

Council Meeting

to be held virtually on Tuesday 28 September 2021 commencing at 7:00pm.

Agenda

Carl Cowie
Chief Executive Officer

Thursday 23 September 2021

Distribution: Public

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Council Meeting seating plan

Councillors

Cr Peter Perkins (Mayor) – Ellis Ward

Cr Richard Stockman – Blue Lake Ward

Cr Karen Egan – Bunjil Ward

Cr Natalie Duffy – Edendale Ward

Cr Ben Ramcharan (Chairperson Consultation Matters) – Sugarloaf Ward

Cr Frances Eyre (Deputy Mayor) – Swipers Gully Ward

Cr Geoff Paine (Chairperson Planning Matters) – Wingrove Ward

Officers

Carl Cowie – Chief Executive Officer

Blaga Naumoski – Executive Manager Governance, Communications and Engagement

Katia Croce – Governance Lead

Nillumbik Shire Council

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Nillumbik Shire Council

Agenda of the Meeting of Nillumbik Shire Council to be held Tuesday 28 September 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 respectfully acknowledges the Wurundjeri Woi-wurrung people as the Traditional Owners of the Country on which Nillumbik is located, and we value the significance of the Wurundjeri people's history as essential to the unique character of the shire. We pay tribute to all First Nations People living in Nillumbik, give respect to Elders past, present and future, and extend that respect to all First Nations People.

We respect the enduring strength of the Wurundjeri Woi-wurrung and acknowledge the ongoing impacts of past trauma and injustices from European invasion, massacres and genocide committed against First Nations People. We acknowledge that sovereignty was never ceded.

Wurundjeri Woi-wurrung people hold a deep and ongoing connection to this place. We value the distinctive place of our First Nations People in both Nillumbik and Australia's identity; from their cultural heritage and care of the land and waterways, to their ongoing contributions in many fields including academia, agriculture, art, economics, law, sport and politics.

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.

5. Apologies

Recommendation

That the apologies be noted.

6. Presentations

7. Confirmation of minutes

Confirmation of minutes of the Council Meeting and Confidential Council Meeting held on Tuesday 24 August 2021.

Recommendation

That Council:

1. Confirms the minutes of the Council Meeting and Confidential Council Meeting held on Tuesday 24 August 2021 (**Attachment 1** and **Attachment 2**).
2. Resolves that the Confidential Council Meeting minutes (**Attachment 2**) remains confidential in accordance with section 3(1) of the *Local Government Act 2020*.

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

10. Questions from the gallery

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11. Reports of Advisory Committees

AC.012/21 Advisory Committee Report - 28 September 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 following minutes of Advisory Committee meetings are attached (**Attachment 1**) and presented to Council for noting:

1. Arts and Cultural Advisory Committee Meeting held 17 May 2021;
2. Environmental and Sustainability Advisory Committee Meeting held 15 June 2021;
3. Youth Council Advisory Committee Meeting held 2 August 2021.

Attachments

- ⇒1. Advisory Committee Meeting minutes reported 28 September 2021

Recommendation

That the minutes of the Advisory Committee meetings reported be noted (**Attachment 1**).

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12. Officers' reports**CM.131/21 Annual Financial Report and Performance Statement 2020-2021**

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

Council is required to produce an Annual Financial Report, containing audited financial statements and an audited Performance Statement pursuant to the requirements and process outlined in the *Local Government Act 2020* (the Act) and the *Local Government (Planning and Reporting) Regulations 2014*.

The draft 2020-2021 financial statements and the draft 2020-2021 performance statement have been reviewed by Council's external auditors on behalf of the Victorian Auditor General.

For the 2020-2021 financial year, Council has reported an operating surplus of \$13.74 million on an accrual basis.

This report recommends that Council approves in principle the 2020-2021 financial statements and performance statement and appoints the Mayor, Deputy Mayor and Chief Executive Officer to sign the 2020-2021 financial statements and the 2020-2021 performance statement.

Council has produced a performance statement in accordance with the Local Government Performance Reporting Framework. This provides results on a range of prescribed indicators of service performance, financial performance and sustainable capacity.

The draft statements have been presented to Council's Audit and Risk Committee which has recommended that Council give 'in principle' approval for the statements pursuant to section 99 of the Act, prior to formal presentation to the Victorian Auditor General.

Recommendation

That Council:

1. Approves 'in principle' the 2020-2021 Annual Financial Report (**Attachment 1**) and 2020-2021 Performance Statement (**Attachment 2**).
2. Authorises the Mayor, Deputy Mayor and the Chief Executive Officer to sign the 2020-2021 Annual Financial Report and the 2020-2021 Performance Statement in their final form after any changes recommended, or agreed to, by the auditor have been made.

Attachments

- ⇒1. 30 June 2021 Annual Financial Report
- ⇒2. 30 June 2021 Performance Statement

12. Officers' reports**CM.131/21 Annual Financial Report and Performance Statement 2020-2021**

Discussion

1. Council is required to produce an Annual Financial Report, containing audited financial statements and an audited Performance Statement pursuant to the requirements and process outlined in the Local Government Act 2020 (the Act) and the Local Government (Planning and Reporting) Regulations 2014.
2. Section 99 of the *Local Government Act 2020* and the Local Government (Planning and Reporting) Regulations 2014 require Council to:
 - a) Adopt a resolution giving its approval, 'in principle', to the Annual Financial Report and Performance Statement before they are submitted to the Auditor General.
 - b) Authorise two Councillors and the Chief Executive Officer to certify the statements in their final form, after any changes recommended, or agreed to, by the auditor have been made.
3. Audit work has been completed by Council's external auditors and officers have prepared drafts of the 2020-2021 Financial Report and Performance Statement for submission to the Auditor General. A copy of these statements, forming the 'in principle' statements, is provided in **Attachment 1 and 2**.
4. The Statements were presented to the Audit and Committee on 23 August 2021. The recommendations of the Audit and Risk Committee were:
 - a) Record its approval 'in principle' to the Annual Financial Report and Performance Statement (the statements) for the year ended 30 June 2021;
 - b) That subject to the review of the final version of the Financial Report and the Performance Statement, that Council:
 - i) Authorise the Chief Executive Officer to send the statements to the Auditor General
 - ii) Authorise the Chief Executive Officer, the Mayor, and Deputy Mayor to certify the final version of the statements
 - iii) Authorise the Finance Manager to implement any non-material changes to the statements as recommended by the Auditor General, and provide a summary of such changes to the Audit and Risk Committee at its next meeting. Any material changes will be discussed with the Chair of the Audit and Risk Committee prior to being presented to Council.

Approval Process

5. The following process is required to ensure that Council's Financial Report and Performance Statement are submitted to the Auditor General in a timely manner, enabling the Auditor General to officially express his opinion prior to the statutory deadline of 31 October 2021:
 - a) Council must meet formally to review the draft Financial Report and Performance Statement, and resolve that Council approves the report and statements 'in principle' and authorises two Councillors and the Chief Executive Officer to sign the final report and statements on behalf of, and with the full authority of, Council. The 'in principle' report and statements and the Council resolution are given to the external auditor;

12. Officers' reports

CM.131/21 Annual Financial Report and Performance Statement 2020-2021

- b) The external auditor checks the 'in principle' report and statements. The report and statements, the Council resolution, and the external auditors recommended Audit Report will then be forwarded to the Auditor General for review;
- c) The Auditor General reviews the report and statements and requests any changes where appropriate;
- d) The Principal Accounting Officer (Finance Manager) then considers the Auditor General's requested changes and incorporates them into the 'in principle statements', where appropriate;
- e) The Principal Accounting Officer will identify any matters of significance, including proposed qualification issues, not previously considered by the Council and formally draw Council's attention to them prior to the formal sign off of the statements by the two designated Councillors and the Chief Executive Officer;
- f) If Council and the Auditor General are satisfied with the statements, the statements are to be signed by the delegated Councillors and the Chief Executive Officer and forwarded to the Auditor General;
- g) The Auditor General's Audit Reports will be issued to the Council once the formally signed statements have been received and checked by the Auditor General; and
- h) The organisation's 2020-2021 Annual Report, including the audited Financial Report and Performance Statement, must be forwarded to the Minister by 31 October 2021.

Performance Statement

- 6. Council has produced a Performance Statement in accordance with the Local Government Performance Reporting Framework.
- 7. The Performance Statement reports the audited results for 2020-2021 for the prescribed indicators of service performance, financial performance and sustainable capacity.
- 8. The financial performance and sustainable capacity indicators include several of the indicators used by the Victorian Auditor-General to assess the financial sustainability of local government.
- 9. The overall assessment of Council's financial sustainability will be confirmed by the Auditor-General in the annual report on Victorian local government in late 2021, which will also confirm the indicators to be applied for 2020-2021.
- 10. In addition to the audited Performance Statement, the results for a range of other indicators are reported in the Report of Operations as part of the Annual Report.

Related Council decisions

- 11. Not applicable.

12. Officers' reports

CM.131/21 Annual Financial Report and Performance Statement 2020-2021

Options

12. It is recommended that Council give 'in principle' approval to the 2020-2021 Annual Financial Report, which includes the financial statements and the Performance Statement and authorise two Councillors and the Chief Executive Officer to sign the statements in their final form after any changes recommended, or agreed to, by the auditor have been made.

Council plans and policies

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

Sustainability implications

14. Council's financial sustainability is informed by the indicators set by the Victorian Auditor General's Office (VAGO).
15. These indicators comprise of both short term and longer term measures. The indicators are calculated and considered as part of the performance statement.

Community engagement

16. The Annual Financial Report and Performance Statement will be published within Council's Annual Report 2020-2021.

Innovation and continuous improvement

17. Not applicable.

Collaboration

18. The Annual Financial Report and Performance Statement was presented to the Audit and Risk Committee in August 2021.

Budget implications

19. The costs of preparing the Annual Financial Report and Performance Report are funded from operating budget allocations.

Relevant law

20. Section 98 and 99 of the *Local Government Act 2020* applies to the collation and approval of the Annual Financial Report and Performance Statement.

Regional, state and national plans and policies

21. Not applicable.

Conflicts of interest

22. Officers who have been involved in the preparation of this report declare that they do not have a conflict of interest in the subject matter of this report.

12. Officers' reports**CM.132/21 Audit and Risk Committee Meeting August 2021**

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 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.

The Audit and Risk Committee met on 23 August 2021. 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 23 August 2021 **Attachment 1**.

Attachments

⇒1. 23 August 2021 Audit and Risk Committee Meeting Minutes

Discussion

1. The minutes of the Audit and Risk Committee (ARC) are submitted to Council after each meeting. To provide timely feedback, these are unconfirmed minutes.
2. Minutes of the ARC held on the 23 August 2021 have not yet been adopted by the Committee, but will be presented at its next meeting.
3. The items considered by the ARC were:
 - The Victorian Auditor General's Office Interim and Draft Final Management Letters;
 - The Victorian Auditor General's Office Maintaining Local Roads report and Sexual Harassment in Local Government report.
 - Annual Financial Report and Performance Statements 2020-2021
 - Fraud Management and Prevention internal audit report, presented by Pitcher Partners; and
 - The Councillor Expenses Quarterly Report.
4. The next ARC meeting is scheduled to take place on Monday Wednesday 10 November 2021.

12. Officers' reports

CM.132/21 Audit and Risk Committee Meeting August 2021

Related Council decisions

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

Options

6. The ARC'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 ARC meets four times a year. The Internal Auditor, CEO and Chief Financial Officer 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 ARC 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 ARC meeting on 23 August 2021 was attended by the Committee members, the internal auditor from Pitcher Partners, as well as the CEO and CFO. Mayor Cr Peter Perkins and Deputy Mayor Cr Frances Eyre as the councillor representatives.

Budget implications

13. The associated costs 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.

12. Officers' reports**CM.133/21 Eltham Town Centre Local Area Traffic Management and Pedestrian / Cycling Improvements - Urban Congestion Fund****Distribution: Public****Manager: Hjalmar Philipp, Director Operations and Infrastructure****Author: Lawrence Seyers, Lead Transport Planner****Summary**

The purpose of this report is to seek Councillors endorsement of the response to the Main Road Corridor Eltham Urban Congestion Fund public consultation process.

