

Council Meeting

to be held at the Civic Centre, Civic Drive, Greensborough
on Wednesday 27 January 2021 commencing at 7:00pm.

Agenda

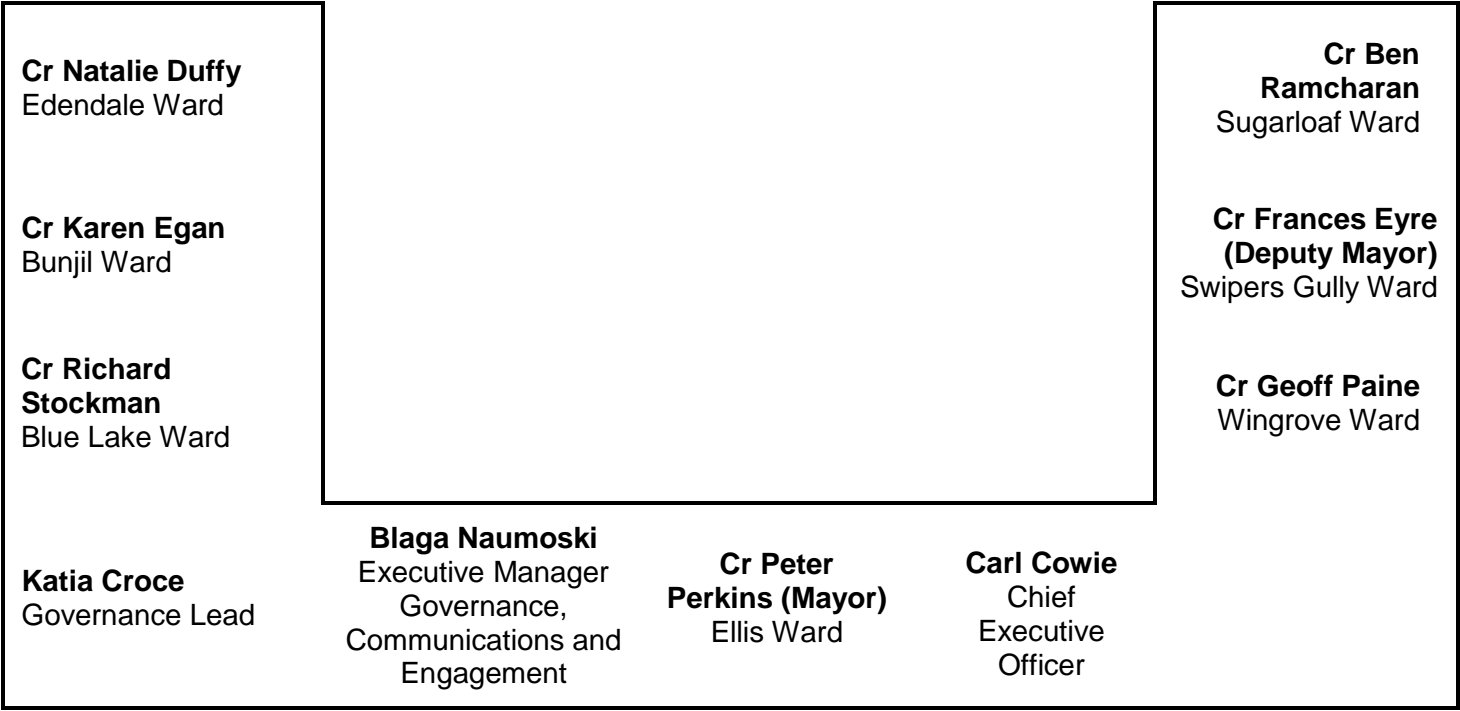
Carl Cowie
Chief Executive Officer

Thursday 21 January 2021

Distribution: Public

Civic Drive, Greensborough
PO Box 476, Greensborough 3088
Telephone 9433 3111
Facsimile 9433 3777
Website www.nillumbik.vic.gov.au
Email nillumbik@nillumbik.vic.gov.au

Council Meeting seating plan



Nillumbik Shire Council

Contents

1. Welcome by the Mayor	1
2. Acknowledgement of Country by the Mayor	1
3. Good Governance Pledge	1
4. Prayer	1
5. Apologies	1
6. Presentations	1
AC.001/21 Condolence Ted Brierley AM	1
7. Confirmation of minutes	1
8. Disclosure of conflicts of interest	2
9. Petitions	2
10. Questions from the gallery	2
11. Reports of Advisory Committees	3
AC.001/21 Advisory Committee Report - 27 January 2021	3
12. Reports of Special Committees	41
13. Officers' reports	42
CM.001/21 Audit and Risk Committee Meeting December 2020	42
CM.002/21 December Quarter Financial Report	51
CM.003/21 Mid-Year Financial Review 2020-2021	69
CM.004/21 265 Chapel Lane Doreen	79
CM.005/21 Councillor Code of Conduct	83
CM.006/21 Tender Report - Contract 2021-45 Eltham North Reserve - Synthetic Pitch Replacement	109
CM.007/21 Tender Report - Contract 2021-34 Diamond Valley Library Upgrade Works	115
CM.008/21 Quarterly Risk and Safety Report September 2020	123
CM.009/21 Review of Council's Road Management Plan	129
CM.010/21 Informal Meetings of Councillors Records - 27 January 2021	175
CM.011/21 CEO Employment Matters Committee - Appointment of Chair	189
14. Notices of Motion	193
NOM.001/21 Notice of Motion - War Memorial Building Complex at 903-907 Main Road, Eltham	193
15. Delegates' Reports	194
16. Supplementary and urgent business	194
17. Confidential reports	194

Nillumbik Shire Council

**Agenda of the Meeting of Nillumbik Shire Council to be held
Wednesday 27 January 2021 commencing at 7.00pm**

1. Welcome by the Mayor

Members of the public are advised the meeting will be livestreamed and recorded and the livestream and video recording will be made publicly available on YouTube and Council's website.

2. Acknowledgement of Country by the Mayor

Nillumbik Shire Council acknowledges the Wurundjeri people who are the Traditional Custodians of this Land. We would also like to pay respect to the Elders both past and present and extend that respect to other Indigenous Australians present.

3. Good Governance Pledge

As Councillors, we are mindful of our civic responsibilities and obligations. We pledge to take them seriously, and to carry them out with diligence and integrity.

We know the decisions we take will affect the people and environment of Nillumbik, now and in the future. We undertake, therefore, to make sound and principled decisions of lasting value, in a spirit of fairness and for the good of all.

We also pledge to serve the needs and wellbeing of the community and the environment, in an open and honest manner and to the best of our abilities

4. Prayer

A prayer will be read by Reverend Dr Tim Johnson, Senior Minister - St John's Anglican Church, Diamond Creek.

5. Apologies

Recommendation

That the apologies be noted.

6. Presentations

AC.001/21 Condolence Ted Brierley AM

7. Confirmation of minutes

Confirmation of minutes of the Council Meeting held on Tuesday 15 December 2020.

Recommendation

That the minutes of the Council Meeting held on Tuesday 15 December 2020 be confirmed.

8. Disclosure of conflicts of interest

Councillors should note that any conflicts of interest should also be disclosed immediately before the relevant item.

9. Petitions

Nil

10. Questions from the gallery

11. Reports of Advisory Committees

AC.001/21 Advisory Committee Report - 27 January 2021

Distribution: Public

Manager: Blaga Naumoski, Executive Manager Governance, Communications and Engagement

Author: Janet Taylor, Governance Officer

Summary

Council has a range of Advisory Committees which provide a formal mechanism for Council to consult with key stakeholders, seek specialist advice and enable community participation. Although they do not make any formal decisions, they provide valuable advice to Council.

In accordance with Advisory Committee Terms of Reference, the minutes of the following meetings are presented to Council (**Attachment 1**):

- Environment and Sustainability Advisory Committee meeting held 19 August 2020
- Arts and Cultural Advisory Committee meeting held 31 August 2020;
- Health and Wellbeing Advisory Committee meeting held on 9 September 2020;
- Economic Development Advisory Committee meeting held 17 December 2020.

Attachments

[!\[\]\(0d5ec72f61334709c3fc9450209b754f_img.jpg\) 1 !\[\]\(944d59db1282ea95b82255c3404a2195_img.jpg\)](#). Advisory Committee Minutes

Motion

That Council notes the minutes of the Environment and Sustainability Advisory Committee meeting held 19 August 2020; Arts and Cultural Advisory Committee meeting held 31 August 2020; Health and Wellbeing Advisory Committee meeting held on 9 September 2020; and Economic Development Advisory Committee meeting held 17 December 2020 (**Attachment 1**).

Environment and Sustainability Advisory Committee Minutes



Date: Wednesday 19 August 2020
Time: 7.00pm – 9.00pm
Venue: Online via Zoom video conferencing
Chair: Cr Jane Ashton
Zoom moderator: Lisa Pittle
Minute taker: Kate Shannon

1. Welcome

Present: Cr Jane Ashton, Kirsten Reedy, Lisa Pittle, Kate Shannon, Alan Thatcher, John Huf, Andrew Robinson, Narelle Campbell, David Turner, John Brennan, Elley Thomas, Liz Parsons, Carol Jadraque, Lauren Poulton, Zac Lombardo, Hjalmar Phillips, Areej Hashmi-Weyman, Sali Bache,

Apologies:

Absent: Aidan Somers

2. Conflict of interest

Conflict of interest provisions are contained in section 80C of the *Local Government Act 1989*, the Councillor's Governance Code, the Employee Code of Conduct and the Volunteer Handbook.

Narelle Campbell declared a general conflict of interest as an employee of the Victorian Government's Department of Health and Human Services.

Carol Jadraque declared that she is working with the State Government on their Climate Change Strategy.

3. Confirmation of minutes

Confirmation of the minutes of the committee meeting on 6 May 2020.

Moved: John Brennan

Second: Narelle Campbell

4. Open Actions

Accepted

Action: Committee members to review the draft list of identified external GWMP stakeholders and provide any suggestions ahead of the next ESAC meeting.

Action: Waste/recycling subcommittee meeting to convene after 24 October

5. Climate

a. Internal and external consultation progress

An update was provided by Kirsten Reedy on the upcoming community consultation process that is being planned, with the aim of findings being used to assist with the development of the draft Climate Action Plan.

The methodology will need to be Covid restrictions compliant.

Council will engage a specialist company to prepare the survey questions, facilitate a telephone and on-line survey, and provide an analysis of the results.

ESAC has had an opportunity to suggest the types of questions that should be asked, and will be invited to review and provide suggestions on the draft survey via Zoom and email ahead of caretaker period.

It is also intended that opportunities for some of the survey's questions to align with the State Government's attitudinal survey regarding climate change will be explored.

Councillor Ashton suggested that ESAC might like to look at the [Nillumbik annual community survey](#) as an example of the work of Metropolis, who specialise in developing and running surveys for local Councils.

Concurrently, internal conversations are taking place to enable opportunities for all areas of the business to be involved in developing and subsequently, implementing the Plan; and an Internal Reference Group has been established.

b. Former Plenty landfill site, solar farm update

Council is in the process of assessing tender submissions from companies to develop and operate a solar farm on the former Plenty landfill site. Hjalmar Philip provided an update.

Two compliant proposals from renewable energy developer groups are currently being assessed, with view to making a procurement recommendation for consideration by Council at the September Council meeting.

The landfill is in the process of the final stages of capping and it is anticipated to be completed in the second quarter of 2021. Once this process is completed there will be a 12 month defects period ahead of EPA sign-off, during which time, no works can be carried out at the site.

Scheduling suggests it will be mid 2022 before any building of the solar farm infrastructure can potentially begin on the site. This will allow time for planning, consultation and design to occur in the meantime.

One player came back with a battery proposal, but they are not in the shortlist.

Conversation points based on questions asked by committee members:

- Plenty landfill has been tested for gas extraction for electricity generation but does not produce enough for it to be utilised in any viable capacity.
- Lifecycle disposal of infrastructure will be the solar farm operator's responsibility, to be handled in accordance with best practice and regulatory standards at the time of any decommissioning.
- Solar panels and other componentry can already be broken down into their materials and recycled. There is a lot of work being done in this space to scale up, with end of life solar panel recycling scheduled to be a significant industry as existing systems get decommissioned.
- The maximum generation that Council will require to supply its electricity needs is about 30% of the site's anticipated capacity. The operator has ability to supply the balance of potential generation to other offtake partners, which is intended to include community.

c. Update on renewable energy news from local and state governments.

David Turner provided an update on renewable energy news from local and state governments, including solar gardens, University of Melbourne report and the use of blockchain for PPAs.

David noted that the State Government has deferred decisions on emission targets due to Covid upheavals, making it hard for local governments to develop their targets.

Attachment 1: David Turner presentation

6. Nillumbik submission on agricultural land in the Green Wedge

DELWP is in the process of undertaking a review of Green Wedge zones in relation to strategic agricultural land. Phase one consultation took place last year and Council's submission was circulated with the agenda.

DELWP has recently conducted Phase 2 targeted consultation with local government and intended to commence broad community consultation on the 12 August. Due to Covid their community consultation has been postponed.

When community consultation does recommence it will be via the DELWP website and committee members will be able to make submissions.

Strategic Planning officers have tabled the matter for discussion at the Councillor briefing next Tuesday 25 August.

7. Reports on subcommittee activity since last meeting

Biodiversity projects update feedback on presentation

A biodiversity projects update was provided (drawing on the update summary attached to the agenda); along with an overview of the ESAC biodiversity subcommittee meeting that was held on 6 July, during which officers presented on the key outcomes of the two major biodiversity and conservation grants that were completed at the end of June.

Committee members were thanked for their advice and information that helped to inform Council's submission into the Victorian Parliament's Environment and Planning Committee Inquiry into ecosystem decline in Victoria. The submission will be presented to Council for endorsement at the August OCM.

- Conversation questioning what Nillumbik biodiversity information is available. Council officers rely on information that is made available by the State government via Nature Atlas and Nature Kit. Biodiversity information that Council gathers on public land is uploaded into this system. DELWP is in the process of seeking to update this system and the information it contains, and is working to make it more accessible to the community.

Action: Kirsten to invite someone from DELWP to come and discuss this.

Ellie provided links to useful public sites:

- NVIM: https://nvim.delwp.vic.gov.au/TermsAndConditions?comeFrom=%2fMap%3f_ga%3d2.29121916.1730673856.1597832366-651962807.1597832366
- Nature kit: <http://maps.biodiversity.vic.gov.au/viewer/?viewer=NatureKit>
- VVB: http://www.vvb.org.au/vvb_map.php
- Vicplan: <https://mapshare.vic.gov.au/vicplan/>

Issue of tree cover in Nillumbik

Alan Thatcher discussed the issue of tree cover in Nillumbik, and referred ESAC to look at the Frankston Urban Forest Strategy.

Alan is seeking to establish a subgroup to discuss the urban forest initiative in Nillumbik, and is seeking a pathway to have such an initiative progressed by Council.

Officer advice was provided by Lisa Pittle that the development of such a plan would be classified a new initiative and would require Council endorsement to be undertaken. ESAC can make a recommendation to Council that such a new initiative be considered.

Action: Interested ESAC members to self nominate to form a subgroup to discuss this matter and next steps.

8. Municipal Fire Management Plan

The Municipal Fire Management Plan is currently being updated. It guides the activities of all those responsible for the management of fire risk within Nillumbik. This review process is not led by Council. If committee members wish to be involved in the process that could contact their local CFA to find out what opportunities exist.

Other business

Working for Victoria – An opportunity exists to have some staff employed by the Catchment Management Authority and Melbourne Water to undertake work in Nillumbik when Covid restrictions ease.

The CMA will recruit teams of people to work in agricultural areas and conservation areas, and are likely to be able to support an Eltham Queensland Fruit Fly pilot monitoring program and potentially woody-weed control.

Queensland Fruit Fly

- The QFF segment recently filmed at Edendale by ABC's Gardening Australia will air on 25 September.
- A QFF report went up to Council at its July meeting with the recommendations of ESAC to improve QFF advocacy and action, and was endorsed.

Grant opportunities

- Officers have submitted a grant application to launch iNaturalist in Nillumbik accompanied by some programs to encourage its use.

Environment and Sustainability projects update

- Tabling of the projects summary document

9. Next meeting agenda discussion

Action: Set a date for an ESAC climate discussion regarding community consultation before Caretaker period commences

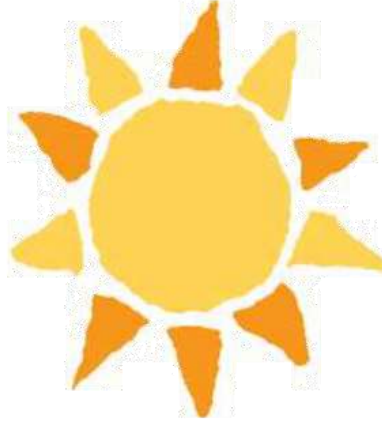
Next meeting date: Wednesday 28 October 2020 (note change in date due to caretaker period)

Zoom Chat during the meeting:

- 19:54:26 From Narelle: Did the agricultural land review report draft bear any relation at all to the consultation that was done Lisa?
- 20:06:04 From Lisa Pittle - Nillumbik Council: I haven't seen the broader consultation. I can refer the question to Strategic Planning
- 20:30:28 From Narelle: Are we having an urban forest sub-group?
- 20:32:33 From Narelle: Working group to consider Urban forest in NON BMO areas in Nillumbik?
- 20:38:11 From Carol Jadraque I had a developer on my road clear 30m to a few metres of the Upper Diamond Creek because he knew he could get away with it under BMO and now his piece of land is worth lots more - it was devastating to watch....and infuriating given we are all trying to improve the creek frontage... maybe there is a theme also around perverse planning vs environment outcomes
- 20:41:18 From Narelle: BLACKBERRY Removal!!!!
- 20:48:08 From Narelle: Congrats Andrew and Liz - from memory you two were the drivers of this !!!

- 20:55:08 From elleythomas: aren't those hawthorns in k-ground listed as historical or something? I'm not sure who or where i heard that from?
- 20:56:02 From Narelle: Nicholson's lane, top of Henley, down the cemetery road, a couple on Dawson's Road, a couple down Wattle Glen Road and a couple near KG Pony club Watery Gully Road. Eltham Yarra Glen Rd and Eltham St Andrews Rd - not where the historic hedge rows are - but down hill from there
- 20:56:10 From Lisa Pittle - Nillumbik Council : The main hawthorn hedge near the fire brigade is heritage listed
- 20:56:18 From John Huf: Yes I think they have a heritage classification
- 20:59:02 From lleythomas: during these covid times I have found online webinars really helpful and interesting in areas of consulting and the environment- i have noticed nillumbik has offered a few of these and i think they are really great for community engagement and education- possibly pushing advertisement on social media or something a little more? and deveoping more in the future :)

Energy and Climate Change update



ESAC Meeting Wednesday 19 August 2020



State Government

The Victorian Government has delayed the critical decision on how deeply it will cut climate emissions over the next decade because of the economic upheaval created by the coronavirus pandemic. No timeframe for its release has been set.

<https://www.smh.com.au/environment/climate-change/victorian-emissions-reduction-target-delayed-again-by-virus-crisis-20200730-p55gx0.html>



Local Government

Solar Gardens are becoming increasingly popular and being facilitated by local Government.

LEETON shire residents will be among those able to benefit from Australia's first solar garden. Grong Grong farmer Gemma Meier has set aside about four hectares of land on her mixed farming property to host the solar array. Leasing her paddock for this community-owned project, called Haystacks Solar Garden, will provide a valuable income stream for her family while helping the community cut their electricity bills, and helping scale up climate solutions like renewable energy.

<https://haystacks.solargarden.org.au/category/article/>



Policy

Research by University of Melbourne focused on climate emergency action plans released before 2020, and found three levels of local government climate emergency response: *business as usual*, *incremental* and *transformational*.

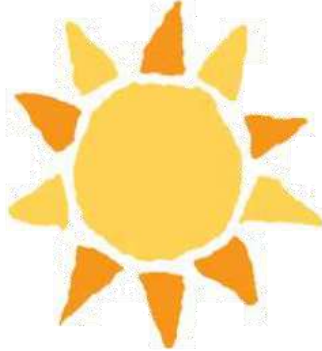
Business as usual - the climate emergency response seeks to recognise issues associated with climate change, but to limit any additional actions and changes at an organisational level.

Incremental - acknowledge climate change and the necessity for planning and implementing action, but this response aims to fit any new action into existing systems and processes.

Transformational - Prepared to examine the systems and processes across the entire organisation and beyond, to include stakeholders, supply chain, ratepayers, residents and businesses.

<https://pursuit.unimelb.edu.au/articles/the-local-governments-declaring-a-climate-emergency>

<https://www.sciencedirect.com/science/article/abs/pii/S2212095520300171>



Technology

Power Purchase Agreements (PPAs) have historically been the domain of large energy users with a forecastable spend of millions annually on energy.

Recent developments in technology have changed this. The use of blockchain technology to fractionise PPAs, alongside the development of standardised contract architecture, has had the effect of making PPAs a fungible commodity. This means that organisations spending far less on power – as little as \$100,000 a year, are able to participate in the market for PPAs.

https://www.governmentnews.com.au/type_contributors/tech-opens-door-to-renewable-energy-future-for-local-government/

Arts & Cultural Advisory Committee Minutes

Date	Monday 31 August 2020
Time	7pm to 9pm
Venue	Via Zoom. https://zoom.us/j/93308990147
Chair	Mayor Cr Karen Egan, Chair Arts and Cultural Advisory Committee
Minute taker	Sarah Hammond, Community Arts & Cultural Engagement Officer

Agenda item	Action	Officer/Committee Member
1. Welcome and Introductions Present: Mayor Cr Karen Egan, Cr Jane Ashton, Leanne Ipsen, Brian Gilkes, Pat Reynolds, Emma Roussel, Tessa Christie, Ona Henderson, Syd Tunn, Rebecca Davies, Lloyd Godman, Alli Spoor, Gillian Essex Officers: Corrienne Nichols (Executive Manager Community Services), Melanie Holt (Manager Community Partnerships), Simon Doyle (Coordinator Arts & Cultural Development), Danielle Phyland (Coordinator Economic Development and Tourism), Sarah Hammond (Community Arts & Cultural Engagement Officer), Richard Holt (Arts Development Officer), Ali Griffin (Exhibitions Support Officer) Apologies: Corrienne Nichols, Tom McEvoy, Dennis Coard.		
2. Conflict of interest and Assembly of Councillor form No conflict of interests reported. Assembly of Councillor Form lodged.	To lodge form with Governance.	Sarah Hammond
3. Minutes from previous meetings The minutes of the meeting held on 15 June 2020 are confirmed as a true and accurate record of the meeting.	Moved: Ona Henderson Seconded: Gillian Essex	

**ARTS AND
CULTURE**



<p>4. Matters Arising</p> <p>4.1 Regional Gallery Business Case and Masterplan Update.</p> <p>Simon Doyle advised that the feasibility study was completed and accepted by Council in October. Council is still awaiting State Government advice.</p> <p>4.2 Edendale Homestead Update.</p> <p>Simon Doyle advised that Edendale is currently undertaking wide community consultation via Participate Nillumbik. Conversations are ongoing in relation to arts/cultural use of this facility. Leanne Ipsen enquired if Nillumbik U3A would be able to access Edendale's facilities and queried the fees.</p> <p>Concern amongst community groups relating to council venue fees was discussed. Committee members advised that community perception is that venues such as the Eltham Community & Reception Centre are not affordable for community groups and that Eltham in particular does not have a community hub/centre that is accessible for community in terms of fees. It was agreed to discuss this issue at a separate meeting between Arts & Cultural Development, Nillumbik U3A and Edendale.</p> <p>It was noted that Nillumbik U3A need a larger facility to operate from as they have outgrown their current home, and that the arts groups need exhibition spaces. Community Partnerships Manager and Leisure & Recreation Officers are working with Nillumbik U3A in relation to their tenure at Eltham Central. Cr Jane Ashton advised that council would be going online for venue bookings in the future. The committee agreed that equity across facilities is a very important issue.</p> <p>4.3 COVID-19 Artist Opportunities Update.</p> <p>163 artists were commissioned through the COVID-19 artist opportunities across 3 streams. This represents a significant investment into the arts and culture sector by Council at a critical juncture for the industry.</p> <p>Mayor Cr. Karen Egan commended the Arts & Cultural Development team on the exceptional delivery of the artist opportunities and the 'In the Time of COVID-19' program.</p> <p>Richard Holt provided an update on the Written in the Time of COVID-19 (WITOC) project and advised that installation of the stenciled artworks have been completed. In all 140 stenciled artworks were installed across 7 sites utilizing 20 different WITOC texts. Great anecdotal feedback is being received and people are letting Council know how much they are enjoying the project. Other organisations have contacted Council asking how they could deliver similar projects. Evaluations are underway through the Cultural Development Network for both artists and audiences. Data collected to date shows that the project has been beneficial from a creative and economic point of view for artists.</p> <p>Arts & Cultural Development are also producing an anthology of the best writing. WITOC is supporting a total of 53 writers and 2 visual artists. The anthology will be available within next couple of weeks and will be used in some positive ageing activities organised by Council.</p>	<p>To remove item from future agendas for now.</p> <p>To organise a separate meeting to discuss.</p> <p>To provide a copy of the WITOC anthology (E Book) to Committee</p>	<p>Sarah Hammond</p> <p>Simon Doyle</p> <p>Richard Holt</p>
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<p>4.4 Performing Arts Plan (incorporating Busking Fees)</p> <p>The Performing Arts Plan is in development with a strategy to piggyback off some other consultations that are happening. The plan will now be more of a Performing Arts Recovery Plan due to COVID-19. The Arts Development Officer is responsible for the plan and has been engaging with the performing arts community in Nillumbik. The September edition of the Arts E News has a formal call-out for people to join the conversations in order to widen the engagement and try to ensure we include people across the board. Committee members are invited to forward this opportunity to their networks and to subscribe to the Arts E News if they have not yet done so.</p>	<p>To forward this opportunity to networks and subscribe to Arts & Cultural Development E Bulletin.</p>	<p>Committee Members</p>
<p>4.5 Eltham Library Community Gallery (ELCG) Redesign Update</p> <p>The brief for the ELCG redesign is scheduled for the Councillor Briefing on Tuesday, 1 September. If accepted, a wider community consultation process to confirm what community wants from that space will occur in 2021.</p>		
<p>4.6 Eltham Library Community Gallery (ELCG) Program Update</p> <p>Simon Doyle introduced Ali Griffin, Exhibition Support Officer to the Committee. Ali updated the Committee on the ELCG Program. Written report attached.</p> <p>Pat Reynolds discussed Wadambuk Gallery at St Andrews Community Centre and the possibility of it being included in Council's exhibitions programs. Simon Doyle expressed his commitment to grow the ELCG program and advised that Wadambuk Gallery could certainly be an option for this. To discuss further outside of this committee and report back as necessary.</p> <p>Leanne Ipsen enquired how the ELCG videos are produced. Nillumbik U3A has received a grant to do filmed demonstrations and interviews but has not been able to do this yet as they require a film crew. Ali Griffin to schedule a discussion to explore this further with U3A.</p>	<p>To schedule a meeting to discuss Wadambuk Gallery and ELCG Program.</p> <p>To schedule a discussion to explore this issue with U3A.</p>	<p>Simon Doyle and Ali Griffin.</p> <p>Ali Griffin, Leanne Ipsen</p>
<p>4.7 Digital Nillumbik Heritage Guide Update</p> <p>Sarah Hammond advised that this project is due for completion by the end of September. The digital version includes many more images and stories which bring some of Nillumbik's historical figures and sites to life. Most importantly, the digital guide will contain a Wurundjeri section created with and sanctioned by the elders and Research Unit of Wurundjeri Corporation. Unfortunately, the plan to have a translation of the English version of this section in Woi Wurrung is not feasible due to budget constraints but may be possible if external funding is secured in the future. Committee members requested a copy of the final draft for review. Sarah will organise this.</p>	<p>To provide an opportunity for Committee to review final draft of Digital Nillumbik Heritage Guide.</p>	<p>Sarah Hammond</p>
<p>4.8 Arts & Cultural Development Annual Grants 2020-21</p> <p>The selected Arts & Cultural Development Annual Grants 2020-21 will be presented to the Councillor Briefing tomorrow, Tuesday, 1 Sept. Sarah advised that 13 applications were received this year, all of a high quality and worthy of funding. The grants budget this year is \$20,000 and 7 projects were selected for funding. Sarah will report on the successful grant projects next meeting. Thanks were extended to members of the ACAC who sat on selection panel.</p>	<p>To add this item to the agenda for next meeting.</p>	<p>Sarah Hammond</p>

<p>5. Introduction to Council's Economic Development and Tourism Unit</p> <p>Danielle Phyland, Economic Development and Tourism Coordinator presented an overview of her unit. Pdf copy attached.</p> <p>Danielle asked the committee what business skills creative industries would like to have available. Committee members were asked to let Danielle know directly. Danielle will provide a list of the programs that have been run already, are on offer now or are scheduled for the future. Danielle invited all committee members to contact her with questions or ideas. She is very keen to engage with Nillumbik's creative industries.</p> <p>Danielle also discussed the statewide <i>Click for Vic</i> campaign being run by Visit Victoria. Businesses can register to sell their product online. <i>Click for Vic</i> has been designed to encourage locals to support locals. Nillumbik has its own local version of the campaign called <i>Shop Local Nillumbik</i>. Danielle also outlined the <i>Shop Local Nillumbik Delivery Service</i>, a free delivery service for local business and local residents during the Stage 4 COVID-19 restrictions. This service is being implemented to assist local businesses, especially those forced to close their doors under the new restrictions and is for non-perishable items only (no food items). The service offers local deliveries 3 times per week across the municipality, from 3 collection points, Hurstbridge, Diamond Creek and Eltham.</p>	<p>To provide Committee with a copy of presentation</p> <p>To provide Committee with links to local campaigns and list of current workshops and programs.</p> <p>To submit business skills ideas to Danielle.</p>	<p>Danielle Phyland, Sarah Hammond.</p> <p>Danielle Phyland, Sarah Hammond.</p> <p>Committee</p>
<p>6. Acquisitions</p> <p>Purchase for Visual Art Collection</p> <p>A presentation was delivered by Simon Doyle to accompany the acquisition forms. It was noted that the acquisition prices <u>include</u> the \$5000 commission fee already paid to the artists from the Art in the Time of COVID-19 (AITOC) program.</p> <p>The committee agreed that in lieu of the signatures normally collected at physical meetings, the committee meeting minutes will formally document the decisions of the committee. Decisions were formally moved and seconded and the approved meeting minutes will be used as evidence of acquisition approval. A copy of the meeting minutes will be attached to each acquisition report form. The committee discussed each acquisition report and made the following decisions:</p> <p>Addendum Note: Governance has advised that 8 signatures are required on each Acquisition Recommendation Report in order to process acquisitions into the collections.</p> <p>6.1 Anna McDermott - Succumbing to the adjacency of being, 2020 The committee requested a deferral of this acquisition decision until the video can be viewed. Unanimous vote.</p> <p>6.2 Dongwang Fan - Pandemic Bodies Acquisition approved.</p> <p>Moved: Leanne Ipsen. Seconded: Ona Henderson.</p> <p>6.3 Luigi Vescio - Score for Multi-Species Partnerships 2020 Visual artwork Acquisition approved.</p> <p>Moved: Ona Henderson. Seconded: Rebecca Davies</p>	<p>To acquire signatures via the official forms and organise purchase of all artworks approved for acquisition.</p>	<p>Sarah Hammond, Simon Doyle.</p>

<p>6.4 Michelle Hamer - Relax We're Doing Great</p> <p><i>This is Not Over</i> selected. Acquisition approved.</p> <p>Moved: Ona Henderson. Seconded: Brian Gilkes</p> <p>6.5 Paul Kalemba - Leaving Isolation</p> <p>The committee was unanimous in its decision to add this artist to the collection, but agreed that further communication is required to ascertain how many of the 30 paintings Council could acquire and how best to present the paintings. It was agreed to acquire a minimum of 3 paintings but 9 or more paintings would be preferred. Ali Spoor requested that Council acquire the full collection of 30. This suggestion was supported by other committee members.</p> <p>Acquisition approved but Simon Doyle to go back to artist to negotiate price options and to discuss logistics of framing/presentation.</p> <p>Moved: Leanne Ipsen. Seconded: Ali Spoor.</p> <p>6.6 Siri Hayes - Under the Doona – Luella and pet rooster Crower</p> <p>Acquisition approved.</p> <p>Moved: Gillian Essex. Seconded: Emma Rousell.</p> <p>6.7 Spencer Harrison - Tape Measures</p> <p>Decision made NOT to acquire.</p> <p>Vote: 2 for/11 against.</p> <p>6.8 Tara Stublely - Time for Clarity</p> <p>Acquisition approved.</p> <p>Moved: Brian Gilkes. Seconded: Ona Henderson</p> <p>6.9 Tyler Grace – Homebound</p> <p>Acquisition approved with description of medium to be clarified and acquisition report form updated.</p> <p>Moved: Pat Reynolds. Seconded: Ali Spoor</p> <p>Acquisition for Civic Collection</p> <p>6.10 A collection of the 21 stencils used to create the 'Written in the Time of COVID-19' installations (20 text stencils + 1 project label stencil).</p> <p>Acquisition approved.</p> <p>It was noted that the stencils can be re-used as well as exhibited. Project documentation noted: Council has photographic images of every stencil in every location x 150.</p> <p>Moved: Lloyd Godman. Seconded: Pat Reynolds</p>	<p>To negotiate options with the artist and report to Committee via email.</p> <p>To acquire signatures and organise acquisition into the Civic Collection.</p>	<p>Simon Doyle</p> <p>Richard Holt, Sarah Hammond.</p>
<p>7. Youth art competition - The Creative Collective</p> <p>Sarah Hammond reported that this competition closes on 4 September. 4 members of the committee have volunteered to be on the selection panel. Nicola Clutton from Youth Services will be invited to report on the project at the next meeting.</p>	<p>To invite Nicola Clutton from Youth Services to the next committee meeting.</p>	<p>Sarah Hammond</p>

<p>8. Other Business</p> <p>Members were invited to raise any other items for discussion or for future agenda scheduling.</p> <p>8.1 Mick Woiwod. Local Author and historian Mick Woiwod passed away on the 26th August. He produced over 24 publications with a focus on the Yarra Valley and Indigenous History. Mick was an active community member and well known to Council. He was involved with several local history groups including The Nillumbik Reconciliation Group (began the group), The Andrew Ross Museum, Friends of Kangaroo Ground Memorial Park and Eltham District Historical Society. Committee emailed a link to a tribute page for Mick along with details of his funeral scheduled for Thursday, 3 September.</p> <p>8.2 Curator & Collections Manager Simon Doyle advised that the Curator and Collections Management Officer position is vacant; Council will seek to advertise in the coming weeks.</p> <p>8.3 Lloyd Godman reported that Baldessin Press was successful in acquiring a small business grant from Council to improve their internet reception and extended his thanks.</p> <p>8.4 Thanks were extended to both officers and Councillors for the work undertaken in the last 4 years.</p>	<p>To circulate details of Mick's funeral and tribute page.</p>	<p>Sarah Hammond</p>
<p>9. 2020 Meeting Dates for Diary</p> <p>Monday, 7 December 2020, 7 – 9pm</p>		
<p>10. Close – 9.20pm</p>		

MEETING MINUTES

Health and Wellbeing Advisory Committee

Wednesday 9th September 2020

2:00pm – 3:30pm

Zoom

Attendees: Cr Grant Brooker, Melanie Holt, Vicki Martinez, Keera Weise, Sarah Lausberg, Rosie Haszler, Tina Robinson, Petra Begnell, Beth Dunlop, Sarah Quirk, Jacinta Geary, Lisa Dempster, Karly O'Donaghue and Pamela Johnson.

