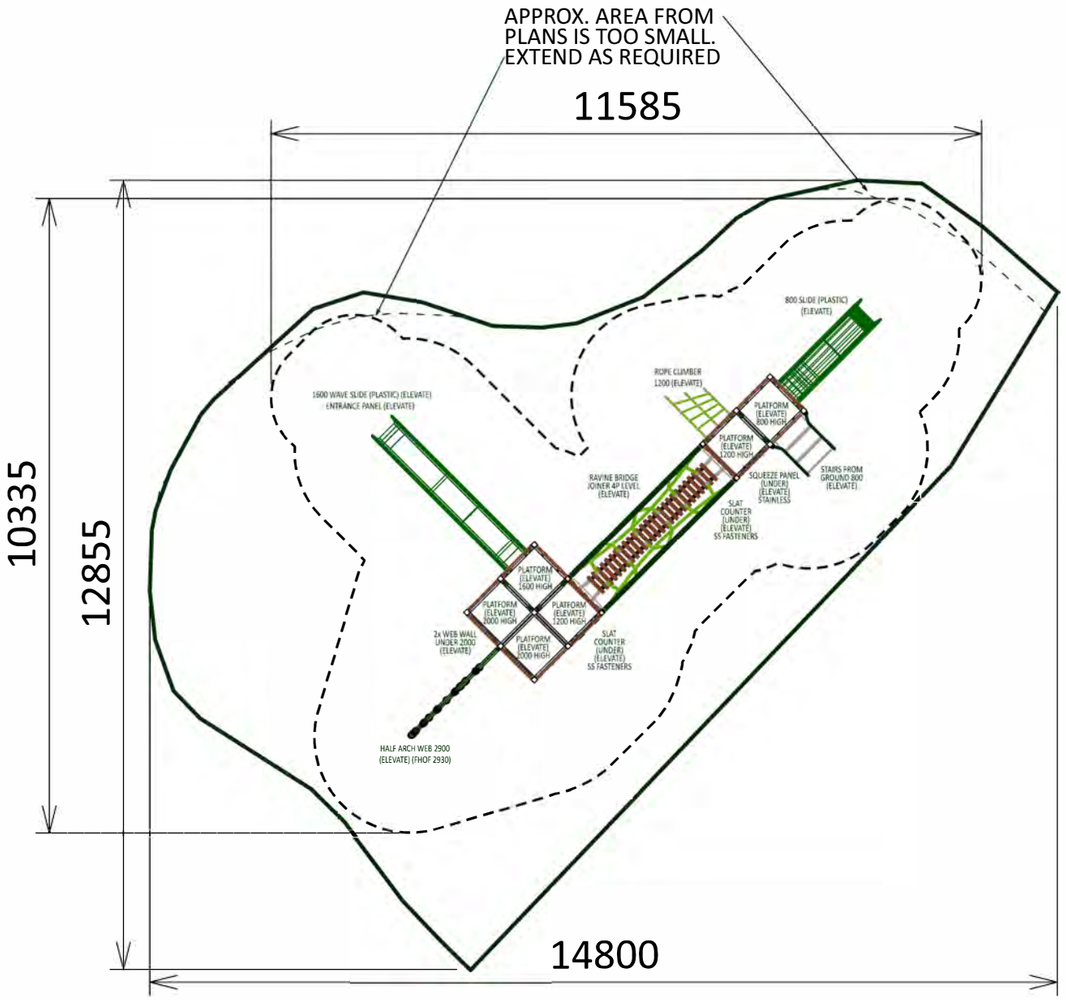
BY: AC

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WEBSITE: WWW.FORPARKAUST.COM.AU

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BEACH RD



SITE PLAN

SCALE 1:100

LEGEND

ELEVATE

MINIMUM FALLZONE REQUIREMENT

PLAY SPACE BOUNDARY

ELEVATE SPECIFICATIONS

UPRIGHTS
75mmx75mm Aluminium (3.5mm wall thickness). Powder coated.
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Durable and resistant to insect attacks
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PORT PIRIE REGIONAL COUNCIL FORESHORE

SOLOMONTOWN BEACH

07.02.2024

PRELIMINARY DESIGN

SAELV6-050 | OPTION 1

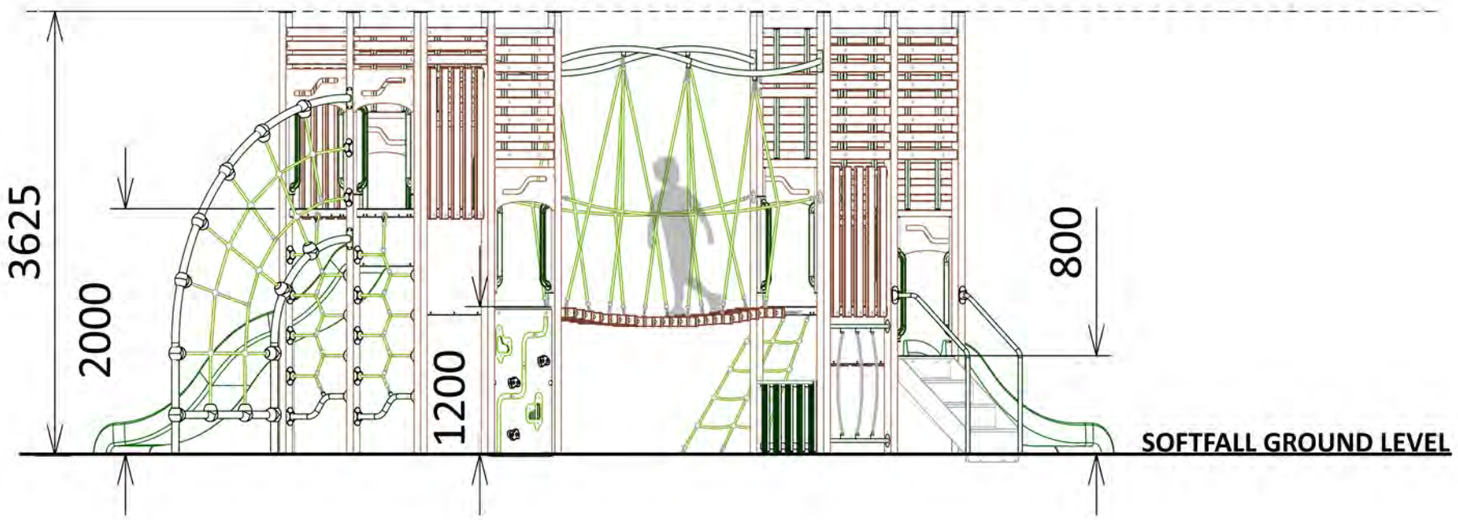
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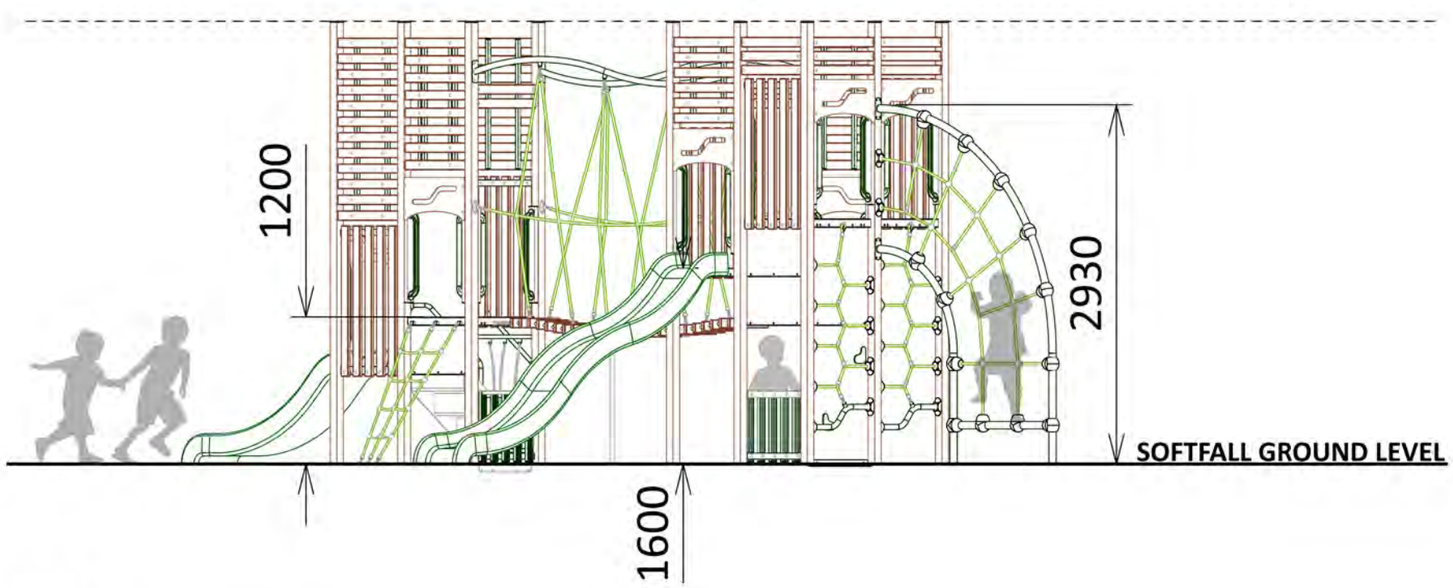
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SITE PLAN

SCALE 1:50

LEGEND

ELEVATE

ELEVATE SPECIFICATIONS

UPRIGHTS
75mmx75mm Aluminium (3.5mm wall thickness). Powder coated.
Strength: Meets the strength requirements of Section 4.2.2 of AS 4685 SET:2014.
Caps: Moulded plastic Polyethylene.
POWDER COATING
All steel components have a lead and TGIC free, baked polyester powder-coat finish.
Our finish of 80-120 microns greatly exceeds the required Australian Standard (AS3715-2002) of 60 microns.
PLATFORMS AND PLATFORM INFILLS
Fully reinforced, Marine Grade Aluminium (5005-H34). Minimum thickness 3mm.
Finish: Textured powder-coat.
STEEL PLAY COMPONENTS
Galvanised Steel - Galtube plus, meeting the specifications C350L0.
Stainless Steel 304 and 316 Grade Stainless Steel.
Finish: Powder-coated.
PLASTIC PLAY COMPONENTS
Rota-moulded Polyethylene (UV stabilised, Rating 8) with 930 density. Finish: as moulded.
Injection Moulded 30% Glass Filled Nylon.
SLIDES
Rota-moulded Polyethylene (UV stabilised, Rating 8) with 930 density.
Stainless steel grades T304 & T316.
Galvanised steel side (HDG).
Fully reinforced, commercial grade aluminium (5005-H34).
Minimum thickness 3mm. Powder coated finish
PANELS
Galvanised steel with powder-coated finish.
Rota-moulded Polyethylene (UV stabilised, rating 8) with 930 density.
Tri-laminate high density polyethylene (routed designs).
Marine Grade Laser cut and Routed Aluminium sheet (5005-H34).
Minimum thickness 6mm. Powder coated finish
Aluminium T5 (Anodised 15um) Extruded section
S/S Woven Wire 1.6x6A 316
CHAINS
6mm short link Stainless Steel chain.
6mm and 8mm short link zinc passivated or galvanised chains.
TUNNELS
Rota-moulded Polyethylene (UV stabilised, rating 8) with 930 density.
Fully reinforced, Commercial Grade Aluminium (5005-H34).
Minimum thickness 3mm. Powder coated finish.
ROPES
Rope Diameter – 16mm and 18mm
Rope Covering – Nylon
Rope Core – Polypropylene
Steel Reinforcement – 6 x galvanised wire strand 1570N/mm2
Hydraulically pressed aluminium terminals
Stainless steel hardware
Plastic connectors – Nylon
BOLTS
All bolts, fixtures and fittings meet Australian Standard AS 1112 and AS 1390
Pan head trilobular recess with cone point and tamper proof head.
Case hardened to 450 HV5 minimum.
Finish: zinc 5 micron and yellow dichromate.
Size: M10 x 20 x 1.5 thread. Also available as T302 stainless steel.
ROOFS
Available in the following materials:
1. Rota-moulded Polyethylene (UV stabilised, rating 8) with 930 density.
2. Zincalume steel with powder-coat finish.
3. Marine Grade Laser cut and Routed Aluminium sheet (5005-H34). Minimum thickness 6mm. Powder coated finish
STEPS & STAIRS
Available in the following materials:
1. Aluminium (5005-H34) with powder coated finish.
2. Galvanised steel with powder coated finish.
3. Rota-moulded Polyethylene (UV stabilised, rating 8) with 930 density
SPRING EQUIPMENT
Shapes available in the following materials:
1. Cast aluminium and fabricated steel.
2. Tri-laminate high density polyethylene. Springs are rust protected. Fixing plates zinc passivated. All aluminium, plates and springs have a powder-coated finish
TIMBER
Type: Meranti of the Shorea species - A light hardwood
Durable and resistant to insect attacks
Coated with a long lasting UV and weather resistant timber stain
All Forpark timber is responsibly sourced through a FSC certified supplier