On 8 June 2021, Council endorsed a six-week period of community consultation on the Main Road Corridor Eltham Urban Congestion Fund projects, which was conducted from 9 June to 23 July 2021. Council received a total of 888 contributions, comprising 788 contributions from 229 individual contributors via Participate Nillumbik, 44 submissions received via email and over the phone, 46 targeted resident surveys of Bible St and 10 targeted resident surveys of Cecil St.

Attachment 1 provides a Consultation Summary Report that contains all the submissions and contributions received and Council officer's response via any changes considered necessary. There was general support for the objectives of the project to encourage and prioritise walking, cycling and public transport. The contributions have resulted in the identification of several design changes where submitters had concerns regarding the proposed transport treatments and where they might be improved.

Submitters and the broader community were provided an opportunity to address Councillors at the 14 September 2021 Planning and Consultation Committee meeting. Councillors are now being asked to support the proposed changes and commence detailed design and procurement in late 2021 with construction to commence in March 2022, in accordance with the Commonwealth Government funding agreement.

Recommendation

That Council:

1. Endorses the Eltham Urban Congestion Fund Consultation Summary report (**Attachment 1**) and uploads this to the Participate Nillumbik webpage;
2. Resolves to implement the Eltham Urban Congestion Fund projects as modified following the community consultation; and
3. Advises all submitters in writing of Council's decision.

Attachments

- ⇒1. Consultation Summary Report - redacted

Discussion

1. On 23 July 2021 Council completed a six-week period of community consultation on the Main Road Corridor Eltham Urban Congestion Fund project. This consultation was conducted via the Nillumbik Shire Council *Participate Nillumbik* webpage and included a series of face-to-face pop up consultations, Wingrove Ward meeting, and outreach meetings with the Eltham Community Action Group (ECAG), the Eltham Chamber of Commerce and Industry (ECCI), Eltham Central Oval user groups and other targeted trader and resident engagement.

12. Officers' reports**CM.133/21 Eltham Town Centre Local Area Traffic Management and Pedestrian / Cycling Improvements - Urban Congestion Fund**

2. The *Participate Nillumbik* webpage included an interactive slider tool that allowed users to see before/after illustrations of each of the proposed traffic and transport projects and also detailed information such as technical design drawings. *Participate Nillumbik* included a link to the A2 sized brochure that was distributed to 530 households and 178 businesses in the Eltham Activity Centre and was available at Council's Customer Service Centre, Eltham Library and the 'pop up' consultation sessions.
3. Council sought submissions from the community via the Participate Nillumbik website, from 15 June 2021 to the 23 July 2021. Submissions were also received via email and over the phone and a targeted survey was distributed to Bible Street and Cecil Street residents. In total, Council received a total of 888 contributions, comprising 788 contributions from 229 individual contributors via Participate Nillumbik, 44 submissions received via email and over the phone, 46 targeted resident surveys of Bible St and 10 targeted resident surveys of Cecil St.
4. The contributions resulted in the identification of several design changes where submitters had concerns regarding the proposed transport treatments and where they might be improved.

Related Council decisions

5. On 8 June 2021 the Planning and Consultation Committee (acting under delegation from Council) resolved to commence a six-week period of community consultation on the Main Road Corridor Eltham Urban Congestion Fund project (refer PCC.008/21).
6. At the 14 September 2021 Planning and Consultation Committee meeting, submitters were provided an opportunity to address Councillors.

Options

7. The Consultation Summary Report (**Attachment 1**) is presented as a redacted document (with names and addresses redacted). The Consultation Summary Report considers public feedback to the Main Road Corridor Eltham Urban Congestion Fund project and recommends the following changes which are considered necessary in response to the submissions received.
8. Key headline changes recommended include:
 - a) Abandon plans to include a 24hr/7 days a week 40km/h Main Rd speed limit;
 - b) Adoption of 40km/h speed limit signage on local roads of Bible Street (from Cecil Street to Taylor Street); Cecil Street, Pryor Street, Arthur Street (up to Bible Street), Commercial Place, Taylor Street and Panther Place;
 - c) Adoption of the undergrounded power line option for the Main Road Shared Use Path;
 - d) Initiate a discussion with St Vincents Health and VicTrack on a longer term 'missing link' to the Diamond Creek Trail either along the Diamond Creek (requiring St Vincents private landholdings) or the western side of the railway (requiring VicTrack agreement);

12. Officers' reports**CM.133/21 Eltham Town Centre Local Area Traffic Management and Pedestrian / Cycling Improvements - Urban Congestion Fund**

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- e) Abandon proposal to make Cecil Street 'entry only' from Main Road as part of the Urban Congestion Fund and retain existing pedestrian crossing conditions (further investigation as a separate project);
 - f) Retain existing median tree and existing central median break arrangement for proposed bus terminal signals on Main Road;
 - g) Include zebra linemarking pedestrian crossing at the bus terminal entrance;
 - h) Complete a Traffic Signal Route Review to improve the operation of traffic lights to coordinate traffic signals along Main Rd to minimise stops and delays;
 - i) Retain existing 90 degree parking at Main Road/St Laurence Lane;
 - j) Abandon proposed Bible Street / Cecil Street raised platform intersection and retain zebra crossing at the Aged Care/Retirement Village with the blister island and pedestrian refuge as a rest area for aged walkers;
 - k) Adopt proposal to only have parking on the western side of Bible Street and provide continuous white centre line to restrict cars from parking on eastern side of Bible Street;
 - l) Abandon proposed Bible Street / Arthur Street raised platform intersection and retain roundabout;
 - m) Install zebra pedestrian crossings on each of the legs of the Bible Street/Arthur Street intersection;
 - n) Adopt a realignment of the proposed Diamond Creek Trail around the back of the Eltham Central Oval to avoid the vegetation impacts of locating it behind the existing chain mesh fence; and
 - o) Barrier kerbing and bollards to protect the large tree near the Eltham trestle bridge from vehicle parking and create an opportunity for landscaping.

9. Other minor changes include:

- a) Inclusion of safety improvements to the proposed Main Road Shared Use Path (Diamond Creek Trail priority movement, rumble street treatments, sightline improvements on the approach to Main Road, green pavement treatment of the Diamond Creek Trail where it crosses Diamond Street);
- b) Inclusion of a footpath connection from the Diamond Creek Trail to the commuter car park on Diamond Street;
- c) Inclusion of Diamond Creek Trail and Eltham Town Centre signage on Main Road Shared Use Path;
- d) Modify signage schedule to correct 'Parking Area 1P Ticket' should be 'Parking Area 1P' (no change from existing condition);
- e) Modify plans to correctly reference St Laurence Lane;
- f) Include hatched line marked area on Main Road at Arthur Street to stop vehicles blocking Main Road southbound lanes;

12. Officers' reports**CM.133/21 Eltham Town Centre Local Area Traffic Management and Pedestrian / Cycling Improvements - Urban Congestion Fund**

- g) Install flashing 'give way to pedestrian' signage directed towards right turning vehicles from Main Road into Arthur Street to give way to pedestrians at the proposed zebra crossing;
- h) Provide additional linemarking to provide better guidance for drivers for the right turn from Main Road into Arthur Street;
- i) Redesign the existing disabled space located at 917 Main Road to become a DDA compliant space;
- j) Correct the arrow on St Laurence Lane to a bi-directional arrow;
- k) Convert the proposed Bible Street/Henry Street raised school crossing to a raised zebra crossing;
- l) Remove the parking lane from 69 Bible Street to Taylor Street (and retain existing centre linemarking) and install no parking signage along this section of Bible Street due to the crest of the hill;
- m) Adopt barrier kerb along the rear of the proposed Eltham Central Oval car parking to further discourage vehicles mounting kerb;
- n) Include a new Youth Road/Panther Place gate at the existing location but with a new gate with a vandal proof cover over a new lock;
- o) Include a landscaping plan for the Eltham Central Oval, including new large indigenous canopy trees where possible;
- p) Minimise visual impact of parking around the western wing of Eltham Central Oval by the adoption of reflectors or 't' linemarking;
- q) Include Eltham Central Pavilion rear car park layout plan;
- r) Amend parking restrictions at the Eltham Child Care Co-Op from 2H parking 8am-5pm to become 30M parking 8am-6.30pm;
- s) Locate proposed bike racks at the rear of the Eltham Central Oval Pavilion;
- t) Include a footpath from the Eltham Central Oval carpark to Child Care Co-Op;
- u) Include consideration of lighting and signage at Eltham Central Oval; and
- v) Include notation on the Eltham Central Oval car park plan regarding 'Goal netting or chainmesh fence to be relocated between the roadway and the black boundary fence (to be investigated and funded as a separate project)'.

Council plans and policies

10. This report directly supports the achievement of Council Plan 2017-2021 strategy:
- Ensure that community services, programs and facilities are inclusive and respond to current and emerging needs.

12. Officers' reports**CM.133/21 Eltham Town Centre Local Area Traffic Management and Pedestrian / Cycling Improvements - Urban Congestion Fund**

Sustainability implications

11. Victoria's Climate Change Act 2017 establishes a long-term target of net-zero greenhouse gas emissions by 2050. The Victorian Government's Climate Change Strategy seeks to reduce emissions and includes a target of increasing active transport mode share to 25 percent by 2030. Currently it is about 18 percent.
12. The Main Road Corridor Eltham Urban Congestion Fund transport treatments are promoting a response to climate change that invests in transport network improvements that prioritise sustainable transport modes to reduce transport emissions and improve our resilience to climate change risks of peak oil and fossil fuel dependency.

Community engagement

13. Council adopted a Community Engagement Policy on 25 February 2021 that requires 'deliberative' extended engagement for all projects of significant scope, complexity and impact.
14. The Main Road Corridor Eltham Urban Congestion Fund project was subject to 'deliberative engagement' practices to firstly identify the projects for consultation in consultation with a Transport Working Group (TWG) with members drawn from the Level Crossing Removal Project and several areas of the Department of Transport; and secondly a six week program of community consultation via *Participate Nillumbik* webpage.
15. The consultation process included:
 - a) *Participate Nillumbik* webpage with an interactive slider tool that allowed users to see before/after illustrations of each of the proposed traffic and transport projects and also more detailed information such as the technical design drawings.
 - b) Outreach emails to the various parts of the Department of Transport including Movement & Safety, Transport Network Planning Integration, Bus Stop (Metro Assets), Road Safety Victoria, Eltham Park and Ride project and Hurstbridge Stage 2 project team at the Level Crossing Removal Project, Metro Trains Melbourne, VicTrack and Victoria Walks.
 - c) Outreach emails to local community groups including Our Lady Help of Christians Primary School Primary School, Eltham East Primary School, St Vincents Aged Care, Eltham Child Centre Co-operative, Eltham Football Club, Eltham Junior Football Club, Eltham Cricket Club, OMNI Group, U3A, Eltham District Historical Society, Nillumbik Bicycle Users Group.
 - d) Virtual meetings with Eltham Community Action Group (ECAG) on 15 June 2021, Regional Trails Advisory Committee (RTAC) on 23 June 2021, Eltham Chamber of Commerce and Industry (ECCI) on 24 June 2021.
 - e) Face-to-face meetings with Eltham Community Action Group (ECAG) on 24 June 2021, Eltham Central Oval users of Eltham Child Centre Co-operative, Eltham Football Club, Eltham Junior Football Club, Eltham Cricket Club, OMNI Group, U3A, Eltham District Historical Society on 24 June 2021, the Nillumbik Positive Ageing Advisory Committee on 2 July 2021.

12. Officers' reports**CM.133/21 Eltham Town Centre Local Area Traffic Management and Pedestrian / Cycling Improvements - Urban Congestion Fund**

- f) Face-to-face 'pop up' consultation opportunities on Thursday 24 June 2021, Monday 28 June 2021 and Wednesday 7 July 2021 at the Eltham Town Rotunda, Commercial Place Eltham (a planned face-to-face 'pop up' consultation was cancelled on Friday 16 July 2021 due to Covid-19 restrictions).
 - g) Face-to-face Wingrove Ward meeting on at Eltham Community and Reception Centre on 30 June 2021.
 - h) Letter box drop of the project brochure to 530 households and 178 businesses in the Eltham Activity Centre.
 - i) Targeted letter box drop of a resident survey to 58 residential properties on Cecil Street (regarding the entry only arrangement at Cecil Street/Main Road) and 123 residential properties on Bible Street (regarding the proposed parking on the west side of Bible Street, the raised platform intersections and 40km/h speed limit).
16. Consultation concluded on 23 July 2021. **Attachment 1** provides the submissions received the Council officer response.