Apologies: Beth Dunlop and Pamela Johnson.

Agenda item	Minutes	Actions
Welcome & Acknowledgement of Country	Cr Brooker welcomed attendees and new members invited to introduce themselves.	
Actions from previous minutes	No outstanding actions from previous meeting	
Health and Wellbeing Plan Roadmap: Keera Weise	<ul style="list-style-type: none"> Update provided on MPHWP planning roadmap outlining timeframes and next steps for evaluating and reviewing existing plan whilst commencing new planning cycle. Presented community profile framework that provides the overarching matrix for the profile. Consultation has highlighted the need for township level date. The new profile will provide township 'personalities', allowing for greater understanding of assets and needs at a very local level. The profile will be ready for distribution from November 2020. Contributions from the mapping exercise will be included in annual DHHS report. 	Action: Present Community Profile at next meeting

Agenda item	Minutes	Actions
Mapping with partners: Keera Weise	<p>Thanked members for their contribution in the mapping of existing activities.</p> <p>Presented collated information on the 7 priority areas of the plan including members' current activity.</p> <p>Tabled presentation including mapping results.</p> <p>Members contributed with additional projects relating to priority areas and opportunities for partnership.</p>	<p>All members: Advise Keera of any additional activities</p> <p>KW: Include actions identified in discussion to mapping exercise.</p>
COVID-19 @ Nillumbik: Vicki Martinez	<p><u>Survey:</u></p> <ul style="list-style-type: none"> • The survey developed in partnership with healthAbility aims to understand local impacts on community of COVID-19. • 157 responses to date. • Request for partners to support distribution through networks. • Share results of survey at next meeting <p>https://participate.nillumbik.vic.gov.au/together-in-nillumbik</p> <p><u>Nillumbik Local Services Network:</u></p> <ul style="list-style-type: none"> • Partnership between Council, healthAbility Diamond Valley Community Support. • The network aim is to bring together service providers operating in Nillumbik from across sectors to support a more coordinated response to COVID-19 and beyond. • The Network meetings will be used as an opportunity to: explore community strengths and identify opportunities to collaborate and fill service gaps. • Meetings occur monthly, first Tuesday of the Month from 11.00am - 12.30pm • Membership is open and we welcome any MHWBP members to join. <p><u>COVID-19 internal taskforce.</u></p> <ul style="list-style-type: none"> • Internal organisational taskforce facilitating a corporate response to COVID 19. • Recognise COVID-19 recovery could take a number of years. • The upcoming Health and Wellbeing Plan will be paramount to that staged recovery. 	<p>All members: Support the distribution of survey to networks.</p> <p>All members: Invitation to join Local Services Network. Contact Keera Weise if interested.</p>

Agenda item	Minutes	Actions
COVID-19 check-in:	<p>Karly: Personal experience, remote learning is increasingly challenging. Professionally as a teacher at Monash University the mental health and wellbeing of students is paramount. Large focus on R U OK? Day tomorrow.</p> <p>Gambler's Help:</p> <p>Phone counselling service continuing to have a positive response with less reports of no shows. Positiveness on pokies remaining shut. Recent reports highlight challenges with superannuation early access scheme. The report showed high expenditure on gaming.</p> <p>healthAbility:</p> <p>Sarah is new to the Advisory Committee and is taking over Julia's role while she is on maternity leave. Services operating under a COVID-safe plan. Emphasis is on telehealth where possible.</p> <p>Aligned Leisure:</p> <p>Facilities remain closed. Online engagement with a number of groups. Challenges around people re-accessing services due to a decline in confidence and safety.</p> <p>North East Healthy Communities:</p> <p>Digital inclusion: delivery of factsheets.</p> <p>Trends across workforce, staff burnout.</p> <p>Relationships Victoria:</p> <p>Appointments consistent.</p> <p>Trends: people are accessing services they haven't before. Learning how to do that for the first time.</p> <p>Digital Inclusion:</p> <p>Continuing increase in digital divide.</p> <p>Seen to be further inequitable access for those who use prepaid who may only have small amounts of money to top up credit. I.e. \$10 is 1GB of data.</p> <p>NEHC digital inclusion guides will be released in coming month.</p> <p>YPRL:</p> <p>Digital divide very noticeable. Thinking ahead to 'new normal' with wi-fi hotspots located outside of the library to ensure accessible. Following on from NEHC comments a key aspect is the wellbeing of staff. Jane</p>	

Agenda item	Minutes	Actions
	<p>discussed ways they factor in the 'human' into work agenda.</p> <p>WHIN:</p> <p>Family violence rates continue to climb. Continue decrease in calls, but increase in chat functions indicating many women reaching out are unable to speak over the phone.</p> <p>Sexual and reproductive health has also seen increase challenges due to COVID-19 including access to abortion services.</p> <p>Staff and management from across the sector report IHP roles diverted to COVID-19 role.</p>	
Priority area: Gender Equity WHIN to present.	<p>Rebecca Tipper:</p> <p>Rebecca presented on Gender Equity and Prevention of Violence Against Women (PVAW) work taking place in the north metro region.</p> <p>Tabled:</p> <ul style="list-style-type: none"> - Power point presentation - Applying a gender lens to COVID-19 recovery - Nilumbik PVAW data factsheet <p>The achievements report can be found: https://www.whin.org.au/resources/preventing-violence-against-women-resources/</p> <p>The economic security fact sheet: https://www.whin.org.au/resources/economic-equality-resources/.</p>	
Other business	<p>National Prevention Strategy:</p> <p>Consultation about the draft National Prevention Strategy is open. Keera will be coordinating a Nilumbik response.</p> <p>https://www1.health.gov.au/internet/main/publishing.nsf/Content/national-preventive-health-strategy</p>	<p>All Members: Review draft and provide comments to Keera by 23 September</p> <p>KW: Coordinate feedback for submission.</p>
Closing remarks	<p>Thank you to Cr Brooker:</p> <p>Entering Council elections Melanie Holt thanked Cr Brooker on the behalf of the committee.</p>	Melanie Holt

Next meeting: To be scheduled after caretaker period.

Economic Development Advisory Committee Minutes

Date: Thursday 17 December
Time: 4.30pm – 5.30pm
Venue: Online via Zoom
Chair: Danielle Phyland (Economic Development and Tourism Lead)
Minute taker: Georgie Nathan (Economic Development and Tourism Support Officer)

Order of Business

1. Attendance and apologies

Apologies: Carl Cowie, Rosa Zouzoulas

Attendees: George Apted, Joseph Lirosi, Zac Lombardo, Jethro Still, Peter McWilliam, Philip Marendaz, Kiriilly Romero, Cr Richard Stockman, Cr Geoff Paine, Jethro Still, Cr.Natalie Duffy, Cr.Frances Eyre

Welcome

2. Conflict of Interest

Conflict of interest provisions are contained in section 80C of the Local Government Act 1989, the Councillor's Governance Code, the Employee Code of Conduct and the Volunteer Handbook.

No conflict of interest declared.

Assembly of Councillor(s)

An Assembly of Councillor form must be completed at the meeting in accordance with section 80A of the *Local Government Act 1989*.



Action: Assembly of Councillor(s) form to be completed and provided to Council's governance department.

3. Introduction to new Councillors

- Cr Paine
- Cr Stockman
- Cr Duffy
- Cr Eyre

4. Economic Development update on COVID support activities

Danielle presented the support Council has provided to business during this period.
(See attached)

Questions/Comments – Kyrilly Romero

- Any increase in database numbers or approach to identify those businesses we are unaware of? Do we have any indication of how to identify businesses who have closed and what that may need in regards to gaps and services in the community?

Danielle Phyland

– Updated on CRMS – as well as how businesses engage with Council and unaware of what Council support is available. Going forward we will identify closure and gaps and align with investment attraction opportunities.

Questions/Comments - Jethro Still

- Very positive about what was delivered and over reliance on the Economic Development team.
- Welcome to new Councillors – congratulate you for service to the community
- Mobile trading permit clarification sought on local businesses.
- In terms of spend data – any additional information?
- On identifying efficiencies during COVID– will we keep any of the initiatives in regard to the pre-Covid regulatory red tape? If efficiencies can be kept, positive outcome from crisis.

Danielle Phyland

- Nillumbik based local businesses only, cannot operate within 500m from existing 'like' business. Exclusion zones.
- More data in the New Year. Will also focus on how we can continue to encourage residents to shop local.
- Better Approvals Process overview which has assisted regulatory teams to streamline process. Economic Development team will continue to influence, but cannot grant any permits etc. Continue to share knowledge and feedback to

further encourage other regulatory units to understand the challenges for businesses.

Questions/Comments – Kirrily Romero

- Grant money – how easy is it to tap into other approaches in regard to Grants. Kirrily's feedback from 300 businesses in 2020 – some come from different shires which have different approaches to Grants.
- Gave example of Hobsons Bay Council have done really good and interesting initiatives – networking – weekly basis etc.
- How can Council leverage the goodwill built to get businesses to engage with Council.

Danielle Phyland

- Northlink – Officer level network with other Northern Councils in which to share feedback and learnings from Covid.
- Nillumbik Budget compared to other Councils are significantly less and ability to tap into grants is limited due to our high SIEFA rating.
- Overview of the Banyule, Nillumbik, Whittlesea networking series and how that has provided efficiencies in regard to resources and costs associated by working together.
- Many of the businesses we contacted offering support (eg social media etc.) didn't take up the opportunities.
- Majority of feedback garnered from direct calls was positive.

Question/Comment – Peter McWilliam

- Covid virus put us in new realm with new challenges (health services) tele-medicine and took Covid to change Doctors face to face to tele-health. Time to embrace efficiencies we can utilise and not slip back.
- Mental illness will continue to be a challenge post Covid.
- Can Council better leverage with other Councils to lobby ideas or feedback to State or Federal government to gain more traction?

Danielle Phyland

- We have been leveraging off NorthLink – they are developing a Northern tourism program, as well as the intern program for business from La Trobe Uni. There are a range of projects in train as well as some major projects coming out which will continue to work with.



5. Round table discussion on current state of business - Opportunity for each member to share insight, feedback and initiatives around the COVID-19 crisis.

Cr Duffy

- Business feedback in regard to special rate levy– not worth fighting, just pay for it, drop-ins are commended and high value proposition which she supports.

Cr Eyre

- Whittlesea - \$500,000 grant funding very different to Nillumbik, 148 applications received from businesses who were in need of assistance and support. Interested to know how Nillumbik businesses are going. Interested to hear about the food vans – how many applicants have we had?

Danielle Phyland

- 6 applicants thus far. Nillumbik has never had a mobile trading permit process, so introducing another opportunity to trade and fair to all businesses – with a focus on eliminating rogue operators, people operating illegally whilst adhering to compliance and safety.

Cr Duffy

- Excited about mobile trading – one of the local businesses set up coffee cart – great to see – coffee van usually parked near Civic Drive – Provided a new social scene, however business vendor was frustrated with Council telling him he could not trade and there was not opportunity to trade in Nillumbik. Would like to know where common sense played a role in that and that Council should be encouraging other opportunities for businesses to earn a living in the Shire.

Danielle Phyland

- Gave an update on Streatrader – moving to state government to issue any health permits which will further streamline this process for businesses.

Philip Marendaz

- This is the 4th Council in which he has met through EDAC. Runs an accounting business advisory practice from Diamond Creek and operates nationally. Big challenge to operate purely in Nillumbik. He stated that Nillumbik is a good place to live and sleep but not to work/do business. Council needs to continue to build on the desire to work in Nillumbik. Initiatives that have taken place with regard to business from Economic Development have been positive and certainly a vast change from 5 years ago. He believes Diamond Creek to be the future hub of Nillumbik.



Danielle Phyland

- Economic Development are working with Local learning networks with Youth being one of the largest groups of job loss during this period. Exciting opportunities being developed.

George Apted

- Our experience hasn't been too bad, farm production. They have put on staff and encouraged by local sales. Local shops began buying from their farm gate. Wine sales increased, produce supplied to local restaurants increased. 90% of sales traditionally has gone via wholesale market – now selling more through local market.

Peter McWilliam

- Suggest George take EDAC on a tour of the Orchard – a great business in a beautiful place. Would never contemplate running a business out of Nillumbik. Impressed with what Council (Economic Development) have done lately.

Jethro Still

- A business who had a big order of wine for export was halted due to Covid and now has pallets available. Suggestion to reach out to sporting clubs to offer product.
- Most small businesses have been kept afloat by job keeper. Tourism hit very hard, anecdote about Tasmanian tourism with 77% all tourists to Tasmania being from the Mainland and 99% of that group are from Victoria. Sentiment and long-term bookings are not taking place with many not prepared to book beyond February.
- Anybody on the call who has connections with businesses should be aware of a current case in the NSW Supreme Court in regard to insurance relating to business interruption which was voted down against Insurance agency. If test case holds, there will be a lot of business interruption and claims will be actioned from Vic businesses. Businesses should speak to their broker and don't give up. Jethro will send update to everybody.

Zac Lombardo

- This is the opportunity to rethink all assumptions across the board. Acknowledged the work of Danielle and team over year and has been inspired by the momentum all the way through. We should not lose focus and flex be bold and make lasting changes to business in Nillumbik.



Kirrily Romero

- Themes we need to pick up – digital economy, new habits forcing efficiencies, we need to come back to theme of this Shire which the green economy and keep true to that moving forward is using our economy to preserve what we have. All businesses now looking for diversification in their income, streams and business models, also looking to online and broader approach to how they can pivot. Businesses who relied on conferences, events etc. have disappeared.

Other business

Terms of reference due for renewal – Part of economic development strategy to include 2 new roles in EDAC – 1 Youth representative and 1 Agriculture representative. Draft terms of reference will be provided to the committee for feedback.

Thank-you from Danielle Phyland

Meeting closed: 5:47pm

Next meeting February TBC

Current EDAC Members:

1. Philip Marendaz, representing Diamond Creek Traders Association
2. Michael Williams, representing Eltham Chamber of Commerce and Industry
3. Terry Hutton, representing Hurstbridge Traders Association
4. Chanmali Tregambe, representing Nillumbik Tourism and Business Inc.
5. Joseph Lirosi, representing Nillumbik Tourism and Business Inc.
6. George Apted
7. Kirrily Romero
8. Simon Le Plastrier
9. Zac Lombardo
10. Jethro Still
11. Venu Metla
12. Peter McWilliam



COVID 19 Business Support for Nillumbik Respond Recover Thrive



Respond. Recover. Thrive

The approach from the Economic Development and Tourism unit follows the industry models of a three staged approach:

- **Respond** – immediate response activities that can support businesses
- **Recover** – intermediate responses that will assist businesses through the recovery stage of the crisis
- **Thrive** – forward planning and innovation that will continue to support business into the future post crisis.

Disasters illuminate for us the importance of strong strategies to triage, respond and lead the recovery hand in glove with business so we can thrive and create positive outcomes for the local economy and community.

Stage 1 - Respond

The response for Nillumbik business was immediate and underpinned the State support. Liaison direct with businesses and local industry bodies including Traders Associations was ongoing.

Key requests from business:

- Funding/cash
- Information regarding restrictions
- Marketing and promotion

LOCAL BUSINESS TARGETED ACTION			
Focus area	Initiative	Target community	Description
Buy local campaign transitioning to open for business @VisitNillumbik social media takeover	Proactive online campaign in response to the COVID-19 crisis to support and promote local businesses	All businesses	The campaign is a takeover of the @visitnillumbik Facebook and Instagram channels and promotes Nillumbik local businesses who are still operating during this challenging time. An overwhelming response from local businesses wanting to get involved has been received. The fundamental message of the campaign was to 'Stay home and buy local' which is now transitioning to open for business. Businesses can get involved by emailing business@nillumbik.vic.gov.au . Please encourage any businesses you know who are operating at this time to get in touch. Participation is free and encourages community support of local business.
One on one dedicated support	Dedicated Business Support – Council proactive contact	All businesses	A dedicated and personalised phone call to all businesses to check in and identify support they require. Conducted to provide advice and assistance for business continuity, identification of information, from all levels of Government and private, to support their specific needs response for all queries and support.
Business newsletter	Enews distributed to the business database	All business on the business database	The newsletter to businesses featuring information from local, state and federal government initiatives, business education opportunities, marketing opportunities, tourism business support and other available support directly related to business
Australian Small Business Service Subsidy	Subsidy for Nillumbik businesses 50% of the cost of signing up as an ASBAS Digital Solutions Member for these workshops. The entire workshop series now only costs \$25.	All businesses	Australian Small Business Advisory Services (ASBAS) Digital Solution provides small business with low cost, high quality advice on a range of digital solutions to help them meet their business needs and grow their digital capabilities. Use promo code NILLUMBIA2020 to take advantage of the subsidy.

Digital Business Mentoring	Access to 2 hours of one-on-one mentoring to help digital businesses	All businesses	<p>Digital Solutions Mentoring is a program for Small Businesses in Victoria and Nillumbik Shire Council fully subsidised for small businesses in Nillumbik.</p> <p>Eligibility Criteria:</p> <ul style="list-style-type: none"> • Active Victorian ABN • 19 or less employees • For profit business <p><i>Promotional code NILLUMBIK20 to secure a fully subsidised session.</i></p> <p>The Nillumbik Shire Council in conjunction with Small Business Mentoring Service (SBMS) is offering business mentoring sessions to support businesses which are situated within the Shire of Nillumbik.</p> <p>Small Business Clinics provide general business advice and can assist you in the initial steps you need to take to overcome an issue or information gap.</p>
Small Business Mentoring Service	Free professional business mentoring for business	All businesses	<p>Series of on-line seminars and programs for businesses to enrol in to connect and learn from industry experts</p> <ul style="list-style-type: none"> • Moving to remote working • Reimagining business services/innovation • Resilience and positive mental health • Employee issues • How to access Centrelink and other support mechanisms <p>Reduced enforcement of local law and parking requirements to allow elderly and disabled to continue to park in appropriate locations, loading and no standing areas enforced to all businesses to restock and trade as required during the crisis.</p>
Business Education Program	Regular online programs	All businesses	<p>Reduced enforcement of local law and parking requirements to allow elderly and disabled to continue to park in appropriate locations, loading and no standing areas enforced to all businesses to restock and trade as required during the crisis.</p>
Fees, Charges and Local Laws Waivers	Adapting local laws and parking requirements	Retail Centres	<p>Waiver of Goods on Footpath Fees (chairs and tables, a-frames) in 20/21. Still need to apply and prove \$10mill PL but there will be no charge for these permits.</p>
Fees, Charges and Local Laws Waivers	Footpath Trading permits	Cafes and Restaurants	

One on one support	Support through permit process	New and existing businesses	Provide a streamlined advice process which will assist remove red-tape for businesses, identify application requirements and information and connect businesses through a dedicated service to all departments within Council to allow them one point of contact through all necessary approvals.
Tailored trading hours during Covid-19	Supporting local businesses by reducing permit restrictions on interim basis	Existing businesses	Reviewing planning permit trading hours as requested by businesses modifying their offer to enable flexibility during State of Emergency.
Rebuilding Better Business in Nillumbik Taskforce	This team of highly skilled experts will support businesses to rebuild bigger and better in the new business environment	All businesses	The Working for Victoria funding bid was unsuccessful.
Business in Nillumbik Facebook Group	To provide a channel that was available to business 24/7 to access relevant information. To generate business to business interactions.	All businesses	We have just launched the Business in Nillumbik Facebook Group. The aim of this group is to support local businesses by sharing information and opportunities in an active forum. We also encourage business to business interaction. https://www.facebook.com/groups/businessnillumbik/
Nillumbik Business Survey	To understand the business impacts of stage 3 restrictions.	All businesses	As a check in with local businesses following the direct calls that were made at the outset of COVID-19 we have distributed the business survey to get an update on how businesses are faring currently. Responses to this survey will assist to tailor the business support program for the next 6 months https://www.surveymonkey.com/r/KCZQTQ8 . This survey was put on hold at the beginning of Stage 4.
Free delivery service for Nillumbik retailers	Shop Local Nillumbik Free Delivery Service	All businesses who have a non-perishable product to deliver primarily retailers	Shop Local Nillumbik – is a FREE delivery service for local business and local residents, initiated by Nillumbik Shire Council during the Stage 4 COVID-19 restrictions. This service is being implemented to assist local businesses especially those forced to close their doors under the new restrictions. This service is for non-perishable items only (no food items) and will offer local deliveries 3 times per week across the municipality, from 3 collection points, Hurstbridge, Diamond Creek and Eltham. The service is available to all business in Nillumbik free of charge and the service only applies to deliveries for residents in Nillumbik. Please note; this is a pilot program and will run until 7 September unless otherwise notified. The service has now been extended to 11 September and a review is underway to work with the ongoing restrictions announced on 6 September. Changes and adaptations may occur as we work through the logistics of providing this service. Any changes will be communicated immediately.

COVID-19 Quick Response Local Business Grants	<p>Nillumbik Shire Council recognises that the COVID-19 pandemic has affected local businesses in many ways. In response, we want to provide assistance for businesses to adapt and continue to operate during these challenging times.</p>	All local businesses	<p>Council is offering one-off funding opportunities of up to \$2500 for businesses in Nillumbik to pivot and adapt their business to continue operation during this time. COVID-19 Quick Response Grants for Local Business provide support under the Stage 3 restrictions to adjust business operations and contribute to the health of the local economy and provide services and provisions to the community.</p> <p>Grants are now closed due to an overwhelming response.</p> <p>30 businesses were supported through the grants program across the municipality.</p>
@visitnillumbik Stay Home Shop Local Competition series	<p>An opportunity to support businesses and engage audience in the social channels which are promoting local businesses primarily to continue to encourage shop local and attract visitors when restrictions ease.</p>	Locals	<p>To build and expand on the current digital footprint by putting in place an active social media management program for the @visitnillumbik socials. A strategy has been developed and one of the elements involves collaboration with tourism businesses in the area to help build up the following and a database of 'interested' visitors to the area and create interest for when restrictions ease. Also to encourage locals to support local business and discover their own backyard.</p>

Stage 2 - Recover

This stage began and then was set back due to the second Stage 3 and Stage 4 lock down. Messaging about open for business whilst meeting the restrictions and health and safety guidelines.

Key requests from business:

- Marketing and promotion
- Outdoor dining support
- Funding/cash

LOCAL BUSINESS TARGETED ACTION			
Focus area	Initiative	Target community	Description
Outdoor Dining Support	Based on restrictions on hospitality businesses support businesses to be able to reopen in a safe and compliant manner for all.	All businesses	Level 1 – Fast tracking existing footpath trading permit applications on public land and waiving fees. Form is current available online and applications are open. Level 2 – Establish an internal referral group to support businesses to conduct compliant outdoor dining on private land. Level 3 – Considering outdoor dining infrastructure in public spaces based on support from State Government funding.
Mobile Trading Permit Pilot Program	Establish a mobile trading permit to align with outdoor dining restrictions and allow compliant mobile trading (food trucks/coffee carts)	All businesses	Conduct a summer pilot program for mobile trading which is currently not permitted in Nillumbik. Focus on Nillumbik businesses only. Evaluate the program post summer to incorporate into the ongoing permitted trade if successful.
Shop Local Campaign	Promotion to encourage local support of local business.	All business on the business database	Activations, marketing and promotion during the Christmas period to reduce escape expenditure and encourage locals and visitors to shop local. Ongoing program for consideration post the Christmas period.
Business Education Program	Regular online programs	All businesses	Series of on-line seminars and programs for businesses to enrol in to connect and learn from industry experts
Grant applications	Access grants and funding to support local business,	All businesses	Submit applications for relevant grants that can support local business. Example Chamber of Commerce and Traders Associations funding, Agri-links grant.

Stage 3 - Thrive

This stage will be the 'new normal'. It will consider doing business differently and take positive learnings from the crisis and continue to build on their success.

Key to the success of this stage:

- Engaged business community
- Funding
- Strategic and innovative approach

This stage will be based on grant application for major projects and leveraging off already funded infrastructure projects such as the Diamond Creek Trail completion and North East Link.

12. Reports of Special Committees

Nil

13. Officers' reports**CM.001/21 Audit and Risk Committee Meeting December 2020**

Distribution: Public**Manager: Vince Lombardi, Chief Financial Officer****Author: Melika Sukunda, Finance Manager****Summary**

In accordance with section 53 of the Local Government Act 2020 and good governance principles, councils must have an Audit and Risk Committee.

As resolved at the 26 February 2019 Ordinary Council Meeting, the minutes of an Audit and Risk Committee meeting are to be reported and presented to a subsequent Ordinary Council Meeting.

The Audit and Risk Committee met on 14 December 2020. The minutes for the meeting are shown in **Attachment 1**.

Recommendation

That Council notes the minutes of the Audit and Risk Committee meeting held on 14 December 2020.

Attachments

[!\[\]\(f60b7a900783ac3fd531bfd9c111be6d_img.jpg\) 1 !\[\]\(fe5cf1978663f480c504f8fc2019fe62_img.jpg\)](#) Nillumbik 14 December 2020 Audit and Risk Committee Minutes

Discussion

1. The minutes of the Audit and Risk Committee are submitted to Council after each meeting. To provide timely feedback, these are unconfirmed minutes.
2. Minutes of the Audit and Risk Committee held on the 14 December 2020 have not yet been adopted by the Committee, but will be presented at its next meeting.
3. The items considered by the Audit and Risk Committee were:
 - Corporate Purchase Card and Councillor Expenses internal audit report, presented by Pitcher Partners
 - Council's Risk and Insurance report;
 - The Digital Transformation Roadmap;
 - COVID-19 update;
 - The September Quarterly Financial Report; and
 - The Councillor Expenses Quarterly Report.
4. The next Audit and Risk Committee meeting is scheduled to take place on Monday 15 February 2021.

Related Council decisions

5. As resolved at the 23 June 2020 Ordinary Council Meeting, the minutes of an Audit and Risk Committee meeting are to be reported and presented to a subsequent Council Meeting.

13. Officers' reports

CM.001/21 Audit and Risk Committee Meeting December 2020

Options

6. The Audit and Risk Committee's function is to assist Council in the effective conduct of its responsibilities for financial reporting, management of risk, maintaining a reliable system of internal controls and facilitating good and ethical governance.
7. The Audit and Risk Committee meets four times a year. The Internal Auditor, CEO and Chief Financial Officer (CFO) attend all Audit and Risk Committee meetings. Other management representatives attend as required to present reports. The external auditors attend in May and August each year to present the audit plan and independent audit report.

Council plans and policies

8. This report directly supports the achievement of Council Plan 2017-2021 strategy:
 - Maintain good governance and effective leadership.

Sustainability implications

9. The Audit and Risk Committee plays a significant role in Council's governance framework. It provides external expert advice to Council on key areas of risk. Risk in this case is interpreted broadly and covers risk to Council's sustainability, reputation, fraud control and effectiveness, as well as financial risk.

Community engagement

10. Not applicable

Innovation and continuous improvement

11. Not applicable

Collaboration

12. The Audit and Risk Committee meeting on 14 December 2020 was attended by the Committee members, the internal auditor from Pitcher Partners, as well as the Chief Executive Officer and Chief Financial Officer. Mayor Cr Peter Perkins and Deputy Mayor Cr Frances Eyre are the councillor representatives.

Budget implications

13. The costs associated with this matter are contained within Council's 2020-2021 Budget.

Relevant law

14. *Local Government Act 2020*, section 53 Council must establish an Audit and Risk Committee.

Regional, state and national plans and policies

15. Not applicable

Conflicts of interest

16. No officer involved in the preparation of this report has declared a conflict of interest.

Nillumbik Audit and Risk Committee minutes



Held Monday 14 December 2020 at 5pm via Zoom digital meeting platform

1 Pre-meeting In Camera

Nil

2 Present

Independent members: John Watson (Chair), Greg Rimmer-Hollyman, Chris Eddy

Councillors:

Mayor Cr Peter Perkins, Deputy Mayor Cr France Eyre

Council officers:

Carl Cowie (Chief Executive Officer), Vince Lombardi (Chief Financial Officer), Blaga Naumoski (Executive Manager Governance), Jeremy Livingston (Executive Manager Organisational Performance), Melika Sukunda (Finance Manager), Craig Commene (Risk and Safety Lead), Lance Clark (Procurement Specialist)

Other invitees:

Graham Noriskin (Pitcher Partners), Richard Wilson (Pitcher Partners)

3 The Chair welcomed attendees and congratulated Councilors Perkins and Eyre on their election success. The Chair also noted that any councilor is welcome to attend meetings of the committee as an observer but must understand that the matters discussed are confidential and they would not be able to participate in the discussion.

4 The Chair acknowledged the traditional owners and custodians of the lands on which attendees were meeting.

5 Apologies

Nick Walker (HLB Mann Judd)

6 Disclosure of any conflicts of interests

Nil

7 Declarations

i. CEO – Any impending legal action, legislation breaches or instances of fraud.

The CEO declared a legal matter.

ii. Internal Auditors – Any obstructions to the work of the internal audit.

Nil

iii. Protected Interest Disclosure Officer

Two protected disclosures were brought to the attention of the Committee. Both instances were investigated and subsequently closed.

8 Adoption of the minutes of the meeting held 15 August 2020

Decision

The minutes of the Audit and Risk Committee meeting held on 15 August 2020 were confirmed as accurate.

9 CEO Update

The CEO update was presented to the Committee.

Decision

The CEO update was received and noted.

10 Table of actions arising

The table of actions arising was presented to the Committee.

Decision

The status of actions outstanding was received and noted.

11 Parking Infringement Review

The Parking Infringement Review was presented to the Committee.

Decision

The Parking Infringement Review was received and noted.

12 Annual Procurement Report

The Annual Procurement Report was presented to the Committee.

Decision

The Annual Procurement Report was received and noted.

13 Councillor Expenses and Corporate Card Internal Audit Report

The Councillor Expenses and Corporate Card Internal Audit Report was presented to the Committee.

Decision

The Councillor Expenses and Corporate Card Internal Audit Report was received and noted.

The Committee support a briefing to Councillors regarding the Council Expenses Policy.

14 Response to recommendations - LGI Councillor Support Report

The Response to recommendations - LGI Councillor Support Report was presented to the Committee.

Decision

The Response to recommendations - LGI Councillor Support Report was received and noted.

15 Internal Audit Update

The Internal Audit Update was presented to the Committee.

Decision

The Internal Audit Update was received and noted.

16 Recent Risk and Issues Brief

The Recent Risk and Issues Brief was presented to the Committee.

Decision

The Recent Risk and Issues Brief was received and noted.

17 Pending audit recommendations report

The pending audit recommendations report was presented to the Committee.

Decision

The pending audit recommendations report was received and noted.

18 Risk and Safety report

The Risk and Safety report was presented to the Committee.

Decision

The Risk and Safety report was received and noted.

19 Response to recommendations - IBAC Information sheet - Building public sector integrity during emergencies

The Response to recommendations - IBAC Information sheet - Building public sector integrity during emergencies report was presented to the Committee.

Decision

The Response to recommendations - IBAC Information sheet - Building public sector integrity during emergencies report was received and noted.

The Committee supported referring the responses to the internal auditor, Pitcher Partners, for assessment and feedback.

20 Fraud and Corruption Control Policy and Plan

The Fraud and Corruption Control Policy and Plan was presented to the Committee.

Decision

The Fraud and Corruption Control Policy and Plan was received and noted.

21 Local Government Act 2020 Implementation update

The Local Government Act 2020 implementation update was presented to the Committee.

Decision

The Local Government Act 2020 implementation update was received and noted.

22 Cyber Security Update

The Cyber Security Update was presented to the Committee.

