

# Council Meeting

to be held at the Civic Centre, Civic Drive, Greensborough  
on Tuesday 22 August 2023 commencing at 7:00pm.

## Agenda

**Carl Cowie**  
**Chief Executive Officer**

Thursday 17 August 2023

Distribution: Public

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# Council Chamber Council Meeting seating plan

**Cr Natalie Duffy**  
Edendale Ward

**Cr Karen Egan**  
Bunjil Ward

**Cr Richard Stockman**  
Blue Lake Ward

**Katia Croce**  
Manager  
Governance and  
Property

**Blaga Naumoski**  
Director Governance  
Communications and  
Community Safety

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

**Carl Cowie**  
Chief  
Executive  
Officer

**Cr Peter Perkins**  
Ellis Ward

**Cr Frances Eyre**  
Swipers Gully Ward

**Cr Geoff Paine**  
**(Deputy Mayor)**  
Wingrove Ward

## Nillumbik Shire Council

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## Nillumbik Shire Council

### Agenda of the Meeting of Nillumbik Shire Council to be held Tuesday 22 August 2023 commencing at 7:00pm

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#### 1. Welcome

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

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/Leave of Absence

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

<b>Recommendation</b>
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**That** the apologies be noted.

**6. Declarations of conflict of interest**

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

**7. Presentations**

**8. Confirmation of Minutes**

Confirmation of the minutes of the held on Tuesday 25 July 2023.

**Recommendation**

**That** Council confirms the minutes of the Council meeting held on Tuesday 25 July 2023 (**Attachment 1**).

**Attachments**

1.  Confirmation of Minutes Council Meeting held Tuesday 25 July 2023

**9. Petitions**

**10. Questions from the gallery**

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11. Reports of Advisory Committees

AC.007/23 Advisory Committee Report - 22 August 2023

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**Distribution:** Public

**Manager:** Blaga Naumoski, Director Governance, Communications and Community Safety

**Author:** Katia Croce, Manager Governance and Property

**Summary**

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

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

1. Youth Council Formal Advisory Meeting - 3 July 2023
2. Youth Council Formal Advisory Meeting - 7 August 2023

**Attachments**

1.  Advisory Committee Report - 22 August 2023

**Recommendation**

**That** Council notes the Minutes of the Advisory Committee meetings reported (**Attachment 1**).

**11. Reports of Advisory Committees**

**AC.007/23      Advisory Committee Report - 22 August 2023**

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**12. Officers' reports****CM.063/23 Council Plan Quarterly Performance Report - 2022-2023 - Quarter 4**

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**Distribution: Public****Manager: Jeremy Livingston, Director Culture and Performance****Author: Craig King, Manager Customer Experience****Summary**

The purpose of this report is to present the Council Plan Quarterly Performance Report (**Attachment 1**) for noting.

These reporting updates are received by Council on a quarterly basis to demonstrate in a practicable and tangible way how the Council Plan 2021-2025 is being delivered to the community.

The Council Plan Quarterly Performance Report provides the fourth and final update on delivery progress and performance of the 2022-2023 Annual Action Plan actions, which align to delivery of the second year of the Council Plan 2021-2025.

Of the 46 actions in the 2022-2023 Annual Action Plan, 16 actions have been completed, 24 are 'on track' for completion, 4 actions have been deferred to 2023-2024, one action has been abandoned and one action is experiencing minor issues.

Of the 56 strategic indicators in the Council Plan 2021-2025, 24 have improved on last year's result, 13 have decreased compared to last year, and 19 indicators recorded minimal change from 2021-2022.

The overall position reflected in the report suggests that Council continues to make solid progress in delivering on key actions of the Council Plan and significant outcomes for the community.

All 46 actions identified in the Annual Action Plan 2022-2023 will also be published in the Annual Report 2022-2023 when presented to the community later in 2023.

**Recommendation**

**That** Council receives and notes the Council Plan Quarterly Performance Report (**Attachment 1**) for the fourth quarter of 2022-2023.

**Attachments**

1.  Council Plan Quarterly Performance Report - 2022-2023 - Quarter 4

**Discussion**

1. The Council Plan 2021-2025 was developed throughout 2021 and adopted by Council in October 2021. The Council Plan 2021-2025 has four high-level strategic themes:
  - Community and Connection – to encourage inclusion and participation to support health and wellbeing and ensure that all our residents have equitable access to services, programs, events and initiatives.

**12. Officers' reports****CM.063/23 Council Plan Quarterly Performance Report - 2022-2023 - Quarter 4**

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- Place and Space – to protect, enhance, maintain, plan and design places and spaces that strengthen identity, reinforce character, improve accessibility, encourage social connection and enjoyment, support biodiversity and respect the environment.
  - Sustainable and Resilient – to manage and adapt to changing circumstances that affect our community to ensure it remains sustainable and resilient, both now and into the future.
  - Responsible and Accountable – to facilitate the best possible outcomes for our community, by demonstrating strong leadership and working actively to achieve the community's objectives.
2. The Annual Action Plan 2022-2023, adopted by Council in May 2022, contains 46 actions contributing to delivery of the Council Plan within the corresponding financial year. Of those 46 actions, 22 are identified for quarterly reporting, while the remainder of the actions are subject to an update in the corresponding report in the final quarter of the financial year (being this quarterly report).

Priority actions

3. Of the 46 actions in the 2022-2023 Annual Action Plan, 16 actions have been completed, 24 are 'on track' for completion, four actions have been deferred to 2023-2024, one action has been abandoned and one action is experiencing minor issues.
4. Some of the highlights of activities and deliverables achieved over the course of the 2022-2023 financial year included:
- a) A 10-year rolling implementation plan for sports pavilion facilities has been developed and embedded into a sports clubs database. Facilities have been prioritised based on short term (2022-2025), medium term (2025-2028) and long term (2028-2031);
  - b) Key actions in the Disability Action Plan were completed, including 10 grants awarded to local community groups and disability services as part of International Day of People with a Disability;
  - c) Progress on the Gender Equality Action Plan has continued, including adoption of Council's Mutual Respect Charter, and completion of 72 Gender Impact Assessments on Council policies, projects, programs and services;
  - d) Key actions completed in the Nillumbik Health & Wellbeing Plan this past quarter included the annual Health and Wellbeing Partnership Forum and IDAHOBIT 2023;
  - e) Council's Events Policy has been adopted and is available on Council's website for the community to access;
  - f) Actions under the Youth Strategy 2022-2026 are being delivered in accordance with the Year 2 Implementation Plan. Highlights this quarter included commencement of the Youth Hub project and appointment of new Youth Council members;

## 12. Officers' reports

**CM.063/23 Council Plan Quarterly Performance Report - 2022-2023 - Quarter 4**

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- g) Key actions as part of the Green Wedge Management Plan included continued support to landowners through a free land management advisory service and provision of land management incentive program grants;
- h) Delivery of the Arts and Culture Action Plan continued, with actions including completion of public art projects at Eltham Gateway, Eltham North Adventure Playground and Civic Drive Amphitheatre, and delivery of the Nillumbik Prize for Contemporary Art 2023;
- i) A trails action plan is being reviewed in preparation to present to Council for adoption. The action plan will guide works which need to be undertaken to support missing links and social connectivity;
- j) Work to embed the place-making framework across Council and in the community has been completed, including mapping and place-making tools and resources to support the framework;
- k) A report on Year 1 implementation and the Year 2 implementation plan for the Climate Action Plan has been presented to the Executive Leadership Team and to a Councillor briefing;
- l) Key actions completed in the Economic Development Strategy 2020-2030 included the inaugural Nillumbik Small Business Week held in May, participating in the Project Steering Committee of the Yarra Ranges Tourism Destination Management Plan, Workforce Plan and Local Area Plan, and the Shop in our Shire winter season promotion;
- m) The Victorian Government Budget 2023 committed to starting work on every 2022 election commitment. For Nillumbik, this has resulted in:
- \$1.5 million for infrastructure upgrades to Eltham Woods Childcare Centre
  - \$400,000 for Research Preschool
  - \$2 million for a new pedestrian bridge across Diamond Creek in Eltham North
  - Still unspecified funding to upgrade the Diamond Creek Dog Park
  - \$5 million of \$32 million for a new shared-use path along the Hurstbridge Rail Line between Montmorency and Eltham stations – a successful outcome of joint advocacy by Nillumbik and Banyule Councils;
- n) All identified actions from the three-year Bushfire Mitigation Action Plan remain on track. Significant progress has been made in the grant funded Communities First program to support the community to be better prepared for bushfire and other emergencies;
- o) Implementation of Year 1 actions continues, with achievements to date including:
- Council remained top in sector and second overall (out of over 200 organisations) in the CSBA Mystery Shopping Program
  - 82% of all telephone calls successfully resolved at first contact resolution