Budget implications

- 17. Nillumbik Shire Council is the recipient of \$5 million from the Commonwealth Government's Urban Congestion Fund. The initial instalment \$3,500,000 (ex. GST) was paid to Council on approval of the Road Project Proposal in May 2020. The final instalment \$1,500,000 (ex. GST) is payable to Council on completion of works.
- 18. The works must commence by March 2022. If the project does not commence by March 2022 Council may have to return the remaining grant funding.
- 19. At order of magnitude cost estimate has been prepared for the capital works and the total cost of the project is within the \$5 million budget allocation. This is inclusive of the capital works cost estimate, design consultant fees, estimated traffic management and permit fees and project management. Project scope will be reduced to meet budget limit if required.

Conflicts of interest

- 20. 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.

12. Officers' reports**CM.134/21 Draft Climate Action Plan for Public Exhibition**

Distribution: Public**Manager: Hjalmar Philipp, Director Operations and Infrastructure****Author: Kirsten Reedy, Coordinator Environment
 Lisa Pittle, Manager Environment****Summary**

This report presents the Draft Climate Action Plan 2022-2032 (**Attachment 1**) for endorsement for public exhibition from 4 October – 7 November 2021.

It includes an acknowledgment of a climate emergency; and seven focus areas for action.

A separate two-year Implementation Plan will be prepared biennially, and considered through the budget process. Key climate initiatives that will be focused on during that period will be specified.

Public submissions will close on 7 November 2021 and submissions will be considered by the Planning and Consultation Committee in February 2022.

Recommendation

That Council:

1. Endorses the Draft Climate Action Plan 2022-2032 (**Attachment 1**), including an acknowledgement of climate emergency, for the purpose of public exhibition.
2. Invites written submissions on the Draft Climate Action Plan 2022-2032 to Council between 4 October and 7 November 2021.
3. Considers public submissions at the Planning and Consultation Committee meeting to be held in February 2022.
4. Notes that any person who makes a written submission in relation to the Draft Climate Action Plan 2022-2032 and requests to be heard in support of their written submission, be heard at the February 2022 Planning and Consultation Committee meeting.

Attachments

- [!\[\]\(307ad7be8dd8053938b04a332782a8a1_img.jpg\)1.](#) Draft Climate Action Plan 2022 - 2032

Discussion

1. The Victorian government has identified climate change as one of the biggest threats to the future of the state and has introduced legislation, including the *Climate Change Act 2017* and the *Local Government Act 2020*, which requires decisions makers to have regard to climate change.
2. In response Council is developing a new Climate Action Plan 2022 – 2032 (Draft Plan). It will provide the strategic direction for Council climate action over the next decade; and will replace the *2015-2019 Climate Change Action Plan*.

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CM.134/21 Draft Climate Action Plan for public exhibition

3. The Draft Climate Action Plan 2022-2032 is presented in **Attachment 1**.
4. The development of the Draft Plan has been an iterative process which has included consideration of various inputs, including:
 - a. Community views - gathered through 797 completed Climate Action Plan community surveys in October-December 2020; through the 'Our People, Our Place, Our Future' community engagement; and the 'Young Minds: Your Voice, Our Future' community engagement.
 - b. Advisory Committee views - discussions with Environment and Sustainability, Health and Wellbeing and Healthy Aging Advisory Committees, and the Youth Council.
 - c. Officer views - gathered through an all-staff Climate Action community survey in 2020; meetings of an internal Climate Action Plan Reference Group; and targeted meetings with officers
 - d. Climate change risk assessment of Council operations, undertaken for Council by its insurance broker Marsh in April 2021 in consultation with senior officers.
 - e. The Victorian Climate Change Strategy which sets out the government's roadmap to net-zero emissions and a climate resilient Victoria by 2050.
 - f. Benchmarking against the climate action strategic documents of other councils.
5. Councillor input on key aspects of the Draft Plan has been gathered through a series of informal briefing sessions held between March and August 2021 and included consideration of:
 - a. The outcome of the Nillumbik 2020 Climate Action Plan Survey.
 - b. The implications of declaring / acknowledging / recognising a Climate Emergency.
 - c. Emissions accounting sources, measurement and setting mitigation targets.
 - d. Scope of the Draft Plan including goals, focus areas and actions.
 - e. Consultation process for the Draft Plan.
6. On the basis of the above considerations, three overarching goals of the Draft Plan have been proposed:
 - a. Goal 1 – Reduce Council's direct contribution to climate change.
 - b. Goal 2 – Prepare for, respond and adapt to the risks and impacts of a changing climate on our community, environment, infrastructure and services.
 - c. Goal 3 – Support our community to reduce their contributions to climate change and to adapt and be resilient to climate change risks and impacts.
7. These goals will be achieved via implementation of seven proposed focus areas of the Plan:
 - a. Strong climate action leadership and culture.
 - b. A climate resilient, adaptive and safe community.
 - c. A climate-resilient natural environment.

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- d. Climate responsive Council services, facilities and infrastructure.
 - e. Zero emissions energy use.
 - f. Sustainable transport.
 - g. A zero waste and circular economy.
8. There are two key climate change mitigation targets in the Draft Plan:
- a. Target of net zero Council emissions by 2030
 - b. Target of net zero community emissions by 2035.
9. A Climate Emergency acknowledgement is proposed in the Draft Plan with the wording:
- As a Green Wedge Shire, Nillumbik Council is acutely aware of the multiple threats facing all communities and ecosystems as a result of climate change. This requires urgent action by all levels of government, including local government.*
- Council therefore **acknowledges a Climate Emergency**, commits to a climate emergency response, and will proactively integrate climate change mitigation and adaptation into all Council actions.*
10. Delivery of the Climate Action Plan 2022-2032 will be directed by an Implementation Plan that will be updated biennially and considered as part of the annual budget process as required.
11. The initial Implementation Plan will be launched when Council formally endorse the final Climate Action Plan 2022-2032 or shortly after.

Related Council decisions

12. At the March 2021 Council meeting it was unanimously carried that Council:
- Receives and notes the results of the 2020 Climate Action Plan Survey
 - Makes the 2020 Climate Action Plan Survey Report available to the public on Council's website
 - Notes the timeframe for the development of the Climate Action Plan 2022-2032.
13. At the June 2021 Council meeting it was unanimously carried that Council:
- Receives and notes the petition requesting Council to vote on a motion to declare a state of Climate Emergency in accordance with the Governance Rule - Meeting Procedure.
 - Refers this petition to the Director Operations and Infrastructure for investigation and response.
 - Notes officers will advise the petition organiser and Councillors of the outcome.

Options

14. Endorse the Draft Plan for public exhibition.

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CM.134/21 Draft Climate Action Plan for public exhibition

Council plans and policies

15. This report directly supports the achievement of Council Plan 2017-2021 strategy:
 - Review and communicate Council's climate change strategies.
16. Once adopted by Council, the Climate Action Plan 2022-2032 will replace the Climate Action Plan 2015-2020.
17. It is likely that the Climate Action Plan 2022-2032, once adopted, will require that new Council new strategic documents consider climate risks and impacts

Sustainability implications

18. The new Climate Action Plan 2022-2032 will provide the strategic direction for Council's climate action over the next decade.

Community engagement

19. Council engaged Metropolis Research to conduct a statistically representative telephone survey to ascertain community views and priorities with regard to climate change to help inform the development of the Draft Plan. There were 797 respondents, 400 via a random telephone survey and 397 via Participate Nillumbik.
 - a. The findings indicate general community support for climate action.
 - b. Ninety percent expressed concern about climate change. Ten percent are not very, or not at all concerned
 - c. Eighty-two percent think 'Council should consider climate change in their decisions'.
20. The feedback collected from the 2021 Our People, Our Place, Our Future community engagement and from the 2021 Young Minds: Your Voice, Our Future engagement was also considered. The findings indicate community support for climate action.
21. Discussions were held with Council's Youth Council and various Advisory Committees, including Environment and Sustainability, Positive Ageing and Health and Wellbeing.
22. The Draft Plan is subject to public exhibition and associated consultation prior to being considered for final adoption by Council.
23. A Community Engagement Plan has been prepared to guide the public exhibition of the Draft Plan. It includes a Participate Nillumbik webpage with project information inviting submissions via survey, written submissions and facilitated engagement sessions. Hard copies of the Draft Plan will be available to view at various locations across the Shire, and promotion will occur via the Spring Nillumbik News, posters, social media, a media-release and Council e-newsletters.

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CM.134/21 Draft Climate Action Plan for public exhibition

Innovation and continuous improvement

24. The Draft Plan was developed under the guidance of several principles which are listed in the Draft Plan. They include:
- a. Council has diverse roles in responding to the challenge of climate change so we have created a whole-of-Council proactive climate response
 - b. Climate action decision-making needs to be dynamic and responsive to innovation opportunities.

Collaboration

25. Partnerships and collaboration will play an integral role in the implementation of the Draft Plan. Council will continue to work with other levels of government, agencies and the community in order to achieve its goals.

Budget implications

26. The Draft Plan is a high-level strategic document and does not make specific budget commitments.
27. There are no implications for the 2020/21 budget.
28. A 2022-24 Implementation Plan will be prepared that will identify how Council will work towards achieving the goals of the Draft Plan. Initiatives that would require additional funding will be considered via the budget process.

Relevant law

29. Under Section 9 of the *Local Government Act 2020*, Council must give effect to a number of overarching governance principles in the performance of its role. They include:
- a. Priority is to be given to achieving the best outcomes for the municipal community, including future generations.
 - b. The economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.
30. Under the *Climate Change Act 2017*:
- a. Section 6 legislates a long-term emissions reduction target for the Victorian community of net-zero emissions by 2050.
 - b. Section 17(2) requires councils Public Health and Wellbeing Plan's to have regard to climate change.
 - c. Section 46 allows for the preparation of Council pledges in respect of greenhouse gas emissions reductions.

Regional, state and national plans and policies

31. The Victorian Climate Change Strategy is applicable to the subject matter of this report. It states that every dollar spent on adaptation now can avoid future costs of up to six times as much; and specifies state targets and current investment that will assist in meeting a Nillumbik community target, including:

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CM.134/21 Draft Climate Action Plan for public exhibition

- a. Target of a reduction in greenhouse gas emissions from 2005 levels by 28 – 33 per cent by 2025 and 45 – 50 percent by 2030
- b. 50 per cent renewables target by 2030
- c. \$1.6 billion clean energy package and \$1.3 billion solar homes program
- d. 50 per cent of light vehicle sales will be electric vehicles by 2030
- e. 100 per cent of new public buses to be zero emissions from 2025
- f. 100,000 hectares of restored biodiverse habitat by 2030
- g. \$515 million to transform waste and recycling.

Conflicts of interest

- 32. Officers involved in the preparation of this report declare that they do not have a conflict of interest in its subject matter.

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CM.135/21 CEO Remuneration and Employment Policy

File: **DOC/21/59067**

Distribution: **Public**

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

Summary

The *Local Government Act 2020 (the Act)* received Royal Assent on 24 March 2020. This broad and transformative Act imposed changes to the Governance practices of Council and required the implementation of several new policies, to strengthen public accountability and transparency.

These changes included the requirement to develop a Chief Executive Officer Employment and Remuneration Policy (**Policy**) under Section 45 of the Act.

The Policy defines matters pertaining to the employment lifecycle, specifically regarding the recruitment and appointment process, provisions captured in the contract, performance monitoring, and annual review in accordance with the Act.

The Council has an established CEO Employment Matters Advisory Committee (**Committee**) to support the implementation requirements of 45(2) of the Act.

This report requests that Council adopts the Policy to ensure compliance with Section 45 of the Act.

Recommendation

That Council adopts the Chief Executive Officer Employment and Remuneration Policy (**Attachment 1**) created in accordance with Section 45 of the *Local Government Act 2020*.

