

Council Meeting

to be held at the Civic Centre, Civic Drive, Greensborough
on Tuesday 28 March 2023 commencing at 7:00pm.

Agenda

Carl Cowie
Chief Executive Officer

Thursday 23 March 2023

Distribution: Public

Civic Drive, Greensborough
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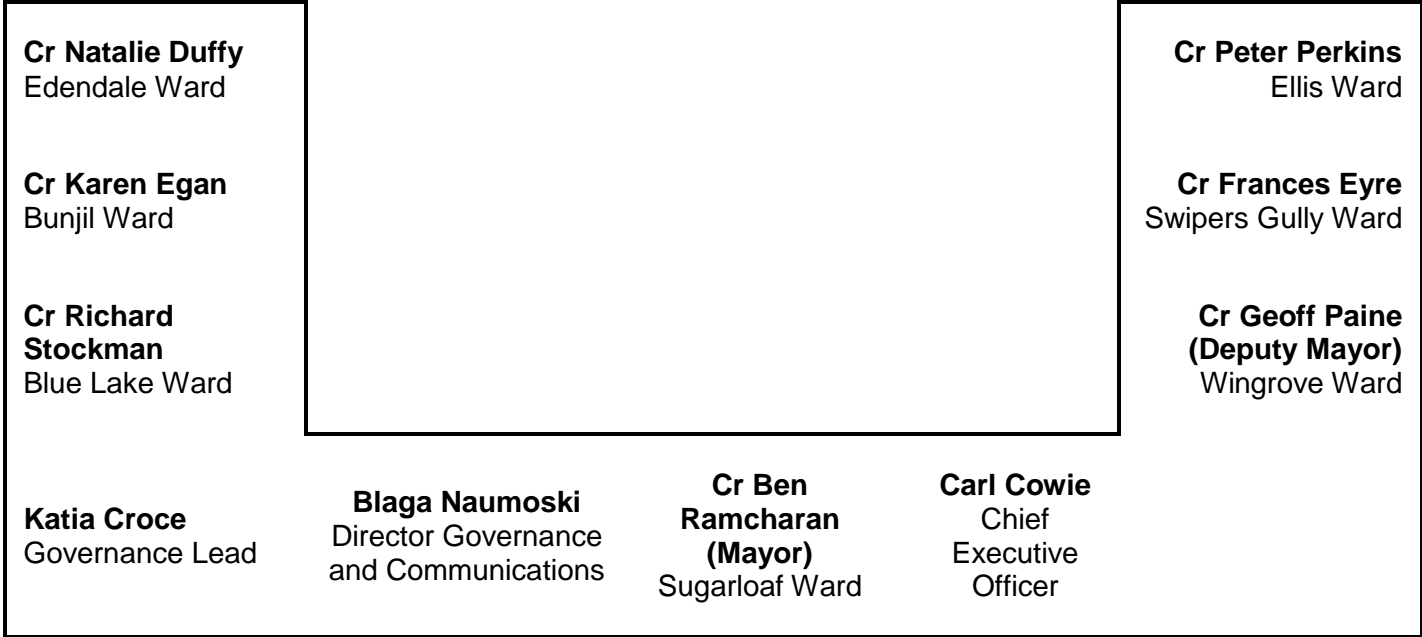
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Council Chamber Council Meeting seating plan



Nillumbik Shire Council

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Nillumbik Shire Council

Agenda of the Meeting of Nillumbik Shire Council to be held Tuesday 28 March 2023 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

7. Confirmation of Minutes


Confirmation of the minutes of the Council Meeting and Confidential Council Meeting held on Tuesday 28 February 2023.

Recommendation

That Council:

- 1 Confirms the minutes of the Council Meeting and Confidential Council Meeting held on Tuesday 28 February 2023 (**Attachment 1** and **Attachment 2**).
- 2 Resolves that the Confidential Council Meeting minutes (**Attachment 2**) remains confidential in accordance with section 3(1) (a) and (f) of the *Local Government Act 2020*.

Attachments

- 1 Minutes of Council Meeting held Tuesday 28 February 2023.

2. Minutes of Confidential Council Meeting held on Tuesday 28 February 2023. -
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

Nil

10. Questions from the gallery

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11. Reports of Advisory Committees

AC.002/23 Advisory Committee Report - 28 March 2023

Distribution: Public

Manager: Blaga Naumoski, Director Governance and Communications

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 Advisory Committee meeting held 5 December 2022;
2. Inclusion and Access Advisory Committee meeting held 16 December 2022;
3. Positive Ageing Advisory Committee meeting held 3 February 2023;
4. Panton Hill Bushland Reserve System User Group Advisory Committee meeting held 17 February 2023;
5. Living and Learning Nillumbik Advisory Committee meeting held 20 February 2023
6. Arts and Culture Advisory Committee meeting held 20 February 2023; and
7. Youth Advisory Committee meeting held 6 March 2023.

Attachments

- 1  Minutes of Advisory Committees reported 28 March 2023

Recommendation

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

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12. Officers' reports

CM.011/23 Endorsement of Youth Council Advisory Committee Members 2023-2025

Distribution: Public

Manager: Corrienne Nichols, Director Community Services

Author: Nichole Johnson, Manager Community Partnerships

Summary

The Nillumbik Youth Council acts as a Formal Advisory Committee of Council, consisting of up to fifteen young people aged 15-25 years of age who are passionate about their community and represent the views, ideas and needs of young people in the municipality.

Recruitment for the Youth Council 2023-25 opened on 12 January 2023 and closed on Sunday 12 February 2023.

A total of 21 applications were received, assessed and shortlisted against the selection criteria by an internal assessment panel. Shortlisted applicants were then offered an opportunity to interview with a Council Officer to confirm their suitability and commitment to the program.

This report provides Council with a full copy of the assessment outcomes against the 21 applications, including Officer comments to support the recommendations (see **Attachment 1**). A total of 15 applicants are being recommended for the Nillumbik Youth Council Advisory Committee.

Recommendation


That Council:

1. Endorses the fifteen applicants listed (**Attachment 2**) onto the Nillumbik Youth Council Advisory Committee:
 - (a) Applicant 1 _____ for their role as a Youth Council Advisory Committee Member
 - (b) Applicant 2 _____ for their role as a Youth Council Advisory Committee Member
 - (c) Applicant 3 _____ for their role as a Youth Council Advisory Committee Member
 - (d) Applicant 4 _____ for their role as a Youth Council Advisory Committee Member
 - (e) Applicant 5 _____ for their role as a Youth Council Advisory Committee Member
 - (f) Applicant 6 _____ for their role as a Youth Council Advisory Committee Member
 - (g) Applicant 7 _____ for their role as a Youth Council Advisory Committee Member
 - (h) Applicant 8 _____ for their role as a Youth Council Advisory Committee Member

12. Officers' reports**CM.011/23 Endorsement of Youth Council Advisory Committee Members 2023-2025**

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- (i) Applicant 9 _____ for their role as a Youth Council Advisory Committee Member
 - (j) Applicant 10 _____ for their role as a Youth Council Advisory Committee Member
 - (k) Applicant 11 _____ for their role as a Youth Council Advisory Committee Member
 - (l) Applicant 12 _____ for their role as a Youth Council Advisory Committee Member
 - (m) Applicant 13 _____ for their role as a Youth Council Advisory Committee Member
 - (n) Applicant 14 _____ for their role as a Youth Council Advisory Committee Member
 - (o) Applicant 15 _____ for their role as a Youth Council Advisory Committee Member
2. Authorises Officers to appoint the next available applicant according to the assessment results (**Attachment 1**), if an appointed applicant declines or resigns from the advisory committee.
 3. Acknowledges and thanks all community members who submitted applications to the Youth Council Advisory Committee.
 4. Resolves that the Assessment Results (**Attachments 1**) are 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. Nillumbik Youth Council Assessment Results 2023 - *CONFIDENTIAL*
2.  Terms of Reference - Youth Council Advisory Committee 2023-2025

Discussion

1. As per the endorsed Terms of Reference (**Attachment 2**), Nillumbik Youth Council is to consist of up to fifteen young people aged 15-25 years of age who are passionate for their community and represent the views, ideas and needs of young people in the municipality.
2. The purpose of Nillumbik Youth Council is to:
 - Advocate for opportunities, barriers and/or issues impacting on young people in Nillumbik
 - Provide feedback and advice to Council on how to best meet local youth needs
 - Consider and provide advice to Council on its policies, plans and services that impact young people

12. Officers' reports**CM.011/23 Endorsement of Youth Council Advisory Committee Members 2023-2025**

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- Consider and provide advice on key government initiatives, programs and reviews
 - Represent the diverse views and needs of young people within Nillumbik
 - Assist Council to communicate, consult and engage more effectively with the broader Nillumbik community
 - Strengthen partnerships with residents, community groups and services in Nillumbik
 - Contribute to the development, implementation and evaluation of Nillumbik's Youth Strategy and Implementation Plan.
3. Acting under a similar governance model to Council, a Youth Mayor and Deputy Youth Mayor will be elected at the first formal Advisory Committee Meeting. Advisory Committee meetings will be held on a monthly basis with an agenda and minutes.
 4. Youth Council are appointed for a two year term, however all Youth Councillors reserve the right to reconsider their role on Youth Council each year according to work, study or personal commitments.
 5. Youth Councillors should represent the diverse and varied needs of the youth community in Nillumbik including but not limited to living in rural Nillumbik, LGBTIQ+, gender diverse, First Nations, people with a disability, chronic illness and/or mental illness, carers, people experiencing or have experienced financial insecurity and culturally and linguistically diverse young people. A dedicated position within the Committee is also reserved for a First Nations young person.
 6. Recruitment for Youth Council 2023-25 opened on Thursday 12 January 2023 and closed Sunday 12 February 2023.

Related Council decisions

7. Council unanimously endorsed the establishment of the Nillumbik Youth Council, to act as a formal advisory committee of Council at the 15 December 2020 Council Meeting.
8. Youth Council Advisory Committee Terms of Reference (**Attachment 2**) were endorsed at the 13 December 2022 Council Meeting.

Options

9. A total of 21 applications were received for Youth Council 2023-25 and assessed individually against the selection criteria by an internal assessment panel.
10. A panel assessment was then completed to review individual assessment scores and discuss overall suitability in order to shortlist applicants based on diverse representation across townships, schools, age, gender diversity and lived experience.
11. Shortlisted applicants were then offered an opportunity to interview with a Council Officer to confirm their suitability and commitment to the program. Current Youth Council members were not interviewed as part of this process.
12. A full copy of the assessment outcomes against the 21 applications, including Officer comments to support the recommendations is attached (see **Attachment 1**).

