

Council Meeting

to be held at the Civic Centre, Civic Drive, Greensborough
on Tuesday 26 April 2022 commencing at 7:00pm.

Agenda

Carl Cowie
Chief Executive Officer

Thursday 21 April 2022

Distribution: Public

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Council Chamber Council Meeting seating plan

Cr Natalie Duffy
Edendale Ward

Cr Karen Egan
Bunjil Ward

Cr Richard Stockman
Blue Lake Ward

Cr Peter Perkins
Ellis Ward

**Cr Ben Ramcharan
(Deputy Mayor)**
Sugarloaf Ward

Cr Geoff Paine
Wingrove Ward

Katia Croce
Governance Lead

Blaga Naumoski
Executive Manager
Governance,
Communications and
Engagement

**Cr Frances Eyre
(Mayor)**
Swipers Gully
Ward

Carl Cowie
Chief
Executive
Officer

Nillumbik Shire Council

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Nillumbik Shire Council

Agenda of the Meeting of Nillumbik Shire Council to be held Tuesday 26 April 2022 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 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

To accept apologies from any Councillors not in attendance at the meeting.

Recommendation

That the apologies be noted.

6. Presentations

Sporting Grants - 26 April 2022

The following Sporting Grants presentations will be made:

Asher Andrews (Bunjil Ward) receives \$150 as a contribution for being selected to represent Victoria at the Australian Little Athletics Championships in Melbourne.

Lawson Franzmann (Wingrove Ward) receives \$150 as a contribution for being selected to represent Victoria at the 2022 AusCycling Junior Track National Championships in Brisbane.

Olivia-Beau Cutler (Blue Lake Ward) receives \$150 as a contribution for being selected to represent Victoria at the 2022 Australian U18 Hockey Championships in Cairns.

7. Confirmation of Minutes

Confirmation of the minutes of the Council and Confidential Council Meetings held on Tuesday 22 March 2022.

Recommendation

That Council:

- 1 Confirms the minutes of the Council Meeting and Confidential Council Meeting held on Tuesday 22 March 2022 (**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*.

Attachments

- 1 Minutes of Council Meeting held on Tuesday 22 March 2022

2. Minutes of Confidential Council Meeting held on Tuesday 22 March 2022 -
CONFIDENTIAL

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

11. Reports of Advisory Committees

AC.003/22 Advisory Committee Report - 26 April 2022

Distribution: Public

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

Author: Katia Croce, Governance Lead

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. Youth Council Advisory Committee Meeting held 4 April 2022.

Attachments

1.  Advisory Committee Meeting Minutes reported 26 April 2022

Recommendation

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

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12. Officers' reports

CM.029/22 Nillumbik Customer First Strategy 2019-2022 - Final Year Update

Distribution: Public

Manager: Jeremy Livingston, Executive Manager Business Transformation and Performance

Author: Craig King, Customer Experience Lead

Summary

The Nillumbik Customer First Strategy 2019-2022 was Council's first customer experience strategy which defined the strategic direction of Council's customer focus for our community.

This report presents a final year update of the strategy that highlights implementation achievements, as well as recommended next steps given the expiry of the current strategy.

Overall, the implementation of the current strategy has progressed well. In particular, the strategy has achieved:

- establishing a series of data tools to measure our performance and gather customer intelligence;
- implemented and promoted modern customer channels/tools which have become even more important than anticipated during the COVID-19 pandemic; and
- enabled successful cultural change whereby customer service is everyone's priority.

Council is now well placed to consolidate and leverage off the work achieved under the current strategy, to inform a future action plan to continue the delivery of our 'customer first' vision and consistently meet our customer commitments.

Recommendation

That Council:

1. Notes the report which highlights the four-year implementation and delivery of the Nillumbik Customer First Strategy 2019-2022.
2. Notes that a future report be presented to Council in late 2022 on the next version of the Nillumbik Customer First Strategy/Action Plan, to replace the expiring 2019-2022 strategy document.

Attachments

1.  Nillumbik Customer First Strategy 2019-2022 - Action Plan - Final Year Summary

12. Officers' reports

CM.029/22 Nillumbik Customer First Strategy 2019-2022 - Final Year Update

Discussion

1. Council's [Nillumbik Customer First Strategy 2019-2022](#) is an important document that outlined our journey to drive organisational cultural change to support Council in delivering an outstanding customer service to our community every time they interact with us.
2. The drive was strongly influenced by increasing demands and expectations from our community, and we needed to find and deliver efficiencies and better ways of servicing them to support their needs.
3. As community expectations of Council continue to change, we needed to listen and adapt the way we interacted with our community to ensure the experiences we delivered to them were positive, solutions-focused, easy, empathetic, accessible and added value.
4. The Nillumbik Customer First Strategy has included:
 - a) Our **Vision** which reflected our aspirations to drive a customer service centric culture at Nillumbik:

'Nillumbik's services are easy to use and we will ensure they will be customer focused at all times in an environment where all customers will be treated with care and respect.'
 - b) Our four **Customer Commitments** which are:
 - **Empathetic** – We listen to our customers, understand their needs and concerns and we put ourselves in their shoes
 - **Consistent** – Our customers are provided with accurate information and consistent experiences across Council and all its customer channels, by knowledgeable and supportive staff
 - **Effective** – We understand our key customer journeys, we design and deliver our services to deliver quality outcomes and reduce duplication and repetition
 - **Simple** – All customer processes, documentation, information and contact channels are easy to follow, are seamless and require as little time and effort from the customer.
 - c) The strategy's **goals** were drawn from key findings based on internal and external research to drive the changes we needed to drive cultural change at Nillumbik:
 - Customer focused culture and leadership
 - Improved reporting and measurement
 - Increased customer intelligence
 - Modern and effective customer channels and tools
 - Ongoing continuous business improvement and innovation.

12. Officers' reports**CM.029/22 Nillumbik Customer First Strategy 2019-2022 - Final Year Update**

5. One of the outcomes of the strategy's adoption was to provide Council with an annual update of the progress of Nillumbik Customer First Strategy. This briefing provides a final summary on the strategy's four-year implementation and performance.
6. A total of 19 of the 24 actions in the strategy have been implemented, with two of these recommended to be carried over to future plans, and three now identified as 'out of scope' due to cost and identified low return on investment (**Attachment 1**).
7. Delivery highlights from the implementation of the strategy has included:

Goal 1 – Customer focused culture and leadership

- a) Cultural change was led by organisation-wide training which focused on customer service being everyone's priority. All permanent staff have completed 'Customer First' training over the life of the strategy. This has helped reshape the culture of Council by ensuring a focus is on customer service driven outcomes from the moment staff start working for Council.
- b) Reward and recognition pathway for staff has been established as part of a review process by our Human Resources team. This program continues to reward behaviours that are aligned to our four customer commitments and our five organisation values.
- c) Business Plan reviews are now an annual focus with a focus around service related KPIs being embedded into business plans for 'frontline' services/teams to focus on increased accountability.

Goal 2 – Improved reporting and measurement

- a) Complaint Handling Policy and supporting process:
 - A Complaint Handling Policy was adopted by Council in March 2020, complying with the relevant requirements of *Local Government Act 2020*.
 - A further updated policy was adopted by Council in December 2021 in line with updated, published recommendations from the Victorian Ombudsman.
 - All teams have been trained in capturing complaints and a big drive going forward is our ability to interpret and use this data to improve our services, and drive continuous improvement.
- b) To support the objectives of the strategy, we continued to engage with an independent mystery shopping program to independently measure the quality of Council's interactions with the community via our phone channel across a variety of 'frontline' teams across Council. Key headlines of this program were:
 - Given the limitations around face-to-face customer service during the COVID-19 pandemic, our customers' reliance on the phone channel was more important than ever.
 - In 2021, Nillumbik maintained its position as the top performing council across the entire local government sector (of 49 participating councils) and Nillumbik also achieved eighth best performer across all participating organisations (198 in total).

12. Officers' reports

CM.029/22 Nillumbik Customer First Strategy 2019-2022 - Final Year Update

- While this is an outstanding achievement in its own right, it is particularly noteworthy given the challenges faced in staff working from home (many of them not having dedicated home offices) during the various lockdowns across the year.
 - This is excellent recognition for not only the staff performing under challenging conditions, but also the agile and seamless service transitions between working in the office and working remotely from home throughout the year.
- c) Other action items under this goal have included:
- Development and embedding a KPI framework reporting across the organisation to measure and report on customer service interactions.
 - This is supported by better documenting how we work through mapping our processes through the use of Promapp (our web-based process mapping tool).
 - Since its establishment in June 2019, more than 1,100 processes have been mapped in Promapp from across the organisation which has promoted one of our four customer commitments – consistency, with a focus now on process review and improvement (particularly those relating to high volume customer touchpoints and our identified customer pain-points).

Goal 3 – Customer intelligence drives better service

- a) This goal has enabled us to better understand our customers’ needs and levels of satisfaction across multiple customer channels. Prior to the strategy, there were significant gaps in our customer data and measurement. These gaps have now been addressed, and the data, measurement and feedback is maturing as we increasingly share, use and review the available data and intelligence.
- b) Some high level key performance metrics around customer developed over the life of the current strategy are as follows:

Customer metric	2017-2018 pre-strategy	2019-2020 mid-strategy	2021-2022 strategy end
Customer visits to Civic Centre (Source: Contact centre data)	117 per day (29,205)	Not measured (COVID-19)	11 per day
Calls to Council's contact centre (Source: Telephone system)	53,377 per year	48,049 Per year	29,276* (figure is at 1 April 2022 – a 20% decline is forecast)
Overall customer satisfaction score (phone channel) (Source: CSBA Biannual CMT Survey ~350 actual customers per survey)	69%	61%	73%

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CM.029/22 Nillumbik Customer First Strategy 2019-2022 - Final Year Update

Customer metric	2017-2018 pre-strategy	2019-2020 mid-strategy	2021-2022 strategy end
First contact satisfaction score (phone channel) (Source: CSBA Biannual CMT Survey ~350 actual customers per survey)	77%	73%	89%
Mystery shopping program (phone) (Source: CSBA Quality Assurance Program)	52%	65%	76%
Website users (Source: Council website)	249,632	281,240	381,823
Live Chat (Source: Council website)	Not implemented	Not implemented	3,626 chats answered

Goal 4 – Modern and effective channels and tools

- a) Our Website Upgrade project was completed in September 2021 and has updated both our architecture and content to better support customer interactions and information on our services for the community.
- b) Website forms – on the back of the website upgrade, we have continually identified opportunities through our data, community feedback and high volume transactions to support easier capture of community information with simpler website forms. The long term focus continues to be on supporting the community to self-serve.
- c) Introduction of Live Chat, a customer channel through our upgraded website, has given the community another alternative channel to contact us with a channel of choice.
- d) Records management implementation was completed in February 2021 via our Electronic Document and Records Management System (EDRMS) project. The final product (Content Manager) has ensured, from a community perspective, we have significantly improved the recording, tracking and management of volume and open/closed matters the community raises via the written and email customer channel.

Goal 5 – Ongoing continuous business improvement and innovation

- a) Linking complaint management process and reporting to focus our drive on continuous improvement has ensured we have an organisation process and reporting framework to identify community pain-points and improve them alongside we review how we can improve our process, systems and training with every interaction.

12. Officers' reports**CM.029/22 Nillumbik Customer First Strategy 2019-2022 - Final Year Update**

- b) An organisation-wide knowledge management review of our internal system was undertaken in 2020 to support first contact resolution of requests and enquiries. Over 800 pages of service knowledge was reviewed, updated or created, which ensure the community gets the correct information from our service team, every time.
8. The below three strategy action items were reviewed and deemed 'out of scope' due to costs with respect to the strategy's implementation, as well as identified low return on investment:
- a) Action item 3.4 – Develop customer personas:
- This action item is intended to help support a more specific and multi-faceted community experience online but is costly to develop and difficult to implement with limited gained benefit for a population of Nillumbik's size.
- b) Action items 4.1 and 4.2 – Customer Request Management (CRM) Platform Review / Single view of Council:
- These actions are inter-linked to help better support a simpler employee experience (CRM platform review) and more intuitive community experience with regards to Council delivery of service online (single view of council) into the future.
 - This action item was reviewed as part of the broader consultancy that reviewed our organisational systems for the business transformation program. The recommendation was to retain our current CRM (Pathway) and enhance its existing capability (part of our transformation program).
9. The below two strategy action items were reviewed and proposed to be carried over to a subsequent strategic action plan:
- a) Action item 1.3 – Customer Experience Policy and Standards:
- The review for this item took place at the end of the second year of the strategy and was subsequently deferred due to COVID-19 impacting service delivery and levels. It has been slated for development and implementation in our subsequent strategy/plan.
- b) Action item 4.5 – Effective Customer Communication:
- This action was deferred to incorporate a broader fit into the organisation Communications Strategy, proposed to be developed over coming months.