ForPark PlayCo

PORT PIRIE REGIONAL COUNCIL FORESHORE

SOLOMONTOWN BEACH

07.02.2024

PRELIMINARY DESIGN

SAELV6-050 | OPTION 1

SCALE 1:50

BY: AC

FORPARK SOUTH AUSTRALIA

POSTAL ADDRESS: P.O. BOX 40 Salisbury South DC SA 5106
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SOLOMONTOWN BEACH

PORT PIRIE REGIONAL COUNCIL

SAELV6-50 OPTION 1


HALF ARCH
WEB
WEB WALL
1.6m
PLASTIC
WAVE SLIDE
SAELV6-50 OPTION 1
ForPark
PlayCo


RAVINE
BRIDGE
800 mm
SLIDE
ROPE
CLIMBER
SAELV6-50 OPTION 1
ForPark
PlayCo



adventure+

Playground Proposal

Solomontown Beach Playground - Port Pirie Regional Council

Proposal No: 63158
Date: 15 February 2024





adventure+ | spectrum+ hybrid spectrum+

Solomontown Beach Playground - Port Pirie Regional Council
Proposed Play Equipment
Equipment Illustration - View 1

sales@adventureplus.net.au
1300 237 587
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adventure+ | spectrum+ hybrid spectrum+

Solomontown Beach Playground - Port Pirie Regional Council
Proposed Play Equipment
Equipment Illustration - View 2

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adventureplus.net.au



adventure spectrum hybrid spectrum

Solomontown Beach Playground - Port Pirie Regional Council
Proposed Play Equipment
Equipment Illustration - View 3

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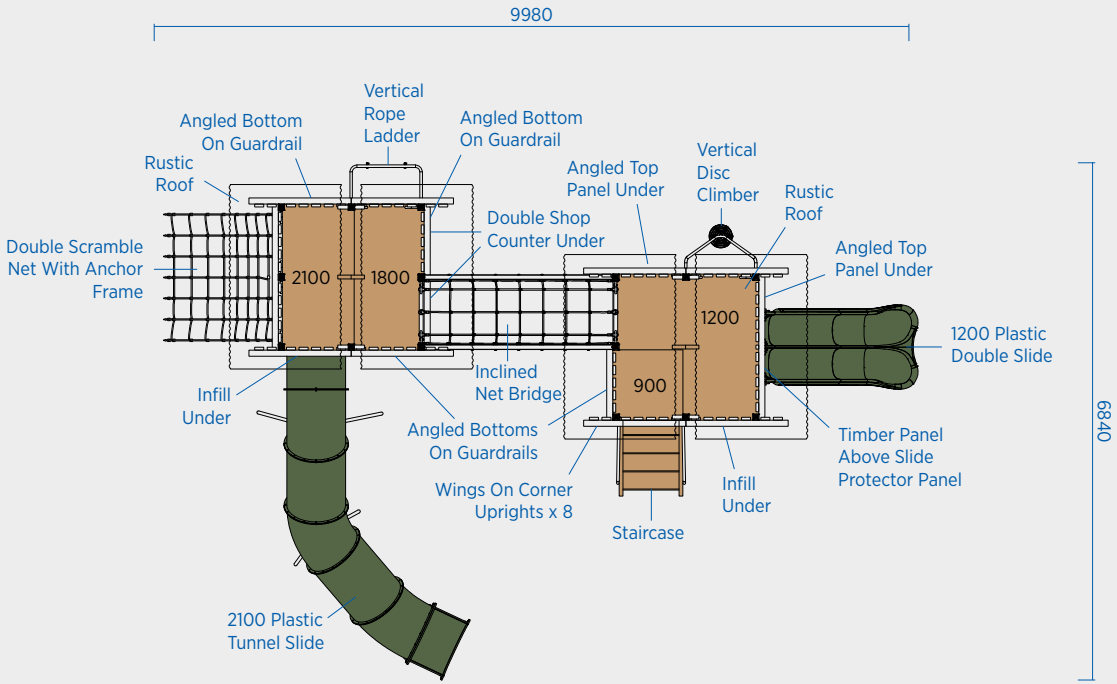
Plan and Concept © Adventure Playgrounds Pty Ltd, ABN. Illustrations are indicative only, actual details may vary.

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Solomontown Beach Playground - Port Pirie Regional Council
Proposed Play Equipment
Equipment Illustration - View 4

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Standard Guardrail Panels: Timber With Angled Tops

Angled Panels Under Roofs Except Above Net Bridge

SCALE 1:100 0 1 2 3 4

- Plans and illustrations are schematic only, actual detail may vary. Do not scale for dimensions. Allow 5% minimum additional clearance for site variations.

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Solomontown Beach Playground - Port Pirie Regional Council
Proposed Play Equipment
Equipment Plan

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SCALE 1:100 0 1 2 3 4

- Provide undersurfacing in accordance with AS 4422:2016. Mulch undersurfacing should be 200mm minimum compacted depth.
- Plans and illustrations are schematic only, actual details may vary. Do not scale for dimensions. Allow 5% minimum additional clearance for site variations.
- Falling Space:
  - Minimum impact area as per AS 4685:2021
  - Required free space as per AS 4685:2021
  - Recommended clearance area

N

Trees

Rock And Log Border By Others

2100

1500

2000

1500

2100 1800

1200

900

Proposed Play Unit

1500

Mulch Undersurfacing By Others

2000

Existing Path

Picnic Area By Others

Rock And Log Border By Others

Community Swing Frame - 2.5m Nest

Mulch Undersurfacing By Others

3900

Gardens By Others

Waterplay Area By Others

Timber Bridge By Others

Rock And Log Border By Others

Existing Path

Path By Others

Sandpit By Others

Carpark

All Site And Landscape Works By Others

Plan and Concept © Adventure Playgrounds Pty. Ltd. 2024. 2402036A

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Solomontown Beach Playground - Port Pirie Regional Council
Proposed Play Equipment
Site and Impact Areas Plan

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Proposed Playground Concept

The proposed playground concept includes a selection of play elements designed to appeal to the expected user group. However, there are many variations possible and other options available. The various play activities proposed, while fun in themselves, also provide important opportunities for the normal growth and development of physical and social skills. Playground layouts can be altered to suit different areas, but our play unit designs generally include access and exit points in various directions, and are designed to allow easy progression from one activity to another.

Aesthetics are not forgotten and the concept should greatly enhance the visual appeal of the play environment. Along with endless colour options, different construction styles of equipment are also available and the choice comes down to aesthetic considerations and personal taste. In many cases, the same play unit design can be supplied in a different construction style utilising a different material as the main structural element. Specifications and details of our warranty for the equipment proposed are included in the Product Information section of this proposal.

Concept illustrations are schematic and are provided to give a general overall impression only as the actual details may vary. The location of the play elements proposed are shown on the plans, along with the minimum impact areas required by Australian Standard AS 4685-2021. Impact areas are required between any part of the equipment and solid objects such as borders, trees, fences, buildings etc., and will vary according to the fall height. Undersurfacing complying with Australian Standard 4422:2016 is required in all playground areas, however, along with border construction or repositioning, or other site works, this is only included where specifically listed.

Play Elements

1. spectrum+ hybrid multi-age Bellevue Play Unit - Marine Grade - With the following components:

1. Platform Decks (4)
2. Main Uprights (18)
3. Rustic Roofs (2)
4. Timber Panels (32)
5. Shop Counter
6. Rope Ladder
7. Scramble Net with Anchor Frame
8. Staircase
9. Vertical Disc Climber
10. Net Bridge
11. 2100 Plastic Tunnel Slide
12. 1200 Plastic Double Slide

Price including installation **$130,710.00**

2. spectrum+ Community Swing Frame – 2.5m Nest Swing – Marine Grade

Price including installation **$5,690.00**

Total Price **$136,400.00**

GST – 10% **$13,640.00**

Total including GST **$150,040.00**

Subject to our Standard Terms and Conditions of Trading

Site Works

1. Site Establishment

Site will be barricaded during works, site setout and OHS are included.

2. Temporary Fencing ..... not included

Temporary fencing available at extra cost if required.

3. Underground Services

An underground services trace will be carried out, however installation charges are based upon mechanical digging of post holes, and any digging by hand to identify or protect services may involve additional charges.

4. Demolition and Site Preparation ..... not included

5. Installation

Installation charges assume natural soil conditions free of all rocks, concrete, debris, or obstructions. If obstructions of any kind or quantity are encountered, surcharges may apply.

6. Drainage ..... not included

7. Playground Border ..... not included

8. Mulch Undersurfacing ..... not included

9. Water Play ..... not included

10. Sandpit ..... not included

11. Rocks and Logs ..... not included

12. Paths ..... not included

13. Garden Beds ..... not included

14. Site Rectification ..... not included

Product Information
General Specifications

spectrum+ hybrid utilises a combination of different construction materials and provides a more architectural feel to the playground. The main uprights are of steel construction, while the platforms, staircases and other components as appropriate are constructed from White Cypress timber.

MAIN UPRIGHTS
75 x 75 x 2.5mm galvanised RHS with powder coat finish.

Upgraded to 75 x 75 x 3.0mm in high load locations.

PLATFORM DECKING
120 x 35mm (nominal) White Cypress, sawn finish, corners radiused and fully screwed.

PLATFORM BEARERS
125 x 60mm sawn White Cypress with corners radiused.

TIMBER FINISH
Natural White Cypress or 'Quantum Timbre Plus' coating available for visual enhancement.

ROOFS
Powder coated galvanised sheet steel, corrugated steel sheeting or rotomoulded plastic as specified.

