

Council Meeting

to be held at the Civic Centre, Civic Drive, Greensborough
on Tuesday 14 December 2021 commencing at 7:00pm.

Agenda

Carl Cowie
Chief Executive Officer

Thursday 9 December 2021

Distribution: Public

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Council ChamberCouncil Meeting seating plan

Cr Natalie Duffy Edendale Ward				Cr Peter Perkins Ellis Ward
Cr Karen Egan Bunjil Ward				Cr Ben Ramcharan (Deputy Mayor) Sugarloaf Ward
Cr Richard Stockman Blue Lake Ward				Cr Geoff Paine Wingrove Ward
Katia Croce Governance Lead	Blaga Naumoski Executive Manager Governance, Communications and Engagement	Cr Frances Eyre (Mayor) Swipers Gully Ward	Carl Cowie Chief Executive Officer	

Nillumbik Shire Council

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Nillumbik Shire Council

**Agenda of the Meeting of Nillumbik Shire Council to be held
Tuesday 14 December 2021 commencing at 7:00pm**

1. Welcome by the Mayor

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

2. Acknowledgement of Country by the Mayor

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

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

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

3. Good Governance Pledge

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

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

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

4. Prayer

A prayer will be read.

5. Apologies

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

Recommendation

That the apologies be noted.

6. Presentations

7. Confirmation of Minutes

Confirmation of the minutes of the Extraordinary Council Meeting held on Wednesday 24 November 2021 and the Council Meeting held on Tuesday 30 November 2021.

Recommendation

That Council confirms the minutes of the Extraordinary Council Meeting held on Wednesday 24 November 2021 (**Attachment 1**) and Council Meeting held on Tuesday 30 November 2021 (**Attachment 2**).

8. Disclosure of conflicts of interest

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

9. Petitions

10. Questions from the gallery

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11. Reports of Advisory Committees

AC.015/21 Advisory Committee Report - 14 December 2021

Distribution: Public

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

Author: Janet Taylor, Governance Officer

Summary

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

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

1. Environment and Sustainability Advisory Committee Meeting held 18 August 2021;
2. Economic Development Advisory Committee Meeting held 30 September 2021;
3. Positive Ageing Advisory Committee Meeting held 1 October 2021;
4. Youth Council Advisory Committee Workshop held 11 October 2021;
5. Health and Wellbeing Advisory Committee Meeting held 14 October 2021;
6. PHBRS Users Group Advisory Committee Meeting held 21 October 2021;
7. Positive Ageing Advisory Committee Meeting held 5 November 2021; and
8. Recreational Trails Advisory Committee Meeting held 17 November 2021.

Attachments

- ⇒1. Advisory Committee Meeting Minutes reported 14 December 2021

Recommendation

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

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12. Officers' reports

CM.160/21 Proposed Amendments C143 and C144 to the Nillumbik Planning Scheme - Implementation of the Eltham and Diamond Creek Major Activity Centre Structure Plans (2020)

Distribution: Public

Manager: Rosa Zouzoulas, Executive Manager Planning and Community Safety

Author: Paul Fyffe, Senior Strategic Planner

Julie Paget, Strategic Planner

Leigh Northwood, Strategic Planning Lead

Summary

This report proposes that Council take the formal steps to commence and exhibit Amendments C143 and C144 to the Nillumbik Planning Scheme, which will implement and give statutory weight to the Eltham and Diamond Creek Major Activity Centre Structure Plans (2020).

The Amendment supports a priority action of the 2021-2025 Council Plan, which is to implement the adopted structure plans for the Eltham and Diamond Creek Major Activity Centres into the Scheme. The Amendments propose planning scheme changes which will particularly:

- Cite the 2020 Structure Plans as the relevant reference document.
- Improve particular urban design and land use restrictions.
- Make some minor, site specific changes to existing building height limits, whilst retaining extensive use of tight mandatory height controls and modest height limits.
- Further support the role of vegetation in cooling the urban environment.
- Make a series of administrative updates.
- For Eltham, extend application of Schedule 1 to the Activity Centre Zone (ACZ1) to the Bridge Street Business Area.

The proposed changes will retain and improve the key settings of the current suite of planning provisions in the Planning Scheme.

Pursuant with the *Planning & Environment Act 1987*, Council must request and receive authorisation from the Minister for Planning to “prepare” (i.e. commence) and exhibit the Amendments.

Subject to authorisation from the Minister Council may prepare and exhibit the Amendments which would include formal notification and (potentially) a Planning Panel to hear any objections and make recommendations on the amendment.

12. Officers' reports**CM.160/21 Proposed Amendments C143 and C144 to the Nillumbik Planning Scheme - Implementation of the Eltham and Diamond Creek Major Activity Centre Structure Plans (2020)**

Recommendation

That Council:

1. Requests the Minister for Planning, under Section 8A of the *Planning and Environment Act 1987*, to authorise the preparation and exhibition of Amendments C143 and C144 to the Nillumbik Shire Planning Scheme; and
2. On receipt of that authorisation, places Amendments C143 and C144 to the Nillumbik Planning Scheme on exhibition.