Attachments

- ⇒1. Chief Executive Officer Employment and Remuneration Policy

Discussion

1. Council is committed to ensuring best practice principles are applied when undertaking the appointment, remuneration, performance monitoring and cessation of the Chief Executive Officer.
2. The CEO Employment and Remuneration Policy (**Policy**) has been developed to provide direction and guidance on the management of the Chief Executive Officer's employment lifecycle, ensuring adherence to the *Local Government Act 2020 (the Act)* for all recruitment, performance and cessation of contract processes.
3. Adopting a formal, structured approach to the CEO Performance Review will assist Councillors to optimise their relationship with the CEO, and also improves the overall performance of Council.
4. Council has appointed a CEO Employment Matters Advisory Committee (**Committee**) which includes the Mayor and all Councillors. The Committee has the responsibility to support the implementation requirements of 45(2) of the Act.

Related Council decisions

5. Not applicable.

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CM.135/21 CEO Remuneration and Employment Policy

Options

6. Failure to respond to the requirements of the Act, both in terms of timeliness and content, would represent non-compliance with Council's most significant and important piece of legislation.
7. It is important, therefore, for Council to resolve the adoption of the Policy which is required to be operational from 1 January 2022.

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. There are no direct sustainability implications relating to the Policy.

Community engagement

10. Not applicable.

Innovation and continuous improvement

11. Not applicable.

Collaboration

12. The Policy has been developed in collaboration with the Committee.
13. The Policy was presented to the Audit and Risk Committee in August 2021.

Budget implications

14. The costs for the implementation of the Policy will be absorbed (including the cost of the independent chairperson) within the 2021/22 operational budget and future operational budgets.

Relevant law

15. The Policy was developed in response to the implementation of the Act, in particular Section 45 of the Act which requires Council to develop, adopt and keep in force a Policy to operate from 1 January 2022.
16. The *Charter of Human Rights and Responsibilities Act 2006*, *Fair Work Act 2009 (Cth)* and *Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019* were also considered in the development of this Policy.

Regional, state and national plans and policies

17. No applicable.

Conflicts of interest

18. 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.

12. Officers' reports

CM.136/21 Kerbside Waste Collection Service 12 Month Review

Distribution: Public

Manager: Hjalmar Philipp, Director Operations and Infrastructure

Author: Lisa Pittle, Manager Environment

Summary

This report provides an overview of the new kerbside waste service after the first year of operation, including the implementation of the new waste bin options and trends relating to kerbside waste tonnages.

Recommendation

That Council:

1. Notes this report on the first 12 months operation of the kerbside waste collection service including implementation of new waste bin options and trends in kerbside waste tonnages and ongoing service improvement opportunities.
2. Receives a further report on the outcome of the state-wide procurement for recycling processing services.

Attachments

- ⇒1. Missed bin data for each waste stream
- ⇒2. Kerbside waste tonnages

Discussion

1. Council's kerbside waste collection service was awarded to JJ Richards Pty Ltd now known as JJ's Waste & Recycling Pty Ltd (JJs) in August 2019. The contract commenced on 1 July 2020. Prior to this, Nillumbik's kerbside waste collection was carried out by an in-house team.
2. The primary deliverable of the contract is 2.27 million annual scheduled bin lifts or 43,000 scheduled bin lifts per week.
3. From 1 July 2020, Nillumbik introduced new options for resident's kerbside waste collection system. The new service options are:
 - a) 240 litre Food Organics and Garden Organics (FOGO) bin – no extra charge
 - b) 140 litre Landfill bin – extra collection charge
 - c) Weekly 120 litre Landfill bin collection – extra collection charge.

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CM.136/21 Kerbside Waste Collection Service 12 Month Review

4. The new suite of kerbside waste collection service options is shown in Table 1 below with the new options shaded.

Table 1 – Kerbside waste service options

Bin Type	Standard Service		Customised Options			
	Bin size (L)	Frequency	Increase Bin Size	Decrease Bin Size	Additional Bin ¹	Increase Frequency
			Bin size (L)	Bin size (L)	Bin size (L)	Frequency
Landfill Red lid	120	Fortnightly	140 ²	80 ³	120 ²	Weekly ²
FOGO Green lid	120	Weekly	240		120	-
Recycling Yellow lid	240	Fortnightly	-	120	240	-

- Notes:
1. One-off charge to purchase additional bin.
 2. Increased annual waste management charge applies
 3. Decreased annual waste management charge applies

5. The performance of the kerbside waste collection operation is monitored monthly to ensure that the residents experience a consistent and quality service.
6. Customer satisfaction for kerbside collection service is measured by the number of service requests received per year and service timeframes. This includes customer requests for missed bins, new services, bin repair and replacement, supply of additional bins, bin education, spilt contents during collection, bin audit, resizing (changing the size of) bins and property damage.
7. Table 2 shows the total waste related customer request numbers for the last three financial years. Excluding requests for new bin options (Resize bins) which commenced on 1 July 2020 and Property Damage which had not previously been captured as a request type, overall request numbers have decreased.
8. This is due primarily to decreases in the number of missed bins and bin repairs. Bin repairs are proactively undertaken which leads to fewer customers contacting Council to request a bin repair.

Table 2 - Customer request comparison – three years

Request type	2018/19	2019/20	2020/21
Bin audit	11	18	9
Bin contents spilt	48	68	22
Bin education	20	9	0
Bin repair	1968	2107	936

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Request type	2018/19	2019/20	2020/21
Bin replacement - missing, stolen or damaged	967	951	884
Missed bin	2973	3523	2,465
Additional bin purchase	404	566	770
New bin service	378	348	378
Sub total	6,769	7,590	5,464
Resize bin	0	0	7,652
Property damage	0	0	43
Total	6,769	7,590	13,222

9. Missed bins are a key customer service measure for the performance of the kerbside waste collection service and are reported as part of the Local Government Performance Reporting Framework (LGPRF). The LGPRF service standard is measured by the number of kerbside bin collections missed per 10,000 collections. **Attachment 1** shows the number of missed bins per month for the previous two financial years.
10. Based on the actual number of lifts per week (average 38,000 lifts per week), missed bins occur at a rate of 0.1 per cent of the total lifts for recycling week collections and 0.16 per cent of total lifts for landfill week collections. Conversely 99.9 per cent of recycling week lifts and 99.84 per cent of landfill week lifts are completed satisfactorily.
11. The incidence of missed bins peaked has shown an overall downward trend.
12. There is a focus to further reduce missed bins for all streams, in particular the landfill stream where the number of partially emptied bins is twice as high as for the FOGO and recycling streams. This includes potential engineering modifications and emptying method.
13. The kerbside waste collection service is provided to households paying the waste management charge and Council's community facilities. The number of households receiving a waste service at 30 June 2021 is 21,832.
14. Table 3 shows the number of households taking up the various service options, particularly following the introduction of the new service options.

Table 3 - New service option take up

Service type	Households at 30 June 2020	Households at 30 June 2021
Standard service	21,699	21,832
Additional landfill bin	1,628	1,918
140 litre landfill bin	-	552

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Service type	Households at 30 June 2020	Households at 30 June 2021
80 litre landfill bin	69	540
Weekly landfill collection	-	68
Additional FOGO bin	2,126	2,231
240 litre FOGO bin ¹	164	8,447
Additional recycling bin	1,547	2,095
120 litre recycling bin	56	56

Notes: 1. Residents were able to order the 240L FOGO bin from 1 June 2020.

15. The uptake of the new service options was generally as expected with the exception of the 240 litre FOGO bin. It was expected that 10 per cent of households would take up a 240 litre FOGO bin based on the number of additional FOGO bins and the feedback from the community survey conducted in 2018 which showed that 11 per cent of residents would prefer a larger FOGO bin.
16. In the first six months of the new service options, approximately 37 per cent of households requested a 240 litre FOGO bin. A total of 8,447 x 240 litre FOGO bins was supplied rather than the expected 2170 bins.
17. The monthly kerbside tonnages collected from recycling, landfill and FOGO for the last seven years is shown in **Attachment 2**.
18. Tonnages are budgeted based on a multi-year average. Table 4 shows the previous five years totals.

Table 4 - Kerbside waste tonnages

Financial Year	Landfill	Recycling	FOGO
2016/17	7,472	6,689	7,838
2017/18	7,786	6,582	6,788
2018/19	8,059	5,439	6,234
2019/20	9,132	5,366	8,135
2020/21	6,794	7,144	10,600

19. Nillumbik's kerbside recovery rate for 2020/21 is 72 per cent based on total tonnages.
20. The landfill tonnage collected in 2020/21 is 6,794 tonnes. The lower tonnages reflect the return to stability of recycling processing and reduced costs which, to an extent, have offset additional costs in recycling and FOGO tonnages.

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21. The recycling tonnage collected in 2020/21 is 7,144 tonnes. Additional costs were incurred due to high contamination rates. Contamination in the recycling stream results in higher disposal cost to Council.
22. The contamination trend in the recycling bin has been rising since June 2020. Table 5 shows the quarterly contamination levels based on Nillumbik truck audits carried out by Council's materials recovery facility operator Cleanaway.

Table 5 – Recycling bin contamination rates 2020-21

Date of Audit	Contamination Level %
June 2020	20.6
October 2020	19.9
February 2021	28.4
May 2021	31.3

23. The increase in contamination levels is considered to be due to two interrelated factors:
- Materials that were previously accepted as recycling are now counted as contamination.
 - Community behaviour with bagged rubbish and bagged recycling the main forms of contamination.
24. The following campaigns are being implemented to help residents understand what can and cannot go in the recycling bin:
- The annual Nillumbik waste calendar which includes information on what can go in each bin.
 - Regular updates in social media and Nillumbik News.
 - Maintaining a comprehensive A to Z guide on the website about how to dispose of materials.
 - Utilising JJs drivers to record contamination in recycling bins, provide a bin sticker explaining the contamination problem and following up with a letter to the resident where major contamination is observed.
 - Sustainability Victoria is currently developing a state-wide campaign to provide simple rules and easy instructions for what goes in each bin. Councils will be provided with campaign materials to customise in the second half of 2021.
25. Council is working with the Metropolitan Waste and Resource Recovery Group (MWRRG) on a state-wide procurement for recycling processing services. It is expected that the resulting contracts will commence in 2022. It is expected that this procurement will provide options for a source separated glass waste stream which will support the introduction of a glass service in Nillumbik.
26. FOGO tonnages are seasonal across the year and also may vary annually based on rainfall. In 2020-21, there has been a 30 per cent increase in tonnages attributable to the following:

12. Officers' reports**CM.136/21 Kerbside Waste Collection Service 12 Month Review**

- a) A La Niña event in Australia which resulted in lower temperatures and higher rainfall. Bin weights increase as garden green waste has a higher moisture content.
- b) The peak between August and November 2020 may be influenced by the Covid related lockdown during that period with residents confined to home and doing more gardening.
- c) Residents utilising their increased bin volume with the roll out of 240 litre bins.

Related Council decisions

27. In relation to the new bin options, on 30 October 2018 Council resolved to:

- a) Retain the current waste bin configuration and collection schedule, i.e. weekly FOGO bin (120L), fortnightly recycling bin (240L) and fortnightly residual waste bin (120L) as the base line service to maintain the overall environmental benefit of the service.
- b) Continue to provide the current level of customisation relating to additional bins.
- c) Add customised options for FOGO and residual waste bins to respond to community needs including options to:
 - i) Upgrade the FOGO bin size from 120L to 240L
 - ii) Upgrade the residual waste bin from 120L to 140L
 - iii) Weekly collection of the existing 120L bin residual waste bin.

28. In relation to the employment of JJs to provide the waste collection service, Council resolved at the Ordinary meeting on 27 August 2019 to cease delivering the kerbside waste collection in-house; engage an external provider based on RFT 1819-86 Provision for Garbage, Recycle and Organics Waste Collection; and accept the submission of JJ Richards Pty Ltd.

Options

29. The following initiatives will be pursued in partnership with JJs to maintain and continuously improve service delivery:

- a) Reduce the number of missed or partially emptied bins.
- b) Ensure that the kerbside service is delivered safely.
- c) Reduce contamination in the recycling stream.
- d) Explore run management options.
- e) Explore options for introduction of a kerbside glass collection service.