SAFETY RAILING
900mm high guardrail panels on platforms over 500mm.

Powder coated galvanised steel tube, sawn White Cypress or HDPE plastic panels as specified.

HANDGRIPS
27mm O/D galvanised steel tube with powder coat finish.

Supplied at climbing access points as appropriate.

Access ladders include 27mm O/D handgrip integrated in ladder side.

HANDRAILS
34mm O/D galvanised steel tube with powder coat finish.

PLAY COMPONENTS
Fabricated from galvanised steel, welds treated with zinc rich primer – powder coat finish.

SLIDES
Heavy duty reinforced fibreglass, rotomoulded plastic or stainless steel as specified.

TUNNELS
Powder coated galvanised steel tube with end panels.

ACTIVITY PANELS
Rotomoulded plastic beads or HDPE plastic sheet panels as appropriate.

CLIMBING ROPES
Synthetic strands braided over a galvanised steel wire core.

HARDWARE
Trilobial taptite bolts, cup head bolts, recessed safety nuts, screws – vandal resistant with galvanised/class 3 finish.

FOOTINGS
Concrete to a minimum depth of 500mm with earth hard packed to mouth of hole.

Product Information
Marine Grade Specifications

For locations with high corrosion risk such as coastal and seaside environments, our Marine Grade Protection System for steel elements provides a heavy duty defence against deterioration.

GALVANISED MATERIAL
Steel components fabricated from pre-galvansied material

BLASTING
All steel components are lightly blasted to provide superior powder coat adhesion.

PRIMED WELDS
All welds are primed with a zinc rich paint prior to powder coating.

POWDER COAT PRIMER LAYER
A zinc rich powder coat primer base layer is applied.

TOP COAT
Polyester powder coat coloured top layer.

Product Information
Colour Range

spectrum hybrid

The selection of colours for play equipment is an important part of the design process, and should take into account the proposed user group and the surrounding environment. Starting with the powder coat colours of the main elements as a basis, coordinating colours for other accessories can be selected as shown below. Timber components can be left their natural colour which will weather to grey, or alternatively can be supplied with a protective coating in the standard Old Gold colour or other colours as shown below. Powder coat colours have been grouped into themes to aid selection, however the combinations possible are extensive. Specific complete colour schemes are also available for review on request.

POWDER COAT COLOURS

The colours below have been selected because they are popular in outdoor playground equipment applications. However, a large range of powder coat colours is available, although in some cases additional lead times and costs may be involved. It is most important to recognise that all colours fade over time, but that bright, bold or strong colours will show most noticeably (especially reds). When selecting colours (including our standard colours) please consider the effect of fading on the long term appearance of your playground as colour variations are not covered under powder coating warranties.

HIGHLIGHT THEME

- Intensity® Flame
- Intensity® Moonlight
- Intensity® Reef
- Intensity® Leaf
- Dark Violet
- Intensity® Summer
- Intensity® Juicy Lime

EARTH TONES THEME

- Pale Eucalypt®1
- Terrain®1
- Doeskin
- Wedgewood

HERITAGE THEME

- Hawthorn Green
- Manor Red®1
- Doeskin

OTHER POPULAR COLOURS

- Deep Pool
- Berry Grey
- Metropolis Silver Glow
- Hammersley Brown
- Charcoal
- Intensity® Storm
- Intensity® Sunshine
- APO Grey
- Weathered Steel

CORRUGATED SHEET COLOURS

Where a roof is constructed from corrugated sheet, Colorbond®BSL steel colours are available and a selection of the most popular colours is shown below.

- Classic Cream®1
- Surfmist®1
- Shale Grey®1
- Cottage Green®1
- Pale Eucalypt®1
- Woodland Grey®1
- Manor Red®1
- Deep Ocean®1

adventure

® Trademark of DuluxGroup (Australia) Pty Ltd.
Colorbond® BSL & ®1 Trademarks of Bluescope Steel Limted.
™ Trademark of AkzoNobel Pty Ltd.
Note: Colours selected may vary due to the printing process.

TIMBER COLOURS

All timber components in **spectrum+ hybrid** play units will be supplied with the timber coated in Old Gold colour unless otherwise specified. When specifying uncoated timber, please be aware that it will be more susceptible to weathering. Different coating colours can be used on different components in the same play unit.

UNCOATED



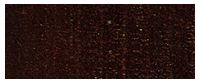
Natural finish

STANDARD COATING COLOUR

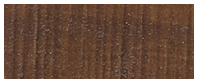


Old Gold

OTHER POPULAR COATING COLOURS



Walnut



Spotted Gum



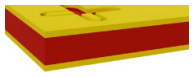
Jarrah

HDPE PLASTIC COLOURS

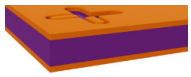
The most commonly available HDPE colours are shown below, however variations may apply from time to time.



Red/Yellow/Red



Yellow/Red/Yellow



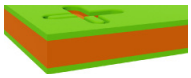
Orange/Purple/Orange



Purple/Orange/Purple



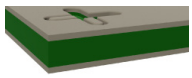
Blue/Yellow/Blue



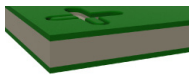
Bright Green/Orange/
Bright Green



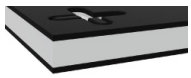
Blue/Bright Green/Blue



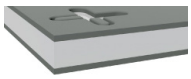
Beige/Green/Beige



Green/Beige/Green



Black/White/Black



Grey/White/Grey

WIRE ROPE COLOURS

Additional costs and extended lead times may apply to some colours, depending on current stock availability.



Red



Blue



Bright Green



Olive Green



Black



Yellow



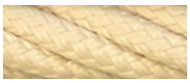
Violet



Acid Green



Burnt Orange



Natural Beige

FIBREGLASS SLIDE COLOURS

Additional costs and extended lead times may apply to some colours, depending on current stock availability.



Signal Red



International Orange



Golden Yellow

Canary Yellow



Honey Fawn



Hawthorn Green



Apple Green



Kelly Green



Mist Green



Central Blue



Seagull Grey

ROTOMOULDED PLASTIC COLOURS

Additional costs and extended lead times may apply to some colours, depending on current stock availability.



Yellow



Orange



Flame Red

Purple

French Blue

Plasmo Green

Teal

Caulfield Green

Beige

Mist Green

Light Grey

Black

Design Standards

Equipment supplied and installed by Adventure Playgrounds Pty. Ltd. is designed as playground equipment compliant to the following Standards:

Australian Standard 4422:2016

Australian Standard 4685.0:2017

Australian Standard 4685.1:2021 to 4685.6:2021

Australian Standard 4685.11:2014

Compliance is limited to those matters in the above Standards which directly govern the design and installation of fixed play equipment. Issues relating to: siting of the equipment, provision and maintenance of suitable undersurfacing, establishment and continuation of a maintenance program etc. are the responsibility of the purchaser and responsibility for compliance with these parts of the Standards is only accepted by Adventure Playgrounds Pty. Ltd. where they form part of the contracted works.

Equipment is not designed as fitness or parkour equipment and compliance with Standards AS 16630:2021 and AS EN 16899:2020 is not certified.

Warranty

1. Warranty Periods

Equipment supplied by Adventure Playgrounds Pty. Ltd. ('**adventure+**') is guaranteed against structural failure due to corrosion, deterioration or faulty workmanship from the date of invoice for the periods as follows:

1. Steel/aluminium uprights, platform decks, fabricated climbers and components - 15 years.
2. Timber components – 5 years.
3. Spring rockers (including springs) and spinners – 5 years.
4. Wire cored ropes, swing seats, trampoline mats, fibreglass, and plastic components - 2 years.
5. Moving and wearing parts within items covered under Clauses 1 - 4 above – 2 years (Excludes wear and tear).
6. Non-structural coatings and paintwork – As per coating manufacturer's warranty.

2. Conditions of Warranty

This warranty extends only to:

1. Defects arising solely from corrosion, breakage, deterioration or faulty design, materials or workmanship under proper use of the Equipment subject to the exclusions at Section 3 below;
2. Equipment adequately maintained as detailed in the Owner's Manual;
3. Equipment installed or operated by a suitably qualified and experienced person in accordance with Installation Manual;
4. Equipment sold by **adventure+** or its authorised distributors and only where the Equipment is used and serviced within Australia; and,
5. where the defects appear in the Equipment within the applicable warranty period.
6. The cost of returning the Equipment including freight, packaging and insurance is the responsibility of the Purchaser, and such costs are not included in this warranty **adventure+** accepts no liability for loss or damage to the Equipment during transit.
7. Charges will apply for any non-warranty services performed by **adventure+** in response to a warranty claim.

3. Exclusions to Warranty

This Warranty does not cover:

1. unauthorised repairs, alteration, modification or substitution of any parts of the Equipment, installation or use of the Equipment not in accordance with the Owner's Manual supplied;
2. malfunction of Equipment due to faulty operation or installation (other than installation by **adventure+**);
3. Other goods that are not manufactured or supplied by **adventure+**;
4. Equipment not purchased from **adventure+** or its authorised distributors.

In addition to the above, this Warranty DOES NOT cover the following:

5. Damage or defects to the Equipment that ought reasonably to have been revealed to you by an examination of the Equipment, where you conducted such an examination before acquiring the product;
6. normal wear and tear due to the course of normal use;
7. variations in timber appearance and longevity, or cracking, twisting or splitting of timber exposed to the weather where the structural integrity of the play unit is not unduly affected;
8. deterioration due to corrosion where maintenance has not been carried out, or has not been properly documented, in accordance with the manufacturer's recommendations (Refer to Owner's Manual);
9. accidental damage, vandalism or damage caused by an event or circumstance even when beyond your or anyone else's control including damage caused by:
    a. environmental factors, including but not limited to corrosion attributable to coastal or seaside atmospheric conditions,
    b. discolouration of surfaces due to environmental factors such as, but not limited to, ultraviolet light,
    c. abrasion of fibreglass surfaces, especially but not limited to, where installed in or near sand,
    d. crushing, abrasion, impact with hard surface or damage caused in the transit of the product,
    e. foreign material, or exposure of the product to excessive heat or cold or to solvents.

4. Limitation of Liability

The following statement applies if the supply of the Equipment to the purchaser is a consumer sale as defined in the Australian Consumer Law. In this statement, 'Our' means '**adventure+**', 'You' means the 'Purchaser' and 'goods' means the 'Equipment':

1. Our goods come with guarantees that cannot be excluded under the Australian Consumer Law. You are entitled to a replacement or refund for a major failure and for compensation for any other reasonably foreseeable loss or damage. You are also entitled to have the goods repaired or replaced if the goods fail to be of acceptable quality and the failure does not amount to a major failure.
2. Notwithstanding the preceding clause and to the extent permissible by law, the liability of **adventure+** is limited, in relation to the Equipment and at the discretion of **adventure+** to:
   a. replacing the Equipment or the supply of equivalent goods;
   b. the repair of the Equipment;
   c. the payment of the cost of replacing the Equipment or of acquiring equivalent Equipment; or
   d. the payment of the cost of having the Equipment repaired.
3. To the extent permitted by law, all other warranties whether implied or otherwise, not set out in this Warranty are excluded and **adventure+** is not liable in contract, tort (including, without limitation, negligence or breach of statutory duty) or otherwise to compensate the Purchaser for:
   a. any increased costs or expenses;
   b. any loss of profit, revenue, business, contracts or anticipated savings;
   c. any loss or expense resulting from a claim by a third party; or
   d. any special, indirect or consequential loss or damage of any nature whatsoever caused by **adventure+** failure in complying with its obligations or the Purchaser's failure due to accident damage, impact, misuse or negligence.
4. The benefits given to the Purchaser in this Warranty are in addition to other rights and remedies under a law in relation to the Equipment or services to which this Warranty applies.
5. This warranty is not applicable outside Australia.