**12. Officers' reports**

**CM.063/23 Council Plan Quarterly Performance Report - 2022-2023 - Quarter 4**

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- Workshops with teams across the organisation to present the new strategy and to further embed Council's complaints handling policy and framework
  - Piloted training to upskill staff in the area of complaint handling and dealing with challenging behaviours (in alignment with Council's Mutual Respect Charter)
  - Commenced a review of customer online forms.
- p) Delivery of Council's capital works program continues, with 87% of the program completed for 2022-2023, based on financial expenditure against program budget.

Strategic indicators

5. Of the 56 strategic indicators in the Council Plan 2021-2025, 24 have improved on last year's result, 13 have decreased compared to last year, and 19 indicators recorded minimal change from 2021-2022.

Overall status

6. The overall position as reflected in the report suggests that Council continues to make solid progress in delivering on the key actions supporting the Council Plan.
7. Reporting updates will continue to be received by Council on a quarterly basis that demonstrates in a practicable and tangible way how the Council Plan 2021-2025 is being delivered to the community.

**Related Council decisions**

8. In concert with the adoption of the 2022-2023 Council Budget, the Annual Action Plan 2022-2023 was adopted at the May 2022 Council Meeting.

**Options**

9. Not applicable.

**Council plans and policies**

10. This report directly supports the achievement of the Council Plan 2021-2025 strategy:
- We are forward-thinking, data-driven and evidence-led in our decision making, always looking to identify new opportunities.

**Access, Equity and Inclusion**

11. A Gender Impact Assessment has not been completed for this report. However, actions developed in the Performance Report best reflect the principles outlined in the Access, Equity and Inclusion Policy where applicable.

**Sustainability implications**

12. One of the four themes of the Council Plan includes sustainability, identifying it as a key focus area for Council across the duration of this Council Plan.

**12. Officers' reports**

**CM.063/23 Council Plan Quarterly Performance Report - 2022-2023 - Quarter 4**

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**Community engagement**

13. Through the Our People, Our Place, Our Future community engagement program that occurred in February and March 2021, feedback was received which helped inform the development of the Council Plan 2021-2025. The Council Plan was also developed and refined through a series of workshops with Councillors following the general election in November 2020.
14. The Council Plan was subject to a four-week public consultation process across July and August 2021, with refinements made following the receipt of submissions. The Council Plan was subsequently adopted by Council in October 2021.
15. The Annual Action Plan 2022-2023, reflecting the second year of delivery of the four-year Council Plan, was also adopted at the May 2022 Council Meeting.

**Innovation and continuous improvement**

16. Not applicable.

**Collaboration**

17. Not applicable.

**Budget implications**

18. This report is part of Council's monitoring of the Council Plan 2021-2025. The resources for the monitoring and the preparation of this report are accommodated within the existing operational budget.

**Relevant law**

19. Not applicable.

**Regional, state and national plans and policies**

20. Not applicable.

**Conflicts of interest**

21. 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.063/23 Council Plan Quarterly Performance Report - 2022-2023 - Quarter 4**

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## 12. Officers' reports

**CM.064/23      Endorsement of the Arts and Cultural Advisory Committee Members 2023-2025**

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

The Arts and Cultural Advisory Committee provides a formal mechanism for Council to consult with key stakeholders, seek specialist advice and enable community participation in the development, implementation and evaluation of Arts and Culture. Community representation is sought from all segments of the arts, culture and creative industries. There are up to 16 places on the committee, and one of these places is a dedicated First Nations position, and two of these positions are Councillors who act as Chair and Deputy Chair.

Recruitment of five members of the Arts and Cultural Advisory Committee for a two year term from 2023-2025 opened on 29 May and closed on 26 June 2023.

A total of 10 applications were received, assessed and shortlisted against the selection criteria by an internal assessment panel.

This report provides Council with a full copy of the assessment outcomes against the 10 applications, including Officer comments to support the recommendations (see **Attachment 1**). A total of five applicants are being recommended for the Arts and Cultural Advisory Committee.

<b>Recommendation</b>
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**That Council:**

1. Endorses the five applicants listed (**Attachment 1**) onto the Nillumbik Arts and Cultural Advisory Committee:
  - (a) Applicant 1 \_\_\_\_\_ for their role as a Arts and Cultural Advisory Committee Member
  - (b) Applicant 2 \_\_\_\_\_ for their role as a Arts and Cultural Advisory Committee Member
  - (c) Applicant 3 \_\_\_\_\_ for their role as a Arts and Cultural Advisory Committee Member
  - (d) Applicant 4 \_\_\_\_\_ for their role as a Arts and Cultural Advisory Committee Member
  - (e) Applicant 5 \_\_\_\_\_ for their role as a Arts and Cultural 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.

**12. Officers' reports****CM.064/23 Endorsement of the Arts and Cultural Advisory Committee Members 2023-2025**

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3. Acknowledges and thanks all community members who submitted applications to the Arts and Cultural Advisory Committee.
  4. Resolves that the Assessment Scorings (**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*.
  5. Resolves that the successful Applicants be named.

**Attachments**

1. Assessment Panel Scoring - *CONFIDENTIAL*
2. Terms of Reference Arts and Culture Advisory Committee 2023-2025

**Discussion**

1. As per the endorsed Terms of Reference (**Attachment 2**) the aim of the Arts and Cultural Advisory Committee is to enable community members with appropriate expertise and experience to provide advice to Council concerning key issues relating to arts and culture. The Arts and Cultural Advisory Committee aims to maximise participation in the cultural life of the community and opportunities to enjoy the arts.
2. The Arts and Cultural Advisory Committee has a maximum membership of 16 members with two year terms for members and an annual nomination process. This means that each calendar year roughly half the Committee will come to the end of their term. This ensures that there are always experienced members on the Committee, assists the Committee in achieving quorum, provides regular opportunities for new members to nominate and provides a greater depth of candidates for Council to draw on for arts and culture activities.
3. In the updated Terms of Reference for 2023-25 (**Attachment 2**), the Arts and Cultural Advisory Committee membership will consist of up to sixteen members as follows:
  - Two representatives of the Nillumbik Shire Council (Councillors) to act as Chair and Deputy Chair;
  - Up to sixteen community representatives to collectively represent a diverse range of arts and cultural expertise.
  - Arts Advisory Committee members should represent the diverse and varied needs of the arts community in Nillumbik including members who represent a range of age groups.
  - A dedicated position on the Committee to be reserved for a First Nations artist or creative.
  - Suitably skilled persons may be invited to join the Committee in an advisory capacity, for a specified purpose and for a specified period of time. Co-opted members do not contribute to the Committee's quorum.