30. Council will consider the outcome of the state wide procurement for recycling processing when the procurement process is completed in early 2022. This will also inform the timing of introduction of a glass service.

Council plans and policies

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

- Provide waste management service that meet the needs of our community.

12. Officers' reports**CM.136/21 Kerbside Waste Collection Service 12 Month Review****Sustainability implications**

32. Diversion of waste from landfill and recovery of materials for remanufacture reduces the need for virgin materials and supports a circular economy.
33. Landfill emissions are approximately three per cent of Council's overall emissions profile. Diverting waste from landfill contributes to a reduction in Council's greenhouse gas emissions.
34. An environmental indicator for the delivery of the service is fuel use. The service provider has route mapping and run planning software that enables optimisation of vehicle travel to minimise fuel use. Table 6 below shows a summary of fuel use data and the associated greenhouse gas emissions which will be included in Council's greenhouse gas emissions measurement. The dataset shows evidence of a downward trend in fuel use as collection runs are optimised.

Table 6 - Kerbside service distance travelled, fuel use and CO2-e emissions 2020-21

Item	Q1	Q2	Q3	Q4	Total 2020-21
Distance travelled (km)	127,221	116,422	111,606	107,266	462,515
Fuel usage (L)	85,645	74,984	64,769	63,037	288,436
CO2-e emissions (T)	233	204	176	171	784

Community engagement

35. The new bin options were the subject of a community engagement process in 2018. Residents were surveyed about their satisfaction with the current bin options. The new bin options were designed to respond to community feedback.

Innovation and continuous improvement

36. The contracted waste service introduced a step change in kerbside waste collection with GPS in trucks allowing real time tracking of the collection service; 360 degree truck cameras to enable follow up on issues such as property damage or missed bins; an electronic record of each bin collected; and an integrated customer request system.
37. The new bin options are the outcome of a continuous improvement process designed to provide more flexibility for residents.

Collaboration

38. Not applicable.

Budget implications

39. The JJ Richards contract was delivered at tendered costs which was managed within the overall FY 2020-2021 budget.

Relevant law

40. Not applicable.

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CM.136/21 Kerbside Waste Collection Service 12 Month Review

Regional, state and national plans and policies

41. The Victorian government's circular economy policy *Recycling Victoria* sets a target of 80 per cent average resource recovery rate from all waste streams following the waste hierarchy by 2030.

Conflicts of interest

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

12. Officers' reports**CM.137/21 Bushfire Mitigation (Fire Prevention) Works Program 2021-2022**

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

Council makes an annual allocation of funding towards works on Council owned and managed land to prepare for the Fire Danger Period. The annual Bushfire Mitigation Works Program is informed by the Municipal Fire Management Plan (MFMP) and includes planned work on roadsides and in Council reserves.

All Neighbourhood Safer Places (Bushfire Places of Last Resort) are required to be assessed each year by the Country Fire Authority (CFA) and Council is required to record the outcome of these assessments. All sites have been reassessed as being compliant.

Recommendation

That Council:

1. Notes the Bushfire Mitigation Works Program 2021-2022 (**Attachment 1**).
2. Notes, that as part of the annual review process, the Neighbourhood Safer Places (Bushfire Places of Last Resort) located at:
 - a) Diamond Hills Reserve Oval, Greensborough
 - b) The Outdoor Performance Centre, Greensborough
 - c) Diamond Creek Community Centre, Diamond Creek
 - d) Yarrambat Park Golf Course Clubrooms, Yarrambat
 - e) Hurstbridge Basketball Stadium, Hurstbridge
 - f) Carpark between Arthur and Dudley Streets, Eltham
 - g) Collendina Reserve, Greensboroughhave been reassessed by the Country Fire Authority and have been found to meet the criteria for designation as a Neighbourhood Safer Place (Bushfire Place of Last Resort).
3. Publishes the Bushfire Mitigation Works Program 2021-2022 (**Attachment 1**) on Council's website.

Attachments

- ⇒1. Bushfire Mitigation Works Program 2021-2022

Discussion

1. Section 43 of the *Country Fire Authority Act 1958* (CFA Act) requires municipal councils to take all reasonable steps to prevent fire starting and spreading from land under their

12. Officers' reports**CM.137/21 Bushfire Mitigation (Fire Prevention) Works Program 2021-2022**

control. To meet this requirement, Council provides and discusses the annual works program with the Municipal Fire Management Planning Committee (MFMP).

2. The Bushfire Mitigation Works Program 2021-2022 is informed by the MFMP 2020-2023. The MFMP has an agreed process for the identification of priority roads and treatments that need to be applied to these roads.
3. Section 50 of the CFA Act requires municipal councils to undertake an annual review of all Neighbourhood Safer Places to determine if they are still suitable to be designated as such.

Related Council decisions

4. The Bushfire Mitigation Works Program 2020-2021 was noted by Council at its 15 September 2020 Council Meeting.

Options

5. The Municipal Fire Management Plan (MFMP) informs Council as to where the most effective works can be carried out to mitigate bushfire risk.
6. The priority for works on Council reserves have also been developed using a risk based approach. This has considered possible ignition sources such as power lines, history of ignitions within the reserves, the ability for fire to spread from the reserve combined with the proximity of assets such as houses and schools, and the size of the reserve to give a relative rating of risk and priorities for works.
7. Qualitative and quantitative data (if available) is used to determine which roads are primary roads. Factors considered for determining primary roads include:
 - Lack of alternative routes
 - Location of vulnerable groups e.g. aged care facilities
 - Number of roads feeding into the road
 - Number of residents likely to be isolated
 - Road being cited in Community Information Guides
 - Access to Neighbourhood Safer Places - Bushfire Places of Last Resort (NSP-BPLR)
 - Roads listed in Local Response Plans (CFA).
8. Secondary roads that are less important and/or could provide alternative access and egress if a primary road fails will also be treated.
9. A range of treatments will be applied where practical to primary and secondary roads as follows:
 - Slashing
 - Box clearance
 - Proactive tree assessment
 - Woody weed removal.
10. Other treatments undertaken on roadsides include:

12. Officers' reports**CM.137/21 Bushfire Mitigation (Fire Prevention) Works Program 2021-2022**

- Managing regrowth in the fire affected area
 - In collaboration with local CFA brigades, undertaking planned burns to complement other vegetation management works.
11. Numerous other initiatives have been put in place after the Black Saturday fires, one being the NSP-BPLR.
 12. NSP-BPLRs are identified buildings or spaces within the community that may afford some protection from radiant heat, the biggest killer during bushfire. They are a place of last resort in bushfire emergencies only.
 13. NSP-BPLRs are assessed by council committees and formally designated by Council. They will also be assessed by CFA against standards in the NSP-BPLR - Assessment Guidelines.
 14. The CFA Act requires that each designated NSP-BPLR is assessed each year before 31 August for compliance with the CFA criteria.
 15. Nillumbik has seven sites designated as NSP-BPLRs. All sites within Nillumbik have been reassessed by the CFA on 28 June 2021 and have been found to still meet the criteria.

Council plans and policies

16. This report directly supports the achievement of Council Plan 2017-2021 strategy:
 - a) Engaged, connected communities
 - b) Meets Council's responsibilities for emergency management; and
 - b) Safe and healthy environments.

Sustainability implications

17. Council in line with the CFA Act must take all reasonable steps to prevent fire starting and spreading from land under their control. The MFMP provides the mechanism to mitigate bushfire risk on public, private and Council land.

Community engagement

18. Community engagement is fundamental and continues to be fostered and integrated, largely supported through the appointment of the Emergency Project Resilience Officer as part of the Communities First project.

Innovation and continuous improvement

19. Where possible innovation and continuous improvement is included. Council collaborate with the MFMP to monitor progress towards the completion of works listed as part of the action plan deliverables in the MFMP.

Collaboration

20. The development of the Bushfire Mitigation Works Program 2021-2022 has been established through assessments conducted by officers and is based on feedback and the strategic intent provided through the Municipal Fire Management Planning Committee.

12. Officers' reports

CM.137/21 Bushfire Mitigation (Fire Prevention) Works Program 2021-2022

21. The development of the Bushfire Mitigation Works Program 2021-2022 has taken a strategic and risk based approach to aligning the works planned with clear fire management objectives outlined in the MFMP.

Budget implications

22. Implementation of the Bushfire Mitigation Works Program is funded through operational budgets.

Relevant law

23. *Country Fire Authority Act 1958.*

Regional, state and national plans and policies

24. Consideration is given to any relevant industry specific, regional, state or national plan, policies and research.

Conflicts of interest

25. No officers involved in the preparation of this report have declared a conflict of interest in the subject matter of this report.

12. Officers' reports**CM.138/21 Draft Youth Strategy 2022-2026**

Distribution: Public**Manager: Corrienne Nichols, Executive Manager Communities****Author: Nichole Johnson, Manager Community Partnerships****Summary**

This report presents the Draft Youth Strategy 2022-2026 (**Attachment 1**) for approval prior to public consultation.

The Youth Strategy sets out a four-year strategic commitment to how Council will support and respond to the needs of young people aged 12-25 years of age who live, work, study, volunteer or play in Nillumbik Shire.

As detailed in this report, community consultation is due to commence on 30 September 2021 through to 21 October 2021 (3 weeks). Public submissions will close 11:59pm on 21 October 2021 and will be considered by the Planning and Consultation Committee on 16 November 2021. The finalised Youth Strategy is due to be adopted at the Council Meeting on 14 December 2021.

Recommendation

That Council:

1. Endorses the Draft Youth Strategy 2022-2026 (**Attachment 1**) for the purposes of public consultation.
2. Invites written submissions on the Draft Youth Strategy to Council by 21 October 2021.
3. Considers public submissions at the Planning and Consultation Committee meeting to be held on 16 November 2021.

Attachments

- ⇒1. Draft Youth Strategy 2022-2026
- ⇒2. Young Minds: Your Voice, Our Future Youth Engagement Summary Report 2021
- ⇒3. Youth Strategy Information Sheet

Discussion

1. On 15 December 2020, Council endorsed the establishment of the Nillumbik Youth Council, to act as an Advisory Committee of Council. A key role of the Youth Council was to lead the co-development and delivery of a four-year Youth Strategy and Annual Implementation Plan, which will set out the priorities and actions for young people to lead with the support of Council across their two-year term.
2. The Youth Strategy sets out of a four-year strategic commitment to how Council will support and respond to the needs of young people aged 12-25 years of age who live, work, study, volunteer or play in the Nillumbik Shire.

12. Officers' reports**CM.138/21 Draft Youth Strategy 2022-2026**

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3. In the development of this Strategy, the Nillumbik Youth Council have played a lead role in engaging and consulting with the young people in Nillumbik to gain a diverse perspective on matters impacting their lives within community. This process has ensured young people have a stronger voice and sense of importance in community.
 4. The Young Minds: Your Voice, Our Future youth engagement program was developed, with the intent of engaging young people of Nillumbik through a range of activities supported by a youth survey. Up to 900 young people between 12 – 25 years of age, who live, work, study or play in Nillumbik participated in the engagement which ran from 14 June to 20 July 2021 (**Attachment 2**).
 5. The Draft Youth Strategy 2022-2026 (**Attachment 1**) has been co-designed by the Youth Council, and informed by the information and feedback gathered through the Young Minds: Your Voice, Our Future engagement program, along with a series of stakeholder workshops with staff and external organisations. It seeks to provide an integrated approach alongside other key Strategies and Plans to ensure Council continues to value and incorporate young people in the work that they do by providing meaningful opportunities for young people, valuing their contributions and empowering them to help shape our community.
 6. The vision for the Youth Strategy is that young people in Nillumbik feel heard, empowered and equipped to thrive in a community where they are healthy, safe and welcomed.'
 7. To support this vision, the Draft Youth Strategy 2022-2026 identifies five Priorities which are:
 - Healthy and Well
 - Empowered and Engaged
 - Access to Safe Spaces and Places
 - Equipped and Employed
 - Welcomed and Connected.
 8. An objective, set of focus areas and key strategies have been included under each Priority. The Strategy also identifies where key strategies align to the Council Plan and the Nillumbik Public Health and Wellbeing Plan to demonstrate how the Youth Strategy integrates and responds to these strategic objectives.
 9. Officers will operationalise the Youth Strategy annually through an Implementation Plan, which will detail the specific actions committed to delivering each year to respond to the focus areas and strategies across the four years. A progress report will be presented to Council at the end of each calendar year.
 10. A full graphic designed version of the Youth Strategy (**Attachment 1**), along with a supporting two page summary (**Attachment 3**), will be prepared after the public consultation process is completed and will be presented at the 14 December Council meeting for endorsement.