Decision

The Cyber Security Update was received and noted.

23 Transformation at Nillumbik (T@N) Update

The Transformation at Nillumbik (T@N) update was presented to the Committee.

Decision

The Transformation at Nillumbik (T@N) update was received and noted.

24 Covid-19 Update

The Covid-19 Update was presented to the Committee.

Decision

The Covid-19 update was received and noted.

25 September Quarter Financial Report Summary and September Quarter Financial Report

The September Quarter Financial Report Summary and September Quarter Financial Report were presented to the Committee.

Decision

The September Quarter Financial Report Summary and September Quarter Financial Report were received and noted.

26 Rates in Arrears report

The rates in arrears report was presented to the Committee.

Decision

The Rates in arrears report was received and noted.

The Committee requested further information be circulated to members regarding sundry debtor balances.

27 Councillor Expenses report

The Councillor Expenses report was presented to the Committee.

Decision

The Councillor Expenses report was received and noted.

28 Audit Committee work plan

The Audit and Risk Committee work plan was be presented to the Committee

Decision

The Audit and Risk Committee work plan was received and noted.

29 Other Business

Nil

30 Meeting Schedule

The Audit and Risk Committee Meeting schedule for 2021 was determined as follows:

2pm, Monday 15 February 2021 (Zoom)

5pm, Wednesday 12 May 2021 (Onsite)

5pm, Monday 23 August 2021 (TBC – Onsite/ Zoom)

5pm, Wednesday 10 November 2021 (TBC – Onsite/ Zoom)

31 Meeting Close

The Chair closed the meeting and wished everyone a safe and happy Christmas and New Year.

13. Officers' reports**CM.002/21 December Quarter Financial Report**

Distribution: Public**Manager: Vince Lombardi, Chief Financial Officer****Author: Melika Sukunda, Finance Manager****Summary**

This report outlines Council's financial performance and financial position for the period ended 31 December 2020.

The Income Statement shows an overall favourable year to date (YTD) variance of \$2.155 million representing 4.91 per cent of YTD Budget. This reflects the combined result of higher than budgeted operating income of \$1.879 million and lower than budgeted operating expenses of \$275,280.

Council's overall financial position at the end of this quarter is sound. The impacts of the state of emergency due to the coronavirus pandemic continue to be monitored.

Recommendation

That Council receives and notes the Financial Report for the period ended 31 December 2020 (**Attachment 1**).

Attachments

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Discussion

1. In June 2020, Council adopted the 2020-2021 Budget.
2. Budgeted surplus reflects the amount by which operating revenue exceeds operating expenses, in accordance with relevant accounting standards.
3. Operating expenditure excludes non-operating transactions such as capital works and investments, which are separately detailed in the report.
4. The report compares actual performance to budgeted targets at this stage of the financial year.

Income statement

5. Council closed the period ending 31 December 2020 with a favourable YTD variance of \$2.155 million based on actual operating revenue, costs and commitments. This represents 4.91 per cent of the YTD Budget.
6. The overall variance is made up of the following:
 - Income – \$1.879 million (1.95 percent) favourable variance. This includes new/additional grant funding \$3.873 million and contributions \$797,760, offset by a reduction in user fees (\$2.882 million) as a result of the current pandemic situation as detailed on pages 6 and 7 of **Attachment 1**.

13. Officers' reports**CM.002/21 December Quarter Financial Report**

- Expenditure – \$275,280 (0.59 percent) favourable, mainly attributed to reduced external contracts expenditure (\$1.171 million), largely resulting from lower operational expenditure associated with the closure of leisure facilities due to the pandemic. This is further offset by higher than anticipated costs relating to financial year projects (\$597,326), materials and related costs (\$323,593) and other expenditure (\$115,018). Additional details on variances are detailed on page 8 of **Attachment 1**.

Balance sheet

7. The balance sheet reflects Council's financial position at 31 December 2020 and is prepared in compliance with the Australian Accounting Standards.
8. Council's balance sheet as detailed on page 4 of **Attachment 1** continues to show a strong net position. This is represented by \$1.052 billion of assets which is largely made up of Council's Property, Plant and Equipment. Council's total liabilities are \$62.371 million, which results in net assets of \$989.964 million.

Statement of cash flows

9. The statement of cash flows as detailed on page 5 of Attachment 1 captures Council's actual cash transactions for the period.
10. Council is showing a cash position of \$46.402 million after all cash transactions for the period to date.
11. The \$46.402 million includes \$42.546 million held in investments as detailed on page 10 of **Attachment 1**.

Capital works

12. The capital works report detailing YTD spend by asset class is detailed on page 9 of **Attachment 1**.
13. This shows an unfavourable variance of \$3.447 million relative to YTD budget, largely driven by new (unbudgeted) externally funded projects and commitments raised for upcoming works.

Related Council decisions

14. Council adopted the 2020-2021 Budget at the Ordinary Council Meeting held on 23 June 2020.

Options

15. The detailed Financial Report for the period ended 31 December 2020 is provided in **Attachment 1**. This report is an analysis of Council's financial performance and financial position as at 31 December 2020. The report also includes an analysis of budget variances.

Council plans and policies

16. This report directly supports the achievement of Council Plan 2017-2021 strategy:
 - Ensure responsible and efficient management of Council's financial resources.

13. Officers' reports

CM.002/21 December Quarter Financial Report

Sustainability implications

- 17. Council's financial sustainability is informed by the indicators set by the Victorian Auditor General's Office (VAGO). These indicators comprise of both short term and longer term measures. This is monitored through the annual external audit and presented to the Audit and Risk Committee.
- 18. The quarterly financial statements are used as an ongoing mechanism to monitor Council's financial position during the year.

Community engagement

- 19. The budget was subject to public exhibition prior to its final adoption by Council.

Innovation and continuous improvement

- 20. Not applicable.

Collaboration

- 21. Not applicable.

Budget implications

- 22. This is a standard reporting item to Council, the associated costs for which are included in the current budget.

Relevant law

- 23. *Local Government Act 2020*, section 101 Financial Management Principles and the Australian Account Standards.

Regional, state and national plans and policies

- 25. Not applicable.

Conflicts of interest

- 26. No officer involved in the preparation of this report has declared a conflict of interest.

Financial Report

31 December 2020



Financial Report - 31 December 2020

Contents

Financial Statements

1. Income Statement	3
2. Balance Sheet	4
3. Statement of Cash Flows	5

Detailed Analysis

1. Income Statement Variance Analysis	6
2. Statement of Capital Works	9
3. Treasury	10
4. Rates Analysis	11
5. Grant Activity	12
6. Defined Benefit Superannuation Update	13

Financial Report - 31 December 2020

Income Statement

For the financial year to date 31 December 2020

	YTD Budget	YTD Actuals & Comm	YTD Variance Fav / (Unfav)		Annual Budget	YTD Actuals & Comm
	\$	\$	\$	%	\$	\$
Income						
Rates	57,552,874	57,443,763	(109,111)	(0.19)	58,216,951	57,443,763
Waste management charge	9,319,871	9,385,347	65,476	0.70	9,319,871	9,385,347
Government grants-recurrent	2,465,926	2,686,259	220,333	8.94	5,699,309	2,686,259
Government grants-non-recurrent	18,890,852	22,563,452	3,672,600	19.44	27,741,396	22,563,452
User charges	6,242,999	3,361,307	(2,881,692)	(46.16)	15,198,661	3,361,307
Statutory fees and fines	828,427	913,369	84,942	10.25	1,722,704	913,369
Reimbursements	-	64,161	64,161	100.00	260,000	64,161
Interest income	340,910	123,102	(217,808)	(63.89)	750,000	123,102
Capital contributions	100,000	123,198	23,198	23.20	4,809,898	123,198
Other revenue-recurrent	343,479	295,484	(47,995)	(13.97)	675,942	295,484
Other revenue-non-recurrent	-	207,953	207,953	100.00	-	207,953
Contributions	105,000	902,760	797,760	759.77	118,500	902,760
Total income	96,190,338	98,070,155	1,879,817	1.95	124,513,232	98,070,155
Expenses						
Employee benefits	19,072,218	18,932,443	139,775	0.73	37,023,538	18,932,443
External contracts	12,013,463	10,842,021	1,171,442	9.75	19,521,991	10,842,021
Materials and related costs	9,820,676	10,144,269	(323,593)	(3.30)	15,611,955	10,144,269
Other expenditure	4,631,214	4,746,232	(115,018)	(2.48)	7,564,110	4,746,232
Interest expenditure	263,552	263,552	-	-	586,744	263,552
Financial year projects allocation	623,312	1,220,638	(597,326)	(95.83)	1,601,055	1,220,638
Total expenses	46,424,435	46,149,155	275,280	0.59	81,909,393	46,149,155
Earnings before Depreciation	49,765,903	51,921,000	2,155,097	4.33	42,603,839	51,921,000
Depreciation	5,869,500	5,869,500	-	-	11,739,000	5,869,500
Net Surplus	43,896,403	46,051,500	2,155,097	4.91	30,864,839	46,051,500

Financial Report - 31 December 2020

Balance Sheet

For the financial year to date 31 December 2020

	31-Dec-20	30-Jun-20
	\$	\$
ASSETS		
Current assets		
Cash assets	46,401,882	43,345,000
Other Financial Assets	-	9,000,000
Receivables	45,847,198	11,996,000
Accrued income	574,778	799,000
Prepayments	102,744	1,139,000
Land held for resale	3,080,000	3,080,000
Inventories	8,413	18,000
Total current assets	96,015,015	69,377,000
Non-current assets		
Investments in associates	1,471,521	1,471,000
Other Financial Assets	5,000	5,000
Property, infrastructure, plant & equipment		
At cost	1,166,016,140	1,166,051,000
Accumulated depreciation	(249,066,755)	(243,197,000)
Work in progress	36,594,451	19,577,000
Right of use assets	1,300,111	1,301,000
Total non-current assets	956,320,468	945,208,000
TOTAL ASSETS	1,052,335,483	1,014,585,000
LIABILITIES		
Current liabilities		
Creditors	4,219,966	3,317,000
Trust funds	1,630,919	1,925,000
Prepaid income	-	60,000
Unearned Income	-	12,456,000
Accrued expenses	970,258	4,939,000
Commitments	7,910,493	-
Provisions	8,261,917	13,483,000
Borrowings	1,831,623	2,171,000
Finance leases	507,082	507,000
Total current liabilities	25,332,258	38,858,000
Non-current liabilities		
Provisions	27,608,154	22,388,000
Borrowings	8,605,142	8,605,000
Lease Liabilities	826,332	826,000
Total non-current liabilities	37,039,627	31,819,000
TOTAL LIABILITIES	62,371,885	70,677,000
NET ASSETS	989,963,598	943,908,000
Presented by:		
Accumulated surplus	385,916,253	400,585,000
YTD surplus/(deficit)	46,051,500	14,912,000
Asset revaluation reserve	522,986,131	523,226,000
Other reserves	35,009,714	35,009,000
TOTAL EQUITY	989,963,598	943,908,000

Financial Report - 31 December 2020

Statement of Cash Flows

For the financial year to date 31 December 2020

	31-Dec-20 YTD	30-Jun-20 *
Inflows from operating activities		
Rates	33,202,134	69,540,000
Statutory fees & fines	913,369	1,514,000
User charges	3,301,307	11,488,000
Grants	12,793,712	23,648,000
Contributions	1,025,958	3,511,000
Interest	123,102	602,000
Other receipts	567,598	5,493,000
Total inflows from operating activities	51,927,180	115,796,000
Outflows from operating activities		
Payments to suppliers	(18,294,921)	(43,102,000)
Payments to employees	(18,932,444)	(34,286,000)
Borrowing costs	(263,552)	(709,000)
Trust	(294,081)	(171,000)
Other payments	(2,769,130)	(8,523,000)
Total outflows from operating activities	(40,554,128)	(86,791,000)
Movement in operating activities	11,373,052	29,005,000
Inflows from investing activities		
Proceeds from sale of assets	41,176	1,658,000
Proceeds from investments	9,000,000	-
Outflows from investing activities		
Payments for property, infrastructure, P&E	(17,017,746)	(21,738,000)
Payments for investments	-	(8,000,000)
Interest paid - lease liability	-	(37,000)
Repayment of lease liabilities	413	(481,000)
Movement in investing activities	(7,976,157)	(28,598,000)
Outflows from financing activities		
Repayment of borrowings	(339,235)	(1,316,000)
Movement in financing activities	(339,235)	(1,316,000)
TOTAL CASH MOVEMENT FOR PERIOD	3,057,660	(909,000)
Opening bank balance	43,344,222	44,254,000
Net increase/(decrease) in cash and cash equivalents	3,057,660	(909,000)
CLOSING BANK BALANCE	46,401,882	43,345,000

*Comparative reflective of annual report which has been rounded to the nearest thousand

Financial Report - 31 December 2020

1. Income Statement Variance Analysis

a. Operating Income year to date

	YTD Budget	YTD Actuals & Comm	YTD Variance Fav / (Unfav)		Annual Budget	YTD Actuals & Comm
	\$	\$	\$	%	\$	\$
Income						
Rates	57,552,874	57,443,763	(109,111)	(0.19)	58,216,951	57,443,763
Waste management charge	9,319,871	9,385,347	65,476	0.70	9,319,871	9,385,347
Government grants-recurrent	2,465,926	2,686,259	220,333	8.94	5,699,309	2,686,259
Government grants-non-recurrent	18,890,852	22,563,452	3,672,600	19.44	27,741,396	22,563,452
User charges	6,242,999	3,361,307	(2,881,692)	(46.16)	15,198,661	3,361,307
Statutory fees and fines	828,427	913,369	84,942	10.25	1,722,704	913,369
Reimbursements	-	64,161	64,161	100.00	260,000	64,161
Interest income	340,910	123,102	(217,808)	(63.89)	750,000	123,102
Capital contributions	100,000	123,198	23,198	23.20	4,809,898	123,198
Other revenue-recurrent	343,479	295,484	(47,995)	(13.97)	675,942	295,484
Other revenue-non-recurrent	-	207,953	207,953	100.00	-	207,953
Contributions	105,000	902,760	797,760	759.77	118,500	902,760
Total Operating Income	96,190,338	98,070,155	1,879,817	1.95	124,513,232	98,070,155

Significant variance commentary:

Rates and Waste Management Charge (\$43,635).

- Implementation of the COVID-19 Financial Hardship Policy has resulted in loss of penalty interest income, partly offset by income from additional rateable properties processed throughout the financial year.

Recurrent Government Grants \$220,333.

- Additional funding received from:
 - Department of Education and Training for:
 - Eltham Childcare centre sustainability \$26,800
 - Eltham and Panton Hill Childcare centres transitional childcare fee subsidies \$63,247
 - Vocational Education Training business continuity top-up funding \$25,208
 - Department of Health and Human Services for:
 - Maternal and Child Health sleep and settling program \$19,806
 - Community activation and social isolation program \$25,000
 - Department of Health for Community Services sector support \$29,932.
- New funding received from National Australia Day Council for Australia Day citizenship event \$21,000.
- Recognition of recurrent grant income received in 2019-20, in accordance with Accounting Standard AASB1058 \$43,852.
- Reduction in funding for Home and Community Care assessment services from 1 July 2020 (\$30,491).

The balance of (\$4,021) is made up of minor differences.

Non-Recurrent Government Grants \$3,672,600.

- New funding received from:
 - Department of Jobs, Precincts and Regions for:
 - Diamond Creek netball court surface upgrade \$786,193
 - Hurstbridge multi-use facility upgrade \$705,000
 - Sports lighting upgrades \$591,616
 - Outdoor dining \$500,000
 - Solar panels \$270,000
 - Working for Victoria \$182,592
 - Yarrambat streetscapes upgrade \$40,000
 - Eltham Lower Park back oval floodlights \$16,500
 - Department of Transport for L2P learner driver mentor program \$49,081
 - Christmas Hills Landcare Group for landcare network forest health project \$36,261
 - Strathewen Landcare Group for landcare network facilitator \$28,286
 - Department of Environment, Land, Water and Planning for:
 - Continuation of Peri-urban weed management program \$31,000
 - Biodiversity response planning - Sugarloaf link \$202,500
 - Department of Premier and Cabinet for Eltham North adventure playground landscaping project \$15,853
 - Manningham City Council for emergency management officer \$80,000
- Recognition of non-recurrent grant income received in 2019-20, in accordance with Accounting Standard AASB1058 \$114,149.

The balance of \$23,569 consists of various small grants.

Financial Report - 31 December 2020

Significant variance commentary (continued):

User Charges (\$2,881,692).

- Large variances are being driven by loss of income from COVID-19 related impacts, including:
 - Closure of all leisure facilities (\$2,611,965)
 - Recycling and Recovery Centre closure (\$39,505)
 - Cancellation of Eltham and Diamond Creek Living and Learning face to face programs (\$62,169)
 - Eltham Community and Reception Centre closure (\$61,906)
 - Reduced number of impoundments at the animal pound (\$39,700).
 - Environmental Health annual registrations were due 31 December, outstanding fees to be followed up in January (\$61,183).
- The balance of (\$5,264) is made up of minor differences.

Statutory Fees and Fines \$84,942.

- Swimming pool registration has resulted in additional unbudgeted income \$208,452.
 - Planning applications have been significantly higher than budgeted \$140,019.
 - Reduced enforcement of animal infringements during the pandemic (\$31,383).
 - No enforcement of parking restrictions during the pandemic (\$220,011).
- The balance of (\$12,135) is made up of minor differences.

Reimbursements \$64,161.

- State Revenue Office reimbursement for costs associated with administration of fire services levy \$61,390.
- The balance of \$2,771 is made up of minor differences.

Interest Income (\$217,808).

- Interest on investments reduced due to a significant fall in interest rates (\$217,808).

Other Revenue - Recurrent (\$47,995).

- Rent relief offered to council owned non residential properties (\$62,438).
- The balance of \$14,443 is made up of minor differences.

Other Revenue - Non-Recurrent \$207,953.

- Sale of native vegetation offsets \$197,646.
- The balance of \$10,307 is made up of minor differences.

Contributions \$797,760.

- Developer contributions received for Open Space, DPO2 and DPO4 area infrastructure and open space \$797,760.

Financial Report - 31 December 2020

b. Operating Expenditure year to date

	YTD Budget	YTD Actuals & Comm	YTD Variance Fav / (Unfav)		Annual Budget	YTD Actuals & Comm
	\$	\$	\$	%	\$	\$
Expenditure						
Employee benefits	19,072,218	18,932,443	139,775	0.73	37,023,538	18,932,443
External contracts	12,013,463	10,842,021	1,171,442	9.75	19,521,991	10,842,021
Materials and related costs	9,820,676	10,144,269	(323,593)	(3.30)	15,611,955	10,144,269
Other expenditure	4,631,214	4,746,232	(115,018)	(2.48)	7,564,110	4,746,232
Interest expenditure	263,552	263,552	-	-	566,744	263,552
Financial year projects allocation	623,312	1,220,638	(597,326)	(95.83)	1,601,055	1,220,638
Total operating expenditure	46,424,435	46,149,155	275,280	0.59	81,909,393	46,149,155

Significant variance commentary:

Employee Benefits \$139,775

- Year to date variances arising from position vacancies due to resignations, with recruitment being delayed during the lockdown periods.

External Contracts \$1,171,442

- Closure of leisure facilities due to COVID-19 has resulted in significantly lower operational expenditure \$2,430,540.
- There has been a higher than expected uptake of the new free green waste bin option (\$596,825).
- Consultant services engaged to provide specialised environmental and waste management services (\$145,252).
- Contamination of kerbside recyclables has increased, resulting in increased recycling disposal costs (\$95,034).
- Agency and temporary staff have been engaged to backfill vacant roles (\$208,587).
- Increased green waste tonnages have resulted from a wetter than normal season with increased gardening activity (\$99,145).
- Higher than anticipated need for fire prevention reserve maintenance works (\$54,876).

The remaining balance of (\$59,379) consists of minor variances.

Materials & Related Costs (\$323,593)

- Contractors engaged to deliver amenity mowing services (\$124,202).
- Insurance policies higher than budgeted due to changed market conditions (\$84,455).
- Planning Investigation legal costs incurred (\$81,320).
- Increased requirement for major patching works to comply with the current Road Management Plan (\$35,462).

The remaining balance of \$1,846 consists of a number of minor timing variances across a large number of operational accounts.

Other Expenditure (\$115,018)

- Lease termination costs for waste vehicles that are no longer required (\$188,778).
- Unbudgeted expenses incurred during the pandemic to ensure the organisation is operating in a COVID safe manner (\$66,315).
- COVID-19 quick response business support grants (\$59,680).
- Unanticipated land tax expenditure (\$46,858).
- Walk To School program deferred due to school closures during COVID-19 lockdowns \$20,000.
- Community events have been deferred due to lockdown \$229,025.

The remaining balance of (\$2,412) consists of minor variances.

Financial Year Projects (\$597,326)

- Additional grant funding received has resulted in unbudgeted expenditure, including:
 - Outdoor dining (\$220,823)
 - Emergency Management Officer (\$38,438)
 - Biodiversity response planning - Sugarloaf link (\$37,004)
 - L2P learner driver program (\$29,578)
 - Corridors of Green (\$28,935)
 - Peri-urban weed partnership (\$28,248).
- Clean up costs associated with the wind storm event in November 2020 (\$75,806).
- Delayed receipt of invoice for housing strategy works completed in the 2019-20 financial year (\$33,499).
- Maintenance works as part of environmental offset programs (\$30,053).

The remaining balance of (\$74,942) consists of a number of minor variances.

Financial Report - 31 December 2020

2. Statement of Capital Works

For the financial year to date 31 December 2020

Asset Class	YTD Budget	YTD Actuals & Comm	YTD Variance Fav / (Unfav)		Annual Budget	YTD Actuals & Comm
	\$	\$	\$	%	\$	\$
Bridges	17,900	18,928	(1,028)	(5.74)	1,272,480	18,928
Children's playground equipment	304,485	316,103	(11,618)	(3.82)	565,720	316,103
Commercial centres/major streetscapes	90,000	98,516	(8,516)	(9.46)	90,000	98,516
Disability access works	-	3,301	(3,301)	(100.00)	150,000	3,301
Drainage	398,894	410,583	(11,689)	(2.93)	649,558	410,583
Footpaths	3,480,870	3,499,290	(18,420)	(0.53)	5,312,686	3,499,290
Landfill closure/regional park	3,600,000	4,745,678	(1,145,678)	(31.82)	3,600,000	4,745,678
Major leisure centres & community halls	12,445,943	12,448,919	(2,976)	(0.02)	12,679,252	12,448,919
Other council buildings	718,473	772,678	(54,205)	(7.54)	3,609,376	772,678
Plant & vehicle replacement	639,296	639,132	164	0.03	1,271,915	639,132
Public open space	537,447	659,901	(122,454)	(22.78)	2,236,656	659,901
Recreation trails	4,612,896	4,620,294	(7,398)	(0.16)	10,676,459	4,620,294
Roads	1,147,353	1,134,764	12,589	1.10	7,837,822	1,134,764
Sportsfields & pavilions	5,999,225	7,306,446	(1,307,221)	(21.79)	10,222,914	7,306,446
Traffic works	203,059	249,805	(46,746)	(23.02)	2,578,428	249,805
Various/miscellaneous capital	1,041,976	1,760,112	(718,136)	(68.92)	1,133,656	1,760,112
Total	35,583,393	39,030,023	(3,446,630)	(9.69)	64,239,606	39,030,023
Renewal	2,781,768	2,836,306	(54,538)	(1.96)	7,346,593	2,836,306
New	9,226,720	10,117,147	(890,427)	(9.65)	17,176,690	10,117,147
Upgrade	18,123,034	20,578,561	(2,455,527)	(13.55)	31,964,883	20,578,561
Expansion	5,451,871	5,498,009	(46,138)	(0.85)	7,751,440	5,498,009
Total	35,583,393	39,030,023	(3,446,630)	(9.69)	64,239,606	39,030,023

Commentary:

The 2020-21 annual capital works program is underway and is tracking well, with a total spend variance of 9.69% percent over budget. This remains within annual budget projections. The variance is predominately attributable to:

New unbudgeted externally funded projects:

- Diamond Creek netball courts surface upgrade.
- Sports lighting upgrades across five facilities.

Additional expenditure:

- Plenty landfill commitments relating to consultants required to supervise and certify works completed.
- Kangaroo Ground landfill consultants engaged to complete preliminary works to enable a contract to be awarded.
- Eltham Central pavilion upgrade over budget due to additional building surveyor's requirements.
- Diamond Creek regional playspace access audit outcomes required additional signage and vegetation safety works.

The overall financial position of the capital works portfolio spend continues to be closely monitored.

Financial Report - 31 December 2020

3. Treasury

a. Loans

Financial Institution	Start date	Term (years)	End date	Principal \$	Interest Rate %	Current Balance \$
CBA	30/06/2015	6	30/09/2021	1,480,000	2.42	1,480,000
LGFV	27/06/2014	7	12/11/2021	2,392,000	4.65	2,392,000
ANZ	29/06/2012	10	29/06/2022	1,000,000	5.52	187,105
CBA	28/06/2013	10	28/06/2023	400,000	5.86	122,808
NAB	28/06/2007	20	28/06/2027	2,200,000	6.96	1,036,458
NAB	27/06/2008	20	27/06/2028	3,647,000	7.87	2,030,886
NAB	10/06/2011	20	10/06/2031	2,120,000	7.91	1,502,806
ANZ	29/06/2012	20	29/06/2032	2,373,000	5.88	1,684,702
Total						10,436,765

b. Investment activities

Council carries out investment activities according to Section 143 of the Victorian Local Government Act 1989. All Council funds are invested with Authorised Deposit Taking Institutions (ADIs), in either cash, at call or term deposits. The following tables provide our investment portfolio by maturity and rating type.

Financial Institution	Green Investment	S & P Rating	Investment Type	Principal \$	Maturity Date	Term (days)	Interest Rate %
CBA		A1+	11:00am	1,415,743			0.30%
ME Bank	Yes	A2	11:00am	3,030,604			0.40%
ME Bank	Yes	A2	Term Deposit	1,000,000	4/01/2021	94	0.60%
NAB		A1+	Term Deposit	3,000,000	4/01/2021	91	0.60%
ME Bank	Yes	A2	Term Deposit	1,100,000	5/02/2021	120	0.60%
ME Bank	Yes	A2	Term Deposit	5,000,000	8/02/2021	151	0.65%
NAB		A1+	Term Deposit	4,500,000	28/02/2021	90	0.45%
NAB		A1+	Term Deposit	7,000,000	2/03/2021	90	0.45%
AMP		A2	Term Deposit	2,000,000	4/03/2021	182	0.80%
NAB		A1+	Term Deposit	1,500,000	6/04/2021	180	0.60%
BOQ	Yes	A2	Term Deposit	5,000,000	7/04/2021	183	0.63%
Macquarie		A1	Term Deposit	1,000,000	7/04/2021	183	0.55%
AMP		A2	Term Deposit	3,000,000	1/06/2021	182	0.70%
Bendigo	Yes	A2	Term Deposit	1,000,000	17/06/2021	182	0.40%
AMP		A2	Term Deposit	3,000,000	26/07/2021	241	0.70%
Total				42,546,347	Weighted average		0.56%

Financial Institution Rating	Investment \$	Portfolio %
A1+	17,415,743	40.93%
A1	1,000,000	2.35%
A2	24,130,604	56.72%
Total	42,546,347	100%

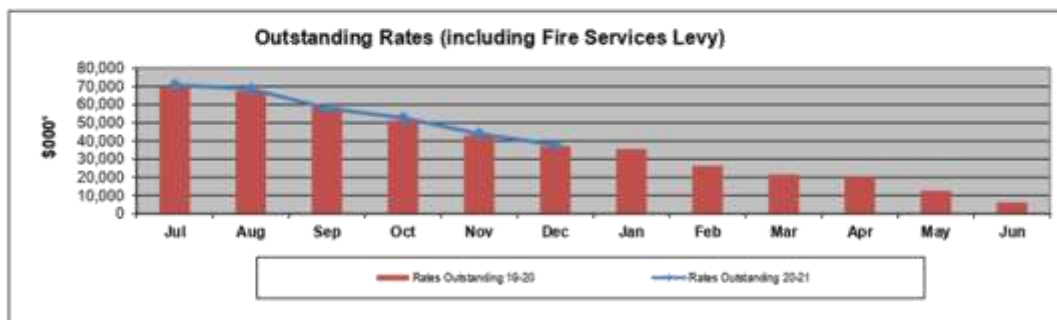
Council's current average rate of return on investments for the 2020-21 financial year is 0.56 percent and is compliant with Council's investment policy.

The portion of investment portfolio currently invested with green institutions is 37.91 percent.

Financial Report - 31 December 2020

4. Rates Analysis

	YTD Actual 31-Dec-19 \$000'	YTD Actual 31-Dec-20 \$000'	Variance \$000'	Variance %
Rates Outstanding	37,235	37,794	(559)	(1.50)
Rates in Arrears (prior years)	3,703	5,216	(1,513)	(40.86)



As at 31 December 2020 the year to date actual Fire Service Levy charges outstanding are \$2,659,919; the outstanding rates balance is \$35,134,576.

When Council adopts the budget, rates are levied on properties and the full amount due is treated as income at that point.



Supplementary Valuations

Between the annual revaluation cycle, supplementary valuations are conducted to:

- record changes made to properties that affect property value,
- record changes to the rateability status, and
- consider any planning amendments made within the cycle.

Growth in the number of rateable assessments predominantly occurs as a result of developments within the Shire, creating assessments through subdivision of land and/or buildings.

Rateable properties at 1 July 2020	23,869
2020-21 growth	87
Rateable properties at 31 December 2020	<u>23,956</u>

Financial Report - 31 December 2020

5. Grant Activity

The following table provides a summary of grant funding, greater than \$50,000, received for Council activities during the period 1 July 2020 to 31 December 2020.

Project Description	2020-21 Actuals YTD \$	Funding Body
Recurrent		
Eltham Childcare rebates	74,408	Department of Education and Training (Cwth)
Panton Hill Childcare rebates	69,339	Department of Education and Training (Cwth)
Maternal & Child Health universal funding	191,460	Department of Education and Training (Vic)
Living & Learning Vocational Education & Training	123,206	Department of Education and Training (Vic)
Best Start	60,323	Department of Education and Training (Vic)
Grants Commission - general purpose	392,504	Department of Environment, Land, Water and Planning
Grants Commission - roads	273,531	Department of Environment, Land, Water and Planning
Aged Care Regional Assessment Service funding	90,786	Department of Health and Human Services
Grow Communities Thriving Children	90,074	Department of Health and Human Services
Home & Community Care - transport	75,266	Department of Health and Human Services
School crossing supervision	271,845	VicRoads
Total Recurrent	1,712,742	
Non-Recurrent		
Council Plan / Grant Funded Initiatives		
Biodiversity response planning - Sugarloaf link	202,500	Department of Environment, Land, Water and Planning
Outdoor dining	500,000	Department of Jobs, Precincts and Regions
Working for Victoria	182,592	Department of Jobs, Precincts and Regions
Emergency Management Officer	80,000	Manningham City Council
Capital Works		
Diamond Creek Kinder playground upgrade	130,488	Department of Education and Training
Eltham South Preschool playground upgrade	62,700	Department of Education and Training
Local road and community infrastructure program upgrade	369,576	Department of Infrastructure, Transport, Regional Development and Communications
Diamond Valley Sports and Fitness Centre redevelopment	2,000,000	Department of Jobs, Precincts and Regions
Diamond Creek netball court surface upgrade	786,193	Department of Jobs, Precincts and Regions
Hurstbridge multi-use facility upgrade	705,000	Department of Jobs, Precincts and Regions
Sports lighting upgrades	591,616	Department of Jobs, Precincts and Regions
Solar panels	270,000	Department of Jobs, Precincts and Regions
Diamond Creek Trail construction Stage 1	1,289,470	Department of Transport
Total Non-Recurrent	7,170,135	

Financial Report - 31 December 2020

6. Defined Benefit Superannuation Update

Council has an obligation to contribute to any funding shortfalls within the Local Authorities Superannuation Fund (LASF) Defined Benefit Plan.

The Australian Prudential Regulation Authority (APRA) standard SPS160 uses the Vested Benefits Index (VBI) as its primary measure of fund solvency. The VBI measures the market value of assets in a defined benefit portfolio against the benefits that members would have been entitled to if they had all resigned on the same day.

The independent Actuary to the fund calculates the VBI at 30 June each year. It is necessary for the VBI to be 100% or greater at 30 June each year.

Vision Super produces interim quarterly VBI estimates based on actual quarterly assets and membership.

The recent history of the LASF VBI is shown below:

Estimated Vested Benefit Index

Year	30 Sept (estimated) %	31 Dec (actual) %	31 Mar (actual) %	30 Jun (actual) %
2020/21	104.50	**		
2019/20	107.30	107.70	102.10	104.60
2018/19	106.90	101.90	105.40	107.10
2017/18	103.80	106.40	106.20	106.00

** The 31 December 2020 estimated figure is not yet available from Vision Super.

To enable Council to monitor this risk, reliance is placed on the actuarial reviews conducted on the fund on a periodic basis. The triennial actuarial investigation has recently been completed and the fund actuary found that the LASF Defined Benefit Plan was in a satisfactory financial position at 30 June 2020.

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13. Officers' reports**CM.003/21 Mid-Year Financial Review 2020-2021****Distribution: Public****Manager: Vince Lombardi, Chief Financial Officer****Author: Melika Sukunda, Finance Manager****Summary**

This report presents the outcomes of the Mid-Year Financial Review.