Related Council decisions

10. Council adopted the Nillumbik Customer First Strategy 2019-2022 in March 2019. In adopting the strategy, Council resolved to receive an annual update of the progress of the strategy's implementation. This report represents the final annual update on the delivery of this strategy.

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CM.029/22 Nillumbik Customer First Strategy 2019-2022 - Final Year Update

Options

11. This final year strategy update is for noting. However, with this strategy expiring, it is recommended that a replacement strategy/plan be developed, which consolidates elements of the existing strategy (i.e. vision, customer commitments, drivers for improvement) and includes a low-cost action plan to continue improving the customer experience for the Nillumbik community moving forward.
12. Having no such future document will result in the absence of a clear strategic direction set (for both the community and Council staff) for this important element of Council's service to the community.

Council plans and policies

13. This report directly supports the achievement of the Council Plan 2021-2025 strategy:
 - We enhance the effectiveness and efficiency of our services, prioritising a great customer experience.

Sustainability implications

14. Not applicable

Community engagement

15. The Nillumbik Customer First Strategy 2019-2022 was comprehensively informed through a range of research and feedback sources, helping identify and drive the focus of the strategy and key actions. These included:
 - Community Satisfaction Surveys (Metropolis Research);
 - Customer Experience Survey (CSBA);
 - Internal Staff Customer Centricity Survey;
 - Internal (staff) working group, staff workshops and feedback; and
 - Community engagement focus group.
16. It is proposed that the development of the next phase will utilise similar resources, noting that the customer data and feedback is more advanced and mature since the current strategy's development in 2018-2019.

Innovation and continuous improvement

17. In line with the strategy's objective for improved reporting and measurement, performance data and measurement is captured through customer surveys and complaints handling, ensuring that a continuous improvement approach to customer service can be pursued.

Collaboration

18. Essential to the success of the strategy has been ensuring everyone across the organisation has a stake in the 'customer first' journey, and shaping leadership and culture is the key driver in this respect.

12. Officers' reports

CM.029/22 Nillumbik Customer First Strategy 2019-2022 - Final Year Update

19. As a largely service based organisation, our customer experience and service delivery is Council's core business. Customer experience is not just about an interaction with front-desk staff or those who answer telephones; it is the entire experience the community have with us, and all Council employees are responsible for providing good customer service.

Budget implications

20. The implementation of the strategy is accommodated within Council's operating budget.

Relevant law

21. Not Applicable

Regional, state and national plans and policies

22. Not Applicable

Conflicts of interest

23. 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.030/22 Draft Communications Strategy 2022-2025 - Endorsement of Community Engagement Phase**

File: DOC/21/28801**Distribution:** Public**Manager:** Blaga Naumoski, Executive Manager Governance, Communications and Engagement**Author:** Licardo Prince, Communications and Advocacy Lead**Summary**

The communications environment is constantly changing, making connecting with stakeholders an ongoing challenge. Traditional local media, once the primary means, has given way to a multitude of media channels. This fractured media landscape means the one-size-fits-all approach to communicating must often give way to something more targeted and segmented in order to reach an audience of diverse interests which consumes its news and information on a diversity of platforms and channels.

This report presents the draft Communications Strategy 2022-2025 (**Attachment 1**). This Strategy has been informed by the *Council Vision, Council Plan 2021-2025* and with input and insights gained from a Councillor workshop, Councillor survey, one-on-one discussions with the Executive Management Team and in consultation with other key internal stakeholders – in particular, the Communications and Engagement Unit.

It also draws on a significant body of existing information and data from a range of Council sources. These include the Annual Community Survey, as well as feedback gained from various community engagement projects undertaken over the past two years.

The draft Strategy aims to set out a framework through which Council will communicate clearly, accurately, in timely fashion and with relevance, through an effective combination of approaches and channels.

The draft Strategy is presented for Council endorsement to proceed to public exhibition for community feedback prior to finalisation and endorsement.

Recommendation

That Council:

1. Endorses the draft Communications Strategy 2022-2025 (**Attachment 1**) for the purposes of public exhibition and community feedback.
2. Invites written submissions on the draft Communications Strategy to Council by 25 May 2022.
3. Considers public submissions at the Planning and Consultation Committee meeting to be held on 14 June 2022.

Attachments

- 1  Draft Communications Strategy 2022-2025

12. Officers' reports**CM.030/22 Draft Communications Strategy 2022-2025 - Endorsement of Community Engagement Phase**

Discussion

1. Council uses communications as a tool to inform the community and promote two-way communication between Council and the community. Council has a decentralised approach to communications so that departments and staff members can correspond directly with residents, ratepayers and other customers on issues that are directly related to them, such as planning, waste or sustainability. All Council departments therefore, have an active and important role in Council communications, from ensuring transparency and effective community engagement, to promoting Council services and facilities, and encouraging community participation in programs and events, such as sport, sustainability, arts and culture.
2. Council's Communications and Engagement team actively promotes Council's developments, achievements, programs, new initiatives and events. Also within its remit is enhancing and protecting Council's reputation. The team is also the point of contact for all media enquiries and responsible for coordinating and producing communications materials across a wide range of channels.
3. The current communications environment is continuously changing, making connecting with Council stakeholders more challenging than ever. Our audience no longer receive their news from just one or two traditional media sources, but read and disseminate news in a variety of ways, using a wide range of digital and social media platforms. Council must therefore communicate with stakeholders across multiple platforms, including both print and digital media, in order to reach different age groups with different interests.
4. Council uses digital and social media, with websites, e-newsletters, Twitter, Facebook, YouTube, Instagram and LinkedIn an integral part of the communications mix. Council's audience on these platforms has grown steadily and continues to do so.
5. While digital and social media platforms have not replaced Council's traditional communication channels, such as print media, printed publicity material and face-to-face customer services, they have become a central component to how Council effectively communicates and receives feedback from stakeholders.
6. The draft Strategy incorporates new priorities. These are:
 - a) Build trust with Council's identity – the draft Strategy affirms the need to build trust and protect Council's identity and incorporates work on branding and corporate standards to be completed.
 - b) Engage and inform the community – the draft Strategy renews the focus on communicating significant projects and events to both the local and wider community. It also affirms the need to tailor messages to target audiences, use plain English and disseminate information through multiple channels.
 - c) Enhanced digital communications – the draft Strategy supports expanding Council's digital reach and building the audiences on all social media platforms. It places increased emphasis on the use of video to communicate key projects and building capability in the video and social media areas.

12. Officers' reports**CM.030/22 Draft Communications Strategy 2022-2025 - Endorsement of Community Engagement Phase**

Related Council decisions

7. Not applicable.

Options**8. Option 1 – Adopt the draft Communications Strategy 2022-2025 for community consultation (preferred)**

By choosing to adopt the draft Communications Strategy Council 2022-2025, Council is committing to improving how our community are connected to the information they need and want about relevant Council programs, services and decisions, to enable them to live supported, active and connected lives within our community. Endorsing the draft will also enable Council to hear from the community about the effectiveness of the draft Strategy.

9. Option 2 – Not adopt the draft Communications Strategy 2022-2025 for community consultation

Council may chose not adopt the draft Communications Strategy 2022-2025 for community consultation. Failure to endorse such a strategy will result in Council not having a clear framework that guides Council in keeping our communities connected to our programs, services and decisions in community-relevant and wide-reaching way.

Council plans and policies

10. This report directly supports the achievement of the Council Plan 2021-2025 strategy:
- We maintain good governance and transparency; clearly defining and communicating the role of Councillors and Council.

Sustainability implications

11. In the implementation of this Strategy Council will:
- Consider and manage the impact of printed materials.
 - Use recycled and recyclable materials for printing where practicable.
 - Direct customers to online forms and information.

Community engagement

12. The draft Strategy 2022-2025 (**Attachment 1**) is subject to public exhibition and community feedback prior to its final adoption by Council.
13. Community engagement will be undertaken in accordance with Council's Community Engagement Policy.
14. Once the draft Strategy 2022-2025 is endorsed by Council, it will be placed on public exhibition through Participate Nillumbik for community feedback for 4 weeks (28 April 25 May 2022). During this time, community members may make submissions to the draft Strategy and have the opportunity to speak to their submission at the Planning and Consultation Committee meeting on 14 June 2022.

12. Officers' reports

CM.030/22 Draft Communications Strategy 2022-2025 - Endorsement of Community Engagement Phase

15. Opportunities to engage will be actively promoted through a comprehensive communications and engagement plan.
16. Consultation activities include:
- a dedicated page through our online 'Participate' portal, inviting community members to a conversation. This page will be prominently promoted and linked from the homepage of Council's website;
 - information and feedback sessions (virtual and in-person);
 - mention in May edition of Nillumbik e-News;
 - media release and news story on Council website;
 - distribution of postcards and flyers with QR code;
 - e-newsletters
 - a scheduled series of posts – including paid posts - on Council social media channels (Facebook, LinkedIn, Instagram);
 - a targeted social media strategy aimed at those generally harder to engage (e.g. youth);
 - advertising and editorial in community newspapers;
 - Council staff to promote the draft Strategy through their local community networks;
 - directly contacting key stakeholder groups;
 - promotional signage with QR codes to be positioned in areas with high foot traffic;
 - draft strategy promoted and hard copies placed at Council facilities - including Libraries, sport and leisure facilities and community centres; and
 - hard copies of the draft policy available to anyone upon request.

Innovation and continuous improvement

17. In developing this Strategy, Council has acknowledged a number of key challenges that can impact the effectiveness of our communication and engagement activities within the community. The focus of this Strategy will be on excelling in these three focus areas:
- focusing on our efforts on reaching the potentially engaged;
 - increasing the relevance of our communications; and
 - expanding the reach of our communication.

12. Officers' reports

CM.030/22 Draft Communications Strategy 2022-2025 - Endorsement of Community Engagement Phase

Collaboration

18. Collaboration was undertaken across the organisation. All Council departments play an active and important role in Council communications, from ensuring transparency, open government and community engagement, to promoting Council services and facilities, and encouraging community participation in programs and events, such as sport, sustainability, arts and culture.

Budget implications

19. The development of this Strategy is accommodated within Council's operating budget.

Relevant law

20. The *Local Government Act 2020*.

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.030/22 Draft Communications Strategy 2022-2025 - Endorsement of
Community Engagement Phase**

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12. Officers' reports**CM.031/22 Climate Action Plan 2022-2032****Distribution: Public****Manager: Hjalmar Philipp, Director Operations and Infrastructure****Author: Lisa Pittle, Manager Environment****Summary**

This report presents the Climate Action Plan 2022-2032 (**Attachment 1**) for Councillor consideration for endorsement.

It includes an acknowledgement of climate emergency, targets and eight focus areas for climate action.

Supporting information regarding community feedback on the draft and how this has been considered is provided in **Attachments 2 and 3**.

A 'Year 1 Implementation Plan' is scheduled to be presented to Council for endorsement at the June 2022 Council meeting. It will detail Council's climate-action initiatives for 2022-23.

Recommendation**That Council:**

1. Endorses an acknowledgement of climate emergency.

"As a Green Wedge Shire, Nillumbik Shire 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."

2. Endorses the Climate Action Plan 2022-2032 (**Attachment 1**).
3. Receives a Year 1 Climate-Action Implementation Plan (2022/23) for endorsement at the June 2022 Council meeting.
4. Receives an annual update on the implementation of the Climate Action Plan 2022 - 2032, and that a summary be provided to the community on Council's website and in Council's Annual Report.

Attachments

- 1  Climate Action Plan 2022-2032
- 2  Draft Climate Action Plan - Community feedback summary report
- 3  Draft Climate Action Plan - Community feedback with officer responses

12. Officers' reports

CM.031/22 Climate Action Plan 2022-2032

Discussion

1. The Climate Action Plan (**Attachment 1**) has been informed by:
 - a) A review of the previous Nillumbik Climate Change Action Plan 2015
 - b) A review of local, state and national policy context, data and benchmarking
 - c) Community engagement (Refer below)
 - d) Councillor and Officer engagement
 - e) An independent climate change risk assessment of Council operations
2. The following principles guided its development:
 - a) Council accepts climate science and recognises climate change as a threat and foreseeable risk.
 - b) Council has diverse roles in responding to the challenge of climate change so has created a whole-of-Council proactive climate response.
 - c) Climate action requires collaboration between communities, businesses and all levels of government.
 - d) Climate action decision-making needs to be dynamic and responsive to innovation opportunities.
 - e) Key implementation actions will be reviewed annually, will help inform Council planning and resourcing considerations, and will inform and be subject to annual Council Plan and Budget processes.
3. It acknowledges a climate emergency, 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.”
4. It includes three goals and eight focus areas with associated objectives, strategies, targets and indicators.
5. The key mitigation targets are:
 - a) Net zero Council emissions by 2030
 - b) Net zero community emissions by 2035
6. It will be supported by annual implementation plans that will specify key climate action initiatives to deliver on the goals and targets of the Climate Action Plan.

