

# Council Meeting

to be held at the Civic Centre, Civic Drive, Greensborough  
on Tuesday 29 June 2021 commencing at 7:00pm.

## Agenda

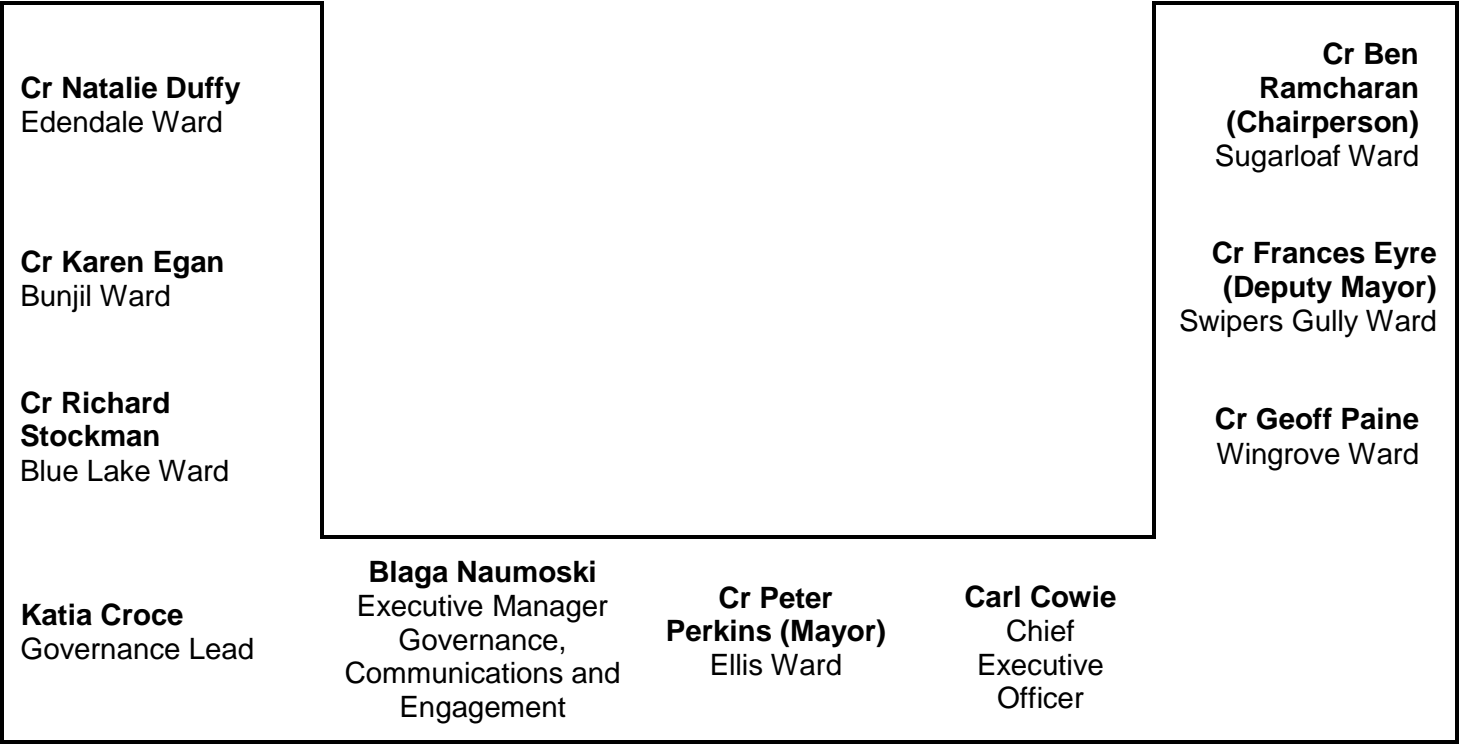
**Carl Cowie**  
**Chief Executive Officer**

Thursday 24 June 2021

Distribution: Public

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# Council Meeting seating plan



## Nillumbik Shire Council

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**Council Meeting Agenda****29 June 2021**

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## **Nillumbik Shire Council**

### **Agenda of the Meeting of Nillumbik Shire Council to be held Tuesday 29 June 2021 commencing at 7:00pm**

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#### **1. Welcome by the Mayor**

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

#### **2. Acknowledgement of Country by the Mayor**

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

#### **3. Good Governance Pledge**

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

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

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

#### **4. Prayer**

A prayer will be read.

#### **5. Apologies**

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

#### **6. Presentations**

##### **Sporting Presentations**

**Ally Brooks** (Ellis Ward) receives \$150 as a contribution for being selected to represent Victoria at the Australian Track and Field Championships in Sydney.

Nillumbik Shire Council wishes Ally every success with her future sporting pursuits.

#### **7. Confirmation of minutes**

Confirmation of minutes of the Council Meeting held on Tuesday 25 May 2021.

<b>Recommendation</b>
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**That** the minutes of the Council Meeting held on Tuesday 25 May 2021 be confirmed (**Attachment 1**).

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**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**

**PT.002/21 Petition - Requesting Council vote on a Motion to declare a state of Climate Emergency**

A petition containing 1,846 signatures requesting that Nillumbik Council vote on a Motion for the Council to declare a state of Climate Emergency.

The following statement was received:

“We at Nillumbik Climate Emergency Action Team (NCEAT – formerly Climate Emergency Nillumbik) respectfully ask Nillumbik Council to vote on a motion for the Council to **declare a state of Climate Emergency**, supported by a climate emergency response (mitigation, resilience, education and advocacy) as the **number one priority** of council at all levels of its operation. We ask that this Climate Emergency Declaration be written into the Council’s Strategic Plan and the Council’s Climate Action Plan, and be used to inform all performance and outcomes for the Council’s CEO, Board and staff.”

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

1. Receives and notes the petition requesting Council to vote on a motion to declare a state of Climate Emergency in accordance with the Governance Rule - Meeting Procedure.
2. Refers this petition to the Director Operations and Infrastructure for investigation and response.
3. Notes officers will advise the petition organiser and Councillors of the outcome.

**10. Questions from the gallery**

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11. Reports of Advisory Committees

AC.007/21      Advisory Committee Report - 29 June 2021

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**Distribution:**    Public

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

**Author:**         Janet Taylor, Governance Officer

**Summary**

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

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

1.    Positive Ageing Advisory Committee Meeting held 7 May 2021;
2.    Living and Learning Nillumbik Advisory Committee Meeting held 26 May 2021; and
3.    Positive Ageing Advisory Committee Meeting held 4 June 2021.

**Attachments**

- 1 .    Advisory Committee Minutes reported 29 June 2021

<b>Recommendation</b>
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**That** the minutes of the Advisory Committee meetings reported be noted (**Attachment 1**).

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**12. Officers' reports****CM.081/21      Mayoral and Councillor Allowances Review**

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

Under section 74(1) of the Local Government Act 1989 (1989 Act), Council must review and determine the level of mayoral and councillor allowances within six months of a general election or by 30 June, whichever is later.

This report recommends that Council set Mayoral and Councillor Allowances at the existing levels.

Council adopted the proposed level of Mayoral and Councillor allowances at the Council Meeting on 27 April 2021 for the purpose of community consultation. The proposed level of Mayoral and Councillor allowances was exhibited for 32 days with three submissions received.

<b>Recommendation</b>
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**That** Council having reviewed the Mayoral and Councillor allowances, sets the allowances at the existing levels as follows:

- a)    Mayoral allowance                \$81,204
- b)    Councillor allowance            \$26,245.

**Attachments**

Nil

**Discussion**

1.    Under section 74(1) of the 1989 Act, Council must review and determine the level of Mayoral and Councillor Allowances by 30 June 2021.
2.    The allowances paid for the Mayor and Councillors are established under the Local Government Act 2020 (2020 Act).
3.    The Victorian Government sets the upper and lower limits for allowances. There are three categories of councils (small, medium and large), and the categories are based on revenue and population levels. Nillumbik is included in Category 2 (medium-sized councils).
4.    Once determined by the Council following each annual election, the level of allowances within the band is fixed for the balance of that Council's four year term.
5.    The Mayor and Councillors are entitled to receive an amount equivalent to the Superannuation Guarantee (currently 9.5%) in addition to their allowance.
6.    The Minister for Local Government also conducts an annual adjustment of allowances to allow for inflation. The most recent adjustment was in December 2019, when the Minister increased allowances by 2.0%.

**12. Officers' reports**

**CM.081/21      Mayoral and Councillor Allowances Review**

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7. Until Council completes the post-election review, the level of allowances remains at the current level. Once Council has completed the review, the only further changes will be via the Minister's annual adjustment process.
8. The Local Government Act 2020 provides that the responsibility for determining mayoral, deputy mayoral and councillor allowances will transfer to the Victorian Independent Remuneration Tribunal.

**Related Council decisions**

9. Council adopted the proposed level of Mayoral and Councillor Allowances at the Council Meeting on 27 April 2021 for the purpose of community consultation.

**Options**

10. This report recommends that Council set Mayoral and Councillor Allowances at the existing levels.

**Council plans and policies**

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

**Sustainability implications**

12. Not applicable.

**Community engagement**

13. Council adopted the proposed level of Mayoral and Councillor Allowances at the Council Meeting on 27 April 2021 for the purpose of community consultation.
14. An advertisement was placed in The Age on the 29 April 2021 and on Council's website.
15. In response to the public exhibition of the proposed Mayoral and Councillor Allowances, three submissions were received from the community.
16. Submitters were invited to attend the 8 June 2021 meeting of the Planning and Consultation Committee to speak to their submissions.

**Innovation and continuous improvement**

17. Not applicable.

**Collaboration**

18. Not applicable.

**Budget implications**

19. The costs of reviewing the Mayoral and Councillor Allowances, such as public notices, are funded from operating budget allocations.

**Relevant law**

20. *Local Government Act 1989.*
21. *Local Government Act 2020.*

**12. Officers' reports**

**CM.081/21      Mayoral and Councillor Allowances Review**

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

22. Not applicable.

**Conflicts of interest**

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

**12. Officers' reports**

**CM.081/21      Mayoral and Councillor Allowances Review**

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**12. Officers' reports****CM.082/21 Amended Road Management Plan**

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**Distribution: Public****Manager: Hjalmar Philipp, Director Operations and Infrastructure****Author: Joseph Emmanuel, Manager Infrastructure****Summary**

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

In accordance with the RMA Council is required to have prepared and approved a review of its RMP within the period of six months after each general election or by the next 30 June, whichever is the later.

Council commenced the RMP review by advertising its intent to review in The Age and Government Gazette on 28 January 2021.

As part of the notice, Council invited and received 73 submissions and at the 9 March 2021 Future Nillumbik Committee Meeting considered these submissions, as well as 3 submissions relating to the review report.

Having received and considered the submissions, together with the review performed, there is no proposal as part of developing Council's amended RMP to reduce any of the current service levels.

There are however some improvements to service levels and minor updates to the document as a result of the review performed by the project team.





This report recommends that Council endorses the amended Road Management Plan **Attachment 1** following the review process performed in accordance with the *Road Management Act 2004*.

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

1. Adopts the Road Management Plan 2021 as shown in **Attachment 1**.
2. Advises all submitters of the adopted Road Management Plan 2021.
3. Publishes the adopted Road Management Plan 2021 on the Council website.

**Attachments**

- 1  Amended Road Management Plan 2021
- 2  Summary of Road Management Plan Updates
- 3  Previous Council and Committee Decisions
- 4  Summary of Submissions and Officer Response

**12. Officers' reports****CM.082/21 Amended Road Management Plan**

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**Discussion**

1. The main purpose of Council's Road Management Plan (RMP) is to document the level of service relating to how often Council inspects its roads and footpaths network, what Council defines as a hazard and defect and within what timeframe Council will rectify that hazard or defect.
2. The review process has followed the requirement of the *Road Management Act 2004 (RMA)* and its Regulations taking into consideration the following inputs:
  - a) Changes to law and precedence set by recent court decisions.
  - b) A benchmarking exercise of service levels with neighbouring councils.
  - c) Public liability claims history.
  - d) Performance of the road and footpath network.
  - e) Service level compliance.
  - f) Budget analysis.
  - g) Community consultation.
3. Having completed the review of the Road Management Plan 2017, the following key points are made with respect to the Road Management Plan 2021:
  - a) There are no reductions in level of service from the 2017 version.
  - b) An increase in response time to the repair of 'low' risk, high footpath category defects from 12 months to 6 months.
  - c) The inspection frequency relating to night inspection increased from once every four years to once every two years.
  - d) The document has been refreshed to include references to legislation, regulations and provide for other minor edits.
4. The Road Management Plan (2021) and the main changes can be seen in **Attachment 1** and **Attachment 2** respectively.

**Related Council decisions**

5. At the 27 June 2017 Council Meeting, Council resolved to adopt its 2017 RMP.
6. At the 27 January 2021 Council Meeting, Council resolved that "*Council publishes a public notice of its intention to review its Road Management Plan, inviting submissions to be heard at the next available Future Nillumbik Committee Meeting.*" Details can be seen in **Attachment 3**.
7. The details of the Committee resolution for the 9 March 2021 Future Nillumbik Committee Meeting can be seen in **Attachment 3**.
8. At the 23 March 2021 Council Meeting, in recognition of no intention to reduce levels of the service, Council resolved to complete the review amendment process without further formal consultation. The details of this resolution can be seen in **Attachment 3**.



**12. Officers' reports****CM.082/21 Amended Road Management Plan**

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**Options**

9. Council at any stage during its term can, through a Council resolution, determine to improve its service levels relating to its RMP.
10. Where there is a proposal to permanently reduce service levels within Council's RMP there is a requirement to adhere to the process set within the *Road Management Act 2004* and the *Local Government Act 1989*, which includes the invitation of S223 submissions.

**Council plans and policies**

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

**Sustainability implications**

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

**Community engagement**

13. The review and amendment of a RMP is required to follow the process set out in the *Local Government Act 1989* and *Road Management Act 2004*. This includes inviting community input into the current RMP before considering and making any amendments.
14. To commence the review process a public notice was placed in The Age and Victorian Government Gazette on 28 January 2021 advising of Council's intention to conduct a review of the RMP, inviting the community to an information session and how to make a submission. This was also communicated on Council's website and social media.
15. The consultation period closed 27 February 2021 and 73 submissions were received.
16. The online engagement approach has been successful in attracting an increase in submissions compared to the 2017 process in which Council received 7 submissions with respect to its intent to review its RMP.
17. Council considered the submissions, and the three submissions to the Committee at its Future Nillumbik Committee Meeting on 9 March 2021.
18. A summary of the submissions received, during the formal consultation period and the officer response can be seen in **Attachment 4**.
19. Most of the submissions received were considered out of scope for the purpose of the review performed. In the case of out of scope submissions, they were forwarded to the relevant department for a response and where necessary a service request created where there was a request for works.
20. An email was sent to all submitters, where contact details were provided, thanking them for their submissions and advising of the upcoming opportunities where any raised out of scope items will be considered.
21. All other in scope submissions have been considered as part of the review process.

**12. Officers' reports**

**CM.082/21 Amended Road Management Plan**

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22. Updates to the relevant Nillumbik webpages are also proposed to support community understanding of the RMP.

**Innovation and continuous improvement**

23. The review process embraces a continuous improvement philosophy.
24. A review of Council's RMP is performed every four years.
25. The 2021 RMP will be the fifth iteration of this plan. With each iteration, Council refines its service levels and one of the benefits of this is building in efficiencies gained through program and process improvement.

**Collaboration**

26. A benchmarking exercise has been completed with neighbouring councils.
27. Opportunity to improve awareness and understanding of the RMP will be considered and included in future iterations and supporting documentation.

**Budget implications**

28. The impact on budget is considered minor, with a maximum additional operating expenditure of approximately \$7,000 per annum to accommodate the increased night inspection frequency.

**Relevant law**

29. The *Road Management Act 2004* grants power to a road authority (Council) to make a RMP to establish the management system and standards for the exercise of the authority's road management functions.
30. In accordance with the *Road Management Act 2004* Council required to conduct and complete a review of its RMP within the period of 6 months after the last general election of Council or by the next 30 June, whichever is later.

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

31. Not applicable

**Conflicts of interest**

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

**12. Officers' reports****CM.083/21 Revenue and Rating Plan 2021-2025**

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

Council adopted the draft Revenue and Rating Plan 2021 - 2025 at the Council Meeting on 27 April 2021 for the purpose of community consultation. The draft Revenue and Rating Plan was exhibited for 32 days with two submissions received. A separate report from the Committee to Council regarding the submissions was included in that agenda.

This report recommends that Council formally adopts the Revenue and Rating Plan 2021 – 2025 (**Attachment 1**).

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

1. Having considered the submissions received, adopts the Revenue and Rating Plan 2021 – 2025 (**Attachment 1**).
2. Authorises the Chief Executive Officer to give public notice of the decision to adopt the Revenue and Rating Plan 2021 – 2025.