**12. Officers' reports**

**CM.064/23 Endorsement of the Arts and Cultural Advisory Committee Members 2023-2025**

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4. All Advisory Committee positions are unpaid positions. Members will contribute specialist knowledge and expertise to the group, reflecting on and presenting community issues, rather than focusing on personal concerns or individual issues.
5. Recruitment for the Arts and Cultural Advisory Committee 2023-25 opened on 29 May 2023 and closed on 23 June 2023.

**Related Council decisions**

6. Revised Arts and Cultural Advisory Committee Terms of Reference 2023-25 (**Attachment 2**) were endorsed at a Council Meeting held on Tuesday 23 May 2023.

**Options**

7. A total of ten applications were received, assessed and shortlisted against the selection criteria by an internal assessment panel.
8. A full copy of the assessment outcomes against the 10 applications, including Officer Comments to support the recommendations is attached (see **Attachment 1**).
9. A total of five applicants are being recommended for the Arts and Cultural Advisory Committee.
10. Induction of the new Arts and Cultural Advisory Committee is proposed take place on Monday 25 September 2023, prior to the next formal Advisory Committee meeting that is scheduled to take place later that evening.

**Council plans and policies**

11. This report directly supports the achievement of the Council Plan 2021-2025 strategy:
  - We recognise and celebrate our community's significant contributions to art and culture.

**Access, Equity and Inclusion**

12. Council's Access, Equity and Inclusion policy has informed inclusion of new measures in the Terms of Reference and application process, which seek to increase the representation of diverse and varied needs of the arts community on the committee.

**Sustainability implications**

13. Not applicable.

**Community engagement**

14. Calls for nominations were broad and the communication plan is summarised below:
  - a. Recruitment launched on 29 May 2023, and closed on 26 June (a 3 day extension was applied to ensure we reached adequate nomination numbers).
  - b. Marketing targeted diverse community groups and stakeholders, reaching local arts leaders, creative practitioners working across all art forms, arts organisations, arts groups, creative businesses, First Nations artists, artists living with a disability and creatives from diverse backgrounds and age groups.
  - c. The use of various Council social media platforms ensured a wide range of Council social media followers were also aware of nominations.

**12. Officers' reports**

**CM.064/23 Endorsement of the Arts and Cultural Advisory Committee Members 2023-2025**

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- d. Email invitations to nominate were disseminated through community group networks, currently hosted by Community Partnerships, and were promoted through existing contact databases, including current First Nations networks.
- e. A call for nomination was included on Arts and Culture webpages and in eNews listings.

**Innovation and continuous improvement**

- 15. Terms of Reference were reviewed to ensure continuous improvement in meeting Advisory Committee Policy and Access, Equity and Inclusion Policy objectives, and a new First Nations position was created.

**Collaboration**

- 16. Not applicable.

**Budget implications**

- 17. Not Applicable.

**Relevant law**

- 18. Not Applicable.

**Regional, state and national plans and policies**

- 19. Not Applicable.

**Conflicts of interest**

- 20. All officers involved in the preparation of this report and in the selection of committee members have made a declaration that they do not have a conflict of interest in any matter.

**12. Officers' reports****CM.065/23 Update to Flag Pole Schedule and Flag Request Process**

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

The purpose of this report is to provide Councillors with an updated flag pole schedule (**Attachment 1**) and flag request process (**Attachment 2**) for consideration of endorsement.

**Recommendation**

**That** Council endorses the updated flag pole schedule (**Attachment 1**) and flag request process (**Attachment 2**).

**Attachments**

- 1  Updated Flag Pole Schedule 2023
- 2  Updated Flag Request Process 2023

**Discussion**

1. In 2022, two additional flagpoles were purchased and installed at the Nillumbik Shire Council offices at Civic Drive, resulting in four available flagpoles and allowing for the permanent, ongoing display of the Australian, Aboriginal and Torres Strait Islander flags.
2. At the 23 August 2022 Council meeting, Council Officers presented to Councillors a proposed flagpole schedule, outlining options of flags to be flown on the fourth flagpole to reflect various cause days and dates of significance.
3. Councillors were also provided with a:
  - a. Copy of the Australian flags booklet
  - b. Proposed Flag Request Process, and
  - c. A mock-up design for a Nillumbik municipal flag.
4. At this Council meeting, Council Officers recommended that the Progress Pride Flag be flown as the default flag on the fourth flagpole, to be lowered and replaced with other flags according to the flagpole schedule, as dictated by relevant state and national protocol (e.g. direction for flags to be flown at half-mast) or as requested via the Flag Request Process.
5. At this Council meeting, Councillors resolved to:
  - a. Endorse the Flagpole schedule
  - b. Defer the Flag Request Process
  - c. Request a briefing from Officers to:

**12. Officers' reports****CM.065/23 Update to Flag Pole Schedule and Flag Request Process**

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- i) Discuss further events and flags that can be included in an updated flagpole schedule.
  - ii) Reconsider the Flag Request Process.
  - iii) Agree on a full community consultation process for the above.
6. The purpose of this report is to present Councillors with an updated flagpole schedule (**Attachment 1**) and updated flag request process (**Attachment 2**) for endorsement.
7. Updated Flag Pole Schedule
  - a. Amendments to the flag pole schedule (**Attachment 1**) are as follows:
    - i) The flag pole schedule now refers explicitly to the updated flag request process (**Attachment 2**).
    - ii) The progress pride flag has been updated to the intersex inclusive progress pride flag (latest iteration of the progress pride flag), in line with best practice.
8. Updated Flag Request Process
  - a. Amendments to the Flag Request Process (**Attachment 2**) are as follows:
    - i) Once-off flag requests must be submitted by a bona fide organisation
    - ii) Submissions are to be submitted via email to [flagrequest@nillumbik.vic.gov.au](mailto:flagrequest@nillumbik.vic.gov.au)
    - iii) The request will be reviewed, and subsequently approved or denied by the Director of Communities.
    - iv) The outcome of the request will be communicated to the applicant within ten business days and to Councillors via *Councillor Communications* as early as is practicable.
    - v) The flag is to be provided by the organisation making the request and must meet the required sizing of 2740 x 1370mm.
    - vi) This process pertains to once-off flag requests where resolution from Council is not practicable.
    - vii) In considering the request, regard shall be given to whether the flying of the flag could reasonably be considered to cause offence to the community, or whether highlighting a particular issue, cause or group would be inconsistent with Council's values and/or Access, Equity & Inclusion Policy.
    - viii) Proposed ongoing amendments (i.e. not once-off requests) to the flagpole schedule can be made by Council resolution only.

**Related Council decisions**

9. At the Council meeting on 23 August 2022, Council resolved to:
  - a. Endorse the Flagpole schedule
  - b. Defer the Flag Request Process
  - c. Request a briefing from officers to:

**12. Officers' reports**

**CM.065/23 Update to Flag Pole Schedule and Flag Request Process**

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- i) Discuss further events and flags that can be included in an updated flagpole schedule.
- ii) Reconsider the Flag Request Process
- iii) Agree on a full community consultation process for the above.

**Options**

10. Council Officers recommend that Councillors:
  - a. Endorse the updated flag pole schedule (**Attachment 1**); and
  - b. Endorse the updated flag pole request process (**Attachment 2**).
11. A benchmarking exercise has revealed that involving the community in decision-making regarding Civic flagpoles is not a common practice among neighbouring municipalities. Officers recommend that based on this information, the decision to not undertake community consultation on Civic flagpoles is appropriate.