Attachments

- ⇒1. Timeline of key steps in planning for the Eltham and Diamond Creek Major Activity Centres
- ⇒2. Extent and precincts of the Eltham MAC
- ⇒3. Extent and precincts of the Diamond Creek MAC
- ⇒4. Current mandatory and discretionary height limits in the Eltham and Diamond Creek MAC's
- ⇒5. Proposed height changes in the Eltham MAC
- ⇒6. Proposed height changes in the Diamond Creek MAC
- ⇒7. Amendments C143 and C144 - Table of key proposed planning scheme changes
- ⇒8. Explanatory report for Amendment C143 (Eltham MAC)
- ⇒9. Explanatory report for Amendment C144 (Diamond Creek MAC)
- ⇒10. Proposed ACZ1 Schedule (Eltham MAC) with some explanatory comments
- ⇒11. Proposed ACZ2 Schedule (Diamond Creek MAC) with some explanatory comments
- ⇒12. Proposed SLO1 (Eltham Town Centre) with points of change highlighted
- ⇒13. Proposed SLO6 (Diamond Creek MAC) with points of change highlighted
- ⇒14. Proposed Clause 11.03-1L (Activity Centres in Nillumbik) with additions highlighted.

12. Officers' reports**CM.160/21 Proposed Amendments C143 and C144 to the Nillumbik Planning Scheme - Implementation of the Eltham and Diamond Creek Major Activity Centre Structure Plans (2020)**

DiscussionMajor Activity Centres and Structure Plans

1. State Government Planning Policy stipulates that there are over 100 Major Activity Centres (MAC) in metropolitan Melbourne, as part of a hierarchy of activity centres, Metropolitan, major, neighbourhood and convenience.
2. A MAC is intended to be a centre, well-connected to public transport, where housing, commercial and social activity should be consolidated to provide a highly accessible and attractive hub for the local community to work, shop, live etc.
3. State Government Policy first created MAC's in 2002, including to designate that there will be two in the Shire, which are one at Eltham and one at Diamond Creek.
4. Important sustainability gains are sought by activity centre planning, such as reducing car dependency. A short summary is provided towards the end of this report under "Sustainability Implications" regarding these intended gains.
5. In addition to stipulating the number and location of MAC's, State Government Policy requires the local government area for each MAC to:
 - Develop and adopt a structure plan to guide development of the MAC; and
 - To import provisions into the planning scheme which will implement the plan.

The Activity Centre Zone

6. The State Government's preferred planning provision to implement a structure plan is the Activity Centre Zone (ACZ).
7. The ACZ has significant benefits. For example:
 - It contains land use and development requirements in the zone, which simplifies the number of planning provisions required to implement a structure plan.
 - Unlike most other zones, and importantly, it gives Council capacity to set the urban design requirements (e.g. maximum building heights, building articulation and setbacks) and restrictions on land use.
8. However:
 - The content of an ACZ, as with any planning provision, has to be approved by the Minister for Planning through the planning scheme amendment process.
 - The State Government will endeavour to advance State policy in regard to activity centre planning and will oppose proposed planning provisions which it deems will prevent sufficient growth in an activity centre.
 - The ACZ does not provide any permit triggers to protect vegetation. A separate provision, such as a Significant Landscape Overlay, must be used.

12. Officers' reports

CM.160/21 Proposed Amendments C143 and C144 to the Nillumbik Planning Scheme - Implementation of the Eltham and Diamond Creek Major Activity Centre Structure Plans (2020)

A Summary of Planning for the Eltham and Diamond Creek MAC's

9. A timeline of planning for the Shire's two MAC's is provided as **Attachment 1**. As detailed in the timeline, the two MACs have been planned concurrently, including:
- Adoption of a first structure plan, which was in 2004 for Eltham and 2006 for Diamond Creek
 - First application of substantive activity centre provisions to each centre in 2014, which was by gazettal of Amendments C51 (Eltham) and C53 (Diamond Creek). (These amendments introduced many of the existing urban design and land use settings, including extensive use of mandatory height limits and modest height limits ranging from 3 to 5 storeys in both centres.)
 - Translation of the activity centre provisions in 2016 to Schedule 1 to the Activity Centre Zone (ACZ1) for Eltham and the ACZ2 for Diamond Creek
 - Adoption by Council of a new structure plan in 2020 for each MAC. A map of the extent and precincts of each MAC, as defined by the current 2020 plans, is provided as **Attachment 2 (Eltham)** and **Attachment 3 (Diamond Creek)**.
10. It is brought to Council's attention that:
- Development of the 2020 structure plan for each centre was informed by extensive rounds of public engagement.
 - The direction and recommendations of each 2020 structure plan were significantly informed by an urban design report compiled for each centre.
11. The urban design reports just referred to were produced in close consultation with a Council advisory group, which was specifically convened for that purpose and which comprised community members. The group was led by two appointed Councillors and was assisted by officers and an urban design consultant.
12. The previous and existing (2020) structure plans provide very similar objectives and settings. For example, subject to the plans, each centre will:
- Primarily comprise the main commercial precinct(s), an adjacent industrial precinct and public open space within the Diamond Creek corridor.
(NB: The 2020 Eltham Structure Plan brings the St Vincent's Aged Care Facility in Diamond Street and Andrew Park into the activity centre, but plans for their existing uses to continue).
 - Have its development concentrated in existing developed areas, whilst parkland is to be protected for its environmental, landscape and recreational uses.
 - Achieve a preferred character that exemplifies the local heritage and the centre's location on the rural fringe. To this end, development is to be modest in scale, respect the local topography, be well-landscaped and use muted tones and materials.
 - Protect and enhance the contribution of vegetation, particularly indigenous vegetation, to the existing character and amenity.