**Attachments**

- 1  Nillumbik Shire Council Revenue and Rating Plan

**Discussion**

1. Council is required to adopt the Plan prior to 30 June in the year following a general election, under section 93 of the *Local Government Act 2020* (2020 Act). This is a new requirement under the 2020 Act.
2. The purpose of the Plan is to establish a rating and revenue strategy which, in conjunction with other income sources.
3. The Plan outlines Council's most significant sources of income and provides a framework for informing the income projections in Council's Financial Plan 2021-2025 and future budgets.
4. Council adopted the proposed Revenue and Rating Plan 2021 – 2025 (**Attachment 1**) at the 27 April 2021 Council Meeting for the purpose of community consultation.
5. In response to the public exhibition of the proposed Revenue and Rating Strategy 2021 – 2025, two submissions were received from the community.

**12. Officers' reports**

**CM.083/21 Revenue and Rating Plan 2021-2025**

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**Related Council decisions**

6. Council adopted the proposed Revenue and Rating Plan 2021 – 2025 at the 27 April 2021 Council Meeting for the purpose of community consultation.

**Options**

7. This report recommends that Council adopts the Revenue and Rating Plan 2021 - 2025.

**Council plans and policies**

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

**Sustainability implications**

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

**Community engagement**

11. Council adopted the proposed Revenue and Rating Plan 2021 - 2025 at the Council Meeting on 27 April 2021 for the purpose of community consultation and an advertisement was placed in The Age on the 29 April 2021 and on Council's website.
12. In response to the public exhibition of the proposed Revenue and Rating Plan 2021 - 2025, two submissions were received from the community.
13. Submitters were invited to attend the meeting of the Planning and Consultation Committee to speak to their submissions.

**Innovation and continuous improvement**

14. Not applicable.

**Collaboration**

15. Not applicable.

**Budget implications**

16. The costs associated with the Revenue and Rating Plan 2021 - 2025, such as public notices, are funded from operating budget allocations.

**Relevant law**

17. *Local Government Act 1989, Local Government Act 2020.*

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

18. Not applicable.

**Conflicts of interest**

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

**12. Officers' reports****CM.084/21 Financial Hardship Policy**

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

Council has a Financial Hardship Policy which has been endorsed by the Audit and Risk Committee in May 2016 and was updated in 2020. In April 2020, Council endorsed the Financial Hardship Policy – COVID-19 Pandemic Event which expired on 31 May 2021.

The Financial Hardship Policy provides guidelines to assist in the assessment of applications received for the deferment of rates and charges due to financial hardship. Through reinstatement of the substantive Financial Hardship Policy, ratepayers who have accessed the temporary provisions would continue with their current arrangements.

This report recommends Council endorse the reinstatement of Council's substantive Financial Hardship Policy.

The temporary policy has remained in place until a decision is made.

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

**That** Council endorses the Financial Hardship Policy (**Attachment 1**).

**Attachments**

- 1  Financial Hardship Policy 2020

**Discussion**

1. Council has a Financial Hardship Policy to provide guidance regarding the deferment of rates and changes and the waiving of penalty interest charges in line with *Local Government Act 1989* and the *Penalty Interest Rates Act 1983*.
2. The previous version of this policy was updated 2020, and a temporary policy was endorsed in April 2020 in response to the COVID-19 pandemic.
3. The temporary policy expired on 31 May 2021.

**Policy**

4. The policy was revised to in March 2020 to ensure compliance with the *Local Government Act 2020* and to include specific reference to consideration in cases of Family Violence. These updates were included in the temporary policy.
5. The temporary provisions have been reviewed and were assessed at the beginning of June to the date of finalising this report, to determine when the interim measures can be lifted.

**12. Officers' reports**

**CM.084/21 Financial Hardship Policy**

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**Statistics/ data**

6. As at 15 June 2021, hardship arrangements in place were as follows:
  - a) Payment arrangements due to COVID-19: 100 as at 15 June 2021 (31 March 2021: 296). There has been a substantial drop of 196 (66.2 percent).
  - b) Payment deferral (no ability to enter into payment arrangement) due to COVID-19: 24 as at 15 June 2021 (31 March 2021: 64). There has been a substantial drop of 40 (62.5 percent).
7. Of those currently accessing the provisions within the temporary policy, 87.1 percent, or 108 would be eligible for hardship arrangements under the substantive policy.
8. Of the 16 properties that would no longer be eligible under the substantive policy, 4 are commercial, 6 are rental properties and 6 are vacant land. These arrangement would be grandfathered.
9. Current rates collections as at 31 May 2021 (final instalment due date) 83.18 percent (31 May 2020, 82.09%).
10. Rates in arrears collections as at 31 May 2021 were 54.61% (31 May 2020 54.94%).

**Substantive policy requirements reinstated**

11. Penalty interest is charged at the interest rate fixed under Section 2 of the *Penalty interest Rates Act 1983*.
12. Penalty interest has not been charged on overdue rates and charges since 1 April 2020.
13. Under the substantive policy, penalty interest will be charged however, can be waived on the approval of a financial hardship application.
14. Financial counselling requirements prior to the acceptance of a financial hardship application were temporarily suspended.
15. Financial counselling feedback is relied upon by Council to ensure that payment arrangements entered into cause no undue financial stress on the hardship applicant.

**Related Council decisions**

16. Council endorsed the extension of the temporary version of this policy at the 27 April 2021 Ordinary Council Meeting.

**Options**

17. Council's Financial Hardship Policy has been updated and is presented to Council for formal endorsement.

**Council plans and policies**

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

**12. Officers' reports**

**CM.084/21 Financial Hardship Policy**

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19. This policy is aligned with Council's Debt Collection Policy – Rates and Charges 2020.

**Sustainability implications**

20. Not applicable.

**Community engagement**

21. Not applicable.

**Innovation and continuous improvement**

22. Not applicable.

**Collaboration**

23. Not applicable.

**Budget implications**

24. The cost associated with the implementation of the temporary policy has been reflected in the mid-year budget review.

25. Penalty interest on overdue rates and charges has been suspended since April 2020. Budgeted penalty interest for the 2020-2021 financial year was \$340,000.

26. Budgeted penalty interest for the 2021-2022 financial year is \$206,250.

**Relevant law**

27. Local Government Act 2020.

28. Local Government Act 1989.

29. Penalty Interest Rates Act 1983.

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

30. Not applicable.

**Conflicts of interest**

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

**12. Officers' reports**

**CM.084/21      Financial Hardship Policy**

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**12. Officers' reports****CM.085/21 Procurement Policy Update**

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**Distribution: Public****Manager: Vince Lombardi, Chief Financial Officer****Author: Lance Clark, Senior Procurement Specialist****Summary**

Under Section 108 of the *Local Government Act 2020* (LGA 2020) Councils are required to adopt a new Procurement Policy prior to 31 December 2021. The new Procurement Policy cannot be adopted before 1 July 2021.

Over the past twelve (12) months, a new Procurement Policy under LGA 2020 has been prepared in collaboration with the Northern Councils Alliance (NCA), with the intention to standardise the compliance aspects of the Procurement Policy across all seven Councils.

The Northern Councils Alliance consists of the Cities of Banyule, Darebin, Hume, Moreland and Whittlesea and Mitchell and Nillumbik Shire Councils.

The approach and intent of NCA Region Procurement Policy has been reviewed and endorsed by Local Government Victoria (LGV) and has undergone multiple legal reviews by Maddocks.

The policy and structure has been reviewed and was endorsed by the Council's Audit Committee on the 12 May 2021.

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

1. Adopts the Procurement Policy (**Attachment 1**).
2. Makes the Procurement Policy available for public inspection on Council's website.
3. Senior officers across the organisation, undertake development of key sustainability objectives and key performance indicators to support the key principles of economic, social and environmental sustainability in accordance with section 9 of the *Local Government Act 2020*.
4. Officers report to Council within twelve (12) months of the date of this report, with an outline of the key draft sustainability objectives and key performance indicators.

**Attachments**

- 1  Procurement Policy 2021-2025

**12. Officers' reports**

**CM.085/21 Procurement Policy Update**

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**Discussion**

1. Key changes with Section 108 of LGA 2020 in comparison to Section 186A of the *Local Government Act 1989*, (LGA 1989) are:
  - The removal of the legislated monetary thresholds that existed in the LGA 1989, at which a Council must issue a Public Tender. Under the LGA 2020, Council can self-determine and set a monetary threshold at which point a public tender must be issued.
  - Under LGA 2020, Council can also self-determine and set default exempted categories from Public Tender requirements. An example of this is for Sole Source Software that is already embedded within Councils Corporate Operating Systems. Sole Source Software is where the software developer does not have a reseller licensing model in place. The list of default exempted categories will be standardised across all seven Councils in the new policy.
  - Requirement for collaborative procurement activities. The standardisation of a Procurement Policy across the Northern Councils Alliance, removes existing road blocks within each of the individual Councils existing policies to enable more effective collaboration moving forward.
2. The new policy is structured as follows:
  - Body of policy Sections 1-5 are compliance aspects common to the NCA Councils and are intended to be adopted by all of the NCA Councils.
  - Appendices will hold Council specific information and these can be changed as required any time.
3. Any required changes to Sections 1-5 will require a collaborative review by the NCA procurement leads and NCA Council resolutions to adopt changes.
4. Any required changes to appendices will only require a Council resolution by the specific Council.
5. Proposed \$300,000 public tender threshold - as part of the Policy development, the procurement leads undertook a review of tenders issued across the seven Councils in a twelve (12) month period to understand the percentage of contracts resulting from public tender processes. Over 75 percent of all tenders issued, resulted in a contract value that was greater than \$300,000.
6. The \$300,000 tender threshold will provide Councils with more flexibility in targeting and supporting local suppliers for opportunities below the public tender threshold.

**Related Council decisions**

1. Not applicable.

**Options**

2. Not applicable.

**12. Officers' reports**

**CM.085/21 Procurement Policy Update**

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**Council plans and policies**

3. This report directly supports the achievement of Council Plan 2017-2021 strategy:
- Ensure that Council meets its legal responsibilities and manages its risks.
  - Ensure responsible and efficient management of Council's financial resources.

**Sustainability implications**

4. Ongoing development of Sustainability in Procurement objectives and KPI's will be managed via appendices.
5. This will require further development of Council policies and strategies that address the wider Climate Action Plan and deliverables.
6. Sustainability in Procurement objectives and KPI's are not determined or set by Procurement in isolation. Procurement is the delivery vehicle.

**Community engagement**

7. Not applicable.

**Innovation and continuous improvement**

8. The Regional Procurement Policy developed by the NCA Procurement Leads is the first complete regional group policy developed by Councils in Victoria.

**Collaboration**

9. Over the past 12 months the Northern Council Alliance (NCA) Procurement Leads have successfully collaborated to develop the first ever Regional Procurement Policy in Victoria that fully enables collaboration by:
- a) Clearly defining how and when the NCA members will collaborate.
  - b) Broadening the definition of Local Business to include any commercial business with an operational premise(s) that is physically located within the municipal borders of the NCA.
  - c) Prescribing a common public tender threshold of \$300,000 incl. GST, thereby standardising the way the market deals with NCA members.
  - d) Setting out common exemptions to that public tender threshold - one of which permits the use of contracts established by approved third parties and agents (Procurement Australia is explicitly identified as one of these).
  - e) Prescribing common compliance requirements (e.g. for appointment of a Probity Auditor, etc.).

**Budget implications**

10. Not applicable.

**Relevant law**

11. Local Government Act 2020 – Sections 108 and 109.

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

12. Not applicable.

**12. Officers' reports**

**CM.085/21 Procurement Policy Update**

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**Conflicts of interest**

13. There is no declared conflict of interests by the NCA procurement leads in the development of the Procurement Policy.

**12. Officers' reports****CM.086/21      Wattle Glen Public Realm Framework Project - Proposed First Round of Public Consultation**

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**Distribution:    Public****Manager:        Rosa Zouzoulas, Executive Manager Planning and Community Safety****Author:          Paul Fyffe, Senior Strategic Planner  
                     Leigh Northwood, Strategic Planning Lead****Summary**

This report introduces a new Council project, namely the Wattle Glen Public Realm Framework (PRF) Project and proposes a first round of public consultation to inform the project.

The project:

- Responds to an action in the current 2017-2021 Council Plan to review the Wattle Glen Township Strategy (2005);
- Will produce concept plans which propose improvements to the public realm (e.g. to footpaths and trails, road reserves and roads, parkland and public signage) in the heart of Wattle Glen;
- Aims to improve the locality's accessibility, sense of place and amenity;
- Will not consider or propose any changes to existing planning policy settings; and
- Will be conducted in close consultation with the local community and other stakeholders, including by three rounds of community consultation.

A first round of community consultation for the project is proposed for four weeks from approximately mid-July into August. The purpose of the consultation is to test and explore issues with the local community relevant to the project. In doing so, the project will build on broader feedback recently obtained by Council's Our People, Our Place, Our Future consultation.

Following the Wattle Glen project's first proposed round of public consultation, the next scheduled milestones for the project are:

- The 12 October 2021 meeting of Council's Planning and Consultation Committee will consider the outcomes of the first round of public consultation.
- The February 2022 Council Meeting will consider a first draft of the Public Realm Framework and a recommendation that it be endorsed for community consultation.

**12. Officers' reports****CM.086/21      Wattle Glen Public Realm Framework Project - Proposed First Round of Public Consultation**

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

1. Endorses a first round of public consultation, as outlined in this report, for the Wattle Glen Public Realm Framework Project.
2. Notes that, following the first round of public consultation, the next scheduled milestones for the project are:
  - a) The 12 October 2021 meeting of Council's Planning and Consultation Committee will consider the outcomes of the first round of public consultation.
  - b) The February 2022 Council Meeting will consider a first draft of the Public Realm Framework and a recommendation that it be endorsed for community consultation.

**Attachments**

- 1  Indicative study area for the Wattle Glen Public Realm Framework Project

**Discussion**

1. Council's current Council Plan 2017-2021 has as its Action 4.5.2:  
*Review and implement the Wattle Glen Township Strategy*
2. The Wattle Glen Public Realm Framework Project proposes to implement Action 4.5.2 by planning for improvements to the public realm in the heart of Wattle Glen, particularly improvements that will improve accessibility, sense of place and amenity.
3. The following points further explain the project:  
*The Public Realm and a Public Realm Framework*
4. The term public realm refers to public land and associated infrastructure that is freely accessible to the general public. Prime examples of the public realm includes footpaths, trails, road and road reserves and local parkland.
5. The Public Realm Framework or PRF will principally comprise a number of concept plans with supporting text which propose improvements to the public realm in the project's study area.  
*Indicative Study Area*
6. An indicative study area for the project is shown in a map provided as **Attachment 1**. The indicative study area includes land considered to be the focal point or heart of Wattle Glen, which is land in vicinity of the intersection of Kangaroo Ground-Wattle Glen Road and Hurstbridge-Kinglake Road and includes a number of important local destinations and facilities, such as:
  - The Wattle Glen railway station
  - The Wattle Glen sporting reserve
  - The local entry to the Diamond Creek Trail on Wilson Road
  - A community park (Pepper's Paddock)

12. Officers' reports

**CM.086/21      Wattle Glen Public Realm Framework Project - Proposed First Round of Public Consultation**

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- The Wattle Glen general store
  - The Wattle Glen Primary School; and
  - A range of community facilities that extend west from Pepper's Paddock (e.g. CFA building and tennis courts).
7. The study area may be amended based on feedback from consultation with the local community.
8. The project only has regard for improvements to the public realm in the study area.

Objectives

9. The project will provide a vision and concept for the desired future development of the public realm.
10. Particular objectives of the project are to:
- Enhance pedestrian and cycling links between key destinations.
  - Foster a sense of place and character for Wattle Glen and also to support community interaction.
  - Provide a structure for the centre of Wattle Glen which is inclusive and accessible for all e.g. the young, elderly, people with a disability etc.
  - Generally improve the liveability of the study area, with benefits for the wider community, in accordance with the purpose of the project.
  - Do the above in consultation with the local community and with regard for relevant objectives of State and Local Planning Policy.
  - Provide a clear and cost-effective strategy to implement the outcomes of the project.

Outputs

11. The project will have the following three outputs:
- a) A report on issues and options relevant to improving the public realm in the project area. This will be produced after the first round of consultation and will inform ensuing work for the project.
  - b) The Public Realm Framework (PRF) which will propose a range of improvements to the public realm within the study area. This is the key output for the project.
  - c) An implementation plan for the PRF, which will be an internal working document.

Potential Opportunities

12. Based on officer research to date, it is considered that some of the improvements to the public realm that could be proposed by the project include:
- To improve physical and visual connectivity across Heidelberg-Kinglake and Kangaroo Ground-Wattle Glen Roads to unite all the facilities from the Wattle Glen train station to the CFA station and residential area to south of Kangaroo Ground-Wattle Glen Road.