**Council plans and policies**

12. This report directly supports the achievement of the Council Plan 2021-2025 strategy:
  - 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.
13. This report also supports the achievement of the Nillumbik Health & Wellbeing Plan 2021-2025, social inclusion & connection priority;
  - 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**

14. This report directly supports adherence to Council's Access, Equity and Inclusion Policy commitment statement; we will:
  - Ensure access, equity and inclusion is at the forefront of all decision making.
  - Celebrate the diversity of our community and actively work to reduce inequalities.
  - Celebrate, embrace and be informed by our unique identity and acknowledge our changing community.
  - Champion equity, participation and inclusion as we work to eliminate systemic barriers and reduce discrimination.
  - Plan, design and maintain places and spaces that are welcoming, safe, accessible and inclusive of the needs of all community members.

**Sustainability implications**

15. Not applicable

**12. Officers' reports****CM.065/23 Update to Flag Pole Schedule and Flag Request Process**

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**Community engagement**

16. Council Officers strongly recommend against undertaking community consultation with regards to the updated flagpole schedule (**Attachment 1**) and flag request process (**Attachment 2**).
17. It is noted, through the benchmarking exercise undertaken against neighbouring municipalities, that undertaking community consultation on Civic flagpoles would be an atypical approach.
18. In the acknowledgement of IDAHOBIT (International Day against Homophobia, Biphobia, Intersex Discrimination and Transphobia) in May 2023, Council received approximately 110 phone calls of a discriminatory nature, disrupting the provision of Council services and negatively impacting the health and wellbeing of Council Officers.
19. In light of this, it can be reasonably anticipated that a community consultation pertaining to the ongoing display of the progress pride flag presents a likelihood of interruption to Council services and is an unacceptable risk of psychosocial hazard to Councillors and Council Officers.

**Innovation and continuous improvement**

20. Not applicable

**Collaboration**

21. In February 2023, Council Officers undertook a benchmarking exercise to understand protocols regarding the display of the progress pride flag, as well as the Victorian State and municipal flags, in neighbouring local government areas.
22. Of the ten Councils included in the exercise, seven provided responses (Manningham, Murrindindi, Banyule, Yarra City, Merri-bek, Whittlesea and Hume) and three did not (Yarra Ranges, Darebin and Mitchell Shire).
23. Results of the benchmarking exercise demonstrate that of the seven Councils who responded:
  - a. All seven Councils fly the pride flag; one permanently and six on cause days only (e.g. IDAHOBIT). Of the seven Councils, one added further comment that they are seeking to move towards the permanent display of the progress pride flag.
  - b. Three display a municipal flag; two permanently and one on special occasion only.
  - c. Three display the Victorian state flag; two permanently and one on special occasion only.
24. None of the Councils surveyed undertook community consultation on the display of flags on their Civic Flagpoles.
25. Alternative flags flown to mark cause days or dates of significance at neighbouring Councils are as follows:
  - a. Yarra City Council: Flag of Sahrawi (Arab Democratic Republic), Vietnamese Yellow Flag, Flag of the International Campaign to Abolish Nuclear Weapons, United Nations Flag, Morning Star Flag and Eureka Flag.



**12. Officers' reports**

**CM.065/23 Update to Flag Pole Schedule and Flag Request Process**

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- b. Merri-bek Council: West Papuan Morning Star, Flag of Sahrawi (Arab Democratic Republic), Ican Flag, Suffragette Flag, Eureka Flag, East Timor Flag, Italian Flag, Greek Flag, Indian Flag, Pakistani Flag and Lebanese Flag.

**Budget implications**

- 22. Officer resourcing will be required with regards to reviewing community flag requests and coordinating the lowering and raising of flags as required.
- 23. Should a decision be made to undertake community consultation regarding the flagpole schedule and process, reprioritisation of resourcing and budget would be required.
- 24. The design and production of a Nillumbik municipal flag would also be an additional cost.

**Relevant law**

- 25. Not applicable.

**Regional, state and national plans and policies**

- 26. This report supports Council's responsibility to the *Victorian Charter of Human Rights and Responsibilities Act 2006* (The Charter), which sets out the basic rights, freedoms and responsibilities for all people in Victoria. The Charter aims to improve service delivery and ensure transparent decision making by promoting a human rights culture across state and local government departments and agencies, and people delivering services on behalf of government across Victoria.

**Conflicts of interest**

- 27. 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.065/23      Update to Flag Pole Schedule and Flag Request Process**

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**12. Officers' reports****CM.066/23 Living & Learning Nillumbik Neighbourhood House and Learn Local Governance update****Distribution: Public****Manager: Corrienne Nichols, Director Communities****Author: Cobie Vermeulen, Coordinator Living & Learning Nillumbik****Summary**

The purpose of this report is to seek endorsement of the revised Terms of Reference for the Living & Learning Nillumbik Advisory Committee (**Attachment 1**) from Councillors. Proposed changes to the previous Terms of Reference will ensure L&LN continues to meet the Governance requirements from funding bodies.

**Recommendation****That Council:**

1. Endorses a change to the title of the Living & Learning (L&LN) Neighbourhood House Advisory Committee to Living & Learning Nillumbik Advisory Committee.
2. Endorses the Living & Learning Nillumbik Advisory Committee Terms of Reference (**Attachment 1**).

**Attachments**

1.  Terms of Reference - Living & Learning Nillumbik Advisory Committee

**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) and the Adult Community and Further Education (ACFE) Board through which L&LN's three neighbourhood houses and Learn Local receive funding. This includes:
  - a) support the provision of community development programs and activities that lead to community-strengthening outcomes by:
    - Supporting diversity and promoting community participation and inclusion.
    - Facilitating community development and capacity building in support of individuals and groups within communities.
    - 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:
    - Community consultation.
    - Development of agreed community responses to identified priorities and needs.

**12. Officers' reports****CM.066/23 Living & Learning Nillumbik Neighbourhood House and Learn Local Governance update**

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- Identification of partners and funding sources.
  - Facilitating and evaluating responses to identified needs and priorities.
2. Nationally Registered Training Organisations with a Skills First Contract are exempt from a number of state level compliance requirements. As result of the relinquishment of the Registered Training Organisation (RTO) in December 2022, Living & Learning Nillumbik's Learn Local had been questioned as per the June 2019 Guidelines and Criteria for Registration with the ACFE Board as Local Governments are ineligible to be registered with the ACFE Board.
  3. Living & Learning Nillumbik, with Nillumbik Shire Council as the legal entity, was registered as a RTO in 1992 and entered into an ACFE service agreement in 1993. Since then the ACFE registration guidelines have been updated which exclude local governments from registration.
  4. Officers have met with a representative from ACFE and were advised to update the Advisory Committee's Terms of Reference to include reference to ACFE governance and highlight community-led decision making with regards to program offering. It was also advised that a community representative should be appointed as the Committee's chair person.
  5. The ACFE representative acknowledged the long standing relationship with Council and expressed their desire for this continue into the future based on the quality programing delivered through the funding agreement.
  6. It is proposed that the title of the Committee will be changed from 'Living & Learning Nillumbik Neighbourhood House Advisory Committee' to 'Living & Learning Nillumbik Advisory Committee'.
  7. The L&LN Advisory Committee will continue to be responsible to provide advice and support to the three Neighbourhood Houses and the Learn Local and will have a community focus with equal representation from the Diamond Creek, Eltham and Panton Hill Communities. Community representatives from each centre will establish three sub-committees which will meet bimonthly with the dedicated neighbourhood house coordinator to provide advice, explore new opportunities and support community engagement. The overall Committee will meet bimonthly (on the alternate month) to support the overall strategic direction of L&LN's Neighbourhood Houses and Learn Local.

**Related Council decisions**

8. Not applicable

**Options**

9. Officers are presenting the revised Terms of Reference (**Attachment 1**) for Council endorsement.

**Council plans and policies**

10. This report directly supports the achievement of the Council Plan 2021-2025 strategy:
  - We focus on lifelong learning as a way to support our residents through key life stages.