12. Officers' reports

CM.138/21 Draft Youth Strategy 2022-2026

Related Council decisions

11. The Terms of Reference for the establishment of a Nillumbik Youth Council was endorsed at the 15 December 2020 Council Meeting, outlining the responsibility of the Youth Council to play a co-design role in the planning and development of a Youth Strategy and Action Plan to enhance the outcomes of young people in Nillumbik.
12. At the 23 March 2021 Council meeting, Council endorsed fifteen Youth Councillors to the Nillumbik Youth Council.

Options

13. Endorse the Draft Youth Strategy 2022-2026 for public consultation.

Council plans and policies

14. This report directly supports the achievement of Council Plan 2017-2021 strategy:
 - Ensure that community services, programs and facilities are inclusive and respond to current and emerging needs..
15. Other Council plans and strategies that have been considered in the development of this Draft Plan include:
 - Climate Action Plan
 - Arts and Cultural Plan
 - Disability Action Plan
 - Economic Development Strategy
 - Open Space Strategy
 - Lifetime Play Strategy
 - Community Engagement Policy.

Sustainability implications

16. Not applicable.

Community engagement

17. Through the Young Minds: Your Voice, Our Future youth engagement program that occurred in June and July 2021, feedback was received which helped inform the development of the Draft Youth Strategy (**Attachment 2**). The Draft Strategy has also been developed through a series of stakeholder workshops with Council staff, key stakeholders and Councillors.
18. The Draft Youth Strategy is subject to public consultation prior to its final adoption by Council. Once the Draft Youth Strategy is endorsed by Council, it will be placed on public exhibition for between 30 September to 21 October 2021 to provide young people and the broader community an opportunity to provide feedback.

12. Officers' reports**CM.138/21 Draft Youth Strategy 2022-2026**

19. During this time, community members may make submissions to the Draft Youth Strategy and have the opportunity to speak to their submission at the Planning and Consultation Committee meeting on 16 November 2021. The Draft Youth Strategy will be available for feedback on Council's Participate Nillumbik site. Following the consideration of the submissions received, the Youth Strategy will then be presented for adoption at the Council Meeting in December 2021.

Innovation and continuous improvement

20. Opportunities for innovation and continuous improvement will be identified through the implementation of the Youth Strategy.

Collaboration

21. The draft Youth Strategy has been co-designed in partnership with the Nillumbik Youth Council, with support of Youth Affairs Council Victoria (YACVic) who is the peak body and leading policy advocate for young people and the youth sector in Victoria.
22. Other key stakeholders including Councillors, Council Staff, advisory committees, parents and Carers, youth agencies, schools and other community organisations and members will be invited to contribute to the development of the Youth Strategy before it is endorsed in December.

Budget implications

23. The development and implementation of the draft Youth Strategy has been accommodated within existing operational budget and supported by external grant funding from the Foundation for Rural Regional Renewal.
24. The draft Youth Strategy is a high-level strategic document and does not make specific budget commitments.
25. Each year, in line with the budget process, Council will produce an Annual Implementation Plan identifying how Council will work towards achieving the priorities and strategies of the Youth Strategy, which will be resourced by existing operational budget. Where gaps exist in resources or new opportunities for initiatives are presented, additional budget or grant funding opportunities may be sought.

Relevant law

26. Not applicable.

Regional, state and national plans and policies

27. Not applicable.

Conflicts of interest

28. Officers who have been involved in the preparation of this report declare they do not have a conflict of interest in the subject matter of this report.

12. Officers' reports**CM.139/21 Future use of the old Plenty Fire Station site**

Distribution: Public**Manager: Hjalmar Philipp, Director Operations and Infrastructure****Author: Natalie Campion, Coordinator Property
Jonathon Miller, Manager Property and Facilities Maintenance****Summary**

Council resolved on the 26 May 2020 to sell part of the Council owned land at 109-115 Yan Yean Road Plenty, to the Country Fire Authority (CFA) for the purpose of constructing a new Plenty Fire Station.

Given the old fire station is located on Council land, Council need to advise the CFA if it intends to keep and repurpose the existing building once the CFA relocate operations to the new fire station, or require the CFA to demolish the building and rehabilitate the site (land and building).

Council has completed a building condition report and heritage assessment, and now proposes to commence a community engagement process to seek ideas for the future use of the site. This process will help inform a Council decision on the matter.

Recommendation

That Council:

1. Commences a Community Engagement Process as outlined in **Attachment 2** (Community Engagement Plan) to seek ideas from the Nillumbik community to inform the future use of the old Plenty Fire Station site.
2. Considers public submissions at the Planning and Consultation Committee meeting to be held on 16 November 2021.
3. Notes that any person who makes a submission in relation to the old Plenty Fire Station site and requests to be heard in support of their submission, be heard at the November 2021 Planning and Consultation Committee meeting.

Attachments

- [⇒1.](#) Aerial Plan of 109-115 Yan Yean Road Plenty
- [⇒2.](#) Community Engagement Plan

Discussion

1. Council resolved in May 2020 to sell land shown as Lot 1 in **Attachment 1** to the CFA, for the purpose of constructing a new fire station for its Plenty Brigade.
2. The old Plenty Fire Station is located on Council owned land, and is subject to a lease agreement between Council and the CFA.
3. When the Plenty Brigade relocate operations to the new fire station, the CFA will have no further use for the old facility and will vacate the site.

12. Officers' reports**CM.139/21 Future use of the old Plenty Fire Station site**

4. When this occurs, Council has the option to keep and repurpose the existing building, or require the CFA to demolish the building and rehabilitate the site.
5. Council has an obligation to inform the CFA of its decision when construction of the new Plenty Fire Station is complete.
6. It is acknowledged that there are differing views in the community as to the future use of the site, therefore it is proposed Council completes a formal community engagement process to help inform its decision.
7. Council received a building condition audit and full heritage assessment to determine if there are any significant site related matters which may influence a decision to retain or demolish the building.
8. The heritage assessment indicates that the existing building could be significantly altered or potentially demolished. However, Council's heritage advisor has indicated that the land would still need to be used for public/civic purposes, as this usage is integral to the historical significance of the site as a whole.
9. The building condition report advised the building is showing general wear and tear consistent with its age, and recommended some infrastructure and maintenance issues be further reviewed and addressed, including storm water, sewer services and electrical services. These works are estimated to cost a total of \$140,000. If the building is retained, these works could be programmed over a number of years.
10. Any future use of the building may need to consider an upgrade to the toilets, *Disability Discrimination Act 1992* (DDA) upgrades, and compliance with the Building Code of Australia (BCA) and its regulations, which are also be dependent on its future use. The estimated cost for these works is \$200,000.
11. Council has received grant funds of \$100,000 which could assist with completing these works.
12. The site is zoned Public Park and Recreation Zone (PPRZ). This means any future use must be conducted by or on behalf of the public land manager (Council in this case), and associated with public use. This would effectively restrict commercial or private residential use.
13. Council's property portfolio includes many buildings leased to community groups, including U3A, Preschools, sports clubs, Men's Sheds, and other not for profit organisations.

Related Council decisions

14. On 26 May 2020, Council resolved as a Confidential Report to Council to sell part of 109-115 Yan Yean Road, Plenty to the CFA, and present a further report at an Ordinary Council Meeting with a recommendation on the future use of the site
15. Council received a petition which was tabled at the Council Meeting on 24 August 2021, containing **314** signatures (143 physical and 171 online) from residents calling on Council to approve the demolition of the "old Plenty CFA building" and return the area to an open space, targeted to the needs of the Nillumbik and Plenty community.
16. Council resolved to refer the petition received to the Director Operations and Infrastructure for investigation and response.

12. Officers' reports

CM.139/21 Future use of the old Plenty Fire Station site

Options

17. Council can resolve to either request the CFA to demolish the building and rehabilitate the site, or it can retain and repurpose the building.
18. Council is now in a position to seek feedback from the community on the future of the site, which will help inform a future formal Council decision.

Council plans and policies

19. This report directly supports the achievement of Council Plan 2017-2021 strategy:
 - Ensure that the provision of community infrastructure responds to community needs.
20. Council's Community Engagement Policy was adopted to provide a process of involving the public in decisions that affect them.

Sustainability implications

21. Not applicable.

Community engagement

22. Council has not previously formally sought community views on the future use of the site
23. As Council is aware of community concern regarding the future use of the site, and given the recent impact to the area, including loss of passive open space and significant tree loss as a result of Stage 1 Yan Yean Road works and the construction of the new Plenty Fire Station, it is considered appropriate to undertake a community engagement process for the site. The proposed process is outlined in **Attachment 2**.

Innovation and continuous improvement

24. Not applicable.

Collaboration

25. Council's Property officers have been collaborating with Strategic Planning Officers on the Heritage Assessment and Council's Communications and Engagement Team on planning the community engagement process.
26. Council Officers have been engaging with the Country Fire Authority on the new Plenty Fire Station, Plan of Subdivision and the old Plenty Fire Station site.

Budget implications

27. Council has \$100,000 available from the Local Roads and Community Infrastructure Fund assigned to works on the building, which would assist Council in undertaking any high priority and urgent works identified above, if the decision is taken to retain the building.
28. Future costs of retaining and repurposing the building will be dependent on agreed use, and any funding available from possible community tenants.
29. The process of building investigation and community engagement can be accommodated within the current budget.

12. Officers' reports

CM.139/21 Future use of the old Plenty Fire Station site

30. If Council completes the process to have the building demolished and the site rehabilitated, this will be at the CFA's cost.

Relevant law

31. The *Disability Discrimination Act 1992*, *Building Regulations 2018*, and *Heritage Act 2017* are all relevant to the future use of the old Plenty Fire Station and any future decisions concerning the building and land.

Regional, state and national plans and policies

32. Not applicable.

Conflicts of interest

33. 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.

12. Officers' reports

CM.140/21 Growing Suburbs Fund 2021/2021 - Candidate Projects for Endorsement

Distribution: Public

Manager: Hjalmar Philipp, Director Operations and Infrastructure

Author: Enrique Gutierrez, Manager Capital Works

Narelle Hart, Acting Executive Manager Communities

Hjalmar Philipp, Director Operations and Infrastructure

Summary

To seek Council's endorsement of the candidate projects for the 2021/2022 Growing Suburbs Fund grant released on 1 September 2021 for prioritisation and endorsement prior to submission before the 13 October 2021 deadline.

Recommendation

That Council:

1. Endorses the following projects to be submitted for funding through the 2021-2022 round of Growing Suburbs Fund:
 - a) A single Early Years Infrastructure Upgrade Project, being either of, and in order of grant funding priority:
 - i) Eltham Woods Preschool Upgrade; or
 - ii) Diamond Hills Preschool Upgrade.
 - b) Construction of the Hurstbridge Men's Shed.
2. Allocates a total Council contribution \$0.7M to the Early Years Infrastructure Upgrade Project and \$0.3M to Hurstbridge Men's Shed.

Attachments

Nil

Discussion

1. Since 2015, the Growing Suburbs Fund (GSF) program has supported growing communities with community infrastructure projects.
2. State Government has allocated \$50 million in 2021-2022 financial year towards the GSF for 16 Councils, comprising 10 interface councils and 6 peri-urban councils.
3. Guidelines have been released and applications to this program opened on 1 September 2021. Applications close at 2 pm on 13 October 2021, with announcements occurring from December 2021 and funding agreements for successful projects to be executed by February 2022.