12. Officers' reports

CM.011/23 Endorsement of Youth Council Advisory Committee Members 2023-2025

13. A total of 15 applicants are being recommended for the Nillumbik Youth Council Advisory Committee.
14. This proposed membership represents a diverse and broad range of young people across Nillumbik Shire.
15. Officers acknowledge the very high standard and diversity of all applications received and commend all young people on their applications and passion for community.
16. Any unsuccessful applicants will be advised and offered the opportunity to meet with a Youth Development Officer to explore other local opportunities for community engagement and skill development.
17. Induction of the new Youth Council is proposed take place Tuesday 11 April, with the first formal Advisory Committee meeting to take place Monday 1 May, where the election of the Youth Mayor and Deputy Youth Mayor will take place.

Council plans and policies

18. This report directly supports the achievement of the Council Plan 2021-2025 strategy:
 - We actively engage people of all ages and stages in decisions that affect them, ensuring that initiatives meet current and emerging needs.

Access, Equity and Inclusion

19. A Gender Impact Assessment has been completed. Changes to the Terms of Reference reflects a commitment to ensuring a diverse representation on Youth Council in line with Council's Access, Equity and Inclusion Policy, including the addition of a dedicated position reserved for a First Nations young person, and an inclusive and accessible approach to recruitment.

Sustainability implications

20. Not applicable.

Community engagement

21. An Expression of Interest program was launched across November and December 2022 to promote applications opening for Youth Council in 2023.
22. Applications for the Nillumbik Youth Council opened on Monday 12 January and remained open for 4 weeks until Sunday 12 February 2023.
23. The opportunity was promoted in community through a number of different platforms including:
 - a) Hard copy postcards and posters – total of 500 postcards distributed to community centres, libraries, living and learning centres, youth services, local businesses and schools
 - b) Online - via Council website (total 441 page views) and social media platforms (reaching 8,366 people, 333 of which engaged with the post via click, like, comment or share)

12. Officers' reports

CM.011/23 Endorsement of Youth Council Advisory Committee Members 2023-2025

- c) Emails – local youth groups, networks and services, schools, directly to young people through youth programs and activities, community groups, sporting clubs, leisure facilities, advisory committees, local MPs etc.
- d) Newsletters – including Nillumbik News, Youth Wrap Up, Positive Ageing, Environment, Business, Arts & Culture and Disability
- e) Internally – promoted to Council staff and various teams to support promotions
- f) Word of mouth – phone calls to schools and young people, attending network meetings
- g) Pop ups – Youth Council information desk set up at Eltham Library and local schools, including St Helena and Eltham High School.

Innovation and continuous improvement

24. Not applicable.

Collaboration

25. Recruitment was supported by many teams across Council to ensure a diverse representation of young people are represented.

Budget implications

26. An ongoing funding amount of \$12,500 per annum commencing July 2021 was endorsed at the 15 December 2020 Council Meeting to allow for remuneration of up to 15 Youth Council members and funds to deliver youth led actions identified in the Youth Strategy.

Relevant law

27. Not applicable.

Regional, state and national plans and policies

28. Not applicable.

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.011/23 Endorsement of Youth Council Advisory Committee Members 2023-2025

12. Officers' reports

CM.012/23 Youth Strategy 2022-2026 Implementation Plan Year 1 Review and Year 2 Plan

Distribution: Public

Manager: Corrienne Nichols, Director Community Services

Author: Nichole Johnson, Manager Community Partnerships

Summary

Nillumbik's Youth Strategy 2022-2026 (**Attachment 1**) sets out a four-year strategic commitment to how Council will support and respond to the needs of young people aged 12-25 years of age who live, work, study, volunteer or play in the Nillumbik Shire.





This report presents the Youth Wrap Up Report 2022 (**Attachment 2**) alongside a Year 1 Progress Report (**Attachment 3**) which outlines the substantial progress made in the first year of delivery for the Youth Strategy 2022-26, and Year 2 Implementation Plan (**Attachment 4**) for Councillor endorsement.

Recommendation

That Council:

1. Endorses the Youth Strategy 2022-2026, Year 1 Progress Report (**Attachment 2**).
2. Makes the Nillumbik Youth Wrap Up 2022 report (**Attachment 3**) publicly available on Council's website.
3. Endorses the Youth Strategy 2022-2026, Year 2 Implementation Plan 2023 (**Attachment 4**).

Attachments

1.  Nillumbik Youth Strategy 2022-2026
2.  Nilumbik Youth Wrap Up Report 2022
3.  Youth Strategy - Year 1 Progress Report 2022
4.  Youth Strategy - Year 2 Implementation Plan 2023

Discussion

1. Nillumbik's Youth Strategy 2022-2026 (**Attachment 1**) sets out a four-year strategic commitment to how Council will support and respond to the needs of young people aged 12-25 years of age who live, work, study, volunteer or play in the Nillumbik Shire.
2. The Youth Strategy outlines five key priority areas:
 - Healthy and Well
 - Empowered and Engaged
 - Access to Safe Spaces and Places
 - Equipped and Employed
 - Welcome and Connected.

12. Officers' reports**CM.012/23 Youth Strategy 2022-2026 Implementation Plan Year 1 Review and Year 2 Plan**

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3. The Year 1 Progress Report (**Attachment 3**) outlines the substantial progress made in the first year of delivery for the Youth Strategy 2022-26
 4. The Nillumbik Youth Wrap Up 2022 report (**Attachment 2**) has also been developed for community, highlighting the key achievements under each of the priority areas and will be made available on Council's Youth website.
 5. Key highlights of Year 1 included hosting the inaugural Youth Summit, launching a LGBTQIA+ Youth Social Group, supporting over 110 learners through the TAC L2P Program and completing a Research and Engagement Report investigating options for a Youth Hub in Nillumbik, leading to a funding submission through the Youth Hubs grant program 2022/23.
 6. The Year 2 Implementation Plan has now been prepared and is attached for Council endorsement (**Attachment 4**).
 7. New initiatives for Year 2 implementation of the Youth Strategy include a new term of Youth Council commencing in April 2023; a new life skills workshops series for young people in Nillumbik; Parent and Youth Worker sessions on vaping, ADHD, school refusal, climate anxiety, gambling and sexual health; and delivering Council's first youth led event for IDAHOBIT in May.

Related Council decisions

8. The Nillumbik Youth Strategy 2022-26 was adopted at the 14 December 2021 Council Meeting.

Options

9. This report seeks Council endorsement on the progress made for Year 1 implementation of the Youth Strategy 2022-2026 (**Attachment 3**) and Year 2 Implementation Plan for 2023 (**Attachment 4**).

Council plans and policies

10. This report directly supports the achievement of the Council Plan 2021-2025 strategy:
 - We actively engage people of all ages and stages in decisions that affect them, ensuring that initiatives meet current and emerging needs.

Access, Equity and Inclusion

11. The Nillumbik Youth Strategy 2022-26 and implementation plans support Council to deliver on the Access, Equity and Inclusion Policy by focusing on young people as a key priority group. In particular, prioritising actions that address groups of young people who experience inequity and discrimination, including First Nations young people, and young people who identify as LGBTQIA+, gender diverse, culturally and linguistically diverse, living with a disability, chronic disease and/or mental illness and more.
12. Gender Impact Assessments will be completed on actions in the implementation plan related to policies, programs and services that will have a direct and significant impact on the community.

Sustainability implications

13. Not applicable

12. Officers' reports

CM.012/23 Youth Strategy 2022-2026 Implementation Plan Year 1 Review and Year 2 Plan

Community engagement

14. The Youth Strategy was developed with substantial community engagement through the Young Minds: Your Voice Our Future with the support of the Youth Council and internal and external stakeholders.
15. Engagement with Youth Council, young people and our partners continues to inform actions outlined in the implementation plans.

Innovation and continuous improvement

16. Not applicable.

Collaboration

17. The Nillumbik Youth Council are responsible for the establishment and review of the Youth Strategy and implementation plans in partnership with Council, which sets out the priorities and actions for young people to lead with the support of Council across their two-year term.
18. The Year 1 and 2 Implementation Plans have also been developed in collaboration and input from internal and external stakeholders who were provided the opportunity to submit actions and report on their progress.

Budget implications

19. All costs associated with the delivery of the Youth Strategy and its Annual Implementation Plans have been accounted for in the Community Services operational budget and external grant funding.

Relevant law

20. Not applicable.

Regional, state and national plans and policies

21. Not applicable.

Conflicts of interest

22. 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.012/23 Youth Strategy 2022-2026 Implementation Plan Year 1 Review and Year 2 Plan

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12. Officers' reports

CM.013/23 Recreational Trails Advisory Committee Terms of Reference

Distribution: Public

Manager: Vince Lombardi, Acting Director Operations and Infrastructure

Author: Rebecca Burton, Manager Recreation and Leisure

Summary

The Recreational Trails Advisory Committee (RTAC) consists of a selection of community members, representatives the diverse users of Nillumbik's trails.

The RTAC term of membership ceased in June 2022. The purpose of this report is to seek Council endorsement of the updated RTAC Terms of Reference and recruitment process to take place during 10 April – 8 May 2023.

Recommendation

That Council:

1. Thanks and acknowledges the outgoing members of the Recreational Trails Advisory Committee for their advice and contribution to Council's work to represent the diverse views, ideas and needs of users of Nillumbik's trails.
2. Endorses the revised Terms of Reference for the Recreational Trails Advisory Committee (**Attachment 1**).
3. Endorses the recruitment process for the Recreational Trails Advisory Committee to renew the committee by July 2023.
4. Instructs officers to report nominations to the Recreational Trails Advisory Committee to Council for endorsement in June 2023.

Attachments

1.  Recreational Trails Advisory Committee Terms of Reference

Discussion

1. The Recreation Trails Advisory Committee's (RTAC) role is to provide a formal mechanism for Council to consult with key stakeholders, seek specialist advice and enable community participation in the development and review of new and existing recreation trails within the Shire of Nillumbik.
2. The RTAC's membership is diverse and includes representatives under categories outlined in the Terms of Reference (**Attachment 1**):
 - One or more Councillor representatives appointed by Council, one to act as Chairperson
 - Two Friends of or Landcare representatives
 - Two community horse riding representatives
 - Two cycling representatives
 - Two walking group representatives
 - Two general community representatives, one urban and one rural
 - One person with a disability or advocate on behalf of people with a disability.