5. Investigation of Claims

All Equipment which is the subject of a warranty claim is subject to evaluation by **adventure+** before any warranty claim is approved.
To make a warranty claim pursuant to this Warranty, the Purchaser must:

1. notify **adventure+** in writing within 30 days of the alleged defect first coming to the Purchaser's notice and within the warranty period;
2. provide **adventure+** all information required, including serial numbers, photos of the alleged defect, and with reasonable evidence of the proof of purchase. The Playground Registration, invoice number or payment receipt are the Purchaser's best proof of purchase;
3. provide evidence that the Equipment has been installed correctly and is used in accordance with the instructions of **adventure+** supplied with the Equipment; and
4. make the Equipment available for inspection by **adventure+**, so that **adventure+** may carry out all necessary work with the Equipment.

6. Contact Details

To make a claim under this Warranty or to discuss the warranty service, please contact **adventure+** technical support at:

Address: 72 Latitude Boulevard, Thomastown VIC 3074
Phone number: 1300 237 587
Email: adventure@adventureplus.net.au



SAELV6-50 OPTION 1

ForPark
PlayCo

16.7 RFT FOR CONTRACT 2024/139 - FORESHORE DECK AND SHELTER

Author: **Frank Endemann, Project Manager**

Authoriser: **Kathryn Johnson, Director Infrastructure**

File Reference: **2024.1985**

Timeframe:	2024/2025 Financial Year			
Budget Impact:	$2,200,000.00 (excluding GST)			
Risk Assessment:	Primary Risk Type(s):		Financial	
	Inherent Risk:	**Likelihood**	**Consequence**	**Rating**
		Likely	Moderate	High
	Controls:	▪ Provision of adequate funding		
	Residual Risk:	Unlikely	Minor	Low

STRATEGIC REFERENCE:	
Theme	Our Community
Goal	Wellbeing
Strategy 1.3.5	Open spaces are enhanced through well maintained and attractive landscaping providing opportunity for increased community activity.

RECOMMENDATION

That Council confirm its ongoing support for the construction of the Deck and Shade Sails as part of the Riverbank Precinct Master Plan Stage 1 works.

That subject to confirmation from the engineers that alternative design proposed it acceptable, Council:

- **award a contract to GC & J Constructions Pty Ltd for the construction of the Foreshore Deck and Shade Sails in accordance with the documents submitted in response to Request for Tender for Contract 2024/139 Foreshore Deck & Shelter for an amount up to $1,952,487.00 (excluding GST), subject to confirmation from the engineers that alternative design proposed it acceptable; and**
- **delegate authority to the Chief Executive Officer to sign and seal all documentation to give effect to this resolution and also approve variations under the contingency allowance up to the value of $190,000.**

EXECUTIVE SUMMARY

Tenders for the proposed new Foreshore Deck & Shade Sails closed on 21 March 2024.

Three submissions were received.

The footing required redesigning during the tender process to meet updated Geotech test results.

Requests for Further Information (RFI's) were sent to tenderers to provide cost on the updated footing design and to clarify other items.

Responses were required and received by 21 May 2024.

All tenderers' costs increased as we sought to have exclusions costed and actual costs for the footing provided based on the new footing details.

An alternate proposal was provided by one company which optimised the structural capacity of the building elements to reduce cost without compromising the structural integrity of the structure. The design engineers concur that the proposal meets their design intent.

The Assessment Panel recommends that we award the contact to GC& J Construction.

DISCUSSION

A Request for Tender for the construction of the proposed Foreshore Deck and Shade Sail structure, which is an integral part of the Riverbank Precinct Masterplan Stage 1 works, was released on 29 February 2024.

The deck is the centerpiece of the works and will provide the Port Pire community with an accessible, quality area to enjoy the beach area and provide access to the beach and jetty for all.

A briefing of proposed tenderers was held on 8 March 2024 and was attended by six companies. A site visit was also held outside of the tender briefing for those companies who were unable to attend at the scheduled time.

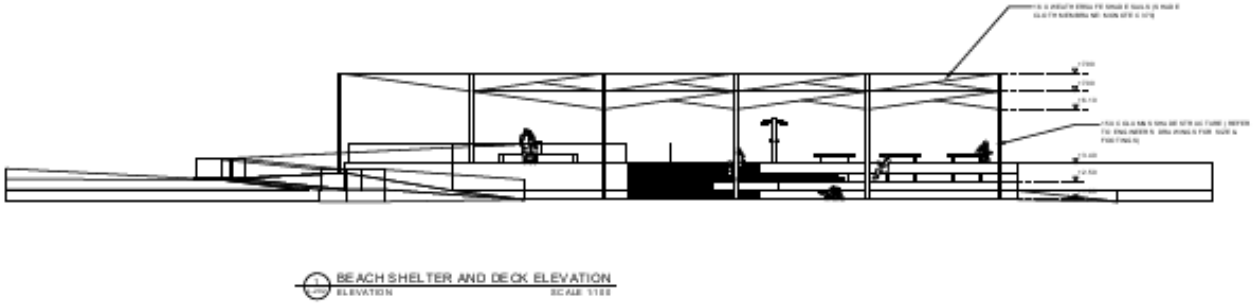
At the close of tenders on 21 March 2024 three submissions were received.

It should be noted that 39 companies viewed and downloaded the tender documents so there was general interest in the project. Further sufficient time was allowed for tendering with the closing date even extended in response to requests from a number of proposed tenderers. Companies were also asked to indicate their availability for construction so not to limit the availability of proposed tenderers.

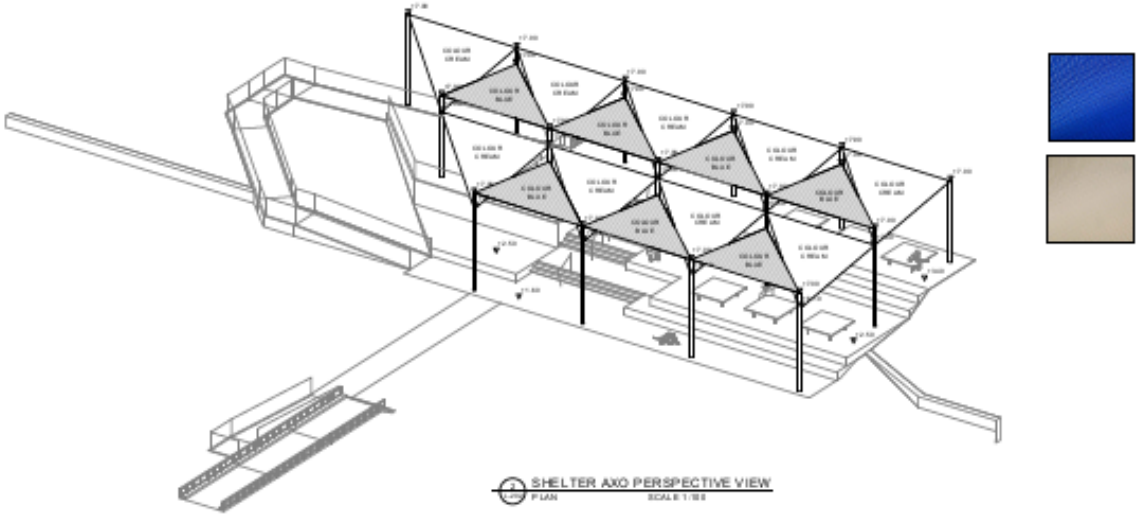
All the submissions received were considerably over budget, but as two were very close in terms of price, less than 1% difference, they appear to reflect the true market cost of the proposed work.

PROPOSED WORKS

Tiered multi-level deck with seating, disabled access to beach and jetty with shade sails.



BEACH SHELTER AND DECK ELEVATION
ELEVATION SCALE 1:100



SHELTER AXO PERSPECTIVE VIEW
PLAN SCALE 1:100

Extent of proposed deck in relation to existing structure



TENDER ASSESSMENT

Request for Tender documentation was uploaded to Tender SA on 29 February 2024

At the closing time of tenders at 2pm on Tuesday 26 March 2024 (closing date was extended from the original 21 March date at the request of Tenderers), three tender submissions were received as follows:

Tenderer	**Tendered Price $ (excluding GST)**
McMahon Services Australia P/L	$ 1,729 823.75
GC & J Construction P/L	$ 1,741,263.00
Basetech Infrastructure & Utilities P/L	$ 1,973,550.00

Note that these prices changed following the RFI (Request for Further Information) process to confirm footing design. (See Overall Findings)

Tenderers were invited on a Lump Sum basis.

Non-Conforming Quote

All submissions were deemed conforming, but some clarifications were sought.

QUALITATIVE ASSESSMENT

Tenders received have been assessed against the criteria as set out below:

▪ Works Health & Safety and Risk Management	15%
▪ Environmental Management Systems and Quality Systems	10%
▪ Local Economic Benefit & Social Inclusion	5%
▪ Experience	10%
▪ Implementation/Delivery Schedule	30%
▪ Price	30%
Total	**100%**

The tenders were evaluated by:

- Frank Endemann, Project Manager
- Glenn Miller, Projects & Procurement Coordinator
- Kathryn Johnson, Director Infrastructure

Tonkin Consulting Engineers provided technical advice during the assessment process.

A summary of the tender assessment is attached as:

- The tender summary; and
- The tender scoring matrix

QUOTE CLARIFICATIONS SOUGHT

Concurrent with the tender call, a further geotechnical investigation of the site was undertaken as the results of an initial test were inconclusive as the test method used was unsuitable for the soil profiles encountered.

The results of this investigation were required to enable suitable footings to be designed to ensure structural stability of the proposed structure.

As the soil profile was still unknown at the time of the tender, Prime Cost Sums (PC Sums) were provided for the shade column footings to allow tenders to make an allowance for the footings in their submissions.

Whilst PC Sums provide prospective tenderers an ‘equal playing field’ they do not necessarily reflect the actual cost of the works.

Results of the second geotechnical investigation required a redesign of the shade column footings and showed that the alternate footing designs proposed by the respondents were not adequate, nor were the original proposed deck footing.

The RFI’s sent provided new footing designs for the Deck and Shade structure columns, and design loads for the alternate footing methodology nominated by Tenderers, to allow the contractors to provide accurate costs for those elements.

Tenderers were provided two footing options to quote, screw piles and bored encased piers.

Screw piles were preferred, if cost competitive as they will cause less disturbance of possible sub-surface contaminants.

This took the PC Sums out of the equation and provided actual costs.

The submissions received also required clarification on various matters, including alternate construction methods and/or materials proposed by the tenderers and exclusions.

RFI responses were required by 21 May 2024, following requested extension. All Tenderers provided responses within the required time.

Amended prices reflecting the new footing designs, and other required inclusions are shown in the table under Timing and Budget.