12. Officers' reports

CM.031/22 Climate Action Plan 2022-2032

Related Council decisions

7. At the February 2022 Planning and Consultation Committee Meeting it was requested that:
 - a) *A report be presented at the April 2022 Council Meeting to adopt the final version of the Climate Action Plan 2022-2032.*
8. At the September 2021 Council meeting it was unanimously carried that Council:
 - a) *Endorse the Draft Climate Action Plan, including an acknowledgement of climate emergency, for the purpose of public exhibition.*
9. At the June 2021 Council meeting it was unanimously carried that Council:
 - a) *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.*
10. At the March 2021 Council meeting it was unanimously carried that Council:
 - *Receives and notes the results of the 2020 Climate Action Plan Survey*
 - *Notes the timeframe for the development of the Climate Action Plan 2022-2032.*

Options

11. The Draft Climate Action Plan has been updated following the outcome of the consultation and is presented to Council for endorsement.

Council plans and policies

12. This report directly supports the achievement of the Council Plan 2021-2025 strategy:
 - a) We work with our community, First Nation People, partners and all levels of government to develop clear and effective initiatives to address climate change.
13. The Climate Action Plan provides a strategic framework to focus on and support climate action across Council.
14. Once endorsed by Council, the new Climate Action Plan 2022 – 2032 will replace the Climate Action Plan 2015 – 2020.
15. Once endorsed, the Climate Action Plan 2022 – 2032 will require that new Council strategic documents consider climate risks and impacts; and associated mitigation and adaptation.

Sustainability implications

16. The endorsed Climate Action Plan 2022 – 2032 will provide the strategic direction for Council's climate action over the next decade

12. Officers' reports

CM.031/22 Climate Action Plan 2022-2032

Community engagement

17. The endorsed Climate Action Plan 2022 – 2032 will provide the strategic direction for Council's climate action over the next decade.
18. Phase 1 community engagement to inform the draft Climate Action Plan included:
- a) A statistically representative telephone survey conducted in November 2020 to ascertain community views and priorities with regard to climate change. There were 797 respondents, 400 via a random telephone survey and 397 via Participate Nillumbik:
 - i) The findings indicated general community support for climate action.
 - ii) Ninety percent expressed concern about climate change. Ten percent are not very, or not at all concerned.
 - iii) Eighty-two percent think 'Council should consider climate change in their decisions'.
 - b) 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 considered. The findings indicate community support for climate action.
 - c) Discussions were held with Council's Youth Council; and various Advisory Committees including Environment and Sustainability, Positive Ageing, Health and Wellbeing, and Economic Development.
19. Phase 2 community engagement involved a five-week public exhibition and associated consultation period (from 4 October – 7 November 2021) and a subsequent Planning and Consultation Committee meeting to hear from people verbally.
- a) 80 survey submissions and 11 written submissions were received through the public exhibition process, along with verbal input from 15 people who participated in one of four facilitated virtual drop in sessions. A summary of this community feedback is provided in **Attachment 2**.
 - b) Five people spoke at the Planning and Consultation Committee on 8 February 2022.
20. Public submissions have been reviewed and considered (**Attachment 3**) and have informed the updated Climate Action Plan. Changes, which are based on the feedback include:
- a) Implementation plans will be prepared annually rather than bi-annually
 - b) Many specific implementation initiatives/actions were recommended within the submissions. Over the life the Climate Action Plan such initiatives will be explored for action via the annual implementation plans.
 - c) Three additional indicators have been developed. They are all new questions that have been added to Council's annual community survey:
 - i) "Community satisfaction with Council's performance in delivering climate action leadership and initiatives".

12. Officers' reports

CM.031/22 Climate Action Plan 2022-2032

- ii) "Percentage of Nillumbik residents that have made changes to their home or lifestyle to help reduce climate change and its impacts".
- iii) "Nillumbik resident rating of their household's ability to cope with climate related risks and impacts (such as fire, drought, extreme heat and heavy rainfall)".
- d) The scope of Objective 1.3 has been broadened to also include climate action advocacy with other local governments, as well as state and federal governments.
- e) A new focus area (Focus Area 8) has been created which focuses on Integrated Water Management.
- f) Case study examples have been added within each of the focus areas to provide some examples of implementation initiatives.
- g) More information on what a circular economy is has been added within Focus Area 7.
- h) A new strategy has been added within Objective 3.1 to "Investigate measures to establish and enhance urban tree canopy and help reduce urban heat".
- i) In relation to feedback on targets:
 - i) Reference to Councils net zero emissions targets has been added within the Introduction.
 - ii) The existing targets in the Plan have been retained, with reference to regularly reviewing targets based on science; reviewing progress towards targets; and adjusting where agreed by Council. The existing targets are more ambitious than the Victorian governments which was the preferred position of the phase 1 consultation.
- j) In relation to acknowledging a climate emergency:
 - i) Some additional 'Climate Emergency' and 'threat' language has been incorporated into the Plan.
 - ii) The use of acknowledge has been retained as it was supported by the majority. 64 respondents from a total of 91 supported *acknowledging* a climate emergency with 36 (of the 64 supporting acknowledging a climate emergency) wanting Council to use *declare* rather than *acknowledge*.

Innovation and continuous improvement

21. The Climate Action Plan was developed under the guidance of principles, including:
- a) Council has diverse roles in responding to the challenge of climate change so we have created a whole-of-Council proactive climate response; and that
 - b) Climate action decision making needs to be dynamic and responsive to innovation opportunities.

12. Officers' reports**CM.031/22 Climate Action Plan 2022-2032**

Collaboration

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

Budget implications

23. The Climate Action Plan is a high-level strategic document and does not make specific budget commitments.
24. There are no implications for the 2021/22 budget.
25. Annual Implementation Plans will identify how Council can work towards achieving the goals and targets of the Climate Action Plan. Initiatives that require additional funding will be considered via the formal annual budget process.

Relevant law

26. 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.
27. 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 Plans 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

28. 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:
- 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.

12. Officers' reports

CM.031/22 Climate Action Plan 2022-2032

Conflicts of interest

29. 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.031/22 Climate Action Plan 2022-2032

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12. Officers' reports**CM.032/22 Health and Wellbeing Advisory Committee Community Member Recruitment****Distribution: Public****Manager: Corrienne Nichols, Executive Manager Community Services****Author: Nichole Johnson, Manager Community Partnerships****Summary**

The endorsed Terms of Reference (**Attachment 1**) for the Health and Wellbeing Advisory Committee (the Committee) outlines that membership will consist of up to six community members to the Committee for a two-year term until April 2024.

Recruitment for community nominees for the Committee opened Thursday 28 February 2022 and closed Sunday 20 March 2022. A total of three applications were received and assessed against the selection criteria by an internal assessment panel.

This report seeks Council endorsement for three community member nominees for membership of the Health and Wellbeing Committee.

Recommendation**That Council:**

1. Endorses the three recommended applicants listed onto the Nillumbik Health and Wellbeing Advisory Committee (see **Attachment 2**):
 - (a) Applicant 1 _____ for their role as a Nillumbik Health and Wellbeing Advisory Committee member.
 - (b) Applicant 2 _____ for their role as a Nillumbik Health and Wellbeing Advisory Committee member.
 - (c) Applicant 3 _____ for their role as a Nillumbik Health and Wellbeing Advisory Committee member.
2. Acknowledges and thanks all community members who submitted applications to the Health and Wellbeing Advisory Committee.
3. Resolves that the Panel Assessment (**Attachment 2**) to remain confidential on the grounds specified in the definition of confidential information in section 3(1)(f) of the *Local Government Act 2020*.

Attachments

- 1  Health and Wellbeing Advisory Committee Terms of Reference
2. Health and Wellbeing Advisory Committee Nominee Assessment - *CONFIDENTIAL*

12. Officers' reports

CM.032/22 Health and Wellbeing Advisory Committee Community Member Recruitment

Discussion

1. The endorsed Health and Wellbeing Advisory Committee Terms of Reference (**Attachment 1**) outlines that membership will consist of up to six community members to the Committee to be appointed by an Expression of Interest process and an internal assessment panel.
2. The Committee supports the governance of the Plan through consultation with its members, both community members and organisational representatives via information sharing, partnership building and alignment with regional priorities in the development, implementation and evaluation of the Plan.
3. Expressions of Interest for membership have been sought from community members, via communications channels and targeted engagement, for a period of three weeks from 28 February to 20 March 2022.
4. A total of 3 applications were received and assessed against the selection criteria by an internal assessment panel (see confidential **Attachment 2**).
5. The community member nominees will join up to twelve representatives of partner community groups, local agencies and organisations as appointed by Nillumbik Shire Council.

Related Council decisions

6. The Nillumbik Health and Wellbeing Plan 2021-2025 was adopted on 26 October 2021.
7. The Health and Wellbeing Advisory Committee Terms of Reference were endorsed on 22 February 2022.

Options

8. A copy of the assessment outcomes against the three applications is attached (see confidential **Attachment 2**).
9. Based on scoring and suitability three applicants have been recommended to Council for endorsement (see confidential **Attachment 2**).
10. Officers recognise the very high standard of applications received and commend applicants on their commitment to community.
11. Induction of the new Health and Wellbeing Advisory Committee members will occur in May 2022, with the first formal Advisory Committee meeting to take place in June 2022 in the form of the Health and Wellbeing Partnership Forum.
12. Officers recommend Council formally acknowledges and publically thank all community members who submitted applications for vacant positions.

12. Officers' reports

CM.032/22 Health and Wellbeing Advisory Committee Community Member Recruitment

Council plans and policies

13. This report directly supports the achievement of the Council Plan 2021-2025 and the delivery of the Nillumbik Health and Wellbeing Plan 2021-2025:
- We work with our local partners, government and non-government agencies to respond to health and wellbeing priorities in Nillumbik.
14. This report directly supports the delivery of the Nillumbik Health and Wellbeing Plan 2021-2025:
- We work with our local partners, government and non-government agencies to respond to health and wellbeing priorities in Nillumbik

Sustainability implications

15. Not applicable.

Community engagement

16. Expressions of Interest for community members to join the Committee were invited through Council communication avenues for a period of three weeks. Invitations were also circulated through relevant Council Committees and networks.

Innovation and continuous improvement

17. Not applicable.

Collaboration

18. The Committee provides a formal mechanism for Council to fulfil the requirements of the Public Health and Wellbeing Act 2008 (the Act) which requires a Municipal Public Health and Wellbeing Plan to specify how the Council will work in partnership with the Department and other agencies undertaking public health initiatives, projects and programs to accomplish the goals and strategies identified in the public health and wellbeing plan.
19. The Health and Wellbeing Advisory Committee supports ongoing and new partnerships, information sharing and alignment of strategy and practice across the region.

Budget implications

20. All costs associated with the delivery of the Committee have been accounted for in the operational budget of the Community Partnerships Department.

Relevant law

21. The *Local Government Act 2020* and *Public Health and Wellbeing Act 2008*.

Regional, state and national plans and policies

22. Not applicable.

Conflicts of interest

23. 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.032/22 Health and Wellbeing Advisory Committee Community Member Recruitment

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12. Officers' reports

CM.033/22 Draft Arts and Culture Strategy 2022-2026 - Endorsement of Community Engagement Phase

Distribution: Public

Manager: Corrienne Nichols, Executive Manager Community Services

Author: Nichole Johnson, Manager Community Partnerships

Summary

This report presents the Draft Arts and Culture Strategy 2022-2026 (the Strategy) (**Attachment 1**). The Draft Strategy has been informed by the *Council Vision, Council Plan 2021-2025* and the *What We Know: Arts and Culture Strategy 2022-2026 Community Consultation Summary Report* (**Attachment 2**) along with additional arts and culture sector reports and data from State, National and International bodies.

The Draft Strategy sets out a four-year strategic commitment to guide Council in the support and development of arts and culture in Nillumbik Shire. The Strategy identifies four goals and responds directly to the strategic themes and objectives of the Council Plan 2021-2025 in line with community needs and aspirations.

The Draft Strategy is presented for Council endorsement to proceed to public exhibition for community feedback prior to finalisation and endorsement.

Recommendation

That Council:

1. Endorses the Draft Arts and Culture Strategy 2022-2026 (**Attachment 1**) for the purposes of public exhibition and community feedback.
2. Invites written submissions on the Draft Arts and Culture Strategy to Council by 22 May 2022.
3. Considers public submissions at the Planning and Consultation Committee meeting to be held on 12 July 2022.

Attachments

1 Draft Arts and Culture Strategy 2022-2026



2 What We Know: Arts and Culture Strategy 2022–26 Community Consultation Summary Report



Discussion

1. At a Future Nillumbik Committee on 9 March 2021 Council endorsed the Community Engagement Plan: Arts and Culture Strategy 2022-2026: *Artbeat—a pulse check for Arts and Culture in Nillumbik Shire*. This plan focused on putting community first in the development of Council's next Arts and Culture Strategy.