12. Officers' reports**CM.013/23 Recreational Trails Advisory Committee Terms of Reference**

3. The most recent RTAC membership had been extended to 30 July 2022, to align with the Trail audit report conducted by external consultants, XYST.
4. The objectives which were outlined in the RTAC Terms of Reference are now considered to have been met.
5. Since inception of RTAC in 1992, outcomes have included:
 - Priority Trails identified for inclusion in the Northern Regional Trails Strategy
 - Identification of trails to existing trails to increase connectivity
 - Advocacy to State Government for funding
 - Completion of stages 1 and 2 of the Diamond Creek Trail
 - Trail promotion in conjunction with Yarra Ranges Tourism
 - Implementation of Trail Classification – in line with Australian Walking Grading System on Nillumbik Trails
 - Promotional mapping of the Diamond Creek Trail.
6. Revisions to the terms of appointment by Council resolution is permitted under the Terms of Reference for this Committee.
7. The Terms of Reference now align with Councils adopted Advisory Committee Policy and standardised template.
8. The standardised Terms of Reference (TOR) have resulted in the following changes:
 - a) The introduction, policy statement, aims and objectives retain the committee's broad remit in relation to trail advisory while incorporating the adopted template.
 - b) References to specific policies, strategies and plans are not included in the proposed TOR as they are implicit in the TOR objectives.

Related Council decisions

9. At Council Meeting held on 28 July 2020, Council resolved:
“That Council extends the current Recreation Trails Advisory Committee term until 30 July 2021.”

Options

10. To endorse the Recreational Trails Advisory Committee Terms of Reference as per officer recommendation.

12. Officers' reports

CM.013/23 Recreational Trails Advisory Committee Terms of Reference

11. Subject to Councils' endorsement the Terms of Reference, officers propose the following recruitment process:

Action	Timing
Expressions of Interest (Eoi) sought for committee members	10 April – 8 May 2023
Evaluations of submissions	May 2023
Council endorsement of new committee	June 2023
New committee meeting	July/August 2023

Council plans and policies

12. This report directly supports the achievement of the Council Plan 2021-2025 strategy:

- We facilitate the enjoyment of the Green Wedge by residents and visitors through the development and maintenance of shared trails.

Sustainability implications

13. Not applicable.

Community engagement

14. Calls for nominations will be broad. Previous members will be informed and are welcome to submit an Expression of Interest application.

Innovation and continuous improvement

15. Terms of Reference (**Attachment 1**) have been reviewed updated in line with Council's adopted Advisory Committee Policy and standardised templates.

Collaboration

16. Not applicable.

Budget implications

17. Not applicable.

Relevant law

Not applicable.

Regional, state and national plans and policies

Not applicable.

Conflicts of interest

18. All officers involved in the preparation of this report have made a declaration that they do not have a conflict of interest in the subject matter of this report.

12. Officers' reports

CM.013/23 Recreational Trails Advisory Committee Terms of Reference

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12. Officers' reports**CM.014/23 Quarterly Risk and Safety Report - December 2022**

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

This report provides a summary of Council's Risk and Safety Report for the quarter ending December 2022.

The report is presented in accordance with the *Local Government (Planning and Reporting) Regulations 2020*, which requires the presentation of a report to Council at least every six months, detailing the strategic risks, operational risks, the consequences and likelihood of occurrence, and risk mitigation strategies.

Risk and Safety reporting to Council is tabled each quarter following consideration by Council's Audit and Risk Committee, which in this quarter occurred on 27 February 2023.

The full confidential Risk and Safety Report for December 2022 is attached to this report (**Attachment 1**) and provides detailed information for Council's consideration.

Recommendation

That Council:

1. Notes the summary of the confidential Risk and Safety Report (**Attachment 1**) for the quarter ending December 2022.
2. Resolves that the attached Risk and Safety Report (**Attachment 1**) remains confidential in accordance with section 3(1)(a) and (f) of the *Local Government Act 2020*.

Attachments

1. Risk and Safety Report December 2022 - *CONFIDENTIAL*

Discussion

1. Council's commitment to risk management is outlined in the Risk Management Policy, with the following objectives:
 - Ensure that all risks that could affect the achievement of Council's goals, strategies and actions are identified, assessed and treated to a commercially and professionally acceptable level of risk;
 - Integrate risk management into Council's decision making processes and embedding it into the organisational culture;
 - Ensure necessary resources are allocated in support of the Policy and supporting Risk Management Framework;
 - Maintain stakeholders' trust and due diligence;
 - Align all risk practices across all systems and to promote and support a consistent corporate approach to risk that can be clearly understood; and
 - Ensure that risk management is seen as the responsibility of all staff, i.e. – *risk management is everyone's business*.

12. Officers' reports

CM.014/23 Quarterly Risk and Safety Report - December 2022

2. In addition to the Risk Management Policy, Council’s Risk Management Framework communicates and describes the risk management principles and processes that are used to identify, analyse, evaluate, treat, monitor and communicate key risks, including management reporting.
3. The context of the Risk Management Policy and Framework takes into account that local government presents a distinct risk character and profile that needs to be taken into account when considering risk management. Many assets and services are available 24 hours a day seven days a week in an unsupervised way, some are managed or provided by volunteers or committees of management or are managed by contractors, others are regulated by compliance legislation.
4. This Risk and Safety report broadly reports on:
 - Risk management;
 - Business continuity;
 - (Anti) Fraud and corruption control;
 - Insurance premiums;
 - Incident management and insurance claims;
 - Occupational Health and Safety;
 - Other data; and
 - Strategic risk summary report.
5. The Quarterly Risk and Safety Report has been prepared in accordance with Council’s Risk Management Policy and Framework, and is consistent with the Australian Standard AS/NZS 31000:2018 Risk Management.
6. Highlights from the Risk and Safety Report for the quarter ending December 2022 are as follows:
 - Review of Council’s business continuity plans is in progress
 - Drafting of Council’s (Anti) Fraud and Corruption Control Policy and system to align with AS8001:2021 is now complete.
7. The following tables summarise recorded incidents by type for matters involving Council. It should be noted that this table shows all reported incidents, rather than all claims, as not every incident results in a claim being made.

Incidents by type	Jan-Mar 22	Apr – Jun 22	Jul – Sep 22	Oct – Dec 22	Total Jan – Dec 22	Last Year Jan – Dec 21
Property	4	8	3	6	21	33
Motor vehicle	6	14	11	13	44	41
Professional Indemnity	2	0	0	0	2	0
Public Liability	38	20	28	76	162	167
Occupational Health and Safety	20	24	20	30	94	94
Total incidents	70	66	62	125	323	335

12. Officers' reports

CM.014/23 Quarterly Risk and Safety Report - December 2022

8. The following table summarises all incidents by Directorate.

Incidents by Directorate	Jan-Mar 22	Apr – Jun 22	Jul – Sep 22	Oct – Dec 22	Total Jan – Dec 22	Last Year Jan – Dec 21
Corporate Services	1	1	0	4	6	2
Communications, Governance and Engagement	0	1	1	1	3	5
Planning and Community Safety	8	9	4	10	31	50
Community Services	6	3	10	6	25	17
Operations and Infrastructure	55	52	47	104	258	261
Total incidents	70	66	62	125	323	335

9. A high proportion of reported incidents during the December 2022 quarter are generated within the normal course of operations in the Operations and Infrastructure Directorate (80%) and is an increase of 3% from the September 2022 quarter.
10. Overall incidents are consistent with the previous year, however significant rain and storm events were experience during the December 2022 quarter.
11. All incidents relate to major classes of asset or maintenance type incidents for Council buildings, recreational facilities, playgrounds, trees, drainage, footpath, road damage and major plant.
12. Tree related risks are mitigated through the:
- Tree Management Policy;
 - Reactive tree maintenance program;
 - Proactive electric power line clearance program;
 - Proactive box clearance program;
 - Proactive inspections of high risk trees; and
 - Meeting the objectives of the Municipal Emergency Management Plan and Municipal Fire Management Plan.
13. Road, footpath, drainage and roadside related risks are mitigated through the:
- Road Management Plan;
 - Road Asset Management Plans; and
 - Proactive and reactive maintenance programs.

12. Officers' reports**CM.014/23 Quarterly Risk and Safety Report - December 2022**

14. Property incidents typically reported are property theft, break-ins, storm damage vandalism and accidental damage to Council buildings or fixed equipment such as in playgrounds and recreational facilities. Risks are mitigated through maintenance programs and insurance.
15. Overall, reported property incidents are substantially lower when compared to the same period last year (21 in 2022 compared to 31 in 2021). Rain and storm events resulted in minor damage to two buildings, and a burst water main resulted in significant water damage to the Hurstbridge Hub. All incidents are reported to the Police where appropriate.
16. Motor vehicle incidents include accidental damage involving Council's light and heavy fleet, including incidents caused by third parties. Risks are mitigated through maintenance, education and insurance.
17. There were 13 motor vehicle incidents during the December 2022 quarter and there were three motor vehicle insurance claims lodged with Council's insurer. The number of incidents and dollar value of claims has remained steady when compared to the previous year.
18. Professional indemnity relates to incidents and claims for alleged negligence or breach of duty arising from an act, error or omission in the performance of Council services. No new professional indemnity incidents were reported to Council's insurer this quarter.
19. Public liability incidents are reported where the third party is seeking compensation for personal injury, property damage and economic loss. Note that compensation claims are only paid where Council has been negligent or there is a clear legal liability. Claims are managed by an external claims manager or Council's insurer. Typical incidents primarily relate to vehicle road damage, property damage, tree related or trip and fall incidents.
20. 43 incidents related to vehicle damage, primarily these are tyre or body work damage caused by the road surface or road related infrastructure. (Note that the *Road Management Act 2004* threshold is currently \$1,460).
21. There were nine reported flooding incidents, along with 19 reported tree damage incidents, causing property damage.
22. Occupational Health and Safety incidents during the quarter (30) relate to safety matters reported as incidents, hazards and near misses. Typical incidents are cuts and lacerations, insect and animal bites, musculoskeletal injuries and slip trips and falls. These incidents are managed through the Occupational Health and Safety Management System.
23. The overall occupational health and safety annual trend data for the year ending December 2022 for incidents (94) was comparable to the same period ending December 2021 (94).
24. Incident costs, including under excess claim costs and insurance excesses, are managed within existing budgets. Where appropriate, insurance claims were made, repairs undertaken and matters reported to the Police.

12. Officers' reports

CM.014/23 Quarterly Risk and Safety Report - December 2022

Related Council decisions

25. This summary, along with the confidential Risk and Safety Report, has been provided to meet the requirements of the *Local Government (Planning and Reporting) Regulations 2020* and consolidation of management reporting.
26. Ongoing reporting to Council on risk and safety matters is presented quarterly following each meeting of Council's Audit and Risk Committee.

Council plans and policies

27. This report directly supports the achievement of the following Council Plan 2021-2025 strategies:
 - We act in the best interests of our community.
 - We are forward-thinking, data-driven and evidence-led in our decision making, always looking to identify new opportunities.
 - We make Council's programs, services, processes and information equitable, assessable and inclusive.