The revised forecast is for Council to achieve an operating surplus of \$27.771 million for the financial year 2020-2021.

Recommendation

That Council:

1. Approves the changes detailed in the Mid-Year Financial Review (**Attachment 1**).
2. Notes the revised forecast of \$27.771 million operating surplus for financial year 2020-2021.

Attachments

[!\[\]\(799877f5c2f906134441300079881630_img.jpg\) 1 !\[\]\(2cdb4db9cae0d6ef949a960a952715f8_img.jpg\)](#). Mid-Year Financial Review 2020-2021

Discussion

1. The purpose of this report is to present the Mid-Year Financial Review.
2. Officers have completed a Mid-Year Financial Review for 2020-2021 as at December 2020 to identify major changes that have occurred since the budget adoption.
3. The review includes both operational and capital items.
4. The outcome of the review is a revised forecast operating surplus of \$27.771 million.

Operating Budget

5. The Mid-Year Financial Review identified a number of favourable and unfavourable movements in operational income or expenditure as detailed in **Attachment 1**.

Capital works

6. Capital works is currently on budget with no major variances to report at the mid-year review.

Related Council decisions

7. Council adopted the 2020-2021 Budget at the Ordinary Council Meeting held on 23 June 2020.

Options

8. The Mid-Year Financial Review provides Council an update on the expected outcome for the financial year 2020-2021.

13. Officers' reports

CM.003/21 Mid-Year Financial Review 2020-2021

Council plans and policies

9. This report directly supports the achievement of Council Plan 2017-2021 strategy:

- Ensure responsible and efficient management of Council's financial resources..

Sustainability implications

10. Council's financial sustainability is informed by the indicators set by the Victorian Auditor General's Office (VAGO). These indicators comprise of both short term and longer term measures. This is monitored through the annual external audit and presented to the Audit and Risk Committee.
11. The Mid-Year Financial Review is a reporting mechanism to provide Council with the revised projected outcome for the financial year, after considering major changes that have occurred.

Community engagement

12. The budget was subject to public exhibition prior to its final adoption by Council.
13. The CEO confirms there is no requirement to prepare a revised budget document, as per section 97 subsection 3 of the Local Government Act 2020.

Innovation and continuous improvement

14. Not applicable

Collaboration

15. Mid-Year Financial Review is conducted in consultation with budget managers and EMT across the organisation.

Budget implications

16. This is a standard reporting item to Council, the associated costs for which are included in the current budget.

Relevant law

17. Local Government Act 2020, section 101 Financial Management Principles
18. Australian Accounting Standards

Regional, state and national plans and policies

19. Not applicable

Conflicts of interest

20. No officer involved in the preparation of this report has declared a conflict of interest.

Mid-Year Financial Review

2020-2021

1. Executive Summary

The Mid-Year Financial Review is a reporting mechanism to provide Council with an update on the projected outcome for the financial year.

Gross income and expenditure items are estimated at budget time and are often subject to changes and offsets, for example; grant funding anticipated to be received during the course of the year may be received in advance or delayed. External factors such as price increases levied by suppliers will also impact the result. These changes are typically not known at the time of adopting the budget.

A Mid-Year Financial Review was conducted in late 2020 to identify major changes that have occurred since the budget adoption. Major changes across the organisation have been identified and are detailed in the tables on page 4-7.

Council is charged with the ongoing delivery of community services and upkeep of public infrastructure. The worldwide pandemic event and ongoing restrictions have presented unprecedented challenges which Council continues to navigate.

During the period 1 March 2020 to 13 September 2020 Council maintained the existing workforce, redeploying staff where remote working was not possible, or standing down staff with pay.

In response to the pandemic Council implemented a Covid-19 Financial Hardship Policy, suspending penalty interest and enabling the option of deferring instalments, in place until 31 March 2021. This has resulted in a loss of penalty interest income on overdue rates and charges.

Council's other auxiliary income streams have also been impacted as a direct result of the pandemic. The biggest driver is the loss of user fees, particularly income from leisure facilities, hall hire, Recycling and Recovery Centre gate fees, Edendale bookings, Living and Learning course fees and registrations and fines.

Council has provided rent relief to tenants of Council-owned properties experiencing financial difficulty, which is reflective of the guidance through State Government. Assistance grants were also developed for local businesses impacted by restrictions and pandemic related closure.

The lowering of cash rates has also had a substantial impact on Council's ability to earn income on cash balances, with a significant reduction on term deposit rates across banking institutions.

In June 2020 Council adopted the 2020-2021 Budget, which projected an operating surplus of \$17.163 million (\$30.865 million after inclusion of income associated with carried forward capital projects). Currently, the Mid-Year Financial Review projects a revised surplus of \$27.771 million. This decrease in the surplus is driven by a reduction in contributions towards capital projects due to timing of income received and significant unfavourable operational impacts which have resulted from the global pandemic (detailed in the tables below). This has been partially offset by one off grant funding towards capital works projects.

Management will continue to monitor the financial impacts of the pandemic and further explore potential savings/measures in the lead up to the financial year end to minimise the unfavorable movements.

2. Income Statement

Financial Report 2020-21 Mid-Year Budget Review

Income Statement

	Annual Budget	Mid-Year Budget Review	Movement from Annual Budget (incl c/fwds)	YTD Actuals & Comm
	\$	\$	\$	\$
Income				
Rates	58,216,951	58,039,786	(177,165)	57,457,330
Waste management charge	9,319,871	9,382,561	62,690	9,382,759
Government grants-recurrent	5,699,309	3,917,405	(1,781,904)	2,299,949
Government grants-non-recurrent	27,741,396	33,909,218	6,167,822	22,314,116
User charges	15,198,661	14,154,344	(1,044,317)	2,430,596
Statutory fees and fines	1,722,704	1,309,540	(413,164)	775,393
Reimbursements	260,000	96,390	(163,610)	129,172
Interest income	750,000	265,000	(485,000)	77,951
Capital contributions	4,809,898	1,600,158	(3,209,740)	123,198
Other revenue-recurrent	675,942	598,744	(77,198)	230,236
Other revenue-non-recurrent	-	185,018	185,018	186,579
Contributions	118,500	876,760	758,260	897,760
Total income	124,513,232	124,334,924	(178,308)	96,305,039
Expenses				
Employee benefits	37,023,538	36,650,217	(373,321)	16,223,955
External contracts	19,521,991	20,061,507	539,516	9,883,601
Materials and related costs	15,611,955	15,935,489	323,534	9,160,765
Other expenditure	7,564,110	8,030,622	466,512	4,565,357
Interest expenditure	586,744	607,958	21,214	138,053
Financial year projects allocation	1,601,055	3,539,279	1,938,224	1,040,703
Total expenses	81,909,393	84,825,072	2,915,679	41,012,434
Earnings before Depreciation	42,603,839	39,509,852	(3,093,987)	55,292,605
Depreciation	11,739,000	11,739,000	-	2,934,750
Net Surplus	30,864,839	27,770,852	(3,093,987)	52,357,855

3. Overview Mid-Year Financial Review

The **major** items driving the unfavourable budget change of (\$3,093,987) are comprised of:

Items	Amount	Movement	Commentary on <i>major</i> drivers
Income			
Rates and waste management charges	(\$114,475)	Unfavourable	Penalty interest (\$250,000) applied to outstanding rates payments has been suspended until 31 March 2021 due to the pandemic. The unfavourable movement has been partially reduced by the additional ratable properties created during the year (\$133,716).
Grant funding	\$4,385,918	Favourable	<p>Approved funding of Capital projects totalling \$4,369,523 including:</p> <ul style="list-style-type: none"> Diamond Creek netball court surface upgrade \$1,965,483 SRV sports lighting upgrades \$1,479,040 Hurstbridge Community multi-use facility upgrade \$705,000 <p>Approved funding of major initiatives totalling \$1,798,299 including:</p> <ul style="list-style-type: none"> Working for Victoria \$811,523 Local Councils outdoor eating and entertainment \$500,000 Environmental grants \$269,761 <p>This was offset by the early receipt of the financial assistance grant in the prior financial year when budgeted to be received in the 2020-2021 – (\$1,724,387).</p>
User charges	(\$1,044,317)	Unfavourable	<p>Impacts associated with the pandemic:</p> <ul style="list-style-type: none"> Leisure facilities (\$260,000) Hall rentals (\$157,428) Edendale fees income (\$174,750) Living and Learning income (\$162,275) Recycling and Recovery Centre gate fee income (\$70,000) Sports field ground rentals (\$105,000)
Statutory Fees	(\$413,164)	Unfavourable	Decrease in fees is driven by a reduction in Parking Infringements (\$400,000) as a result of pandemic.

Nillumbik Shire Council

Mid-Year Financial Review

Contributions	\$758,260	Favourable	Higher than anticipated developer contributions received for open space and developer planning overlay (DPO) schemes.
Other income items (reimbursements, interest income, capital contributions, other, revenue, contributions)	(\$3,750,530)	Unfavourable	Driven by timing of capital contributions received for DPO related capital projects (\$3,244,740) and a significant decrease in interest on investments (\$485,000) due to significantly lower market investment rates.
Expenditure			
Employee benefits	\$373,321	Favourable	Reflective of delays in recruitment of budgeted positions across the organisation.
External contracts	(\$539,516)	Unfavourable	Variance includes agency staff engaged across the organisation to temporarily fill vacant positions (\$165,603). The below items will be accommodated through the waste reserve: <ul style="list-style-type: none"> • increase in mobile garbage bins as a result of a larger uptake of bins under the new options provided by Council (\$150,000), • increase in charges imposed by external contractor for contamination charges of recyclables disposals (\$95,035); and an • increase in organics disposal costs due to higher than anticipated tonnage collected (\$71,003).
Materials and related costs	(\$323,534)	Unfavourable	Increase in costs relating to <ul style="list-style-type: none"> • legal fees (\$162,000), • insurance premiums (\$95,000), and • contractors engaged to deliver amenity mowing services (\$112,000).
Financial year priority projects	(\$1,938,224)	Unfavourable	Additional grant funding received has resulted in corresponding expenditure being incurred for projects including <ul style="list-style-type: none"> • Working for Victoria \$811,253, • Outdoor Dining \$500,000, • Environmental related projects \$202,500, and Learner Driver Mentor Program \$96,862.

Nillumbik Shire Council

Mid-Year Financial Review

Other expenditure items (Interest expenditure, other expenditure)	(\$487,726)	Unfavourable	Additional costs relating to <ul style="list-style-type: none"> • lease costs incurred for waste vehicles (\$188,778), • planning scheme amendments (\$113,200), • pandemic related expenditure (\$140,332) including grants provided to the local business and arts communities.
Net change	(\$3,093,987)	Unfavourable	

4. 2020-21 Capital works program update

The below table details projects whereby grant funding, contributions or other funding have resulted in an increase to the original project budget. (No additional cost imposed to council)

Item	Adopted budget	Mid-Year Review	Movement Additional Funding Received	Commentary
Solar Panels	517,448	787,448	270,000	Department of Jobs, Precincts and Regions funding announced 2020-21
Hurstbridge Community multi-use facility upgrade	357,699	1,704,000	1,346,301	GSF funding announced 2020-21 \$705,000, Council Contribution \$641,301
Diamond Creek Trail Construction Stage 2	5,000,000	5,100,000	100,000	Confirmed total grant funding
Diamond Creek Netball Court Surface Upgrade	-	2,162,031	2,162,031	SRV grant funding announced 2020-21 \$1,965,483, Council Contribution \$196,548
Sports Lighting Upgrades	-	1,626,944	1,626,944	SRV grant funding announced 2020-21 \$1,479,040, Council Contribution \$147,904
Yarrambat Streetscape Upgrades	-	280,000	280,000	Department of Jobs, Precincts and Regions funding announced 2020-21 \$100,000, Council Contribution \$180,000
Purchase of Artworks	-	25,500	25,500	Purchases funded from Council's Public Art Reserve

The below table details projects whereby grant funding was unsuccessful.

Item	Adopted budget	Mid-Year Review	Movement	Commentary
Hurstbridge Outdoor Netball	600,000	-	(600,000)	Grant application unsuccessful

The below table details projects where there has been a change to the original project budget. (No additional cost imposed to council)

Item	Adopted budget	Mid-Year Review	Movement	Commentary
Roads and carpark renewal	1,480,000	1,450,000	30,000	Funds reallocated to Diamond Creek Regional playground.
Diamond Creek Regional playground	407,798	437,798	(30,000)	Reallocation of funds from Roads and carpark renewal.
Playground upgrade & fencing works	28,600	2,860	25,140	Funds reallocated to Playground renewal.
Playground renewal	227,000	252,140	(25,140)	Reallocation of funds from Playground upgrade & fencing works.
Townships & streetscapes	429,602	395,102	34,500	Reallocation to Eltham Trader E-Permit Parking project.
Eltham Trader E-Permit Parking	-	34,500	(34,500)	Funds reallocated from Townships & streetscapes
Eltham Early Childhood Centre	45,000	-	45,000	Funds reallocated to Diamond Hills Childcare Implementation.
Diamond Hills Childcare Implementation	-	45,000	(45,000)	Reallocation of funds from Eltham Early Childhood Centre.

Ongoing monitoring will be maintained for the remainder of the financial year.

13. Officers' reports

CM.004/21 265 Chapel Lane Doreen

Distribution: Public**Manager: Carl Cowie, Chief Executive Officer****Author: Rosa Zouzoulas, Executive Manager Planning and Community Safety****Summary**

Council applied to the Victorian Civil and Administrative Tribunal (VCAT) for an interim enforcement order with respect to the activities (clean fill dumping) occurring at 265 Chapel Lane, Doreen. The matter has progressed through the preliminary hearing and compulsory conference hearing as directed by VCAT.

All parties agreed to formulate a position that both ESG and the owners would like Council to consider to bring the land into compliance and avoid any further actions before VCAT. This report recommends that Council resolve to agree to the Terms of Settlement (**Attachment 1**) as drafted by Council's legal representatives including the consent attached to the terms of which would contain the orders the parties will be asking VCAT to make, and request that VCAT make an enforcement order on the terms requested. Once the enforcement order is made by VCAT, the enforcement order would be binding on ESG and the landowners, the hearing would be vacated and the matter ended.

Recommendation

That Council:

1. Agrees to the Terms of Settlement (**Attachment 1**);
2. Authorises the Chief Executive Officer to sign the Terms of Settlement , including the minutes of consent attached to the terms, which contain the wording of the orders the parties will be asking the Victorian Civil and Administrative Tribunal to make;
3. Request the Victorian Civil and Administrative Tribunal make an enforcement order by consent; and
4. Resolves that the Terms of Settlement remain confidential on the grounds specified in the definition of confidential information in section 3(1)(d) and (e) of the *Local Government Act 2020*.

Attachments

1. Terms of Settlement - *CONFIDENTIAL*

Discussion

1. In February 2019, Earth Solutions Group (ESG) entered a contract with the owners of 265 Chapel Lane, Doreen to deposit soil excavated from other sites on the Land.
2. ESG then asked the Council if a planning permit would be required for the activity.
3. Between April and July 2019, ESG and Council had meetings and exchanged information. Ultimately, the Council advised ESG by email on 17 July 2019 that a planning permit was not required.

13. Officers' reports**CM.004/21 265 Chapel Lane Doreen**

4. In July 2020, ESG commenced filling the Land. Significant community concern was raised upon the commencement of the activities on the land. Council's investigations identified a breach of the planning scheme and made an application to VCAT for an enforcement order.
5. Council's enforcement order application originally also sought an interim enforcement order to halt the works pending final hearing. However, in October 2020 ESG and the Landowners gave undertakings agreeing to halt the activity pending the outcome of the final hearing. Works are still on hold.
6. A compulsory conference was held on 9 November 2020 between the parties – ESG, the Landowners, Melbourne Water and the Council.
7. The outcome of the compulsory conference was that the parties agreed to further explore settlement with the mooted terms as follows:
 - VCAT making an enforcement order by consent which specifies that the filling activity was in breach of the planning scheme and requires ESG and the Landowners to remediate the land to the satisfaction of the Council and Melbourne Water.
 - Furthermore, the terms would provide mutual releases from any liability arising out of the matter, including any action by ESG and the Landowners against the Council in relation to its prior representations that a permit was not required and
 - That these matters to be formalised in terms of settlement for consideration by Council at a future Council meeting.
8. Settling this matter according to the proposed terms of settlement is preferable to proceeding to a contested hearing as:
 - it achieves a remedy equal to a best case outcome for Council at a hearing;
 - it reduces the risk of the Council being unsuccessful at the hearing; and
 - it removes Council's costs of running a hearing.

Related Council decisions

9. At the special meeting of the Future Nillumbik Committee on 18 August 2020, the committee resolved to:
 - As soon as is practicable, officers to commence enforcement proceeding relating to the development of land at 265 Chapel Lane Doreen.
10. At the Ordinary Meeting of Council on 25 August 2020, Council resolved to:
 - Reconfirm Council's intention to apply to the Tribunal for an enforcement order in accordance with Section 114 of the Planning and Environment Act 1987 at the earliest opportunity.
 - Determines its position in relation to s120 interim enforcement order in the confidential session on 25 August 2020.

Options

11. There are two options that are available to Council:

13. Officers' reports

CM.004/21 265 Chapel Lane Doreen

- Resolve as per the recommendations of this report and agree to the terms of settlement thereby seeking to resolve the matter prior to it proceeding to a Hearing at VCAT; or
- Resolve to proceed with the enforcement action at VCAT and have the matter considered at a Hearing scheduled in May 2021 with the aim of obtaining a decision from VCAT that determines that the activity required a planning permit and that the land must be remediated. This will likely be a complex legal hearing that will require experts including legal representation. Whilst ESG have agreed thus far to halt all works on the land there is a risk, that VCAT may determine that the works did not require a planning permit in which case the works would be allowed to continue without any control or further recourse by the Council.

Council plans and policies

12. This report directly supports the achievement of Council Plan 2017-2021 strategy:
- Ensure that Council meets its legal responsibilities and manages its risks.
 - In undertaking the abovementioned enforcement process, Council is meeting its legal responsibilities in accordance with the *Planning and Environment Act 1987*. Furthermore in considering and resolving to agree to the Terms of Settlement between ESG, the owners of 265 Chapel Lane Doreen and Council as the responsible authority, Council is managing its risks both now and into the future. The Terms of Settlement if agreed to by all parties, ensures no further legal action can be brought forward other than enforcing the Agreement as consented to and enforced by VCAT through Magistrates Court.

Sustainability implications

13. The Terms of Settlement, if agreed to, requires the land to be remediated to ensure environmental impacts are managed and reduced. This will bring about wider social benefits by ensuring that the use of the land for the disposal of clean fill is stopped and will not sought to be reintroduced at a later date.

Community engagement

14. Not applicable

Innovation and continuous improvement

15. Not applicable

Collaboration

16. Not applicable

Budget implications

17. The enforcement proceeding has incurred VCAT and legal representation costs.

Relevant law

18. Sections 114 and 120 of the *Planning and Environment Act 1987* have been utilised with respect to enforcing the Nillumbik Planning Scheme pertinent to this matter. These sections allow Council to lodge enforcement orders with VCAT where a Council has identified a breach to the planning scheme.

13. Officers' reports

CM.004/21 265 Chapel Lane Doreen

Regional, state and national plans and policies

19. Not applicable

Conflicts of interest

20. Officers involved in the preparation of this report have declared that they have no conflict of interest in the subject matter of this report.

13. Officers' reports

CM.005/21 Councillor Code of Conduct

Distribution: **Public**

Manager: **Blaga Naumoski, Executive Manager Governance, Communications and Engagement**

Author: **Heather Holt, Legal Advisor**

Summary

As part of the implementation of the *Local Government Act 2020* (**the 2020 Act**) Council is required to develop a Councillor Code of Conduct (**the Code**) to include standards of conduct expected to be observed by Councillors in the course of performing their duties and functions as Councillors.

Councillors have considered the draft Code on two occasions and their improvements are now included.

The Code needs to be operative by 24 February 2021 after adoption by a formal Council resolution passed at a meeting by at least two-thirds of the total number of Councillors elected to Council.

Recommendation

That Council, by a formal resolution passed by at least two-thirds of the total number of Councillors elected to the Council, adopt the Councillor Code of Conduct attached to this report, to be effective immediately.

Attachments

[!\[\]\(7d1d6890825e83a6a4a51febe2dcc7f3_img.jpg\) 1 !\[\]\(5b78f4d8e2942ab203be44f938cc0a7c_img.jpg\)](#). Draft Councillor Code of Conduct

Discussion

1. The implementation of the Act requires a gradual staged development of a number of statutory documents mainly over an 18 month period. The Governance Rules and certain policies have already been completed; the new Councillor Code of Conduct (**Code**) is required to operate from 24 February 2021.
2. Section 139 of the 2020 Act, headed Councillor Code of Conduct, replaces section 76C of the *Local Government Act 1989*, also headed Councillor Code of Conduct.
3. A Councillor Code of Conduct, under the 2020 Act, must include the standards of conduct expected to be observed by councillors that will be prescribed in regulations and may include any other matters which the council considers appropriate.
4. A council must review and adopt the Councillor Code of Conduct within four months of the general election. Until a council adopts a Councillor Code of Conduct (under the 2020 Act), the Councillors must comply with the existing Councillor Code of Conduct.
5. Under the new 2020 Act the new internal arbitration process applies to a breach of the prescribed standards of conduct (section 141) and if the arbiter determines that a Councillor has failed to comply with the prescribed standards of conduct, the arbiter may make a finding of misconduct against the Councillor (section 147).

13. Officers' reports**CM.005/21 Councillor Code of Conduct**

6. The Councillor Code of Conduct has been prepared based on the existing Councillor Code of Conduct with changes required by the Act. Wording changes are also proposed to provide clarity around duties and obligations as set out in the Act and all other applicable legislation.

Related Council decisions

7. The new Code is the next document to be considered by Council. Until then Councillors must comply with the existing Councillor Code of Conduct.

Options

8. Under section 139 of the 2020 Act, Council must adopt a new Code within 4 months after a general election. The 2020 Act provides that the Code must be adopted by a formal resolution of Council passed at a meeting by at least two-thirds of the total number of Councillors elected to Council.
9. To be compliant with the new 2020 Act your Councillor Code of Conduct policy:
- must include the standards of conduct prescribed by the regulations expected to be observed by Councillors; and
 - must include any provisions prescribed by the regulations; and
 - must include provisions addressing any matters prescribed by the regulations; and
 - may include any other matters which the council considers appropriate, other than any other standards of conduct.
10. Local Government Victoria (LGV), in addition to the co-design process has provided a draft pathway document to assist councils in achieving the requirements of Act. The Councillor Code of Conduct to be approved by Council prior to 24 February 2021 is in line with the pathway document and guidance material provided by LGV, other municipalities and Council's legal advisor.

Council plans and policies

11. This report directly supports the achievement of Council Plan 2017-2021 strategy:
- Maintain good governance and effective leadership.

Sustainability implications

12. The social sustainability of the municipal district requires good leadership modelled by Councillor conduct of a high standard to improve the district's amenity.

Community engagement

13. Not applicable

Innovation and continuous improvement

14. The standards of conduct in the Code are prescribed by regulations and therefore as regulations are reviewed on a set cycle, so too will Councillors improve the Code over time.

13. Officers' reports

CM.005/21 Councillor Code of Conduct

Collaboration

15. The content of the Code has been the subject of collaboration on content and design among councils through Engage Victoria, leading to the *Local Government (Governance and Integrity) Regulations 2020*.
16. These regulations prescribe the councillor conduct standards and the internal arbitration process for breach of these standards. The structure is based on the headings of the proposed Standards of Conduct to ensure the Standards of Conduct are embedded within the Code.

Budget implications

17. Implementation of the new Act is a significant undertaking for Council and requires the involvement of officers from across the organisation. The cost associated with the establishing a new Councillor Code of Conduct is included within Council's operational budget.

Relevant law

18. A new Councillor Code of Conduct needs to comply with section 139 of the 2020 Act which includes:
 - stating the standards of conduct expected to be observed by Councillors in the course of performing their duties and functions, including prohibiting discrimination , harassment (including sexual harassment) and vilification
 - the internal arbiter process prescribed by the regulations
 - being consistent with other Victorian Acts, including the *Charter of Human Rights and Responsibilities Act 2006*
 - adoption by a formal resolution of Council passed at a meeting by at least two-thirds of the total number of Councillors elected to Council.
19. It is important for councillors to be aware of how the standards of conduct fit within the overall Councillor Conduct Framework, as a breach of the standards of conduct will constitute misconduct and be subject to sanctioning by an arbiter.
20. It is therefore critical for all councillors to be familiar with the standards of conduct and the distinction between the standards and the rest of the councillor code of conduct.

Regional, state and national plans and policies

21. The flexibility intended by the 2020 Act is that Victoria local government councils have broad guidance and consistency between them in these matters but that councils' can "custom-fit" the details to meet their individual situations.

Next steps

22. That Council now consider adoption of the Councillor Code of Conduct by the necessary minimum required by the 2020 Act of two-thirds of all members of Council elected to Council.

Conflicts of interest

23. None of the officers preparing this report has a conflict of interest in the Councillor Code of Conduct subject-matter.

Nillumbik Shire Council

Councillor Code of Conduct

Description of policy	The Councillor Code of Conduct sets out explicit standards of behaviour to help Councillors perform their duties and functions as Councillors to the requisite level.
Policy applies to	<input type="checkbox"/> All Councillors
Policy category	<input type="checkbox"/> Revised Policy
Description of revision and Version Number	Version Number: 1

Approved by	Council Resolution
Approval date	
Effective date	
Date of last revision	January 2021
Date of next review*	January 2022

*Unless replaced, this policy will still apply beyond the review date.

Related internal procedures and guidelines	<ul style="list-style-type: none"> Governance Rule – Procedure for Disclosure of Conflict of Interests Governance Rule – Meeting Procedure
Related policies	<ul style="list-style-type: none"> Council Expenses Policy Governance Rule – Decision-making Policy
Related legislation, standards and guidelines	<ul style="list-style-type: none"> Local Government Act 2020 Equal Opportunity Act 2010 Charter of Human Rights and Responsibilities Act 2006 Equal Opportunity Act 2010 Public Interest Disclosures Act 2012 Local Government (Governance and Integrity) Regulations 2020

SECTION 1: BACKGROUND

1. Overview

In accordance with the *Local Government Act 2020* (the Act), Council's role is to provide governance and leadership for the Nillumbik community through advocacy, decision-making and action. Adherence to good governance principles will assist Council in achieving this role. When the Act was introduced, the second reading speech stated that it was to deliver five broad outcomes, including improving councillor conduct:

"Poor conduct by a minority of councillors is an ongoing challenge for the local government sector. This Bill sets clear standards to address and improve conduct. Mandatory standards of conduct, defining what communities expect from their councillors provides a greater understanding of acceptable behaviour, with a consistent framework against which to determine complaints and alleged breaches of the Councillor Code of Conduct. The currently complicated and varied internal resolution procedures will be replaced by clear, concise and consistent internal arbitration processes. This standardised process will be managed centrally by the Principal Councillor Conduct Registrar, and arbiters will be empowered to directly impose disciplinary measures against councillors. Where a finding of misconduct is reached, all decisions must be tabled at the next open council meeting to ensure greater transparency of the process and its outcomes..... Importantly, this Bill ensures that there will be no doubt as to what conduct constitutes sexual harassment by a councillor, making it clear that this behaviour is not tolerated in any form. Sexual harassment is defined under serious misconduct and gross misconduct within the councillor conduct framework and will carry the same definition of sexual harassment [as] under the Equal Opportunity Act 2010. Allegations of serious misconduct will be heard by a councillor conduct panel, and any egregious allegations which constitute gross misconduct will be investigated by the Chief Municipal Inspector and heard and determined by VCAT. The maximum sanction for a finding of serious misconduct is increased from six months suspension to 12 months...."

This Code of Conduct meets Council's statutory requirements under sections 139 and 140 of the Act and the *Local Government (Governance and Integrity) Regulations 2020*. Along with Council's Governance Rules, it provides a framework for Councillors and officers to work in the best interests of the Nillumbik community.

2. Policy Statement

The purpose of this Councillor Code of Conduct is to set out explicit standards of behaviour to help Councillors perform their duties and functions as Councillors to the requisite level.

3. Purpose / Objectives

The purpose of local government is to provide a system under which councils perform the functions and exercise the powers conferred by or under the *Local Government Act 2020* (the Act) and any other Act for the peace, order and good government of their municipal districts. Good governance is fundamental to a council being able to perform its purpose. Good governance relies on good working relations between Councillors.

This Code:

- sets out the standards of conduct expected of Councillors;
- endeavours to foster good working relations between Councillors to enable them to work constructively together in the best interests of the local community; and
- mandates Councillor conduct designed to build public confidence in the integrity of local government.

The objectives of this policy are to:

- make clear to Councillors the conduct expected of Councillors
- provide a reference source for complex concepts
- aid in understanding the Local Government Act 2020
- assist in comprehending the local government environment

4. Councillor Commitment To The Code Of Conduct

We, as elected representative of the community charged with decision making for the Nillumbik Shire Council, are committed to undertaking the duties and responsibilities of our office by working together with our fellow Councillors in a respectful and constructive manner to achieve the goals and vision for our Shire.

We recognise the importance of acting in accordance with the highest standards of governance, and that this is essential to honest, accountable and effective government. Our behaviour towards our colleagues, the employees of Council and the community is critical to the teamwork required to be a successful and highly functioning public authority.

We acknowledge that we have been elected by the community to a position of significant responsibility with the expectation that we will act in accordance with accepted values of our society.

As Councillors of Nillumbik Shire Council, we agree to:

- act in accordance with the principles of good governance and respectful conduct and associated obligations set out in the Code and legislation
- provide civic leadership and contribute effectively to the interests and advancement of Council and its community
- contribute to the strategic vision for Council
- uphold the public trust in the office of Councillor by refraining from any action or behaviour that would bring Council into disrepute
- act in accordance with all my obligations to the best of my skill and judgment.

This Code sets out our commitment to our fellow Councillors and the community to govern the Shire in a manner which accords with the expressed behaviours, standards and values.

This Code will be reviewed in accordance with relevant legislative obligations.

By signing below, we declare that we have read, understood and will abide by this Code of Conduct.

Councillor Peter Perkins (Mayor)

Councillor Frances Eyre (Deputy Mayor)

Councillor Richard Stockman

Councillor Karen Egan

Councillor Natalie Duffy

Councillor Ben Ramcharan

Councillor Geoff Paine

Witnessed by Chief Executive Officer, Carl Cowie

SECTION 2: COUNCILLOR CONDUCT OBLIGATIONS

1. Role of Councillors

Section 28 of the Act provides that the role of a Councillor is:

- to participate in the decision-making of Council; and
- to represent the local community in that decision-making; and
- to contribute to the strategic direction of Council through the development and review of key strategic documents of Council, including the Council Plan.

In performing the role of a Councillor, a Councillor must:

- consider the diversity of interests and needs of the municipal community
- support the role of Council
- acknowledge and support the role of the Mayor
- act lawfully and in accordance with the oath or affirmation of office
- act in accordance with the standards of conduct
- comply with Council procedures required for good governance.

The role of a Councillor does not include the performance of any functions that are specified as functions of the Chief Executive Officer.

Councillors agree to comply with the requirements of section 28.

2. Role of Mayor

Sections 18 and 19 of the Act describe the role of the Mayor to be to:

- chair Council meetings; and
- be the principal spokesperson for Council; and
- lead engagement with the municipal community on the development of the Council Plan; and
- report to the municipal community, at least once each year, on the implementation of the Council Plan; and
- promote behaviour among Councillors that meets the standards of conduct set out in this Code; and
- assist Councillors to understand their role; and
- take a leadership role in ensuring the regular review of the performance of the Chief Executive Officer; and
- provide advice to the Chief Executive Officer when the Chief Executive Officer is setting the agenda for Council meetings; and
- perform civic and ceremonial duties on behalf of Council.

The Mayor has specific powers:

- to appoint a Councillor to be the chair of a delegated committee. Such an appointment prevails over any appointment of a chair of a delegated committee by Council.
- to direct a Councillor, subject to any procedures or limitations specified in the Governance Rules, to leave a Council meeting if the behaviour of the Councillor is preventing the Council from conducting its business;
- to require the Chief Executive Officer to report to Council on the implementation of a Council decision.

3. Functions of the Chief Executive Officer

The Chief Executive Officer is responsible for managing interactions between Council staff and Councillors including by ensuring that appropriate policies, practices and protocols are in place defining appropriate arrangements for interaction between Council staff and Councillors. Further details of the role and functions of the Chief Executive Officer are set out *Councillor and Staff Interactions Policy*.

We undertake to respect the functions of the Chief Executive Officer and to comply with the policies, practices and protocols defining appropriate arrangements for interaction between Council staff and Councillors that are put in place by the Chief Executive Officer.

4. Conduct Obligations and Standards of Conduct

The Act places obligations on Councillors in relation to the way they should act. The Act also prohibits certain conduct by Councillors and prescribes penalties for Councillors who contravene these provisions. As Councillors of Nillumbik Shire Council, we undertake to comply with all of the Councillor conduct provisions of the Act and with this Code.

Section 139(2) of the Act sets out the purpose of the Councillor Code of Conduct as including the standards of conduct expected to be observed by Councillors in the course of performing their duties and functions as Councillors, including prohibiting discrimination, harassment (including sexual harassment) and vilification.

4.1.1. The standards of conduct for Councillors

Councillors must comply with the prescribed standards of conduct in Schedule 1 to the *Local Government (Governance and Integrity) Regulations 2020*.

A breach of the conduct standards constitutes misconduct as defined under the Act.