12. Officers' reports**CM.160/21 Proposed Amendments C143 and C144 to the Nillumbik Planning Scheme - Implementation of the Eltham and Diamond Creek Major Activity Centre Structure Plans (2020)**

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- Be safe, inclusive and easily accessible, particularly for pedestrians and cyclists.
13. Currently, only the previous structure plans for each MAC are implemented by the Nillumbik Planning Scheme, which is done by the following provisions:
- The ACZ1 for Eltham and the ACZ2 for Diamond Creek.
 - Schedules to the Significant Landscape Overlay (SLO), which are the SLO1 for the Eltham Town Centre and the SLO6 for the Diamond Creek MAC.
 - The application of the Public Park and Recreation Zone (PPRZ) to parkland, which is a zone used to protect and manage public open space.
 - Some policy within the planning policy framework.
14. In addition, in the Eltham MAC, the Industrial 3 Zone (IN3Z), not the ACZ1, is applied to the MAC's industrial precinct. This precinct, which is located in Bridge Street and surrounds, is referred to as the Bridge Street Business Area (BSBA).
15. The settings of the ACZ schedules, SLO schedules and Planning Policy Framework are very similar for each MAC, noting:
- A maximum building height limit, which ranges from 3 storeys (10.5m) to 5 storeys (17.5m), is applied by the ACZ schedules.
 - The 3 storey height limit is a mandatory (non-negotiable) height limit and is applied to a significant area of the Eltham Town Centre and the Diamond Creek MAC. The existing application of mandatory and discretionary height limits in both MAC's is shown in **Attachment 4**.
 - A minimum front setback from the kerb of 5.5 metres is applied and upper levels of higher buildings are required to be further setback (ACZ schedules).
 - In many locations a top storey is to be in the roof and roofs are generally required to be pitched (ACZ schedules).
 - Design techniques and materials typical for the Shire and each locality are promoted, such as use of natural and muted exterior materials, minimising earthworks and making generous use of landscaping, particularly using indigenous vegetation (ACZ schedules).
 - The loss of significant vegetation is minimised by a requirement in a sizeable area of each MAC that requires a permit to remove a substantial tree (SLO schedules) where objectives of the SLO are to retain substantial trees.
 - Community and commercial activity is to be consolidated into each activity centre (Planning Policy Framework).
 - Different roles and land uses are assigned to each part of an activity centre (ACZ schedules and the Planning Policy Framework).

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16. These settings have existed in the Nillumbik Planning Scheme since 2014 and have significant benefits, including:
- Each activity centre is compact and development is significantly restricted to existing traditional areas of development and within modest building heights.
 - Where applied, mandatory controls have removed any possibility of higher development and have probably had a flow on effect in supporting non-mandatory height limits where these are applied.
 - The SLO's offer legally enforceable protection for substantial trees.
 - Different parts of each centre are allocated roles which are tailored to protecting any important existing values, whilst supporting the overall vitality and viability of the centre.
17. The modest height limits, use of mandatory controls, application of the SLO schedules and application of compact activity centres were all hard fought gains in deliberations with the State Government between 2008 and 2014, noting the State government wanted more relaxed controls for each centre. In the context of the wider metropolitan area, the Shire's MAC's are considered significantly restrictive in terms of the development and impacts allowed.
18. However, there is a need to make changes to the relevant sections of the planning scheme for the following reasons:
- The scheme does not refer to Council's current 2020 structure plans and a continuation of this situation will eventually undermine Council's planning decisions in relation to each centre, including at VCAT.
 - The current requirements in the ACZ schedules regarding roof shape and form have been problematic by way of being too prescriptive and complicated. Applicants have struggled to understand the requirement for a top storey to be in the roof and the quality of the design response has not been beneficial. The 2020 structure plans recommend that this top storey requirement be removed.
 - Setting a minimum 5 m front setback from the kerb is creating undue pressure for insufficient setbacks in certain areas, such as in residential areas where a larger setback should occur to protect and enhance vegetation. There have been community requests for this issue to be addressed and the structure plans recommend this occur by determining the front setback from the property boundary, rather than the kerb.
 - There are opportunities to vary height restrictions, whilst still retaining the 3-5 storey height limits. For example, the structure plans recommend:
 - Some minor increases in height limits in parts of the Eltham station precinct from 3 to 4 storeys and from 4 to 5 storeys. This includes a minor reduction in the application of the mandatory (3 storey) height control at the station.
 - Two very minor areas of reduction in height limit from 4 to 3 storeys and from 5 to 4 storeys in Diamond Creek.