Access, Equity and Inclusion

28. A Gender Impact Assessment has not been applied.

Sustainability implications

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

Community engagement

31. Not applicable.

Innovation and continuous improvement

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

Collaboration

33. Not applicable.

Budget implications

34. This report is part of Council's monitoring of the Council Plan 2021-2025 and Budget. The resources for managing and reporting are accommodated within existing operational budgets.

Relevant law

35. Not applicable.

12. Officers' reports

CM.014/23 Quarterly Risk and Safety Report - December 2022

Regional, state and national plans and policies

36. Not applicable.

Conflicts of interest

37. 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.015/23 Living & Learning Nillumbik Neighbourhood House Advisory Committee Membership recommendation

Distribution: Public

Manager: Corrienne Nichols, Director Community Services

Author: Cobie Vermeulen, Coordinator Living & Learning Nillumbik

Summary

Following the endorsement of six Advisory Committee nominees at the Council meeting held 13 December 2022 it was decided that ongoing recruitment would be prioritised until the maximum number of 12 members was achieved. As a result of further recruitment initiatives one additional Expression of Interest has been received.


The purpose of this report is to seek formal endorsement of an additional nominee (**Attachment 2**).

Recommendation

That Council:

1. Endorses the additional nominee listed for appointment 2023 – 25 L&LN Neighbourhood House Advisory Committee (**Attachment 2 - Confidential**):
 - (a) Applicant 1 _____ for their role as L&LN Neighbourhood House Advisory Committee member.
2. Acknowledges and thanks all community members who submitted expressions of interest to the L&LN Neighbourhood House Advisory Committee.
3. Resolves that the Panel Recommendations (**Attachment 2**) remains confidential on the grounds specified in the definition of confidential information in section 3(1)(f) of the *Local Government Act 2020*.

Attachments

- 1 L&LN Neighbourhood House Advisory Committee Terms of Reference

2. Recommendation - L&LN Neighbourhood House Advisory Committee Additional Member - CONFIDENTIAL

Discussion

1. The L&LN Neighbourhood House Advisory Committee (the Committee) provides a formal mechanism for Council to fulfil the requirements of the Neighbourhood House Coordination Program (NHCP) through which L&LN's three neighbourhood houses receive funding. This includes:
 - a) support the provision of community development programs and activities that lead to community-strengthening outcomes by:
 - i) supporting diversity and promoting community participation and inclusion
 - ii) facilitating community development and capacity building in support of individuals and groups within communities

12. Officers' reports**CM.015/23 Living & Learning Nillumbik Neighbourhood House Advisory Committee Membership recommendation**

- iii) supporting lifelong learning opportunities for people to improve their access to training and employment pathways.
 - b) undertake community development processes to address locally identified priorities and needs through:
 - i) community consultation
 - ii) development of agreed community responses to identified priorities and needs
 - iii) identification of partners and funding sources
 - iv) facilitating and evaluating responses to identified needs and priorities.
- 2. The L&LN Neighbourhood House Advisory Committee is responsible to provide advice and support to the three Neighbourhood Houses and will have a community focus with representation from the Diamond Creek, Eltham and Panton Hill Communities. Community representatives from each neighbourhood house have established three sub-committees which meet bi-monthly with the dedicated neighbourhood house coordinator to provide advice, explore new opportunities and support community engagement. The overall Committee meet bi-monthly (on the alternate month) to support the overall strategic direction of L&LN's Neighbourhood Houses.
- 3. Following the endorsement of the Terms of Reference for the L&LN Neighbourhood House Advisory Committee at the Council Meeting on 24 May 2022 (**Attachment 1**), Council called for Expressions of Interest from 6 June 2022 (for a 3 week period) with applications closing on Friday 24 June 2022.
- 4. Unfortunately no EOI's were received, with the exception of one member from the previous Committee of Management whom advised that they would be interested in continuing as a member of the newly established Advisory Committee.
- 5. It was decided to extend the Eol period for a further 3 weeks, which resulted in 5 new applications with one existing committee member continuing.
- 6. Six members were endorsed at the 13 December 2022 Council meeting.
- 7. To ensure L&LN fulfil the requirements of the funded Neighbourhood House Coordination Program, it was recommended that ongoing recruitment should be prioritised until the maximum number of 12 members is met.
- 8. An additional Expression of Interest was received, which is now presented for Council endorsement.

Related Council decisions

- 9. Not applicable.

Options

- 10. Officers are presenting one recommended community member (**Attachment 2**) for Council endorsement.

12. Officers' reports

CM.015/23 Living & Learning Nillumbik Neighbourhood House Advisory Committee Membership recommendation

Council plans and policies

11. This report directly supports the achievement of the Council Plan 2021-2025 strategy:
- We actively engage people of all ages and stages in decisions that affect them, ensuring that initiatives meet current and emerging needs.
 - We actively engage people of all ages and stages in decisions that affect them, ensuring that initiatives meet current and emerging needs.
 - We focus on lifelong learning as a way to support our residents through key life stages.

Access, Equity and Inclusion

12. Access, equity and inclusion have been important considerations during the recruitment of new L&LN Neighbourhood House Committee members. L&LN have conducted three Gender Equity Audits across the business and as result have introduced a number of changes including e-news, social media and signage. L&LN will continue to conduct Gender Equity Audits as part of our continual improvement plans.

Sustainability implications

13. L&LN Advisory Committee members represent the unique community in which each of the Neighbourhood Houses are located. This ensures true community representation to support decision-making around strategic direction associated with each house to ultimately ensure social as well as financial sustainability of programs.

Community engagement

14. Nominations were sought via multiple channels including:
- a) Online: via Council website and social media platforms
 - b) Online: via Living & Learning Nillumbik website and social media platforms
 - c) The Living & Learning Nillumbik E-News and other Council department e-newsletters
 - d) Living & Learning Nillumbik networks
 - e) Word of mouth: phone calls, emails and conversations with participants, volunteers and community groups.

Innovation and continuous improvement

15. The three Neighbourhood House coordinators will continue to actively promote the L&LN Neighbourhood House Advisory Committee.
16. The three Neighbourhood House coordinators will engage their respective sub-committee to explore opportunities for innovation and continuous improvement.

Collaboration

17. The Committee supports ongoing and new partnerships, information sharing and alignment of strategy and practice across Neighbourhood Houses and community groups.

12. Officers' reports

CM.015/23 Living & Learning Nillumbik Neighbourhood House Advisory Committee Membership recommendation

Budget implications

18. All costs associated with the delivery of the Committee have been accounted for in the L&LN operational budget.

Relevant law

19. Not applicable.

Regional, state and national plans and policies

20. Not applicable.

Conflicts of interest

21. All officers involved in the preparation of this report have made a declaration that they do not have a conflict of interest in the subject matter of this report.

12. Officers' reports

CM.016/23 Triennial Events and Festivals Program 2023-2026 - Expression of Interest Assessment Report

Distribution: Public**Manager: Corrienne Nichols, Director Community Services****Author: Nichole Johnson, Manager Community Partnerships****Summary**

The purpose of this report is to seek endorsement from Councillors for the final outcomes and recommended funding allocations (**Attachment 1**) for the Triennial Events and Festivals Program 2023-2026.

The report also outlines the evaluation process (**Attachment 2**) and provides information on the panel members (**Attachment 3**).

Recommendation





That Council:

1. Endorses the recommended funding allocations for the Triennial Events and Festivals Program 2023-2026 (see **Attachment 1**).
 - (a) Applicant 1 _____ as a successful applicant for the Triennial Events and Festivals 2023-2026
 - (b) Applicant 2 _____ as a successful applicant for the Triennial Events and Festivals 2023-2026
 - (c) Applicant 3 _____ as a successful applicant for the Triennial Events and Festivals 2023-2026
 - (d) Applicant 4 _____ as a successful applicant for the Triennial Events and Festivals 2023-2026
 - (e) Applicant 5 _____ as a successful applicant for the Triennial Events and Festivals 2023-2026
 - (f) Applicant 6 _____ as a successful applicant for the Triennial Events and Festivals 2023-2026
 - (g) Applicant 7 _____ as a successful applicant for the Triennial Events and Festivals 2023-2026
 - (h) Applicant 8 _____ as a successful applicant for the Triennial Events and Festivals 2023-2026
 - (i) Applicant 9 _____ as a successful applicant for the Triennial Events and Festivals 2023-2026.
2. Acknowledges and thanks all community members who submitted grant applicants for the Triennial Events and Festivals Program 2023-2026.
3. Thanks the community panel for their contributions to the assessment process.
4. Resolves that the Triennial outcomes (**Attachment 1**) and individual Panel details (**Attachment 3**) to remain confidential on the grounds specified in the definition of confidential information in section 3(1)(f) of the *Local Government Act 2020*.

12. Officers' reports

CM.016/23 Triennial Events and Festivals Program 2023-2026 - Expression of Interest Assessment Report

Attachments

1. Festivals and Events Triennial Outcomes and recommended funding allocations - *CONFIDENTIAL*
2. Evaluation Process Flowchart

3. Festivals and Events Triennial Evaluation Process and Panel Members 2023-2026 - *CONFIDENTIAL*
4. Nillumbik Festivals and Events Program Guidelines

5. Community Grants Policy

6. Nillumbik Shire Council Events Policy


Discussion

1. EOI's for the FET funding opened on Monday 4 October 2022 and closed on Sunday 11 December 2022, providing grant funding from \$10,000 to \$65,000 per annum from a total annual pool of \$320,000 to support a range of festivals and events that will strengthen, enhance and benefit Nillumbik community.
2. Community groups and organisations who live, work, study, volunteer or play in Nillumbik were invited to apply for annual funding across three years to deliver large scale festivals and events in Nillumbik. Parameters for this program were defined in the Nillumbik Festivals and Events Triennial Program 2023 – 2026 Guidelines (**Attachment 4**).
3. Seven information sessions were delivered to provide support to potential applicants and to ensure high quality applications. To ensure accessibility and inclusivity, the information sessions were held in person at both urban and rural venues, virtually and phone conversations across a variety of times including outside regular business hours.
4. Additional individual support from the Events and Place team was available on request during this period.
5. Applicants currently receiving FET funding were provided with a separate information session to assist with the transition from a non-competitive to a competitive program.
6. In May 2022 VAGO (Victorian Auditor General's Office) issued a report regarding Fraud Control over Local Government Grants. Nine recommendations were made about strengthening and improving their guidance and training for grants addressing the risk of fraud.
7. A theme of the report strongly recommended that assessment of grant applications be informed by a transparent and unbiased process.
8. As outlined in our Community Grants Policy (**Attachment 5**) to ensure an accountable and transparent assessment process, applications for grants programs offering funding

12. Officers' reports**CM.016/23 Triennial Events and Festivals Program 2023-2026 - Expression of Interest Assessment Report**

equal to and above \$5,000 will be vetted internally against eligibility criteria before being assessed by an assessment panel of community representatives or experts drawn from existing advisory committees and/or stakeholder groups.