12. Officers' reports

CM.033/22 Draft Arts and Culture Strategy 2022-2026 - Endorsement of Community Engagement Phase

-
2. Community consultation for the new strategy was undertaken between December 2020 and July 2021. It was the most extensive community engagement process ever undertaken by Council specifically for arts and culture planning and included a comprehensive range of digital and in-person engagements.
 3. 2216 residents from all corners of Nillumbik participated in the community consultations and contributed to the creation of the *What We Know: Arts and Culture Strategy 2022-26 Community Consultation Summary Report* (Summary Report) (**Attachment 2**).
 4. The Summary Report combines the 16 consultation documents and identifies and explores overall key themes. The report details what Council has learnt through the consultation process and what community wants from its arts and culture service.
 5. Key findings from the Summary Report were presented at a Councillor Briefing on 9 November 2021.
 6. In January 2022, Council began work with specialist consultants the Cultural Development Network on the development of the Strategy.
 7. The Draft Arts and Culture Strategy 2022-2026 has been co-designed with the Cultural Development Network and informed by the Council Vision, Council Plan 2021-2025, the previous Arts and Culture Plan 2018-2022 and the Summary Report (**Attachment 2**).
 8. The Draft Strategy considers external arts and culture strategies, policies and reports from relevant Local, State and Federal Arts and Culture institutions.
 9. Other Council plans, strategies and policies have been considered in the development of the Draft Strategy.
 10. The vision for the Strategy is to be a planning tool that provides Council with a clear set of priorities for the enrichment of arts and culture facilities and programs across the Shire over the next four years.
 11. The Draft Strategy identifies the following four goals:
 - a. **Goal 1: An Interconnected Creative Community**
 - b. **Goal 2: A Visible and Supported Creative Community**
 - c. **Goal 3: A Diverse and Resilient Creative Community**
 - d. **Goal 4: A Distinctively Nillumbik Creative Community**
 12. Timelines for the development of the Strategy are:
 - Council Meeting to endorse Draft Strategy for public exhibition – 26 April 2022
 - Public Exhibition - 2 May to the 22 May 2022 (3 weeks)
 - Planning and Consultation Committee – 12 July 2022
 - Council Briefing - updated Strategy (incorporating Community feedback and Year 1 Action Plan) – 16 August 2022
 - Council meeting - endorsement of Final Strategy – 27 September 2022.

12. Officers' reports**CM.033/22 Draft Arts and Culture Strategy 2022-2026 - Endorsement of Community Engagement Phase**

Related Council decisions

13. On 9 March 2021 the Future Nillumbik Committee endorsed the Community Engagement Plan for the Arts and Culture Strategy 2022-2026: *Artbeat—a pulse check for Arts and Culture in Nillumbik Shire*.
14. On 9 November 2021 the *What We Know: Arts and Culture Strategy 2022–26 Community Consultation Summary Report (Attachment 2)* was presented to the Councillor Briefing and made available to community via Participate Nillumbik.
15. On 5 April 2022 the Draft Arts and Culture Strategy 2002-2026 (**Attachment 1**) was presented to the Councillor Briefing for feedback.

Options

16. Endorse the Draft Arts and Culture Strategy 2022-2026 (**Attachment 1**) for public exhibition and community feedback.
17. Invites written submissions on the Draft Strategy to Council by 22 May 2022.
18. Considers public submissions at the Planning and Consultation Committee meeting to be held on 12 July 2022.

Council plans and policies

19. This report directly supports the achievement of the Council Plan 2021-2025 strategy:
 - We celebrate and prioritise the protection of our heritage, arts and culture, places and spaces by focusing on the diversity of experiences that have shaped our shared history.
 - We recognise and celebrate our community's significant contributions to art and culture.

Sustainability implications

20. Arts and culture is an important contributor to local economic activity and provides social connection through shared experiences, group activities and as a lens through which to make sense of social challenges.
21. Arts and culture responds to and celebrates the natural environment and can create awareness of the need to protect it. It also explores climate change and creates awareness of issues related to it.

Community engagement

22. Community Engagement was undertaken in line with the Community Engagement Plan for the 2022-26 Arts and Culture Strategy 2022 -2026: *Artbeat—a pulse check for Arts and Culture in Nillumbik Shire. (Attachment 2)*.
23. The Community Engagement Plan incorporated (alongside more conventional engagement methodology) a range of cultural devices, including the use of street performers, installations and interactive art activities to encourage community conversations around culture. The purpose of these non-conventional approaches was to ensure that the Arts and Culture Strategy 2022-2026 represented a wide array of community, not just those who identify as members of the local arts community.

12. Officers' reports

CM.033/22 Draft Arts and Culture Strategy 2022-2026 - Endorsement of Community Engagement Phase

Innovation and continuous improvement

24. The Arts and Culture Strategy 2022-2026 is informed by detailed analysis on the impacts of the Arts and Culture Plan 2018-2022 and key findings from the Summary Report.
25. The Cultural Development Network's Framework for Cultural Development Planning and Evaluation has been incorporated into the Draft Strategy.

Collaboration

26. Collaboration was undertaken across the organisation, with community members, community groups, local artists and artist groups, Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation, and the Cultural Development Network.

Budget implications

27. The strategies stated within the Draft Plan, and subsequent actions which fall out of these, will be resourced through the 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

28. The *Local Government Act 2020*.

Regional, state and national plans and policies

29. Creative State 2025, Creative Victoria
30. Corporate Plan 2021-2025, The Australia Council for the Arts

Conflicts of interest

31. No conflicts of interest exist in relation to the preparation of this report.

12. Officers' reports

CM.034/22 Planning Scheme Amendment C142nill - Applying the Heritage Overlay on a permanent basis to 50 Oatland Road, Plenty

Distribution: Public

Manager: Rosa Zouzoulas, Executive Manager Planning and Community Safety

Author: Leigh Northwood, Strategic Planning Lead

Summary

The purpose of this report is to update Council in regard to the outcomes of exhibition of Amendment C142nill (the Amendment) and to provide an officer recommendation based on the outcomes of such exhibition in meeting the requirements of consideration required by Council in accordance with Section 22 of *the Planning and Environment Act 1987* (the Act).

The Amendment was placed on exhibition pursuant to the requirements of the Act, from 27 January 2022 to 02 March 2022. Council received twenty-eight (28) submissions in total, all objecting.

Submitters were invited to attend the 12 April 2022 Planning & Consultative Committee Meeting (PCC) to speak to their submissions.

Where a submission raises an issue with regard to the proposed amendment that cannot be resolved, the Act sets out the process for the Amendment. In accordance with Section 22 of the Act, Council must consider all submissions received. Section 23 of the Act, requires that Responsible Authority after considering submissions, must:

- a. change the Amendment in the manner requested; or
- b. refer the submission to an independent planning panel appointed under Part 8 of the Act by the Minister for Planning; or
- c. abandon the amendment or part of the amendment.

This report will recommend that Council resolve to refer the unresolved submissions to an independent Planning Panel and ask the Minister for Planning to appoint the Panel in accordance with Part 8 of the Act. This will allow third party review of the Amendment and allow submitters to address the Panel.

Subject to the Panel hearing, a Panel report and recommendations will be given to Council, and at a future Council Briefing Council can consider the Panel's recommendations, and can still resolve to adopt, adopt with changes or abandon at a subsequent Council meeting prior to any request to the Minister to consider and approve the Amendment.

12. Officers' reports**CM.034/22 Planning Scheme Amendment C142nill - Applying the Heritage Overlay on a permanent basis to 50 Oatland Road, Plenty**

Recommendation**That Council:**

1. Notes the submissions to Amendment C142nill to the Nillumbik Planning Scheme.
2. Requests the Minister for Planning appoint an independent planning panel to consider Amendment C142nill pursuant to Section 23(1)(b) of the *Planning and Environment Act 1987*.
3. Requests that Officers notify submitters to Amendment C142nill of the Committee's resolution and update Participate Nillumbik accordingly with next steps in the Amendment process.
4. Brings the C142nill Panel report as an outcome of the Panel Hearing (once available) to a future Council briefing for Council consideration.

Attachments

- 1  C142nill Instruction Sheet (exhibition)
- 2  C142nill Explanatory Report (exhibition)
- 3  C142nill Map (exhibition)
- 4  Statement of Significance for 50 Oatland Road
- 5  Summary of Submissions Redacted
- 6  Submissions to C142 Redacted

Discussion

1. 50 Oatland Road was programmed to be reviewed as part of Council's Stage B Heritage Review, however Council received a Section 29A demolition consent application pursuant the *Building Act 1993* to demolish the dwelling located on the property in September 2021 which facilitated the need to bring the review of this property forward.
2. Given threat of demolition, officers sought approval (under delegation) from the Minister for Planning for Amendment C141nill to introduce the HO to the property on an interim basis pursuant to Section 20(4) of the *Planning and Environment Act 1987* (the Act), providing protection and allowing this planning scheme amendment C142nill to introduce the HO permanently. Refer **Attachments 1, 2 and 3** for relevant amendment exhibition material including proposed mapping to denote the extent of the HO (**Attachment 3**).

12. Officers' reports**CM.034/22 Planning Scheme Amendment C142nill - Applying the Heritage Overlay on a permanent basis to 50 Oatland Road, Plenty**

3. The significance of the property is outlined in the Statement of Significance (see **Attachment 4**). 50 Oatland Road, Plenty, is noted as historically significant for its association with the development of Plenty in the interwar years. As an intact timber bungalow built for William Charles and Priscilla Mary Lierse in c1928, originally on a 30 acre lot, it provides tangible evidence of the interwar subdivision pattern in which large rural landholdings in the Plenty area were divided for sale in allotments of 10 or 30 acres. A description of the relevant heritage criterion is identified in the Statement of Significance.

4. Amendment C142nill (the Amendment) was authorised by the Minister for Planning on 9 December 2021.

Exhibition

5. In accordance with Section 19 of the Act, the Amendment was placed on exhibition from 27 January 2022 to 02 March 2022.

6. Notification letters were sent out to the following stakeholders:

- Owners and occupiers of 50 Oatland Road, Plenty and properties adjacent.
- Prescribed Ministers

7. Notifications advertisements were also posted in the Victorian Government Gazette and Herald Sun on 27 January 2022.

Submissions

8. Twenty eight (28) submissions have been received, all objecting, to the application of the potential Heritage Overlay. Twenty three (23) submissions are in the format of a pro-forma. Three (3) of the submitters provided both the pro-forma and an individual written submission. Please see **Attachment 5** for a redacted Summary of Submissions and **Attachment 6** for the redacted Compiled C142nill Submissions that will be published on Participate Nillumbik.

9. The key points raised in the submissions relate to the current poor condition of the property, the fact that the owners were unaware of the potential Heritage Overlay when they purchased the property and the fact that the property would be unsuitable for a wheelchair compatible dwelling even if restored.

10. The land owner has provided independent planning advice for the site as part of their submission.

11. The key points raised in Submissions are:

- The existing farm house is no longer a functional dwelling.
- Restoration would be prohibitively expensive and the current owners bought intending to demolish.
- The current owners first became aware of Council's interest the demolition consent order was suspended.

12. Officers' reports**CM.034/22 Planning Scheme Amendment C142nill - Applying the Heritage Overlay on a permanent basis to 50 Oatland Road, Plenty**

- The property is of limited heritage value and changes to the site mean that there is very little of the early farming settlement story visible on this site, other than the existence of the old house (it is unclear on the heritage basis for this advice as no heritage criterion assessment has been provided).
- The proposal for heritage protection of a disused, unliveable dwelling shell is not warranted and is not an appropriately balanced outcome.
- The building report attached confirms the current uninhabitable state of the building as an empty shell. It also highlights major structural deficiencies requiring significant maintenance or replacement work, if the building were to be brought back to habitable condition.
- It is a prohibitive cost proposition that will not deliver the type of functional wheelchair accessible dwelling as required by the property owner (and user).
- The heritage overlay should be removed completely but if it must be applied the extent is considered excessive and a reduced extent is proposed.

Response to Submissions

12. Many of the points raised in submissions are not based on heritage grounds. It is noted that recommendations and opinion in regard to heritage matters is required to respond to specific criterion in assessment of heritage value. Planning Panels Victoria is consistent in their approach that impediments to development, costs or impact on property prices do not constitute a reason to exclude the place from a heritage overlay, provided its heritage significance has been shown to meet the appropriate threshold for one or more criteria.
13. Council's Heritage consultant has reviewed the alternative curtilage identified in the submission, as provided by the owners, noting careful consideration has been given to the extent of the curtilage for the proposed heritage overlay so that an appropriate setting of the place is retained to ensure significance of the heritage place is not adversely affected by any development, including subdivision. The consultant is of the opinion that the proposed application of the Heritage Overlay as set out in the amendment documentation is the appropriate response based on heritage grounds.