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These proposed changes in height limit are shown in **Attachment 5** (Eltham) and **Attachment 6** (Diamond Creek).

- As the effects of climate change escalate, the need to recognise the increasingly important role of vegetation in providing urban cooling, such as by providing shade, needs to be recognised and supported. This is not currently sufficiently recognised as vegetation is principally regarded for its role in providing amenity.
- The existing land use settings applied by the ACZ (i.e. the settings that determine which uses are promoted and discouraged in particular areas) need some improvements. These are not only improvements to better reflect the existing structure plan, but also to address inconsistencies when the current settings in the ACZ schedules were translated from the previous state-wide generic zones (see **Attachment 1** for background to this issue).
- In Eltham, there is a continued lack of guidance currently in the Nillumbik Planning Scheme for the Bridge Street Business Area (BSBA), largely because:
 - The IN3Z applies land use settings which are not sufficiently tailored to the mix of uses intended by the successive structure plans. This currently makes it possible for certain inappropriate uses, such as a supermarket, to easily establish in the BSBA.
 - No urban design provisions (e.g. building height limits, setbacks, use of particular materials, or measures to protect pedestrian safety) are applied.

The Eltham MAC Structure Plan recommends the ACZ be applied to the BSBA.

Recommended Changes to the Planning Scheme Provisions

19. Considering these matters, it is recommended that the planning scheme be modified to reflect and implement the current 2020 structure plans. These modifications primarily include:
- To cite the new structure plans as the reference documents for the relevant planning provisions.
 - Modify the ACZ schedules to:
 - Update the precinct mapping and numbering and also the stated objectives and requirements.
 - Simplify the requirements regarding roof shape and form, including to remove any requirement for a top storey to be in the roof.
 - Measure front setbacks from the property boundary.
 - Provide more urban design guidance, including by visuals.
 - Articulate and support the role of vegetation in provide urban cooling, including to provide scope for non-indigenous trees where required to provide good shade (e.g. in key public areas), whilst still setting an overall preference and theme for indigenous vegetation in the centre.

12. Officers' reports**CM.160/21 Proposed Amendments C143 and C144 to the Nillumbik Planning Scheme - Implementation of the Eltham and Diamond Creek Major Activity Centre Structure Plans (2020)**

- Update and modify restrictions on land use to address some issues and inconsistencies. For example, to better regulate certain uses which could have an adverse impact on each centre.
- Apply slightly different height limits in a small part of each centre, as shown in **Attachments 5 and 6**, whilst still retaining both a height range of 3-5 storeys and significant use of mandatory height limits.

20. In addition, in Eltham, to:

- Remove Schedule 7 to the Significant Landscape Overlay (SLO7) from 1-13 Henry Street, Eltham. Both the SLO1 (Eltham Town Centre) and the SLO7 (Eltham Gateway) are applied to the site. This is an error, as only the SLO1 should be applied.
- Apply the ACZ to the BSBA for the purpose of:
 - Setting land use restrictions which are tailored to promote the preferred mix and location of uses and better maintain and protect the different and intended roles of the BSBA and Eltham Town Centre.
 - Applying urban design provisions and requirements, including to:
 - Apply setback requirements which are designed to minimise the impact of buildings on the streetscape and/or provide for landscaping. A significant setback of 22 metres is proposed for development along Bridge Street.
 - Provide objectives and requirements which promote good quality design.
 - Apply height limits for the first time, which will be discretionary height limits which range from 3 storeys (set as 12m) to 4 storeys (16m).

21. The proposed height limits for the BSBA will not alter the existing range of maximum height limits within the MAC, which range from a low of 10.5m to a modest 17.5m.

22. These changes, as listed above, principally require changes to the ACZ schedules and a much lesser scope of changes to the SLO schedules and Planning Policy Framework.

23. Importantly, all the proposed changes outlined above retain:

- Low to modest height limits (3-5 storeys), with extensive application of mandatory height limits to sensitive areas.
- Compact activity centres.
- Protection of each MAC's green corridor for environmental, aesthetic and recreational values.
- Tree protection controls (through the SLOs).

12. Officers' reports**CM.160/21 Proposed Amendments C143 and C144 to the Nillumbik Planning Scheme - Implementation of the Eltham and Diamond Creek Major Activity Centre Structure Plans (2020)**