**12. Officers' reports****CM.086/21      Wattle Glen Public Realm Framework Project - Proposed First Round of Public Consultation**

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- To strengthen the perception and function of a Wattle Glen township, through potential speed limit reductions, reducing carriageway width and increasing pedestrian priority.
  - To use certain local roads (used and disused) and informal tracks to improve pedestrian accessibility in proximity of key facilities.
  - To enhance the roundabout intersection on Heidelberg-Kinglake Road to provide a clear sense of place for Wattle Glen from Heidelberg-Kinglake Road.
  - To improve the visibility of, and access to and across, Watery Gully Creek alongside the local park to enhance the township's sense of place and its park focus.
13. The list of opportunities will be explored and likely modified during the course of the project, including as a result of consultation with the local community.
14. The project does not propose any changes to existing planning settings. For example, it will not question the rural-residential policy settings in the area, which are intrinsically set by State Government Planning Policy.

Consultation

15. The project proposes three rounds of public consultation, as follows:
- July—August 2021: To test and explore relevant issues and opportunities for the project.
  - March 2022: To consult on a first draft of the PRF.
  - July 2022: To consult on revisions made to the PRF in response to the community feedback to the first draft.
16. In addition to broad community consultation, the project will seek the opinions of key stakeholders for the project. These are currently considered to include:
- Sections of the community that are particular users or have particular insights into improving the public realm in the Heart of Wattle Glen. Examples include:
    - The students, parents and school council of the Wattle Glen Primary School
    - Operators of community facilities within Wattle Glen, such as the tennis club and local CFA
    - Any local residents' association, such as the Wattle Glen Residents' Association.
  - Agencies of the State Government which own and manage various key elements of the public realm in the study area, such as the Hurstbridge railway line, the Wattle Glen station and both the Heidelberg-Kinglake and Kangaroo Ground-Wattle Glen Roads.
17. Consultation with stakeholders will occur during both the three proposed rounds of public consultation and also, as required, outside those rounds of consultation. For example, in considering and planning improved pedestrian linkages between the primary school and other key destinations, it will be necessary to talk directly and regularly to representatives of the primary school and the Department of Transport.



**12. Officers' reports****CM.086/21      Wattle Glen Public Realm Framework Project - Proposed First Round of Public Consultation**

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18. Regular contact with the State Government is particularly important given a number of key projects, relevant to the public realm, are currently being conducted by the State Government, such as:
- Duplicating much of the track between Diamond Creek and Wattle Glen railway stations.
  - Providing additional commuter parking for Wattle Glen.
  - Locating an additional substation (a Rapid Earth Fault Current Limiter or REFCL) adjacent to the station.
19. In addition, the project has already considered and will continue to consider the feedback received from Council's recent Our People Our Place Our Future (OPOPOF) consultation. The key themes supported by the Shire's community through the OPOPOF consultation are highly consistent with Council pursuing the Wattle Glen PRF Project. Examples of these themes include:
- improving access to public transport;
  - connecting the community through walking paths and trails options;
  - community safety;
  - protection of local history and heritage;
  - support for public amenities, parks and playgrounds and clean and inviting spaces;
  - promoting physical and mental well-being, fostering social connections;
  - providing local recreation and leisure opportunities; and
  - providing accessible community and health services.

**Proposed First Round of Public Consultation**

20. The proposed first round of consultation for the Wattle Glen PRF project will explore, with the local community and other stakeholders, issues and opportunities that the project can and should respond to. The key elements of the proposed consultation are as follows:
- The consultation will be conducted over 4 weeks from mid-July into August and will not overlap with the mid-winter school holidays. The proposed dates for the consultation are Monday 12 July to Monday 9 August 2021.
  - There will be a short on-line survey for the community to complete. The survey will specifically seek to elicit what the community sees as the issues and opportunities for Wattle Glen relevant to the project.
  - Two facilitated community workshops will be held to explore issues and options with community members and other stakeholders.
  - It is intended that officers will hold targeted discussions with particular sections of the Wattle Glen community.
  - Support and notification of the consultation period will be provided through Participate Nillumbik and Council's social media outlets (e.g. Facebook).

**12. Officers' reports****CM.086/21      Wattle Glen Public Realm Framework Project - Proposed First Round of Public Consultation**

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- There will be a mail-out to all residents within the Wattle Glen postcode advising of the consultation.
  - Notices of the consultation will be posted at key sites in Wattle Glen.
21. The consultation is designed to be responsive to the COVID regulations that may be in place at the time. If permitted, face to face engagement activities will be offered. However, on-line formats will be used if regulations require this, or in response to individual requests.
22. Specific details of the consultation activities (e.g. date, time, style of delivery and location) will be made publically available closer to the consultation commencing.
23. This report recommends that Council endorse the commencement of the first round of consultation, as outlined above. After this first round of consultation has been completed, the next milestones for the project in terms of reporting to Council are:
- October 2021: The October meeting of Council's PCC considers the outcomes of the first round of public consultation.
  - February 2022: Council considers a first draft of the PRF and a recommendation that public consultation be conducted on the draft in March 2022.
24. Further to these milestones, the following key steps are:
- June 2022: A second draft of the PRF is brought to Council with a recommendation that it be put on public exhibition for "checking-in" with the community.
  - September 2022: Council adopts the PRF, potentially with further changes.
25. Implementation (e.g. detailed design and construction) for the PRF will be handled by separate projects and advocacy in accordance with an internal implementation plan that will be produced for the PRF.
26. Once the project is completed, there is expected to be particular opportunities for its recommendations to be implemented by external funding. For example:
- As "shovel ready" projects that would be suitable for grant funding available from the State and Federal Governments; and
  - By using the final PRF to advocate to the State Government to support particular outcomes when undertaking works to improve its significant assets in the area, such as the railway station and arterial roads.

**Related Council decisions**

27. There are no recent Council decisions specifically related to the proposed project, other than Council's resolution in 2017 to endorse the 2017-2021 Council Plan, which includes Action 4.5.2 regarding the Wattle Glen Township Strategy.

**Options**

28. If it wishes, Council has the option to vary the project, including the proposed first round of public consultation.

**12. Officers' reports**

**CM.086/21      Wattle Glen Public Realm Framework Project - Proposed First Round of Public Consultation**

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**Council plans and policies**

29. This report directly supports the achievement of Action 4.5.2 of the Council Plan 2017-2021, which is:

Review and implement the Wattle Glen Township Strategy.

**Sustainability implications**

30. The project aims to plan a number of sustainability improvements for the community of Wattle Glen, such as improved pedestrian and cycling access between local destinations.

**Community engagement**

31. This topic is covered under "Discussion" above.

**Innovation and continuous improvement**

32. The project will contribute to improving Council's performance regarding community engagement and maximising community benefit from public realm improvements.

**Collaboration**

33. The project proposes significant collaboration across relevant Council units and also with relevant public authorities, particularly with the Community Partnerships team.

**Budget implications**

34. The project has had a budget of \$25,000 for the 2020-2021 financial year. This is particularly being used in preparation for the first round of consultation. For example, to engage a facilitator for the community workshops.
35. Future expenditure for the project is generally expected to be low. The project will predominantly be conducted "in-house", which will minimise costs. However, some additional funding may be required for future consultation or for particular production work. Consequently, a budget allocation may be sought as part of the mid-year budget review.

**Relevant law**

36. Not applicable.

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

37. The project supports a general stance contained within regional, state and national plans and policies to assist communities to be accessible, inclusive and sustainable.

**Conflicts of interest**

38. The relevant officers have no conflict of interest in the subject matter of this report.

**12. Officers' reports**

**CM.086/21      Wattle Glen Public Realm Framework Project - Proposed First Round  
of Public Consultation**

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**12. Officers' reports****CM.087/21 Nillumbik Heritage Review**

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**Distribution: Public****Manager: Rosa Zouzoulas, Executive Manager Planning and Community Safety****Author: Bea Guevara, Senior Strategic Planner  
Leigh Northwood, Strategic Planning Lead****Summary**

The purpose of this report is to present Council with the final draft citations of Stage A of the Nillumbik Heritage Review and the proposed Stage B Priority Lists.

Subject to Councillor feedback at its May briefing, officers have updated the priority lists for Stage B. Feedback included that community centres that are most exposed should be included high on the priority lists.

Subject to allocation of budget in 2021/2022, and subsequent formal tender process to engage a suitably qualified heritage consultant, heritage reviews for properties identified in Priority Lists for Stage B would be prepared in the second half of 2021, being brought to Council in late 2021 for consideration of adoption.





A future amendment to the Nillumbik Planning Scheme to apply the Heritage Overlay (HO) to implement Stage A and Stage B Heritage Reviews would be prepared subject to adoption of Stage B.

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

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

**Attachments**

- 1  Nillumbik Shire Heritage Review - Stage A Key Findings and Citations.
- 2  List of Heritage Review Properties Stage B Priority List
- 3  Eltham War Memorial Building Complex Draft Citation
- 4  Context Notes on Eltham War Memorial

**12. Officers' reports****CM.087/21      Nillumbik Heritage Review**

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**Discussion**Heritage Review Stage A

1. In early 2021, subject to a constrained budget, properties identified under 'citation to be prepared' formed the basis for Heritage Review Stage A. The rationale for undertaking review of properties identified as 'citation to be prepared' as a priority is that unlike 'review required' properties, these properties had no draft citations and were therefore highly exposed should development be proposed.
2. Those properties on the 'review required' list had draft citations which offered some limited protection in the sense that it would be quicker to have the citation finalised to apply an interim application to apply the Heritage Overlay (HO) should the property come under threat of development.
3. Heritage Review Stage A is programmed to be delivered by end of the 2020/2021 financial year. Heritage Review Stage B is made up of the remaining properties and any new properties that have been identified through the Stage A process and would be undertaken subject to allocation of budget in the second half of 2021.
4. Heritage consultants Context were engaged to undertake the Heritage Review Stage A in early 2021. See **Attachment 1** for key findings and recommendations prepared by Context for Stage A. Council officers notified by letter all property owners of the places that were identified to be assessed but received only limited interest in allowing Council's consultants onto their properties for an on-site assessment. This makes it difficult to assess the integrity of the heritage significance of some properties as many of the buildings were not visible from the street. In any future proposed Planning Scheme amendment, an independent Panel would take this into consideration in their assessment.
5. As a result of Heritage Review Stage A, a total of 22 properties (including the Eltham War Memorial Complex discussed below) have met the threshold for heritage significance protection and are recommended for application of the HO:
  - Corner of Eltham-Yarra Glen Road and Ridge Road, Christmas Hills - Christmas Hills War Memorial
  - 2 Batman Road, Eltham - 'Belle Vue'
  - 10 Diosma Road, Eltham - Choong House
  - 570 Main Road, Eltham - Diamond Valley Miniature Railway
  - 856 Main Road, Eltham - Former house
  - 42 and 1/44 Park West Road, Eltham - Alan Martin House and studio
  - 61 York Street, Eltham - MacMahon Ball House and studio
  - 23 Glen Park Road, Eltham North - House
  - 24 Glen Park Road, Eltham North - Infant Welfare Centre
  - 144 Progress Road, Eltham North - House
  - 200 Ryans Road, Eltham North - House

## 12. Officers' reports

## CM.087/21 Nillumbik Heritage Review

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- 16 Warringah Crescent, Eltham - House
  - 125, 173 and 191 Cherry Tree Road, Hurstbridge - 'Wendouree' and Canary Island palms, and Smith orchard houses
  - 180 Cherry Tree, Hurstbridge - Moore's cool store
  - 1080 Heidelberg-Kinglake Road, Hurstbridge - 'Fermanagh'
  - 160 Henley Road, Kangaroo Ground - Mudbrick residence
  - 633 Kangaroo Ground-St Andrews Road, Panton Hill - Panton Hill Hotel
  - 57 Thomson Crescent, Research - Circular Adobe House
  - Part of 1 Proctor Street, St Andrews - St Andrews Hall
  - 10 Caledonia Street, St Andrews - St Andrews General Store and residence
  - 3 Dingley Dell Road, Warrandyte North - Jeneba House
6. Within **Attachment 1**, refer to *Appendix C* which contains the final draft citations for Stage A.
7. Context have made a number of recommendations including:
- a. to remove some properties from the heritage list as they have not met the thresholds for Heritage Protection;
  - b. to assess new properties that were not yet included in the list;
  - c. to assess some properties as 'complexes' rather than singular buildings; and
  - d. for Council to consider conducting a gap study that focuses on post-war and late twentieth century periods as this is an area of deficiency in Councils thematic heritage study.
8. These recommendations helped Council officers to develop Priority Lists (**Attachment 2**).

Eltham War Memorial

9. A draft citation was prepared during preparation of Stage A for the Eltham War Memorial Complex as part of a response to the formal review process by The Heritage Council for inclusion of the Eltham War Memorial as of State Significance on the Victorian Heritage Register. Please see **Attachment 3 and 4** for initial assessment note and draft citation.
10. Officers received confirmation on 4 May that The Heritage Council has made its determination in relation to inclusion of the Eltham War Memorial Buildings complex, 903-907 Main Road, Eltham into the State Heritage Register. Advice from The Heritage Council is that the Eltham War Memorial Buildings complex are not deemed to be of 'State significance' and they will not be included in the Heritage Register.
11. Officers note that independent heritage advice commissioned by Council have concluded the same as that of The Heritage Council, being State significance cannot be supported (not meeting the required Criterion). Importantly consultant advice has

**12. Officers' reports****CM.087/21      Nillumbik Heritage Review**

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supported application of the Heritage Overlay for local significance in regard to the War Memorial buildings complex.

12. As with those places identified for inclusion in the HO in Stage A, the Eltham War Memorial buildings complex will also be included in the future amendment to apply the HO to Stage A and Stage B places.

**Heritage Review Stage B**

13. During the preparation of Heritage Review Stage A, Diamond Creek Church was also identified as a place of potential significance, and has been added to the Priority List for Stage B, which will be contingent to budget approvals for the 2021/2022 financial year.
14. Given likely budget limitations are in place for Stage B, Council officers have developed Priority Lists for the remaining heritage properties (high, medium and low priority). Please see **Attachment 2** for updated priority lists of Heritage Properties for Stage B.
15. 'High Priority' lists contain properties that are most exposed as they have not been fully assessed and most do not have draft citations prepared. These exposed properties become vulnerable to any future development. Without any real evidence that they are heritage significant the risk of alteration or demolition becomes higher.
16. The 'Medium Priority' list contains properties that have already been assessed through previous heritage advice and a draft citation has been prepared. These properties are not protected by the HO but a case can be built (subject to limited further review) in the event of an application to alter or demolish the building, given the existing draft citation is in place. Notably protection is not guaranteed unless the Heritage Overlay has been applied in an interim or permanent manner.
17. The 'Low Priority' lists includes properties that are already included in the HO but have been identified as no longer have Heritage Significance (e.g. they have been significantly altered). Another 'Low Priority' list includes properties that should be considered for assessment when a gap analysis and a Thematic Heritage review is conducted.
18. Subject to Councillor feedback, officers have updated the priority lists for Stage B.
19. Feedback from Council included that community centres that are most exposed should be included high on the priority lists as these are Council owned and would be the easiest to put through a Planning Scheme Amendment process.
20. Properties that due to budget constraints cannot be included in Heritage Review Stage B, would be allocated to a future heritage review to apply the HO when budget allows.
21. A further recommendation of the Stage A Review by Context is for the review and preparation of a gap analysis and update to Nillumbik's Thematic Heritage Study. Context have advised that this work may assist in future evidence to support application of the HO, particularly at Panel hearing by providing for more effective benchmarks particularly in regard to post-war and late twentieth century periods as this is an area of deficiency in Council's current thematic heritage study. Advice is this work would be in the order of \$16-18k. No budget has been allocated for this work.



**12. Officers' reports**

**CM.087/21 Nillumbik Heritage Review**

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**Related Council decisions**

22. Not applicable.

**Options**

23. Priority lists have been prepared with regard to the heritage consultant recommendations and as well as Councillor feedback in regard to community facilities. Should Councillors choose to make changes to the order of Priority Lists, it should be noted that the updated list will not necessarily reflect the level of threat or heritage significance of places on the list. As noted those at the top of the high priority list are properties most exposed and have the lowest level of protection.

**Council plans and policies**

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

- Prepare and develop an improved and holistic approach to strategic planning.

25. The amendment links directly to Council's Heritage Strategy (2011) which aims to:

- To identify, document and care for heritage places in the Shire of Nillumbik in ways which fulfil legal obligations and adopt best practice; and
- To involve communities and to promote awareness, knowledge and enjoyment of heritage places.

**Sustainability implications**

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

**Community engagement**

27. All of the properties assessed were notified by direct mail-out and asked to contact Council to set a suitable time for a site visit where they had the chance to meet the heritage consultant, ask them any questions and query any heritage information about their property.

28. On completion of Stage B, a resulting Planning Scheme Amendment pursuant to the requirements of the *Planning and Environment Act 1987* will require a separate public exhibition and notification process where anyone affected will be invited to make a submission to the Amendment to apply the Heritage Overlay.