Related Council decisions

14. At Council's Meeting of **29 June 2021** Council resolved:

That Council:

- *Adopts the Final Draft Citations (Attachment 1) for Stage A of the Nillumbik Heritage Review.*
- *Adopts the Priority Lists for Stage B of the Nillumbik Heritage Review (Attachment 2).*
- *Publishes the Final Draft Citations (Attachment 1) for Stage A of the Nillumbik Heritage Review on Council's website.*

12. Officers' reports**CM.034/22 Planning Scheme Amendment C142nill - Applying the Heritage Overlay on a permanent basis to 50 Oatland Road, Plenty**

15. At Council's Meeting of **26 October 2021** Council resolved:

That Council:

- *Defers consideration of CM.155/21 Amendment C142nill to Apply the Heritage Overlay (permanently) to 50 Oatland Road, Plenty.*
- *Requests officers to undertake consultation with the owners of 50 Oatland Road, Plenty to advise:*
 - *the reasons for the proposed Planning Scheme Amendment and*
 - *Of the Planning Scheme Amendment process.*
- *Requests officers to prepare a report for the 16 November 2021 Planning and Consultation Committee meeting for consideration and determination.*
- *Subject to the above resolution officers have continued discussions with the owners of 50 Oatland Road, and at the preparation of this report were identifying in collaboration with the owners a suitable time to for a face to face pre application meeting (the owners requesting face to face) to discuss not only the amendment but other proposed plans for development of the parcel.*

16. At the Planning and Consultation Committee meeting **16 November 2021**, the Committee resolved:

That the Committee (acting under delegation from Council):

- *Notes Amendment C141nill requested under delegation pursuant to Section 20(4) of the Planning & Environment Act 1987 to seek application of the Heritage Overlay on an interim basis to 50 Oatland Road, Plenty;*
- *Requests the Minister for Planning, under Section 8A of the Planning and Environment Act 1987, to authorise the preparation and exhibition of Amendment C142nill to the Nillumbik Shire Planning Scheme; and*
- *Undertakes public exhibition of Amendment C142nill which will apply permanent planning controls through the use of the heritage overlay should authorisation be granted.*

Options

17. As part of considering the submissions received, Council may consider the following options:

- a) Requests the Minister for Planning to appoint an independent Planning Panel to consider the submissions received for Amendment C142nill in accordance with Section 23(1)(b) of the Planning and Environment Act 1987; or
- b) Resolve to abandon the Amendment.

Appointment of a Panel and Pre-Panel Dates

18. Early in the statutory amendment process, a Council must agree to potential future dates for a Panel process to be convened following exhibition of an amendment. The

12. Officers' reports**CM.034/22 Planning Scheme Amendment C142nill - Applying the Heritage Overlay on a permanent basis to 50 Oatland Road, Plenty**

purpose of setting these dates, known as "Pre-Panel dates", is to avoid delays between the exhibition of an amendment and the conducting of a Panel. The Pre-Panel dates for Amendment C142nill are as follows:

- Directions Hearing – in the week commencing 30 May 2022
- Panel Hearing – in the week commencing 04 July 2022

19. If Council resolves to request the appointment of a planning panel to consider Amendment C142nill, officers will write immediately to the Minister for Planning to make this request and it is expected that a Panel will then be appointed to run in accordance with, or close to, the Pre-Panel dates.
20. It is noted that the Panel will prepare a report which will be made available to Council. Council will be briefed on the recommendations of the Panel report, and ca:
 - a) seek to adopt part or all of the recommendations and refer to the Minister for consideration of approval; OR
 - b) abandon the Amendment.

Council plans and policies

21. This report directly supports the achievement of the Council Plan 2021-2025 strategy:
 - We respect and enhance the unique neighbourhood character in our communities to ensure a considered approach to planning and development.
22. The amendment links directly to Council's Heritage Strategy (2011) which aims to:
 - To identify, document and care for heritage places in the Shire of Nillumbik in ways which fulfil legal obligations and adopt best practice; and
 - To involve communities and to promote awareness, knowledge and enjoyment of heritage places.

Sustainability implications

23. The conservation of Nillumbik's heritage places plays an important role in the strengthening of both personal and community identities. This work aids in the social sustainability of Nillumbik's various communities.

Community engagement

24. In accordance with Section 19 of the *Planning and Environment Act 1987* the Amendment was notified and exhibited from 27 January 2022 to 02 March 2022.
25. There has been substantial engagement with the landowner, and their representatives. An initial meeting with the owners was attended by Councillor Eagan and Councillor Stockman.
26. A subsequent meeting, with the owner's and their representatives, regarding both the Heritage Overlay and a future dwelling application has been held with officers from the Strategic and Statutory teams working together although no detailed plans have yet been presented to enable a formal pre application meeting with the relevant advice.

12. Officers' reports

CM.034/22 Planning Scheme Amendment C142nill - Applying the Heritage Overlay on a permanent basis to 50 Oatland Road, Plenty

Innovation and continuous improvement

27. The Amendment achieves continuous improvement through the implementation of Council's partially adopted Heritage Review; ensuring that Nillumbik Shire continues to better protect and conserve places of heritage significance that will be enjoyed and appreciated by generations of residents and visitors.

Collaboration

28. There have been discussions with the Department of Environment, Land, Water and Planning (DELWP) on this matter to ensure that the Statement of Significance meet their expectations and requirements.

29. Strategic Planning has been working with the pre-application planning officer in Council's Planning Services team to try to assist the current owners.

Budget implications

30. Costs associated with this amendment will be funded from the Planning scheme amendment budget allocation for the 21/22 financial year and 22/23 financial year.

Relevant law

31. *Planning and Environment Act 1987.*

Regional, state and national plans and policies

32. Plan Melbourne (2017-2050)

- Outcome 4 - Melbourne is a distinctive and liveable city with quality design and amenity.
 - Direction 4.4 - Respect Melbourne's heritage as we build for the future
 - Policy 4.4.1 - Recognise the value of heritage when managing growth and change.
 - With all three levels of government sharing responsibility for protecting Melbourne's post settlement cultural heritage, decision-making must be consistent and credible and be based on clear and widely accepted heritage conservation principles and practices.
 - Policy 4.4.4 - Protect Melbourne's heritage through telling its stories.
 - There is more to heritage than place. The stories of Melbourne, including stories from before European settlement, help citizens understand the places where they live and work. They also help create a sense of belonging and community by encouraging tolerance and respect.

Conflicts of interest

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

12. Officers' reports

CM.034/22 Planning Scheme Amendment C142nill - Applying the Heritage Overlay on a permanent basis to 50 Oatland Road, Plenty

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12. Officers' reports**CM.035/22 March Quarter Financial Report**

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

This report outlines Council's financial performance and financial position for the period ended 31 March 2022.

The Income Statement shows an overall favourable year to date (YTD) variance of \$2.24 million representing 8.4 percent of YTD Budget. This reflects the combined result of lower than budgeted operating income of \$393,663 and lower than budgeted operating expenses of \$2.63 million.

Council's overall financial position at the end of this quarter remains sound.

Recommendation

That Council receives and notes the Financial Report for the period ended 31 March 2022 (**Attachment 1**).

Attachments

1. Quarterly Finance Report March 2022

Discussion

1. In May 2021, Council adopted the 2021-2022 Budget.
2. Budgeted surplus reflects the amount by which operating revenue exceeds operating expenses, in accordance with relevant accounting standards.
3. Operating expenditure excludes non-operating transactions such as capital works and investments, which are separately detailed in the report.
4. The report compares actual performance to budgeted targets at this stage of the financial year.

Income statement

5. Council closed the period ending 31 March 2022 with a favourable YTD variance of \$2.24 million based on actual operating revenue, costs and commitments. This represents 8.4 percent of the YTD Budget.
6. The overall variance is made up of the following:
 - Income – \$393,663 million (0.39 percent) unfavourable variance. This includes new/additional grant funding \$2.34 million and contributions \$1.5 million, offset by a reduction in user fees (\$4.73 million) as a result of the current pandemic situation as detailed on pages 6 of **Attachment 1**.

12. Officers' reports**CM.035/22 March Quarter Financial Report**

- Expenditure – \$2.63 million (4.04 percent) favourable, mainly attributed to reduced external contracts expenditure (\$3.56 million), largely resulting from lower operational expenditure associated with the closure of leisure facilities due to the pandemic. This is offset by higher than anticipated costs relating to materials and related costs (\$1.14), and financial year projects not budgeted for (\$700,126) but for which funding has been received. Additional details on variances are detailed on pages 8 of **Attachment 1**.

Balance sheet

7. The balance sheet reflects Council's financial position at 31 March 2022 and is prepared in compliance with the Australian Accounting Standards.
8. Council's balance sheet as detailed on page 4 of **Attachment 1** continues to show a strong net position. This is represented by \$1.04 billion of assets which is largely made up of Council's Property, Plant and Equipment. Council's total liabilities are \$54.3 million, which results in net assets of \$989.08 million.

Statement of cash flows

9. The statement of cash flows as detailed on page 5 of **Attachment 1** captures Council's actual cash transactions for the period.
10. Council is showing a cash position of \$36.94 million after all cash transactions for the period to date.
11. The \$36.94 million includes \$34.92 million held in investments as detailed on page 11 of **Attachment 1**.

Capital works

12. The capital works report detailing YTD spend by asset class is detailed on page 9 of **Attachment 1**.
13. This shows an unfavourable variance of \$2.61 million relative to YTD budget, largely driven by new (unbudgeted) additional works and commitments raised for upcoming works.

Related Council decisions

14. Council adopted the 2021-2022 Budget at the Council Meeting held on 25 May 2021.

Options

15. The detailed Financial Report for the period ended 31 March 2022 is provided in **Attachment 1**. This report is an analysis of Council's financial performance and financial position as at 31 March 2022. The report also includes an analysis of budget variances.

Council plans and policies

16. This report directly supports the achievement of Council Plan 2021-2025 strategy:
 - Ensure responsible and efficient management of Council's financial resources.

12. Officers' reports

CM.035/22 March Quarter Financial Report

Sustainability implications

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

Community engagement

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

Innovation and continuous improvement

20. Not applicable.

Collaboration

21. Not applicable.

Budget implications

22. This is a standard reporting item to Council, the associated costs for which are included in the current budget.
23. The Chief Executive Officer has reviewed the financial performance at mid-year and has determined that a revised budget is not required.

Relevant law

24. *Local Government Act 2020*, section 101 Financial Management Principles.
25. *Local Government Act 2020*, section 97 Quarterly Budget Report
26. Australian Accounting Standards.

Regional, state and national plans and policies

27. Not applicable.

Conflicts of interest

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

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CM.035/22 March Quarter Financial Report

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12. Officers' reports

CM.036/22 Local Roads and Community Infrastructure Program - Phase 3

File: FOL/21/9162

Distribution: Public

Manager: Hjalmar Philipp, Director Operations and Infrastructure

Author: Lawrence Seyers, Lead Transport Planner

Summary

To confirm the proposed works to be funded by the Local Roads and Community Infrastructure Program (Phase 3) prior to submission to the Department of Infrastructure, Transport, Regional Development and Communications for approval.

Recommendation

That Council:

1. Notes the Local Roads and Community Infrastructure Program (Phase 3) funding allocation of \$1,478,302 (excluding GST).
2. Approves the following projects for submission to the Department of Infrastructure, Transport, Regional Development and Communications for approval:
 - a) Trail Upgrades (\$200,000)
 - b) Sports Infrastructure Upgrade (\$100,000)
 - c) Public Open Space Infrastructure (\$100,000)
 - d) Offroad Carparks & Community Facility Accessibility Upgrades (\$100,000)
 - e) BMX Facility (\$650,000)
 - f) Eltham and District Wood Workers Association Kitchen Extension (\$150,000)
 - g) Place Activation Concept (\$30,000)
 - h) Diamond Valley Sports Complex Vegetation Planting (\$38,302)
 - i) Kangaroo Ground War Memorial, Caretaker's Cottage (\$110,000).

Attachments

Nil

Discussion

1. On 22 May 2020 the Australian Government announced a \$500 million Local Roads and Community Infrastructure Program (LRCI Program).
2. This program was established to support local councils deliver priority local road and community infrastructure projects across Australia, supporting jobs and the resilience of local economies to help communities bounce back from the COVID-19 pandemic.
3. Funding allocations for the LRCI Program were calculated in a similar way to how the Roads to Recovery Program and the road component of the Financial Assistance

12. Officers' reports**CM.036/22 Local Roads and Community Infrastructure Program - Phase 3**

Grants works. This formula takes into consideration road length and population and is based on recommendations of Local Government Grants Commissions.