12. Officers' reports**CM.140/21 Growing Suburbs Fund 2021/2021 - Candidate Projects for Endorsement**

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4. In line with previous GSF programs, the funding supports projects that have a direct benefit to communities and surrounding catchment areas across the following broad infrastructure categories:
 - a) community health and well-being
 - b) early education, libraries, learning and training
 - c) sport, recreation, and leisure facilities that have dedicated community space and support multiuse purposes
 - d) environmental and climate change resilience
 - e) place making, civic amenity, and community connecting.
 5. Councils are expected to contribute funding; a notional program-wide funding ratio of one dollar contribution for each dollar of grant. No more than 15% of the total pool of funding (\$7.5 million) will be allocated to a single council.
 6. Construction of successful projects must commence within eighteen months of the grant being announced and completed within 24 months of the commencement of construction.
 7. In anticipation of this GSF round, in FY20/21 Council allocated a total of \$110k of capital works budget towards the planning and site investigation works for three projects:
 - a) Eltham Woods Family Centre
 - b) Diamond Hills Preschool
 - c) Hurstbridge Men's Shed.
 8. Planning works involved the engagement of suitable architectural firms, site investigation works, engagement with end users, preparation of masterplans and schematic designs, topographical surveys and cost plans.
 9. These three projects are aligned with GSF's infrastructure categories of early education, community health, well-being, leisure and community connecting.
 10. Eltham Woods Family Centre (EWFC)

EWFC is the home of Eltham Woods Childcare Co-operative, Eltham Woods Preschool and Eltham Woods Maternal and Child Health.

All three services have been operating at their maximum capacity for many years, with the Child Care Cooperative having experienced ongoing significant unmet demand.

12. Officers' reports**CM.140/21 Growing Suburbs Fund 2021/2021 - Candidate Projects for Endorsement**

The facility was built in 1988 and with the implementation of the State Government's Funded 3 Year Old Kindergarten Reform and current best practice considerations for Maternal and Child Health programs, the facility requires an extension and renovation to ensure it can meet the required standards and levels of service delivery into the future including:

- a) The ability of the Child Care Cooperative to deliver funded 3 year old kindergarten; increase in the licensed places to accommodate unmet demand; and ensuring the auxiliary spaces adequately support the service delivery
- b) Ensuring the Preschool is able to maintain the existing level of service delivery for 4 year old kindergarten as well as increasing the service delivery of 3 year old kindergarten
- c) Accommodating a dual nurse Maternal and Child Health facility in line with service best practice standards
- d) Provision of a multi-purpose space to accommodate complementary programs delivered by existing and community users

Concept and schematic designs have been developed. The estimated total project cost is \$6.5 million.

11. Diamond Hills Preschool (DHP)

DHP is located in an education precinct neighbouring Diamond Valley Special Development School (DVSDS), Apollo Parkways Primary School and Melbourne Polytechnic. It is also enroute for families residing in the northern end of the Shire, travelling in a southerly direction towards arterial roads for work purposes.

The preschool is a 35 year old demountable building which has been operating at maximum capacity for many years. According to population data, is not projected to change in the near future.

The facility site also houses a smaller demountable building, leased by DVSDS of which accommodates programs that DVSDS are unable to accommodate on their own site.

With the implementation of the State Government's 3 Year Old Kindergarten Reform, the preschool will not be able to continue to deliver the same level of service to eligible 4 year old children without a larger facility.

The Diamond Hills Preschool Project proposes to build a new facility on the site which will double the licensed places available for the preschool program as well as provide a multipurpose space to accommodate DVSDS programs. This will enable access and inclusion of children and families between both services and programs.

The multipurpose space will also be able to accommodate complementary programs delivered by existing and community users.

12. Concept and schematic designs have been developed. The estimated project cost is \$3.7 million.
13. Of the two preschool upgrade projects, Eltham Woods Pre-school is considered a priority over Diamond Hills on the basis of its overall community benefit.

12. Officers' reports

CM.140/21 Growing Suburbs Fund 2021/2021 - Candidate Projects for Endorsement

14. Hurstbridge Men's Shed

15. The construction of the Hurstbridge Men's Shed will provide a safe and accessible meeting place and workspace for Men's Shed members in Hurstbridge and the surrounding area. The scope of works includes;

- a) Construction of a fit for purpose workshop with kitchen, social space and accessible amenities
- b) Accessible parking and access to workshop
- c) Construction of storage space
- d) New footpaths connecting to surrounding user groups facilities
- e) Construction of community garden and associated landscaping.

16. Total Project Cost has been estimated at \$0.6 million.

17. Consultation with GSF

18. On 26 August 2021 council officers presented the three projects to the GSF representative. It was confirmed that all three are consistent with the GSF guidelines and would be suitable candidates to a grant application.

19. As per the current GSF grant guidelines, officers were advised that no council will receive more than 15% of the total grant pool fund, equating to \$7.5 million, noting that historically this upper limit has not been granted.

Options

20. As the cost of all three candidate projects together exceeds the maximum amount to be awarded to any one council, the options are to submit a single project, or two projects up to the maximum grant pool for each LGA.

21. While the estimate for Eltham Woods Pre-school is still within the maximum total grant pool per LGA, it is significantly more than previous GSF grant funding received by Nillumbik. Therefore an approach may be to submit Diamond Hills Preschool as a second preference preschool upgrade project.

Council plans and policies

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

- Ensure that the provision of community infrastructure responds to community needs.
- Strengthen the focus on social inclusion, building social capital and connection within communities.

23. The Diamond Hills Preschool and Eltham Woods Family Centre projects were identified through the Early Years Infrastructure Planning process and are listed within Nillumbik's Early Years Infrastructure Plan 2020-2026.

Sustainability implications

24. Sustainability principles will be applied in the design and delivery of the projects, including use of sustainable materials, energy-efficiency and recycling where possible.

12. Officers' reports

CM.140/21 Growing Suburbs Fund 2021/2021 - Candidate Projects for Endorsement

Community engagement

- 25. Significant consultation was undertaken both at a community wide and local township level to inform the development of the Early Years Infrastructure Plan 2020-2026.
- 26. Service providers were part of the stakeholder project group to provide input and feedback on the concept designs for the two early years projects.
- 27. Consultation for the selection of the site for the Hurstbridge Men's Shed was undertaken.

Innovation and continuous improvement

- 28. The proactive master-planning, research and development of strong and current planning documentation of these three projects will enhance their chances of success in both their grant application and their delivery.

Collaboration

- 29. Consultation and collaboration was undertaken with the administering State body for this grant as well as with each of the project's stakeholders groups.

Related Council decisions

- 30. Not applicable.

Budget implications

- 31. The FY 2021/2022 budget includes borrowings of up to \$2 million to support Council's contribution to grant projects. This amount supports all grant applications.

Relevant law

- 32. N/A.

Regional, state and national plans and policies

- 33. Early Childhood Reform Plan.

Conflicts of interest

- 34. 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

12. Officers' reports

**CM.140/21 Growing Suburbs Fund 2021/2021 - Candidate Projects for
Endorsement**

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12. Officers' reports**CM.141/21 Diamond Creek Shared Trail - Stage 2 - Contracts 1920-89 and 1920-90
- Contract Variations**

File: 1920-89
Distribution: Public
Manager: Hjalmar Philipp, Director Operations and Infrastructure
Author: Steven Blight, Construction Coordinator
Enrique Gutierrez, Manager Capital Works
Lance Clark, Senior Procurement Specialist

Summary

At its Ordinary Meeting of Council on 25 August 2020, Council resolved to enter into two separate contracts for the construction of the shared path and five pedestrian bridges, as part of the Diamond Creek Trail Extension, Stage 2 from Wattle Glen to Hurstbridge.

Contract 1920-89 was awarded to Independent Concrete Construction Pty Ltd for the construction of the shared trail for the contract amount of \$1,118,832.00 (exclusive of GST) plus contingency.

Contract 1920-90 was awarded to North East Civil Construction Pty Ltd for the design and construction of five trail bridges for the amount of \$1,489,360.00 (exclusive of GST) plus 20% contingency.

Due to a number of latent conditions encountered along the trail, additional works and higher path and bridge specifications have resulted in variations to both contracts.

In order to expedite the approval of future variations and continue the construction works without further delays, this reports seeks approval from Council to delegate authority to approve variations in both contracts to the Chief Executive Officer.

Recommendation

That Council authorises the Chief Executive Officer to approve contract variation payments for:

- a) Contract 1920-89 Construction of the Diamond Creek Shared Trail Stage 2 for an additional \$400,000 plus 20% contingency on the contract budget.
- b) Contract 1920-90 Diamond Creek Trail Extension – Stage 2 – Design and Construction of Five Trail Bridges for an additional 20% contingency on the contract budget.

Attachments

Nil

Discussion

1. At its Ordinary Meeting of Council of 25 August 2020, Council resolved to enter into two separate contracts for works related to the second stage of the Diamond Creek Trail (from Wattle Glen to Hurstbridge).

12. Officers' reports**CM.141/21 Diamond Creek Shared Trail - Stage 2 - Contracts 1920-89 and 1920-90
- Contract Variations**

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2. Independent Concrete Construction Pty Ltd was awarded Contract 1920-89 for the construction of the shared trail, between Wattle Glen and Hurstbridge, for the amount of \$1,118,832.00 (exclusive of GST) plus 20% contingency.
 3. North East Civil Construction Pty Ltd was awarded Contract 1920-90 for the design and construction of five trail bridges for the amount of \$1,489,360.00 (exclusive of GST) plus 20% contingency.
 4. With respect to Contract 1920-89 - Construction of the Diamond Creek Shared Trail Stage 2 :
 - a) Similar to the first stage of the trail, during the planning of the project a reasonable amount of variations were anticipated due to poor site conditions, heavily vegetated flood zones, alignment challenges and site constraints. Given access issues and significant size of project area, the additional planning costs associated with detailed soil and site investigation and survey do not bring the commensurate level of confidence in contract value.
 - b) At the time of the contract award, not all access routes to the trail through private properties were defined and agreements with owners were in place, so it was not possible to quantify and include any of these works in the contract.
 - c) Variations were necessary too for concrete seat and picnic table pads along the route, as the number of each and their locations could not be finalised until the trail route was confirmed at construction phase.
 - d) Construction of the concrete shared path is nearing completion in the first section of the trail, located between Wattle Glen Reserve and the first creek crossing of the Diamond Creek. Works are about to commence on sections 2, 3 and 4 of the trail as ground conditions improve and the construction access bridges completed and opened.
 - e) Works commenced in late autumn and, being the path so close to the creek, the contractor has found very unstable ground conditions, requiring additional drainage and soil stabilisation works, as expected. Additionally, alternate construction methods such as above grade constructions had to be used for long lengths of the shared path through treed areas in an effort to save as many native trees as possible and minimise damage to root zones. Sections of the shared path have also needed strengthening to ensure access for construction vehicles can be maintained along sections of the trail with restricted access.
 - f) A higher specification of crushed rock base has been necessary for the whole section between the sports oval and bridge 4. This is to withstand heavy vehicle movements during and post construction stages and bridge construction works.
 - g) As construction of the trail progresses, other shorter sections of the concrete path will have to be thickened to allow for the crane and equipment to cross for the bridge installation.
 - h) Variations of approximately \$400,000 are estimated to be required to complete the trail based on the reasons outlined above. The recommended authorisation enables works to continue without delay. Forecast cost to complete is

12. Officers' reports**CM.141/21 Diamond Creek Shared Trail - Stage 2 - Contracts 1920-89 and 1920-90
- Contract Variations**

continuously reviewed by officers with the contractor alongside delivery activities and scheduling to monitor and minimise costs.

5. With respect to Contract 1920-90 - Diamond Creek Trail Extension – Stage 2 – Design and Construction of Five Trail Bridges:
- a) Following advice of Melbourne Water received on flood levels, a specialist hydrological consultant was engaged to determine lateral forces onto the bridges during flood events with water carrying substantial amount of debris. This situation resulted in a higher specification of steel beams, columns and bracing, as well as the strengthening the bridges' bored pier foundations.
 - b) Added to this, the higher additional specification meant higher volume of structural steel material, procured at a higher cost than that of steel when the contract was awarded.
 - c) With the recent flooding events, council officers and the contractor are reviewing the soil conditions in all bridge approaches, as there could be a requirement to strengthen them accordingly.
 - d) Current variations to complete all five bridge are still within allocated contract contingency, however given recent flood events, and in order to avoid project delivery delays, it is proposed to increase the contingency on this contract should it be needed.