29. If council receive one (1) or more objecting submissions, officers will ask Council to resolve to refer the objecting submissions to an independent Planning Panel (again pursuant to the *Planning and Environment Act*) where objectors will be invited to speak to their objections and to provide evidence to support their views.

**Innovation and continuous improvement**

30. This will help ensure the protection of heritage significant properties and will work towards accurate implementation of the Heritage Overlay in the Nillumbik Planning Scheme.

**12. Officers' reports**

**CM.087/21 Nillumbik Heritage Review**

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**Collaboration**

31. The Statutory Planning and Building teams were involved in gathering historical information for the properties which the Strategic Planning team then sent to Context Consultants. Strategic planning worked closely with Context to deliver Stage A.

**Budget implications**

32. In managing budget constraints, the Heritage Review was broken into two stages and the 2020/21 financial year's budget has allowed for the delivery of Stage A only.
33. Stage B Heritage Review is subject to a budget bid for 2021/22 financial year.
34. As noted, a further recommendation of the Stage A Review by Context is for the review and preparation of a gap analysis and update to Nillumbik's Thematic Heritage Study. Advice is this work would be in the order of \$16-18k. No budget has been allocated for this work.

**Relevant law**

35. The *Planning and Environment Act* (1987).

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

36. Plan Melbourne (2017-2050) Outcome 4.
- Policy 4.4.1 Recognise the value of heritage when managing growth and change.
- With all three levels of government sharing responsibility for protecting Melbourne's post settlement cultural heritage, decision-making must be consistent and credible and be based on clear and widely accepted heritage conservation principles and practices.

**Conflicts of interest**

37. 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.088/21      Phasing out single-use plastics**

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

Council received a petition at the December 2019 Council meeting requesting that Council pursues a policy to phase out single-use plastics in the Shire by 2021. This report provides background on the issue, including information on international, Australian government and state and territory government initiatives; benchmarking with other councils; an overview of Nillumbik Council action to date and recommendations for further action.

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

1. Supports the Victorian government's ban on certain single use plastic items to be implemented in February 2023.
2. Phases out single-use plastics included in the Victorian Government's ban at Council facilities and events ahead of the implementation of the ban and continues to seek opportunities for other types single use plastics to be phased out.
3. Supports the Nillumbik community to phase out single-use plastics through targeted education programs and promotion of local alternatives
4. Thanks the petitioners and advises them of this resolution.

**Attachments**

Nil

**Discussion**

1. Council received a petition at the December 2019 Council meeting requesting that Council pursues a policy to phase out single-use plastics in the Shire by 2021. The purpose of this briefing is to provide Councillors with background on the issue, including information on international, Australian government and state and territory government initiatives; benchmarking with other councils; and an overview of Nillumbik Council action to date.
2. The delay in responding to this petition is that single-use plastics items were encouraged during the COVID pandemic to manage potential risks.

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**Single-use plastics – the issue**

3. Single-use plastic has many negative environmental, social and economic impacts. Globally, at least 8 million tonnes of mishandled plastic waste washes into our oceans and rivers each year.
4. Plastic does not biodegrade; instead breaks down into smaller pieces. Recent evidence shows that micro plastics – tiny plastic fibres and fragments – are being found in marine and human food chains and their impacts are a growing concern.
5. Plastic has remained the most common category of rubbish picked up on Clean Up Australia day over the last 20 years.
6. The Victorian government reports that single-use plastics:
  - a) Make up a third of the litter we see on our streets and in our waterways – they are costly to clean up and difficult to recycle.
  - b) Are often used for only a few minutes but remain in the environment for a long time.
  - c) Harm the environment – they break into micro plastics which harm wildlife and contaminate our food and water.

**International response**

7. In response to data and evidence being produced at a global level regarding plastic pollution, many organisations in both the corporate and government sectors are implementing measures to reduce the use of single-use plastics.
8. African countries have been in the lead on banning single-use plastic bags with Eritrea the first to adopt an outright ban on the bags in 2005.
9. In 2020 and 2021, the European Union and, to some extent, the United Kingdom are implementing bans on a range of single-use plastic (SUP) items including: straws, stirrers, cutlery, cotton bud sticks, plates, plastic balloon sticks, oxo-degradable plastics, expanded polystyrene food containers and cups.

**National response**

10. The Australian Government has developed a *National Plastics Plan 2021* which aims to:
  - a) Work with industry to fast-track the phase-out of particularly problematic plastic materials.
  - b) Stop the export of unprocessed plastic waste and promote product stewardship through the *Recycling and Waste Reduction Act 2020*.
  - c) Invest in Australia's plastic recycling capacity.
  - d) Undertake research to make Australia a global leader in plastic recycling and reprocessing.
  - e) Educate the community to help consumers make informed decisions and recycle correctly.

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11. The South Australian government has passed legislation *Single-use and Other Plastic Products (Waste Avoidance) Act 2020* which phases in bans on a range of single-use plastics.
  - a) From 1 March 1, 2021 single-use plastic straws will be restricted, and single-use plastic cutlery and stirrers will be banned.
  - b) There will be exemptions for single-use plastic straws to ensure these can still be accessed by people with disabilities or medical needs.
  - c) From 1 March 2022 expanded polystyrene cups, bowls, plates and clamshell containers will be banned.
  - d) Oxo-degradable plastic products will be banned from manufacture and production in the state. Oxo-degradable plastic products have additives that cause the plastic to break down into tiny fragments called 'microplastics' which don't completely decompose.
12. Other state and territory governments have current policies or consultations underway on proposals to phase out certain single-use plastics. For example:
  - a) A ban on a range of single-use plastics in Queensland plans commences 1 September 2021.
  - b) In response to community consultation which showed 98 per cent of respondents support further action to reduce single-use plastics, the West Australian government has released a *Plan for Plastics* which aims to phase out a range of single-use plastic items from 2020-2026.
13. The private sector has also shown leadership on reducing single-use plastics. Australia's major supermarket chains banned single-use plastic bags in June 2018 ahead of Commonwealth and state government action. It has also been recently reported that a major supermarket chain will no longer sell single-use plastic tableware from 1 July 2021 with corresponding action expected to be taken by competitors.

**Victorian government initiatives**

14. The Victorian government's *Recycling Victoria* policy is designed to position Victoria as a leader in reusing, reducing and recycling waste.
15. The Victorian government implemented a single-use plastic bag ban in 2019 which applies to all suppliers of bags and retailers including supermarkets, green grocers, bakeries, pharmacies, clothing stores, restaurants, cafes, markets, takeaway food outlets, and many more.
16. The ban applies to all lightweight plastic shopping bags which have a thickness of 35 microns or less at any part of the bag, including degradable, biodegradable and compostable bags. The ban was implemented following community consultation which showed 96 per cent support (based on more than 8000 responses) for banning single-use lightweight plastic bags.
17. There are exemptions including dog waste bags.
18. The Victorian government now plans to ban single-use plastic items, including straws, cutlery, plates, drink-stirrers, expanded polystyrene food and drink containers and cotton bud sticks commencing February 2023.

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19. The Government is encouraging Victorians to choose to reuse now as they get ready for the ban. They will work with businesses to identify sustainable alternatives, ahead of the ban coming into effect
20. The ban will not affect medical or scientific equipment, emergency management services, or people who require specific single-use plastic products due to disability or for health and safety. The government will work with the aged care and disability sectors to understand and develop exemptions for people who require straws or other single-use plastics.
21. The ban will be implemented after a regulatory impact process is conducted.

**Metropolitan Melbourne councils benchmarking**

22. Nillumbik engages with the Metropolitan Waste and Resource Recovery Group (MWRRG) hosted Councils Litter Environment Action Network (CLEAN). This is a community of practice that brings together litter and illegal dumping prevention professionals in councils, state government and not for profit organisations to:
  - a) Provide a forum to connect and discuss litter project implementation and issues.
  - b) Be a support and advisory network to promote best practice in litter prevention and management (education, enforcement and infrastructure).
  - c) Leverage and combine resources and expertise of members.
  - d) Seek to influence and build awareness, capacity and knowledge of network members to deliver state government litter priority actions at a local level.
23. At a local level, councils such as the Darebin, Moreland, Surf Coast, Greater Geelong, Port Phillip and Maribyrnong have either established a policy or adopted a ban to eliminate single-use items at council run events and facilities. Some councils have Zero Waste Education Officers that support these policies and guidelines.
24. Council officers have also worked in various business precincts to help reduce single-use plastics and provide support with the transition. See City of Yarra's Proudly Plastic Free program.

**Nillumbik Shire Council initiatives**

25. Nillumbik does not have an adopted policy but has facilitated a range of initiatives to reduce single-use plastic waste at Council facilities and at Council funded events. In addition Council has undertaken a number of community education and engagement activities designed to provide positive alternatives to single-use plastics and to reduce waste generally.
26. Internal initiatives include:
  - a) Working with staff with responsibility for hospitality at Council facilities to reduce waste including single-use plastics.

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**27. Council event initiatives include:**

- a) Advice and support for event organisers (e.g. Eltham Festival becoming balloon free).
- b) The inclusion of waste reduction activities in the application process for events on council land.
- c) Council trialled a refillable water station for events.
- d) Reusable cup trial at Eltham Jazz Festival (2019), resulting in the elimination of thousands of disposable cups.
- e) Council supported a trial of on-site washable reusable crockery and cutlery at the Come Together Festival at Edendale in March, 2020. With six hundred attendees, only eight kilograms of waste was generated (40 per cent landfill, 60 per cent recyclables).

**28. Community education and engagement initiatives include:**

- a) Development of Reduce Your Waste webpage to showcase local ways and businesses that support zero waste initiatives.
- b) Council regularly provides waste minimisation activities at community festivals, through community workshops and for schools. For example Nillumbik's 'War on Waste' event in 2018 featured Tim Silverwood from the ABC series 'War on Waste'.

**Nillumbik soft plastics recycling 2016-2019**

- 29. In 2016, Nillumbik including three other councils introduced flexible plastics kerbside recycling. This included soft/flexible packaging and plastic bags bundled in a plastic and placed in the recycling bin. The agreement was established through collaborative funding and a commitment from Council's then materials recovery facility operator SKM Recycling to manually sort the bundled soft plastics with a future investment in optical sorting technology. The four councils involved in this were Cardinia, Hobson Bay and Boroondara Councils.
- 30. Collection of bundled soft plastics in the recycling bin ceased with the takeover of SKM facilities by Cleanaway Pty Ltd in 2019.
- 31. Nillumbik now encourages residents to separate their soft plastics and recycle them at major supermarkets through REDcycle.

**Community behaviour change initiatives**

- 32. Plastic Free July is a behaviour change initiative with measured impact tackling the plastic waste crisis by reducing the problem at the source. The Plastic Free July Challenge provides councils with a strategy and existing platform to enact individual behaviour change and enable communities, councils, their staff and businesses to adopt behaviours and systems that avoid single-use plastics and reduce plastic waste.
- 33. Annual memberships are available to councils and some run a regular Plastic Free July campaign. A membership costs \$4,000 annually depending on number of tenements. More information available here. <https://www.plasticfreejuly.org/>

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**Related Council decisions**

34. The following resolution was endorsed at the December 2019 ordinary Council meeting:

That Council:

- a) Receives the petition requesting Council to pursue a policy to phase out single-use plastics from Nillumbik Shire by 2021.
- b) Refers it to the Director Operations and Infrastructure for investigation and incorporates feedback from the Environment and Sustainability Advisory Committee in a report back to Council.
- c) Advises the petition organiser accordingly.

**Options**

35. There is evidence of strong community support for phasing out single-use plastics as demonstrated by Victorian and West Australian governments' community consultation.

36. The Victorian government has a commitment to phase out a range of single-use plastics.

37. Nillumbik can support the introduction of the single-use plastic ban in Victoria, where it has direct control, in the following ways:

- a) Develop a policy or guidelines discouraging or prohibiting single-use plastics in Council facilities and at events on Council land. A policy should be clear about the specific single-use plastic items that are discouraged or prohibited and this may be over and above the items subject to the state ban. These should include the items to be banned in Victoria commencing February 2023: straws, cutlery, plates, drink-stirrers, expanded polystyrene food and drink containers and cotton bud sticks and other items such as balloons.
- b) Dog waste bags provided at dog parks should be biodegradable.
- c) Conditions of hire of Council facilities may be updated to discourage or prohibit certain single-use plastics in line with the policy and guidelines in a) above.
- d) Guidelines for events on Council land may be updated to discourage or prohibit certain single-use plastics in line with the policy and guidelines in a) above..
- e) Continue to provide support to Council facilities and for event organiser to reduce waste with a focus on reducing single-use items.
- f) Continue to communicate positive alternatives for single-use plastic items through the website, social media, at community events and community facilities.

38. Council's ability to phase out single-use plastics in the Shire more broadly is limited.

39. An option would be to include a ban on single-use plastics as part of the review of the Local Law. The specific single-use plastic items would need to be defined as well as where the ban applies. A consideration is that a Local Law requires a regulatory impact process and a Local Law shouldn't duplicate federal or state laws. Another consideration is Council's capacity to enforce a local law.



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**Council plans and policies**

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

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

**Sustainability implications**

41. Single-use plastic items make up about one third of the volume of Victoria's litter and cause harm to the environment. Many single-use plastic items are difficult and economically unviable to recycle. Often, they end up in and contaminate recycling. They can often be easily avoided or replaced with reusable products.

**Community engagement**

42. Council received a petition at the December 2019 Council meeting requesting that Council pursues a policy to phase out single-use plastics in the Shire by 2021

43. At the April 2021 meeting, the Environmental and Sustainability Advisory Committee considered the background information and options provided in this briefing

44. There was general agreement from the committee that policy on single-use plastic is being covered by the Victorian government and that Council should:

- a) Demonstrate support for the Victorian government's action.
- b) Ensure that single-use plastics are phased out at Council's facilities, services and events.
- c) Promote and encourage phasing out single-use plastics in the community.
- d) Target the community, local businesses and especially schools in the promotion and include education on how to reduce personal and business contributions to single-use plastic waste.

45. Some concern was expressed about the use of terms such as ban and prohibit. Some single-use plastics may continue to be used, for example for medical purposes.

**Innovation and continuous improvement**

46. Phasing out single-use plastics is part of continuous improvement program designed to reduce waste to landfill and to reduce the harmful impact of plastics in the environment.

**Collaboration**

47. Not applicable

**Budget implications**

48. There are no significant budget implications with options relating to implementing a policy, guideline or community engagement approach.

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**Relevant law**

- 49. To implement the Victorian plastic bag ban, the Environment Protection Act 1970 was amended and came into force in 2019. The purpose of the legislation is limit the manufacture, wholesale and retail of lightweight, single use plastic bags.
- 50. It is expected that a similar legislative process will occur to implement removal of those single-use plastics nominated by the Victorian government to be phased out.

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

- 51. The Commonwealth government's National Waste Policy Action Plan has a target of phasing out problematic and unnecessary plastics by 2025. The Commonwealth government has also developed a National Plastics Plan 2021.
- 52. The Victorian government's circular economy policy Recycling Victoria: A new economy has targets to:
- 53. Divert 80 per cent of waste from landfill by 2030, and an interim target of 72 per cent by 2025.
- 54. Cut total waste generation by 15 per cent per capita by 2030.
- 55. Halve the volume of organic material going to landfill between 2020 and 2030, with an interim target of 20 per cent reduction by 2025.
- 56. Ensure every Victorian household has access to food and garden organic waste recycling services or local composting by 2030.
- 57. The Recycling Victoria policy also seeks to complement and deliver on the National Waste Policy targets.

**Conflicts of interest**

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

**12. Officers' reports****CM.089/21      Consideration of the Planning Panel Report for Nillumbik Amendment C129 (Removal of the EAO from various parcels in Plenty)**

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**Distribution:    Public****Manager:       Rosa Zouzoulas, Executive Manager Planning and Community Safety****Author:         Paul Fyffe, Senior Strategic Planner  
                     Leigh Northwood, Strategic Planning Lead****Summary**

Amendment C129 to the Nillumbik Planning Scheme (the Amendment) proposes to remove the Environmental Audit Overlay (EAO) from land that was formerly known as 323-325 Yan Yean Road, Plenty.

Application of the EAO was applied in 2000 for the purpose of requiring an audit to investigate potential contamination of the site and to assess the suitability of the land for residential uses, potentially subject to conditions. The EAO is now redundant noting:

- An audit has been completed which finds that, although one small part of the land is contaminated, the land is suitable for low-density residential use, subject to conditions.
- The conditions of the audit are applied in a legally binding and transparent matter by a Section 173 Agreement to the Planning and Environment Act 1987.

Further, continued application of the EAO is an unfair imposition on the landowners as it wrongly applies the extent of contamination is not known, that the whole site may be contaminated and that the suitability of the site for residential use is not known.