4. Under Phase 1 of the LRCI Program, Nillumbik Shire Council received a funding allocation of \$739,151 (excluding GST). This funding was made available to Council on 1 July 2020, and completion of the projects was required by 31 July 2021. On 18 August 2020, Council approved the list of projects to deliver under this initial funding (refer FN.027/20).
5. Through the 2020–21 Budget, the Australian Government announced a \$1 billion extension of the LRCI Program (LRCI Extension Program – Phase 2).
6. Under Phase 2 of the LRCI Program, Nillumbik Shire Council received a funding allocation of \$2,203,883 (excluding GST). This funding was available to Council on 1 January 2021, with completion of the projects by 31 December 2021. On 23 February 2021, Council approved the list of projects to deliver under the Phase 2 round of funding (refer CM.022/21).
7. Through the 2021-22 Budget, the Australian Government announced a further \$1 billion extension of the LRCI Program (Phase 3). This brings the total Australian Government commitment to \$2.5 billion.
8. Under Phase 3 of the LRCI Program, Nillumbik Shire Council received a funding allocation of \$1,478,302 (excluding GST). This funding was available to Council on 1 January 2022, with completion of the projects required by 30 June 2023.
9. Under the grant agreement Council is required to complete and submit a Work Schedule for nominated projects to the Commonwealth Department of Infrastructure, Transport, Regional Development and Communications for approval.
10. Councillors have been briefed on a potential list of Phase 3 projects that may be considered for funding as part of Council's 2022-23 budget and capital works program.
11. Projects must meet the following eligibility criteria includes:
 - a) Must be additional to Council's existing work program;
 - b) Must deliver benefits to the community;
 - c) Construction must be completed by 30 June 2023; and
 - d) Involve the construction or maintenance of local government roads or council owned community infrastructure assets.

12. Officers' reports

CM.036/22 Local Roads and Community Infrastructure Program - Phase 3

12. Eligible road projects are projects that involve the construction or maintenance of roads managed by local governments. This could include projects involving any of the following associated with a road:
- a) Traffic signs;
 - b) Traffic control equipment;
 - c) Street lighting equipment;
 - d) A bridge or tunnel;
 - e) A facility off the road used by heavy vehicles in connection with travel on the road (for example, a rest area or weigh station);
 - f) Facilities off the road that support the visitor economy; or
 - g) Road and footpath maintenance, where additional to normal capital works.
13. Eligible community infrastructure projects are projects that involve the construction, maintenance and/or improvements to council-owned assets (including natural assets) that are generally accessible to the public. These projects must deliver benefits to the community, such as improved accessibility, visual amenity, and/or safety. Examples of eligible works include:
- a) Closed Circuit TV (CCTV);
 - b) Bicycle and walking paths;
 - c) Painting or improvements to community facilities;
 - d) Repairing and replacing fencing;
 - e) Improved accessibility of community facilities and areas;
 - f) Landscaping improvements, such as tree planting;
 - g) Picnic shelters or barbeque facilities at community parks;
 - h) Playgrounds and skate parks (including all ability playgrounds);
 - i) Noise and vibration mitigation measures; or
 - j) Off-road car parks (such as those at sporting grounds or parks).

Related Council decisions

14. At the 18 August 2020 Future Nillumbik Committee meeting, Council approved the submission to the Department of Infrastructure, Transport, Regional Development and Communications of the proposed works under the Local Roads and Community Infrastructure Phase 1 round of funding (refer FN.027/20).
15. At the 23 February 2021 Ordinary Council Meeting, Council approved the submission to the Department of Infrastructure, Transport, Regional Development and Communications of the proposed works under the Local Roads and Community Infrastructure Phase 2 round of funding (refer CM.022/21).

Options

16. Projects for the LRCI Phase 3 have been nominated on the basis of meeting eligibility criteria and importantly, delivery by 30 June 2023.

12. Officers' reports**CM.036/22 Local Roads and Community Infrastructure Program - Phase 3**

17. A key consideration was distribution of grant funding allocation across the municipality.
18. An assessment was undertaken to refine the interim long-list of projects to a short-list that included consideration of:
- Council-owned asset;
 - No third party permits required or could be obtained in 3 months;
 - Designs prepared or could be quickly prepared in 3 months;
 - Construction can commence within 3 to 6 months; and
 - Council resources available to deliver or an ability to engage relevant expertise.
19. Consideration was also given to projects that may not be chosen for funding through other funding mechanisms.
20. The proposed projects and funding allocation are listed below. In completing the detailed design, projects will be scaled to match available funding. The projects are:
- Trail Upgrades** (\$200,000)
 - Sports Infrastructure Upgrade** (\$100,000)
 - Public Open Space Infrastructure** (\$100,000)
 - Offroad Carparks & Community Facility Accessibility Upgrades** (\$100,000)
 - BMX Facility** (\$650,000)
 - Eltham and District Wood Workers Association Kitchen Extension** (\$150,000)
 - Place Activation Concept** (\$30,000)
 - Diamond Valley Sports Complex Vegetation Planting** (\$38,302)
 - Kangaroo Ground War Memorial, Caretaker's Cottage** (\$110,000)
21. Council is asked to approve these projects for submission to the Department of Infrastructure, Transport, Regional Development and Communications under the Local Roads and Community Infrastructure Phase 3 Program.

Council plans and policies

22. This report directly supports the achievement of the Council Plan 2021-2025 strategy:
- We partner with state and federal governments to advocate in our community's best interests.

Sustainability implications

23. This report does not directly raise any sustainability implications.

Community engagement

24. There are constrained timelines for delivery of the LRCI Phase 3 projects, requiring completion by 30 June 2023. The consultation undertaken from Council's budget includes the long term capital works program and has been used a point of reference together with Council's asset renewal priorities and ongoing community feedback.

12. Officers' reports

CM.036/22 Local Roads and Community Infrastructure Program - Phase 3

Innovation and continuous improvement

25. Not applicable.

Collaboration

26. Not applicable.

Budget implications

27. The nominated projects will be funded through the LRCI Phase 3 Program funding allocation of \$1,478,302 (excluding GST).

Relevant law

28. Not applicable.

Regional, state and national plans and policies

29. Not applicable.

Conflicts of interest

30. 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.036/22 Local Roads and Community Infrastructure Program - Phase 3

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12. Officers' reports

CM.037/22 Request for Road Closure for section of Brisbane Street, Eltham

Distribution: Public

Manager: Hjalmar Philipp, Director Operations and Infrastructure

Author: Patrick Wood, Acting Manager Infrastructure

Summary

The Department of Environment, Land, Water and Planning (DELWP) has requested Council consent to close a section of Brisbane Street, Eltham, under section 349 of the *Land Act 1958* (Act). The proposed closure is for a section of road reserve, which does not currently contain a road, approximately 500 square metres in area, located immediately south of the rail corridor, at the northern end of Brisbane Street.

Given the potential for this land as a pedestrian and cycling link, it is recommended that Council does not consent to the closure of this section of Brisbane Street.

Recommendation

That Council:

1. Acknowledges receipt of the request from the Department of Environment, Land, Water and Planning for the closing of a section Brisbane Street, Eltham, being Government Road Section, Brisbane Street, Eltham, Victoria, adjoining:
 - Lot 1 TP80155 2/1 Brisbane Street Eltham 3095 (Certificate of Title Volume 09418, Folio 329) and;
 - Lot 1 TP117317 1/7 Brisbane Street Eltham 3095 (Certificate of Title Volume 09785 Folio 771)
2. Requests the Director of Operations and Infrastructure to write to the Department of Land, Environment, Water and Planning to advise that Council does not consent to the closing of this section of road, under section 349 of the *Land Act 1958*.

Attachments

- 1  Attachment 1 - DELWP (1 of 2) Road Closure Request - redacted
- 2  Attachment 2 - DELWP (2 of 2) Road Closure Request Plan - redacted
- 3  Attachment 3 - Excerpt from Eltham Major Activity Centre Structure Plan 2020

Discussion

1. On 23 November, Council received a request from the Department of Environment, Land, Water and Planning (DELWP) (**Attachment 1**) for consent to close a section of Brisbane Street, Eltham, under section 349 of the *Land Act 1958* (the Act). The proposed closure is for a section of road reserve approximately 500 square metres in area, which does not currently contain a road, located immediately south of the rail corridor, at the northern end of the Brisbane Street (**Attachment 2**).

12. Officers' reports

CM.037/22 Request for Road Closure for section of Brisbane Street, Eltham

-
2. DELWP has advised that an adjoining neighbour to the proposed site wishes to buy the land. Council approval of this request for road closure would allow for this sale of land to occur.
 3. The authority to approve this request is delegated to the Director Operations and Infrastructure (under the *S7 Instrument of Sub-delegation by CEO to Council Staff*). However, due to the strategic significance of the land under review, a Council decision is being sought.
 4. The request has been reviewed by members of Council's Infrastructure, Strategic Planning, and Property and Facilities Maintenance departments, who noted the following:
 - Council Plan 2021-2025 lists as an objective: 'To protect, enhance, maintain, plan and design places that strengthen identity, reinforce character, improve accessibility, encourage social connection and enjoyment, support biodiversity and respect the environment.'
 - The section of land directly links the north-south region of Brisbane Street to the existing railway corridor. Indirectly, the section of land also links the railway corridor with Sherbourne Road, Bolton Street, Silver Street, Ryans Road, Bridge Street, and the Diamond Creek Trail.
 - The Eltham Major Activity Centre (MAC) Structure Plan (2020) supports the development of a shared path in the railway reserve between Sherbourne Road and Alistair Knox Park (**Attachment 3**). Such a shared path could be vital in providing a broader link between the Greensborough and Eltham Major Activity Centres, via the Montmorency shopping precinct. Further, this link would provide direct connections between a number of surrounding shared paths, such as the Plenty River Trail and Diamond Creek Regional Trail. If a shared path is provided on the railway reserve between Sherbourne Road and Alistair Knox Park, the existing road reserve at the north end of Brisbane Street would be highly important, potentially vital, as an access point to and from the Bridge Street Business Area onto that shared path.
 - In accordance with the Eltham MAC Structure Plan (2020), Council officers are currently advocating to the Hurstbridge Railway Duplication Project to provide a shared path along the railway reserve between Greensborough and Eltham, including the section between Sherbourne Road and Alistair Knox Park.
 - The Department of Transport (DoT) recognises this section of railway reserve as a Strategic Cycling Corridor.
 - The Level Crossing Removal Authority also recently presented an indicative alignment for the trail in a presentation to Council officers. Council are currently advocating for the construction of this path, in conjunction with Banyule City Council.
 5. With consideration to the above, closure of this section of road would prevent opportunities to improve accessibility and connection throughout the area. Therefore, it is recommended that this section of land remain a 'road' so that these links can be maintained.

12. Officers' reports

CM.037/22 Request for Road Closure for section of Brisbane Street, Eltham

6. Detailed investigation into the proposed uses of this land (in the event that the road closure request was approved) has not been conducted. It is considered that the site's strategic significance for access purposes is the primary consideration in assessing this request.

Related Council decisions

7. Not applicable.

Options

8. Options available to Council are to:
- consent to the request for road closure, and give this consent in writing as per the requirements of the Act; or
 - advise DELWP that Council does not consent to the closing of this section of road, under section 349 of the *Land Act 1958* (recommendation of this report).

Council plans and policies

9. This report directly supports the achievement of the Council Plan 2021-2025 strategy:
- We continue to enhance the Shire's shared trail network, working proactively to improve connectivity.

Sustainability implications

10. By maintaining the land as a road, opportunities to provide pedestrian and cycling links, support environmentally sustainable transport, social inclusion and economic activity.

Community engagement

11. In accordance with the Act, DELWP have sought and received written consent from the adjoining land owners for the proposed road closure.

Innovation and continuous improvement

12. Not applicable.

Collaboration

13. In reviewing and assessing this request for road closure, collaboration has occurred between the Infrastructure, Strategic Planning, and Property departments.

Budget implications

14. Not applicable.

Relevant law

15. The request for consent to closing of the road is being made under section 349 of the *Land Act 1958*.

Regional, state and national plans and policies

16. Not applicable.

Conflicts of interest

17. The officers involved in the preparation of this report do not have a conflict of interest in the subject matter of this report.

12. Officers' reports

CM.037/22 Request for Road Closure for section of Brisbane Street, Eltham

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12. Officers' reports

CM.038/22 Media and Civic Representation Protocol 2022

File: DOC/22/16358

Distribution: Public

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

Author: Licardo Prince, Communications and Advocacy Lead

Summary

With the Federal and State elections fast approaching, Council is seeing an increase in media activity, event attendance, announcements, openings and photo opportunities. The current Media and Social Media Protocol adopted in 2017 as part of the broader Good Governance Policy is outdated therefore it is timely that Council look to review and reconfirm Council's protocol on media and council civic representation.