9. An external assessment panel consisting of eight members was convened to assess the applications. The panel consisted of: Council Advisory Committee members, community and industry professionals.
10. **Attachment 2** provides a detailed outline on the assessment process and information on the panel members is provided in **Attachment 3**.
11. A total of seventeen applications were received, requesting a total of \$660,818 per annum.
12. For further details refer to FET Funding outcomes (**Attachment 1**). This spreadsheet provides a summary of the projects and a panel evaluation summary.
13. Council officers will offer feedback and support to the unsuccessful applicants. This will include referrals to other grant programs both internally (such as Nillumbik Community Fund and Quick Response Grants) and externally (State, Federal and private) and program developmental support which includes training and workshops around capacity building for future events and festivals.

Related Council decisions

14. In September 2022 Council endorsed the Nillumbik Shire Council Events Policy (**Attachment 6**) and the Nillumbik Festivals and Events Triennial Program 2023–2026 Guidelines (**Attachment 4**). The selection criteria for the assessments were also endorsed by Council at this meeting.

Options

15. This report provides Councillors with the final selection of festivals and events and allocation of funding, as determined by the FET Assessment Panel provided in **Attachment 1** of this report.

Council plans and policies

16. This report directly supports the achievement of the Council Plan 2021-2025 strategy:
 - We encourage and support volunteering to enable community participation opportunities and actively celebrate these contributions.
 - We champion equity, diversity, access and inclusion for people of all abilities, ages, cultural identities, gender identities, geographic locations, religions, sexualities, and socio-economic backgrounds.

Access, Equity and Inclusion

17. A Gender Impact Assessment was completed on 19 September 2022 when the Event Guidelines were developed. The outcomes of this assessment included developing policies and documents to form the guidelines, addressing any barriers for applicants, including the development of an EOI template and structuring questions that are inclusive to all.

Sustainability implications

12. Officers' reports

CM.016/23 Triennial Events and Festivals Program 2023-2026 - Expression of Interest Assessment Report

18. Not applicable.

Community engagement

19. As per Council's Community Grants Policy (**Attachment 5**), grant programs offering funding equal to and above \$5,000 will be assessed by a panel of community representatives or experts drawn from existing Council Advisory Committees and/or stakeholder groups.

20. These panels are an important method for Council to engage the community in the effective delivery of our grants programs.

Innovation and continuous improvement

21. Not applicable.

Collaboration

22. Applications have been internally reviewed by the following teams: Economic Development and Tourism, Arts and Cultural Development, Community Development Social Inclusion and Environment. Feedback from these teams was used to provide information that may assist with any panel queries.

23. An external community panel with a combination of expertise was brought together as per Council's Community Grants Policy (**Attachment 5**) to assess and evaluate applications against the criteria in the Nillumbik Festivals and Events Triennial Program Guidelines (**Attachment 4**).

Budget implications

24. There is currently an allocation of \$320,000 in the 2022-2023 operational budget.

25. Review of funding of the program would be recommended every three years to accommodate CPI increases.

Relevant law

26. Not applicable.

Regional, state and national plans and policies

27. Not applicable.

Conflicts of interest

28. 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.017/23 Audit and Risk Committee Meeting February 2023**

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

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


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

The Audit and Risk Committee met on 27 February 2023. The minutes for the meeting are shown in **Attachment 1**.

Recommendation

That Council notes the minutes of the Audit and Risk Committee meeting held on 27 February 2023 (**Attachment 1**).

Attachments

1.  27 February 2023 Audit and Risk Committee meeting minutes

Discussion

1. The minutes of the Audit and Risk Committee (ARC) are submitted to Council after each meeting. To provide timely feedback, these are unconfirmed minutes.
2. Minutes of the ARC held on the 27 February 2023 have been adopted by the Committee, and will be presented at its next meeting.
3. The items considered by the ARC were:
 - Draft 2022/2023 VAGO Audit Strategy
 - Finance Policies;
 - Draft Budget 2023-2024;
 - Budgeting and Forecasting Internal Audit Report; and
 - Internal Audit Plan.
4. The next ARC meeting is scheduled to take place on Monday 5 June 2023.

Related Council decisions

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

12. Officers' reports

CM.017/23 Audit and Risk Committee Meeting February 2023

Options

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

Council plans and policies

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

Access, Equity and Inclusion

9. Where applicable, the Committee considers Gender Access, Equity and Inclusion.

Sustainability implications

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

Community engagement

11. Not applicable.

Innovation and continuous improvement

12. Not applicable.

Collaboration

13. The ARC meeting on 27 February 2023 was attended by, the external auditor from HLB Mann Judd, the internal auditor from Pitcher Partners, as well as the CEO and CFO. Mayor Cr Ben Ramcharan and Deputy Mayor Cr Geoff Paine attended as the councillor representatives.

Budget implications

14. The associated costs are contained within Council's 2022-2023 Budget.

Relevant law

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

Regional, state and national plans and policies

16. Not applicable.

Conflicts of interest

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

12. Officers' reports

CM.018/23 Panton Hill Bushland Reserve System User Group Advisory Committee 2023-25 - Endorsement of additional member

Distribution: Public

Manager: Vince Lombardi, Acting Director Operations and Infrastructure

Author: Lisa Pittle, Manager Environment

Summary

An expression of interest from a suitably qualified applicant has been received for membership of the Panton Hill Bushland Reserve System (PHBRS) User Group Advisory Committee 2023-25. The current committee has seven members and the terms of reference allow for up to ten members.

Council endorsement of this additional committee member is recommended.


The committee may remain open to expressions of interest from suitably qualified applicants (as per the terms of reference) to increase member numbers and diversity of representation of the various user groups.

Recommendation

That Council:

1. Endorses the recommended applicant listed for membership of the Panton Hill Bushland Reserve System User Group Advisory Committee for the 2023-2025 term:
 - a) Applicant _____
2. Resolves that the Evaluation Panel Assessment (**Attachment 2**) remain confidential on the grounds specified in the definition of confidential information in section 3(1) (f) of the *Local Government Act 2020*.
3. Resolves that the successful applicant be named.

Attachments

1.  Terms of Reference PHBRS User Group Advisory Committee 2022
2. Additional member Evaluation Report - *CONFIDENTIAL*

Discussion

1. The Panton Hill Bushland Reserve System (PHBRS) User Group Advisory Committee was established to provide a formal mechanism for Council to consult with the various user groups of the reserves.
2. To encourage an understanding, appreciation, enjoyment and care by the community and the reserve users of the significant natural features, biodiversity, social, educational, recreational and historical values of the Panton Hill bushland reserves.

12. Officers' reports

CM.018/23 Panton Hill Bushland Reserve System User Group Advisory Committee 2023-25 - Endorsement of additional member

3. The PHBRS User Group Advisory Committee Terms of Reference (**Attachment 1**) were revised and endorsed by Council on 23 August 2022. Under the terms of reference, the committee is made up of:
 - a) One representative of the Nillumbik Shire Council, ie the Councillor Chair
 - b) Up to nine community representatives selected to represent a broad spectrum of reserves users.
4. The committee meets three times per year on the third Thursday in February, June and October.
5. A new committee was endorsed by Council in December 2022 with six community members who are all previous PHBRS Advisory Committee members.
6. The report advised that the committee may remain open to expressions of interest from suitably qualified applicants (as per the terms of reference) to increase member numbers and diversity of representation of the various user groups. This is to enable increase in committee membership to up to nine community members over the 2023-2025 term.
7. An additional application for the committee was received in February 2023 from a past PHBRS committee member.
8. The application was assessed by the same evaluation panel using the same process that was used for the committee membership recommendation in December 2022. Refer **Attachment 2** (Confidential).

Related Council decisions

9. At the Council meeting on 13 December 2022, Council endorsed the six recommended applicants.

Options

10. The additional application was assessed against the selection criteria and it demonstrates:
 - a) strong association with the reserves and their environmental values;
 - b) a commitment to First Nations relationship to the reserves;
 - c) a diversity of local community networks and a history of contributing positively to the work of the committee; and
 - d) representation of reserve user groups including environmental interests and the general community.
11. Council endorsement of the additional PHBRS User Group Advisory Committee member is recommended.

12. Officers' reports

CM.018/23 Pantan Hill Bushland Reserve System User Group Advisory Committee 2023-25 - Endorsement of additional member

Council plans and policies

12. This report directly supports the achievement of the Council Plan 2021-2025 strategy:
- We are committed to protecting and enhancing the environmental integrity of our community's unique surroundings, Aboriginal heritage, natural environment and diverse wildlife.

Access, Equity and Inclusion

13. A Gender Impact Assessment has not been applied.

Sustainability implications

14. The work of the PHBRS User Group Advisory Committee contributes to social sustainability in terms of enhancing community connections.
15. It contributes to environmental sustainability and the impact of climate change on the reserve in terms of providing opportunities to connect with nature; works to maintain the environmental values of the reserves; and biodiversity observations to track the impact of climate change.

Community engagement

16. The PHBRS User Group Advisory Committee provides a formal mechanism for Council to consult with the various user groups of these bushland reserves.

Innovation and continuous improvement

17. Not applicable.

Collaboration

18. Not applicable.

Budget implications

19. Not applicable.

Relevant law

20. Not applicable.

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.018/23 Panton Hill Bushland Reserve System User Group Advisory
Committee 2023-25 - Endorsement of additional member**

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12. Officers' reports**CM.019/23 Residential Building at 1225 Main Road, Eltham**

Distribution: Public**Manager: Vince Lombardi, Acting Director Operations and Infrastructure****Author: Natalie Campion, Coordinator Property****Summary**

Council owns a parcel of land known as 1225 Main Road, Eltham as shown in **Attachment 1** which is adjacent to the Alan Marshall Reserve. There is a residential building located on a portion of this land.

This residential building resided on the land when council purchased the land for public open space in 1995. The residential house has been leased out since Council purchased the property and has recently become vacant. The condition of the dwelling has been assessed as not fit for purpose any longer.

Council is now in a position to determine whether or not to demolish the house with the purpose of fulfilling the original intention that the land can be utilised for public open space.



This report is seeking that Council resolve to demolish the residential building on the land known as 1225 Main Road, Eltham and reinstate the land as public open space.

Recommendation

That Council:

1. Resolves to demolish the residential building on the land known as 1225 Main Road, Eltham and reinstate the land as public open space.
2. Requests Council Officers to investigate options on future use of the parcel of land zoned Public Park and Recreation Zone, outlining the process for any community engagement requirements and report back to Council at a future Council meeting.