RISK ASSESSMENT

Residual Risk	Comments/Mitigation Strategy
Proposed alternate structural design does not meet original design intent	Ensure certified documentation for the alternate proposal is received prior to Contract award

OVERALL FINDING

The initial review of the submissions received, deemed them all compliant but required some clarifications.

All the submissions were from long established SA based companies and all have good WHS history and were considered capable of delivering the project if successful.

An RFI process was undertaken to determine actual footing cost (to remove PC Sums) and clarify other omissions and/or issues.

Following the RFI process an assessment was undertaken on all the revised submissions.

McMahon Services revised submission offered an alternate imported product which whilst providing some cost savings the cost would still exceed that of the preferred contractor and require new design and engineering to be undertaken.

Their amended price increased considerably, due to, we believe, the inclusion of items that were initially flagged as exclusion in the original submission.

McMahons also required change to our standard AS 4000 Contract, although not investigated fully due to McMahons now being the most expensive, we believe these changes could not be accommodation without exposing Council to additional risk.

McMahons are now the most expensive.

Basetech's revised submission did not fully clarify material selection and still included PC Sums.

Difficult to assess fully as submission does not fully clarify cost due to the inclusion of PC sums and provided little detail on the alternate product(s) offered. Whist Basetech invited us to visit their testing and manufacturing facility, time constraint did not allow this, and it would not have provided any significant benefit.

Basetech are the second most expensive.

GC& J Constructions' revised submission provide clarification of all requested information and also provided an alternate option using the same specified materials but optimised spans to reduce the number of screw piles (footings) required. We are awaiting the engineer's confirmation that this proposal meets the design and engineering requirements.

GC&J are now the lowest price.

Tenderer	Amended Price $ (excluding GST)
McMahon Services Australia P/L	$ 2,537,871
GC & J Construction P/L	$ 1,952,487
Basetech Infrastructure & Utilities P/L	$ 2,243,235

GC&J's alternate proposal which uses the same Australian made products as required by the engineer's design, but they have optimised the member spans to reduce the number of footings required, reducing costs. This is being reviewed by the engineers to ensure it meets the design and engineering parameters.

Therefore, in the opinion of the Assessment Panel, GC&J Constructions P/L are the preferred contractor.

TIMING AND BUDGET

At the Special Meeting of Council held on 29 May 2024, Council endorsed the allocation of $2.45 million to complete Stage 1 works of the Riverbank Precinct Master Plan (SM23/24). This funding allows for the completion of the Nature Inspired Play Space as well as the Foreshore Deck and Shade Sails.

This proposed scope of works to be funded from this budget is as follows:

Construction of Deck and Shade Sails	$ 1,952,487	Based on current preferred tenderer
Removal of existing structure	$ 36,000	High cost due to the presence of Asbestos
Removal of existing playground & trees	$ 10,000	Estimated
Contingency	$ 190,000	
Total	$ 2,188,487	Ex. GST

It anticipated that the budget required is an upper limit and there is still opportunity to negotiate savings with the preferred contractor. For example, the proposed contract sum does not include the potential cost reduction for the repositioning of the deck further forward to remove the requirement for the retaining structure.

At this stage the total project costs for the foreshore deck and shade sails combined with the nature inspired playground, is expected to be $2.496 million but, it is important to note that this figure includes $210,000 contingency across both projects.

Should Council agree to the recommendation, the preferred tenderer will be engaged, and works will be programmed to be completed by mid-December 2024, subject to favourable weather conditions and no supply chain issues.

ATTACHMENTS

1. **Tender Summary - Confidential**
2. **Tender Scoring Matrix - Confidential**

TENDER SUMMARY

Criteria	Weighting	Basetec Infrastructure & Utilities P/L	Gawler Carpenters & Joiners P/L	McMahon Services Australia P/L
Works Health & Safety and Risk Management.	15%	WHS - Third party certified to ISO 45001:2018.	WHS - Third party certified to ISO 45001:2018.	WHS - Third party certified to ISO 45001:2018.
Environmental Management Systems and Quality Systems	10%	ENVIRO - Third party certified to ISO 14001:2015. QUALITY - Third party certified to ISO 9001:2015	ENVIRO - Third party certified to ISO 14001:2015. QUALITY - Third party certified to ISO 9001:2015	ENVIRO - Third party certified to ISO 14001:2015. QUALITY - Third party certified to ISO 9001:2015
Local Economic Benefit & Social Inclusion	5%	Some local region presence (2 subcontractors) Remainder of labour to be sourced from Adealide area.	Some local region presence (2 subcontractors) Remainder of labour to be sourced from Adealide area.	Some local region presence. Remainder sourced from South Australian region.
Experience.	10%	Adelaide based company, in operation for 25 years. No previous engagement with PPRC. Has neen involved in similar works in the past. Suitably qualified and resourced.	Adelaide based company, in operation for 60 years. No previous engagement with PPRC. Undertaken various major biulding works. Suitably qualified and resourced.	Adelaide based company, in operation for 33 years. No previous engagement with PPRC. Undertaken simliar works for Victor Harbour, Port Lincoln & Port Noarlunga Council's. Suitably qualified and resourced.
Implementation/Delivery Schedule	30%	Advised 30 June 2024 can not be met. Proposing a 5 month duration from award.	Advised 30 June 2024 can not be met. Proposing a 7 month duration from award.	Advised 30 June 2024 can not be met. Proposing a 6 month duration from award.
Price	30%	$2,243,235 + GST - Median Price	$1,952,487 + GST - Median Price - Potentially prefered	$2,537,870 + GST Highest Price - Subject to acceptable

TENDER SCORING MATRIX

ITEM	DESCRIPTION	WEIGHTING %	Basetec Infrastructure & Utilities P/L		Gawler Carpenters & Joiners P/L		McMahon Services Australia P/L	
	Evaluation Criteria Note: ( )* Denotes Rating		Score (out of 5)		Score (out of 5)		Score (out of 5)	
	LUMPS SUM TENDER VALUE EXCL GST		**$ 2,243,235.00**		**$ 1,952,487.00**		**$ 2,537,870**	
1	Works Health & Safety and Risk Management (Schedule 5)	15%	3	9.00	3	9.00	3	9.00
2	Environmental Management Systems and Quality Systems (Schedule 6)	10%	3	6.00	3	6.00	3	6.00
3	Local Economic Benefit & Social Inclusion (Schedule 7)	5%	2	2.00	2	2.00	2	2.00
5	Experience (Schedule 10)	10%	3	6.00	3	6.00	3	6.00
7	Implementation/Delivery Schedule (Schedule 12)	30%	3	18.00	3	18.00	3	18.00
10	Price (Schedules 16) Score = 2.5 + 5*(($M-$T)/$M)	30%	2.5	15.00	3.2	19.20	1.9	11.40
	TOTAL SCORE INCLUDING PRICE	**100%**	56.00		60.20		52.40	
	TOTAL RANK INCLUDING PRICE		**2**		**1**		**3**	
	TOTAL SCORE EXCLUDING PRICE		*39.00*		*43.20*		*35.40*	
	TOTAL RANK EXCLUDING PRICE		***2***		***1***		***3***	

16.8 RFT FOR CONTRACT 2024/145 SUPPLY AND DELIVERY OF 3 SUV VEHICLES

Author: **Kathryn Johnson, Director Infrastructure**

File Reference: **2024.2996**

Timeframe:	2023/2024 and 2024/2025 Financial Year			
Budget Impact:	$115,000 (excluding GST)			
Risk Assessment:	Primary Risk Type(s):		Service Delivery	
	Inherent Risk:	**Likelihood**	**Consequence**	**Rating**
		Possible	Moderate	Medium
	Controls:	▪ Replace Vehicles as per recommendation		
	Residual Risk:	Unlikely	Minor	Low

STRATEGIC REFERENCE:	
Theme	Our Lifestyle
Goal	Infrastructure
Strategy 3.2.3	Council provided assets are fit for purpose, proactively maintained and renewal recognises future demand.

RECOMMENDATION

That Council:

- **award a contract for the replacement of three (3) Executive Vehicles in accordance with tender 2024/145 Supply and Delivery of three (3) SUV Vehicles from the 2023/24 Capital Works Vehicle Replacement Program for the value up to $115,000. That Council nominate the preferred option 1 to 4 and any variations required;**
- **considers all vehicles options submitted as a part of the tendering process and consider the appropriate application and requirements of each use for these Executive Vehicles; and**
- **subject to 2024/25 Capital Budget endorsement that Council endorse 1 additional executive vehicle identified for replacement in 2024/25 be replaced with a similar model that is endorsed for the CEO and Director Corporate & Community.**

EXECUTIVE SUMMARY

Council has allocated $124,000.00 (ex GST) in its 2023/24 Capital Budget for the replacement of 3 private use vehicles (Mayor, CEO and Director Corporate & Community).

DISCUSSION

Council has allocated funds in its 2023/2024 Capital Replacement Budget for the replacement of 3 executive vehicles that are used for both Council related activities and private use.

Vehicles required to be replaced:

- Nissan X-Trail S390BZA - Mayor
- Holden Acadia S381BZA – CEO
- Holden Acadia S797BZA – Director Corporate & Community

All three of these vehicles are due for replacement as part of the vehicle replacement program. A request for tender was conducted via a direct tender to three suppliers as required by policy. Due to the limited number of local car dealerships within Port Pirie, 2 of the suppliers fall outside of the Council Region. However, one of these other dealerships may be considered as a local due to falling within the catchment zone for Port Pirie (Suppliers listed below). Attaining three quotes in the scenario that new cars have a relatively capped price has still been important as it enables Council to confirm that trade in values and offers are good value.

The Tender has called for suppliers to provide Council with options of 5-to-7-seater SUV vehicles that have selective extras such as tow tongue, floor mats, tinted windows etc. Such extras as a tow tongue helps ensure that the vehicles are suitable for private use. Suppliers were encouraged to provide costs for up specified models so that Council could make a comparison on such variances due to these cars being a part of the executive fleet.

TENDER ASSESSMENT

Request for Tender documentation was sent to three companies known as specialists in the supply of motor vehicles.