Proposed Planning Scheme Amendments C143 and C144

24. The proposed planning scheme changes (outlined above) to implement each structure plan require a planning scheme amendment. It is preferable to conduct separate planning scheme amendments for each of Eltham and Diamond Creek, as this will be far easier for the community to respond to. Consequently, the following amendments have been drafted:
- Amendment C143 to implement and give statutory weight to the Eltham MAC Structure Plan (July 2020)
 - Amendment C144 to implement and give statutory weight to the Diamond Creek MAC Structure Plan (September 2020).
25. A table of the key changes proposed by the Amendments is provided as **Attachment 7** and the following key documents for the proposed Amendments are provided:
- The explanatory report for the Amendments are provided as **Attachments 8 (C143 – Eltham)** and **Attachment 9 (C144 – Diamond Creek)**.
(Each explanatory report explains the Amendment and demonstrates how it responds to planning policy, Ministerial Directions and State Planning Practice Notes.)
 - The proposed ACZ schedules are provided as **Attachment 10 (ACZ1 for Eltham)** and **Attachment 11 (ACZ2 for Diamond Creek)**. Each schedule is provided with officer comments that explain certain key changes.
 - The proposed SLO Schedules are provided as **Attachment 12 (SLO1 – Eltham)** and **Attachment 13 (SLO6 – Diamond Creek)**. The points of proposed change in each schedule are highlighted.
 - The proposed revised section of the Planning Policy Framework, namely, LPP 11.03-1L-01 (Activity Centres in Nillumbik) is provided as **Attachment 14**. Proposed additions are highlighted.
26. For the Amendments to be successful, the following steps will need to occur:
- a) The Minister of Planning authorises Council to commence and exhibit the Amendments;
 - b) The Amendments are fully exhibited;
 - c) A Planning Panel considers any submissions which Council cannot address; and
 - d) Council adopts the Amendments (potentially with changes) and the Minister approves the adopted Amendments (potentially with changes).
27. Amendments such as these are expected to take 12-18 months to complete.

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28. The exhibition process for the Amendments will provide an opportunity for the community to provide any feedback it wishes on the Amendments, broad or specific. It will also provide an opportunity for Council to explain that:
- The requirement that the MAC's provide substantial growth (e.g. in retail and medium density housing) is set by State Government planning policy.
 - Much of the current content of the provisions has been in place since 2014, such as the mandatory height controls and the 3-5 storey height limits
 - That existing restrictions (e.g. height and tree restrictions) were the tightest that the State Government would allow in 2014.
 - The changes proposed by the Amendments retain and improve key settings applied by the current provisions.
29. It is recommended that Council requests the Minister to authorise the commencement and exhibition of the Amendments. If the authority is promptly granted, exhibition of each Amendment is expected to occur, concurrently, in early to mid-2022.
30. A report on submissions to the exhibition of the Amendments would be presented to Council's Planning and Consultation Committee at the earliest opportunity and within statutory timelines set by the State Government's amendment process.

Related Council decisions

31. The Council Meeting of July 2020 adopted the existing Eltham Major Activity Centre Structure Plan and the meeting of September 2020 adopted the existing structure plan for the Diamond Creek Major Activity Centre.
32. Further, the Council Meeting of October 2021 adopted the Council Plan 2021-2025, which includes as a priority action to:
- Implement the Major Activity Centre Structure Plans for Diamond Creek and Eltham into the Planning Scheme.*

Options

33. The option recommended to Council is to take the necessary steps to commence and exhibited Amendments C143 and C144. To do so is consistent with:
- The Council Plan 2021-2025.
 - Council's responsibility to manage the Nillumbik Planning Scheme and implement activity centre policy for the Shire's Major Activity Centres.
34. Were Council to not pursue the Amendments, it is expected that this could have the following significant implications:
- Council's provisions in the Scheme to guide development of the Shire's Major Activity Centre's would become increasingly outdated and ineffective, including at VCAT.
 - A number of improvements needed to the current provisions, such as setting front setbacks from the property boundary, would not be made.

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- The State Government may take on a more “hands on” approach in applying revised activity centre provisions to the centres.
- 35. It is emphasised that the Amendment process provides significant opportunity for Council to further consider the proposed Amendments, including by considering submissions received and (if required) the recommendations of an independent Planning Panel.
- 36. However, only the Minister for Planning can approve the Amendments and there is an overall requirement that the Amendments support State Government policy.

Council plans and policies

- 37. This report directly supports the achievement of the Council Plan 2021-2025 strategy:
 - We promote place making and shaping and advocate for the continuation and enhancement of local character.
- 38. Further, this report directly supports the achievement of the priority action (mentioned above) in the Council Plan 2021-2025, which is to implement the 2020 structure plans into the Nillumbik Planning Scheme.

Sustainability implications

- 39. Important social, environmental and economic objectives are sought by the State Government’s activity centre planning. For example, to:
 - Reduce car dependency by consolidating housing, employment, public transport and shops and services in close walking distance of each other.
 - Plan for our ageing population by consolidating housing diversity in close walking distance to shops and public transport.
 - Strengthen the local economy by consolidating commercial activity and providing more local employment.
 - Reflect a preferred local character for each MAC.
 - Reduce pressure to extend the Urban Growth Boundary (UGB) by strategically consolidating within the boundary.

Community engagement

- 40. It is intended that the Amendments will be exhibited concurrently and exhibition of each Amendment would include:
 - Written notification to:
 - owners and occupiers in and abutting the activity centre
 - Relevant Ministers and authorities
 - Information sessions for the public (virtual and/or face to face).
 - Notification through Council’s usual formats, such as Participate Nillumbik and social media.
 - Providing various options to the public to provide written submissions.

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CM.160/21 Proposed Amendments C143 and C144 to the Nillumbik Planning Scheme - Implementation of the Eltham and Diamond Creek Major Activity Centre Structure Plans (2020)

41. All submissions received to each Amendment will be considered by a future meeting of Council's Planning and Consultation Committee and a Council meeting.