The Council Meeting of July 2020 resolved to commence the Amendment to remove the EAO. In November 2020, Council received only one submission in response to exhibition of the Amendment. The submission was from the Environment Protection Authority (EPA) and it raises issue with the proposed removal of the EAO. In response, in February 2021, Council requested the Minister for Planning appoint a Planning Panel to consider the submission.

Council has now received the Panel's report. In its report, the Panel clearly supports the Amendment and recommends it be adopted as exhibited. Consequently, the officer recommendation is that Council take the next steps to progress the Amendment to completion, which is to adopt the Amendment and to request the Minister approve and gazette the adopted Amendment.

In addition, it is recommended that Council write to the owners of the land subject to the Amendment to advise of Council's decision and further, to clarify that, if the EAO is removed, conditions pertaining to contamination will continue to be applied through the Section 173 Agreement.

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

1. Notes the recommendation of the Planning Panel that Amendment C129 to the Nillumbik Planning Scheme be adopted as exhibited.
2. Adopts Amendment C129 to the Nillumbik Planning Scheme as exhibited and then submits it to the Minister for Planning for approval and gazettal.
3. Writes to the owners of land affected by the Amendment and advise them:
  - a) of Council's resolution on 29 June 2021 regarding Amendment C129
  - b) that the conditions of the Statement of Environmental Audit will continue to be applied by the Section 173 Agreement to the *Planning and Environment Act* 1987 which is applied to the land.

**Attachments**

- 1  Land and properties subject to Amendment C129 to the Nillumbik Planning Scheme
- 2  The exhibited deletion of the EAO as proposed by Amendment C129 to the Nillumbik Planning Scheme
- 3  Submission from the Environment Protection Authority Victoria (EPA) to Amendment C129 to the Nillumbik Planning Scheme
- 4  The Panel Report for Amendment C129 to the Nillumbik Planning Scheme

**Discussion**Context and Purpose for the Amendment

1. The Amendment applies to land that was formerly 323-325 Yan Yean Road, Plenty. Subject to a planning permit issued in 2016, the land now comprises:
  - Nos. 18, 20, 21, 22, 23, 24, 25, 25A, 27, 29, 31, 33 and 1/35 Thornbill Drive, Plenty
  - Part of the road reserve of Thornbill Drive, Plenty.
2. The properties listed principally include 12 low-density residential allotments. The land to which the Amendment applies is shown in **Attachment 1**.
3. The EAO was applied to the land in 2000, as it was deemed then that the land was potentially contaminated due to historical gold mining.
4. The primary role of the EAO is to identify potentially contaminated land and trigger the need for the extent of contamination to be confirmed by an environmental audit. This is to be done with the purpose of determining whether to permit a sensitive use

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(e.g. residential use) to occur at the site, or to allow buildings and works for a sensitive use.

5. The audit will result in the issue of either:
  - A Certificate of Environmental Audit if the site is suitable for a sensitive use and that there is no restriction on use of the site due to contamination;
  - A Statement of Environmental Audit (SoEA) if contamination is an issue for the site in terms of allowing sensitive uses.
6. Depending on the extent of contamination, a SoEA may still permit one or more sensitive uses, potentially subject to conditions.
7. In accordance with the relevant State guidelines, an EAO should be removed if:
  - It is determined the land is not potentially contaminated; or
  - The site is given a Certificate of Environmental Audit.
8. Further, the guidelines state that it may be appropriate to remove the EAO if a SoEA has been issued and there are minimum restrictions on the use of the site, or the conditions are being complied with.
9. The relevant guidelines state that the timely removal of an EAO will avoid costly and time-consuming requirements for all parties.
10. At the site of the Amendment, a series of important steps have occurred in response to application of the EAO, including:
  - An environmental audit was conducted of the site in 2000 and established that only part of the site ("the impacted area") is contaminated, being as a result of the past gold mining activity;
  - A Statement of Environmental Audit was issued at the time of the audit states that the land is suitable for agriculture and low-density residential use, subject to conditions that respond to the contamination in the impacted area;
  - The planning permit, referred to above and which allows residential subdivision of the site, required that works first be conducted to clean up the contamination in accordance with the SoEA;
  - The clean-up works were conducted by an appropriate consulting firm, Connolly Environmental Pty Ltd, in 2017 and then approved by Council in March 2018;  
(NB: These clean-up works have not been reviewed by an environmental auditor, as Council believes it has no authority to require such a review);
  - The clean-up works were substantial and included removing contaminated soil from the impacted area and placing it, capped, under part of what was to become Thornbill Drive; and
  - With the previous owner's agreement, the conditions of the SoEA are now applied in a legal enforceable and transparent manner, for existing and future owners, by a Section 173 Agreement to the *Planning and Environment Act 1987* which has been applied to the land.

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11. As a consequence of these steps, it has been the officer position that the EAO should be removed, as it is redundant and its continued application is an unfair imposition on the owners of the land. The following points are considered to explain this view:
- The EAO has performed its function in clarifying the potential contamination of the land.
  - The Statement of Environmental Audit allows for low-density residential use subject to conditions and these conditions are properly implemented through a Section 173 Agreement which is applied to the land in a clear and enforceable manner.
  - Continued application of the EAO wrongly suggests that the extent of contamination is unknown, that the whole site may be contaminated and that the suitability of the site for residential use is unknown.
  - Removal of the EAO is consistent with the State guideline that it may be appropriate to remove the EAO where a SoEA has been issued, if there are minimum restrictions on the use of the site, or the conditions are being complied with.
12. On considering the matter, in July 2020, Council resolved to commence Amendment C129 to remove the EAO from the site. The Amendment was exhibited in October-November 2020. **Attachment 2** provides a copy of the exhibition map showing the proposed deletion of the EAO from the land.
13. In response to exhibition, Council received one submission, which was from the Environment Protection Authority Victoria (EPA) and is provided as **Attachment 3**. In its submission, the EPA primarily questions the appropriateness of removing the EAO when:
- The remediation works have not been reviewed by an environmental auditor; and
  - An auditor has not confirmed that all the conditions of the Statement of Environmental Audit have been complied with or have been applied by the S173 Agreement in a manner that would satisfy an environmental auditor.
14. On considering the EPA's submission, the Council Meeting of 23 February 2021 requested the Minister for Planning appoint a planning panel to consider the submission.

**The Planning Panel**

15. The Panel was conducted in April 2021 by the "on the papers" format, which involved Council providing only a written submission to Planning Panels, rather than the Panel conducting a face to face hearing. The EPA chose not to make a submission to the Panel.
16. Planning Panels considered the "on the papers" format appropriate for a number of reasons, such as the highly technical nature of the Amendment, there is only one submission, the submission is from a public authority and further, no party to the Panel wished to present expert evidence.

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17. In its written submission to the Panel, Council primarily emphasised that:
- The EAO is redundant, and its continued application is an unfair imposition on the affected land owners;
  - A review by an environmental auditor of the clean-up works by Connolly Environmental, or of any other matter, is not required to justify removal of the EAO; and
  - The section 173 agreement is a far better mechanism to apply the conditions of the Statement of Environmental Audit than continued application of the EAO.
18. Council also commented to the Panel that certain owners have found the contamination conditions of the Section 173 Agreement somewhat frustrating and that it may be appropriate that these conditions are streamlined, subject to advice from an environmental auditor. However, Council emphasised that it considers this matter is a separate one to the Amendment and one that should be pursued by the relevant landowners.
19. On 5 May 2021 the Panel issued Council its report on the Amendment, which is provided as **Attachment 4**. In its comments and conclusions the Panel is very supportive of the Amendment. For example, the following are the Panel's key conclusions:
- *The Connolly Report provides a comprehensive and detailed analysis of the works undertaken to render the land suitable for residential use;*
  - *Comprehensive sampling was undertaken by Connolly Environmental, with samples tested by an independent NATA accredited laboratory, that has demonstrated that contamination levels within the residential lots are within acceptable levels for residential use;*
  - *The Panel does not consider that any further assessment is necessary or justified;*
  - *The EAO is no longer required, having been effectively superseded by the Statement of Environmental Audit and the section 173 agreement which will ensure that the works undertaken by Connolly Environmental will be maintained in the future.*
20. On having made these concluding remarks, the Panel states that its recommendation is that Council: **"Adopt Amendment C129nill to the Nillumbik Planning Scheme as exhibited"**.
21. In regards to the EPA's position, the Panel indicates its view that the EPA appears to be stating that the EAO cannot be removed until a Certificate of Audit is issued. However, the Panel indicates that this is an excessive interpretation of the relevant guidelines, which still allow removal of the EAO, in appropriate circumstances, when a SoEA applies to a site.

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22. Also relevant to the EPA's submission, the Panel indicates a view that no assessment is required by an environmental auditor of the works by Connolly Environmental, stating:

*The Panel does not consider that any further assessment of the land or the remedial works previously undertaken by Connolly Environmental is justified or necessary.*

23. The Panel indicates though that a review by an auditor would be required as part of any separate action to remove or modify the contamination conditions applied by the Section 173 Agreement, stating:

*The Panel agrees with Council that these restrictions should not be removed unless further assessment by a suitably qualified professional confirms that they are no longer required (or that alternative measures are appropriate).*

24. The Panel further agrees with Council's view that any such action is separate to consideration of the Amendment.
25. In summary, the Panel report provides a strong endorsement of the exhibited Amendment, including to find no need to modify the Amendment in response to the submission from the EPA, or in response to any other matter.

Notification of the Panel Report

26. The Panel report was made public on 19 May 2020 and Council took the following steps to appropriately notify relevant parties:
- A copy of the Panel Report was placed on Council's Participate Nillumbik website in the section of the website dedicated to the Amendment.
  - A letter was sent to all owners of land affected by the Amendment which advised that the Panel has released its report, provided information on how to obtain a copy of the document and advised that Council's 29 June 2021 Council Meeting will consider the recommendation of the Panel.
  - The EPA was advised of the release of the Panel report and as the only submitter to the Amendment, was invited to present its view on the Panel report to the 8 June 2021 Meeting of Council's Planning and Consultative Committee (PCC).
27. In response, the EPA advised that:
- It did not consider it necessary to make a presentation to Council's PCC
  - It wishes to highlight that the EPA's position remains the same, regarding the recommendation for a third party/independent review, for Council to be satisfied that the environmental condition of the land is suitable for a sensitive use, and given the remediation works have not been reviewed by an environmental auditor.
28. Given the EPA was the only submitter to the Amendment and chose not to present to the Council's PCC on the Panel report, the matter of the Panel report was not presented to the June PCC.



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29. In response to the EPA repeating its recommendation for a third-party review, it is reiterated that the Panel has carefully considered the EPA's submission and has concluded that the EAO is redundant and that the exhibited Amendment be adopted. As outlined above, the Panel finds no need for an independent review to verify its position that the EAO is redundant.

**Related Council decisions**

30. The key Council decisions regarding the Amendment are paraphrased as follows:
- 28 July 2020 – Council resolved to seek authorisation from the Minister of Planning to commence the Amendment; and
  - 23 February 2021 – Council resolved to request the Minister of Planning appoint a Planning Panel to consider the Amendment.

**Options**

31. The statutory amendment process requires Council to formally consider the Panel Report and to make a decision to adopt or abandon the Amendment within 40 business days of having received the Panel report. If Council adopts the Amendment, it also needs to request the Minister for Planning approve and gazette the adopted Amendment. The Amendment would be complete at gazettal. In other words, gazettal of the Amendment will remove the EAO from the relevant land.
32. The officer recommendation is that Council resolve to adopt the Amendment and submit it to the Minister for approval and gazettal. This recommendation is based on the clear finding of the Panel that the EAO is redundant and also the Panel's unequivocal recommendation that Council should adopt the Amendment as exhibited.
33. If and when the Amendment is completed, the conditions of the existing SoEA will continue to be applied by the Section 173 Agreement registered to the land. It is considered prudent that, if Council does take the recommended steps to progress the Amendment to completion, it not only advise the affected landowners in writing of this decision, but also clarify for them that, if and when the EAO is removed, the Section 173 Agreement will continue to apply the conditions of the SoEA.

**Council plans and policies**

34. This report directly supports the achievement of Council Plan 2017-2021 strategy:
- Prepare and develop an improved and holistic approach to strategic planning.

**Sustainability implications**

35. The Amendment supports efficient management and application of the EAO to protect the environment from potential contamination.

**Community engagement**

36. The Amendment was exhibited in accordance with the relevant notification requirements set by the *Planning and Environment Act 1987*.
37. As noted above, the Panel Report was made public on 19 May 2021 and Council directly notified the EPA and affected land owners of its release.

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38. More generally, Council has consistently advised owners of the land subject to the Amendment of certain key decisions Council has made during the course of the Amendment. The officer recommendation includes as an action to notify the owners of the decision of the 29 June 2021 Council Meeting regarding the Amendment.

**Innovation and continuous improvement**

39. The Amendment and the Panel report will contribute to and strengthen Council's approach to respond to contamination (potential or known).

**Collaboration**

40. Progressing the Amendment has necessitated and benefited from collaboration between certain units within Council and also from constructive liaising between Council and the EPA.

**Budget implications**

41. The budget expenditure for the Amendment is not significant and is fully covered by Council's planning scheme amendment budget.

**Relevant law**

42. The Amendment is being conducted in full accordance with the relevant legislation, which is the *Planning and Environment Act 1987*.

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

43. The Amendment is consistent with state legislation and policies regarding proper application and timely removal of the EAO.

**Conflicts of interest**

44. No officers involved in the preparation of this report have a conflict of interest in relation to the subject matter.

**12. Officers' reports****CM.090/21      Domestic Wastewater Management Plan and Sewer Reprioritisation**

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**Distribution:    Public****Manager:        Rosa Zouzoulas, Executive Manager Planning and Community Safety****Author:          Jonathan McNally, Manager Community Safety and Amenity  
Leah Farrell, Coordinator Environmental Health****Summary**

Under State Environment Protection Policy (SEPP) Waters, Council is required to develop and regularly review a Domestic Wastewater Management Plan (DWMP). The DWMP outlines Council's program for managing Onsite Wastewater Management Systems (OWMS) (septic tank systems) across the Shire. The DWMP was developed in consultation with Yarra Valley Water (YVW), the community and other relevant stakeholders.

Adopted in June 2019, Council's DWMP is fully operational, and forms an integral part of the daily activities of Council's Environmental Health Services, in the management and delivery of related public health programs.

<b>Recommendation</b>
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**That** Council notes this report detailing performance against the year 2 Domestic Wastewater Management Plan actions (**Attachment 1**).

**Attachments**

- 1  DWMP Action Plan 2020-21

**Discussion**

1. The DWMP assists Council in aiming for best practice in the management of OWMS's, and prevent environmental pollution at the source, and where this is not possible, to minimise the potential impacts on human health and the environment. The Plan is also useful in setting out Council's agenda for advocating the connection of townships to a reticulated sewerage system.
2. Adopted in June 2019, the DWMP 2019-2023 outlines actions divided into 5 key strategy areas:
  - Information and data collection;
  - Education and awareness;
  - Sewer connection and Community Sewerage Program (CSP) prioritisation;
  - Regulation and enforcement;
  - Collaboration and review.
3. Actions were identified for implementation across the five years of the plan. A detailed assessment of Council's performance against the year 2 actions is contained in **Attachment 1** of this report.

**12. Officers' reports****CM.090/21 Domestic Wastewater Management Plan and Sewer Reprioritisation**

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4. The *Environment Protection Amendment Act 2018* will take effect from 1 July 2021, which includes a new approach to environmental issues, focussing on preventing waste and pollution impacts, rather than managing those impacts after they have occurred. A person who is engaging in an activity that may give rise to risks of harm to human health or the environment from pollution or waste must minimise those risks, so far as reasonably practicable. The adopted Nillumbik DWMP covers this requirement.
5. Yarra Valley Water have commenced 2023-2028 Reprioritisation of the Community Sewerage Program in line with the Yarra Valley Water submission to the Essential Services Commission. The reprioritisation program occurs every 5 years and is a significant opportunity to achieve improved environmental outcomes through the extension of the existing sewer network within Nillumbik.
6. Previous reprioritisations have resulted in sewerage provision to North Warrandyte, Research and soon to be sewer Eltham South. During this reprioritisation program Council will be advocating for the townships currently expected to receive sewer in 2032 to be included in the 2023-2028 pricing period. These townships include, St Andrews, Plenty, Yarrambat and Panton Hill.
7. The adopted DWMP sets out specific actions aimed at improving the likelihood that areas of Nillumbik will be connected to sewer through the reprioritisation program. Council has successfully completed actions within the plan to achieve a positive outcome, including recruitment of a Domestic Wastewater Officer, detailed mapping of existing septic systems within the reprioritisation areas, water sampling of the Diamond Creek in St Andrews and Yarrambat lake (in conjunction with Melbourne Water and RMIT) and ongoing direct engagement with YVW.
8. Council's ongoing advocacy program for the provision of reticulated mains sewer throughout all the townships within Nillumbik is a key action of the Domestic Wastewater Management Plan (2019-2023), and significant work has been done implementing the current DWMP in order to produce a satisfactory result during this reprioritisation.