At the closing time of tenders of 2pm Friday 7 June 2024, three tender submissions were received as follows:

Tenderer	**Warranty**	**Tendered Price $ (excluding GST)**
Spencer Motor Co		
Mitsubishi ZM Outlander Aspire 2.5L CVT 2WD 7 Seats	10 Year new car warranty/Capped price service	$41,807.09 + Registration fee
Mitsubishi ZM Outlander Exceed Tourer 2.5L CVT AWD 7 Seats	10 Year new car warranty/Capped price service	$51,216.18 + Registration fee (1x white in stock).
Mitsubishi Pajero Sport 7 Seat GLS Deluxe Wagon MY24 2.4L Diesel 4X4 (white)	10 Year new car warranty/Capped price service	$50,328.17 + Registration fee + $672.73 for a color option (1x vehicle (silver) coming into stock July and others available by November).
Nissan X-Trail 2WD Auto ST-L MY24	5 Year new car warranty	$39,581.00 + Registration fee (Silver or white in stock).
Nissan X-Trail Ti e-Power MY23 (Silver paint/black trim)	5 Year new car warranty	$53,457.00 + Registration fee
Trade in of existing vehicles		
Holden Acadia S381BZA (181,327km)		$13,250.00
Holden Acadia S797BZA (140,981km)		$15,400.00
Nissan X-Trail (Mayor) S390BZA (134,704km		$14,500.00

Augusta Motor Company Pty Ltd		
KIA Sportage SX+GSL 2L Petrol 6Spd Auto Wagon MY24	7 Year Unlimited KM warranty/Capped price service	$38,362.00 + Registration fee
KIA Sportage SX+ AWD DSL 2L Turbo Diesel 8Spd Auto	7 Year Unlimited KM warranty/Capped price service	$42,944.55 + Registration fee
KIA MQ4 PE Sorento Sport 2WD 3.5L Turbo Petrol 8Spd Auto 7Seat	7 Year Unlimited KM warranty/Capped price service	$52,417.28 + Registration fee
KIA MQ4 PE Sorento Sport + AWD 2.2L Turbo Diesel 8Spd Auto 7 Seat	7 Year Unlimited KM warranty/Capped price service	$55,144.56 + Registration fee
Trade in of existing vehicles		
Holden Acadia S381BZA (181,327km)		$12,250.00
Holden Acadia S797BZA (140,981km)		$13,250.00
Nissan X-Trail (Mayor) S390BZA (134,704km		$12,250.00
Stevens Motors Pty Ltd		
Mitsubishi ZM Outlander Exceed Tourer 2.5L CVT AWD 7 Seats MY24 (white)	10 Year new car warranty/Capped price service	$47,427.73 inc. Registration fee + $920 for a color option
Mitsubishi Pajero Sport 7 Seat GLS Deluxe Wagon MY24 2.4L Diesel 4X4 (white)	10 Year new car warranty/Capped price service	$49,963.00 inc. Registration fee + $920 for a color option (1x vehicle in stock,(white) Other vehicles available within 6-8 weeks of purchase order)
Trade in of existing vehicles		
Holden Acadia S381BZA (181,327km)		$11,500.00
Holden Acadia S797BZA (140,981km)		$13,000.00
Nissan X-Trail (Mayor) S390BZA (134,704km)		$15,000.00

Tenderers were invited on a Lump Sum basis, which means that the successful tenderer will be paid for actual works completed on the rates provided in their tender. However, for the purpose of this report to Council, only the expected value of the contract is provided.

Non-Conforming Quote

After closing time and date of 2pm Friday 7 June 2024, two submissions were received as per the Request for Tender instructions. The 3rd submission being Spencer Motors Pty Ltd had not followed instruction as per the Request for Tender and had submitted an envelope direct to Council via the administration office on the Friday afternoon 7 June 2024.

This does deem the respondent non-conforming. Consideration has been taken into account and the submission has been accepted to offer Council the opportunity to still buy local.

QUALITATIVE ASSESSMENT

Tenders received have been assessed against the criteria as set out below:

Price	30%
Company Details & Relevant Experience	15%
Local economic benefit & social inclusion	15%
Delivery timeframe	25%
Warranty and service	15%
TOTAL	**100%**

The tenders were evaluated by Matt Seidel, Depot Supervisor

A summary of the tender assessment is contained in the tables on the following pages as
- The tender summary; and
- The tender scoring matrix

QUOTE CLARIFICATIONS SOUGHT

Clarification has been sought via the Request for Further Information and emailed response has been received.

- Request for clarification was sent to all three respondents seeking vehicle estimated delivery/availability timeframes
- Request to supply vehicle trade-in prices was sent to Augusta Motor Co. as it wasn't supplied with the tender file drop
- Request of updated quote was sent to Stephens Motors to seek the pricing of MY24 model vehicles, (Current vehicle model pricing)

ISSUES OF CONCERN

The following issues of concern were identified and addressed in the evaluation:

Vehicle supply timeframes

KIA (Augusta Motor Co)

- Unknown until order confirmed. (Possibly 6-12 months)

Spencer Motor Co (Port Pirie)

- 1x Outlander Exceed in stock (White) others to be ordered and possible delivery November/December. (May be able to swap between dealers for earlier delivery).
- 1x Pajero Sport coming into stock (silver) others to be ordered and possible delivery November/December. (May be able to swap between dealers for earlier delivery).

Stevens Motors (Laura)

- 1x Pajero Sport in stock, 2 more available in August 2024.

OVERALL FINDING

Overall, all three suppliers have provided submission with products that are deemed suitable options for Council's needs. It is noted that there are some offers that are the base models such as the Outlander, Sportage and X-Trail which are the lowest priced and could be considered as a good value offer. However, these maybe considered as a general office fleet car rather than the Executive Fleet or private use cars. These vehicles are also 2WD variants and will have a lesser resale value into the future.

In addition, a higher specified AWD Outlander has been provided which is cost comparable to the base model of the Pajero Sport which is a 4x4. Therefore, it is likely that the Pajero Sport options could perceived as a better offer than a higher specified Outlander. The base model KIA Sorento Sport is also cost comparable in this middle bracket however this cost is slightly more and is a 2WD.

All suppliers have indicated that all cars can be supplied in the 2024/25 financial year. However, Stevens Motors have indicated the best turnaround time being all provided by early in the new financial year, while Spencer Motors and Augusta Motor Company has indicated that some stock may be available early but wouldn't be able to fulfill the order until closer to December 2024. If all three vehicles are sourced from Spencer Motor Co this would be the most cost-effective offer. However, due to all the delay on supply for each vehicle there is likely variations to the trade price in as the kilometers will still be increasing until the date of handover which could reduce the gap between suppliers. Therefore, both offers from Spencer Motor Co and Stevens Motors are very similar.

Below are some recommended options that Council can consider for replacement options based on the Base Model Mitsubishi Pajero Sport 7 Seat GLS Deluxe Wagon MY24 2.4L Diesel 4X4 (white). This vehicle having 10-year new car warranty as well as capped priced servicing. It also offers a 4x4 capability making the vehicle more versatile than the others as well as holding a higher trade-in value at time of disposal.

Option 1
All 3 from Spencer's Motors for Base Pajero Sport total cost $107,834.51

Option 2
All 3 from Stevens Motors for Base Pajero Sport total cost $110,389
(includes 3 month registration on all vehicles less than $1000 added value)

Option 3
2 from Stevens Motors and 1 from Spencer Motor Co for Base Pajero Sports

$49,963.00 in stock with trade in $11,500
Replace Holden Acadia S381BZA (181,327km) – CEO

$49,963.00 6 to 8 weeks with trade in $13,000
Replace Holden Acadia S797BZA (140,981km) – Director

$50,328.17 + Registration fee with trade in $14,500
Replace Nissan X-Trail S390BZA (134,704km) Mayor

Total Cost $111,254.17 this option allows for Council to replace the fleet by early in the financial year and prioritize the highest km vehicle first. This option is slightly higher than sourcing Pajero Sports from one sole supplier by approximately $3000.

Option 4

Other variant of car from above suppliers.

It is recommended that the Executive Vehicles that are being allocated to the CEO and Directors are supplied as the same model and colour (white). By doing this it will allow for the fleet to be rotated amongst the executive management team to manage kms travelled each year maintaining a consistent replacement rate.

From a fleet management perspective Option 3 has been identified as the preferred option as it will enable a quicker turn around and mitigate any addition variations in trade in cost or up and coming maintenance and major services due to the higher kms. Option 3 also provides some local content by using both the Port Pirie and Laura Dealerships.

Subject to the recommended option being endorse there will likely be between $10,000 and $15,000 left over that will be carried over to the 2024/25 financial year and be used to purchase the 4th Executive Vehicle which is also a Holden Acadia of the same specifications. It is recommended that this vehicle be replace in the 2024/25 financial year subject to budget adoption and be replaced with a similar vehicle to the other Executive Vehicles. If the Pajero Sport is supported, then it will be recommended that Council source the 4th Executive Vehicle from Spencer Motor Co as the timing on this option is less important.

Council should consider estimated vehicle delivery timeframes, availability as well as pricing. With the urgency on replacing the existing vehicles to be as soon as possible before trade-in value depreciates more due to the vehicles already having high kilometers.

Consideration to be made around pricing, staff employment contracts, supporting local business as well as also including outlined procurement policy referencing the requirement of going to three suppliers.

TIMING AND BUDGET

Total funding of just over $124,000.00 has been allocated in the 2023/24 Capital Works Budget. This proposed scope of works to be funded from this budget is as follows:

Replacement Of:

- Nissan X-Trail S390BZA - Mayor
- Holden Acadia S381BZA – CEO
- Holden Acadia S797BZA – Director Corporate & Community

Should Council agree to the recommendation and come to a conclusion of supplier, a purchase order will be placed with the preferred tenderer. The delivery of vehicles to be as listed above dependent on the outcome.

ATTACHMENTS

1. **Tender Summary - Confidential**
2. **Tender Scoring Matrix - Confidential**

TENDER SUMMARY

Criteria	Weighting	Stevens Motors Pty Ltd	Augusta Motor Company Pty Ltd	Spencer Motor Co.
Price	30%	$110389.00 Median Price	$119,501.84 Highest Price	$107834.51 Lowest Price
Company details & relevant experience	15%	Good price on replacement of 3 same selection vehicles less than $1000 value add in registration. Price still not as good as Spencer Motors	Comparison vehicle is not the same spec as Pajero sport and pricing still high. Resale value down due to being 2WD.	Local business, previous purchases, experienced in the supply of vehicles
Local economic benefit & social inclusion	15%	Business falls with in local catchment area, classed as semi local	Business is within 100km of Port Pirie and is still accessable however not as accessable as others.	Business is local to Port Pirie
Delivery timeframe	25%	All vehicles can be supplied with in the 24/25 financial year, 1 vehicle in white in stock and the others can be sourced by the end of August	All vehicles can be supplied with in the 24/25 financial year, time frames available after PO placed	All vehicles can be supplied with in the 24/25 financial year, 1x vehicle to be able to be sourced in silver in June with the rest estimated due by December 2024
Warranty and service	20%	10 year new car/Capped price servicing	7 Year Unlimited KM warranty/Capped price service	10 year new car/Capped price servicing

TENDER SCORING MATRIX

ITEM	DESCRIPTION Evaluation Criteria Note: ( )* Denotes Rating	WEIGHTING %	Spencer Motor Co Score (out of 5)		Augusta Motor Company Pty Ltd Score (out of 5)		Stevens Motors Pty Ltd Score (out of 5)	
	TENDER VALUE EXCL GST		**$ 107,834.51**		**$119,501.84**		**$110,389.00**	
1	Price	30	4	0.75	5	1.25	4	1
2	Company details & relevant experience	15	3	0.6	4	0.6	4	0.6
3	Local economic benefit & social inclusion	15	3	0.6	4	0.6	4	0.6
4	Delivery timeframe	25	3	1	4	1	4	1
5	Warranty and service	20	3	0.8	4	0.8	4	0.8
	TOTAL SCORE INCLUDING PRICE		61.8		49.8		63.2	
	TOTAL RANK INCLUDING PRICE		**2**		**3**		**1**	
	TOTAL SCORE EXCLUDING PRICE		*49.8*		*43.8*		*54.2*	
	TOTAL RANK EXCLUDING PRICE		**2**		**3**		**1**	

16.9 CONFIDENTIAL MINUTES OF THE SPECIAL CEO PERFORMANCE REVIEW COMMITTEE MEETING HELD ON 12 JUNE 2024

RECOMMENDATION

1. That the Confidential Minutes of the Special CEO Performance Review Committee Meeting held on 12 June 2024 be received.