4.1.2. Standard 1 - Treatment of others

A Councillor must, in performing the role of a Councillor, treat other Councillors, members of Council staff, the municipal community and members of the public with dignity, fairness, objectivity, courtesy and respect, including by ensuring that the Councillor—

- a) takes positive action to eliminate discrimination, sexual harassment and victimisation in accordance with the Equal Opportunity Act 2010; and
- b) supports the Council in fulfilling its obligation to achieve and promote gender equality; and
- c) does not engage in abusive, obscene or threatening behaviour in their dealings with members of the public, Council staff and Councillors; and
- d) in considering the diversity of interests and needs of the municipal community, treats all persons with respect and has due regard for their opinions, beliefs, rights

and responsibilities.

4.1.3. Standard 2 - Performing the role of Councillor

A Councillor must, in performing the role of a Councillor, do everything reasonably necessary to ensure that the Councillor performs the role of a Councillor effectively and responsibly, including by ensuring that the Councillor—

- a) undertakes any training or professional development activities the Council decides it is necessary for all Councillors to undertake in order to effectively perform the role of a Councillor; and
- b) diligently uses Council processes to become informed about matters which are subject to Council decisions; and
- c) is fit to perform the role of a Councillor conscientiously when acting in that capacity or purporting to act in that capacity; and
- d) represents the interests of the municipal community in performing the role of a Councillor by considering and being responsive to the diversity of interests and needs of the municipal community.

4.1.4. Standard 3 - Compliance with good governance measures

A Councillor, in performing the role of a Councillor, to ensure the good governance of the Council, must diligently and properly comply with the following—

- a) any policy, practice or protocol developed and implemented by the Chief Executive Officer in accordance with section 46 of the Act for managing interactions between members of Council staff and Councillors;
- b) the Council expenses policy adopted and maintained by the Council under section 41 of the Act;
- c) the Governance Rules developed, adopted and kept in force by the Council under section 60 of the Act;
- d) any directions of the Minister issued under section 175 of the Act.

4.1.5. Standard 4 - Councillor must not discredit or mislead Council or public

In performing the role of a Councillor:

- a) a Councillor must ensure that their behaviour does not bring discredit upon the Council.
- b) a Councillor must not deliberately mislead the Council or the public about any matter related to the performance of their public duties.

4.1.6. Standard 5 - Standards do not limit robust political debate

Nothing in these standards is intended to limit, restrict or detract from robust public debate in a democracy.

5. Specific Councillor Conduct Obligations

The following section sets out specific conduct obligations that are agreed by all Councillors. In some instances a breach of the conduct obligations under this part might also constitute a breach of the conduct standards. As noted in 4.1 a breach of the conduct standards may result in a finding of misconduct under the Act.

We acknowledge and agree that Council policies, protocols and procedures referred to below apply to me as a Councillor and we commit to compliance with them and with our legislative obligations.

5.1. Decision making

We are committed to making all decisions impartially and in the best interests of the community. We will actively participate in the decision-making process and appropriately inform myself of the matter at hand. Once a decision has been made, we will respect the making of that decision.

The *Governance Rule – Decision-making Policy* set out the procedures for decision making by Council.

5.2. Use of Council resources

We commit to using Council resources effectively and economically. We will maintain adequate security over Council property, facilities and resources provided to us to assist in performing our role and will comply with any Council policies, including the *Council Expenses Policy 2020*, applying to their use.

5.3. Gifts and benefits

We will scrupulously avoid situations giving rise to the appearance that a person or body, through the provision of gifts, benefits or hospitality of any kind, is attempting to gain favourable treatment from an individual Councillor or from the Council.

We will take all reasonable steps to ensure that our immediate family members (parents, spouse, children and siblings) do not receive gifts or benefits that give rise to the appearance of being an attempt to gain favourable treatment. For transparency and accountability purposes, gifts will be recorded in the Gift Register in accordance with the procedures in the Councillor Gift Policy adopted by Council under section 138 of the Act. Details of any gift received that equals or exceeds \$500 in value, including gifts in the form of goods and services and multiple gifts that together equal or exceed \$500 in value, excluding gifts received from members of the Councillor's family, must be included in Council's biannual personal interest returns.

Under section 137 of the Act, a Councillor must not accept anonymous gifts for his or her benefit where the value is equal to or exceeds the gift disclosure threshold. The only exceptions are where the Councillor has what they believe is the true name and address of the person making the gift or the Councillor disposes of the gift to Council within 30 days of its receipt. The penalty for breach of this section is a maximum fine of 60 penalty units, plus the value of the gift, which is to be paid to Council.

Councillors will be mindful of their obligations under section 309 of the Act relating to the receipt of gifts under the Act while being a candidate for a Council election.

We will record all campaign donations in our campaign donation return in accordance with section 306 of the Act.

5.4. Reporting fraud and corruption

Ethical behaviour is an integral part of responsible, effective and accountable government. We acknowledge Council's obligations under the [Public Interest Disclosures Act 2012](#) to facilitate the making of disclosures of improper conduct by public officers and public bodies, including Council, its employees and Councillors.

We will immediately report to the Chief Executive Officer and/or appropriate integrity body, in line with the Council's Public Interest Disclosures Procedures, any suspected, potential or actual fraudulent, criminal, unethical, corrupt or other unacceptable behaviour that comes to my knowledge. We will participate as required to the best of our ability in any subsequent investigation whether undertaken internally or externally.

5.5. Communication and media

We recognise that as representatives of the local community, we have a primary responsibility to be responsive to community views and to communicate adequately the position and decisions of Council.

We undertake to comply with the Council's Social Media Policy and respect the functions of the Mayor and Chief Executive Officer to be the spokespersons for the Council in accordance with the policy.

We acknowledge that individual Councillors are entitled to express their personal opinions through the media. Where we choose to do so, we will make it clear that such comment is a personal view and does not represent the position of Council. We undertake to ensure that any such comment is devoid of comments that could reasonably be construed as being derogatory, offensive or insulting to any person.

We will also:

- respect Council's decisions by not criticising or actively undermining any decisions which have been made
- not bring Council into disrepute through any of my words or actions
- not speak on behalf of Council without authority
- ensure any personal opinions or views I express publicly are identified as my own and not those of Council
- ensure any communications I make are not offensive, derogatory, insulting or otherwise damage the reputation of Council.

5.6. Personal dealings with Council

When we deal with Council in our private capacity (e.g. as a ratepayer, recipient of a Council service or applicant for a permit) we do not expect nor will we request preferential treatment in relation to any such private matter. We will avoid any action that could lead Council staff or members of the public to believe that we are seeking preferential treatment.

6. Prohibited Conduct

The Act has specific provisions that prohibit Councillors from certain conduct. This conduct relates to:

- Misuse of position
- Directing a member of Council staff
- Confidential information
- Conflict of interest
- Electoral conduct

These matters are set out below and in the Councillor Conduct framework at the end of the Code in order to provide a complete picture of the obligations on Councillors. While these matters are not of a nature to be addressed as a contravention of the Councillor Code of Conduct, we undertake to comply with the prohibitions on Councillor Conduct set out below.

Depending on the nature of the allegation, these matters should more properly be the subject:

- a) of an application to a Councillor Conduct Panel for a finding of misconduct or serious misconduct against a Councillor; or
- b) of an investigation by the Chief Municipal Inspector of an allegation of serious misconduct or gross misconduct of a Councillor. The Chief Municipal Inspector may make an application to the Victorian Civil and Administrative Tribunal (VCAT) for a finding of gross misconduct against a Councillor; or
- c) of an investigation by the Chief Municipal Inspector of a public interest complaint that relates to the conduct of a Councillor or a member of Council staff. If such a matter referred to the Chief Municipal Inspector Commission by the Independent Broad-based Anti-corruption Commission (IBAC) appears to involve corrupt conduct of which the Chief Municipal Inspector believes the IBAC is not aware, the Chief Municipal Inspector must notify the IBAC of that belief; or
- d) of investigation and prosecution by the Chief Municipal Inspector of any offence against the Act.

6.1. Misuse of position

Under section 123 of the Act a Councillor must not misuse his or her position.

A person who is, or has been, a Councillor or member of a delegated committee must not intentionally misuse their position—

- (a) to gain or attempt to gain, directly or indirectly, an advantage for themselves or for any other person; or
- (b) to cause, or attempt to cause, detriment to Council or another person.

Penalty: A maximum of 600 penalty units (approx. \$99,000) or imprisonment for 5 years or both.

Misuse of a position includes—

- making improper use of information acquired as a result of the person's position
- disclosing confidential information
- directing or improperly influencing a member of Council staff
- exercising or performing a power, duty or function that the person is not authorised to exercise or perform
- using public funds or resources in an improper or unauthorised manner
- participating in a decision on a matter in which the person has a conflict of interest.

6.2. Directing a member of Council staff

Under section 124 of the Act a Councillor must not direct, or seek to direct, a member of Council staff:

- a) in the exercise of a delegated power, or the performance of a delegated duty or function of the Council; or
- b) in the exercise of a power or the performance of a duty or function exercised or performed by the member as an authorised officer under the Act or any other Act; or
- c) in the exercise of a power or the performance of a duty or function the member exercises or performs in an office or position the member holds under the Act or any other Act; or
- d) in relation to advice provided to Council or a delegated committee, including advice in a report to the Council or delegated committee.

The penalty is a maximum of 120 penalty units (*approx. \$20,000*).

6.3. Confidential information

What constitutes "confidential information" under the Act is set out in *Governance Rule – Decision-making Policy* at pages 12-13.

Section 125 of the Act relates to the disclosure of confidential information:

1. Unless subsection (2) or (3) applies, a person who is, or has been, a Councillor, a member of a delegated committee or a member of Council staff, must not intentionally or recklessly disclose information that the person knows, or should reasonably know, is confidential information.

Penalty: 120 penalty units.

2. Subsection (1) does not apply if the information that is disclosed is information that the Council has determined should be publicly available.
3. A person who is, or has been, a Councillor, a member of a delegated committee or a member of Council staff, may disclose information that the person knows, or should reasonably know, is confidential information in the following circumstances—
 - a) for the purposes of any legal proceedings arising out of this Act;
 - b) to a court or tribunal in the course of legal proceedings;
 - c) pursuant to an order of a court or tribunal;
 - d) in the course of an internal arbitration and for the purposes of the internal arbitration process;
 - e) in the course of a Councillor Conduct Panel hearing and for the purposes of the hearing;
 - f) to a Municipal Monitor to the extent reasonably required by the Municipal Monitor;

- g) to the Chief Municipal Inspector to the extent reasonably required by the Chief Municipal Inspector;
- h) to a Commission of Inquiry to the extent reasonably required by the Commission of Inquiry;
- i) to the extent reasonably required by a law enforcement agency.

6.4. Conflict of interest

If a Councillor has a conflict of interest in a matter which is to be considered or discussed at a meeting of Council or a delegated committee, an Audit and Risk Committee or a section 223 (of the *Local Government Act 1989*) committee, the Councillor must, if attending the meeting, disclose the conflict of interest in accordance with the provisions of the Act (unless any of the exemptions apply).

Conflicts of interest are defined and detailed in *Governance Rule – Procedure for Disclosure of Conflict of Interests*.

The *Local Government (Governance and Integrity) Regulations 2020* prescribe the exemptions, that is, that a conflict of interest does not arise in relation to the following matters:

Exemptions from conflict of interest requirements

1. For the purposes of section 129(g) of the Act, the following matters are prescribed to be exempt:
 - a) the nomination or appointment by the Council of a Councillor to a position for which the Councillor will not be remunerated;
 - b) the nomination or appointment by the Council of a Councillor to a position in the Municipal Association of Victoria or in another body that has the purpose of representing the interests of Councils;
 - c) a submission by the Council to an electoral structure review under section 16 of the Act or a ward boundary review under section 17 of the Act;
 - d) the nomination of a Councillor for election to the office of Mayor or Deputy Mayor;
 - e) the election of a Councillor to the office of Mayor or Deputy Mayor under section 25 or 27 of the Act;
 - f) the appointment of a Councillor to the office of Acting Mayor under section 20B of the Act;
 - g) the payment of allowances to the Mayor, Deputy Mayor or Councillors as provided for under section 39(6) of the Act;
 - h) the adoption of an expenses policy by the Council under section 41 of the Act;
 - i) a decision by the Council to deal with a matter in an alternative manner under section 67 of the Act;
 - j) the establishment of a delegated committee under section 67 of the Act;
 - k) the appointment of a Councillor as a member or chairperson of a delegated committee;
 - l) the adoption, review or amendment of a Councillor Code of Conduct under section 139 or 140 of the Act;
 - m) an application for an internal arbitration process under section 143 of the Act;
 - n) an application to a Councillor Conduct Panel under section 154 of the Act;

- o) an application to VCAT for a review of a Councillor Conduct Panel decision under section 170 of the Act;
 - p) a resolution by the Council related to a declaration under section 158(1) of the *Local Government Act 1989*;
 - q) a resolution by the Council that has the effect of making the Councillors eligible or ineligible for the superannuation guarantee under any taxation legislation;
 - r) a matter related to preparing or adopting a budget or a revised budget under Part 4 of the Act if—
 - i. the budget or revised budget includes funding for that matter; and
 - ii. the Council previously approved that matter and the proposed funding for that matter; and
 - iii. a Councillor who had a conflict of interest in respect of that matter disclosed the conflict when the Council previously considered and made the decision in respect of that matter and approved the proposed funding for that matter;
 - s) a matter related to preparing or adopting a Community Vision, Council Plan, Financial Plan, Asset Plan or Revenue and Rating Plan (a **relevant document**) under Part 4 of the Act if—
 - i. the relevant document includes that matter; and
 - ii. the Council previously approved that matter for inclusion in a relevant document; and
 - iii. a Councillor who had a conflict of interest in respect of that matter disclosed the conflict when the Council previously considered and made any decisions in respect of the matter;
 - t) a matter for which—
 - i. a decision by the Council has been made under section 67 of the Act; and
 - ii. any component part of the matter in which a Councillor had a conflict of interest has been resolved; and
 - iii. the Councillor disclosed the conflict of interest when the Council previously considered that component part of the matter.
2. For the purposes of section 129(g) of the Act, the circumstances in which a Councillor carries out a function in any of the following positions are prescribed to be exempt—
- a) as a representative of the Council to a Local Government Waste Forum established under the *Environment Protection Act 1970*;
 - b) as a director of a Waste and Resource Recovery Group established under the *Environment Protection Act 1970*;
 - c) as a member of the Country Fire Authority appointed under section 7 of the *Country Fire Authority Act 1958*;
 - d) as a member of the governing body of a referral authority considering an application under section 56 of the *Planning and Environment Act 1987*;
 - e) as a representative of the Council, or Councils, to the Municipal Association of Victoria or in another body that has a purpose of representing the interests of a Council or Councils;
 - f) as an employee of the Crown or of a body established by or under any Act for a public purpose, if the Councillor has no current or expected future responsibilities as that employee that relate to a matter;

- g) as a representative of the Council (with the Council's approval) to an organisation, if the Councillor receives no remuneration as that representative;
- h) as a member of a Planning Application Committee established under the *Planning and Environment Act 1987* or as a member or co-opted member of a subcommittee of that Committee.

7. Other legislative requirements

The Act includes requirements in relation to Councillor conduct, eligibility, electoral conduct and the election period (caretaker period). We are committed to ensuring that elections conducted by the Nillumbik Shire Council are conducted fairly and democratically and in accordance with the highest standards of governance. As sitting Councillors during an election period we will abide by the requirements of the applicable legislation and the Council-endorsed Election Period Policy (which forms part of the Council's adopted Governance Rules) and, whether or not we are standing for re-election, we will at all times act respectfully towards all candidates for the election.

Alleged contraventions of these provisions are not to be dealt with by Council using the internal resolution procedure in this Code. Allegations in relation to contravention of these provisions should be directed to the Victorian Electoral Commission or the Chief Municipal Inspector, depending on the nature of the allegation, for investigation and any consequent action.

We undertake to comply with the various provisions relating to these and other relevant legislative requirements matters.

7.1. Human rights and equal opportunity

In performing their role Councillors must take positive action to eliminate discrimination in accordance with the *Equal Opportunity Act 2010* and support Council in fulfilling its obligation to achieve and promote gender equality.

We acknowledge the human rights that are protected under the *Victorian Charter of Human Rights and Responsibilities Act 2006* and undertake to exercise our duties in a manner that is compatible with the rights set out in the Charter.

We acknowledge this undertaking extends to all our relationships as a Councillor, including with other Councillors, the Chief Executive Officer and Council employees, as well as any member of the public with whom we may have contact, and any decisions we participate in as a Councillor.

We will:

- take all reasonable steps to eliminate all forms of discrimination at Council
- support Council to fulfil its obligation to achieve and promote gender equality

7.2. Sexual harassment

Sexual harassment is against the law and will not be tolerated under any circumstances. In performing their role Councillors must take positive action to eliminate sexual harassment in accordance with the *Equal Opportunity Act 2010*.

We will not engage in any unwelcome conduct of a sexual nature towards another individual where a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the individual harassed would be offended, humiliated or intimidated.

We will take all reasonable steps to eliminate sexual harassment at Council.

7.3. Bullying, vilification and victimisation

Council is committed to maintaining a workplace that is free from bullying, vilification and victimisation, where all people are treated with dignity and respect. In performing their role Councillors must take positive action to eliminate victimisation in accordance with the *Equal Opportunity Act 2010*.

We will uphold Council's obligations to support a safe workplace, and will not engage in repeated unreasonable behaviour toward another Councillor or member of Council staff that creates a risk to the health and safety of that other Councillor or member of Council staff.

We will take all reasonable steps to eliminate bullying, vilification and victimisation at Council.

7.4. Occupational health and safety

Council is committed to providing and maintaining a safe workplace for all and recognises the provisions of the *Occupational Health and Safety Act 2004* (OHS Act) apply to Council and Councillors. The Chief Executive Officer has a clear accountability for OHS matters, given their mandate under the Act, and will put policies in place from time to time to ensure a safe workplace for Councillors to carry out their civic duties.

As a Councillor, we understand that occupational health and safety is a shared responsibility.

Accordingly, we will each:

- take reasonable care to protect our own health and safety as well as the health and safety of others in the workplace
- take reasonable care to make sure Council carries out, through the Chief Executive Officer, its general duties to ensure a safe workplace that is without risks to health by ensuring appropriate systems and policies are in place to manage those risks
- consider any health and safety implications of Council decisions.

7.5. Interacting with children

Council prides itself on being a child safe organisation and has zero tolerance for child abuse. Council adheres to the Victorian Child Safe Standards and related legislation which governs the protection of children and young people and deals with the failure to report harm, failure to protect and grooming offenses. Accordingly, we undertake to:

- maintain the highest standards of professional conduct in my attitude, behaviour and interactions with children and young people
- support and maintain Council's commitment to the safety and wellbeing of children and young people and including through any decision I participate in as a Councillor
- take all reasonable steps to protect children and young people from harm, including complying with Council's obligations under State and Federal child protection legislation.

SECTION 3: DISPUTE RESOLUTION

1. Informal dispute resolution

Before commencing any formal dispute resolution process, Councillors who are parties to a dispute are expected to use their best endeavours to resolve the matter in a courteous and respectful manner between themselves. Where, after these endeavours have been exhausted and the matter still remains unresolved, the parties may then resort to Council's informal dispute resolution process.

This involves direct negotiation between the parties in dispute, with the Mayor in attendance to provide guidance.

1.1. Direct negotiation

Where Councillors who are in dispute have not been able to resolve the dispute between them, either (or both) party (parties) may request the Mayor to convene a meeting of the parties. A dispute referred for direct negotiation may relate to an interpersonal conflict between Councillors where the conflict is or is likely to affect the operations of Council.

The party requesting the direct negotiation meeting is to provide the Mayor with the name of the other Councillor and the details of the dispute in writing. The written request is to indicate that it is for a direct negotiation informal dispute resolution process.

The party requesting the direct negotiation meeting is to notify the other party of the request and provide the Councillor with a copy of the written request either at the same time as it is provided to the Mayor or as soon as practicable thereafter.

The Mayor is to ascertain whether or not the other party is prepared to attend a 'direct negotiation' meeting.

If the other party is not prepared to attend a meeting, the Mayor is to advise the requestor forthwith. No further action is required of the Mayor.

If the other party declines to participate in a meeting, this does not constitute a contravention of this Code.

If the other party consents to a meeting, the Mayor is to convene a meeting of the parties at the earliest available opportunity. Unless one or both parties are unavailable, this should be within five (5) working days of receiving the consent of the other party.

The Mayor may present the parties with guidelines, in advance of the meeting or at the meeting, to help facilitate the meeting.

The role of the Mayor at the meeting is to provide guidance to Councillors about what is expected of a Councillor including in relation to the role of a Councillor under section 28 of the Act, and the observation of the standards of conduct in this Code.

The Mayor is to document any agreement reached at the meeting. Copies of the agreement are to be provided to both parties. Where one party does not comply with the agreement, the other party has recourse to the internal resolution procedure where the matter relates to an alleged breach of the standards of conduct in this Code.

If the parties cannot resolve the dispute at the meeting, a further meeting may be convened with the consent of both parties. Where the dispute remains unresolved, either or both of the parties have recourse to the internal resolution procedure where the matter relates to an alleged breach of the standards of conduct in this Code.

Where the Mayor is a party to the dispute, the request is to be made to the Deputy Mayor (if any) or the immediate past Mayor. The Deputy Mayor or the immediate past Mayor will perform the functions ascribed to the Mayor.

Where the Mayor and the Deputy Mayor are both parties to the dispute, the request is to be made to the immediate past Mayor to perform the functions ascribed to the Mayor. Where the immediate past Mayor is not available, the Mayor or Deputy Mayor, or both, may apply to the Councillor Conduct Officer to appoint an external mediator to attend, provide guidance and perform the functions ascribed to the Mayor.

1.2. Formal dispute resolution of Councillor Conduct

Internal arbitration process

The internal arbitration process in Division 5 of Part 6 of the Act applies to any alleged breach of the standards of conduct. This internal resolution procedure sets out the process for internal arbitration of allegations that a Councillor has breached the prescribed standards of conduct.

An application for an internal arbitration process must specify:

- the name of the Councillor alleged to have breached the standards of conduct; and
- the clause of the standards of conduct that the Councillor is alleged to have breached; and
- the misconduct that the Councillor is alleged to have engaged in that resulted in the breach.

The complainant must sign and date the application and submit it to Council's Principal Conduct Officer.

After receiving the application the Councillor Conduct Officer must without undue delay:

- provide a copy of the application to the Councillor who is the subject of the application; and
- advise the Mayor and CEO of the application; and
- provide the original application to the Principal Councillor Conduct Registrar.

An arbiter appointed in accordance with the Act to hear an application must:

- conduct the hearing with as little formality and technicality as the proper consideration of the matter permits;
- ensure that the hearing is not open to the public.

The arbiter appointed to hear an application:

- may hear each party to the matter in person or solely by written or electronic means of communication; and
- is not bound by the rules of evidence and may be informed in any manner the arbiter sees fit; and
- may at any time discontinue the hearing if the arbiter considers that –

- the application is vexatious, misconceived, frivolous or lacking in substance; or
- the applicant has not responded, or has responded inadequately, to a request for further information.

If, after completing the internal arbitration process, the arbiter determines that a Councillor has failed to comply with the prescribed standards of conduct, the arbiter may make a finding of misconduct against the Councillor. A written copy of that decision and a statement of reasons provided by the arbiter must include any sanctions imposed.

If an arbiter makes a finding of misconduct against a Councillor, the arbiter may do any one or more of the following:

- direct the Councillor to make an apology in a form or manner specified by the arbiter;
- suspend the Councillor from the office of Councillor for a period specified by the arbiter not exceeding one month;
- direct that the Councillor be removed from any position where the Councillor represents Council for the period determined by the arbiter;
- direct that the Councillor is removed from being the chair of a delegated committee for the period determined by the arbiter;
- direct a Councillor to attend or undergo training or counselling specified by the arbiter.

The arbiter provides a written copy of the arbiter's decision and statement of reasons to:

- Council; and
- the applicant or applicants; and
- the respondent; and
- the Principal Councillor Conduct Registrar.

A copy of the arbiter's decision and statement of reasons must be tabled, with any confidential information redacted, at the next Council meeting after Council received the copy of the arbiter's decision and statement of reasons and recorded in the minutes of the meeting.

After Council has tabled a copy of an arbiter's decision and statement of reasons, Council must ensure that the report, with any required redactions to remove confidential information, is made publicly available.

At any time before, during or after the hearing of an application for an internal arbitration process, if the arbiter believes that the conduct that is the subject of the application for an internal arbiter process appears to involve serious conduct, the arbiter must refer the matter in writing to the Principal Councillor Conduct Registrar.

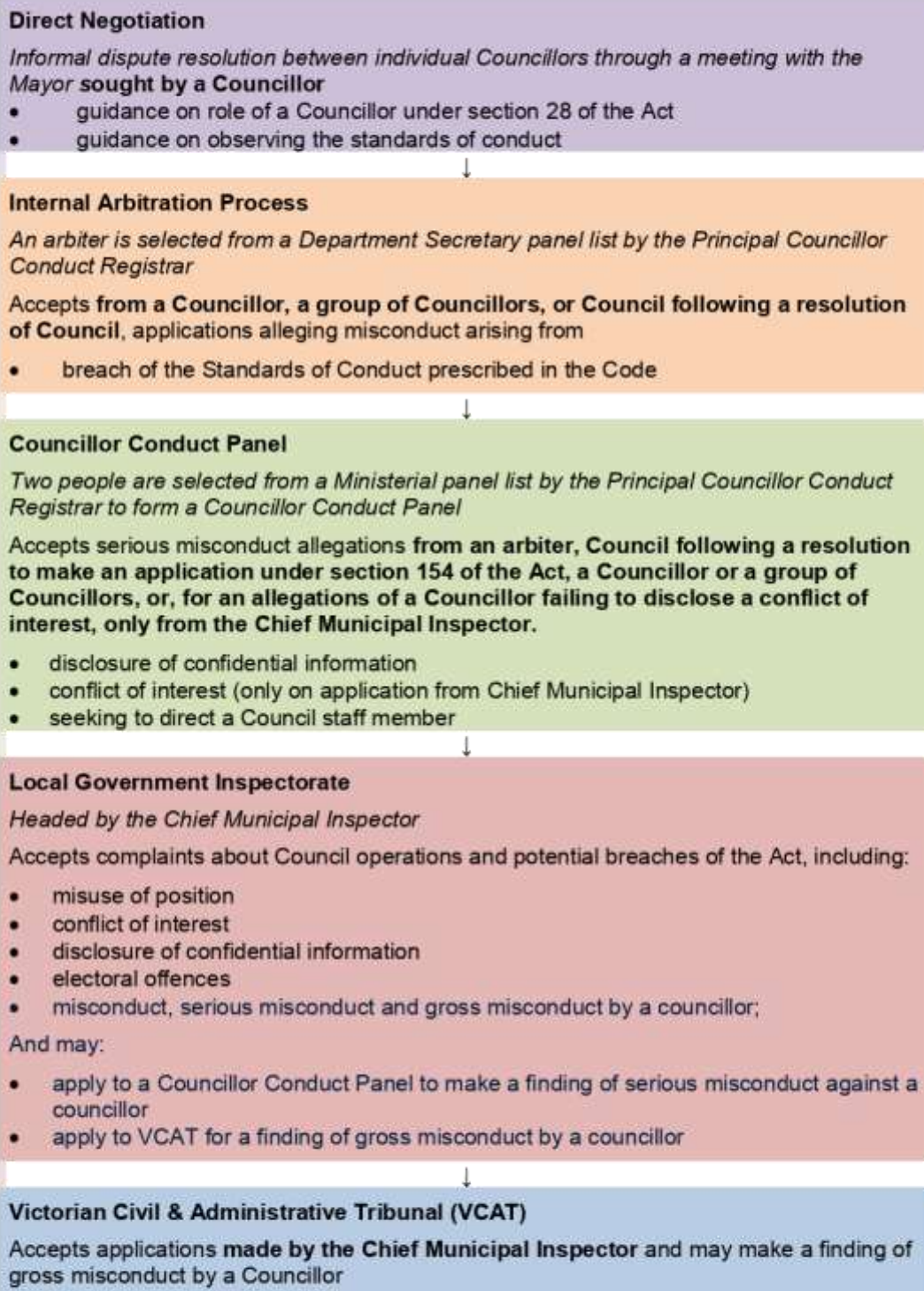
SECTION 4: DEFINITIONS

When we use the following terms we mean:

Term	Definition
the Act	The <i>Local Government Act 2020</i> – the primary State legislation on local government. The <i>Local Government Act 1989</i> is to be read as if it formed part of the <i>Local Government Act 2020</i> .
Arbiter	A person selected from a panel list of eligible persons established under section 142 of the Act to conduct an internal arbiter process.
Chief Executive Officer	The person appointed by Council under section 44 of the Act to be its Chief Executive Officer or any person acting in that position.
Chief Municipal Inspector	The person appointed by the Minister administering the Act to investigate and prosecute any possible offence under the Act, to investigate any allegation of serious misconduct or gross misconduct by a Councillor, to investigate any public interest complaint that relates to the conduct of a Councillor or member of Council staff and to carry out other functions under section 182 of the Act,
Code	This Councillor Code of Conduct developed by Council under section 139 of the Act.
Council	Nilumbik Shire Council
Councillor	A person who holds the office of a member of Council
Councillor Conduct Panel	A panel formed by the Principal Councillor Conduct Officer under section 156 of the Act
Good governance	Council performing its role in accordance with the overarching governance principles and supporting principles in section 9, and Councillors performing their roles in accordance with section 28, of the Act
Governance Rules	Governance Rules developed by Council under section 60 of the Act
Gross misconduct	By a Councillor means behaviour that demonstrates that the Councillor— <ul style="list-style-type: none"> • is not of good character; or • is otherwise not a fit and proper person to hold the office of Councillor, including behaviour that is sexual harassment and that is of an egregious nature
Internal arbitration process	The internal arbitration process of Council under section 141 of the Act, the <i>Local Government (Governance and Integrity) Regulations 2020</i> and this Code.
Mayor	The leader of the Councillors elected by the Councillors
Misconduct	By a Councillor means any breach of the standards of conduct included in this Code.

Term	Definition
Municipal Monitor	A person appointed by the Minister to be a Municipal Monitor to a council under section 179 of the Act to monitor and advise on a council's governance processes and practices and improvements and to investigate and report on matters to the Minister.
Penalty unit	This is a standard amount of money used to compute fines, which are calculated by multiplying the <u>number</u> of units by the <u>value</u> of a penalty unit. This value is set annually by the Victorian Treasury and Finance Department and is updated each 1 July.
Principal Conduct Officer	The person appointed in writing by the Chief Executive Office to assist Council in the implementation and conduct of the internal arbitration process of Council and to assist the Principal Councillor Conduct Registrar to perform specific functions.
Principal Councillor Conduct Registrar	The person appointed by the Secretary to the Department of Environment, Land, Water and Planning to administer all councillor conduct panel processes. The Registrar maintains the list of panel members, forms Councillor Conduct Panels to hear applications and publishes panel findings and decisions
Serious Misconduct	<p>By a Councillor means any of the following:</p> <ul style="list-style-type: none"> the failure by a Councillor to comply with the Council's internal arbitration process; the failure by a Councillor to comply with a direction given to the Councillor by an arbiter under section 147 of the Act; the failure of a Councillor to attend a Councillor Conduct Panel hearing in respect of that Councillor; the failure of a Councillor to comply with a direction of a Councillor Conduct Panel; continued or repeated misconduct by a Councillor after a finding of misconduct has already been made in respect of the Councillor by an arbiter or by a Councillor Conduct Panel under section 167(1)(b) of the Act; bullying by a Councillor of another Councillor or a member of Council staff; conduct by a Councillor that is conduct of the type that is sexual harassment of a Councillor or a member of Council staff; the disclosure by a Councillor of information the Councillor knows, or should reasonably know, is confidential information; conduct by a Councillor that contravenes the requirement that a Councillor must not direct, or seek to direct, a member of Council staff; the failure by a Councillor to disclose a conflict of interest and to exclude themselves from the decision making process when required to do so in accordance with the Act.

COUNCILLOR CONDUCT FRAMEWORK



13. Officers' reports**CM.006/21 Tender Report - Contract 2021-45 Eltham North Reserve - Synthetic Pitch Replacement**

Distribution: Public**Manager: Hjalmar Philipp, Director Operations and Infrastructure****Author: Heath Gillett, Manager Recreation and Leisure****Enrique Gutierrez, Manager Capital Works****Summary**

This report recommends the awarding of contract 2021-45 for Eltham North Reserve - Synthetic Pitch Replacement.

The contract is for the provision for a FIFA quality-certified synthetic pitch surface to replace the existing one at the Eltham North Reserve. Works include the supply and installation of the new surface and related infrastructure as well as the removal and disposal of the existing surface.

The contract will also include scheduled servicing and maintenance for a period of ten (10) years.

The Tender Evaluation Panel (TEP) has assessed all submissions and this report provides a summary of their evaluation in recommending the awarding of the contract for 2021-45 for Eltham North Reserve - Synthetic Pitch Replacement.

Pursuant to the Instrument of Delegation to the Chief Executive Officer, the value of this contract exceeds the specified financial limits and a Council resolution is therefore required to award the contract.

Recommendation

That Council:

1. Accept the preferred tender for the sum of \$569,496.30 including 20% for construction contingency (exclusive of GST) for the following contract:
Number: 2021-45
Title: Eltham North Reserve - Synthetic Pitch Replacement
Term: 1 February 2021 to 29 March 2021
2. Authorises the Director Operations and Infrastructure to finalise and execute the contract documentation.
3. Authorises the Director Operations and Infrastructure to approve additional cost variations that are a result of unknown latent site conditions or changes to operational requirements throughout the term of the contract, with a value of no more than 15% of the updated total contract value (excluding the fee for the ten-year maintenance period).
4. Notes that any variations that exceed the agreed total contract value will require a further Council resolution.
5. Advises all tenderers accordingly.