**Related Council decisions**

9. Council adopted the Domestic Wastewater Management Plan in June 2019.

**Council plans and policies**

10. This report directly supports the achievement of Council Plan 2017-2021 strategy:
  - Work with the local community to review and implement environmental policies to protect biodiversity and conserve natural resources.
11. Specifically, action 3.6.3 requires Council to advocate to YVW for extension of the sewer network.

**Sustainability implications**

12. The management of domestic wastewater is directly aligned with Councils various environmental initiatives. The management of wastewater is key to improving environmental outcomes in local streams and waterways.

**12. Officers' reports****CM.090/21 Domestic Wastewater Management Plan and Sewer Reprioritisation**

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**Community engagement**

13. Councils Environmental Health team will be conducting targeted engagement with the residents and business owners of St Andrews within the Community Sewerage program area. This will consist of a short survey to assist with gauging the appetite within the St Andrews community for sewerage provision. This information is a criteria of interest to YVW for funding towards future projects.

**Collaboration**

14. Throughout the 2020/2021 year Council has continued to strengthen and increase engagement with relevant stakeholders such as YVW and the Environment Protection Authority Victoria (EPA).
15. Quarterly engagement meetings with YVW has resulted in collaboration to:
- Formal agreement between YVW and Council enabling information sharing of onsite wastewater management systems within the Nillumbik Shire, including mapping of systems throughout the Shire. This is in addition to the continued provision of sewerage connection data supplied by YVW to Council.
  - Continued support advocating to Major Roads Project Victoria for the inclusion of sewerage connection as part of the Stage 2 Yan Yean Road widening project. At this time the outcome remains undecided.
  - Continued support to Council regarding management of complaints about unsewered properties within sewerage areas, such as failing systems impacting on neighbouring properties.
16. Council has actively participated in the consultation process of the EPA regulations review and continue to support the EPA in the long running consultation process to ensure a satisfactory transition of the new domestic wastewater laws to be introduced via new *Environment Protection Act* and regulations, due to commence on 1 July 2021.
17. Council's Environmental Health team's active engagement with YVW has led to a successful sampling project at 10 sites in St Andrews and Yarrambat during December 2020. The sampling program was conducted by the RMIT Aquatic Environmental Stress Research Group in conjunction with YVW and fully funded by Melbourne Water. RMIT and Council's Environmental Health team has extended the sampling program to include an additional round of sampling in St Andrews in May 2021.

**Budget implications**

18. Implementation of the DWMP has been accommodated within the existing Environmental Health Services operational budget, and no additional funding is sought for the implementation of year 3 of the plan.

**Relevant law**

19. Section 29(3)(4) of State Environmental Protection Policy SEPP (Waters), the subordinate legislation to the *Environment Protection Act 1970*, requires Councils to develop a DWMP and to review and update this plan at intervals no more than five years. Council must also conduct internal audits to assess the progress and report on progress of the DWMP every three years.

**12. Officers' reports**

**CM.090/21      Domestic Wastewater Management Plan and Sewer Reprioritisation**

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20. Nillumbik Shire Council's DWMP incorporated a yearly review and report to Council, over and above the minimum review requirements of the SEPP(Waters).

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

21. In implementing the DWMP Council also applies relevant policies of the EPA: Code of practice – Onsite wastewater management, SEPP (Waters).
22. YVW is required to make a submission to the Essential Services Commission (ESC) who conduct regular Water Price Reviews with all Victorian water businesses. This submission includes which water and sanitation projects will be funded in each pricing period (the current period is 2018-2023). The attached DWMP action plan details the work Council has completed to inform this process.

**Conflicts of interest**

23. No officers involved in the preparation of this report has a conflict of interest.

**12. Officers' reports**

**CM.091/21      Rental Review - 35 Kangaroo Ground - St Andrews Road, Kangaroo Ground**

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**Distribution:    Public**

**Manager:        Hjalmar Philipp, Director Operations and Infrastructure**

**Author:          Jonathon Miller, Manager Property and Facilities Maintenance  
                      Natalie Campion, Coordinator Property**

**Summary**

The Country Fire Authority (CFA) currently lease part of the Council premises located at 35 Kangaroo Ground – St Andrews Road, Kangaroo Ground, as depicted in **Attachment 1**.

The premises include a multi-purpose hall; two vehicle garage; public meeting room; offices; kitchen; storeroom and toilets – as depicted in **Attachment 2**.

The CFA has a current lease (exclusive use) which essentially covers the offices, the front public meeting room and the two car garage. The remaining areas are shared, with Council hiring the multi-purpose hall and kitchen for community purposes during cooler months of the year.

The building is known as the Kangaroo Ground Emergency Operations Centre, with the primary function being the accommodation of the Incident Control Centre (ICC). It is one of a number of ICC's in a state wide network that has the State Control Centre as its hub, the purpose being to act as control centres for emergencies.

Following an internal drainage issue in January 2020 which necessitated a temporary need for the ICC to relocate to a facility in Craigieburn, the CFA initiated discussions with Property staff in relation to the suitability of the facility to accommodate the ICC.

In December 2020, the CFA advised Council that after a review, the ICC would be permanently accommodated at the larger and more functional Craigieburn facility. They also requested a rental review which included a reduced leased area, and consideration (rental fee) to be reduced from the current \$30k/pa to a "peppercorn" rate.

The CFA intends to use the reduced area as the Nillumbik Group Headquarters.

Whilst there is a current lease in place between Council and the CFA, Council can support the Nillumbik Brigades and consider the CFA's request.

This report recommends that Council complete a Variation of Lease for the CFA at 35 Kangaroo Ground-St Andrews Road, Kangaroo Ground to amend the current leased area and reduce the rental fee to a peppercorn rate of \$1.00 p.a.

**12. Officers' reports****CM.091/21      Rental Review - 35 Kangaroo Ground - St Andrews Road, Kangaroo Ground**



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

1. Complete a Deed of Variation of Lease for the Country Fire Authority (CFA) at 35 Kangaroo Ground- St Andrews Road, Kangaroo Ground to amend the:
  - a) Rental amount from \$30,000 per annum to \$1.00 per annum peppercorn fee;
  - b) Leased Area to only include the motor bays/garage and front conference (office) room (exclusive use by the CFA);
  - c) Shared Use continues of the kitchen and toilet facilities within the premises; and
  - d) Use of the Hall is no longer included under the Leased Agreement as a Shared Use area. Council is able to manage and hire the Hall at any time of the year.
2. Authorises Council's delegated officer to execute the Deed of Variation of Lease for the Country Fire Authority (CFA) at 35 Kangaroo Ground- St Andrews Road, Kangaroo Ground, once signed by the CFA.

**Attachments**

- 1  Plan of Land - 35 Kangaroo Ground-St Andrews Road, Kangaroo Ground
- 2  Plan of Building - 35 Kangaroo Ground-St Andrews Road, Kangaroo Ground

**Discussion**

1. The land at 35 Kangaroo Ground-St Andrews Road, Kangaroo Ground was originally leased to the CFA for \$2.00/pa in November 1984, to construct a fire station. The 550<sup>m</sup><sup>2</sup> adobe brick Emergency Operation Centre was constructed in 1989. Some alterations occurring in 1990 and 1999.
2. This building was the state's first Emergency Services Operation Centre, a designated Level Three: Incident Control Centre, which was erected with a Community Employment Program Grant.
3. The premises comprise a multi-purpose hall; two vehicle garage; public meeting room; office; training office; kitchen; storeroom; and male and female toilets.
4. Hiring of the hall and use of the premises was initially managed by a Committee of Management, set up under an Order of Delegation, This role was delegated back to Council's Community Halls Unit (now Community Facilities) in the early 1990's. Council currently limits usage of the hall from October – March, during the fire season, in the case it is required for emergency management purposes.
5. In 2008, the CFA (Head Office) requested a new long term lease of the land it currently occupied, as the CFA had significant IT installations in the premises. A three year lease with two further three year terms was entered into between Council and the CFA for a rental fee of \$16.5k/p.a. This fee was assessed based on the leased area and that the CFA were responsible for most maintenance responsibilities.



## 12. Officers' reports

### CM.091/21 Rental Review - 35 Kangaroo Ground - St Andrews Road, Kangaroo Ground

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6. On 1 July 2011 at the further term period, the rental fee was reassessed at \$26k/pa, as the CFA requested that Council take on most maintenance responsibilities for the building, including all audits and structural repairs.
  7. The CFA entered into a new lease agreement with Council on 1 July 2017 for a three year term, with two further terms of three years each, for a rental fee of \$29k/pa with three percent increase per annum, which was based on a rental market review conducted by Council's valuers. As per lease conditions, the rental fee was reviewed on 1 July 2020 and amended to \$30k/pa plus GST.
  8. The CFA local district would like to reduce the present area occupied, and utilise the remaining space as the Nillumbik Group Headquarters.
  9. They no longer require two rooms originally included in the demised area (outlined in yellow) shown in **Attachment 2** or the adjoining the main (public) hall. The CFA will continue to exclusively occupy the two motor bays/garage and front conference room, as outlined in red in **Attachment 2**.
  10. Furthermore, the CFA will continue to share two zones with other user groups including the toilets and kitchen.
  11. The multi-purpose hall area will no longer be required by the CFA, therefore Council will be able to hire out this area to the community at any time.
  12. As the premises will no longer be required for ICC purposes, Council can support local brigades and therefore the community by reducing the leased area and amending the rental fee to \$1.00/p.a. as requested by the CFA.
  13. The lease agreement maintenance schedule will remain the same, with Council being responsible for most of the associated maintenance including structural, audits, Essential Safety Measures and related works.

#### Related Council decisions

14. Not applicable.

#### Options

15. Although Council has a current lease agreement with the CFA until 30 June 2026, the lease agreement terms can be amended with agreement between both parties.

#### Council plans and policies

16. This report directly supports the achievement of Council Plan 2017-2021 strategy:
  - Meet Council's responsibilities for emergency management.

#### Sustainability implications

17. Under the current lease agreement Council requires the CFA to work with Council's environmental and sustainability officers on energy and water conservation, waste and biodiversity enhancement measurements where appropriate.

#### Community engagement

18. Not applicable.

**12. Officers' reports**

**CM.091/21      Rental Review - 35 Kangaroo Ground - St Andrews Road, Kangaroo Ground**

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**Innovation and continuous improvement**

19. Not applicable.

**Collaboration**

20. Not applicable.

**Budget implications**

- 21. Council undertakes regular maintenance and audit works (ESM and Condition) of the Premises, funded through operational budgets.
- 22. If Council amends the current rental fee from \$30k/p.a. to a peppercorn fee, it will result in a reduction of Council's property rental income and therefore Council's operational budget by that amount.
- 23. The reduction in rental income may be offset by Council's ability to now hire the multi-purpose hall to community groups throughout the year. The potential income is estimated to be in the range of at \$2-3k/p.a.

**Relevant law**

- 24. This lease agreement is made pursuant to *Section 190* of the *Local Government Act 1989* and allows the CFA to conduct activities as permitted under the *Country Fire Authority Act 1958*.

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

25. Not applicable.

**Conflicts of interest**

- 26. 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.092/21      Recreation Trails Advisory Committee Term Extension**

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**Distribution:    Public****Manager:        Hjalmar Philipp, Director Operations and Infrastructure****Author:          Tara Jolfaei, Recreation and Open Space Planner  
                      Heath Gillett, Manager Recreation and Leisure****Summary**

The Recreation Trails Advisory Committee provides advice to Council on the planning, development and use of trails across the Shire. The Committee consists of Councillors and 11 community representatives. The current Committee term is due to end July 2021. As a result of not meeting throughout 2020 due to COVID, the important audit project current being undertaken, this report proposes extending the term of the existing Committee members until 30 July 2023.

<b>Recommendation</b>
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**That** Council extends the current Recreation Trails Advisory Committee term until 30 July 2023.

**Attachments**

- 1  Recreation Trail 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:
  - One or more Councillor representatives appointed by Council, one to act as Chairperson (Cr Karen Egan (Chair) and Cr Richard Stockman).
  - Two Friends of or Landcare representatives (Andrew Bakos and Rex Niven).
  - Two community horse riding representatives (Cath Giles and Kay Cruse).
  - Two cycling representatives (Jamie Sharp and Stephen Hadley).
  - Two walking group representatives (Jan Davies and Finn Westerman).
  - Two general community representatives, one urban (Vince Bagasauskas) and one rural (Bob Muxlow).
  - One person with a disability or advocate on behalf of people with a disability (Louise Barry).

**12. Officers' reports**

**CM.092/21      Recreation Trails Advisory Committee Term Extension**

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3. In July 2017, the 11 community representatives were appointed for a two year term, ending July 2019. At the Ordinary Council Meeting on 29 January 2019, Council resolved to extend the existing Committee's term for a further 12 month period.
4. At Ordinary Council Meeting on 28 July 2020, Council resolved to extends the current Recreation Trails Advisory Committee term until 30 July 2021.
5. The current Committee term is due to end 30 July 2021.
6. Modifications to the terms of appointment by Council resolution is permitted under the Terms of Reference for this Committee.

**Related Council decisions**

7. Ordinary Council Meeting on 28 July 2020. Council resolved:  
    **"That** Council extends the current Recreation Trails Advisory Committee term until 30 July 2021."

**Options**

8. With stage one of the Diamond Creek Trail completed and critical work about to be undertaken in relation to planning for recreational trails, the recommended position of officers is to extend the current Committee's tenure for a further 24 months. That way the extensive local trails knowledge can be retained, utilised and maximised.
9. The next focus in the implementation of the Trails Strategy is to finalise and implement an asset and fit for purpose audit of all existing trails in the current trail network.
10. The information collected will inform a detailed map and implementation plan for maintenance service levels, as well as development of ancillary infrastructure and local links.
11. The current Committee have been working with officers to develop much needed trails resources and for this reason, it is believed that an extension to their term would be beneficial.

**Council plans and policies**

12. This report directly supports the achievement of Council Plan 2017-2021 strategy:
  - Create and activate places and spaces that have good connectivity, provide needed infrastructure and promote social interaction.

**Sustainability implications**

13. N/A.

**Innovation and continuous improvement**

14. N/A.

**Budget implications**

15. N/A.

**Relevant law**

16. N/A.

**12. Officers' reports**

**CM.092/21      Recreation Trails Advisory Committee Term Extension**

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

- 17. Nillumbik Shire Council Recreation Strategy 2011-2019.
- 18. Nillumbik Shire Council Trails Strategy 2011.
- 19. Northern Regional Trails Strategy 2016.

**Conflicts of interest**

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

**12. Officers' reports**

**CM.092/21      Recreation Trails Advisory Committee Term Extension**

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**12. Officers' reports****CM.093/21      Tender Report - Contract 2021-035 Provision of Annual Supply for Fencing Services**

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

This report recommends the awarding of contract 2021-035 for Provision of Annual Supply for Fencing Services. The tender was issued to identify and appoint a panel of up to a maximum of 4 suitably qualified fencing contractor companies to assist Council in delivery of reactive fencing repair requirements and for proactive planned fencing requirements.

There are 5 categories of fencing services being sought via the tender process.

- Safety Fencing
- Residential Boundary Fencing
- Sportsfield Fencing
- Rural / Farm Style Fencing
- Bollards / Bollards with Rails.

**Reactive** fencing repairs will be undertaken based on awarded tendered rates.

**Proactive** planned fencing projects will require a competitive RFQ process to be undertaken with the appointed contractors.

This report recommends the appointment of three contractors to deliver the fencing services.

This panel contract is for standard service delivery requirements and replaces a previous contract for fencing services.

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

The Tender Evaluation Panel (TEP) has assessed all submissions and this report provides a summary of their evaluation in recommending the awarding of the contract for 2021-035 for Provision of Annual Supply for Fencing Services.

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.

**12. Officers' reports****CM.093/21 Tender Report - Contract 2021-035 Provision of Annual Supply for Fencing Services**

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

1. Accept the tendered schedule of rates disclosed in (**Attachment 1**) as submitted by the **three preferred tenderers** and enter into the following panel contract:  
Number: 2021-035  
Title: Provision of Annual Supply for Fencing Services  
Term: 1 June 2021 to 31 May 2024  
Options: Term extensions up to 31 May 2026
2. Authorises the Director Operations and Infrastructure to finalise and execute the contract documentation.
3. Authorises the Director Operations and Infrastructure to approve contract term extensions.
4. Authorises the Director Operations and Infrastructure to appoint another contractor or contractors to the existing contract arrangement, should an appointed contractor fail to deliver against their contracted requirements.
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. Names the preferred tenderers.