Innovation and continuous improvement

42. The intent of the proposed planning scheme amendments is to improve Council's planning policies that guide development of the two MAC's in the Shire.

Collaboration

43. Development and implementation of the structure plans has and will continue to be based on effective collaboration between relevant units within Council and with external agencies, such as Melbourne Water and DELWP.

Budget implications

44. The proposed planning scheme amendments are fully budgeted from Council's 2021/22 and 22/23 strategic planning amendments budget.

Relevant law

45. The *Planning and Environment Act 1987* sets the legal framework for the planning scheme amendment process and gives legal force to Victorian planning schemes.

Regional, state and national plans and policies

46. Council is required by the State Government's planning framework to implement Activity Centre Policy in the municipality through the Nillumbik Planning Scheme.

Conflicts of interest

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

12. Officers' reports**CM.170/21 Kangaroo Ground War Memorial Park Management Plan**

Distribution: Public**Manager: Rosa Zouzoulas, Executive Manager Planning and Community Safety****Author: Andrew Feeney, Senior Urban Designer****Summary**

The recommended management plan for adoption outlines a range of capital expenditure improvement works that would be implemented according to a defined level of priority for delivery over a nominated seven-year timeframe, subject to allocation of funding and potential grant funding opportunities. The management plan also proposes increased annual operational expenditure for improved ongoing landscape maintenance.

An adopted management plan, as recommended, will enable Nillumbik Shire Council to maintain and enhance the existing essential character and function of the memorial park with minimum change and moderate investment.

Recommendation is made in this report for the adoption of the Kangaroo Ground War Memorial Park Draft Management Plan as the management plan for the park, subject to identified changes to be made to the draft management plan, including changes that have been informed by community feedback.

The timing of the recommendation for the adoption of a management plan is to enable January 2022 funding allocation of priority works in the 2022-2023 capital works budget (e.g., replacement of identified dying trees of heritage significance) subject to Council endorsement.

Recommendation

That Council:

1. Adopts the Kangaroo Ground War Memorial Park Draft Management Plan (**Attachment 1**) as the management plan for the Kangaroo Ground War Memorial Park, subject to the following changes being made to the draft management plan:
 - a) Including in the reference made in the draft management plan to the investigation into an alternate park road access (that is outside of the scope of the draft management plan), that the existing Moor-rul grasslands will not, in principle, be adversely impacted.
 - b) Noting in the management plan that consideration be given in the design of the Memorial Gardens to include some amount of rosemary planting to complement the existing Lone Pine and its significance to the Anzacs, as compensation for the removal of the existing rosemary planting as part of the Stone Edge Reinstatement around the Tower Base works in the draft management plan.
 - c) Noting in the management plan that consideration be given to the recycling of the existing cypress trees in the park that are to be replaced/ removed in the draft management plan, including the potential use of the tree timber in and/ or associated with park works outlined in the draft management plan.

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- d) Noting in the management plan that consideration be given to the potential use of the salvaged timber from the original tower stair in and/ or associated with park works outlined in the draft management plan.
 - e) Inclusion of capital expenditure external improvement works in the management plan, to improve the appearance of the caretaker's residence (house) and to better visually integrate it within the park, i.e., removal of existing park/ yard vegetation (of no- to moderate retention value) blocking views and replacement with new planting, and provision of more presentable replacement yard fencing addressing the park, including budget allocation for the work provisionally estimated to be in the order of \$65,000 (+/- 20%) — amount to be confirmed in the cost plan of the management plan.
 - f) Explanation in the management plan of the level of the 'Priority sites' maintenance standard for the park that is identified to be increased in the draft management plan.
 - g) Amendment of any apparent technical anomalies in the draft management plan, including descriptions and budget calculations for detailed scope of work items.
 - h) Dating of the management plan as adopted on 14 December 2021.
- 2. Notes that the above changes to the draft management plan and its finalisation as the adopted management plan are planned to be undertaken by end January 2022, to inform Council's capital works budget allocations for the ~~2021-2022 FY~~ **2022-2023 FY**.
 - 3. Instructs Officers to notify all submitters to the exhibition of the draft management plan, and park stakeholders, advising of Council's resolution, and expressing Council's gratitude for their contribution.
 - 4. Subject to point 1., instructs Officers to publish the adopted management plan on Council's Participate Nillumbik website, and notify all submitters to the exhibition of the draft management plan, and park stakeholders, of the availability of the adopted management plan.

Attachments

- ⇒1. Kangaroo Ground War Memorial Park Draft Management Plan

Discussion

- 1. The Kangaroo Ground War Memorial Park Draft Management Plan (**Attachment 1**) was exhibited for community feedback on Participate Nillumbik for twenty-eight days, from 30 August to 28 September 2021.
- 2. In accordance with Council's resolution at the 24 August 2021 Council Meeting to exhibit the draft master plan, the results and findings from the submissions to the exhibition of the draft management plan were reviewed with attending park stakeholders identified in the draft management plan.