**12. Officers' reports**

**CM.066/23 Living & Learning Nillumbik Neighbourhood House and Learn Local Governance update**

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**Access, Equity and Inclusion**

11. Access, equity and inclusion have been important considerations during the recruitment of the current 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**

12. The L&LN Advisory Committee consists of three sub-committees which each represent the unique community L&LN delivers pre-accredited and neighbourhood house program offerings. These sub-committees will ensure 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.

13. The minor changes to the previously endorsed Terms of Reference will ensure L&LN continue to meet our funding bodies' requirements.

**Community engagement**

14. The attached revised draft Terms of Reference have been presented to the current L&LN Neighbourhood House Advisory Committee.

**Innovation and continuous improvement**

15. The three Neighbourhood House coordinators will continue to actively engage their respective sub-committee to explore opportunities for innovation and continuous improvement.

**Collaboration**

16. The Committee supports ongoing and new partnerships, information sharing and alignment of strategy and practice across the Neighbourhood Houses and Learn Locals.

**Budget implications**

17. There is no impact on current budget.

**Relevant law**

18. Not applicable.

**Regional, state and national plans and policies**

19. Neighbourhood House Program guidelines.

20. Guidelines and Criteria for Registration with the Adult Community and Further Education Board – June 2019.

**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.066/23      Living & Learning Nillumbik Neighbourhood House and Learn Local Governance update**

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**12. Officers' reports****CM.067/23 Eltham Lower Park - Concept Plan Community Consultation**

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**Distribution: Public****Manager: Vince Lombardi, Chief Operating Officer****Author: Rebecca Burton, Manager Recreation and Leisure****Summary**

The purpose of this report is to seek approval to undertake community consultation on the draft concept plan for the Eltham Lower Park precinct (**Attachment 1**).

Community consultation on the draft concept plans will be open from 18 September 2023. Public submissions will close 11.59pm on Sunday 15 October 2023 and will be considered by the Planning and Consultation Committee on 14 November 2023.

<b>Recommendation</b>
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**That Council:**

1. Endorses the draft concept plan for the Eltham Lower Park precinct (**Attachment 1**) for the purposes of community consultation.
2. Undertakes community consultation for the period of 18 September 2023 to 15 October 2023 inviting written submissions for the Eltham Lower Park concept plan.
3. Considers public submissions at the Planning and Consultation Committee meeting to be held on 14 November 2023.

**Attachments**

- 1  Eltham Lower Park Draft Concept Plan

**Discussion**

1. Eltham Lower Park is located in Eltham, which is home to over 18,000 residents, with more than 5,000 families.
2. Eltham Lower Park covers approximately 19.8 hectares. Park features include; two sporting fields, pavilion, training nets, playgrounds, BBQ's and surrounding amenities.
3. The space is heavily utilised by a range of cohorts including sporting clubs, community groups and passive users.
4. As part of the passive user groups, there is a large cohort of dog owners who enjoy using the shared open space.
5. Eltham has a total of 2,556 registered dogs along with 703 registered in Eltham North.
6. The proposed concept design seeks to transform the open space which was previously used by the Eastern Region Adult Riding Club and Eltham District Horse and Pony Club into a dog park and revegetate the corridor leading to Lenister Farm.

**12. Officers' reports**

**CM.067/23 Eltham Lower Park - Concept Plan Community Consultation**

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7. The proposed dog park will have the following amenities:

- Formalising of the car park
- Two dog parks (small and large breed areas)
- Greyhound run
- Vegetation corridor.

**Related Council decisions**

8. Not Applicable

**Options**

9. Council approves officers to proceed to community consultation in relation to draft concept plans for the Eltham Lower Park precinct.

**Council plans and policies**

10. 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.

11. This report supports the Recreation and Leisure Strategy 2022-2030.

**Access, Equity and Inclusion**

12. A Gender Impact Assessment will be completed post community consultation and prior to design development. This is to ensure related community feedback can be considered as part of the Gender Impact Assessment.

**Sustainability implications**

13. Officers will work with appropriate governing bodies and internal teams to ensure all planning and works factor in the environment and climate change.

**Community engagement**

14. The draft concept plan for the Eltham Lower Park precinct (**attachment 1**) will be published for the purpose of community consultation.

15. Community consultation will be undertaken in line with Council's engagement policy.

16. Next steps will include:

- 18 September – 15 October 2023 – community consultation
- 14 November – Planning and Consultation Committee Meeting

**Innovation and continuous improvement**

17. As part of the detailed design process new improvements will be considered.

**Collaboration**

18. Not applicable.

**Budget implications**

19. This project is subject to future funding.



**12. Officers' reports**

**CM.067/23 Eltham Lower Park - Concept Plan Community Consultation**

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**Relevant law**

20. Not applicable.

**Regional, state and national plans and policies**

21. Not applicable.

**Conflicts of interest**

22. All officers 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.067/23      Eltham Lower Park - Concept Plan Community Consultation**

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**12. Officers' reports****CM.068/23 Diamond Creek Outdoor Pool - Concept Plan Community Consultation**

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**Distribution: Public****Manager: Vince Lombardi, Chief Operating Officer****Author: Rebecca Burton, Manager Recreation and Leisure****Chris Gipps, Recreation and Community Infrastructure Project Manager****Summary**

The purpose of this report is to seek approval to undertake community consultation on the draft concept plans for the Diamond Creek Outdoor Pool (**Attachment 1**).

Community consultation on the draft concept plans will be open from 18 September 2023. Public submissions will close 11.59pm on Sunday 15 October 2023 and will be considered by the Planning and Consultation Committee on 14 November 2023.

<b>Recommendation</b>
-----------------------

**That Council:**

1. Endorses the draft concept plan for the Diamond Creek Outdoor Pool (**Attachment 1**) for the purposes of community consultation.
2. Undertakes community consultation for the period of 18 September 2023 to 15 October 2023 inviting written submissions for the Diamond Creek Outdoor Pool concept plan.
3. Considers public submissions at the Planning and Consultation Committee meeting to be held on 14 November 2023.

**Attachments**

- 1  Diamond Creek Outdoor Pool Concept Design

**Discussion**

1. The Diamond Creek Outdoor Pool is located in the township of Diamond Creek, which is home to over 11,000 residents, with more than 3,000 families.
2. The pool is located in close proximity to residential area, main township, schools and public transport.
3. Existing assets (including kids water play, club rooms and plant equipment) are past end of useful life and require renewal works.
4. Upgrades are required to meet current community expectations and to ensure the facility remains highly utilised for years to come.

**Related Council decisions**

5. Not applicable.

**12. Officers' reports**

**CM.068/23 Diamond Creek Outdoor Pool - Concept Plan Community Consultation**

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**Options**

6. Council approves officers to proceed to community consultation in relation to draft concept plans for the Diamond Creek Outdoor Pool.

**Council plans and policies**

7. This report directly supports the achievement of the Council Plan 2021-2025 strategy:
- We facilitate participation in sports, leisure and recreational activities.
8. This report supports the Recreation and Leisure Strategy 2022-2030.

**Access, Equity and Inclusion**

9. The detailed design will comply with Disability Discrimination Act (DDA) requirements.
10. A Gender Impact Assessment will be completed post community consultation and prior to design development. This is to ensure that related community feedback can be considered as part of the Gender Impact Assessment.