13. Officers' reports

CM.006/21 Tender Report - Contract 2021-45 Eltham North Reserve - Synthetic Pitch Replacement

6. Makes public the decision regarding this contract but the Tender Evaluation Report and Sustainability and Recycling Report remain confidential on the grounds specified in the definition of confidential information in section 3(1)(g) of the *Local Government Act 2020*.

Attachments

1. Attachment A - Tender Evaluation Summary Report - *CONFIDENTIAL*
2. Attachment B - Sustainability and Recycling - Confidential - *CONFIDENTIAL*

Discussion

1. A tender was issued to identify and appoint an experienced synthetic sports turf company that can replace the current synthetic field at North Eltham Reserve, North Eltham.
2. The current design will remain the same with the field of play surface design being updated to reflect current standards and community need.
3. The key works under this project include:
 - Remove the current carpet, repurpose the carpet and infill and if possible recycle or re-purpose all components
 - Inspection and remediation of pavement base
 - Supply and replacement of a FIFA certified synthetic sports surface
 - Supply and installation of sports equipment for field of play
 - Surface certification
 - Provision of management guarantees and warranties
4. The contract will also include a ten (10) year maintenance arrangement with the awarded contractor.

Council plans and policies

5. This report directly supports the achievement of Council Plan 2017-2021 strategy Ensure responsible and efficient management of Council's financial resources.
 - Ensure responsible and efficient management of Council's financial resources.

Tender overview

The Tender Evaluation Panel (TEP) advises that:

6. A public tender was issued on and advertised in the Melbourne Age on Saturday 28 November 2020
7. The period for tender submissions closed at 2pm on Thursday December 17 2020.

13. Officers' reports

CM.006/21 Tender Report - Contract 2021-45 Eltham North Reserve - Synthetic Pitch Replacement

8. 8. The following tenders were received.

TENDERER	Tendered Sum
Tenderer A – Preferred Tender	\$569,496.30
Tenderer B	\$851,370.00
Tenderer C	\$997,529.40
Tenderer D	\$1,185,888.00

9. Only tenders that were conforming and competitive were fully scored. Tender submissions that were evaluated as non-conforming or not sufficiently competitive were set aside from further evaluation.

10. The following tenders were evaluated as non-conforming or not sufficiently competitive and were subsequently set aside from further evaluation.

TENDERER	Reasons why tender was set aside from further evaluation
Tenderer C	Tendered price was the second highest There were two other conforming and competitive tenderers to choose from.
Tenderer D	Tendered price was the highest. There were two other conforming and competitive tenderers to choose from.

11. The following Evaluation Criteria and Weightings were applied during the evaluation of the conforming and competitive tenders. These weightings were set and agreed to by the Tender Evaluation Panel Members prior to the issue of the tender.

Criteria	Weighting %
Price	40%
Capability & Capacity	40%
Collaboration	10%
Environment	5%
Social and Local	5%

12. The weightings reflect the relative importance of each element to this particular contract. They were determined as being most appropriate after considering numerous factors including (but not restricted to) the time, quality, risk and contract management requirements which were likely to have the most impact on the achievement of best value.

13. Officers' reports**CM.006/21 Tender Report - Contract 2021-45 Eltham North Reserve - Synthetic Pitch Replacement**

13. The members of the TEP were;

Member Name	Position Title	Business Unit	Scoring Member or Advisory Member
Heath Gillet	Manager Recreation and Leisure	Recreation and Leisure	Scoring
Shannon Maynard	Coordinator Recreation & Leisure	Recreation and Leisure	Scoring
Alex Stewart	Project Management Officer	Capital Works	Scoring
Enrique Gutierrez	Manager Capital Works	Capital Works	Advisory
Lance Clark	Senior Procurement Specialist	Corporate Services	Advisory

14. The final evaluation outcome was as follows:

TENDERER	SCORE	RANK
Tenderer A – Preferred Tender	86/100	1
Tenderer B	72/100	2

15. The recommended tender was the highest ranked and is considered best value as they are suitably qualified and experienced in delivery of similar projects to other Local Government Councils. Overall it represents the best monetary outcomes for Council.

16. **Attachment 1** - Tender Evaluation Summary Report – Confidential, provides the tenderer names and the Evaluation Scorecard Summary.

Capability and Capacity

17. Tendered solution is FIFA accredited and preferred tenderer has successfully completed various projects of similar scope.

18. Has completed multiple similar projects at neighbouring Councils, and have delivered maintenance services as part of a larger contract.

19. An inspection was undertaken at one of the preferred tenderers completed projects for a large metropolitan Council to validate capability.

Contingency and risks

20. A construction contingency amount is included given that no inspection was made to the base of the existing surface.

Collaboration with other Councils or Agencies

21. Feedback from other councils from similar projects undertaken by the highest scoring tenders was sought to support the evaluation.

13. Officers' reports**CM.006/21 Tender Report - Contract 2021-45 Eltham North Reserve - Synthetic Pitch Replacement**

22. Football Victoria has assessed the current pitch and confirmed that it required replacement and would require independent certification in order to schedule matches at the facility. Football Victoria requires facilities conform to FIFA standards and specifications, which have been reflected in the specifications for the project.
23. Council engaged Football Victoria's preferred consultant to write the specifications and to ensure this replacement would meet the needs of the Council, the club and Football Victoria for the life of the facility.

Budget implications

24. The project budget is as follows:

Project Budget Allocation	Allocation (Excl. GST)
Eltham North Synthetic Pitch sink fund	\$385,000
Local Roads and Community Infrastructure Grant	\$275,000
Total Project Budget	\$660,000
Project Expenditure	Expenditure (Excl. GST)
Construction and pitch replacement	\$356,802
Infill	\$86,350
Construction Contingency 20%	\$90,000
10 year maintenance	\$126,344 ⁽¹⁾
Project Expenditure	\$659,496

- (1) The ten-year maintenance will be paid on a per-year basis from the funds left in the corresponding sink fund

Sustainability implications

25. Tenderers were asked to outline and provide details around the method for removal and disposal of the existing synthetic surfacing product/system as well as recyclable/repurposing options for both the existing and new installed surface.
26. The preferred tenderer confirmed that the existing surface and components can be recycled or repurposed, as outlined in **Attachment B**.

Stakeholder Consultation/communication

27. Since the pitch was audited by Football Victoria in November 202, the Eltham Redbacks Football Club has been engaged, providing input to the project specification and line marking options.

13. Officers' reports

CM.006/21 Tender Report - Contract 2021-45 Eltham North Reserve - Synthetic Pitch Replacement

Innovation and continuous improvement

28. Not applicable.

Relevant law

29. Not applicable.

Regional, state and national plans and policies

30. Not applicable.

Conflicts of interest

31. As part of the tender process, all members of the Tender Evaluation Panel were required to declare any disclosable conflicts of interest.

32. There were no disclosable conflicts of interest raised.

13. Officers' reports**CM.007/21 Tender Report - Contract 2021-34 Diamond Valley Library Upgrade Works**

Distribution: Public**Manager: Hjalmar Philipp, Director Operations and Infrastructure****Author: Steven Blight, Construction Coordinator
 Enrique Gutierrez, Manager Capital Works****Summary**

This report recommends awarding Contract 2021-34 for Diamond Valley Library Upgrade Works. This report recommends awarding Contract 2021-34 for Diamond Valley Library Upgrade Works.

The contract involves building works for the Diamond Valley Library Upgrade, including the upgrade of the existing amenities, internal refitting, lighting, supply and installation of furniture and fittings.

The intended contract commencement date is 1 February 2021 with an intended practical completion date of 30 July 2021.

The Tender Evaluation Panel (TEP) has assessed all submissions and this report provides a summary of their evaluation in recommending the awarding of the contract for 2021-34 for Diamond Valley Library Upgrade Works.

Pursuant to the Instrument of Delegation to the Chief Executive Officer, the value of this contract exceeds the specified financial limits and a Council resolution is therefore required to award the contract.

Recommendation

That Council:

1. Accept the preferred tender for the tendered sum (exclusive of GST) plus \$10% for contingency for the following contract:
Number: 2021-34
Title: Diamond Valley Library Upgrade Works
Term: 1 February 2021 to 30 July 2021
2. Authorises the Director Operations and Infrastructure to finalise and execute the Contract documentation.
3. Authorises the Director Operations and Infrastructure to approve additional cost variations that are a result of unknown latent site conditions or changes to operational requirements throughout the term of the contract worth no more than 10% of the updated total contract value.
4. Advises all tenderers accordingly.
5. Makes public the decision regarding this contract but the Tender Evaluation Report (**Attachment 1**) remain confidential on the grounds specified in the definition of confidential information in section 3(1)(g) of the *Local Government Act 2020*.

13. Officers' reports

CM.007/21 Tender Report - Contract 2021-34 Diamond Valley Library Upgrade Works

Attachments

1. Tender Evaluation Summary Report - *CONFIDENTIAL*

Discussion

1. The Diamond Valley Library is a popular community facility that needs an upgrade to reflect the ever changing community expectations for a community library service.
2. The Diamond Valley Library was originally constructed in 1984 and has never had a major upgrade to meet current expectation levels of a municipal library facility, in particular, the public amenities, parent's facilities and accessibility of the whole facility.
3. In 2019, in partnership with the Yarra Plenty Regional Library Service (YPRLS) and Nillumbik Shire Council, a \$500,000 grant was secured under the Living Libraries Infrastructure Program.
4. As part of the dollar-matching criteria, Council allocated \$270,000 and the Yarra Plenty Regional Library Service allocated \$80,000, both to be split over the 2020/21 and 2021/22 financial years.
5. This provided an initial total project budget of \$850,000 which includes all preliminaries, design, consultants, permits and construction.
6. Works will involve, but are not limited to, a new interior layout to allow:
 - Increased children's zone
 - A new co-working space for start-ups and micro-businesses
 - A stronger visible connection to the Garden Makerspace, including a new external decking area.
 - Improved layout for maximum flexibility with a bookshop reader centric approach
 - Increased face-out shelving opportunities
 - Maximum efficiency of functional requirements for book return and issue with the focus on self-check-out and self-check-in options
 - Upgraded amenities
 - A new parents lounge
7. Following a review of the existing building by the architectural consultant, two significant maintenance issues were identified that need to be addressed in the refurbishment works. The first one is the large celestial ceiling/skylight and the second are the south-facing windows/doors. Both are deteriorating and need replacement. These two issues were considered in a report to the September 2020 Ordinary Council meeting and additional funding was allocated to address them.
8. The additional budget allocations were based on detailed cost estimates prepared by an independent quantity surveyor.

13. Officers' reports**CM.007/21 Tender Report - Contract 2021-34 Diamond Valley Library Upgrade Works**

Related Council decisions

9. At its September 2020 Ordinary Meeting Council resolved to allocate a further \$324,000 to fund the expected budget shortfall created by the addition of the replacement of the celestial ceiling/skylight and south facing windows and doors to the project. This was in addition to an additional \$50,000 contribution from the Yarra Plenty Regional Library Service and a \$45,000 contribution from Council's building maintenance program.
10. This additional allocation was to be addressed as part of the mid-year budget review.
11. This would bring the total project budget to \$1,269,000 (excl. GST)

Council plans and policies

12. This report directly supports the achievement of Council Plan 2017-2021 strategy Ensure responsible and efficient management of Council's financial resources.
 - Ensure responsible and efficient management of Council's financial resources.

Tender overview

The Tender Evaluation Panel (TEP) advises that:

13. A public tender was issued on and advertised in the Melbourne Age on Saturday 14 November 2020
14. The period for tender submissions closed at 2pm on Thursday 10 December 2020.
15. The following tenders were received.

TENDERER	Tendered Sum
Tenderer A – Preferred Tender	\$1,095,414.00
Tenderer B	\$1,087,901.48
Tenderer C	\$1,112,617.00
Tenderer D	\$1,150,880.00
Tenderer E	\$1,188,000.00

16. Only tenders that were conforming and competitive were fully scored. Tender submissions that were evaluated as non-conforming or not sufficiently competitive were set aside from further evaluation.
17. The following tenders were evaluated as non-conforming or not sufficiently competitive and were subsequently set aside from further evaluation.

13. Officers' reports

CM.007/21 Tender Report - Contract 2021-34 Diamond Valley Library Upgrade Works

TENDERER	Reasons why tender was set aside from further evaluation
Tenderer C	As Tenderer A & B are qualified and capable of undertaking and delivering against contract requirements, the tendered submission from Tenderer C did not proceed to full evaluation due to their tendered cost.
Tenderer D	As Tenderer A & B are qualified and capable of undertaking and delivering against contract requirements, the tendered submission from Tenderer D did not proceed to full evaluation due to their tendered cost.
Tenderer E	As Tenderer A & B are qualified and capable of undertaking and delivering against contract requirements, the tendered submission from Tenderer E did not proceed to full evaluation due to their tendered cost.

18. The following Evaluation Criteria and Weightings were applied during the evaluation of the conforming and competitive tenders. These weightings were set and agreed to by the Tender Evaluation Panel Members prior to the issue of the tender.

Criteria	Weighting %
Price	40%
Capability	25%
Capacity	25%
Collaboration	5%
Social and Local	5%

19. The weightings reflect the relative importance of each element to this particular contract. They were determined as being most appropriate after considering numerous factors including (but not restricted to) the time, quality, risk and contract management requirements which were likely to have the most impact on the achievement of best value.

20. The members of the TEP were:

Member Name	Position Title	Business Unit	Scoring Member or Advisory Member
Steven Blight	Construction Coordinator	Capital Works	Scoring

13. Officers' reports

CM.007/21 Tender Report - Contract 2021-34 Diamond Valley Library Upgrade Works

Member Name	Position Title	Business Unit	Scoring Member or Advisory Member
Alex Stewart	Project Management Officer	Capital Works	Scoring
Enrique Gutierrez	Manager Capital Works	Capital Works	Scoring
Mat Foley	Architect – Content Studio	External Consultant	Advisory
Lance Clark	Senior Procurement Specialist	Corporate Services	Advisory

21. The final evaluation outcome was as follows:

TENDERER	SCORE	RANK
Tenderer A – Preferred Tender	87/100	1
Tenderer B	83/100	2

22. The recommended tender was the highest ranked and is considered the best value based on overall qualitative assessments. It has:

- a) Evidence of experience and skilled resources and has successfully completed similar projects to a high standard for a neighbouring Council.
- b) A project plan that fits within Council's timeframes and lines up with critical procurement and operational timeframes.
- c) Provided prompt responses to Council's requests for information on cost options. Staff presented seems to have relevant experience.
- d) Works program provided in line with council's requirement to deliver this project.

23. **Attachment 1** - Tender Evaluation Summary Report – Confidential, provides the tenderer names and the Evaluation Scorecard Summary.

Capacity

24. The preferred tenderer specialises in this type of works and has successfully completed a number of similar projects with other local and state government authorities. They have certified OH&S, Quality, Environmental and Project management systems and procedures in place.

Capability

25. The preferred tenderer has indicated that they are in apposition to commence this project as soon as possible once award. They have an experienced and well qualified project team that will oversee the delivery of these works.

13. Officers' reports**CM.007/21 Tender Report - Contract 2021-34 Diamond Valley Library Upgrade Works****Tender Interviews and Reference checks**

26. Tender interview was held with Tenderer B on 17 December 2020 and with Tenderer A on 18 December 2020.

Contingency and risks

27. As this is predominantly an internal refit with minimal external works or excavations the construction risks are reduced and the 10% contingency is considered reasonable and manageable.
28. The library will be closed during the construction works, so the COVID-19 risk can be easily managed in line with the stipulated regulations and protocols.
29. Procurement of some of the items do have reasonable lead times but can be accommodated within the desired project timelines, based on current supply information.
30. The project schedule provided by the preferred tenderer can be accommodated within the funding body's stipulated project completion target dates.

Collaboration with other Councils or Agencies

31. Not Applicable for this tender

Budget implications

32. The project budget is as follows:

Project Budget Allocation	Allocation (Excl. GST)
Living Libraries Infrastructure Program	\$500,000
Nillumbik Shire Council	\$639,000
Yarra Plenty Regional Library Service	\$130,000
Total Project Budget	\$1,269,000
Project Expenditure	Expenditure (Excl. GST)
Preliminaries (Project Management, Design, Consultants, Permits, Fees, etc)	\$100,000
Construction (tender)	\$1,095,414
Construction Contingency 10%	\$109,541
Project Expenditure	\$1,304,955 (1)

13. Officers' reports

CM.007/21 Tender Report - Contract 2021-34 Diamond Valley Library Upgrade Works

- (1) The shortfall of \$35,955 would be covered by unused contingency.

Sustainability implications

33. Not applicable

Stakeholder Consultation/communication

34. Full consultation has been undertaken with the Chief Executive Officer for Yarra Plenty Regional Library as the operator of the site and facility. She has been heavily involved in the development of the concept and final design plans.
35. Prior to the final design being adopted, the concept plans were presented to key stakeholders and library user groups over two virtual sessions for comment and feedback.
36. The concept plans were also displayed online via Council's Participate Nillumbik online platform and users were able to provide feedback via that forum.
37. All feedback was referred back to the Project Working Group, and changes to the design implemented, wherever possible.

Innovation and continuous improvement

38. Not Applicable

Relevant law

39. Not applicable

Regional, state and national plans and policies

40. Not applicable

Conflicts of interest

41. As part of the tender process, all members of the Tender Evaluation Panel were required to declare any disclosable conflicts of interest.
42. There were no disclosable conflicts of interest raised.

13. Officers' reports**CM.008/21 Quarterly Risk and Safety Report September 2020**

Distribution: Public**Manager: Jeremy Livingston, Executive Manager Business Transformation and Performance****Author: Craig Commene, Risk and Safety Lead****Summary**

This report provides a summary of Council's Risk and Safety Report for the quarter ending September 2020.

The report is presented in accordance with the Local Government Performance Reporting Framework (LGPRF). This reporting framework requires the presentation of a report to Council at least every six months, detailing the strategic risks, operational risks, the consequences and likelihood of occurrence, and risk mitigation strategies.

Risk and Safety reporting to Council is tabled each quarter following consideration by the Audit and Risk Committee. This quarterly report is presented to Council later than normal due to the Audit and Risk Committee having its first quarterly meeting in the financial year later than normal, held on 14 December 2020.

The full confidential Quarterly Risk and Safety Report for the September is attached to this report (**Attachment 1**) and provides detailed information for Council's consideration

Recommendation

That Council:

1. Notes the summary of the confidential Quarterly Risk and Safety Report for the September 2020 quarter.
2. Resolves that the Quarterly Risk and Safety Report remains confidential on the grounds specified in the definition of confidential information in section 3(1)(f) of the *Local Government Act 2020*.

Attachments

1. Risk and Safety Report September Quarter 2020 - *CONFIDENTIAL*

Discussion

1. Council's commitment to risk management is outlined in the Risk Management Policy adopted in June 2018, with the following objectives:
 - Ensure that all risks that could affect the achievement of our Council's goals, strategies and actions are identified, assessed and treated to a commercially, professionally and politically acceptable level of risk;
 - Integrate risk management into decision making processes and embed it into the organisation culture to help make informed choices for the benefit of Council and our stakeholders;
 - Ensure that necessary resources are allocated in support of the policy outcomes;
 - Maintain stakeholders trust and due diligence;

13. Officers' reports**CM.008/21 Quarterly Risk and Safety Report September 2020**

- Align all risk management practices across the organisation and to promote and support a consistent corporate approach to risk management that can be clearly understood and applied by everyone and provide a basis for higher standards of accountability; and
 - To ensure that risk management is seen as the responsibility of all staff, i.e.: "Risk Management is everyone's business".
2. In addition to the Risk Management Policy, Council's Risk Management Framework 2018 communicates and describes the risk management structure and procedures that are used to identify, analyse, evaluate, treat, monitor and communicate key risks, including management reporting.
 3. The context of the Risk Management Policy and Framework takes into account that local government presents a distinct risk character and profile that needs to be taken into account when considering risk management. Many assets and services are available 24 hours a day seven days a week in an unsupervised way, some are managed or provided by volunteers or committees of management or are managed by contractors, others are regulated by compliance legislation.
 4. This Risk and Safety report broadly reports on:
 - Risk management;
 - Business continuity;
 - Fraud and corruption control;
 - Insurance premiums;
 - Incident management and insurance claims;
 - Occupational Health and Safety;
 - Other data; and
 - Strategic risk summary report.

Related Council decisions

5. This summary, along with the confidential Risk and Safety Report, has been provided to meet the requirements of the Local Government Performance Reporting Framework (LGPRF) and consolidation of management reporting.
6. Ongoing reporting to Council on risk and safety matters is presented quarterly following each meeting of Council's Audit and Risk Committee.

Options

7. The Quarterly Risk and Safety Report has been prepared in accordance with Council's Risk Management Policy and Framework and is consistent with the Australian Standard AS/NZS 31000:2009 Risk Management.
8. Highlights from the Quarterly Risk and Safety Report for the September 2020 quarter are:
9. Major Incident – COVID-19 pandemic

13. Officers' reports

CM.008/21 Quarterly Risk and Safety Report September 2020

- Council is observing all directives issued by the Victorian Chief Health Officer (VCHO);
- The primary focus of the Risk and Safety team during this time has been to provide advice, support and develop COVID-Safe Plans across Council departments.
- This also includes review COVID-Safe Plans from various community and sporting groups who utilise Council land and/or facilities.
- A future compliance initiative introduced by State Government is the development of COVID Summer Safe Plans that takes a risk based approach to develop a 'COVID Safe' approach to significant Council public outdoor sites (e.g. Eltham Lower Park, Diamond Valley Miniature Railway, Eltham North Adventure Playground, Diamond Creek Regional Playground and access points on Council Land to the Yarra River).
- COVID Summer Safe Plans entail undertaking a risk assessment for each site and establishing a system of control measures, which may include signage and increase surveillance visits to inform Victoria Police.

10. Council's insurance policy renewal process was complete as at 30 June 2020.

11. The following table summarises recorded incidents by type for matters involving Council. It should be noted that this table shows all reported incidents, rather than all claims, as not every incident results in a claim being made.

Incidents by type (excluding OHS incidents)	Oct - Dec 19	Jan - Mar 20	Apr – Jun 20	Jul – Sep 20	Total Oct - Sep 20	Last Year Oct - Sep 19
Property	18	17	21	18	74	27
Motor vehicle	15	24	13	10	62	83
Professional Indemnity	1	0	0	3	4	12
Public Liability	53	100	55	52	260	128
Occupational Health and Safety	21	21	21	15	78	90
Total all incidents	108	162	110	98	478	340

12. A high proportion of reported incidents during the September 2020 quarter are generated within the normal course of operations in the Operations and Infrastructure Directorate (88%). These incidents relate to major classes of asset or maintenance

13. Officers' reports**CM.008/21 Quarterly Risk and Safety Report September 2020**

type incidents for Council buildings, recreational facilities, playgrounds, trees, drainage, footpath, road damage and major plant.

13. Tree related risks are mitigated through the:

- Tree Management Policy;
- Reactive tree maintenance program;
- Proactive electric power line clearance program;
- Proactive box clearance program;
- Proactive inspections of high risk trees; and
- Meeting the objectives of the Municipal Emergency Management Plan and Municipal Fire Management Plan.

14. Road, footpath, drainage and roadside related risks are mitigated through the:

- Road Management Plan;
- Road Asset Management Plans; and
- Proactive and reactive maintenance programs.

15. Property incidents typically are reported break-ins, vandalism and accidental damage to Council buildings or fixed equipment such as in playgrounds and recreational facilities. Risks are mitigated through maintenance programs and insurance.

- 10 reports including theft of copper down pipes at the Eltham Library and a break in and theft of two chain saws at Council's Operation Centre, Plenty;
- Mould damage at the Kangaroo Ground Hall and Emergency Operations Centre, currently under repairs;
- Where appropriate, insurance claims were made, repairs undertaken and matters reported to the Police.

16. Motor vehicle incidents include accidental damage involving Council's light and heavy fleet, including incidents caused by third parties. Risks are mitigated through maintenance, education and insurance.

17. There were no significant accidents during the June 2020 quarter and only one minor insurance claim was lodged with Council's insurer.

18. Professional indemnity relates to incidents and claims for alleged negligence or breach of duty arising from an act, error or omission in the performance of Council services.

19. Public liability incidents are reported where the third party is seeking compensation for personal injury, property damage and economic loss. These claims are managed by an external claims manager or Council's insurer. Typical incidents primarily relate to vehicle road damage, property damage, tree related or trip and fall incidents.

- Six trip and fall incidents were reported at various locations, no major injuries were reported;

13. Officers' reports**CM.008/21 Quarterly Risk and Safety Report September 2020**

- Five incidents related to vehicle damage, primarily these are tyre or body work damage caused by the road surface or road related infrastructure. Note that the Road Management Act 2004 threshold is currently \$1400;
 - 12 flooding and nine tree damage incidents causing property damage, primarily attributed to rainfall and wind related events; and
 - Several miscellaneous incidents were noted including a tree root damage incident.
20. Occupational Health and Safety incidents relates to safety matters reported as incidents, hazards and near misses. Typical incidents relate to cuts and lacerations, musculoskeletal injuries and slip trips and falls. These incidents are managed by Council's Risk and Safety Team through the Occupational Health and Safety Management System.
21. The overall annual trend data for the 12 months leading up to September 2020 for incidents was higher compared to the same period ending September 2019. The increase is attributed to consistently higher numbers of flooding and tree related public liability incidents caused wind and storm weather events during the past 3 quarters.
22. Incident costs, including under excess claim costs and insurance excesses, are managed within existing budgets.

Council plans and policies

23. This report directly supports the achievement of Council Plan 2017-2021 strategy:
- Ensure that Council meets its legal responsibilities and manages its risks.

Sustainability implications

24. Trend data from this report is used to inform management processes for the mitigation of risks associated with property, motor vehicle, professional indemnity, public liability and safety as they relate to Council's strategic and operational risks.
25. Council's risk profile includes environmental risks and climate change as a consequence of failure to adequately mitigate those risks.

Community engagement

26. Not applicable

Innovation and continuous improvement

27. Trend data from this report is used to inform management processes and gap analysis to identify continuous improvement opportunities associated with property, motor vehicle, professional indemnity, public liability and occupational health and safety.

Collaboration

28. Not applicable

Budget implications

29. This report is part of Council's monitoring of the Council Plan 2017-2021 and Budget. The resources for managing and reporting are accommodated within existing operational budgets.

13. Officers' reports

CM.008/21 Quarterly Risk and Safety Report September 2020

Relevant law

30. Not applicable

Regional, state and national plans and policies

31. Not applicable

Conflicts of interest

32. None of the officers preparing this report has a conflict of interest.

13. Officers' reports**CM.009/21 Review of Council's Road Management Plan**

Distribution: Public**Manager: Hjalmar Philipp, Director Operations and Infrastructure****Author: Joseph Emmanuel, Manager Infrastructure**
Jeff Saker, Roads and Drains Maintenance Coordinator**Summary****Summary**

The *Road Management Act 2004* grants power to a road authority (Council) to make a Road Management Plan (RMP) to establish the management system and standards for the exercise of the authority's road management functions.

In accordance with section 301(3) of the *Road Management (General) Regulations 2005*, Council is required to prepare and approve a review of its RMP within the period of six months after each general election or by the next 30 June, whichever is the later.

This review will consider current operational performance, benchmarking with neighbouring Councils and with that industry practice, impact of changes in legislation and emerging case law and public liability risks and claims in recommending any amendments to Council's 2017 Road Management Plan.

The first step in the review process is for Council to advertise via a public notice its intent to review its Road Management Plan.

Recommendation

That Council publishes a public notice of its intention to review its Road Management Plan, inviting submissions to be heard at the next available Future Nillumbik Committee Meeting.

Attachments

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Discussion

1. The main purpose of Council's RMP is to document the level of service relating to how often Council inspects its roads and footpaths network, in particular what Council defines as a hazard and defect and within what timeframe Council will rectify that hazard or defect.
2. The RMP takes a risk and resource based approach to defining the level of service. The factors of risk and resource are considered in conjunction with legislation, benchmarking with other Councils and community input as part of the consultation process.
3. The following asset types are in scope for the RMP review:
 - a) Sealed roads and all road related infrastructure (line marking, signs, kerb and channel and guard rail).

13. Officers' reports

CM.009/21 Review of Council's Road Management Plan

- b) Unsealed roads and all road related infrastructure (signs and guard rail).
- c) Footpaths and designated shared trails.
- d) Vegetation interfering with the road, footpath and shared trail access envelope.

Related Council decisions

- 4. At the 27 June 2017 Ordinary Meeting of Council, Council resolved to adopts it 2017 Road Management Plan. Refer to **Attachment 1** for the adopted 2017 Road Management Plan.

Options

- 5. Options relating to RMP levels of service will be provided to Council at subsequent meetings.

Council plans and policies

- 6. This report directly supports the achievement of Council Plan 2017-2021 strategy:
 - Plan for the community's future needs for services and infrastructure.

Sustainability implications

- 7. Safe and functioning roads can provide a range of sustainability related benefits, particularly economic and social. There may be some degree of trade off with environmental implications, for example through more frequent inspection and management measures.

Community engagement

- 8. The review and amendment of a RMP is required to follow the process set out in the *Local Government Act 1989* and *Road Management Act 2004*. This includes inviting community input into the current RMP before considering and making any amendments. An amended RMP is also required to be made available for public comment prior to final adoption.
- 9. To commence the review process and in accordance with section 54(5) of the *Road Management Act 2004* a public notice will be placed in The Age on 28 January 2021 advising of Council's intention to conduct a review of the RMP, inviting the community to an information session and to make a submission. This will also be communicated on Council's website and social media. The consultation period will close 28 days later on 25 February 2021.
- 10. There will be a second round of community consultation following Council resolving its intention to adopt its amended RMP. Council will then make publically available its amended RMP for the purpose of public consultation. This is scheduled to occur in March / April 2021.
- 11. Following the conclusion of both consultation phases, Council will be presented with the submissions for consideration at the earliest available Future Nillumbik Committee meeting. Submitters will also be provided the opportunity to speak to and present their submission to Council.

Innovation and continuous improvement

13. Officers' reports

CM.009/21 Review of Council's Road Management Plan

- 12. The review process for Council's RMP embraces a continuous improvement philosophy.
- 13. A review of Council's RMP is performed every four years.
- 14. The 2017 version of Council's RMP is the fourth iteration of this plan. With each iteration, Council refines its level of service and one of the benefits of this is building in efficiencies gained through program and process improvement.
- 15. The review will consider operational performance against the current plan and industry practice.

Collaboration

- 16. A benchmarking exercise will be performed as part of this review with neighbouring and 'like' councils.

Budget implications

- 17. Any proposed changes to levels of service are likely to have an impact on the operational budgets and these will be considered as part of the review.

Relevant law

- 18. The *Road Management Act 2004* grants power to a road authority (Council) to make a Road Management Plan to establish the management system and standards for the exercise of the authority's road management functions.
- 19. In accordance with section 301(3) of the *Road Management (General) Regulations 2005*, Council is required to prepare and approve a review of its RMP within the period of six months after each general election or by the next 30 June, whichever is the later.

Regional, state and national plans and policies

- 20. Not applicable.

Conflicts of interest

- 21. All staff involved in the preparation of this report, have declared in writing that they do not have a conflict of interest in the subject matter of this report.



Road Management Plan 2017



Contents

1	Executive Summary.....	4
2	About this Road Management Plan.....	5
2.1	Legislative basis for the Road Management Plan	5
2.2	Purpose of the Road Management Plan	5
2.3	Key stakeholder.....	6
2.4	What is a "Road"?	6
2.5	Meaning of terms.....	7
2.6	Duty of road user.....	8
2.7	Availability of the Plan and Nillumbik's Register of Public Roads.....	8
3	Roads and ancillary areas subject to the Road Management Plan	9
3.1	Coordinating Road Authority	9
3.2	Register of Public Roads	9
3.3	Road hierarchy.....	10
3.4	Footpath hierarchy	10
3.5	Codes of Practice	11
3.6	Car parks.....	11
3.7	Bridges and major culverts.....	11
3.8	Trees and vegetation in road reserve	11
3.9	Boundary roads	12
3.10	Non Council assets	12
4	Exceptional circumstances.....	14
5	Levels of service	15
5.1	Inspections	15
5.2	Intervention levels and response timeframes	15
5.3	Community consultation	16
5.4	Risk assessment	16
5.5	Standards for construction, expansion, upgrading, renewal and refurbishment.....	16
6	Financial resources	16
6.1	Budget provisions.....	16
6.2	Other sources.....	16
7	Management systems.....	17
7.1	Establishing works priorities	17
7.2	Responsibilities for Road Management Plan implementation	17
7.3	Reactive and programmed works.....	17
7.4	Safety at worksites	18
7.5	Duty to inform service provider or infrastructure manager.....	18
7.6	Notice of incidents	18

8	Asset Management Strategy	19
8.1	Transport and infrastructure management	19
8.2	Road Asset Management Plan	19
8.3	Management of road asset	19
9	Performance management and review	20
9.1	Performance monitoring	20
9.2	Audits	20
9.3	Road Management Plan review	20
10	Supporting documents	21
10.1	Technical references	21
10.2	Appended documents	21
	Appendix A: Road Hierarchy	22
	Appendix B: Road Programmed Inspection Frequency	24
	Appendix C: Footpath Programmed Inspection Frequency	26
	Appendix D: Defect Intervention Levels, Hazards and Response Times	27
	Appendix E: Inspection Types	39
	Appendix F: Service Requests Management System	41

1 Executive Summary

The Shire of Nillumbik is located less than 25 kilometres north-east of Melbourne, covers an area of 432 square kilometres and has a population of approximately 62,600 people. Within the Shire, Nillumbik Shire Council (Council) is responsible for an extensive network of physical assets including approximately 430 kilometres of sealed roads, 330 kilometres of unsealed roads and 310 kilometres of sealed pathways.