Attachments

1.  Aerial Plan of 1225 Main Road Eltham
2.  Public Open Space Plan - 1225 Main Road Eltham

BackgroundProperty Details

1. The property (land and building) is located on 1225 Main Road Eltham, adjacent to Alan Marshall Reserve. It is approximately 7,700sqm, with approximately 1,270sqm previously leased for residential purposes.
2. The land was reserved as Public Open Space in 1992, and Council purchased the property in 1995, with the intention at the time of incorporating the land into the adjoining Alan Marshall Reserve as shown in **Attachment 2**.
3. The land that contains the residential building forms part of a larger parcel which is zoned Public Park and Recreation Zone.
4. The property (leased area) incorporates a 1940's era dwelling.

12. Officers' reports

CM.019/23 Residential Building at 1225 Main Road, Eltham

Historical lease arrangements

5. At the time Council purchased the property it made the decision to lease the property to the original land owner as a way of protecting the building from vandalism, prior to a decision being made on its future.
6. Council commenced an initial process to end the tenancy in 2006, when it was drafting concept plans for the development of Alan Marshall Reserve. The intention was to incorporate the land into the adjoining reserve and demolish the building.
7. The tenant requested a further one-year agreement which Council agreed to the request. The impetus for the initial request lapsed as the reserve planning slowed in subsequent years.
8. The Tenant vacated the property late January 2023.
9. Council's Real Estate Agent has advised to rent this building out again works would need to be completed as outlined below.

Potential works required

10. The last building condition audit was completed in February 2020. The associated report noted the dwelling is no longer fit for purpose due to its general condition and a number structural defects. It also contains a significant quantity of asbestos, notably in the external cladding.
11. The property is in poor condition and requires urgent work in excess of \$100,000, and approximately \$30,000 on asbestos removal, to bring it up to a *reasonable* state of repair.
12. Given the recent rises in building related costs, it is likely that the estimate would be significantly higher.

Pine trees

13. Council's arborist has undertaken an assessment of the pine trees on the land and has programmed in necessary pruning of the trees.
14. If Council wishes to remove the trees further assessment would be required.
15. A planning permit and a permit under the Local Law are not required to remove the pine trees on this property.

Consideration to potentially repurpose

16. If the residential building is retained and repurposed, the building facilities including toilets and kitchen require upgrades to comply with the *Disability Discrimination Act 1992* (DDA) and Building Code of Australia (BCA) and its regulations.
17. The actual scope of works and associated costs would be dependent on the type of use. \$500,000 would be a preliminary estimate to undertaken works.

Related Council decisions

18. The former Shire of Eltham reserved the land as Proposed Public Open Space in 1992.
19. On the 15 August 1995, Council resolved to acquire the land at 1225 Main Road, Eltham from the landowners for market value as Council had reserved the land as public open space.

12. Officers' reports**CM.019/23 Residential Building at 1225 Main Road, Eltham**

Options

20. Council is now in a position to consider:
- planning to demolish the dwelling and reinstatement of the land as public open space; or
 - retain the house and consider a future use, which will have associated planning and financial costs implications.
21. Officers support the recommendation to demolish the residential building on the land known as 1225 Main Road, Eltham and reinstate the land as public open space as the land was reserved as Public Open Space and Council purchased the property with the intention on returning this parcel of land to public open space.
22. If Council decides to retain and repurpose the residential building it will need to consider the following planning requirements:
- That part of the land is located in the Special Building Overlay. If any works occur within the Special Building Overlay a buildings and works permit may be required. Any application being considered under the overlay would need to be referred to Melbourne Water.
 - As the entire land parcel (Title) is over 4000 m² in area any native vegetation removal would require assessment and approval under Clause 52.17 of the Planning Scheme.
 - Car parking would also be required as outlined in Clause 52.06 of the Planning Scheme. The calculation for how many spaces would be required is either based on the floor area of the building or the number of patrons visiting the site.
 - As Main Road is controlled by VicRoads any permit application would be referred to them as part of the process.
23. If the building was used for purposes other than its current use, it would be subject to the provisions of the PPRZ. Some examples are:
- a use and development permit would be required for the Community Hub (Place of Assembly)
 - a use permit may be required for the bicycle repair shop (retail premises) if it is not conducted by or on behalf of the land manager (Council). The retail premises must be associated with the public land use. A permit for buildings and works to construct the shop would be required.

Council plans and policies

24. This report directly supports the achievement of the Council Plan 2021-2025 strategy:
- We carefully protect, plan, maintain and improve open spaces, streetscapes and places to ensure that they are safe, accessible and enjoyable.

Access, Equity and Inclusion

25. If the residential building is retained and repurposed, the building facilities including toilets and kitchen, *Disability Discrimination Act 1992* (DDA) upgrades and compliance with Building Code of Australia (BCA) and its regulations would need to be considered.

12. Officers' reports

CM.019/23 Residential Building at 1225 Main Road, Eltham

Sustainability implications

26. Not applicable.

Community engagement

27. Not applicable.

Innovation and continuous improvement

28. Not applicable.

Collaboration

29. Property officers have discussed with Community Partnerships existing community needs and suitability of the building at 1225 Main Road, Eltham, which is noted above.

Budget implications

30. An estimate of the cost to demolish the building is \$30,000, based on the cost of similar projects.

31. Reinstatement works or alternate use of the building would be referred to future budget cycles.

Relevant law

32. Local government leasing of residential properties needs to comply with the *Local Government Act 2020*, and *Residential Tenancies Act 1997*.

Regional, state and national plans and policies

33. Council should have regard to the Local Government Best Practice Guidelines for the Sale, Exchange and Transfer of Land revised August 2009, which is considered to extend to cover leasing.

Conflicts of interest

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

12. Officers' reports**CM.020/23 Contract Report - Contract 2223-045 INFOR Pathway**

Distribution: Public**Manager: Jeremy Livingston, Executive Manager Business Transformation and Performance****Author: Daniel Tarquinio, Manager Information Technology****Summary**

This report recommends the awarding of contract 2223-045 for INFOR Pathway.

The contract term is for a period of five (5) years and is for software licensing and maintenance renewal for INFOR Pathway.

Under section 2.3.2.1 *Exemptions from tendering* of the Council Procurement Policy 2021-2025, there was no public tender issued as the INFOR Pathway solution is:

- a proprietary software solution with no third party reseller model available; and
- only available via Infor Global Solutions.

Costing for a 5-year software licensing and maintenance agreement was obtained directly from Infor Global Solutions.

The existing INFOR Pathway platform is a business critical software platform within Council's operating and technology environment.

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 tendered software licensing and maintenance agreement submitted by Infor Global Solutions for the sum of \$1,013,509.70 (inclusive of GST) and enter into the following contract:

Number: 2223-045

Title: INFOR Pathway

Term: 1 July 2023 to 30 June 2028

Options: Nil

2. Authorises the Executive Manager Business Transformation & Performance to finalise and execute the contract documentation.
3. Authorises the Executive Manager Business Transformation & Performance to approve additional cost variations that are a result of changes to operational requirements throughout the term of the contract.

Attachments

Nil

12. Officers' reports

CM.020/23 Contract Report - Contract 2223-045 INFOR Pathway

Discussion

1. The INFOR Pathway software is deeply embedded in multiple facets of Council dealings, for both internal and external customers and day-to-day operational requirements.
2. INFOR Pathway is a proprietary software platform, for which licensing, support and maintenance and upgrades are only available from Infor Global Solutions.
3. Under section 2.3.2.1 *Exemptions from tendering* of the Council Procurement Policy 2021-2025, as the INFOR Pathway solution is a proprietary software solution with no third party reseller model available and is only available via Infor Global Solutions, there was no public tender issued.
4. Costing for a five (5) year software license and maintenance agreement was obtained from Infor Global Solutions.
5. The previous 5 year software license and maintenance agreement cost was \$935,067.10 (inclusive of GST).

Related Council decisions

6. At the April 2021 Council Meeting, Council adopted the Procurement Policy 2021-2025.

Council plans and policies

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

Tender overview

As per section 2.3.2.1 *Exemptions from tendering* of the Council Procurement Policy 2021-2025, there was no public tender issued as the INFOR software is a proprietary solution and only available via Infor Global Solutions.

Tender Interviews and Reference checks

8. Not applicable.

Collaboration

9. Not applicable.

Budget implications

10. Software licensing and maintenance costs are planned for and accounted for in the annual budget process.

Sustainability implications

11. Not applicable.

Stakeholder Consultation/communication

12. Not applicable.

12. Officers' reports

CM.020/23 Contract Report - Contract 2223-045 INFOR Pathway

Innovation and continuous improvement

13. Not applicable.

Relevant law

14. Section 108 of the *Local Government Act 2020*

Regional, state and national plans and policies

15. Not applicable.

Conflicts of interest

16. The officers listed in this report were required to declare any disclosable conflicts of interest.

17. There were no disclosable conflicts of interest raised.

12. Officers' reports

CM.020/23 Contract Report - Contract 2223-045 INFOR Pathway

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12. Officers' reports

CM.021/23 Contract 1819-086 Provision of garbage, recycle and organic waste collection services - variation claim JJs Waste & Recycling

Distribution: Public

Manager: Vince Lombardi, Acting Director Operations and Infrastructure

Author: Lisa Pittle, Manager Environment

Summary

JJ's Waste & Recycling have submitted a claim to vary the contract price per lift for collection of 240 litre food organics & garden organics (FOGO) bins. The Variation Claim (**Attachment 1**) is based on a significant increase in FOGO tonnages and a loss of service growth income attributable to the roll out of 240 litre FOGO bins at contract commencement.

Recommendation

That Council:

1. Accepts JJs Waste and Recycling claim to vary contract 1819-086 - Provision of garbage, recycle and organic waste collection services including:
 - a) The amended 240 litre bin collection rate provided in **Confidential Attachment 1** commencing 1 July 2021.
 - b) With the following triggers applying to review the varied rate:
 - i) If tonnages reduce from the current levels to 8,000 tonnes per year. FOGO tonnage to be reviewed in April each year.
 - ii) If Council arranges for disposal of FOGO at a facility which reduces travel distance and time.
2. Authorises the Director Operations and Infrastructure to finalise and execute the contract variation.
3. Authorises the Director Operations and Infrastructure to approve variations that are a result of changes to operational requirements throughout the remaining term of the contract.
4. Resolves that the Variation Claim (**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*.

Attachments

1. JJs FOGO variation claim - financial information - *CONFIDENTIAL*

Discussion

1. This report provides background and a recommendation on a claim for contract variation received from JJs Waste and Recycling (JJs). The claim is based on the introduction of a 240 litre food organics and garden organics (FOGO) bin contributing to a 49 per cent FOGO tonnage increase and reduced income based on the reduction in the number of FOGO bins due to the introduction of 240 litre FOGO bins.