**Sustainability implications**

11. As part of the detailed design process sustainability improvements will be considered

**Community engagement**

12. The draft concept plan for Diamond Creek Outdoor Pool (**attachment 1**) will be published for the purpose of community consultation.
13. Community consultation will be undertaken in line with Council's engagement policy.
14. Next steps will include:
- 18 September – 15 October 2023 – Community consultation
  - 14 November – Planning and Consultation Committee Meeting

**Innovation and continuous improvement**

15. As part of the detailed design process new technology improvements will be considered.

**Collaboration**

16. Not applicable.

**Budget implications**

17. This project is subject to future funding.

**Relevant law**

18. Not applicable.

**Regional, state and national plans and policies**

19. Not applicable.

**Conflicts of interest**

20. All officers 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.069/23 Tender Report - Contract 2223-026 - Roadside Clearance (Municipal Fire Prevention Slashing)**

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**Distribution: Public**

**Manager: Vince Lombardi, Chief Operating Officer**

**Author: Lance Clark, Senior Procurement Specialist  
Heath Gillett, Manager Operations Centre**

### Summary

This report recommends the awarding of contract 2223-026 for Roadside Clearance (Municipal Fire Prevention Slashing)

This contract replaces a critical business as usual contract.

The contract term is for an initial period of 5 years, with 2 x 1 year options to extend the contract. The total duration of the contract, including the exercise of any options, shall not exceed 7 years.

The Tender Evaluation Panel (TEP) has assessed all submissions and this report provides a summary of their evaluation in recommending the awarding of the contract for 2223-026 for Roadside Clearance (Municipal Fire Prevention Slashing).

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

### Recommendation

**That Council:**

1. Accepts the tender submitted by the **preferred tenderer** for the schedule of rates disclosed in (**Attachment 1**) and enter into the following contract:  
Number: 2223-026  
Title: Roadside Clearance (Municipal Fire Prevention Slashing)  
Term: 1 September 2023 to 31 August 2028  
Options: Term extensions up to 31 August 2030
2. Authorises the Chief Operating Officer to finalise and execute the contract documentation.
3. Authorises the Chief Operating Officer to approve contract term extensions.
4. Authorises the Chief Operating Officer to approve changes to operational requirements throughout the term of the contract.
5. Advises all tenderers accordingly.
6. Makes public the decision regarding this contract but the Tender Evaluation Report (**Attachment 1**) remain confidential on the grounds specified in the definition of confidential information in section 3(1)(g) of the *Local Government Act 2020*.
7. Resolves that the preferred tenderer be named.

**12. Officers' reports**

**CM.069/23 Tender Report - Contract 2223-026 - Roadside Clearance (Municipal Fire Prevention Slashing)**

---

**Attachments**

1. Attachment 1 - Tender Evaluation Summary Report 2223-026 - *CONFIDENTIAL*

**Discussion**

1. This report provides a recommendation to appoint a contractor to conduct works associated with Roadside Clearance and some roadside reserves, relating to Municipal Fire Prevention Slashing program requirements.
2. The contract includes approximately 175 kilometres of roads, as well as approximately 70 hectares of Roadside reserves that need to be maintained.
3. A key requirement of this program is to ensure works are completed following the spring growing season but prior to the Fire Danger Period to ensure that roadside fuel loads are correctly managed.
4. This generally results in a very short window of time to complete works and a high degree of contractor responsiveness and capability is required to ensure the annual program is completed on time and in a safe and controlled manner.
5. The services assist Council in meeting Councils commitments in relation to the Municipal Fire Management Plan 2020-2023.
6. This contract will replace an existing critical business as usual contract for service delivery relating to safety and risk management within the Shire, which ends on 31 August 2023.
7. The contract is based on a programmed schedule of rates.
8. This program service requirement has been delivered by local contractors on an annual basis for more than 25 years.

**Council plans and policies**

9. This report directly supports the achievement of the Council Plan 2021-2025 strategy  
Good governance
  - We continue to exercise sustainable and responsible financial management.Risk management
  - We continue to meet Council's responsibilities for emergency management by working with the community and partner agencies, especially in relation to bushfire.

**Tender overview**

The Tender Evaluation Panel (TEP) advises that:

10. A public tender was issued on 13 May 2023
11. The period for tender submissions closed at 2pm on Thursday 15 June 2023.
12. Forty-five (45) companies accessed the tender documents.
13. The following tenders were received:

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CM.069/23 Tender Report - Contract 2223-026 - Roadside Clearance (Municipal Fire Prevention Slashing)

<b>TENDERER</b>
<b>Tenderer A – Preferred Tender</b>
Tenderer B

14. 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.

<b>Criteria</b>	<b>Weighting %</b>
Price	35%
Capability	20%
Capacity	20%
Collaboration	10%
Social and Local	15%

15. 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.

16. The members of the TEP were:

<b>Position Title</b>	<b>Business Unit</b>	<b>Scoring Member or Advisory Member</b>
Team Leader Amenity	Operations Centre	Scoring
Senior Technical Officer	Operations Centre	Scoring
Parks and Open Space Coordinator	Operations Centre	Scoring
Manager Operations Centre	Operations Centre	Advisory
Senior Procurement Specialist	Finance, Assets and Procurement	Advisory

17. The final evaluation outcome was as follows:

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**CM.069/23 Tender Report - Contract 2223-026 - Roadside Clearance (Municipal Fire Prevention Slashing)**

TENDERER	SCORE	RANK
Tenderer A – Preferred Tender	79/100	1
Tenderer B	78/100	2

- 18. The recommended tender was the highest ranked and is considered best value due their approach and detailed methodology in respect of delivery of required services and proposed plant and machinery to be utilised in the delivery of required services.
- 19. **Attachment 1** - Tender Evaluation Summary Report 2223-026 – Confidential, provides the tenderer names and the Evaluation Scorecard Summary.
- 20. The Tender Evaluation Summary Report 2223-026 (**Attachment 1**) to remain confidential on the grounds specified in the definition of confidential information in section 3(1)(g) of the *Local Government Act 2020*.

**Capability**

- 21. The preferred tenderer has the required skills, experience and knowledge to successfully undertake and deliver against the requirements of the contract.
- 22. The preferred tenderer has key local knowledge of the Nillumbik landscape and roads.
- 23. The preferred tenderer is fully conversant with the environmental challenges faced throughout the Council area.

**Capacity**

- 24. The proposed plant and equipment to be used in the delivery of the required services is fit for purpose.
- 25. The preferred tenderer has a proven track record of successfully working with Council on other contracts.
- 26. The preferred tenderer has provide clear methodology in relation to how they would manage and deliver against this key critical contract.

**Tender Interviews and Reference checks**

- 27. As the preferred tenderer is a current contractor with Council, reference checks and interviews were not required.

**Contingency and risks**

- 28. Preferred tenderer has provided a clear approach to business continuity in relation to plant and equipment breakdown or staffing incapacity.

**Collaboration**

- 29. Not applicable for this contract.

**Budget implications**

- 30. The services delivered under this contract are programmed with a schedule of rates and are planned for as part of the annual budget planning processes.



**12. Officers' reports**

**CM.069/23 Tender Report - Contract 2223-026 - Roadside Clearance (Municipal Fire Prevention Slashing)**

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**Sustainability implications**

- 31. Correct management of the roadside clearance program, reduces the risk of fire due to reduction of roadside vegetation fuel loads.
- 32. Throughout the term of the contract, opportunities to transition from fossil fuel powered equipment to electric powered equipment will be assessed based on fit for purpose and pricing considerations.

**Stakeholder Consultation/communication**

- 33. Not applicable.

**Innovation and continuous improvement**

- 34. As part of ongoing contract management, reviews are undertaken to identify possible improvements to the way the contract requirements can be met and delivered.

**Relevant law**

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

**Regional, state and national plans and policies**

- 36. Not applicable.