Chief Executive Officer Performance Review Process Consultant for 2023/24, 2024/25, 2025/26 and 2026/27

RECOMMENDATION

That the CEO Performance Review Committee recommend to Council the appointment of Albrighton Consulting & Training Services as the consultant to assist with the performance review process for the Chief Executive Officer for 2023/24, 2024/25, 2025/26 and 2026/27.

Attachments: 1. Confidential Minutes of the Special CEO Performance Review Committee Meeting held on 12 June 2024

MINUTES OF THE CEO PERFORMANCE REVIEW COMMITTEE SPECIAL MEETING HELD ON WEDNESDAY 12 JUNE 2024 AT 5.04PM IN THE MAYOR'S OFFICE, 115 ELLEN STREET, PORT PIRIE.

1.0 ACKNOWLEDGEMENT

We acknowledge and respect the traditional custodians whose ancestral lands we are meeting upon here today.

We pay tribute to those who have served and continue to serve this great country, we pay tribute to our first responders and recognise the multicultural community that makes this region so unique.

2.0 PRESENT: Cr A Zubrinich (Chairperson), Deputy Mayor Cr K Jackson and Cr L Peters

Kate Carmody, Executive Assistant (Minutes)

3.0 APOLOGIES: His Worship the Mayor L Stephens

4.0 CONFIRMATION OF MINUTES:

4.1 CEO Performance Review Committee Meeting 13 March 2024

MOVED Cr Jackson SECONDED Cr Peters

CE9/24 That the Minutes of the CEO Performance Review Committee meeting held on 13 March 2024 be received and confirmed.

CARRIED

5.0 MATTERS ARISING FROM MINUTES: Nil

6.0 DECLARATION OF INTERESTS: Nil

7.0 ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY:

7.1 Chief Executive Officer Performance Review Process Consultant for 2023/24, 2024/25, 2025/26 and 2026/27

Pursuant to Section 90(3)(k)

MOVED Cr Peters SECONDED Cr Jackson

CE10/24 Pursuant to Section 90(2) and (3)(k) of the Local Government Act 1999 the Committee orders that all members of the public with the exception of K Carmody, Executive Assistant be excluded from attendance at that part of this meeting relating to Agenda Item 7.1 Chief Executive Officer Performance Review Process Consultant for 2023/24, 2024/25, 2025/26 and 2026/27 to enable the Committee to consider Item 7.1 in confidence on the basis the Committee considers it necessary and appropriate to act in a meeting closed to the public (excepting those persons noted above) in order to receive, discuss or consider in confidence the following information or matter relating to Item 7.1 which relates to tenders for the provision of services being to assist the Committee with the CEO's annual performance review process.

Accordingly, on this basis, the principle that meetings of the Committee should be conducted in a place open to the public has been outweighed by the need to keep the information or matter confidential.

CARRIED

CONFIDENTIAL

7.0 ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY: (Cont'd)

7.1 Chief Executive Officer Performance Review Process Consultant for 2023/24, 2024/25, 2025/26 and 2026/27 (Cont'd)

MOVED Cr Jackson SECONDED Cr Peters

CE11/24 **That the CEO Performance Review Committee recommend to Council the appointment of Albrighton Consulting & Training Services as the consultant to assist with the performance review process for the Chief Executive Officer for 2023/24, 2024/25, 2025/26 and 2026/27.**

CARRIED

Section 91(7) Order

MOVED Cr Peters SECONDED Cr Jackson

CE12/24 **Pursuant to Section 91(7) of the Local Government Act 1999, the Committee orders that the agenda reports, related attachments, discussion and minutes relating to Agenda Item 7.1 Chief Executive Officer Performance Review Process Consultant for 2023/24, 2024/25, 2025/26 and 2026/27 shall be kept confidential, being documents relating to a matter dealt with by the Committee on a confidential basis under Sections 90(2) and (3)(k) of the Act on the grounds that the documents relate to tenders for the provision of services being to assist the Committee with the CEO's annual performance review process.**

This order shall operate for a period of six (6) months or until the execution of an agreement.

Pursuant to Section 91(9)(c) of the Local Government Act 1999, the Council delegates to the Chief Executive Officer (or his delegate) the power to revoke this order in whole or part.

CARRIED

8.0 OTHER BUSINESS: Nil

9.0 NEXT MEETING: 10 July 2024 at 5.00pm

10.0 CLOSURE: 5.18pm

_____

CHAIR

CONFIDENTIAL

16.0 ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY: (Cont'd)

MOVED Cr Joyce SECONDED Cr Gulin

OM231/24 **That item 16.8 RFT for Contract 2024/145 – Supply and Delivery of 3 SUV Vehicles be brought forward and considered at this point in the meeting.**

CARRIED

CEO P Ackland declared an interest in item 16.8 RFT for Contract 2024/145 Supply and Delivery of 3 SUV Vehicles because one of the vehicles to be considered for changeover is allocated to the position of CEO and forms part of his employment contract and left the meeting at 7:24pm.

Director Corporate & Community S Rufus declared an interest in item 16.8 RFT for Contract 2024/145 Supply and Delivery of 3 SUV Vehicles because one of the vehicles to be considered for changeover is allocated to the position of Director Corporate & Community and forms part of his employment contract and left the meeting at 7:24pm.

Mayor L Stephens declared a material interest in item 16.8 RFT for Contract 2024/145 Supply and Delivery of 3 SUV Vehicles because one of the vehicles to be considered for changeover is allocated to the position of Mayor and left the meeting at 7:24pm.

In the absence of the Mayor, Deputy Mayor Cr K Jackson took the Chair.

16.8 RFT for Contract 2024/145 – Supply and Delivery of 3 SUV Vehicles Pursuant to Section 90(3)(k)

MOVED Cr Joyce SECONDED Cr Connor

OM232/24 **Pursuant to Section 90(2) & (3)(k) of the Local Government Act 1999, the Council orders that the public, with the exception of P Ackland, Chief Executive Officer; C Davey, Director Development & Regulation; K Johnson, Director Infrastructure; S Rufus, Director Corporate & Community and F Dyer, Personal Assistant, be excluded from attendance at that part of this meeting relating to Agenda Item 16.8 RFT for Contract 2024/145 Supply and Delivery of 3 SUV Vehicles to enable the Council to consider Item 16.8 in confidence on the basis the Council considers it necessary and appropriate to act in a meeting closed to the public (excepting those persons listed above) in order to receive, discuss or consider in confidence the following information or matter relating to Item 16.8 which is tenders for the supply of goods, the provision of services or the carrying out of works, the disclosure of which would be unreasonable information being information relating to the replacement of three (3) vehicles.**

Accordingly, on this basis, the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or matter confidential.

CARRIED

MOVED Cr Connor SECONDED Cr Hopgood

OM233/24 **That Council:**

- **note that the submission received from Spencer Motors Pty Ltd was non-conforming on the basis that the submission was required to be submitted electronically as per the**

16.0 ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY: (Cont'd)

16.8 RFT for Contract 2024/145 – Supply and Delivery of 3 SUV Vehicles (Cont'd)

- **Request for Tender conditions but was received in hard copy at the administration office of Council;**
- **in giving consideration to Council's Procurement Policy regarding giving preference to local business and value for money and consideration to Council's Motor Vehicle Policy that purchasing should be preferably from dealers within the Council area, award a contract for the replacement of three (3) Executive Vehicles in accordance with Tender 2024/145 Supply and Delivery of three (3) SUV Vehicles from Spencer Motors Pty Ltd for the Mitsubishi Pajero Sport 7 Seat GLS Deluxe Wagon MY24 2.4L Diesel 4X4 at a total cost up to $110,000;**
- **note that the purchase of all three vehicles of the same make and model provides opportunity to manage the fleet to ensure vehicles are maintained and managed to retain their condition and value to the highest standard; and**
- **request that a review be undertaken of the Motor Vehicle Policy and Procurement Policy to ensure the guiding principles are better aligned.**

CARRIED

Section 91(7) Order

MOVED Cr Gulin **SECONDED Cr Peters**

OM234/24 **Pursuant to Section 91(7) of the Local Government Act 1999, the Council orders that the agenda reports, related attachments, discussion and minutes relating to Agenda Item 16.8 RFT for Contract 2024/145 Supply and Delivery of 3 SUV Vehicles shall be kept confidential, being documents relating to a matter dealt with by the Council on a confidential basis under Section 90(2) & (3)(k) of the Act on the grounds that the documents relate to tenders for the supply of goods, the provision of services or the carrying out of works, the disclosure of which would be unreasonable being information relating to being the replacement of three (3) vehicles.**

This order shall operate six (6) months or until the execution of a contract.

Pursuant to Section 91(9)(c) of the Local Government Act 1999, the Council delegates to the Chief Executive Officer (or his delegate) the power to revoke this order in whole or part.

Council notes, in accordance with Section 91(9)(a) of the Local Government Act 1999, this order will be reviewed at least once in every year.

CARRIED

MAYOR

16.0 ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY: (Cont'd)

CEO P Ackland, Director Corporate & Community S Rufus and Mayor L Stephens returned to the meeting at 7:36pm and the Mayor resumed the Chair.

MOVED Cr Joyce SECONDED Cr Gulin

OM235/24 **That items 16.6 Riverbank Precinct Master Plan Stage 1 Works – Nature Inspired Play Space and 16.7 RFT for Contract 2024/139 – Foreshore Deck and Shelter be brought forward and considered at this point in the meeting.**

CARRIED

Cr Petagna declared a general interest in confidential item 16.6 Riverbank Precinct Master Plan Stage 1 Works – Nature Play Inspired Play Space in that he is an Executive Member of the Australian Workers Union who represent members employed by one of the contractors tendering for the project. Cr Petagna will stay in the meeting while this matter is discussed and resolved. He will participate in the debate of the two proposed playground designs only which has nothing to do with the contractor's tender. Cr Petagna will not vote on the matter.

Cr Hopgood declared a material interest in confidential item 16.6 Riverbank Precinct Master Plan Stage 1 Works – Nature Play Inspired Play Space in that he is Branch and State President of the Australian Workers Union (AWU). The AWU represent members who are employed by one of the contractors tendering for the project and there is potential for employees to become members. Cr Hopgood left the meeting at 7:37pm.

16.6 Riverbank Precinct Master Plan Stage 1 Works – Nature Inspired Play Space Pursuant to Section 90(3)(k)

MOVED Cr Petagna SECONDED Cr Joyce

OM236/24 **Pursuant to Section 90(2) & (3)(k) of the Local Government Act 1999, the Council orders that the public, with the exception of P Ackland, Chief Executive Officer; C Davey, Director Development & Regulation; K Johnson, Director Infrastructure; S Rufus, Director Corporate & Community and F Dyer, Personal Assistant, be excluded from attendance at that part of this meeting relating to Agenda Item 16.6 Riverbank Precinct Master Plan Stage 1 Works - Nature Inspired Play Space to enable the Council to consider Item 16.6 in confidence on the basis the Council considers it necessary and appropriate to act in a meeting closed to the public (excepting those persons listed above) in order to receive, discuss or consider in confidence the following information or matter relating to Item 16.6 which is tenders for the supply of goods, the provision of services or the carrying out of works, the disclosure of which would be unreasonable information being information relating to the Riverbank Precinct Master Plan Stage 1 Works.**

Accordingly, on this basis, the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or matter confidential.