12. Officers' reports

CM.021/23 Contract 1819-086 Provision of garbage, recycle and organic waste collection services - variation claim JJs Waste & Recycling

2. Council entered into contract 1819-086 for the provision of garbage, recycle and organics waste collection services in August 2019. JJs commenced delivering the service on 1 July 2020. The contract term is 7 years with an option to extend for a further 3 years.
3. The method of payment for waste collection, the bin lift rate, is based on the number of bins provided to households regardless of whether they are presented for collection. Contract bin lift rates for Nillumbik’s kerbside collection are provided in **Confidential Attachment 1**.
4. From 1 July 2020 Council provided residents with new customisable options for their kerbside waste bins. The following table shows the standard service and customisable service options before and after 1 July 2020. The new service options are shaded.

Bin type	Standard service Bin size – litres Collection frequency	Service options
Food organics & garden organics (FOGO)	120 Weekly	<ul style="list-style-type: none"> • Additional 120 litre bin – charge for bin supply, no additional collection charge • Upsize to a 240 litre bin – no charge for bin supply, no additional collection charge
Recycling	240 Fortnightly	<ul style="list-style-type: none"> • Downsize to 120 litre bin – no charge for bin supply or collection • Additional 240 litre bin - charge for bin supply, no additional collection charge
Landfill	120 Fortnightly	<ul style="list-style-type: none"> • Downsize to 80 litre bin – no charge for bin supply and reduced charge for collection • Additional 120 litre bin - charge for bin supply and additional collection charge • Upsize to a 140 litre bin – no charge for bin supply, additional collection charge • Weekly collection of 120 litre landfill bin – additional collection charge.

5. The new service options were designed in response to a resident survey which found that: 70.4 per cent were satisfied with the current service level; 11 per cent wanted increased capacity for the weekly FOGO bin collection; and 18 percent wanted increased frequency/capacity of landfill bin collection.
6. JJ’s Waste & Recycling (JJs) has now requested a variation for collection of 240 litre (FOGO) bins based on the introduction of the 240 litre FOGO bins which has caused:
 - a) FOGO tonnage increase resulting in additional haulage costs.
 - b) Reduction in FOGO bin numbers resulting in loss of income.
7. The take up of 240 litre FOGO bins was expected to be around 11 per cent or approximately 2500 residents over the contract term.

12. Officers' reports

CM.021/23 Contract 1819-086 Provision of garbage, recycle and organic waste collection services - variation claim JJs Waste & Recycling

- 8. From 1 July 2020 to 30 June 2022, the actual current take up of 240 litre FOGO bins was 9,242 or approximately 42 per cent of residents. This number continues to increase at a rate of about 20 bins per month.
- 9. This equates to an additional 1,110 cubic metres of capacity available to residents every week. In practice, this capacity is not fully utilised; JJs indicate an additional 125 cubic metres above expected is presented.

10. FOGO tonnage increase

- 11. JJ's claim that the FOGO tonnage increase is a result of the additional capacity provided by the 240 litre FOGO bin introduction and that the additional tonnage incurs additional costs. JJ's estimate an additional 5 loads per week, equating to about 2000 tonnes of FOGO per year, takes an additional 9.6 hours per week to collect and deliver to Council's FOGO processing contractor. The additional cost calculation is provided in **Confidential Attachment 1**.
- 12. The table below shows FOGO tonnage increase for the first three years of the contract. The shaded section indicates data provided to tenderers. The average increase in FOGO tonnages in 2020-21 and 2021-22 is 49 percent in comparison with the tonnage information provided at the time of tender.

Year	Tonnes
2015-16	7,058
2016-17	7,838
2017-18	6,788
2018-19	6,234
2019-20	8,135
2020-21	10,901
2021-22	10,670

- 13. During negotiations about the variation claim, Council cited that a potential contribution to FOGO tonnage increase is the three year La Nina weather pattern which has increased vegetation growth and the moisture content of vegetation. Benchmarking with other councils demonstrates that La Nina has not had a similar impact in other municipalities.
- 14. For example, Yarra Ranges Council provides an optional 120 or 240 litre bin kerbside collection service. Data provided by Yarra Ranges Council shows an increase of about 13 per cent per service in the La Nina period. In contrast, Nillumbik's increase per service is about 66 per cent.
- 15. A benefit of Nillumbik's increased FOGO tonnage is that the overall resource recovery rate (or landfill diversion rate) has increased. This is the percentage of material collected from all kerbside waste streams that is delivered to a recovery facility rather than to landfill. The Victorian government's Recycling Victoria policy has an average resource recovery target of 80 per cent by 2030.

12. Officers' reports

CM.021/23 Contract 1819-086 Provision of garbage, recycle and organic waste collection services - variation claim JJs Waste & Recycling

16. The table below shows the recovery rate for the last 5 years; note that 2018-19 and 2019-20 were affected by diversion of recyclables to landfill due to the closure of the SKM materials recovery facility.

Year	Recovery rate %
2017-18	63.7
2018-19	59.2
2019-20	59.7
2020-21	72.8
2021-22	72.5

17. Reduction in FOGO bin numbers

18. Fewer residents taking up additional 120 litre FOGO bins results in a loss of income for JJs. At the time of tender, the expectation was that bin numbers would increase based on new services and supply of additional bins. As a consequence of the supply of 240 litre bins, residents are less likely to request additional 120 litre FOGO bins and some residents have swapped their 2 x 120 litre FOGO bins for one 240 litre FOGO bin.
19. At the time of tender a growth rate of 150-200 new services per year was provided for information. No growth rate was provided for additional services.
20. The table below demonstrates the reduction in the number of FOGO bins in contrast to the landfill and recycling streams where bin numbers have grown due to new and additional services.

Waste stream	Bin numbers		Change
	1 July 2020	August 2022	
FOGO	24,364	24,285	-79
Landfill	23,862	24,481	619
Recycling	23,725	24,619	894

21. Based on the growth of landfill services, JJs have estimated a loss in growth of 698 services, including the negative 79 services, in the FOGO stream.
22. The consequence of reduced service growth in the FOGO stream is reduced income based on the per lift rate. JJs estimate of loss of expected income based on a reduction in FOGO service growth is provided in **Confidential Attachment 1**.

23. Final claim for variation

24. JJs has calculated the loss of FOGO service growth income and the cost of additional FOGO tonnage collection and the amended rate is provided in **Confidential Attachment 1**.

12. Officers' reports**CM.021/23 Contract 1819-086 Provision of garbage, recycle and organic waste collection services - variation claim JJs Waste & Recycling**

25. Test of variation claim

26. A test of a variation claim is whether it was foreseeable. If the answer is yes then the claim is potentially deniable, if the answer is no then the claim is potentially valid. If the claim is considered to be valid then the next challenge is whether it is reasonable.
27. In regard to the JJs claim it can be argued that it was not foreseeable as there were no 240 litre bins in the system, the potential number at the time of tender was a significant underestimate and the tonnages provided at tender were substantially lower than the tonnes collected in the first two years of the contract.
28. The per lift price increase in **Confidential Attachment 1** appears to be reasonable based the additional operational cost. JJs have also decided not to apply the variation claim to the first year of the contract which is a saving for Nillumbik.

Related Council decisions

29. In October 2018, Council endorsed the following in relation to kerbside waste bin configuration:

That Council:

1. *Retains the current waste bin configuration and collection schedule, i.e. weekly FOGO bin (120L), fortnightly recycling bin (240L) and fortnightly residual waste bin (120L) as the base line service to maintain the overall environmental benefit of the service.*
 2. *Continues to provide the current level of customisation relating to additional bins.*
 3. *Adds customised options for FOGO and residual waste bins to respond to community needs including options to:*
 - a) *Upgrade the FOGO bin size from 120L to 240L*
 - b) *Upgrade the residual waste bin from 120L to 140L*
 - c) *Weekly collection of the existing 120L bin residual waste bin.*
 4. *Receives a further report on the procurement strategy for the kerbside waste collection service.*
 5. *Receives a further report on the structure of the annual waste management charge for the baseline service and customised options.*
 6. *Implements a new service following procurement and pricing review.*
30. In August 2019, Council endorsed the following:

That Council:

1. *Resolves to cease delivering the in-house kerbside waste collection service.*
2. *Engage an external provider to deliver the kerbside waste collection service based on the outcome of RFT 1819-86 Provision for Garbage, Recycle, and Organics Waste Collection.*

12. Officers' reports

CM.021/23 Contract 1819-086 Provision of garbage, recycle and organic waste collection services - variation claim JJs Waste & Recycling

3. *Accepts the submission of JJ Richards Pty Ltd and delegates authority to the CEO to enter into negotiations to finalise price based on their best price offer inclusive of:
 - a) *The services to be delivered from JJ Richards' Somerton depot.*
 - b) *Offers of employment to staff wishing to take up employment with the new provider.*
 - c) *No staff to transfer on the Nillumbik Enterprise Agreement.*
 - d) *Weekly garbage service price to be negotiated separately following service establishment.**
4. *Authorises the CEO or delegate to finalise and execute the contract documentation.*
5. *Delegates the powers and authorisation to the CEO or delegate to review and approve the options to extend the contract term for a maximum of up to three (3) further years.*
6. *Advises all tenderers accordingly.*
7. *Recognises the contribution of staff who have delivered the in house kerbside waste collection service.*
8. *Makes public the decision regarding this contract but the tender evaluation and report remain confidential.*
9. *Authorise the CEO to make any applicable redundancy payments to impacted staff that are reflective of the current enterprise bargaining agreement and include any additional payments as negotiated with staff in accordance with table 7 of the report.*

Options

31. Council may reject or accept the variation claim.
32. Rejecting the variation claim is not recommended. The enthusiastic take up of 240 litre FOGO bins was not foreseeable at the time of tender and the amended rate is considered to be reasonable. Through negotiation, JJs has demonstrated a genuine cost impact and continue to deliver the service at a high standard and in good faith.
33. Accepting the variation as negotiated is recommended. This includes:
 - a) The amended rate provided in **Confidential Attachment 1** for 240 litre FOGO bin collection with rise and fall to commence from 1 July 2021 for the contract term.
 - b) The following triggers apply to review the varied rate:
 - i) If tonnages reduce from the current levels to 8,000 tonnes per year. FOGO tonnage to be reviewed in April each year
 - ii) If Council arranges for disposal of FOGO at a facility which reduces travel distance and time.
 - c) FOGO tonnage to be reviewed in April each year to determine, this then gives a full picture of the year including the peak of the FOGO season.

12. Officers' reports

CM.021/23 Contract 1819-086 Provision of garbage, recycle and organic waste collection services - variation claim JJs Waste & Recycling

Council plans and policies

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

Access, Equity and Inclusion

35. Council's kerbside waste service is available to residents paying the Waste Management Charge. The expansion of kerbside waste bin options introduced in 2020 was in response to community needs expressed in a resident survey conducted in 2018.