The objective of the protocol is to set clear guidelines for the Council, CEO and employees when dealing with the media and addressing requests on civic representation to ensure a coordinated, accurate and reliable representation.

This report introduces a revised Councillor Media and Civic Representation Protocol (**Attachment 1**), and seeks Council endorsement of the protocol.

Recommendation

That Council:

1. Endorses the Media and Civic Representation Protocol 2022 (**Attachment 1**); and
2. Notes that the Media and Social Media Protocol (Appendix 1) of Council's existing Good Governance Policy 2017 ceases to apply.

Attachments

1.  Councillor Media and Civic Representation Protocol 2022

Discussion

1. In accordance with the *Local Government Act 2020*, Council's role is to provide governance and leadership for the Nillumbik community through advocacy, decision-making and action. Adherence to good governance principles assists Council to achieve this.
2. Council, at its meeting held in May 2017, adopted the Good Governance Policy 2017 which included the Media and Social Media Protocol as **Appendix 1**. Since the initial adoption of the policy, no further reviews have been undertaken.
3. The introduction of the *Local Government Act 2020* and the upcoming Federal and State elections, has triggered a review to be conducted.
4. The current Media and Social Media Protocol provides a robust and reliable framework for administering and managing all areas of media management, however a review has identified that amendments are required to address civic representation requests and ensure currency, practicality and efficiency.

12. Officers' reports

CM.038/22 Media and Civic Representation Protocol

5. Variations between the current protocol and the draft protocol before Councillors for consideration include updated referencing to legislation and terminology and the inclusion of clause 9 to address questions relating to civic representation. No other substantial changes have been made.
6. Overall, the protocol aims to provide a set of understandings on the individual and collective roles and responsibilities of Councillors with respect to media activity, event attendance and contribution to internal and external publications.

Related Council decisions

7. At its Council Meeting on 30 May 2017 Council resolved:
“That Council approves the Good Governance Policy (May 2017).”

Options

8. Option 1: Endorse the protocol at presented.
9. Option 2: Not endorse the protocol. Failure to not adopt the protocol would mean that Council will be referencing out of date legislation and terminology, and a process to address civic representation requests will not be formal adopted by Council.

Council plans and policies

10. This report directly supports the achievement of the Council Plan 2021-2025 strategy:
 - We maintain good governance and transparency; clearly defining and communicating the role of Councillors and Council.

Sustainability implications

11. Not applicable.

Community engagement

12. Not applicable.

Innovation and continuous improvement

13. Not applicable.

Collaboration

14. Not applicable.

Budget implications

15. All costs associated with the process will be funded within existing operational budgets.

Relevant law

16. The Protocol:
 - a) seeks to complement the function and conduct expectations of Councillors as described in the *Local Government Act 2020*.
 - b) recognises the role of Mayor as principal spokesperson for Council as described in the *Local Government Act 2020*.

12. Officers' reports

CM.038/22 Media and Civic Representation Protocol

Regional, state and national plans and policies

17. Not applicable.

Conflicts of interest

18. No officer involved in the preparation of this report has a conflict of interest in relation to this matter.

12. Officers' reports

CM.038/22 Media and Civic Representation Protocol

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12. Officers' reports

CM.039/22 Informal Meetings of Councillors Records - 26 April 2022

Distribution: Public

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

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 Meeting of Councillors held.

This report lists Informal Meetings of Councillors Records submitted since the matter was last reported to Council on 22 March 2022.

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

1. Capital Works Forum held 11 March 2022;
2. Neighbourhood Character Strategy Project Councillor Workshop 1 held 15 March 2022;
3. Councillor Briefing held 15 March 2022;
4. Council Meeting pre-meet held 22 March 2022;
5. Communications Strategy Workshop held 5 April 2022;
6. Councillor Briefing held 5 April 2022; and
7. Planning and Consultation Committee Pre-Meeting held 12 April 2022.

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 Meetings of Councillors Records reported 26 April 2022

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.

12. Officers' reports

CM.039/22 Informal Meetings of Councillors Records - 26 April 2022

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 at 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 the Council Plan 2021-2025 strategy:
 - We maintain good governance and transparency; clearly defining and communicating the role of Councillors and Council.

Sustainability implications

9. None required.

Community engagement

10. Not applicable.

Innovation and continuous improvement

11. Not applicable.

12. Officers' reports

CM.039/22 Informal Meetings of Councillors Records - 26 April 2022

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.039/22 Informal Meetings of Councillors Records - 26 April 2022

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12. Officers' reports

CM.040/22 Tender Report - Contract 2122-042 Finance, Supply and Delivery of 14 Metre Rear Load Waste Truck

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

This report recommends the awarding of contract *2122-042 Finance, supply and delivery of a 14 cubic metre rear load waste truck* inclusive of cab/chassis, rear loading compactor body, a telemetry system and lease financing. This vehicle delivers primarily Council's public place litter collection service.

The contract lease term is 7 years.

The Tender Evaluation Panel (TEP) has assessed all submissions and this report provides a summary of their evaluation in recommending the awarding of the contract *2122-042 Finance, supply and delivery of a 14 cubic metre rear load waste truck*.

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 **Option 1** from **Tenderer A** inclusive of cab/chassis, compactor body, telemetry system and lease finance for a seven year term and enter into the following contract:
Number: 2122-042
Title: Finance, supply and delivery of a 14 cubic metre rear load waste truck
Lease Term: 7 Years
2. Authorises the Director Operations and Infrastructure to finalise and execute the contract documentation.
3. Notes that any variations that exceed the agreed approved budget will require a further Council resolution.
4. Advises all tenderers accordingly.
5. Makes public the decision regarding this contract but the Tender Evaluation Summary 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.040/22 Tender Report - Contract 2122-042 Finance, Supply and Delivery of 14 Metre Rear Load Waste Truck

Attachments

1. Tender 2122-042 Evaluation Summary Report - *CONFIDENTIAL*

Discussion

1. Council operates a small, in-house waste collection service for:
 - a) Public place litter bins in streets, township commercial areas and parks. There are 273 bins and 832 collections per week.
 - b) Kerbside landfill bins on the week that the contracted service is not collecting garbage for those with a weekly collection. 72 residents currently use this service.
 - c) Community venues that are not serviced by the contracted kerbside service. There are 61 facilities with a total of 579 bins.
2. The service operates six days per week with two staff rostered flexibly to deliver the service Monday to Saturday or Sunday to Friday depending on service needs.
3. An average of 30 tonnes per month is collected representing 4.5 per cent of the total material delivered to landfill.
4. Council has a rear loading waste collection vehicle to deliver the service. The current vehicle was leased in 2012 for a seven-year term and purchased at the end of lease in 2019. The vehicle requires replacement due to age, frequency of breakdowns as key components fail and the cost of hiring a replacement vehicle to cover breakdowns to ensure continuity of service.
5. Tenders for a new vehicle were sought under contract number 2122-042 Finance, supply and delivery of a 14 cubic metre rear load waste truck and included the following key features:
 - a) A 16.5 tonne Gross Vehicle Mass turbo diesel or electric powered cab/chassis.
 - b) A 14 cubic metre compactor body with a rear load bin lifter able to lift bins from 60, 80, 120, 140, 360, 660 or 1100 litre capacity.
 - c) A telemetry system which provides operators with camera and visual display systems; GPS based route mapping and recording of bin lifts; and safety management features
 - d) Lease financing for a seven or eight-year period.
6. The vehicle must be suitable for operating on Council's local streets, along with metropolitan and country roads, and within the arduous conditions of the landfill sites.

Related Council decisions

7. Not applicable.

12. Officers' reports

CM.040/22 Tender Report - Contract 2122-042 Finance, Supply and Delivery of 14 Metre Rear Load Waste Truck

Council plans and policies

8. This report directly supports the achievement of the Council Plan 2021-2025 strategy Services and programs.
- We develop clear and effective initiatives designed to reduce the impact of waste and materials from procurement to disposal.

Tender overview

The Tender Evaluation Panel (TEP) advises that:

9. A public tender was issued on 12 January 2022 and advertised in the Melbourne Age on Saturday
10. The period for tender submissions closed at 2pm on Thursday, 3 February 2022.
11. Three (3) tender submissions were received.

TENDERER	TENDER OPTION
Tenderer A	Option 1 – preferred tender
	Option 2
Tenderer B	Option 1
	Option 2
Tenderer C	Option 1

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

Criteria	Weighting %
Price	40
Capability <ul style="list-style-type: none"> - Capability to deliver the four services specified - Technical capability, methodology and knowledge of suppliers of the four services - Ability to provide a consistent quality customer service - Historical performance including track record, relevant expertise and experience, safety record - Commitment to work with Council to facilitate ongoing services 	30

12. Officers' reports

CM.040/22 Tender Report - Contract 2122-042 Finance, Supply and Delivery of 14 Metre Rear Load Waste Truck

Criteria	Weighting %
Vehicle suitability and operator acceptance	15
Vehicle environmental performance	10
Sustainable procurement outcomes	5

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

14. The members of the TEP were:

Position Title	Business Unit	Scoring Member or Advisory Member
Environment, Manager	Environment	Scoring Member
Waste Management Coordinator	Environment	Scoring Member
Waste Team Leader	Environment	Scoring Member
Fleet Team Leader	Fleet	Scoring Member

15. The final evaluation outcome was as follows:

Tenderer	Score	Ranking
Tenderer A		
Option 1	83	1
Option 2	77	2
Tenderer B		
Option 1	76	3
Option2	76	3
Tenderer C		
Option 1	73	4

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

17. The Tender Evaluation Summary 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*.

12. Officers' reports

CM.040/22 Tender Report - Contract 2122-042 Finance, Supply and Delivery of 14 Metre Rear Load Waste Truck

18. Capability

a) *Capability to deliver specified services*

- i) The cab/chassis offered generally conforms to specification with the exception of heated seats and fridge. Euro 5 standard is minimum. Warranty 5 years, 350,000km.
- ii) The rear loading compactor body is promoted as having a lower whole of life cost for operation and maintenance due to design features. Loadsmart scales. Warranty 2 years, 5000 hours.
- iii) The specified truck is equipped with GPS, cameras and telematics supplied.
- iv) Lease financing provided.

b) *Technical, customer service, historical performance, ongoing service*

- i) The tenderer has the technical capability required and a reasonable track record of service both in terms of equipment and ongoing maintenance; are able to provide after sales service through their respective locations and the compactor body supplier has mobile service capability.

19. Vehicle suitability and operator acceptance

- i) The proposed cab/chassis has been inspected by our current waste driver team. Comfortable layout, dashboard and general comfort in the truck. No issues raised.
- ii) The proposed cab/chassis is a proven truck for Nillumbik terrain.
- iii) The proposed cab/chassis is in our current fleet and therefore has an advantage of common spare parts.

20. Vehicle environmental performance

- i) Euro 5 is the minimum standard.
- ii) EEV compliant. EEV is a term used in EU emission standard definition of a "clean vehicle".

21. Sustainable procurement outcomes

- i) No evidence provided.

22. Environmental management policy

- i) Basic, not accredited environmental management policy in place.

Tender Interviews and Reference checks

23. Tender interviews were undertaken to clarify pricing for Tenderer A options 1 and 2.

Contingency and risks

24. Due to uncertainty in global supply, the truck may not be delivered on 1 July 2022.

12. Officers' reports

CM.040/22 Tender Report - Contract 2122-042 Finance, Supply and Delivery of 14 Metre Rear Load Waste Truck

Collaboration

25. Not applicable.

Budget implications

26. Budget has been allocated to meet the lease cost.

Sustainability implications

27. The cab chassis is Euro 5 compliant which is the minimum standard. The specification requested an electric cab chassis however none were offered.

28. The increase in compactor body volume to 14 cubic metres will reduce travel time to disposal locations. This will reduce diesel use compared with the current 8 cubic metre compactor.

Stakeholder Consultation/communication

29. Not applicable.

Innovation and continuous improvement

30. The increase in compactor body volume to 14 cubic metres will allow more bins to be collected before disposal reducing travel time.

Relevant law

31. Sections 108 and 109 of the *Local Government Act 2020*.

Regional, state and national plans and policies

32. Not applicable.

Conflicts of interest

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

34. There were no disclosable conflicts of interest raised.

12. Officers' reports**CM.041/22 Tender Report - Contract 2122-051 Rockliffe Street Special Charge Scheme**

Distribution: Public**Manager: Hjalmar Philipp, Director Operations and Infrastructure****Author: Enrique Gutierrez, Manager Assets and Capital Works****Summary**

This report recommends the awarding of contract 2122-051 for Rockliffe Street Special Charge Scheme.

Works will include the construction and sealing of Rockliffe Street, including an asphalt pavement, kerb and channel, asphalt table drains, underground drainage, vehicle crossings, road humps and associated works between Pitt Street and Mount Pleasant Road, Eltham.