**Conflicts of interest**

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

**12. Officers' reports**

**CM.069/23      Tender Report - Contract 2223-026 - Roadside Clearance (Municipal Fire Prevention Slashing)**

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12. Officers' reports

**CM.070/23 Tender Report - Contract 2223-019 NCA Road Maintenance and Associated Services**

**Distribution: Public**

**Manager: Vince Lombardi, Chief Operating Officer**

**Author: Lance Clark, Senior Procurement Specialist  
Steven Blight, Manager Capital and Infrastructure**

**Summary**

A collaborative public tender was issued by the Northern Council Alliance (NCA) group of seven Councils for Road Maintenance and Associated Services.

The NCA group of Councils consist of the following Councils;

- Banyule City Council
- City of Whittlesea
- Darebin City Council
- Hume City Council
- Merri-bek City Council
- Mitchell Shire Council
- Nillumbik Shire Council

This report recommends the awarding of a panel contract 2223-019 for NCA Road Maintenance and Associated Services for Nillumbik Shire Council requirements.

The collaborative tender comprised of eleven different categories. Not all Councils participated in all categories and not all tenderers', tendered for all categories or for all Councils.

The table below provides the categories that Nillumbik Shire Council participated in.

<b>Category Number</b>	<b>Category Description</b>	<b>Participation by Nillumbik</b>
1	Asphalt Supply Ex Bin	Yes
2	Asphalt Supply, Deliver & Lay	Yes
3	Profiling	Yes
4	Spray Sealing	Yes
5	Crack Sealing	Yes
6	Asphalt Patching	Yes
7	Plant & Labour	Yes
8	Traffic Control	Yes
9	Pavement & Line Marking	Yes
10	Adjustment of Utility Covers	Yes
11	Unsealed Road Maintenance	No

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

**12. Officers' reports****CM.070/23 Tender Report - Contract 2223-019 NCA Road Maintenance and Associated Services**

The commencement date of the contract with individual contractors will vary based on existing contract completion dates for some categories. All individual contracts will end on a common expiry date of 31 July 2026. If extension options are exercised, the latest contract completion date will be 31 July 2028.

The NCA 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 2223-019 for NCA Road Maintenance and Associated Services in respect to Nillumbik Shire Council requirements.

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 tenders and tendered schedule of rates submitted by the **preferred tenderers** and enter into a panel contract arrangement for the **listed categories** by tenderers as disclosed in **(Attachment 1)**:  
Number: 2223-019  
Title: NCA Road Maintenance and Associated Services  
Term: Initial contract completion date will be 31 July 2026  
Options: Term extensions up to 31 July 2028
2. Authorises the Chief Operating Officer to finalise and execute the contract documentation.
3. Authorises the Chief Operating Officer to approve contract term extensions.
4. Authorises the Chief Operating Officer to approve changes to operational requirements throughout the term of the contract.
5. Advises all tenderers accordingly.
6. Makes public the decision regarding this contract but the Tender Evaluation Report 2223-019 **(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 tenderers be named.

**Attachments**

1. Tender Evaluation Summary Report 2223-019 - *CONFIDENTIAL*

**12. Officers' reports**

**CM.070/23 Tender Report - Contract 2223-019 NCA Road Maintenance and Associated Services**

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**Discussion**

1. This is a business as usual panel contract arrangement that will replace existing contracted services.
2. In early 2022, the Northern Council Alliance (NCA) Corporate Services Director group instructed the NCA Procurement Leads to develop and undertake a collaborative tender process for Road Maintenance and Associated Services.
3. The CEO from each Council was required to sign a commitment of participation in the tender process.
4. The NCA Procurement group, engaged the services of Procurement Australia to assist in the facilitation of the tender process. Procurement Australia was appointed via a formal competitive request for quote (RFQ) process.
5. Due to the overall estimated value of the resulting contracts and the complexity of the collaborative tender processes, Arcblue were appointed as the Probitry Advisor for the project. Arcblue was appointed via a formal competitive request for quote (RFQ) process.
6. City of Whittlesea originally nominated to act as the Lead Council for the project.
7. Due to unforeseen resourcing constraints, Nillumbik Shire Council replaced City of Whittlesea as the Lead Council for the project.

**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 NCA Tender Evaluation Panel (TEP) advises that:

9. A public tender was issued and advertised in the Melbourne Age on Saturday 12 November 2022.
10. The public tender was issued via Procurement Australia tender portal – Tenderlink.
11. An industry briefing was held virtually on 17 November 2022 and was attended by nominated TEP and Procurement representatives from each of the seven Councils.
12. The period for tender submissions closed at 2pm on Wednesday 14 December 2022.
13. Sixty-one (61) companies accessed and downloaded the tender documentation.
14. There were submissions received from thirty-seven (37) tenderers.
15. During the initial review of received submission for compliance, due to an incorrectly stated mandatory technical requirement requested by the subject matter experts on the TEP, it was agreed by the TEP, Lead Council and Probitry Advisor that the tender had to be reissued to all sixty-one (61) companies that originally downloaded the tender documentation.

## 12. Officers' reports

**CM.070/23 Tender Report - Contract 2223-019 NCA Road Maintenance and Associated Services**

16. The reissued private tender was notified to the sixty-one (61) companies on the 18 February 2023 with a closing date of 22 March 2023, at which time there were thirty-four (34) submissions received.
17. Due to the number of submissions over eleven categories for the seven Councils, this report only provides information on the resulting submissions by tenderers for Nillumbik Shire Council.
18. Out of the thirty-four (34) tendered submissions received, twenty-nine (29) tenderers submitted for Nillumbik Shire Council requirements. The following table outlines by Tenderer number, the categories each tenderer submitted for as per Nillumbik Shire Council requirements.

<b>Tenderer Number</b>	<b>Tendered Categories</b>
1	5, 6, 7, 8, 9, 10
2	8
3	8
4	1, 2, 3, 4, 5, 6, 7, 8, 9, 10
5	8
6	2, 3, 5, 6, 7, 8, 9, 10
7	2, 3, 5, 6, 7, 8, 9, 10
8	1, 2, 3, 4, 5, 6, 7, 8, 9, 10
9	1
10	8
11	5
12	1, 2, 3, 5, 6, 7, 8, 9, 10
13	4
14	8
15	3, 6, 7, 8, 9, 10
16	9
17	3, 6, 7, 8, 9, 10
18	9
19	2, 3, 6, 7, 8, 9, 10
20	1, 2, 3, 4, 5, 6, 7, 8, 9, 10
21	4, 8, 9
22	4, 8, 9
23	2, 3, 5, 6, 7, 8, 9, 10
24	2, 3, 5, 6, 7, 8, 9, 10
25	2, 3, 5, 6, 7, 8, 9, 10
26	8
27	5, 8
28	1, 2, 3, 5, 6, 7, 8, 9, 10
29	8

12. Officers' reports

**CM.070/23 Tender Report - Contract 2223-019 NCA Road Maintenance and Associated Services**

19. **Attachment 1** - Tender Evaluation Summary Report 2223-019 – Confidential, provides the full tender evaluation report.
20. Only tenders that were conforming and competitive were fully scored. Tender submissions that were evaluated as non-conforming or not sufficiently competitive were set aside from further evaluation.
21. Out of the thirty-four (34) tendered submissions, one tendered submission was deemed incomplete as the tenderer did not provide their schedule of rates and did not proceed to evaluation phase.
22. During the tender evaluation stage, one tenderer went into administration and as such, could not be considered any further.
23. 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.