Council has a statutory duty under the Road Management Act 2004 to act 'reasonably' by inspecting and maintaining assets to protect the travelling public.

This Road Management Plan (Plan) has been developed to establish a management system for Council to inspect, maintain and repair public roads and related assets for which it is responsible.

The main purpose of this Plan is to:

1. comply with relevant legislative requirements
2. consider the needs and expectations of the road and footpath user
3. balance the economic, social, safety and environmental expectations of the community
4. consider the affordability, available resources and management of risks when determining levels of service
5. outlines and lists the documents that support the Plan

The Plan is intended to be a dynamic document and, as such, there is a need for regular review, refinement and improvement. This will ensure that the Plan is in accordance with responsible asset management, changing technology, climatic conditions and, in particular, Council and community requirements and expectations.

The key elements of this Plan are:

- the Register of Public Roads for which Council is responsible
- the systems that Council uses to manage hazards and defects on its public road network
- schedules of maintenance standards used by Council for inspection, intervention and response.

The maintenance systems and processes established by this Plan form the basis of Council's legal defence against claims in negligence arising from defective components of the road and footpath network.

2 About this Road Management Plan

2.1 Legislative basis for the Road Management Plan

This Road Management Plan (Plan) has been prepared in accordance with the following Acts:

- Local Government Act 1989
- Road Management Act 2004

Associated with the Road Management Act 2004 are the following Regulations that came into effect 1 July 2005:

- Road Management (General) Regulations 2005
- Road Management (Works and Infrastructure) Regulations 2005

Nillumbik Shire Council (Council) is the 'Co-ordinating Road Authority' for municipal roads within its boundaries and is responsible for their care and management.

The Plan has been reviewed with regard to the following Council plans, policies, strategies and adoptions:

- The Council Plan
- Road Asset Management Plan
- Tree Management Policy and Tree Management Guidelines
- Nillumbik Trail Strategy
- Adopted Operational and CAPEX (Capital Expenditure) Budget
- Risk Management Policy and Framework
- Local Laws
- Minor maintenance agreements between VicRoads and Council

To the extent any plan, budget, strategy, agreement or study of Council (as may be amended by Council from time to time) is necessary or required for Council to meet or fulfil the requirements of the Plan or to properly discharge its duties and responsibilities under the Road Management Act 2004, the relevant document is deemed to be incorporated by reference into, and to form a part of, the Plan.

2.2 Purpose of the Road Management Plan

The purpose of this Plan is to establish a management system for Council to inspect, maintain and repair its public roads. It achieves this by:

1. complying with relevant legislative requirements
2. considers the needs and expectations of the road and footpath user
3. balances the economic, social, safety and environmental expectations of the community

4. considers the affordability, available resources and management of risks when determining levels of service
5. outlines and lists the documents that support this Plan.

It also sets the relevant standard in relation to discharging of its statutory duties in the performance of those road management functions.

The key elements of this Plan are:

- the Register of Public Roads for which Council is responsible
- the asset management systems and processes that Council uses to manage hazards and defects on its public road network
- the levels of service that detail maintenance practises in managing Councils public road network.

To complement the Plan, a Road Asset Management Plan has been developed to outline the key elements involved in managing that asset. It combines management, financial, engineering and technical practices to ensure that the level of service required by user groups is provided at the lowest long-term cost to the community within the limits of any economic constraints that may be imposed by Council.

2.3 Key stakeholder

The key stakeholders who are users of the road network and/or are affected by it include:

- residents, businesses, tourists and visitors to the area
- pedestrians, including those with disabilities and the elderly with restricted mobility
- users of mobility scooters, wheel chairs, prams and other mobility devices
- vehicles (as defined by the Road Safety Act 1986) such as trucks, buses, commercial vehicles, cars, motor cycles, bicycles and an animal that is being ridden or is drawing a vehicle
- emergency authorities (Police, Fire, Ambulance, SES)
- utility agencies that use the road reserve for their infrastructure (water, sewerage, gas, electricity, telecommunications)
- Council as the responsible road authority
- state and federal government that periodically provides support funding to assist with management of the public road network.

2.4 What is a "Road"?

A "Road" by definition in the Local Government Act 1989 includes a street, right of way, cul de sac, by-pass, bridge or ford, pathway, bicycle path, nature strip, culvert, kerbing or other land or works forming part of the road.

"Public Road" is a freeway, arterial road, a road declared under the Local Government Act, Melbourne City Link or a road set aside on a plan of subdivision.

“Arterial Roads” are Highways & Declared Main Roads which are managed by the State Government through VicRoads.

“Municipal Roads” are roads for which the municipal council is the responsible Road Authority. The Road Management Act imposes specific duties on a council with respect to the inspection, repair and maintenance of its municipal public roads which are those that are reasonably required for general public use.

“Other Roads” include roads in State forests and reserves, and roads on private property. The municipal council is not responsible for the care and maintenance of these.

2.5 Meaning of terms

Unless inconsistent with the context or subject matter, terms used in this Plan have the same meaning as the specific definitions included in the Road Management Act 2004. For the purposes of the Plan the following additional terms shall be defined as:

Compulsory means the defect will be rectified in accordance with the response times recorded within the Road Management Plan.

Defect means an identified group of like features, together with their location, the condition of which is outside the Intervention Level.

Hazard means an issue which has a high likelihood to create danger or serious inconvenience to users of the road or footpath network.

Highway means a road or road-related area as defined by the Road Safety Act 1986.

Intervention Level means the level at which works on an asset is required to be undertaken. May be expressed in terms of a threshold condition of the asset, frequency for performing work or response time.

Response Times in days refer to business days (unless stated otherwise) and excludes weekends and public holidays. The days comprising any period of days computed in accordance with this clause must be deemed to be consecutive if interrupted only by days which are not taken into account under this clause.

Roadside are those residual areas between the edge of the road or back of the kerb and the adjacent property boundary not occupied by footpath.

Road Reserve is the area vested in the relevant coordinating road authority for the purpose of housing community assets, such as roads and footpaths. This area is typically the reserve between two opposing property boundaries.

Service Level Agreement refers to the maintenance performance criteria used to achieve the adopted levels of service in accordance with this Plan.

2.6 Duty of road user

All road users have a duty of care under the Road Management Act 2004, with particular obligations prescribed in the Road Safety Act 1986, which states:

"(1) A person who drives a motor vehicle on a highway must drive in a safe manner having regard to all the relevant factors.

(2) A road user other than a person driving a motor vehicle must use a highway in a safe manner having regard to all the relevant factors.

(2A) For the purposes of subsections (1) and (2) and without limiting their generality, the relevant factors include the following—

- (a) the physical characteristics of the road;*
- (b) the prevailing weather conditions;*
- (c) the level of visibility;*
- (d) the condition of any vehicle the person is driving or riding on the highway;*
- (e) the prevailing traffic conditions;*
- (f) the relevant road laws and advisory signs;*
- (g) the physical and mental condition of the driver or road user.*

(3) A road user must—

- (a) take reasonable care to avoid any conduct that may endanger the safety or welfare of other road users;*
- (b) take reasonable care to avoid any conduct that may damage the road*
- (c) take reasonable care to avoid conduct that may harm the environment of the road reserve.*

2.7 Availability of the Road Management Plan and Nillumbik's Register of Public Roads

The Plan and Nillumbik's Register of Public Roads are available for inspection, in hard copy format, at the Nillumbik Civic Centre, Civic Drive, Greensborough, during office hours: 8.30am to 5pm Monday-Friday inclusive.

An electronic version of this Plan is available on [Council's website](http://www.nillumbik.vic.gov.au): www.nillumbik.vic.gov.au. Nillumbik's Register of Public Roads will be made available upon request.

3 Roads and ancillary areas subject to the Road Management Plan

3.1 Coordinating Road Authority

Nilumbik Shire Council (Council), under the Road Management Act 2004, is the 'Coordinating Road Authority' for municipal roads within the Shire of Nilumbik as set out in the Register of Public Roads.

VicRoads is the Coordinating Road Authority for Arterial Roads within the municipality. A copy of VicRoads's Road Management Plan can be found on the [VicRoads website](http://www.vicroads.vic.gov.au): www.vicroads.vic.gov.au

Section 205 of the Local Government Act 1989 requires Council to have responsibility for the care and management of local roads within its boundaries subject to the Road Management Act 2004.

3.2 Register of Public Roads

Section 19 of the Road Management Act 2004 requires Council to establish and maintain a Register of Public Roads.

This Register of Public Roads is part of the Nilumbik Asset Register. The Asset Register records information such as the type, configuration and quantity of road assets for which Council is responsible, together with a history of assets.

The following assets within the public road network identified in Council's Asset Register are subject to this Road Management Plan (Plan):

- road surface and supporting pavement
- road shoulders
- footpaths
- shared use paths within the road reserve and open spaces
- traffic calming devices such as roundabouts and traffic islands
- line marking
- traffic control signage
- bridges and major culverts
- kerb and channel
- 'ancillary areas' such as car parks and service roads.

The Register of Public Roads establishes a road hierarchy and the relevant road categories are used to differentiate service levels and maintenance standards.

The details of the agreements between Council and other road authorities, made pursuant to Section 15 of the Road Management Act 2004, are included in the Register of Public Roads (referred to in section 3.10 of the Road Management Plan).

The Register of Public Roads and information on road infrastructure are generated from Council's asset records. This information will be updated as assets are created, amended, discontinued or disposed of.

3.3 Road hierarchy

The Register of Public Roads establishes a road hierarchy and the relevant road categories are used to differentiate service levels and maintenance standards. The hierarchy adopted for the Shire of Nillumbik is summarised below in Table 1:

Road type	Description
Link Roads - Sealed	Urban and Rural
Collector Roads - Sealed	Urban and Rural
Collector Roads - Unsealed	Urban and Rural
Access Roads - Sealed	Urban and Rural
Access Roads - Unsealed	Urban and Rural

Table 1 - Nillumbik's Road Hierarchy

Further detail about the road hierarchy is outlined in Appendix A.

3.4 Footpath hierarchy

Council has developed a footpath hierarchy as set out in Table 2 below:

Category	Function
High	Defined as areas of very high pedestrian use for example around major shopping precincts, maternal and child health centres, schools, hospitals, secondary shopping precincts, public transport interchanges. It also includes all shared pathways. A shared path is a footpath designated by signs jointly used by pedestrians and cyclists and may include a separate footpath. As defined in the Road Safety Road Rules 2009.
Medium	Defined as areas of moderate pedestrian usage for example in local streets that form part of a key pedestrian route and provide access to areas of high pedestrian activity.
Low	Defined as areas of low pedestrian usage e.g. local residential streets, courts, dead end streets, and isolated areas etc where the majority of pedestrians are residents of the immediate area.

Table 2 - Nillumbik's Footpath Hierarchy

3.5 Codes of Practice

The Road Management Act 2004 includes provision for the making of Codes of Practice to provide practical guidance for road authorities, service providers and infrastructure managers in the performance of their functions and duties under the Road Management Act 2004. The following Ministerial Codes of Practice may be viewed on the [VicRoads website: www.vicroads.vic.gov.au](http://www.vicroads.vic.gov.au)

- Operational Responsibility for Public Roads: This Code provides guidance in determining the physical limits of operational responsibility between road authorities for the different parts or elements within the road reserve of public roads.
- Clearways on Declared Arterial Roads: This Code provides guidance to VicRoads in the establishment of proper management and consultation processes, particularly with Council, with regard to the implementation of clearways on Declared Arterial Roads.
- Managing Utility and Road Infrastructure in Road Reserves: This Code provides guidance for road authorities and utilities in planning and managing their infrastructure in road reserves.

3.6 Car parks

Car parks included in this Plan are those that are identified in Nillumbik's Public Road Register.

Car parks within the road reserve are managed in accordance with this Plan. All other Council-maintained car parks are managed in accordance with Nillumbik's Road Asset Management Plan.

3.7 Bridges and major culverts

Bridges and major culverts, which form part of a public road within the meaning of the Road Management Act 2004, are included within this Plan. All other bridges and major culverts are managed under Nillumbik's Road Asset Management Plan.

3.8 Trees and vegetation in road reserve

There is no requirement under this Plan to inspect and maintain trees and vegetation within the road reserve (refer to Section 107 of the Road Management Act 2004).

All levels of service for inspection, intervention and response relevant to road reserve trees, including trees overhanging the road, can be found in Nillumbik's Tree Management Policy and Tree Management Guidelines.

3.9 Boundary roads

The boundary roads within Nillumbik are listed below:

City of Banyule:

- Fitzsimons Lane, from Main Road to Yarra River
- Main Road, from Fitzsimons Lane to Bolton Street
- Bolton Street, from Main Road to Bridge Street
- Sherbourne Road, from Bolton Street to Karingal Drive
- Karingal Drive, from Sherbourne Road to Weidlich Road
- Weidlich Road, from Karingal Drive to Progress Road
- Progress Road, from Weidlich Road to Ryans Road
- Ryans Road, from Progress Road to Wind Mill Rise.

City of Whittlesea:

- Yan Yean Road, from Doctors Gully Road to Arthurs Creek Road
- Ridge Road, from Arthurs Creek Road to Deep Creek Road

Shire of Yarra Ranges:

- Skyline Road

Detailed information on the maintenance agreements between Council and other road authorities regarding the above boundary roads are included in Nillumbik's Road Asset Management Plan.

3.10 Non Council assets

Not all areas or all assets within the road reserve are the responsibility of Council and therefore do not require intervention by Council for the purposes of this Plan.

Section 107 of the Road Management Act 2004 states that a road authority does not have a statutory duty or a common law duty to perform road management functions in respect of a public highway which is not a public road or to maintain, inspect or repair the roadside of any public highway (whether or not a public road).

Road related assets that are not included for inspection and repair under this Plan are:

- Declared Arterial Roads. These are the responsibility of VicRoads (excluding some ancillary areas and assets where Council is the Coordinating Road Authority).
- Shared boundary roads that are agreed to be the responsibility of the adjoining municipality
- Bridges/major culverts/overpasses that are the responsibility of other road authorities including Melbourne Water, VicRoads and VicTrack

- Service Authority infrastructure including:
 - water supply pipes and fittings;
 - drainage pipes, sewerage pipes and manholes;
 - telecommunications cables, pits and structures;
 - electricity distribution wires, poles and structures; and
 - gas supply pipes and fittings.
- Assets and land owned, managed and maintained by other authorities including:
 - temporary reinstatements to the road and pathways and other road reserve assets, and/or permanent restatements prior to Council certification; and Crown and Service Authority land/easements.
- Non-Council street infrastructure including:
 - VicRoads signage and signal hardware (except for those identified as Council's responsibility and shown on the Public Roads Register);
 - Bus shelters owned and managed by other authorities;
 - Privately owned and managed signs including direction and advertising signs; and
 - Public street lighting (with the exception of some decorative street lighting)
- Car parks (constructed or unconstructed) generally used for car parking purpose that are not in the list of car parks on the Register of Public Roads
- Nillumbik's stormwater drainage system is considered under Nillumbik's Drainage Asset Management Plan
- Roads constructed by others or without Council approval, unformed access tracks for the purposes of local access or un-constructed right of ways that are not listed on the Register of Public Roads
- Road reserves which are unconstructed and do not have any road of the type referred to in Section 107 of the Road Management Act 2004
- All footpaths (formed and unformed) outside the road reserve which are not defined as recreational trails within the Nillumbik Trail Strategy
- Nature strips and infill areas within urban areas (the residual areas between the edge of the road or back of the kerb and the property boundary) not occupied by the pathway. It is acceptable practice that residents maintain these areas (generally grassed nature strips) as an extension of their garden.
- Street trees and landscaped garden beds located on the road reserve that are maintained by Council.

The following are considered privately owned and managed assets:

- Vehicle crossovers and driveways. Council is responsible for the component of footpath which runs continuously through the crossover.
- Culvert pipes which form part of the vehicle crossover. This includes keeping the culvert opening free of debris.
- A pathway providing access from private property to a public road.
- Single property stormwater drains constructed within the road reserve from the property boundary to a discharge outlet in the kerb, open drain or an underground drain.

4 Exceptional circumstances

Nillumbik Shire Council (Council) will make every effort to meet its commitments under this Road Management Plan (Plan). However, there may be situations or circumstances that affect Council's business activities to the extent that it cannot deliver on the levels of the service. These include but are not limited to: natural disasters such as fires, floods or storms, or a prolonged labour or resource shortage due to a need to commit or redeploy Council staff and/or equipment elsewhere.

In the event that the Chief Executive Officer (CEO) of Council has considered the impact of such an event on the limited financial and other resources of Council and the Council's other competing priorities and budgetary constraints (whether or not in conjunction with the Council) and has determined that any standards or requirements in the Plan cannot be adequately met, then pursuant to and reliant on the principals set out in Section 83 of the Wrongs Act 1958, the CEO will write to the Council officer in charge of this Plan and inform them which levels of service are to be varied or suspended.

Continual assessment of the event(s) will be undertaken to determine when the levels of service in this Road Management Plan will be reinstated. All decisions are to be made in consultation with the CEO.

Council will communicate to residents the variation or suspension of the levels of service in this Plan with reference to how the work will be prioritised, the anticipated period for which it will apply and when normal duties resume.

5 Levels of service

The levels of service specified within this Road Management Plan (Plan) indicate how Nillumbik Shire Council (Council) will inspect, maintain and repair the road network from the time of its publication.

Refer to Appendix B, C and D which detail the levels of service subject to this Plan.

These levels of service have been determined by balancing the economic, social, safety and environmental expectations of the community with consideration of the funding and resource allocation available to Council and the management of risks associated with roads and footpaths.

5.1 Inspections

Inspection processes are required for competent management of the road network assets. Council has implemented five categories of inspection, titled; hazard, defect, condition, night and incident for the purposes of managing risks associated with the road and footpath network. The purpose and reporting requirements for each inspection type is detailed in Appendix E.

Hazard inspections are undertaken following the report of a hazard from a customer. These inspections are to be undertaken within four to 48 hours of receipt of the request, dependant on the nature of the hazard. Refer to Appendix D.

Defect, Condition and Night inspections are proactive in nature and are undertaken on a scheduled basis. The inspection schedule for Defect, Condition and Night inspection can be viewed in Appendix B and C.

Where bulk inspections have been undertaken in place of the normal scheduled inspection program and typical defect response times cannot be achieved, a detailed rectification program will be developed to address the defects identified. The program will reflect available resources, funding, associated hierarchy and risk and be developed immediately following the bulk inspections. Approval to implement the program will be sought through Council's Executive Management Team.

5.2 Intervention levels and response timeframes

The levels of service relating to defects and hazards subject to this Plan are summarised in Appendix D. These levels of service comprise the following:

- a. the task or work expected to be undertaken
- b. the intervention limits applied for defects and hazards
- c. the response time applied to rectify the defect or hazard.

This Plan acknowledges the importance of understanding and monitoring the linkage between workload indicator and intervention action. A substantial increase in area of pavement to be maintained can materially impact upon intervention action (and citizen satisfaction and duty of care requirements) if not accompanied by a comparable increase in budget allocation or productivity improvement.

The standards of maintenance detailed in this Plan are considered reasonable in the context of the provisions of the Road Management Act 2004.

5.3 Community consultation

As part of the implementation and review process of the Plan, Council undertakes community consultation in accordance with Section 54(5) of the Road Management Act 2004.

Further to this, research into the needs of the community includes consideration of:

- community and/or user satisfaction survey
- state and federal policy / data
- community and industry trends.

5.4 Risk assessment

The levels of service, as outlined in this Plan, have been determined in accordance with the principles of Australian Standard AS/NZS 31000 – Risk Management.

5.5 Standards for construction, expansion, upgrading, renewal and refurbishment

The standards for construction of new road assets and for the expansion, upgrading, renewal and refurbishment of existing road assets will be in accordance with Council's Road Asset Management Plan, with consideration of industry and local standards, Council's specifications and standard drawings.

6 Financial resources

6.1 Budget provisions

The commitments and obligations specified in this Road Management Plan are matched to the financial resources available to deliver those commitments and obligations as set out in the Council Plan and Council Budget. To achieve and sustain acceptable standards for service for the local road asset, Nillumbik Shire Council (Council) is required to commit annual funding adequate to provide for regular and responsive maintenance and for timely renewal or replacement of the asset.

The financial resources allocated for works on local roads and pathways are considered reasonable having regard to the overall service delivery priorities of Council.

6.2 Other sources

Road works can be funded from sources other than those provided directly by Council. These can include Special Rate Schemes and Special Charge Schemes, Developer Contribution Schemes and direct funding by developers for provision of the original asset and upgrading of road infrastructure affected by development.

The following grants and funding programs also provide opportunity for Council to undertake road-related projects:

- Victorian Grants Commission
- Black Spots program
- Roads to Recovery program

7 Management systems

7.1 Establishing works priorities

Nillumbik Shire Council (Council) will establish works priorities in accordance with its programmed and reactive maintenance schedules taking into account its duty to inspect, maintain and repair public roads and footpaths.

7.2 Responsibilities for Road Management Plan implementation

The Chief Executive Officer (CEO) has responsibility for assigning the roles and responsibilities of the appropriate Council officers for the purposes of implementing the requirements of the Road Management Act 2004 and this Road Management Plan (Plan). Duties to be undertaken by Council officers shall include but are not limited to those set out in Schedule 7 of the Road Management Act 2004. The CEO shall ensure that key personnel responsible for implementing the provisions of this Plan have the appropriate training and experience and are provided with adequate resources to undertake their roles and responsibilities in an effective manner. The roles and responsibilities shall be in line with Council's organisational structure.

7.3 Reactive and programmed works

Council operates a Service Request System to log and track requests from any member of the public that is reporting a defect, hazard or other matters requiring repair or maintenance. Service requests have predetermined response times and community service delivery targets.

The processes and systems provide for the recording of:

- the defect, hazard or issue requiring attention
- the location of the reported issue
- name and address of person reporting the defect, hazard or issue
- the anticipated completion date of the works
- the date the service request was completed.

Programmed inspections are recorded electronically using mobile devices. Work orders are issued for any works received either through the Service Request System or the Asset Management System for repair and tracking. A flowchart of each system is included in Appendix F.

These systems and procedures are subject to regular review and updated as part of Council's commitment to the continuous improvement process.

7.4 Safety at worksites

All construction and maintenance work on local road assets will be undertaken in accordance with the relevant occupational, health and safety legislation, codes of practice and Council's SafetyMap procedures.

7.5 Duty to inform service provider or infrastructure manager

If, in the course of meeting its obligations under this Plan, Council becomes aware of an issue with non-road infrastructure for which a service provider or infrastructure manager is responsible, Council will convey that information to the relevant service provider or infrastructure manager within three business days of Council becoming aware of the aforementioned situation. Issues may include non-road infrastructure that:

- is not in the location shown in the relevant records
- appears to be in an unsafe condition
- appears to be in need of repair or maintenance.

7.6 Notice of incidents

As soon as practicable, but in no case longer than 14 calendar days of receiving notice of an incident under Section 115 of the Road Management Act 2004, Council will cause an incident inspection to be carried out by a suitably qualified person and a condition report to be prepared. Any condition report prepared should include:

- a statement of the condition of the road or infrastructure
- photographs, where appropriate, showing the condition of the incident site
- reference to the relevant sections of this Plan
- reference to any relevant Council policy or policy decision
- reference to the latest inspections, (hazard, defect, night or condition) or other reports relating to the incident site
- a summary of inspections, maintenance and repairs to that part of the road or infrastructure conducted within the previous annual.

8 Asset Management Strategy

This Road Management Plan forms an integral part of Nillumbik Shire Council's (Council) Asset Management Strategy and recognises the complex linkage between the effective management of road assets and the standard of maintenance specified in this Road Management Plan. Council is progressively updating its Asset Management System through a continuous improvement program.

8.1 Transport and infrastructure management

Council develops a four-year Council Plan, which includes the strategic direction and objectives and strategies for achieving these objectives over the life of the document. The Council Plan also includes the vision and goals to be met by the organisation and is reviewed annually. The Road Management Plan aims to meet the objectives set within the Council Plan. The Council Plan objectives are also incorporated into Council's strategic asset management documents.

8.2 Road Asset Management Plan

A Road Asset Management Plan has been developed by Council in accordance with the requirements of the International Infrastructure Management Manual (IIMM) 2011 and with regard to Austroads Integrated Asset Management Guidelines for Road Networks (AP-R202) 2002. The Road Asset Management Plan supports and complements this Road Management Plan.

8.3 Management of road asset

If the effective management of a road asset is not achievable, the level of maintenance effort and/or standard of maintenance may need to be varied, for example:

- the maintenance levels may need to increase if the intervention levels or standard of maintenance, as specified in this Road Management Plan, are to be retained as the underlying condition of the road regresses
- due to budgetary constraints, the intervention levels and/or standards of maintenance may need to be varied to match the deteriorating condition of the road, in which case this Road Management Plan will need to be amended accordingly.

Similarly, changes in level of service may impact upon the maintenance levels required and/or standard of maintenance.

Where changes are proposed to this Road Management Plan it must be undertaken in accordance with the Road Management Act 2004 and its Regulations.

9 Performance management and review

9.1 Performance monitoring

Performance monitoring is undertaken on a regular basis generally as follows:

- Monthly meetings of the relevant departments to review day-to-day operations. Managers oversee implementation of the various maintenance programs
- Fortnightly meetings of the Capex (capital expenditure) Working Group which manages implementation of the Capital Works Program
- Weekly meetings between responsible staff to review the various maintenance programs, including handling of correspondence, programming of works, occupational health and safety (OHS) and other matters
- Daily meetings with works crews to track the progress of the works program and to discuss resourcing, OHS and other matters.
- Council's Annual Report to report on performance against the stated levels of service within this Road Management Plan.

Performance monitoring is based on key performance indicators which align to the levels of service outlined in this Road Management Plan.

9.2 Audits

Council supervisors undertake auditing of completed works, both maintenance and capital, to ensure that the works are being delivered to the specified standards. Council also undertakes condition audits for the purposes of reviewing asset condition and meeting statutory obligations.

Noncompliance reports are available within Council's Asset Management System and are used to monitor the delivery of service levels adopted by Council for its road and footpath network assets.

9.3 Road Management Plan review

The Road Management Plan (Plan) is intended to be a dynamic document and, as such, there is a need for regular review, refinement and improvement. This will ensure that the Road Management Plan is in accordance with responsible asset management, changing technology, climatic conditions and, in particular, Council and community requirements and expectations.

It is proposed that following each Condition inspection cycle, the Plan will be reviewed and amended (if required) to reflect any significant changes in the condition of the road and footpath network. Any revised Plan would be subject to the consultation and approval processes as detailed in the Road Management Act 2004.

Any review of the Plan will, in addition to that set out above, have regard to:

- asset performance following delivery of the maintenance program

- the level of achievement of asset management strategies against the expected benefits to road users, stakeholders and the community
- the consideration of any external factors that is likely to influence the contents of this Road Management Plan.

10 Supporting documents

The documents in Section 10.1, whilst they do complement, do not form part of the Road Management Plan. All supporting documents may change from time to time to reflect changes in Council policy, legislative changes, and operational changes or as a result of audit findings.

10.1 Technical references

- Risk Management Standard, AS/NZS ISO 31000
- International Infrastructure Management Manual (IIMM) - 2011
- CMP Road Reserve Risk Management Statement of Principles 2002
- Ministerial Code of Practice – Road Management Plans, September 2004
- Code of Practice for Management of Infrastructure in Road Reserves - 2008

10.2 Appended documents

Appendix A: Road Hierarchy

Appendix B and C: Nillumbik Programmed Inspection Frequencies

Appendix D: Defect and Hazard Intervention Levels

Appendix E: Asset Inspection Details

Appendix F: Service Request and Asset Management System

Appendix A: Road Hierarchy

Road Category	Road Function
Urban Link	<ul style="list-style-type: none"> Supplements the Arterial Road network in providing for through traffic movement Cater for through traffic and heavy vehicles Target minimum speed limit of 60 km/h.
Rural Link	<ul style="list-style-type: none"> Supplement the Arterial Road network in providing for through traffic movement. Linkage between areas of significance that may not be served by the Arterial Road network. Cater for through traffic and heavy vehicles. Target speed limit 80 km/h
Urban Collector	<ul style="list-style-type: none"> Important local roads whose function is to distribute traffic between Arterial Roads and / or Link Roads. May carry limited through traffic generally from the surrounding area (less than 4,000 vehicle per day desirable) Speed limit generally 50 km/h Potential bus route.
Rural Collector	<ul style="list-style-type: none"> Important local roads whose function is to distribute traffic between Arterial Roads and / or Link Roads May serve as links between lightly populated localities that are not serviced by arterial roads. May carry limited through traffic, generally from the surrounding area. Target speed limit 70 to 80 km/h.
Urban Access Street	<ul style="list-style-type: none"> Provides direct access for abutting land owners or occupiers Dissuade high speed Dissuade through traffic Dissuade heavy vehicles (but must be able to access in the case of deliveries or emergency). Target speed limit 50 km/h.
Rural Access Road	<ul style="list-style-type: none"> Provides direct access for abutting land owners or occupiers. Intended for predominantly local traffic. Target speed limit 50 to 70 km/h

Road Category	Road Function
Laneway/Right of Way - treated as an Access Road for the purposes of this Road Management Plan	<ul style="list-style-type: none"> Provides direct access for abutting land owners or occupiers. Intended solely for access to abutting properties. Low speed environment.
Private Road	<ul style="list-style-type: none"> Provides access for abutting land owners or occupiers. May be on private land or road reserve. Not constructed or maintained by Council.
Unconstructed	<ul style="list-style-type: none"> Unused road reserve.
Car park - treated as an Access Road for the purposes of this Road Management Plan	<ul style="list-style-type: none"> Car park constructed within road reserve. May be associated with local area shops, etc.

Appendix B: Road Programmed Inspection Frequency

Sealed Roads			
	Condition Audit Link Road, Collector Road and Access Road	Defect Inspection Link Road	Defect Inspection Collector Road and Access Road
Pavement	5 years	6 Monthly	Annual
Shoulder	5 years	6 months	Annual
School Crossings	N/A	School Days	School Days
Linemarking and Delineators	N/A	6 months	Annual
Guard fence	N/A	6 months	Annual
Road Signage	N/A	6 months	Annual
Traffic Treatments	N/A	6 months	Annual
Night Inspections	N/A	4 years	4 years

Nillumbik Shire Council - Road Management Plan

Unsealed Roads		
	Condition Audit Collector Road and Access Road	Defect Inspection Collector Road and Access Road
Pavement	N/A	Annual
Shoulder	N/A	Annual
Delineators	N/A	Annual
Guard fence	N/A	Annual
Road Related Signage	N/A	Annual
Night Inspections	N/A	4 years

Appendix C: Footpath Programmed Inspection Frequency

	Condition Audit Sealed footpaths	Defect Inspection Sealed footpaths	Defect Inspection unsealed footpaths and trails*
High	5 years	6 months	Reactive
Medium	5 years	2 years	Reactive
Low	5 years	2 years	Reactive

*Note: Where unsealed paths located in the road reserve form part of a recognised trail as defined in the Nillumbik Trail Strategy (NTS), these will be inspected and maintained in accordance with the level of service defined in the NTS.

Appendix D: Defect Intervention Levels, Hazards and Response Times

Road pothole

This activity covers the reinstatement of bituminous or granular sealed surface for roads and footpaths.

Road Category	Defect Intervention Level	Response Time
Link roads	Depth greater than 50mm and/or diameter 300mm or equivalent lateral dimension.	Rectify within 5 days
Collector roads	Depth greater than 50mm and/or diameter 300mm or equivalent lateral dimension.	Rectify within 7 days
Access roads	Depth greater than 50mm and/or diameter 300mm or equivalent lateral dimension.	Rectify within 14 days

Grading unsealed roads

This activity includes the grading and reshaping of unsealed road formations, whether the surfacing comprises imported granular material or the natural subgrade. The activity also includes filling pot holes.

Road Category	Defect Intervention Level	Response Time
All	<p>Programmed grading works undertaken following an inspection where it is identified that defects exceed the intervention as identified below.</p> <p>Corrugations, roughness or multiple potholes exceeding 75mm deep measured with a 1.2 metre straight edge AND over</p> <ul style="list-style-type: none"> - 20% of any length of road greater than 100m OR - 50% of any length of road up to 100m. <p>Road crossfall is less than or equal to 1 percent over</p> <ul style="list-style-type: none"> - 20% of any length of road greater than 100m OR - 50% of any length of road up to 100m. 	annual
Collector	<p>Corrugations, roughness or multiple potholes exceeding 75mm deep measured with a 1.2 metre straight edge AND over</p> <ul style="list-style-type: none"> 20% of any length of road greater than 100m OR 50% of any length of road up to 100m. <p>Road crossfall is less than or equal to 1 percent over</p> <ul style="list-style-type: none"> 20% of any length of road greater than 100m OR 50% of any length of road up to 100m. 	Affected areas to be rectified within two weeks.