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3. The results and findings from the submissions to the exhibition of the draft management plan, and the outcomes from the review meeting with park stakeholders were provided to Councillors for their consideration and feedback.
4. Feedback from Councillors indicated the following in relation to the three sets of options identified in response to the results and findings from the submissions to the exhibition of the draft management plan and the outcomes from the review meeting with park stakeholders:
 - i. Park entry road and car parking:
 - That any road (and existing car park) improvements should be excluded from the management plan (as per the draft), and
 - That reference to the separate alternate park road access investigation in the draft management plan states, in the management plan, that the existing Moor-rul grasslands will not, in principle, be adversely impacted.
 - ii. Caretaker's residence:
 - That further information related to the submissions and park stakeholders' feedback concerning the caretaker's residence and the status of the residence (house) and its management was required in order to assess the options.
 - iii. Toilets:
 - To exclude any change to the existing toilets in the management plan (as per the draft management plan), and accept facility renewal requirements in the future as part of normal asset management.
5. Officers provided further information to Councillors in a memorandum in November 2021, outlining the additional information requested by Councillors on the caretaker's residence, including submission and park stakeholder review feedback, existing asset management circumstances, and the management and financial implications of removing the caretaker's residence to provide additional parkland.
6. The November memorandum highlighted the key issues from the submissions and park stakeholder feedback concerning the caretaker's residence, as:
 - The visual state and impact on the park (poor condition, cut off);
 - Continuance of a caretaker role perceived to be obsolete and able to be incorporated in council's asset management or automated, and
 - The opportunity cost imposed on the park (i.e., more parkland for people to enjoy).
7. The November memorandum presented revised options for the caretaker's residence, informed from the additional asset management information provided in the memorandum and directly addressing the above issues raised in the submissions and by park stakeholders concerning the residence, for Councillors' consideration. The revised options included whether to:
 - a) Amend the draft management plan in response to the submission feedback raised by retaining the caretaker's residence per the draft management plan and

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CM.170/21 Kangaroo Ground War Memorial Park Management Plan

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- including additional capital expenditure improvement works to the yard of the residence (clean-up of site, more presentable residential fencing and new gardens), provisionally estimated to be \$65,000 (+/- 20%) to better visually integrate it into the park, noting the on-going asset management and the additional capital works cost implications for the management plan outlined in the memo, or
- b) Amend the draft management plan to include the removal of the caretaker's residence for the creation of additional parkland, noting the changes to the existing asset management and the additional capital works and operational expenditure implications for the management plan outlined in the memorandum.
8. The November memorandum noted that the option to retain the residence, as per the draft management plan, and improve its relationship within the park would enable:
- The tradition and ritual of the caretaker to be kept and celebrated, in a similar way that lighthouse keeper's residences are celebrated as part of the lighthouse setting and visitor experience; and
 - Passive safety to be maintained and improved (through better visibility between the residence and park).
9. The option to retain the residence, as per the draft management plan, and improve its relationship within the park offers a practical asset management approach that is consistent with Council's current asset and financial circumstances compared to the on-going costs of maintaining the same level of in-the-park passive surveillance currently afforded by the residence, that would be incurred in removing it from the park.
10. The additional capital expenditure external works to improve the appearance of the residence and better visually integrate it within the park is recommended in this report to be included in the management plan.
11. A Planning and Consultation Committee (PCC) Meeting on 16 November 2021 heard a registered verbal submission to the exhibition of the draft management plan, and the recommendations of the Officers' report were unanimously supported by the Committee (acting under delegation from Council), as referenced below.

Related Council decisions

12. At the Council Meeting on Tuesday 24 August 2021, it was resolved **that** Council:
1. *Endorses the Kangaroo Ground War Memorial Park Draft Management Plan, 24 August 2021, subject to the amendment outlined in part two of this motion, for public exhibition to seek feedback, via Participate Nillumbik, for a period of twenty-eight days, from Monday 30 August to Sunday 26 September 2021, inclusive;*
 2. *Amends the list of stakeholders on Page 31 of the draft plan to include the Kangaroo Ground Cemetery Trust and Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation and puts the list in alphabetical order;*
 3. *Requests that officers after the consultation period, run a workshop with the stakeholder group and Council to discuss how all feedback received will be incorporated into the plan; and*

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CM.170/21 Kangaroo Ground War Memorial Park Management Plan

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4. *Hears submissions received to exhibition of the Draft Management Plan at the November Planning and Consultation Committee Meeting.*
 13. At the PCC Meeting on Tuesday 16 November 2021, it was resolved **that** the Committee (acting under delegation from Council):
 1. *Notes the feedback received, to the public exhibition process undertaken for the draft Management Plan.*
 2. *Considers the feedback provided to the exhibition of the draft management plan for the Kangaroo Ground War Memorial Park (**Attachment 1**), including:*
 - a) *The copy of submissions provided as confidential un-redacted (**Attachment 2**) and redacted (**Attachment 3**);*
 - b) *The results and summary of submissions (**Attachment 4**); and*
 - c) *Key themes distilled from submissions, included in this report.*
 3. *Resolves that the confidential un-redacted copy of submissions to the exhibition of the draft management plan (**Attachment 2**) remains confidential on the grounds specified in the definition of confidential information in section 3(1)(g)(ii) of the Local Government Act 2020.*
 4. *Notes that the draft Management Plan is scheduled to be presented to the December Council meeting with a view to Council adopting it.*
 5. *Writes to all respondents to the community engagement to express Council's appreciation for their contribution and to advise them of the Committee's resolution and the next steps in the project.*

Options

14. Two options are available:
 - Adopt the management plan as recommended; or
 - Abandon the project and the development of a management plan.