Related Council decisions

6. Both contracts were originally awarded at the Ordinary Meeting of Council on 25 August 2020.

Council plans and policies

7. This report directly supports the achievement of Council Plan 2017-2021 strategy Provide a range of infrastructure that encourages people of all ages to participate in a variety of active and passive opportunities.
- Provide a range of infrastructure that encourages people of all ages to participate in a variety of active and passive opportunities.

Sustainability implications

8. Not applicable.

Community engagement

9. Not applicable.

Innovation and continuous improvement

10. Not applicable.

Collaboration

11. Not applicable.

12. Officers' reports

**CM.141/21 Diamond Creek Shared Trail - Stage 2 - Contracts 1920-89 and 1920-90
- Contract Variations**

Budget implications

12. Any additional funds to complete the Diamond Creek Shared Trail – Stage 2 can be accommodated through a portion of the budgeted borrowings from FY 2020/2021 to support capital works projects.

Relevant law

13. Not applicable.

Regional, state and national plans and policies

14. Not applicable.

Conflicts of interest

15. 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

12. Officers' reports**CM.142/21 Tender Report - Contract 2021-098 Graffiti Removal and Management Service**

Distribution: Public**Manager: Rosa Zouzoulas, Executive Manager Planning and Community Safety****Author: Jonathan McNally, Manager Community Safety and Amenity
 Lance Clark, Senior Procurement Specialist****Summary**

This report recommends the awarding of Contract 2021-098 for Graffiti Removal and Management Service.

The contract term is for an initial period of three (3) years, with two (2) x one (1) year options to extend the contract. The total duration of the contract, including the exercise of any options, shall not exceed five (5) years.

There were five (5) tendered submissions and this report provides a summary of the evaluation of the five submissions, and the recommendation for the awarding of the contract for 2021-098 for Graffiti Removal and Management Service.

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. Accepts the tender submitted by the **preferred tenderer** for the schedule of rates disclosed in (**Attachment 1**) and enter into the following contract:
 Number: 2021-098
 Title: Graffiti Removal and Management Service.
 Term: 1 October 2021 to 30 September 2024
 Options: Two (2) x one (1) year term extensions
2. Authorises the Executive Manager Planning & Community Safety to finalise and execute the contract documentation.
3. Authorises the Executive Manager Planning & Community Safety to approve contract term extensions.
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*.
6. Resolves that the preferred tenderer be named.

12. Officers' reports

CM.142/21 Tender Report - Contract 2021-098 Graffiti Removal and Management Service

Attachments

1. Attachment 1 - Tender Evaluation Report - *CONFIDENTIAL*
- ⇒2. Attachment 2 - Graffiti Removal Plan (Policy)

Discussion

1. Graffiti removal and management services are a critical Council role in relation to the following key objectives:
 - To protect and enhance the amenity of our Shire;
 - To ensure the appropriate management and maintenance of the significant Council assets throughout the Shire; and
 - To enhance the feeling of community wellbeing, safety and liveability within the Shire.
2. Council does not currently have a formal contract in place for the provision of graffiti removal and management services. The service is currently provided via a non-contracted arrangement.
3. Council has previously undertaken two (2) Public Request for Tender processes to put in place a formal contract for Graffiti Removal and Management Services.
4. In both cases, Council resolved to abandon the Tender process.

Related Council decisions

5. At the Council Meeting held on 23 March 2021, Officers were instructed to commence a new public tender process for the Graffiti Removal and Management Service with an independent probity officer appointed to oversee the tender process.
6. The Graffiti Removal Plan Policy (**Attachment 2**) was adopted at the March 2020 Ordinary Council Meeting.

Council plans and policies

7. This report directly supports the achievement of Council Plan 2017-2021 strategy Improve the appearance of public spaces.
 - Improve the appearance of public spaces.
 - Ensure responsible and efficient management of Council's financial resources.
8. This report directly supports the objectives of the Graffiti Removal Plan Policy (**Attachment 2**).

12. Officers' reports**CM.142/21 Tender Report - Contract 2021-098 Graffiti Removal and Management Service****Tender overview**

9. Due to the two (2) previous abandoned Tender processes for the Graffiti Removal and Management Service, to ensure there was complete independence in the issue and evaluation of the new Public Tender Process, an independent and authorised Agency was engaged, to undertake the Tender process and provide Council with their tender evaluation outcome and recommendation of the preferred service provider to deliver the contracted service requirements.
10. This Agency was Procurement Australia.
11. A public tender was issued and advertised on 29 May 2021.
12. The period for tender submissions closed at 3pm on Friday 25 June 2021.
13. There were a total of fifteen (15) Suppliers who downloaded the tender documentation
14. Out of the fifteen (15) Suppliers who downloaded the tender documentation, five (5) formally submitted a response as below:

TENDERER
Tenderer 1
Tenderer 2
Tenderer 3
Tenderer 4 – Preferred Tenderer
Tenderer 5

15. Tender submissions were assessed against conformance assessment criteria and mandatory assessment criteria.
16. All tender submissions successfully passed through to the Evaluation stage.
17. The following Qualitative (Non-Price) Scoring and Weightings were applied during the evaluation of tenders. These weightings were set and agreed to by Procurement Australia prior to the issue of the tender.

Criteria	Weighting %
Capability and Resources	60%
Other Factors (Customer Service, Strategic, Innovation)	20%
Corporate Social Responsibility	20%

12. Officers' reports

CM.142/21 Tender Report - Contract 2021-098 Graffiti Removal and Management Service

18. Qualitative (non-price) sections of each submission were assessed against the criteria and given a score out of 5 in accordance with the below scoring description.

Score	Score Description
0	Nil response or unacceptable - fails to satisfy the requirement.
1	Poor response; well short of requirements or unsubstantiated.
2	Mostly adequate but will not meet all requirements or is poorly substantiated.
3	Satisfactory response; adequate to requirements, and adequately substantiated.
4	Satisfactory response; more than adequate to requirements, and well substantiated.
5	Excellent response; surpasses all requirements, and fully substantiated.

19. The final Qualitative (Non-Price) evaluation outcome was as follows:

TENDERER	SCORE	RANK
Tenderer 1	61/100	5th
Tenderer 2	62/100	4th
Tenderer 3	77/100	3rd
Tenderer 4 – Preferred Tenderer	89/100	1st
Tenderer 5	87/100	2nd

20. The pricing analysis was separately conducted to ensure the “best value” submission is recommended.
21. Tenderers were asked to provide a schedule of rates against different requirements.
22. Tenderer 4 – the preferred tenderer was the best priced in the two (2) main pricing schedules being Schedule 1 – Rate to Remove Graffiti and Schedule 2 – Rate to Paint Out Graffiti.
23. After the initial evaluation was completed, the two (2) overall highest ranked submissions were asked to provide their best and final offers (BAFO) in relation to tendered pricing. The BAFO stage provided some minor improvements.
24. Both of the two (2) highest ranked companies are specialised graffiti removal organisations.

12. Officers' reports

CM.142/21 Tender Report - Contract 2021-098 Graffiti Removal and Management Service

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25. The recommended tender was the highest ranked and is considered best value because of their evidenced capability, experience and resources to deliver against the requirements of the contract.
26. **Attachment 1** - Tender Evaluation Report – Confidential, provides the tenderer names and the Evaluation Summary as provided by Procurement Australia.
27. The Tender Evaluation Report (**Attachment 1**) to remain confidential on the grounds specified in the definition of confidential information in section 3(1)(g) of the *Local Government Act 2020*.

Capability and Capacity

28. Is a specialised graffiti company with a highly experienced team.
29. Has a quality assurance manager in place.
30. Has evidenced a good understanding and ability to manage the contract requirements
31. Has in place, established technology systems and has a fleet of custom built and fully equipped vehicles.

Collaboration

32. Not applicable.

Budget implications

33. Provision is made in the annual Community Safety operating budget for the provision of a graffiti removal service.

Sustainability implications

34. Preferred tenderer is a business based within the Northern Region Council Area, providing employment opportunities to 14 residents.
35. Employs apprentice and sources from Local Suppliers where possible.

Stakeholder Consultation/communication

36. Not applicable.

Innovation and continuous improvement

37. The preferred tenderer has in place a fleet of fully equipped vehicles specifically designed for use in Graffiti Removal. The on-board water pumps run off the vehicle motor and vehicles are fitted with Spin jet water recovery system.

Tender Reference checks

38. Tender contract reference checks were undertaken.

12. Officers' reports

CM.142/21 Tender Report - Contract 2021-098 Graffiti Removal and Management Service

Relevant law

39. The tender process described in this report is in accordance with Council's Procurement Policy and Guidelines, the relevant provision of the Local Government Act 1989 – section 186 (Restriction on power to enter into contracts), section 3C (Council Objectives) and section 208 (Best Value Principles).

Regional, state and national plans and policies

40. Not applicable.

Conflicts of interest

41. As part of the tender process, there were no disclose-able conflict of interest raised.

12. Officers' reports**CM.143/21 Informal Meetings of Councillors Records - 28 September 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 Informal Meetings of Councillors held.

This report lists Informal Meetings of Councillors records submitted since the matter was last reported to Council on 24 August 2021.

An Informal Meetings of Councillors Record was kept for the following meetings (**Attachment 1**):

1. Informal Meeting of Councillors Record - Positive Ageing Advisory Committee – 6 August 2021.
2. Informal Meeting of Councillors Record – Health & Wellbeing Advisory Committee – 12 August 2021.
3. Informal Meeting of Councillors Record – Arts and Cultural Advisory Committee – 16 August 2021.
4. Informal Meeting of Councillors Record – Climate Action Plan Monthly Meeting – 17 August 2021.
5. Informal Meeting of Councillors Record – Environment & Sustainability Advisory Committee – 18 August 2021.
6. Informal Meeting of Councillors Record – Inclusion & Access Advisory Committee – 20 August 2021.
7. Informal Meeting of Councillors Record Pre-meet to Council Meeting – 24 August 2021
8. Informal Meeting of Councillors Record – Positive Ageing Advisory Committee Meeting – 3 September 2021
9. Informal Meeting of Councillors Record Councillor Briefing - 7 September 2021.
10. Informal Meeting of Councillors Record Pre-meet to Planning and Consultation Committee Meeting and Councillor Briefing – 14 September 2021.

Recommendation

That Council, in accordance with *Item 19 of Council's Governance Rule – Meeting Procedure*, receives the Informal Meetings of Councillors Records (**Attachment 1**) for the meetings held.

Attachments

- ⇒1. Informal Meeting of Councillors Record reported 28 September 2021

12. Officers' reports

CM.143/21 Informal Meetings of Councillors Records - 28 September 2021

Discussion

1. *Item 19 of Council's Governance Rule – Meeting Procedure*, requires records of Informal Meetings of Councillors be reported to a Council Meeting and recorded in the minutes of that meeting.

Related Council decisions

2. Not applicable.

Options

3. An Informal 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:
 - 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.
 - 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 Informal 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 Informal Meetings of Councillors held.
6. The recommendation contains the list of Informal Meetings of Councillors records submitted since the matter was last reported to Council as the last Council Meeting.

Conclusion

7. It is recommended that Council receives the records of recent records of Informal 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.

12. Officers' reports

CM.143/21 Informal Meetings of Councillors Records - 28 September 2021

Innovation and continuous improvement

11. Not applicable.

Collaboration

12. None required.

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.

12. Officers' reports

CM.143/21 Informal Meetings of Councillors Records - 28 September 2021

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- 13. Notices of Motion
- 14. Delegates' Reports
- 15. Supplementary and urgent business
- 16. Confidential reports

Pursuant to section 66(2) of the *Local Government Act 2020* (the Act), the meeting of the Council be closed to members of the public for the consideration of the following confidential items:

CM.144/21 Montsalvat Agreement 2021 - 2024 - Confidential

This item is confidential because it is private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage pursuant to paragraph (g(ii)) of the definition of confidential information under section 3(1) of the *Local Government Act 2020*. This ground is applied because it is information that, if publicly released at the time, is likely to be inappropriately detrimental to the Council or any person (natural or corporate).

Recommendation

That in accordance with section 66(2) of the *Local Government Act 2020*, Council resolves to close the meeting to members of the public to consider confidential items.

- 12. Close of Meeting