**Attachments**

1. Tender Evaluation Summary Report - Confidential - *CONFIDENTIAL*

**Discussion**

1. Council undertakes multiple fencing repairs each year as well as planned fencing projects – to either replace old fencing infrastructure or install new fencing requirements based on annual budgeted allowances.
2. The appointment of a panel of fencing contractors is to ensure that Council officers have access to multiple contractors as there are often multiple fencing requirements/projects underway at similar time requirements.
3. The appointment of the contractors to this panel contract is a standard service delivery arrangement.
4. Nillumbik Shire Council typically spends around \$250,000 per annum on fencing requirements.
5. For any planned fencing works estimated at more than \$20k, a Formal Request for Quote (RFQ) to panel contractors will be issued; and



**12. Officers' reports****CM.093/21 Tender Report - Contract 2021-035 Provision of Annual Supply for Fencing Services**

- 
6. Appointed panel contractors must respond to the RFQ process either with a quote or with formal notice of unavailability due to other work.
  7. Under section 186 of the Local Government Act 1989, given the annualised cost of the fencing requirements, Council is required to issue a Public Tender process to replace the existing contracted arrangements for the service.

**Council plans and policies**

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

**Tender overview**

The Tender Evaluation Panel (TEP) advises that:

9. A public tender was issued on and advertised in the Melbourne Age on Saturday 13 February 2021.
10. The period for tender submissions closed at 2pm on Thursday 11 March 2021.
11. The following tenders were received.

<b>TENDERER</b>	<b>Tendered Sum</b>
<b>Tenderer A – Preferred Tender</b>	Schedule of Rates
<b>Tenderer B – Preferred Tender</b>	Schedule of Rates
<b>Tenderer C – Preferred Tender</b>	Schedule of Rates

12. 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.
13. No tenders were evaluated as non-conforming or not sufficiently competitive and subsequently set aside from further evaluation.
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	45%
Capability & Capacity	35%
Collaboration	10%
Social and Local	10%

**12. Officers' reports****CM.093/21 Tender Report - Contract 2021-035 Provision of Annual Supply for Fencing Services**

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;

Member Name	Position Title	Business Unit	Scoring Member or Advisory Member
Steven Blight	Construction Coordinator	Capital Works	Scoring
Greg Shaw	Open Space Team Leader Assets	Infrastructure	Scoring
Alex Stewart	Project Management Officer	Capital Works	Scoring
Lance Clark	Senior Procurement Specialist	Corporate Services	Advisory

17. The final evaluation outcome was as follows:

TENDERER	SCORE	RANK
Tenderer A	87	1
Tenderer B	81	2
Tenderer C	66	3

18. **Attachment 1** - Tender Evaluation Summary Report – Confidential, provides the tenderer names and the Evaluation Scorecard Summary.
19. 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*.

**Capacity and Capability**

20. All tenderers have the capacity and capability to provide the required services to council.
21. Tenderer C overall rates are higher than Tenderer A and B, but Tenderer C acts as a lead contractor with nine nominated fencing sub-contractors that will provide Council with further flexibility for urgent fencing repair works. In the previous contract, there have been numerous times that officers have been unable to readily access a fencing contractor to carry out urgent repair works.

**12. Officers' reports**

**CM.093/21      Tender Report - Contract 2021-035 Provision of Annual Supply for Fencing Services**

---

**Local and Social Benefits – Economic Sustainability**

- 22. All tenderers are located and operate within Nillumbik Shire Council and Banyule City Council areas, currently employing local residents.
- 23. Tenderer C – of the nine nominated fencing sub-contractors, six are from within the Northern Council Alliance areas; Nillumbik Shire, City of Whittlesea, Mitchell Shire and Banyule City. Tenderer C operations are located in Banyule City.

**Contingency and risks**

- 24. All tenderers were required to provide a COVID Safe Work Plan with their submission
- 25. For any planned fencing works estimated at more than \$20k, a Formal Request for Quote (RFQ) to panel contractors will be issued; and
- 26. Appointed panel contractors must respond to the RFQ process either with a quote or with formal notice of unavailability due to other work.
- 27. Due to experience in the previous contract, the following condition has been built into the terms of tendering.  
  
'If an invited panel supplier is not able commit to deliver required services against Formal RFQ's and/or fails to respond more than 4 times within a single contract year period, Council reserves the right to terminate the contracted arrangement and to invite another supplier to join the panel contract arrangement.'

**Collaboration**

- 28. Not Applicable.

**Budget implications**

- 29. Fencing costs are provided for in the annual budget process.

**Stakeholder Consultation/communication**

- 30. Not applicable.

**Innovation and continuous improvement**

- 31. Not applicable.

**Relevant law**

- 32. Section 186 of the Local Government Act 1989.

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

- 33. Not applicable.

**12. Officers' reports**

**CM.093/21      Tender Report - Contract 2021-035 Provision of Annual Supply for Fencing Services**

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**Conflicts of interest**

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

**12. Officers' reports**

**CM.094/21      Tender Report - Contract 2021-076 Arboricultural Consulting Service - Planning**

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**Distribution:    Public**

**Manager:        Rosa Zouzoulas, Executive Manager Planning and Community Safety**

**Author:          Renae Ahern, Manager Planning Services  
                     Lance Clark, Senior Procurement Specialist**

**Summary**

This report recommends the awarding of contract 2021-076 for Arboricultural Consulting Service – Planning.

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

This contracted service is a core business requirement and assists Council in meeting Council's statutory obligations under the *Planning and Environment Act 1987*.

The primary purpose of this contracted service is to provide expert arboricultural advice and support to Council in order for it to effectively administer and enforce the Nillumbik Planning Scheme.

The Tender Evaluation Panel (TEP) has assessed all submissions and this report provides a summary of their evaluation in recommending the awarding of the contract for 2021-076 for Arboricultural Consulting Service - Planning.

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.

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

1. Accept the tender submitted by the **preferred tenderer** for the schedule of rates disclosed in (**Attachment 1**) for the initial first year of contract, plus annual CPI increases applied for the remaining years of the contracted period and enter into the following contract:  
Number:      2021-076  
Title:         Arboricultural Consulting Service - Planning  
Term:         1 July 2021 to 30 June 2024  
Options:      Term extensions up to 30 June 2026
2. Authorises the Executive Manager Planning & Community Safety to finalise and execute the contract documentation.
3. Authorises the Executive Manager Planning & Community Safety to approve contract term extensions.

**12. Officers' reports****CM.094/21 Tender Report - Contract 2021-076 Arboricultural Consulting Service - Planning**

- 
4. Advises all tenderers accordingly.
  5. Makes public the decision regarding this contract but the Tender Evaluation Report (**Attachment 1**) remain confidential on the grounds specified in the definition of confidential information in section 3(1)(g) of the *Local Government Act 2020*.
  6. Resolves that the preferred tenderer be named.

**Attachments**

1. Tender Evaluation Summary Report - *CONFIDENTIAL*

**Discussion**

1. The primary purpose of this service is to provide expert arboricultural advice and support to Council in order for it to effectively administer and enforce the Nillumbik Planning Scheme.
2. This includes providing specialised arboricultural advice to assist in the assessment of planning applications, and to facilitate planning decisions that achieve the vegetative landscape, neighbourhood character and tree conservation objectives of the Nillumbik Planning Scheme.
3. The arboricultural advisor will report to the Manager Planning Services or equivalent at Council and will be located onsite at the Shire Office one to two days per week depending on volume of work.
4. Since February 2019, the Planning Services Department has generated 831 arborist referrals, which also included planning investigations. This equates to approximately 30 referrals per month over twenty-seven (27) month period.

Referral Type	Quantity
VicSmart	105
VicSmart Fast Track	34
Fast Track	141
Normal	551
<b>Total</b>	<b>831</b>

5. Operations Centre staff regularly apply for planning permits to undertake tree works using the consulting arborist's assessment as the means for justification. At times other Council Departments also engage consulting arborists for project work. During the assessment of a planning application, the planning consulting arborist would then review the planning application and make a recommendation around the proposed tree removal or tree management works.

**12. Officers' reports****CM.094/21 Tender Report - Contract 2021-076 Arboricultural Consulting Service - Planning**

- 
6. To ensure there is no conflict of interest (perceived or otherwise), the preferred tenderer cannot provide arborist consulting services to other areas of Council operations – i.e. Capital Works, Open Space.
  7. This new contract replaces an existing contract for same services.

**Council plans and policies**

8. This report directly supports the achievement of Council Plan 2017-2021 strategy
  - Ensure that Council meets its legal responsibilities and manages its risks.
  - Ensure responsible and efficient management of Council's financial resources.

**Tender overview**

The Tender Evaluation Panel (TEP) advises that:

9. A public tender was issued on and advertised in the Melbourne Age on Saturday 17 April 2021.
10. The period for tender submissions closed at 2pm on Thursday 13 May 2021.
11. There were six tenders received.
12. 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.
13. Only two tendered submissions were shortlisted for full evaluation.
14. The following tenders were evaluated as non-conforming or not sufficiently competitive and were subsequently set aside from further evaluation.

<b>TENDERER</b>	<b>Reasons why tender was set aside from further evaluation</b>
Tenderer C	Tendered submission was not submitted via the required e-tendering system. Under the terms and conditions of tendering – submission was rejected.
Tenderer D	Using tendered schedule of rates and annualised historical hours for service over the possible full contract term of 5 years – was 2nd highest tendered cost.
Tenderer E	Using tendered schedule of rates and annualised historical hours for service over the possible full contract term of 5 years – was equal highest tendered cost with Tenderer F.
Tenderer F	Using tendered schedule of rates and annualised historical hours for service over the possible full contract term of 5 years – was equal highest tendered cost with Tenderer E.

## 12. Officers' reports

**CM.094/21 Tender Report - Contract 2021-076 Arboricultural Consulting Service - Planning**

15. 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	25%
Capability (Quality/Technical)	30%
Capacity (Resources)	30%
Collaboration	5%
Social and Local	10%

16. 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.

17. The members of the TEP were:

Member Name	Position Title	Business Unit	Scoring Member or Advisory Member
Renae Ahern	Manager Planning Services	Planning & Community Safety	Scoring
Amanda Cuxson	Statutory Planning Coordinator	Planning & Community Safety	Scoring
Kamal Hasanoff	Statutory Planning Coordinator	Planning & Community Safety	Scoring
Lance Clark	Senior Procurement Specialist	Corporate Services	Advisory

18. The final evaluation outcome was as follows:

TENDERER	SCORE	RANK
Tenderer A – Preferred Tender	95/100	1
Tenderer B	77/100	2

19. The recommended tender was the highest ranked and is considered best value due to the clear capability and capacity to deliver against the service requirements.
20. **Attachment 1** - Tender Evaluation Summary Report – Confidential, provides the tenderer names and the Evaluation Scorecard Summary.



**12. Officers' reports**

**CM.094/21      Tender Report - Contract 2021-076 Arboricultural Consulting Service - Planning**

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21. 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*.

**Capability**

22. The recommended tender has the required skill set, supported by suitably qualified lead arborist and support staff. Has evidenced capability in other similar contract deliverables with other Councils.
23. Has proposed a six-month rotation of lead staff to work with the Nillumbik team. This approach allows for a high level of attention and engagement to be maintained, with a fresh perspective and new ideas continually being brought to the table.
24. Very clear explanation as to the time that will be allocated each week for the Nillumbik contract and the expected timeframes for providing referral comments.

**Capacity**

25. The recommended tenderer has the staff numbers and capacity to deliver the required services.
26. The tenderer has clearly outlined how they would deliver against the contracted service requirements, and what the expected turnaround times will be for referral comments.
27. Has clearly outlined and articulated what support can be provided to the planners.

**Tender Interviews.**

28. A tender interview was held with the recommended tenderer on Friday 28 May 2021.

**Contingency and risks**

29. Recommended tenderer has a COVID-19 Safe Work Plan in place.
30. Recommended tenderer has provided a clear methodology to ensure service delivery continuity in the event of arborist absence.

**Collaboration**

31. Not applicable.

**Budget implications**

32. The required service is accounted for in the annual operating budget planning process.

**Sustainability implications**

33. By default, the service provides support for the efficient operation of Council's Planning Services Unit with respect to tree related issues within the context of the Nillumbik Planning Scheme, through the provision of specialist arboricultural advice to inform planning application assessments.
34. The recommended tenderer base of operations is in Thomastown and is within the Northern Councils Alliance (NCA) municipal boundaries.

**12. Officers' reports**

**CM.094/21      Tender Report - Contract 2021-076 Arboricultural Consulting Service - Planning**

- 
- 35. The recommended tenderer currently employs 6 full time staff from within the NCA municipal boundaries.
  - 36. The recommended tenderer has in place ISO 14001:2015 accreditation for their environmental systems.
  - 37. The recommended tenderer has undertaken a Carbon Neutral Review of their operations in March 2021 with some clear understandings and findings of their greenhouse emissions and proposals as to how to reduce or offset.
  - 38. The recommended tenderer has in place, practices in gender equity. Their current gender ratio is 50% female and male. Their management review committee consists of four senior staff and a Director. Of these four senior staff, three are females.
  - 39. The recommended tenderer has close ties with an Indigenous Community in the Northern Territory, sending them clothing from St. Vincent's. They also send their out of contract mobile phones to the same Indigenous Community as staff mobile phones are replaced, equating to approximately 15 phones every two years.
  - 40. The recommended tenderer sponsors an ongoing award for Melbourne University called the Scott Sharp Award and sponsor an award of merit for the AQF\* Level 5 at Melbourne Polytechnic.

\* Australian Qualifications Framework

**Stakeholder Consultation/communication**

- 41. Not applicable.

**Innovation and continuous improvement**

- 42. Not applicable.

**Relevant law**

- 43. *Planning and Environment Act 1987.*
- 44. Section 186A of the *Local Government Act 1989.*

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

- 45. Not applicable.

**Conflicts of interest**

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

**12. Officers' reports****CM.095/21      Tender Report - Contract 2021-057 Sportsground Maintenance Services**

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**Distribution:    Public****Manager:        Hjalmar Philipp, Director Operations and Infrastructure****Author:          Joseph Emmanuel, Manager Infrastructure****Blake Hunton, Parks and Open Space Coordinator****Jeff Saker, Roads and Drains Maintenance Coordinator****Lance Clark, Senior Procurement Specialist****Summary**

This report recommends the awarding of contract 2021-057 for Sportsground Maintenance Services.

The contract term is for an initial period of five (5) years, with two (2) x one (1) year options to extend the contract. The total duration of the contract, including the exercise of any options, shall not exceed seven (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 2021-057 for Sportsground Maintenance Services.

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.

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

1. Accept the tender submitted by the preferred tenderer for the schedule of rates disclosed in (Attachment 1) for the initial first year of contract, plus annual CPI for All Groups Melbourne increases applied for the remaining years of the contracted period and enter into the following contract:  
Number:      2021-057  
Title:         Sportsground Maintenance Services  
Term:         1 September 2021 to 31 August 2026  
Options:      Term extensions up to two (2) years in total
2. Authorises the Director Operations and Infrastructure to finalise and execute the contract documentation.
3. Authorises the Director Operations and Infrastructure to approve contract term extensions.
4. Authorises the Director Operations and Infrastructure to approve additional service variations that are a result of changes to operational requirements throughout the term of the contract.


**12. Officers' reports**

**CM.095/21 Tender Report - Contract 2021-057 Sportsground Maintenance Services**

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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.

**Attachments**

1. Tender Evaluation Summary Report - *CONFIDENTIAL*
2.  List of Sportsgrounds

**Discussion**

1. This contract is for maintenance of the various Sportsgrounds throughout Nillumbik Shire Council.
2. The provision of Community Sports across the Shire for senior, junior and women's teams, provide exercise, social interaction and wellbeing for residents within the Shire and residents of surrounding Councils.
3. The provision of these sporting surfaces also provides financial opportunities from visiting users, to the towns in which these grounds are located.
4. The provision of high quality surfaces provides the opportunity for high quality play and top level competitions and in turn the opportunity for users to excel in their chosen sports.
5. With the demand from sporting clubs to provide a safe and playable surface 12 months of the year becoming their main priority, the services provided by this contract are non-negotiable.
6. The frequency of the services has been set out to fit in with the allocated budget and it is critical these works occur as a minimum to achieve the best possible playing surface.
7. This contract is put in place to provide the maintenance and upkeep to 19 sports grounds across the shire in line with the community and sporting clubs expectations.

**Council plans and policies**

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

**Tender overview**

9. The Tender Evaluation Panel (TEP) advises that:
10. A public tender was issued on 3 April 2021 and advertised in the Melbourne Age on Saturday 3 April 2021.
11. The period for tender submissions closed at 2pm on Thursday 6 May 2021.

**12. Officers' reports****CM.095/21 Tender Report - Contract 2021-057 Sportsground Maintenance Services**

12. Nine tenders were received.
13. 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.
14. After initial assessment of tendered submissions and schedule of rates, only five tenders were shortlisted for full evaluation.
15. The following tenders were evaluated as non-conforming or not sufficiently competitive and were subsequently set aside from further evaluation.