Percentage	Criteria	Criteria Weighting	Sub-Criteria	Sub-Criteria Weighting
Technical Criteria 60%	Compliance (unweighted)	NA	<ul style="list-style-type: none"> <li>• Compliance With Insurance</li> <li>• Compliance With The Terms &amp; Conditions Of The Tender</li> <li>• Compliance With Terms &amp; Conditions Of The Contract</li> <li>• Applicability To Modern Slavery Legislation</li> <li>• Covid 19 Management Plan</li> <li>• Fair Work Compliance</li> <li>• Occupational Health &amp; Safety compliance</li> </ul>	NA
	Capacity and Capability	70	<ul style="list-style-type: none"> <li>• Organisational profile and experience, sub-contractors and consultants experience and Industry Membership/Accreditation</li> <li>• Resources to be Employed including Plant and Equipment</li> <li>• Quality Assurance</li> <li>• Occupational Health &amp; Safety</li> <li>• Industrial Relations History</li> </ul>	20 18 12 13 7
	Customer Service	10	<ul style="list-style-type: none"> <li>• Customer Service and Transitional Initiatives</li> </ul>	10
	Sustainable Procurement	20	<ul style="list-style-type: none"> <li>• Social &amp; Local Impact</li> <li>• Environmental Impact</li> <li>• Waste to Landfill Minimisation</li> <li>• Indigenous Content</li> </ul>	10 3 5 2
Price Related Criteria 40%	Price	100	<ul style="list-style-type: none"> <li>• Cost of Service</li> <li>• Price Hold Period</li> <li>• Payment Terms</li> </ul>	80 10 10

24. 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.
25. The members of the TEP were:

12. Officers' reports

CM.070/23 Tender Report - Contract 2223-019 NCA Road Maintenance and Associated Services

Position Title	Council or Company Name	Scoring Member or Advisory Member
Procurement Specialist	Procurement Australia	Compliance & Financial Chairperson of Tender Evaluation Panel
Probity Advisor	ArcBlue	Advisory
Senior Procurement Specialist	Nillumbik Shire Council	Advisory & Procurement Lead on behalf of NCA Councils
Project Engineer	Banyule City Council	Technical SME - Scoring
Coordinator Civil Infrastructure Renewal	City of Whittlesea	Technical SME - Scoring
Infrastructure Maintenance & Fleet Capital Project Officer	Darebin City Council	Technical SME - Scoring
Contract Supervisor	Hume City Council	Technical SME - Scoring
Operations Engineer	Merri-bek City Council	Technical SME - Scoring
Road Renewal Coordinator	Mitchell Shire Council	Technical SME - Scoring
Contract Works Supervisor	Nillumbik Shire Council	Technical SME - Scoring



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## CM.070/23 Tender Report - Contract 2223-019 NCA Road Maintenance and Associated Services

26. The final evaluation outcome for Nillumbik was as follows. Due to the number of tenderers and categories tendered for, only the categories are listed for each preferred tenderer number.

Preferred Tenderers nominated to each category for Nillumbik	Category Number	Category Description
Tenderers 4 & 12	1	Asphalt Supply Ex Bin
Tenderers 4 & 12	2	Asphalt Supply, Deliver & Lay
Tenderers 4 & 12	3	Profiling
Tenderer 8	4	Spray Sealing
Tenderer 27	5	Crack Sealing
Tenderers 15, 17, & 20	6	Asphalt Patching
Tenderers 4 & 12	7	Plant & Labour
Tenderers 4, 5, 8, 12, 15, 17, 18, 20 & 27	8	Traffic Control
Tenderer 18	9	Pavement & Line Marking
Tenderers 4 & 12	10	Adjustment of Utility Covers

27. **Attachment 1** - Tender Evaluation Summary Report 2223-019 – Confidential, provides the final scores and rankings.
28. The recommended tenderers are considered best value to deliver the required services to Nillumbik Shire Council based on their capability and overall scores.
29. **Attachment 1** - Tender Evaluation Summary Report 2223-019 – Confidential, provides the successful tenderer names.
30. The Tender Evaluation Summary Report 2223-019 (**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*.

### Tender Interviews and Reference checks

31. Tender reference checks were undertaken as required where a tenderer had not previously provided services to Councils within the NCA group.
32. Nillumbik held a tender interview with one tenderer as they had not been used by Nillumbik for some time even though the tenderer was a current provider to other NCA Councils.
33. Financial checks were undertaken as needed based on the category of services, known tenderers and number of Councils that intended to use a single tenderers services.

### Collaboration

34. The tender was a collaboration across the seven Northern Council Alliance group.

**12. Officers' reports**

**CM.070/23 Tender Report - Contract 2223-019 NCA Road Maintenance and Associated Services**

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**Budget implications**

35. Costs associated with delivering Roads Maintenance and Associated Services, are planned for as part of the annual budget planning processes.

**Sustainability implications**

36. A number of the nominated tenderers businesses are located within the Northern Council Alliance areas.
37. Of the nine nominated tenderers for Nillumbik requirements, five have businesses within the NCA areas and provide employment opportunities to more than 200 NCA residents.
38. For category 2 - Asphalt Supply, Deliver & Lay, the two nominated tenderers are required to provide Waste to Landfill minimisation reports in relation to disposal of removed asphalt and associated road surfacing waste materials.
39. For category 2 - Asphalt Supply, Deliver & Lay and category 6 - Asphalt Patching, where directed by Council and suitable for required surfacing, are to use RAP – recycled asphalt products.

**Stakeholder Consultation/communication**

40. Not applicable.

**Innovation and continuous improvement**

41. Not applicable.

**Relevant law**

42. Section 109 of the *Local Government Act 2020*.

**Regional, state and national plans and policies**

43. Not applicable.

**Conflicts of interest**

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

**12. Officers' reports****CM.071/23 Informal Meetings of Councillors Records - 22 August 2023**

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**Distribution: Public****Manager: Blaga Naumoski, Director Governance, Communications and Community Safety****Author: Katia Croce, Manager Governance and Property****Summary**

In accordance with *Item 20 of Council's Governance Rule – Meeting Procedures*, adopted on 25 July 2023, 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 25 July 2023.

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

1. Inclusion and Access Advisory Committee held 14 July 2023
2. CEO Performance Review meeting held 17 July 2023
3. Councillor Briefing held 18 July 2023
4. Council Meeting Pre-Meet held 25 July 2023
5. Recreation Trails Advisory Committee meeting held 26 July 2023
6. Councillor Briefing held 1 August 2023
7. Positive Ageing Advisory Committee meeting held 4 August 2023
8. Youth Advisory Committee meeting held 7 August 2023
9. Planning and Consultation Committee Pre-Meet held 8 August 2023

**Recommendation**

**That** Council, in accordance with *Item 20 of Council's Governance Rule – Meeting Procedures*, receives the Informal Meetings of Councillors Records (**Attachment 1**) for the meetings held.

**Attachments**

1. Informal Meeting of Councillors Records reported 22 August 2023

**Discussion**

1. *Item 20 of Council's Governance Rule – Meeting Procedures*, 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.071/23 Informal Meetings of Councillors Records - 22 August 2023

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**Options**

3. An Informal Meetings of Councillors is defined in *Item 20 of the Governance Rule – Meeting Procedures*. 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 20 of the Governance Rule – Meeting Procedures*, 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 20 of the Governance Rule – Meeting Procedures*.

**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. Not applicable.

**Community engagement**

11. Not applicable.

**Innovation and continuous improvement**

12. Not applicable.

**12. Officers' reports**

**CM.071/23 Informal Meetings of Councillors Records - 22 August 2023**

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**Collaboration**

13. Not applicable.

**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. Not 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.071/23 Informal Meetings of Councillors Records - 22 August 2023**

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

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

**CM.072/23      CEO Employment Matters Committee**

This item is confidential because it is personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs pursuant to paragraph (f) of the definition of confidential information under section 3(1) of the *Local Government Act 2020*. This ground is applied because it is information that, if publicly released at the time, is likely to be inappropriately detrimental to the Council or any person (natural or corporate).

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

- 17. Close of Meeting