Sustainability implications

36. Council's waste services are designed to encourage residents to avoid generating waste and to reduce waste to landfill by recovering materials for reuse or recycling with regard to the cost benefit for residents.
37. Waste avoidance, reuse and recovery contribute generally to greenhouse gas emissions reduction. More specifically, diversion of food and green organic waste to a composting facility reduces the Nillumbik community's greenhouse gas emissions. Methane from landfill is primarily generated by organic materials which contributes two to three per cent of state and national emissions.
38. Providing a 240 litre FOGO bin option has resulted in an increase in Nillumbik's landfill diversion rate.

Community engagement

39. Introduction of 240 litre FOGO bins was a response to results of a resident survey.

Innovation and continuous improvement

40. Introduction of 240 litre FOGO bins was part of a continuous improvement process for Council's kerbside waste service.

Collaboration

41. Not applicable.

Budget implications

42. The adjusted rate for 240 litre FOGO bin collection will be considered as part of the 2023-24 budget process. **Confidential Attachment 1** provides a summary of the impact of the variation including rise and fall for 2021-22, 2022-23 and 2023-24.

Relevant law

43. The Victorian Government's Circular Economy (*Waste Reduction and Recycling*) Act 2021 was gazetted on 14 December 2021. This legislation defines Council's responsibilities in relation to municipal waste services.

12. Officers' reports

CM.021/23 Contract 1819-086 Provision of garbage, recycle and organic waste collection services - variation claim JJs Waste & Recycling

Regional, state and national plans and policies

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

Conflicts of interest

45. 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.022/23 Tender Report - Contract 2223-017 Kangaroo Ground Caretaker's Cottage - Conservation works

Distribution: Public

Manager: Vince Lombardi, Acting Director Operations and Infrastructure

Author: Jonathon Miller, Manager Property and Facilities Maintenance

Summary

This report recommends the awarding of contract 2223-017 for Kangaroo Ground Caretaker's Cottage - Conservation works

The contract commencement date is 28 March 2023 with an intended completion date of 30 June 2023.

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 2223-017 for Kangaroo Ground Caretaker's Cottage - Conservation works.

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

Recommendation

That Council:

1. Accepts the tender submitted by the **preferred tenderer** for the sum of **#[Redacted]** plus **#[Redacted]** for contingency (inclusive of GST) and enter into the following contract:
Number: 2223-017
Title: Kangaroo Ground Caretaker's Cottage - Conservation works
Term: 28 March 2023 to 30 June 2023
Options: Not applicable
2. Authorises the Director Operations and Infrastructure to finalise and execute the contract documentation.
3. Authorises the Director Operations and Infrastructure to approve cost variations that are a result of unknown latent site conditions with a value of no more than the total contract value.
4. Notes that any variations that exceed the total contract value including contingency will require a further Council resolution.
5. Advises all tenderers accordingly.
6. Resolves that 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.022/23 Tender Report - Contract 2223-017 Kangaroo Ground Caretaker's Cottage - Conservation works****Attachments**

1. Tender Evaluation Summary Report 2223-017 - *CONFIDENTIAL*

Discussion

1. The caretakers cottage was built in 1927, six years after the establishment of the Memorial Park and one year after the Tower of Remembrance was built.
2. The cottage was used for storage for memorial service events at the Park until it fell into a state of disrepair and was no longer suitable.
3. Council completed a master plan for the Kangaroo War Memorial Park in 2021, a key action of the master plan being to complete restoration of the old caretaker's cottage.
4. Phase one of the restoration project commenced in early 2022 with engagement of RBA Architects and heritage consultants, to investigate the cottage and prepare documentation and scope of works for the restoration.
5. Phase one is now complete and Council is now ready to appoint a suitably qualified and skilled builder to implement the required work.
6. Consideration has been taken in relation to Anzac Day services to be held while works are underway at the site. Council officers and the primary contractor will work together to ensure there is no disruption to the 2023 Anzac Day service.

Related Council decisions

7. Kangaroo Ground War Memorial Park Management Plan was tabled and adopted at the Council meeting held on 14 December 2021.

Council plans and policies

8. 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:

9. A public tender was issued on Saturday 3 December 2022.
10. The period for tender submissions closed at 2pm on Thursday 2 February 2023.
11. The following tenders were received:

TENDERER	Tendered Sum Inclusive of GST.
Tenderer A - Preferred Tender	\$269,500.00

12. The tender documentation was accessed by thirty six (36) companies.

12. Officers' reports

CM.022/23 Tender Report - Contract 2223-017 Kangaroo Ground Caretaker's Cottage - Conservation works

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

Criteria	Weighting %
Price	40%
Capability & Capacity	50%
Social and Local	10%

14. 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.

15. The members of the TEP were:

Position Title	Business Unit	Scoring Member or Advisory Member
Manager Property and Facilities Maintenance	Operations and Infrastructure	Scoring
Coordinator, Community Facilities Maintenance & Management	Operations and Infrastructure	Scoring
Facility Maintenance Project Officer	Operations and Infrastructure	Scoring
Senior Procurement Specialist	Corporate Services	Advisory

16. The final evaluation outcome was as follows:

TENDERER	SCORE
Tenderer A - Preferred Tender	89/100

17. **Attachment 1** - Tender Evaluation Summary Report – Confidential, provides the tenderer names and the Evaluation Scorecard Summary.
18. 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.022/23 Tender Report - Contract 2223-017 Kangaroo Ground Caretaker's Cottage - Conservation works

Capability & Capacity

19. Has evidenced the necessary specialist skills required to undertake the conservations works.
20. Has the required insurances and quality management, environmental and OH&S processes in place.
21. Primary Contractor is a pre-qualified registered builder on Construction Supplier Register managed by Department of Treasury and Finance – Victoria
22. Understands the works are "restoration/conservation" and not refurbishment works and has the correct specialised subcontractors in place.
23. Works Program Schedule meets Council's requirements.
24. Appropriate staff structure is in place with appropriate qualifications.

Social and Local

25. Employs 20 full time and two part residents from with the Northern Council Alliance (NCA) area.
26. The nominated subcontractors are all based within the NCA. It is estimated that 80% of the works will be undertaken by the locally based trades.
27. Primary contractor Works closely with Aboriginal Advancement League (AAL), Victorian Aboriginal Community Services Association Ltd (VACSAL), and The Aboriginal Community Elders Services Inc. (ACES) to provide housing options under the Aboriginal Housing Victoria banner.

Tender Interviews and Reference checks

28. A tender interview was held with the primary contractor and their two key nominated sub-contractors on Thursday 16 February 2023.
29. Reference checks were undertaken for the nominated project references.
30. No risks or concerns were raised during the tender interview and subsequent project reference checks.

Contingency and risks

31. There are always higher risks in restoration projects in comparison to new build projects due to the unknown conditions of the existing building – in particular, older buildings such as the caretaker's cottage which is nearly 100 years old.
32. To mitigate the risks, Council engaged the services RBA Architects and other heritage consultants to undertake an investigation of the cottage and prepare documentation and scope of works for the restoration. The documentation provided was very detailed.

12. Officers' reports

CM.022/23 Tender Report - Contract 2223-017 Kangaroo Ground Caretaker's Cottage - Conservation works

- 33. Council engaged the services of RBA Architects for the restoration works for the Old Eltham Courthouse, which was successfully completed in 2022, and is confident that the level and detail of the documentation provided for the caretaker's cottage has identified all the key requirements.
- 34. Council will work closely with the contractor to ensure that the site is safe and clean for the planned 2023 Anzac Day memorial services.

Collaboration

- 35. Not applicable

Budget implications

- 36. The cost of the conservation works is within approved budgets.
- 37. \$110,000 of the cost of works is provided for via Local Roads and Community Infrastructure Program – Phase 3 funding.
- 38. The remaining cost of works is provided for via Councils Buildings Renewal approved budget.

Sustainability implications

- 39. Contractor is required to provide an Environmental Management Plan for the site for review and approval prior to works commencing.
- 40. Contractor is required to use any viable original building materials that are available on site. There is a stockpile of rock that was originally used in the construction of the cottage.
- 41. Recycled flooring will be sourced by the contractor and used to replace the existing flooring.
- 42. Contractor is required to provide a Waste to Landfill minimisation report on completion of the project and works.

Stakeholder Consultation/communication

- 43. There was community consultation undertaken in relation to the Draft Master Plan for the Kangaroo War Memorial Park.
- 44. Public Exhibition of Draft Management Plan was made available 30 August 2021 to 26 September 2021 via Participate Nillumbik.

Innovation and continuous improvement

- 45. Not applicable.

Relevant law

- 46. Section 109 of the *Local Government Act 2020*.

Regional, state and national plans and policies

- 47. Not applicable.

12. Officers' reports

CM.022/23 Tender Report - Contract 2223-017 Kangaroo Ground Caretaker's Cottage - Conservation works

Conflicts of interest

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

12. Officers' reports

CM.023/23 Informal Meetings of Councillors Records - 28 March 2023

Distribution: Public

Manager: Blaga Naumoski, Director Governance and Communications

Author: Katia Croce, Governance Lead

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 28 February 2023.

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

1. Environment & Sustainability Advisory Committee meeting held 14 February 2023;
2. Panton Hill Bushland Reserve System User Group – Advisory Committee meeting held 16 February 2023;
3. Clean Energy Nillumbik team - Climate Action Plan and Clean Energy Nillumbik held 17 February 2023;
4. Arts and Cultural Advisory Committee - sub-committee meeting held 20 February 2023;
5. Living and Learning Nillumbik Advisory Committee meeting held 20 February 2023;
6. Councillor Briefing held 21 February 2023;
7. Access and Inclusion Advisory Committee meeting held 24 February 2023
8. Positive Ageing Advisory Committee meeting held 3 March 2023;
9. Councillor Briefing held 7 March 2023.

Recommendation

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

Attachments

- 1  Informal Meeting of Councillors Records - 28 March 2023

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.023/23 Informal Meetings of Councillors Records - 28 March 2023

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.

Access, Equity and Inclusion

9. A Gender Impact Assessment has not been completed for this report.

Sustainability implications

10. None required.

Community engagement

11. Not applicable.

Innovation and continuous improvement

12. Not applicable.

12. Officers' reports

CM.023/23 Informal Meetings of Councillors Records - 28 March 2023

Collaboration

13. None required.

Budget implications

14. This is a routine reporting item, the resources for which are contained in Council's current operating budget.

Relevant law

15. *Local Government Act 2020.*

Regional, state and national plans and policies

16. None applicable.

Conflicts of interest

17. 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.023/23 Informal Meetings of Councillors Records - 28 March 2023

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Council Meeting Agenda

28 March 2023

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