<b>Tenderer</b>	<b>Reasons why tender was set aside from further evaluation</b>
Tenderer F	Incomplete tendered submission
Tenderer G	Overall rates are 3rd highest
Tenderer H	Overall rates are 2nd highest
Tenderer I	Overall rates are highest

16. 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	40%
Capability	20%
Capacity	20%
Collaboration	10%
Social and Local	10%

17. 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.

## 12. Officers' reports

**CM.095/21 Tender Report - Contract 2021-057 Sportsground Maintenance Services**

18. The members of the TEP were;

Position Title	Business Unit	Scoring Member or Advisory Member
Parks & Open Space Technical Officer - Assets	Operations and Infrastructure	Scoring
Open Space Team Leader Assets	Operations and Infrastructure	Scoring
Parks and Open Space Coordinator	Operations and Infrastructure	Scoring
Operations Centre Lead	Operations and Infrastructure	Advisory
Senior Procurement Specialist	Corporate Services	Advisory

19. The final evaluation outcome was as follows:

Tenderer	SCORE	RANK
Tenderer A – Preferred Tender	86/100	1
Tenderer B	85/100	2
Tenderer C	83/100	3
Tenderer D	80/100	4
Tenderer E	73/100	5

20. The recommended tenderer was the highest ranked and is considered best value because of their overall tender response and ability to evidence their capability and capacity clearly. The recommended tenderers schedule of rates was the most competitive of the five shortlisted tenderers.
21. **Attachment 1** - Tender Evaluation Summary Report – Confidential, provides the tenderer names and the Evaluation Scorecard Summary.
22. 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*.

**Capability**

23. Has current contracts with other Councils delivering similar sportsgrounds maintenance services requirements. All works in contracts referenced align with works outlined in this contract.
24. Has in place Quality Management Systems and OH&S systems and processes.

## 12. Officers' reports

### CM.095/21 Tender Report - Contract 2021-057 Sportsground Maintenance Services

- 
- 25. Has significant active participation in community football and cricket clubs and have a clear understanding of community expectations in relation to sportsgrounds.
  - 26. Has experience working on, and preparing sports surfaces for a range of high class competitions and events such as Victorian Premier & Sub District Cricket, APS & AGS school sports, National Premier League soccer, Australian Super Rugby and AFL & VFL training grounds.

#### Capacity

- 27. Have appropriate staffing levels and plans to service the contract.
- 28. Key personnel have appropriate training, including in turf management, which is a condition of contract. Key personnel are actively involved in the delivery of 'on-ground' services, ensuring a high standard of work.
- 29. Has in place key relationship with a well-known and highly regarded turf services company that they can call on as needed to carry out works with verti draining, coring, top dressing and spraying.
- 30. Has committed to purchasing new plant and equipment to service the contract.

#### Tender Interviews and Reference checks

- 31. Tender interviews were held with three shortlisted tenderers on 8 June 2021.
- 32. The tender interview with the recommended tenderer, provided further insight into the company's passion for delivering positive outcomes for Community sportsgrounds and users of those sportsgrounds.

*"Additionally, being involved in various sporting clubs gives us a great understanding of how they operate and their expectations with regard to facility management"*

#### Contingency and risks

- 33. COVID-19 - Sports ground maintenance is an essential service due to the high use with residents taking advantage of the allocated exercise time during a lock down. If any of recommended contractors staff be unable to operate due to COVID-19 requirements (needing to self-isolate), the contractor can then call on their key sub-contractor to backfill the resource gap.
- 34. Weather plays a huge part in meeting deadlines outlined in the Contract specification. In the event of works be held up due to weather, contingencies can be put in place for the contractor to work longer days to meet time lines.
- 35. Financial stress – Future annual budgets may need to consider reducing allocation for Sportsground Maintenance Services. In this case Council would consider reducing a number of non-scheduled maintenance activities and lowering the Sportsground service standards to match budget constraints.

#### Collaboration

- 36. Not applicable.

**12. Officers' reports**

**CM.095/21 Tender Report - Contract 2021-057 Sportsground Maintenance Services**

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**Budget implications**

37. Funding for the upkeep and maintenance of Councils Sportsgrounds is managed within the annual budget planning process.

**Sustainability implications**

38. Current main depot base of the recommended tenderer is not a great distance from Eltham.
39. With the ability to store key plant and equipment within two locations within Nillumbik Shire Council – Yarrambat and Kangaroo Ground, will provide positive outcomes in relation to reductions in CO2 emissions by reducing travel.
40. Commitment by recommended tenderer to a 15% spend of total contract value with local suppliers based in the Northern Council Alliance areas.
41. Commitment to focus any recruitment requirements (based on candidate suitability) to within Nillumbik and Northern Council Alliance areas.

**Stakeholder Consultation/communication**

42. Not Applicable.

**Innovation and continuous improvement**

43. GPS technology is to be used while spraying, which automatically controls nozzles on a sprayer by allowing individual nozzles to turn off and on when required.
44. This reduces overlap to previously applied areas, individual nozzle control improves efficiency and overlap reduction decreases the total amount of product used, saving money by lowering the input costs as well as reducing environmental impacts.

**Relevant law**

45. Section 186 of the *Local Government Act 1989*.

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

46. Not applicable.

**Conflicts of interest**

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



## 12. Officers' reports

## CM.096/21 Tender Report - Contract 2021-056 Roadside Verge Mowing Services

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**Distribution:** Public

**Manager:** Hjalmar Philipp, Director Operations and Infrastructure

**Author:** Joseph Emmanuel, Manager Infrastructure  
Jeff Saker, Roads and Drains Maintenance Coordinator  
Lance Clark, Senior Procurement Specialist

**Summary**

This report recommends the awarding of contract 2021-056 for Roadside Verge Mowing Services.

The contract term is for an initial period of five (5) years, with two (2) x one (1) year options to extend the contract. The total duration of the contract, including the exercise of any options, shall not exceed seven (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 2021-56 for Roadside Verge Mowing Services.

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.

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


1. Accept the tender submitted by the **preferred tenderer** for the schedule of rates disclosed in (**Attachment 1**) for the initial first year of contract, plus annual CPI increases applied for the remaining years of the contracted period and enter into the following contract:  
Number: 2021-056  
Title: Roadside Verge Mowing Services  
Term: 1 September 2021 to 31 August 2026  
Options: Term extensions up to two (2) years in total
2. Authorises the Director Operations and Infrastructure to finalise and execute the contract documentation.
3. Authorises the Director Operations and Infrastructure to approve contract term extensions.
4. Authorises the Director Operations and Infrastructure to approve additional service variations that are a result of 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.096/21 Tender Report - Contract 2021-056 Roadside Verge Mowing Services

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**Attachments**

1. Tender Evaluation Summary Report - *CONFIDENTIAL*
2.  List of Roads

**Discussion**

1. This contract is to provide Council with a provider for seasonal Reach Arm (Roadside Verge) mowing services, to replace an existing contract that expires on 31 September 2021.
2. The awarding of this tender will support Council to;
  - (i) to maintain and improve community satisfaction with open spaces;
  - (ii) reduce rural and urban roadside hazards due to vegetation and
  - (iii) manage fuel loads to reduce risk of bushfire and bushfire hazards.
3. This new contract for the mowing program incorporates a total of 276 kilometres of rural roadside, which is an increase of 61 kilometres in comparison to the existing contract requirements.
4. This increase in mowing coverage has come about due to ongoing community feedback during the delivery of the existing contract and will deliver improved road safety outcomes - for example - improved vehicle sight lines, as well as an improved level of service, providing a positive outcome for Nillumbik's community.
5. The program has been broken up into rural and urban roads, with the rural roads component to be delivered before Christmas each year to support Councils bushfire mitigation and hazard reduction commitments.
6. The urban roads component will be delivered by the end of January each year.
7. The contract has been developed to allow the contractor to complete additional cuts per year if needed during the life of the contract.
8. In the event of La Nina seasonal periods and resulting high growth periods, by having known costings around additional cut requirements, Council can forward plan in relation to budgets.
9. The list of roads and locations are provided in **Attachment 2** – List of Roads

**Council plans and policies**

10. This report directly supports the achievement of Council Plan 2017-2021 strategy;
  - Meet Council's responsibilities for emergency management.
  - Ensure responsible and efficient management of Council's financial resources.

**12. Officers' reports****CM.096/21 Tender Report - Contract 2021-056 Roadside Verge Mowing Services****Tender overview**

The Tender Evaluation Panel (TEP) advises that:

11. A public tender was issued on 27 March 2021 and advertised in the Melbourne Age on Saturday 27 March 2021.
12. The period for tender submissions closed at 2pm on Thursday 29 April 2021.
13. Four tenders were received.
14. 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.
15. One tendered submission was incomplete and was subsequently set aside from further evaluation.
16. The remaining three tendered submissions were fully evaluated.
17. The following Evaluation Criteria and Weightings were applied during the evaluation of the conforming and competitive tenders. These weightings were set and agreed to by the Tender Evaluation Panel Members prior to the issue of the tender.

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

18. 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.
19. The members of the TEP were:

Position Title	Business Unit	Scoring Member or Advisory Member
Team Leader Open Space	Operations and Infrastructure	Scoring
Team Leader Amenity	Operations and Infrastructure	Scoring
Parks and Open Space Coordinator	Operations and Infrastructure	Scoring
Operations Centre Lead	Operations and Infrastructure	Advisory
Senior Procurement Specialist	Corporate Services	Advisory

**12. Officers' reports****CM.096/21 Tender Report - Contract 2021-056 Roadside Verge Mowing Services**

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20. The final evaluation outcome was as follows:

<b>TENDERER</b>	<b>SCORE</b>	<b>RANK</b>
Tenderer A – Preferred Tender	80/100	1
Tenderer B	79/100	2
Tenderer C	69/100	3

21. The recommended tenderer was the highest ranked and is considered best value because of their overall tender response and ability to evidence their capability and capacity clearly.
22. The recommended tenderers schedule of rates is slightly higher than Tenderer B – but the recommended tenderer provides a higher value proposition overall. Tenderer B main base of operations are located more than 100 kilometres south east of Eltham.
23. **Attachment 1** - Tender Evaluation Summary Report – Confidential, provides the tenderer names and the Evaluation Scorecard Summary.
24. 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*.

**Capability and Capacity**

25. A detailed and thorough tender response that demonstrated the company ability to undertake the contract in an efficient manner.
26. A well-established organisation.
27. Has been operating for 22 years.
28. Have more than adequate internal plant and operator resources to deliver against Nillumbik Council requirements and within the stated annual timeframes.
29. The 'on-time' delivery of the services within the annual timeframes is critical as the service is part of the Councils fire prevention management requirements and recommended tenderer has provided a structured service continuity outline and plan.

**Tender Interviews and Reference checks**

30. Tender interview was held with the recommended tenderer on 1 June 2021.
31. Tender reference check was undertaken with no issues noted.

**Contingency and risk**

32. Key risk for this contract is weather events which can sometime result in additional cuts – resulting in additional costs.

**12. Officers' reports**

**CM.096/21 Tender Report - Contract 2021-056 Roadside Verge Mowing Services**

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33. Under the terms of the contract, the awarded contractor must have in place service continuity arrangements to ensure that in the event of mechanical equipment breakdowns, there are contingency plans to access alternative equipment to ensure that the required services are completed within the required annual periods.

**Collaboration**

34. Not applicable.

**Budget implications**

35. Due to the increased roads and distances covered in the new contract schedule, there will be an increase in service costs.
36. This will be accommodated in the 2021/2022. Ongoing annual budget requirements will be managed via the annual budget planning process.

**Sustainability implications**

37. The recommended tenderer is based within the Northern Council Alliance group area.
38. The recommended tenderer currently employs 8 full-time, 4 part-time and 1 casual staff that reside within the Northern Council Alliance group area.
39. The recommended tenderer aims to employ 1 new employee in direct relationship to the contract deliverables.
40. 75 percent of the recommended tenderers operating expenses is spent with Local Suppliers & Businesses within the Northern Council Alliance group area.
41. By appointing a local business within the Northern Council Alliance group area, greenhouse emissions are reduced due to removing the need to transport equipment and crews over long distances to and from the Nillumbik Shire Council area.
42. Recommended tender has in place relationships with Ironside Recruitment Group (Social Enterprise) and Indigenous Employment Partners – which are engaged when employment opportunities arise.
43. Has in place Gender Equity Policy and employ on the basis of ability and trainability.
44. Given the nature of the service requirements, there are currently no market ready Electric Vehicle (EV) alternatives for tractors. Should there be market development in relation to EV tractors during the term of the contract, Council will work with the recommended tenderer to research and investigate options.

**Stakeholder Consultation/communication**

45. Not applicable.

**Innovation and continuous improvement**

46. Not applicable.

**Relevant law**

47. Section 186 of the *Local Government Act 1989*.

**12. Officers' reports**

**CM.096/21 Tender Report - Contract 2021-056 Roadside Verge Mowing Services**

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

48. Not applicable.

**Conflicts of interest**

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

50. There were no disclosable conflicts of interest raised.

**12. Officers' reports****CM.097/21      Informal Meetings of Councillors Records – 29 June 2021**

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

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

This report lists Informal Meetings of Councillors records submitted since the matter was last reported to Council on 25 May 2021.

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

1. Pre-meeting to Planning and Consultation Committee Meeting held 11 May 2021.
2. Arts and Cultural Advisory Committee Meeting held 17 May 2021.
3. Climate Action Plan Development Meeting held 18 May 2021.
4. Councillor Briefing held 18 May 2021.
5. Nillumbik Community Emergency Action Team Meeting held 24 May 2021.
6. Pre-Meeting to Council Meeting held 25 May 2021.
7. Living Learning Nillumbik Advisory Committee Meeting held 26 May 2021.
8. Councillor Briefing held 1 June 2021.
9. Positive Ageing Advisory Committee Meeting held 4 June 2021.
10. Youth Council Advisory Committee Meeting held 7 June 2021.
11. Pre-meeting to Planning and Consultation Committee Meeting held 8 June 2021.

<b>Officer Recommendation</b>
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**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 - 29 June 2021

**12. Officers' reports**

**CM.097/21      Informal Meetings of Councillors Records - 29 June 2021**

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**Discussion**

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

**Related Council decisions**

2. Not applicable.

**Options**

3. An Informal Meetings of Councillors is defined in *Item 19 of the Governance Rule – Meeting Procedure*. It is a meeting at which matters are considered that are intended or likely to be the subject of a Council decision or the exercise of delegated authority and which is either of the following:
  - Planned or scheduled meeting that includes at least half the Councillors and at least one Council officer. These meetings do not include meetings of Councillors and Council staff that are not planned or scheduled.
  - Meeting of an Advisory Committee where at least one Councillor is present. An Advisory Committee is any committee established by the Council, other than a special committee, that provides advice to the Council or to a special committee or to a member of Council staff who has been delegated a power or duty or function of the Council.
4. A record must be kept of any Informal Meeting of Councillors and include the names of all Councillors and Council staff attending, the matters considered, disclosures of conflict of interest and whether a Councillor left the meeting after making a disclosure.
5. In accordance with *Item 19 of the Governance Rule – Meeting Procedure*, Council is required to report as soon as practicable to a Council Meeting, a record of any Informal Meetings of Councillors held.
6. The recommendation contains the list of Informal Meetings of Councillors records submitted since the matter was last reported to Council on 25 May 2021.

**Conclusion**

7. It is recommended that Council receives the records of recent records of Informal Meetings of Councillors as contained in this report, fulfilling *Item 19 of the Governance Rule – Meeting Procedure*.

**Council plans and policies**

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

**Sustainability implications**

9. None required.

**Community engagement**

10. Not applicable.



**12. Officers' reports**

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**Innovation and continuous improvement**

11. Not applicable.

**Collaboration**

12. None required.

**Budget implications**

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

**Relevant law**

14. *Local Government Act 2020.*

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

15. None applicable.

**Conflicts of interest**

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

**12. Officers' reports**

**CM.097/21      Informal Meetings of Councillors Records - 29 June 2021**

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**13. Notices of Motion****NOM.003/21 Request to apply Heritage Overlay to 14 Browns Lane Plenty**

Cr Richard Stockman advised of his intention to move the following:

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

1. Notes that Officers under delegation have requested the Minister for Planning, to exercise the power under section 20(4) of the *Planning and Environment Act 1987* to prepare, adopt and approve an amendment to the Nillumbik Planning Scheme to apply the Heritage Overlay to 14 Browns Lane Plenty on an interim basis;
2. Requests the Minister for Planning, under Section 8A of the Planning and Environment Act 1987, to authorise the preparation of an amendment to the Nillumbik Planning Scheme to apply the Heritage Overlay to 14 Browns Lane Plenty on a permanent basis; and
3. In relation to point 2 above, undertake public exhibition of the proposed planning scheme amendment should authorisation to apply the permanent control be granted.

**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.098/21 Montsalvat Agreement 2021 - 2024 - Confidential**

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

<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**