Nillumbik Shire Council - Road Management Plan

Road Category	Defect Intervention Level	Response Time
Access	<p>Corrugations, roughness or multiple potholes exceeding 75mm deep measured with a 1.2 metre straight edge AND over 20% of any length of road greater than 100m OR 50% of any length of road up to 100m.</p> <p>Road cross fall is less than or equal to 1 percent over 20% of any length of road greater than 100m OR 50% of any length of road up to 100m.</p>	Affected areas to be rectified within six weeks.

Shoulder edge break repair

This activity covers the repair of broken edges of seal or asphalt surfaced pavements. The repair aims to restore the line and level of the original surfacing. Edge repair may involve restoration utilising gravel and asphalt or cold mix, or bituminous seal with fine aggregate. Edge break distress is not encountered in roads where the surfacing extends to a kerb and channel. Edge break repair refers to activities on both sealed roads with unsealed shoulders and sealed roads with sealed shoulders.

Road Category	Defect Intervention Level	Response Time
Link roads	When edge break exceeds 75mm laterally over at least a 1m length from the nominal seal line.	2 weeks
Collector roads	When edge break exceeds 75mm laterally over at least a 1m length from the nominal seal line.	4 weeks
Access roads	When edge break exceeds 75mm laterally over at least a 1m length from the nominal seal line.	8 weeks

Grading unsealed shoulders

This activity covers the grading of unsealed shoulders. The activity includes rolling after grading and the inclusion of water if this is deemed necessary. This activity also includes spot filling, grading and reshaping to correct drop off from edge of seal, roughness, scouring or potholing and holding of water.

Road Category	Defect Intervention Level	Response Time
Link roads	Edge of seal drop off greater than 50mm for more than 10 per cent per kilometre length.	Affected areas to be rectified within 4 weeks
Collector and Access roads	Edge of seal drop off greater than 50mm for more than 10 per cent per kilometre length.	Affected areas to be rectified within 6 weeks

Footpath

This activity covers the intervention levels and response all concrete, sealed and paved footpaths and shared pathways.

Footpath Category	Vertical Displacement Defect Intervention	Deformation Defect Intervention	Pot Hole Defect intervention	Response Time
High	Between 10 and 20 millimetres	Between 40 and 75mm over 1 metre	Greater than 300mm diameter and greater than 40mm deep	annual
High	Between 20 and 40 millimetres	Between 75 and 100mm over 1 metre	Greater than 300mm diameter and greater than 75mm deep	1 month
High	Greater than 40 millimetres.	Greater than 100mm over 1 metre	Greater than 300mm diameter and greater than 100mm deep	3 weeks
Medium	Between 20 and 40 millimetres.	Between 75 and 100mm over 1 metre	Greater than 300mm diameter and greater than 75mm deep	annual
Medium	Greater than 40 millimetres.	Greater than 100mm over 1 metre	Greater than 300mm diameter and greater than 100mm deep	3 months
Low	Between 20 and 40 millimetres.	Between 75 and 100mm over 1 metre	Greater than 300mm diameter and greater than 75mm deep	annual
Low	Greater than 40 millimetres.	Greater than 100mm over 1 metre	Greater than 300mm diameter and greater than 100mm deep	6 months

Unsealed Paths and Recreational Trails

This activity covers the intervention levels and response of unsealed pathways and recreational trails located within the road reserve.

All intervention levels and response times are detailed within the NTS 2011.

Kerb and Channel

This activity covers the inspection and maintenance of all concrete kerb and channel located adjacent to the carriageway.

Road Category	Defect Intervention Level	Response Time
Link	Kerb and channel Vertical or Horizontal displacement greater than 50mm	1 month
Collector	Kerb and channel Vertical or Horizontal displacement greater than 50mm	3 months
Access	Kerb and channel Vertical or Horizontal displacement greater than 50mm	6 months

Traffic island maintenance

This activity covers the inspection and maintenance of all concrete kerbed islands located on the carriageway and including those with hard or paved infill areas.

Road Category	Defect Intervention Level	Response Time
Link roads	Vertical or Horizontal displacement greater than 30mm over 1200mm length misalignment in island kerbing or paving.	2 weeks
Collector roads	Vertical or Horizontal displacement greater than 30mm over 1200mm length misalignment in island kerbing or paving.	1 month
Access roads	Vertical or Horizontal displacement greater than 50mm in island kerbing or paving.	2 months

Signage and linemarking – general

Where a sign or line mark is identified as missing but there is insufficient existing information to determine the location, type or whether it is still required, the defect will be referred to Infrastructure Development for investigation and advice.

Road Category	Response Time
All	1 month, after which the associated standard defect response times apply.

Linemarking maintenance

This activity includes the maintenance of all types of linemarking. At intersections or junctions with roads not maintained by Council, linemarking on these other roads shall not be maintained.

Road Category	Defect Intervention Level	Response Time
Link roads	Greater than 30 per cent of line marking per segment missing or defective relative to original installation and design standards.	Annual Program
Collector roads	Greater than 40 per cent of line marking per segment missing or defective relative to original installation and design standards.	Annual Program
Access roads	Greater than 50 per cent of line marking per segment missing or defective relative to original installation and design standards.	Annual Program

Delineator maintenance

This activity includes the maintenance of all types of delineators. These include guideposts, rumble bars, raised pavement markers (reflective and non-reflective), flaps and guard fence delineators and width markers on bridges and culvert. At intersections or junctions with roads not maintained by Council, guideposts on these other roads shall not be maintained. This also includes the replacement of damaged and missing delineators, their cleaning and painting where necessary.

This activity does not include the replacement of raised pavement markers (RRPMs) after resurfacing.

Road Category	Defect Intervention Level	Response Time
Link roads	Greater than 30 per cent of delineator installations per segment missing or defective relative to original installation and design standards.	1 month
Collector roads	Greater than 40 per cent of delineator installations per segment missing or defective relative to original installation and design standards.	2 months
Access roads	Greater than 50 per cent of delineator installations per segment missing or defective relative to original installation and design standards.	3 months

Regulatory signs

This activity covers the inspection and maintenance regulatory signage including but not limited to; stop; give way and speed.

Road Category	Defect Intervention Level	Response Time
Intersection Control	Greater than 50 per cent sign illegible at 150m under low beam or in daylight or sight distance criteria not met	2 weeks
Link roads	Greater than 50 per cent sign legend illegible at 150m under low beam or in daylight or sight distance criteria not met	1 months
Collector roads	Greater than 50 per cent sign legend illegible at 150m under low beam or in daylight or sight distance criteria not met	2 months
Access roads	Greater than 50 per cent sign legend illegible at 150m under low beam or in daylight or sight distance criteria not met	3 months

Warning signs

This activity covers the inspection and maintenance of warning signs including but not limited to; bends; speed hump, advisory speed and concealed driveways.

Road Category	Defect Intervention Level	Response Time
Link roads	Greater than 50 per cent sign legend illegible at 150m under low beam or in daylight or sight distance criteria not met	1 months
Collector roads	Greater than 50 per cent sign legend illegible at 150m under low beam or in daylight or sight distance criteria not met	2 months
Access roads	Greater than 50 per cent sign legend illegible at 150m under low beam or in daylight or sight distance criteria not met	3 months

Guide signs

This activity covers the inspection and maintenance of direction and information signs including street name, town signs, advanced direction and directional signs as well as reassurance signs and other specialised and tourist signs.

Road Category	Defect Intervention Level	Response Time
Link and collector roads	Greater than 50 per cent sign legend illegible at 150m under low beam or in daylight or sight distance criteria not met	2 months
Access roads	Greater than 50 per cent sign legend illegible at 150m under low beam or in daylight or sight distance criteria not met	3 months

Guard fence maintenance

This activity includes the inspection and maintenance of W-beam guard fence. The work will include the inspection, reporting, scheduling and supervising all guard fence repairs. Periodic inspection is required to check alignment and anchorage and stability of posts and that all bolts, nuts, shackles and cables are in place and functional. Work shall include the removal and replacement of sections.

Road Category	Defect Intervention Level	Response Time
Link and Collector roads	Guard fence with a panel or component affected so as to jeopardise performance	2 months
Access roads	Guard fence with a panel or component affected so as to jeopardise performance	3 months

Hazards

This activity includes the inspection and response to hazards reported from members of the public or Council employees. It includes works to make the area safe and then arrange follow up works (where required) to complete the job.

Hazard Description	Hazard Intervention Level	Response Time
Missing stormwater pit lids in the road reserve	Pit lid is dislodged or missing. Pit lid id damaged, having no pedestrian bearing capacity.	4 hours
Road Obstruction	A tree or part of a tree or any other obstruction resulting in a complete or partial lane or road blockage.	4 hours
Footpath Obstruction	A tree or part of a tree or any other obstruction resulting in a complete or partial blockage of the footpath forcing the pedestrian onto the road or an area unsafe for pedestrian movements.	24 hours
Oil Spills	Oil spills on the road pavement	4 hours
Other	An issue which is likely to create danger or serious inconvenience to users of the road or footpath network.	48 hours

Appendix E: Inspection Types

Inspection Type	Purpose	Who must perform inspection	Reporting Requirements
Hazard	<p>Hazard inspections are undertaken following a notification from a customer. Customers include community members as well as Council employees while undertaking their normal duties.</p> <p>Hazard inspections are designed to inspect the reported issue for its likelihood to create danger or serious inconvenience to users of the network or the wider community</p>	<p>Officer of the Council with some knowledge of road maintenance techniques who may then call in a higher level of expertise if necessary.</p>	<p>Recording to identify specific hazard, time first reported, time inspected and by whom, subsequent action and time of completion.</p> <p>Recorded in Councils customer relationship management tool.</p>
Defect	<p>Inspection undertaken in accordance with a formal inspection schedule to determine if the road asset complies with the levels of service as specified in this document;</p> <p>A record of each street/road is to be completed detailing the name of the inspector, the inspection date, time and street/road name and a description of any defects found that are at the specified intervention levels defined in the Maintenance Service Agreement;</p> <p>In addition, a notation must be recorded of any street/road inspected where no defect was apparent under the specific rigour of the inspection.</p>	<p>Appropriately qualified personnel with knowledge of road maintenance techniques.</p>	<p>A record of the inspection and who undertook the inspection is placed on council's asset database for reference purposes (this may include insurance or litigation requirements).</p>

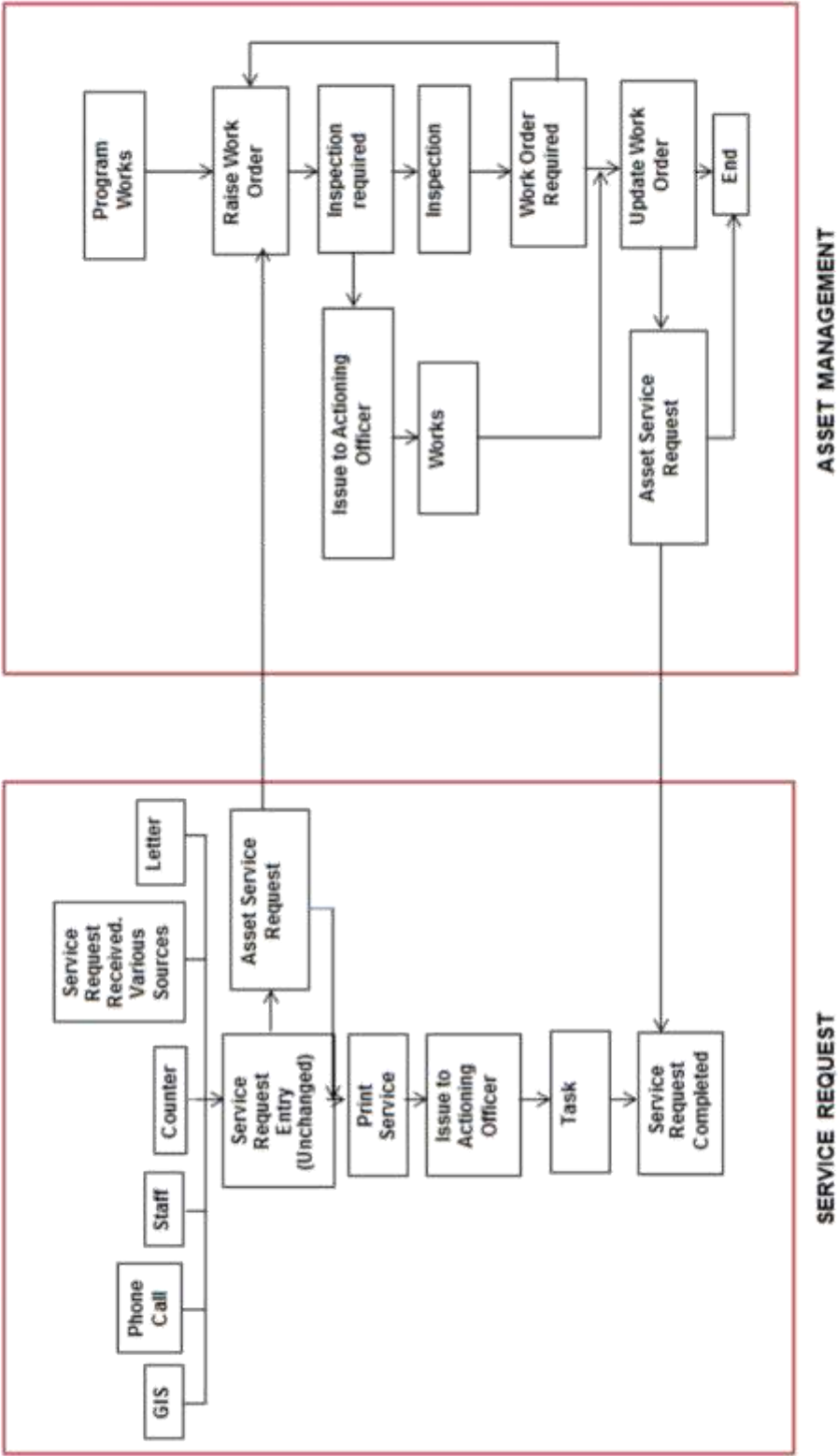
Nillumbik Shire Council - Road Management Plan

Inspection Type	Purpose	Who must perform inspection	Reporting Requirements
Condition	<p>An inspection specifically to identify deficiencies in the structural integrity of the various components of the road infrastructure assets which if untreated, are likely to adversely affect network values. The deficiencies may well impact short-term serviceability as well as the ability of the component to continue perform for the duration of its intended life span;</p> <p>The condition inspection process must also meet the requirements for accounting regulations and asset management;</p> <p>Regular or periodic assessment, measurement and interpretation of the resulting condition data is required so as to determine the need for any preventive or remedial action then development of relevant programs of rehabilitation or renewal works.</p>	<p>Qualified engineer or Experienced Technical Officer with extensive knowledge and experience in road construction and maintenance practices.</p>	<p>Specific data to be recorded is determined by requirements of the Asset Management System used to assess asset component needs.</p>
Night	<p>An inspection undertaken outside of daylight hours to identify whether the reflectivity of signs and delineation including line marking meets Australian Standards. The inspection includes all urban and rural roads.</p>	<p>Appropriately qualified personnel with knowledge of maintenance techniques.</p>	<p>Specific data to be recorded is determined by requirements of the Asset Management System.</p>
Incident	<p>An inspection carried out to comply with the requirements the Road Management Act 2004 [Division 5 – Claims Procedure, Clause 116];</p> <p>This inspection enables an incident condition report to be prepared for use in legal proceedings and the gathering of information for the analysis of the causes of accidents and the planning and implementation of road management and road safety measures.</p>	<p>Qualified engineer or Experienced Technical Officer with extensive knowledge and experience in road construction and maintenance practices.</p>	<p>Formal Incident Report required, as described.</p>

April 2013

- 40 -

Appendix F: Service Requests Management System



13. Officers' reports**CM.010/21 Informal Meetings of Councillors Records - 27 January 2021**

Distribution: Public**Manager:** Blaga Naumoski, Executive Manager Governance, Communications and Engagement**Author:** Janet Taylor, Governance Officer**Summary**

In accordance with *Item 19 of Council's Governance Rule – Meeting Procedure*, adopted on 25 August 2020, Council is required to report as soon as practicable to a Council Meeting a record of each Information Meetings of Councillors held.

This report lists Information Meetings of Councillors records that have been submitted since the matter was last reported to Council on 15 December 2020.

An Information Meetings of Councillors Record was kept for:

- Informal Meeting of Councillors Record Arts and Cultural Advisory Committee – 7 December 2020;
- Informal Meeting of Councillors Record - HWB Advisory Committee - 10 December 2020;
- Informal Meeting of Councillors Record Positive Ageing Advisory Committee - 11 December 2020;
- Informal Meeting of Councillors Record - Pre-meet CM - 15 December 2020;
- Informal Meeting of Councillors Record Environment and Sustainability Advisory Committee - 16 December 2020; and
- Informal Meeting of Councillors Economic Development Advisory Committee 17 December 2020.

Recommendation

That Council, in accordance with *Item 19 of Council's Governance Rule – Meeting Procedure*, receives the Information Meetings of Councillors records held on 7 December 2020, 10 December 2020, 11 December 2020, 15 December 2020, 16 December 2020, and 17 December 2020 as contained in (**Attachment 1**)

Attachments

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Discussion

1. *Item 19 of Council's Governance Rule – Meeting Procedure*, requires records of Information Meetings of Councillors be reported to a Council Meeting (**Attachment 1**) and recorded in the minutes of that meeting.

Related Council decisions

2. Not applicable

13. Officers' reports

CM.010/21 Informal Meetings of Councillors Records - 27 January 2021

Options

3. An Information Meetings of Councillors is defined in *Item 19 of the Governance Rule – Meeting Procedure*. It is a meeting at which matters are considered that are intended or likely to be the subject of a Council decision or the exercise of delegated authority and which is either of the following:
 - A planned or scheduled meeting that includes at least half the Councillors and at least one Council officer. These meetings do not include meetings of Councillors and Council staff that are not planned or scheduled.
 - A meeting of an advisory committee where at least one Councillor is present. An advisory committee is any committee established by the Council, other than a special committee, that provides advice to the Council or to a special committee or to a member of Council staff who has been delegated a power or duty or function of the Council.
4. A record must be kept of any Information Meeting of Councillors and include the names of all Councillors and Council staff attending, the matters considered, disclosures of conflict of interest and whether a Councillor left the meeting after making a disclosure.
5. In accordance with *Item 19 of the Governance Rule – Meeting Procedure*, Council is required to report as soon as practicable to a Council Meeting, a record of any Information Meetings of Councillors held.
6. The recommendation contains the list of Information Meetings of Councillors records that have been submitted since the matter was last reported to Council on 25 August 2020.

Conclusion

7. It is recommended that Council receives the records of recent records of Information Meetings of Councillors as contained in this report, fulfilling *Item 19 of the Governance Rule – Meeting Procedure*.

Council plans and policies

8. This report directly supports the achievement of Council Plan 2017-2021 strategy:
 - Ensure that Council meets its legal responsibilities and manages its risks.

Sustainability implications

9. None required.

Community engagement

10. Not applicable.

Innovation and continuous improvement

11. Not applicable.

Collaboration

12. None required.

13. Officers' reports

CM.010/21 Informal Meetings of Councillors Records - 27 January 2021

Budget implications

13. This is a routine reporting item, the resources for which are contained in Council's current operating budget.

Relevant law

14. *Local Government Act 2020.*

Regional, state and national plans and policies

15. None applicable.

Conflicts of interest

16. All officers involved in the preparation of this report have made a declaration that they do not have a conflict of interest in the subject matter of this report.

Informal Meeting of Councillors Record

The Meeting commenced at 7:00pm

MEETING DETAILS:	Title:	Arts and Cultural Advisory Committee
	Date:	Monday 7 December 2020
	Location:	Zoom Meeting
PRESENT:	Councillors:	Cr Peter Perkins, Cr Frances Eyre, Cr Natalie Duffy, Cr Karen Egan, Cr Geoff Paine and Cr Ben Ramcharan
	Council Staff:	Corrienne Nichols, Melanie Holt, Sarah Hammond, Richard Holt, Emily Wubben, Nicola Clutton
	Other:	Members of the Arts and Cultural Advisory Committee Leanne Ipsen, Brian Gilkes, Pat Reynolds, Emma Roussel, Tessa Christie, Thomas McEvoy, Ona Henderson, Syd Tunn, Rebecca Davies, Lloyd Godman, Alli Spoor, Gillian Essex
APOLOGIES:		Cr Richard Stockman

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1	Matters Arising from previous minutes Eltham Library Community Gallery Program Update Digital Nillumbik Heritage Guide Arts & Cultural Development Annual Grants 2020-21 (report attached - 2020-21 Arts & Culture Annual Grants_summary) Youth Art Competition - <i>The Creative Collective</i> : presentation	No disclosures were made
2	Introduction to Emily Wubben, Curator and Collections Management Officer Nillumbik Prize for Contemporary Art 2021 Art in the Time of COVID-19 Exhibition 2021	No disclosures were made
3	Acquisitions Update	No disclosures were made
4	Outgoing Members - Dennis Coard and Gillian Essex	No disclosures were made

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
5	Other Business	No disclosures were made

The Meeting concluded at 9:07pm

RECORD COMPLETED BY:	Officer Name: Officer Title:	Sarah Hammond Community Arts & Cultural Engagement Officer
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Informal Meeting of Councillors Record

The Meeting commenced at 10:00am

MEETING DETAILS:	Title:	Health and Wellbeing Advisory Committee
	Date:	Thursday 10 December 2020
	Location:	Online - Zoom
PRESENT:	Councillors:	Cr Natalie Duffy Cr Ben Ramcharan
	Council Staff:	Corrienne Nichols, Melanie Holt, Katie Camilleri, Jodie Leahy
	Other:	Sarah Lausberg (WHIN), Rosie Haszler (Aligned Leisure), Tina Robinson (Vic Pol), Pamela Johnson (Community Member)
APOLOGIES:		Rebecca Tipper (WHIN), Jacinta Geary (Relationships Victoria), Robyn Ellard (YPRL), Sarah Quirk (Gamblers Help), Petra Begnell (NEHC), Cr Karen Egan, Deputy Mayor Cr Frances Eyre

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1	Appoint temporary chair	No disclosures were made
2	Member introductions and updates	No disclosures were made
3	Presentation: COVID Response in High Risk Accommodation - healthAbility	No disclosures were made
4	Presentation: 16 Days of Activism	No disclosures were made

The Meeting concluded at 11:30am

RECORD COMPLETED BY:	Officer Name: Officer Title:	Katie Camilleri Acting Coordinator Youth, Community and Place
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Informal Meeting of Councillors Record

The Meeting commenced at 12:05pm

MEETING DETAILS:	Title:	Positive Ageing Advisory Committee
	Date:	Friday 11 December 2020
	Location:	Zoom video conferencing
PRESENT:	Councillors:	Cr Natalie Duffy, Cr Ben Ramcharan
	Council Staff:	Fiona Vuong, Rebecca Burton, Narelle Hart, Simon Roylance, Michelle Welsby, Iwona Trickett, Stacie Synon
	Other:	Members of the community: Richard Kottek, Philip Green, Ray Carroll, David Nicholls, Pamela Johnson, Sabi Buehler, Deanna Finn, Anne Fitzpatrick
APOLOGIES:		

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1	Appointment of temporary chair	No disclosures made
2	Introduction of Manager Community programs	No disclosures made
3	Update – Knowing your place walk audits	No disclosures made
4	Review of Year 2 of Ageing Well in Nillumbik Plan	No disclosures made
5	Introductions – Aged Care Navigation and Advocacy Officer	No disclosures made
6	Introductions – Social Connections Officer	No disclosures made



MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
7	Upcoming fire season	No disclosures made
8	Rountable discussion	No disclosures made
9	Meeting dates for 2021	No disclosures made
10	Meeting close	No disclosures made

The Meeting concluded at 2:05pm

RECORD COMPLETED BY:	Officer Name:	Fiona Vuong
	Officer Title:	Positive Ageing Officer

Informal Meeting of Councillors Record

The Meeting commenced at 5.06pm

MEETING DETAILS:	Title:	Council Meeting Pre-meeting
	Date:	Tuesday 15 December 2020
	Location:	Council Chamber, Civic Centre
PRESENT:	Councillors:	Cr Peter Perkins, Cr Frances Eyre, Cr Natalie Duffy, Cr Karen Egan, Cr Natalie Duffy, Cr Geoff Paine, Cr Ben Ramcharan and Cr Richard Stockman
	Council Staff:	Carl Cowie, Vince Lombardi, Hjalmar Philipp, Rosa Zouzoulas, Blaga Naumoski, Corrienne Nichols, Jeremy Livingston, Melika Sukunda, Melanie Holt, Narelle Hart, Lance Clark, Lisa Pittle, Licardo Prince, Jonathon Miller and Katia Croce
	Other:	
APOLOGIES:		

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1	Pre-meeting to Council Meeting	No disclosures were made

The Meeting concluded at 6.19pm

RECORD COMPLETED BY:	Officer Name: Officer Title:	Katia Croce Governance Lead
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Councillor Pre-Meeting – 16 December 2020



Informal Meeting of Councillors Record

The Meeting commenced at 7.00pm

MEETING DETAILS:	Title:	Environment and Sustainability Advisory Committee
	Date:	Wednesday 16 December 2020
	Location:	Zoom
PRESENT:	Councillors:	Cr Natalie Duffy, Cr Frances Eyre, Cr Ben Ramcharan
	Council Staff:	Lisa Pittle, Kirsten Reedy, Ian Culbard, Stephanie Orive, Kate Shannon
	Other:	Committee Members - Alan Thatcher, John Huf, Andrew Robinson, Narelle Campbell, John Brenan, Carol Jadraque, Lauren Poulton, Zac Lombardo, Areej Hashmi-Weyman, Sali Bache Representative of Metropolis consultants – Dale Hubner
APOLOGIES:		David Turner, Elle Thomas, Liz Parsons, Aidan Sommers

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1	Climate Action Plan community survey presentation	No disclosures were made
2	Solar Farm update	No disclosures were made
3	Integrated Water Management brainstorm	No disclosures were made
4	Update on land management and biodiversity grants	No disclosures were made
5	Yan Yean 2 EES update	No disclosures were made
6	QFF pilot implementation presentation	No disclosures were made

The Meeting concluded at 9.20pm

RECORD COMPLETED BY:	Officer Name: Kate Shannon Officer Title: Environment Project Officer
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Assembly of Councillors

The Assembly commenced at 4:30pm

ASSEMBLY DETAILS:	Title:	Economic Development Advisory Committee
	Date:	Thursday 17 2020
	Location:	Online via Zoom
PRESENT:	Councillors:	Cr Geoff Paine, Cr Frances Eyre, Cr Natalie Duffy, Cr Richard Stockman
	Council Staff:	Danielle Phyland, Georgie Nathan
	Other:	Representative Nillumbik Tourism and Business, Representative Hurstbridge Traders Association, Representative Eltham Chamber of Commerce, business community representatives
APOLOGIES:		Carl Cowie, Rosa Zouzoulas

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1	Economic Development update on COVID-19 Business support activities	No disclosures made
2	Roundtable discussion on current state of business0	No disclosures made

The Assembly concluded at 5:47pm

RECORD COMPLETED BY:	Officer Name: Officer Title:	Georgie Nathan – Economic Development and Tourism Support Officer
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13. Officers' reports

CM.011/21 CEO Employment Matters Committee - Appointment of Chair

Distribution: Public

Manager: Blaga Naumoski, Executive Manager Governance, Communications and Engagement

Author: Blaga Naumoski, Executive Manager Governance, Communications and Engagement

Summary

In accordance with Section 94(1) of the *Local Government Act 1989*, the Council is responsible for appointing a Chief Executive Officer to implement the policy decisions and to manage the administrative functions of Council. To assist Council in fulfilling its responsibilities relating to CEO employment matters, Council has formed a CEO Employment Matters Advisory Committee (**the Committee**) which includes the Mayor and all Councillors as members. The Committee is governed by Terms of Reference (**the ToR**). Each year the membership of this committee is reviewed along with all Advisory Committees.

The ToR require the appointment of an independent chairperson to the Chief Executive Officer Employment Matters Committee, must not be a Councillor and a member of Council staff; and be suitably qualified.

Following a competitive request for quote process, it is recommended that Mr Allan Bawden be appointed to assist Nillumbik Shire Council with chairing and facilitating discussion between members of the Committee consisting of all Councillors in line with the Terms of Reference.

Recommendation

That Council:

1. Appoints Mr Allan Bawden as the Independent Chairperson and Facilitator to the CEO Employment Matters Committee.
2. Authorises the Chief Financial Officer to finalise and execute the contract documentation.
3. Requests that the Request for Quote, Quotation Evaluation Summary Report and Evaluation Scorecard remain confidential on the grounds specified in the definition of confidential information in section 3(1)(g) of the *Local Government Act 2020*.

Attachments

1. Request for Quote - Allan Bawden - *CONFIDENTIAL*
2. Quotation Evaluation Summary Report - *CONFIDENTIAL*
3. Evaluation Scorecard - *CONFIDENTIAL*

13. Officers' reports**CM.011/21 CEO Employment Matters Committee - Appointment of Chair**

Discussion

1. Under various provisions of the *Local Government Act 1989*, Council is responsible for the appointment of the CEO (Section 94(1)) and reviewing the performance of the CEO at least once each year (Section 97A(1). Sections 44 and 46 of the *Local Government Act 2020* contain similar provisions and commence on 1 July 2021.
2. Council's CEO Employment Matters Advisory Committee (**the Committee**) includes the Mayor and all Councillors as members. At the Extraordinary Council meeting on 24 November 2020, the Mayoral election took place along with a review of all Councillor appointments to Advisory Committees. The Mayor and all Councillors were appointed members of the Committee.
3. The Committee has the responsibility for providing advice and making recommendations to the Nillumbik Shire Council on:
 - Contractual matters relating to the CEO
 - The appointment of the CEO
 - Remuneration and conditions of appointment of the CEO
 - Extension (i.e. reappointment) of the CEO
4. A Request for Quote (RFQ) (**Attachment 1**) was sought from suitably experienced persons to fill the position of the Independent Chairperson and Facilitator of the Committee. The term of appointment will be for a period of two years with the option of a further two one-year term extensions by mutual consent.
5. The RFQ, Quotation Evaluation Summary Report (**Attachment 2**) and Evaluation Scorecard (**Attachment 3**) are attached as confidential documents to this report.
6. The Independent Chairperson and Facilitator of the CEO Employment Matters Advisory Committee must:
 - not be a Councillor; and
 - not be a member of Council staff; and
 - be suitably qualified with regard to the selection criteria.
7. The following selection criteria applies to the appointment of the Independent Chairperson and Facilitator:
 - A clear understanding of the objectives, roles, duties and obligations of the Chief Executive Officer and Council under the Local Government Act and all other associated legislation
 - Ability to exhibit clear leadership
 - Ability to work effectively with Councillors and the Chief Executive Officer
 - Demonstrated human resource management skills, senior business experience and relevant qualifications
 - Experience in senior management recruitment and development
 - Understanding of performance management processes and procedural fairness

13. Officers' reports

CM.011/21 CEO Employment Matters Committee - Appointment of Chair

- Senior Level experience within a Government framework and sound knowledge of governance and legal obligations
 - Previous experience working with Councillors, Executive Governance bodies or Board Members in advisory and/or facilitation roles.
8. Section 45(4) of the *Local Government Act 2020* states that Councils must develop a CEO Employment and Remuneration Policy within 6 months of the commencement of this section (with the assistance of an independent, professional adviser) that:
- provides for the recruitment of a CEO;
 - imposes key contract provisions, an annual review and performance monitoring; and
 - caps the period of appointment at 5 years (although reappointment under a new contract is permitted).
9. The Committee to be headed by the Independent Chairperson and Facilitator, will develop a draft Chief Executive Employment and Remuneration Policy by 1 January 2022 as required by the Act.

Related Council decisions

10. Not applicable

Options

11. A Request for Quote (RFQ) for the position of Independent Chairperson and Facilitator for the CEO Employment Matters Committee were sought from six people. Due to Mr Bowden's vast professional experience in Local Government he is considered a suitable candidate for the role.
12. It is considered that Council should appoint Mr Allan Bawden as the Committee's inaugural Independent Chairperson and Facilitator.

Council plans and policies

13. This report directly supports the achievement of Council Plan 2017-2021 strategy:
- Maintain good governance and effective leadership.

Sustainability implications

14. Not applicable

Community engagement

15. Not applicable

Innovation and continuous improvement

16. Not applicable

Collaboration

17. Not applicable

13. Officers' reports

CM.011/21 CEO Employment Matters Committee - Appointment of Chair

Budget implications

18. The Executive Manager Governance, Communications and Engagement will provide support to the Committee and will, in consultation with the committee, appoint an independent consultant with suitable expertise and skill to assist with any process. The costs of an external consultant are met from the existing operating budget.

Relevant law

19. Local Government Acts 1989 and 2020.

Regional, state and national plans and policies

20. Not applicable

Conflicts of interest

21. All officers involved in the preparation of this report have made a declaration that they do not have a conflict of interest in the subject matter of this report.

14. Notices of Motion

NOM.001/21 Notice of Motion - War Memorial Building Complex at 903-907 Main Road, Eltham

Cr Natalie Duffy advised of her intention to move the following:

Motion

That Council:

1. Recognises that the War Memorial Building Complex at 903-907 Main Road, Eltham is historically, aesthetically and socially significant to the Nillumbik Shire Council.
2. Supports the community desire for inclusion of the Eltham War Memorial Complex in the Victorian Heritage Register.
3. In the event that the Eltham War Memorial Complex is not included in the Victorian Heritage Register, commits to applying local heritage protection and requests officers commence the process of applying a Heritage Overlay to this place which would include community consultation.

- 15. Delegates' Reports**
- 16. Supplementary and urgent business**
- 17. Confidential reports**
 - Nil