CARRIED

16.0 ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY: (Cont'd)

16.6 Riverbank Precinct Master Plan Stage 1 Works – Nature Inspired Play (Cont'd)

MOVED Cr Joyce SECONDED Cr Gulin

OM237/24 That Council:

- **confirm the intent to provide a nature inspired play space incorporating water play that is inclusive;**
- **note the various approaches to market and outcomes;**
- **award the contracts for the delivery of Option 3 (total value of $237,795) as follows:**
  - **award a contract to Adventure Plus for the construction of the playground including the basket swing for a value of up to $136,400 excluding GST, on the basis that this proposal more appropriately reflects the impact and image Council is seeking to deliver in this project;**
  - **award a contract to Caddy Earthworks to undertake the construction of the Water Play Area for a value of up to $93,000 excluding GST; and**
- **amend its draft 2024/25 budget by the allocation of an additional $35,000 to this project;**
- **delegate authority to the Chief Executive Officer to approve variations under the contingency allowance up to the value of $23,780 (10% of the expected cost of the playground structure and water play area);**
- **endorse the installation of rubberised softfall around the playground structure to ensure that play space is inclusive; and**
- **acknowledge the overall project cost is currently $341,575 including the contingency amount.**

CARRIED

Cr Petagna did not vote.
The remaining Members entitled to vote voted in favour.

Section 91(7) Order

MOVED Cr Connor SECONDED Cr Peters

OM238/24 Pursuant to Section 91(7) of the Local Government Act 1999, the Council orders that the agenda reports, related attachments, discussion and minutes relating to Agenda Item 16.6 Riverbank Precinct Master Plan Stage 1 Works - Nature Inspired Play Space shall be kept confidential, being documents relating to a matter dealt with by the Council on a confidential basis under Section 90(2) & (3)(k) of the Act on the grounds that the documents relate to tenders for the supply of goods, the provision of services or the carrying out of works, the disclosure of which would be unreasonable being information relating to the Riverbank Precinct Master Plan Stage 1 Works.

This order shall operate six (6) months or until the execution of a contract.

Pursuant to Section 91(9)(c) of the Local Government Act 1999, the Council delegates to the Chief Executive Officer (or his delegate) the power to revoke this order in whole or part.

16.0 ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY: (Cont'd)

16.6 Riverbank Precinct Master Plan Stage 1 Works – Nature Inspired Play (Cont'd)

Section 91(7) Order (Cont'd)

Council notes, in accordance with Section 91(9)(a) of the Local Government Act 1999, this order will be reviewed at least once in every year.

CARRIED

MAYOR

16.0 ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY: (Cont'd)

Cr Hopgood returned to the meeting at 7:50pm.

16.7 RFT for Contract 2024/139 – Foreshore Deck and Shelter
Pursuant to Section 90(3)(k)

MOVED Cr Petagna SECONDED Cr Peters

OM239/24 **Pursuant to Section 90(2) & (3)(k) of the Local Government Act 1999, the Council orders that the public, with the exception of P Ackland, Chief Executive Officer; C Davey, Director Development & Regulation; K Johnson, Director Infrastructure; S Rufus, Director Corporate & Community and F Dyer, Personal Assistant, be excluded from attendance at that part of this meeting relating to Agenda Item 16.7 RFT for Contract 2024/139 - Foreshore Deck and Shelter to enable the Council to consider Item 16.7 in confidence on the basis the Council considers it necessary and appropriate to act in a meeting closed to the public (excepting those persons listed above) in order to receive, discuss or consider in confidence the following information or matter relating to Item 16.7 which is tenders for the supply of goods, the provision of services or the carrying out of works, the disclosure of which would be unreasonable information being information relating to the construction of the Deck and Shade Sails as part of the Riverbank Precinct Master Plan Stage 1 works.**

Accordingly, on this basis, the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or matter confidential.

CARRIED

MOVED Cr Connor SECONDED Cr Keain

OM240/24 **That Council confirm its ongoing support for the construction of the Deck and Shade Sails as part of the Riverbank Precinct Master Plan Stage 1 works.**

That subject to confirmation from the engineers that alternative design proposed it acceptable, Council:

- **award a contract to GC & J Constructions Pty Ltd for the construction of the Foreshore Deck and Shade Sails in accordance with the documents submitted in response to Request for Tender for Contract 2024/139 Foreshore Deck & Shelter for an amount up to $1,952,487.00 (excluding GST), subject to confirmation from the engineers that alternative design proposed it acceptable; and**
- **delegate authority to the Chief Executive Officer to sign and seal all documentation to give effect to this resolution and also approve variations under the contingency allowance up to the value of $190,000.**

CARRIED

Section 91(7) Order

MOVED Cr Hopgood SECONDED Cr Petagna

OM241/24 **Pursuant to Section 91(7) of the Local Government Act 1999, the Council orders that the agenda reports, related attachments,**

16.0 ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY: (Cont'd)

16.7 RFT for Contract 2024/139 – Foreshore Deck and Shelter (Cont'd)
Section 91(7) Order (Cont'd)

discussion and minutes relating to Agenda Item 16.7 RFT for Contract 2024/139 - Foreshore Deck and Shelter shall be kept confidential, being documents relating to a matter dealt with by the Council on a confidential basis under Section 90(2) & (3)(k) of the Act on the grounds that the documents relate to tenders for the supply of goods, the provision of services or the carrying out of works, the disclosure of which would be unreasonable being information relating to the construction of the Deck and Shade Sails as part of the Riverbank Precinct Master Plan Stage 1 works. This order shall operate six (6) months or until the execution of a contract.

Pursuant to Section 91(9)(c) of the Local Government Act 1999, the Council delegates to the Chief Executive Officer (or his delegate) the power to revoke this order in whole or part.

Council notes, in accordance with Section 91(9)(a) of the Local Government Act 1999, this order will be reviewed at least once in every year.

CARRIED

MAYOR

16.0 ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY: (Cont'd)

Director Infrastructure K Johnson left the meeting at 8:04pm and did not return.

16.2 Sustech Matter - Update
Pursuant to Section 90(3)(h)&(i)

MOVED Cr Connor SECONDED Cr Petagna

OM242/24 **Pursuant to Section 90(2) & (3)(h)&(i) of the Local Government Act 1999, the Council orders that the public, with the exception of P Ackland, Chief Executive Officer; C Davey, Director Development & Regulation; S Rufus, Director Corporate & Community and F Dyer, Personal Assistant, be excluded from attendance at that part of this meeting relating to Agenda Item 16.2 Sustech Matter - Update to enable the Council to consider Item 16.2 in confidence on the basis the Council considers it necessary and appropriate to act in a meeting closed to the public (excepting those persons listed above) in order to receive, discuss or consider in confidence the following information or matter relating to Item 16.2 which is legal advice; and information relating to actual litigation, or litigation that the Council believes on reasonable grounds will take place, involving the council, the disclosure of which would be unreasonable information being information relating to legal advice from Council's lawyers and information concerning litigation involving the Council.**

Accordingly, on this basis, the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or matter confidential.

CARRIED

MOVED Cr Hopgood SECONDED Cr Peters

OM243/24 **That Council receive and note the report.**

That for the reasons contained in the agenda report, Council endorse the actions of the Chief Executive Officer in advising Norman Waterhouse Lawyers:

- **to not appeal the decision of the Honour Judge Bochner from the hearing held on 30 April 2024, and**
- **that Council will accept Mr Madzikanda's costs of $1,476 in relation to said appeal.**

Further, having considered updated advice from Norman Waterhouse in relation to the strategy for this matter, Council confirm its previous decisions to pursue both of Council's applications, namely:

- **the application for summary dismissal and strike out of Mr Madzikanda's personal claim against Council, noting that this will be suspended until the security for costs application is heard and determined; and**
- **the application for security for costs**

That Council again reconsider the merits of its defence and exposure to the claim if Council is unsuccessful in its security for costs application or Mr Madzikanda and SusTech are able to satisfy an order for security for costs (if Council is successful).

CARRIED

16.0 ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY: (Cont'd)

16.6 Riverbank Precinct Master Plan Stage 1 Works – Nature Inspired Play Space
This item was brought forward to an earlier point in the meeting.

16.7 RFT for Contract 2024/139 – Foreshore Deck and Shelter
This item was brought forward to an earlier point in the meeting.

16.8 RFT for Contract 2024/145 – Supply and Delivery of 3 SUV Vehicles
This item was brought forward to an earlier point in the meeting.

16.0 ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY: (Cont'd)

CEO P Ackland declared an interest in item 16.9 Confidential Minutes of the Special CEO Performance Review Committee Meeting held on 12 June 2024 because he is the subject of the review and left the meeting at 8:45pm.

Director Corporate & Community S Rufus left the meeting at 8:45pm and did not return.

16.9 Confidential Minutes of the Special CEO Performance Review Committee Meeting held on 12 June 2024
Pursuant to Section 90(3)(k)

MOVED Cr Peters SECONDED Cr Gulin

OM254/24 **Pursuant to Section 90(2) and (3)(k) of the Local Government Act 1999 the Council orders that all members of the public with the exception of F Dyer, Personal Assistant be excluded from attendance at that part of this meeting relating to Agenda Item 16.9 Confidential Minutes of the Special CEO Performance Review Committee Meeting held on 12 June 2024 to enable the Committee to consider Item 16.9 in confidence on the basis the Council considers it necessary and appropriate to act in a meeting closed to the public (excepting those persons noted above) in order to receive, discuss or consider in confidence the following information or matter relating to Item 16.9 which relates to tenders for the provision of services being to assist the Committee with the CEO's annual performance review process.**

Accordingly, on this basis, the principle that meetings of the Committee should be conducted in a place open to the public has been outweighed by the need to keep the information or matter confidential.

CARRIED

MOVED Cr Connor SECONDED Cr Joyce

OM255/24 **That the Confidential Minutes of the Special CEO Performance Review Committee Meeting held on 12 June 2024 be received.**

CARRIED

MOVED Cr Connor SECONDED Cr Hopgood

OM256/24 **That the CEO Performance Review Committee recommend to Council the appointment of Albrighton Consulting & Training Services as the consultant to assist with the performance review process for the Chief Executive Officer for 2023/24, 2024/25, 2025/26 and 2026/27.**

CARRIED

Section 91(7) Order

MOVED Cr Hopgood SECONDED Cr Connor

OM257/24 **Pursuant to Section 91(7) of the Local Government Act 1999, the Council orders that the agenda reports, related attachments, discussion and minutes relating to Agenda Item 16.9 Confidential Minutes of the Special CEO Performance Review Committee Meeting held on 12 June 2024 shall be kept confidential, being documents relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and (3)(k) of the Act on**

16.0 ITEMS FOR CONSIDERATION AS TO CONFIDENTIALITY: (Cont'd)

16.9 Confidential Minutes of the Special CEO Performance Review Committee Meeting held on 12 June 2024 (Cont'd)

Section 91(7) Order (Cont'd)

the grounds that the documents relate to tenders for the provision of services being to assist the Committee with the CEO's annual performance review process.

This order shall operate for a period of six (6) months or until the execution of an agreement.

Pursuant to Section 91(9)(c) of the Local Government Act 1999, the Council delegates to the Chief Executive Officer (or his delegate) the power to revoke this order in whole or part.

CARRIED

MAYOR

CEO P Ackland returned to the meeting at 9:00pm.