The Tender Evaluation Panel (TEP) has assessed all submissions and this report provides a summary of their evaluation in recommending the awarding of the contract for 2122-051 for Rockliffe Street Special Charge Scheme.

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 sum of \$[Redacted] plus \$[Redacted] for contingency (exclusive of GST) and enter into the following contract:
Number: 2122-051
Title: Rockliffe Street Special Charge Scheme.
Term: 2 May 2022 to 29 July 2022
5. Authorises the Director Operations and Infrastructure to finalise and execute the contract documentation.
6. Authorises the Director Operations and Infrastructure to approve additional cost variations that are a result of unknown latent site conditions or changes to operational requirements throughout the term of the contract with a total value of no more than the approved budget for the project.
7. Notes that any variations that exceed the agreed approved budget will require a further Council resolution.
8. Advises all tenderers accordingly.
9. 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.
10. Resolves that the preferred tenderer be named.

12. Officers' reports

CM.041/22 Tender Report - Contract 2122-051 Rockliffe Street Special Charge Scheme

Attachments

1. Attachment A - Tender 2122-051 Evaluation Summary Report - *CONFIDENTIAL*

Discussion

1. The works involve the construction of Rockliffe Street, Eltham (full length) including an asphalt pavement, kerb and channel, asphalt table drains, underground drainage, vehicle crossings, road humps and associated works between Pitt Street and Mount Pleasant Road, Eltham.

Related Council decisions

2. Not applicable

Council plans and policies

3. This report directly supports the achievement of the Council Plan 2021-2025 strategy Good governance
 - We continue to exercise sustainable and responsible financial management.

Tender overview

The Tender Evaluation Panel (TEP) advises that:

4. A public tender was advertised and issued on Saturday 19 February 2022.
5. The period for tender submissions closed at 2pm on Thursday 17 March 2022.
6. The following tenders were received:

TENDERER
Tenderer A – Preferred Tender
Tenderer B
Tenderer C
Tenderer D

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

12. Officers' reports

CM.041/22 Tender Report - Contract 2122-051 Rockliffe Street Special Charge Scheme

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

TENDERER	Reasons why tender was set aside from further evaluation
Tenderer C	Tendered cost was non-competitive. Was more than \$120,000 higher than estimates and approved budget
Tenderer D	Tendered cost was non-competitive. Was more than \$245,000 higher than estimates and approved budget

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

Criteria	Weighting %
Price	40%
Capability	20%
Capacity	20%
Collaboration	10%
Social and Local	10%

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

11. The members of the TEP were:

Position Title	Business Unit	Scoring Member or Advisory Member
Construction Coordinator	Capital Works	Scoring
Contract Works Supervisor	Capital Works	Scoring
Project Engineer	Infrastructure	Scoring
Manager Assets & Capital Works	Capital Works	Advisory
Senior Procurement Specialist	Corporate Services	Advisory

12. Officers' reports

CM.041/22 Tender Report - Contract 2122-051 Rockliffe Street Special Charge Scheme

12. The final evaluation outcome was as follows:

TENDERER	SCORE	RANK
Tenderer A – Preferred Tender	92/100	1
Tenderer B	91/100	2

13. The recommended tender was the highest ranked and is considered best value based on the information provided in their tendered submission and their capacity and capability along with competitive cost to deliver a good outcome for Council and to the residents that are funding the Special Charge Scheme works.
14. **Attachment 1** – Tender 2122-051 Evaluation Summary Report – *Confidential*, provides the tenderer names and the Evaluation Scorecard Summary.
15. The Tender 2122-051 Evaluation Summary 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

16. The preferred tender:
- Very experienced in delivering civil works contracts and primarily works with Local Government Agencies.
 - Has policy and processes in place for quality management, environmental management and occupational health and safety requirements.
 - Has in place the required insurances.
 - Contractor has clear experience in working with Nillumbik Shire Council and has referenced previous contracts with Council as part of their tendered submission.
 - Has provided ECO sustainable product options for Concrete and Asphalt.

Capacity

17. The preferred tender:
- Is well-resourced and experienced in civil road works projects.
 - Has the technical knowledge, experience and resources to complete these works.
 - Has provided an acceptable works program schedule.
 - Works program and methodology show that the contractor has required capacity to complete these works.
 - A local contractor that understands the local community, understands our expectations regarding communication and customer service.

Tender Interviews and Reference checks

18. As the preferred tenderer is well known to Council, tenderer interviews and reference checks were not required.

12. Officers' reports

CM.041/22 Tender Report - Contract 2122-051 Rockliffe Street Special Charge Scheme

Contingency and risks

19. A 15% contingency has been included to cover:
- a) Potential delay risks, attributable to COVID, weather.
 - b) Potential soft spots within the pavement

Collaboration

20. Not applicable.

Budget implications

21. Project is directly funded by the residents within the Special Charge Scheme for Rockliffe Street.

Sustainability implications

22. As part of the tender specification and requirements is the need for the use of environmentally friendly and sustainable materials for the works.
23. Tenderers were required to provide manufacturers' information on the products they would use.
24. The outcome of this is:
- Environmental concrete product for kerb works, also including use of recycled concrete aggregate in bedding base
 - Recycled concrete aggregate (for use in bedding and back fill of culvert drainage pipes)
 - Crumbled rubber asphalt to be used for the asphalt requirements
25. The preferred tenderer is a supplier that is located within the Northern Council Alliance area (NCA) and is providing full time employment to more than 10 residents from within the NCA

Stakeholder Consultation/communication

26. Engagement and discussions have taken place with the residents that are participating and funding the Special Charge Scheme for Rockliffe Street.

Innovation and continuous improvement

27. Not applicable.

Relevant law

28. Sections 108 and 109 of the Local Government Act 2020

Regional, state and national plans and policies

29. Not applicable

12. Officers' reports

CM.041/22 Tender Report - Contract 2122-051 Rockliffe Street Special Charge Scheme

Conflicts of interest

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

12. Officers' reports

CM.042/22 Tender Report - Contract 2021-103 Network Refresh

Distribution: Public

Manager: Vince Lombardi, Chief Financial Officer

Author: Eddie Cheng, Manager Information Technology

Summary

This report recommends the awarding of contract 2021-103 for Network Refresh.

The scope of the contract is for the upgrade of Councils cabled and wireless network to replace end of life hardware located at 8 operational sites. The existing hardware is no longer supported by the manufacturer.

The Tender Evaluation Panel (TEP) has assessed all submissions and this report provides a summary of their evaluation in recommending the awarding of the contract for 2021-103 Network Refresh.

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 sum of \$[Redacted] plus \$[Redacted] for contingency (exclusive of GST) and enter into the following contract:
Number: 2021-103
Title: Network Refresh
Term: 28 April 2022 to 31 August 2022
2. Authorises the Chief Financial Officer to finalise and execute the contract documentation.
3. Authorises the Chief Financial Officer to approve changes to operational requirements throughout the term of the contract with a total value of no more than the approved budget for the project.
4. Any variations that exceed the agreed approved budget will require a further Council resolution.
5. Advises all tenderers accordingly.
6. 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*.
7. Resolves that the preferred tenderer be named.

12. Officers' reports

CM.042/22 Tender Report - Contract 2021-103 Network Refresh

Attachments

1. Attachment A - Tender 2021-103 Evaluation Summary Report - *CONFIDENTIAL*

Discussion

1. This contract is for the provision of replacement of end of life hardware located at 8 operational sites with updated products and technologies. For some of the sites, this upgrade will provide further wireless access capacity.
 - The facilities are:
 - Nillumbik Shire Council Office
 - Operations Centre
 - Edendale Farm
 - Eltham Living and Learning
 - Eltham Community and Reception Centre
 - Panton Hill Living and Learning
 - Diamond Creek Living and Learning
 - Hurstbridge Hub.
2. This replacement project includes cabled & wireless network as well as 3 years Hardware maintenance and support agreement with the hardware manufacturer.
3. The existing hardware supporting the network is no longer supported by the hardware manufacturer and the existing hardware was purchased and installed more than ten years ago.
4. The contract consists of the purchase of the required hardware and cabling plus professional services by the preferred tenderer for the installation and setup of the new hardware.

Council plans and policies

5. This report directly supports the achievement of the Council Plan 2021-2025 strategy Good governance
 - We continue to exercise sustainable and responsible financial management.

12. Officers' reports

CM.042/22 Tender Report - Contract 2021-103 Network Refresh

Tender overview

The Tender Evaluation Panel (TEP) advises that:

- 6. A public tender was issued on 29 January 2022.
- 7. The period for tender submissions closed at 2pm on Thursday 24 February 2022.
- 8. The following tenders were received:

TENDERER
Tenderer A – Preferred Tender
Tenderer B
Tenderer C
Tenderer D
Tenderer E
Tenderer F
Tenderer G
Tenderer H

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

TENDERER	Reasons why tender was set aside from further evaluation
Tenderer E	Tendered costs the fifth highest. Incomplete pricing and more than \$65,000 higher than the average cost of the 4 lowest priced conforming tenders.
Tenderer F	Tendered costs the sixth highest and more than \$140,000 higher than the average cost of the 4 lowest priced conforming tenders.
Tenderer G	Tendered costs the seventh highest. Incomplete pricing and more than \$210,000 higher than the average cost of the 4 lowest priced conforming tenders.
Tenderer H	Tendered costs the highest and more than \$275,000 higher than the average cost of the 4 lowest priced conforming tenders.

12. Officers' reports

CM.042/22 Tender Report - Contract 2021-103 Network Refresh

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

Criteria	Weighting %
Price	50%
Capability	30%
Capacity	20%

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

13. The members of the TEP were:

Position Title	Business Unit	Scoring Member or Advisory Member
Manager Information Technology	Information Technology	Scoring
Lead Systems Architect	Information Technology	Scoring
IT Systems Administrator	Information Technology	Scoring
Senior Procurement Specialist	Corporate Services	Advisory

14. The final evaluation outcome was as follows:

TENDERER	SCORE	RANK
Tenderer A – Preferred Tender	85/100	Equal 1st
Tenderer B	85/100	
Tenderer C	79/100	2
Tenderer D	75/100	3

15. Tenderer B who scored equal with the preferred tenderer was not recommended for award of this contract due to cost. Tenderer B scored the highest in the qualitative evaluation assessment, but their project management costs were more than double the project management costs than that of the preferred tenderer
16. **Attachment 1** - Tender Evaluation Summary Report – Confidential, provides the tenderer names and the Evaluation Scorecard Summary.
17. The Tender Evaluation Summary 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*.

12. Officers' reports

CM.042/22 Tender Report - Contract 2021-103 Network Refresh

Capability & Capacity

18. The preferred tenderers proposal provided with their tendered submission outlines clearly their approach to deliver against the contract along with an acceptable program timeline.
19. Is a pre-qualified preferred supplier on the Municipal Association of Victoria (MAV) ICT Professional & Leasing Services panel arrangement. This indicates that the tenderer has already passed through a structured evaluation process via the MAV Procurement section to be appointed to the MAV panel arrangement.
20. Nominated key staff resources suitably qualified to deliver against the scope of the project and required outcomes.
21. Will deliver all requirements using in-house resources
22. Has provided a clear outline of implementation and post implementation support structure provided.

Tender Interviews and Reference checks

23. Tender interviews were held with Tenderer B and Tenderer C.
24. Tenderer D was not invited to a tender interview, as their qualitative evaluation score was the lowest of the four shortlisted tenderers.
25. As the preferred tenderer is known to Council, a tender interview was not undertaken.

Contingency and risks

26. A 20% contingency has added to the project management cost component to cover any additional temporary resource requirements as part of the project implementation.
27. Hardware delivery timeframes indicated to be approximately 8 weeks from order placement. Preferred Contractor will place orders for the required equipment once notified of tender outcome.
28. COVID-19 - Managed with management plans and complying with regulations

Collaboration

29. Not applicable. Specific requirements for Nillumbik.

Budget implications

30. The cost of this project is covered within approved budget.
31. Hardware will be invoiced for at time of delivery.

Sustainability implications

32. There will be some redundant hardware and possibly cabling as a result of this project.
33. Any redundant electronic hardware and other E-waste related materials will be disposed of using Councils E-waste recycling processes with Ecocycle.

12. Officers' reports

CM.042/22 Tender Report - Contract 2021-103 Network Refresh

Stakeholder Consultation/communication

34. Not applicable

Innovation and continuous improvement

35. Tenderers were asked as part of their tendered response to put forward future state low-cost options to establish low cost back-up links for 7 of the sites. Civic offices already have a back-up link in place.

36. This information was sought to understand options – but is not part of this project. The future state options may be considered at a later date – depending on budgets.

Relevant law

37. Sections 108 and 109 of the Local Government Act 2020

Regional, state and national plans and policies

38. Not applicable

Conflicts of interest

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

40. There were no disclosable conflicts of interest raised.

Council Meeting Agenda

26 April 2022

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