Council plans and policies

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

Sustainability implications

16. None pertaining to the recommendation included in this report.

Community engagement

17. The draft management plan for the park (**Attachment 1**) was exhibited for community feedback on Participate Nillumbik for twenty-eight days, from 30 August to 28 September 2021.
18. In accordance with Council's resolution in its 24 August 2021 Council Meeting to exhibit the draft master plan, the results and a summary of submissions to the exhibition of the draft management plan, along with key themes, project issues and out of

12. Officers' reports**CM.170/21 Kangaroo Ground War Memorial Park Management Plan**

management plan scope feedback identified from submissions, were reviewed with attending park stakeholders identified in the draft management plan on 5 October 2021.

19. The 13 October 2021 memorandum provided to Councillors for the 19 October 2021 Councillor briefing, provided confidential, unreacted copies of all submission to the exhibition of the draft management plan, the results and a summary of submissions, key themes, project issues and out of management plan scope feedback identified from submissions, and key outcomes from the review of the results and the summary of submissions with park stakeholders on 5 October 2021.
20. The report for the PCC meeting on 16 November 2021 provided confidential, unreacted and redacted copies of all submissions to the exhibition of the draft management plan, results and a summary of submissions, and key themes identified from submissions.
21. Recommendation 1 of this report, for the adoption of the draft management plan as the management plan for the park, includes changes to be made to the draft management plan that are in response to the community feedback received from the exhibition of the draft management plan, at Recommendation 1 a), b), c), d), e) and f).

Innovation and continuous improvement

22. Not applicable.

Collaboration

23. Not applicable.

Budget implications

24. The recommendation includes amending the draft management plan to include additional capital expenditure external improvement works to the park and yard of the residence, in the management plan, to improve the appearance of the residence and to better visually integrate it within the park. These works are provisionally estimated to be \$65,000 (+/- 20%) and will be confirmed in the management plan.

Relevant law

25. Not applicable.

Regional, state and national plans and policies

26. Not applicable.

Conflicts of interest

27. No officers involved in the preparation of this report have a conflict of interest.

12. Officers' reports**CM.171/21 Adoption of Nillumbik Youth Strategy 2022-2026**

Distribution: Public**Manager: Nichole Johnson, Manager Community Partnerships****Author: Katie Camilleri, Coordinator Youth, Community & Place
Nicola Clutton, Youth Development Officer****Summary**

This report presents the Nillumbik Youth Strategy 2022-2026 (**Attachment 1**) for adoption, following public consultation, receipt of submissions and refinements to the plan in response to submissions received.

The Nillumbik Youth Strategy 2022-2026 (the Strategy) has been co-designed in partnership with the Nillumbik Youth Council, with support of Youth Affairs Council Victoria (YACVic) who is the peak body and leading policy advocate for young people and the youth sector in Victoria.

The Strategy has been informed by community and partner feedback and includes changes resulting from the public consultation period that was held from 30 September – 21 October 2021 and from the Planning and Consultation Committee meeting held on 16 November 2021.

Recommendation

That Council:

1. Adopts the Nillumbik Youth Strategy 2022-2026 (**Attachment 1**)
2. Authorises the Executive Manager Community Services to make any further minor changes to the Nillumbik Youth Strategy that may be necessary and are inconsequential in nature.
3. Makes the adopted Nillumbik Youth Strategy 2022-2026 publicly available on Council's website.
4. Thanks submitters and advises them of the outcome of the consultation process.

Attachments

- ⇒1. Nillumbik Youth Strategy 2022-2026

Discussion

1. The Strategy (**Attachment 1**) sets out a four-year strategic commitment to how Council will support and respond to the needs of young people aged 12-25 years of age who live, work, study, volunteer or play in the Nillumbik Shire.
2. In the development of this Strategy, the Nillumbik Youth Council have played a lead role in engaging and consulting with the young people in Nillumbik to gain a diverse perspective on matters impacting their lives within community. This process has ensured young people have a stronger voice and sense of importance in community.

12. Officers' reports**CM.171/21 Adoption of Nillumbik Youth Strategy 2022-2026**

3. The Strategy has been co-designed by the Youth Council, and informed by the information and feedback gathered through the Young Minds: Your Voice, Our Future engagement program, along with a series of stakeholder workshops with staff and external organisations. It seeks to provide an integrated approach alongside other key Strategies and Plans to ensure Council continues to value and incorporate young people in the work they do by providing meaningful opportunities for young people, valuing their contributions and empowering them to help shape our community.
4. The vision for the Strategy is that young people in Nillumbik feel heard, empowered and equipped to thrive in a community where they are healthy, safe and welcomed.'
5. To support this vision, the Strategy identifies five Priorities which are:
 - Healthy and Well
 - Empowered and Engaged
 - Access to Safe Spaces and Places
 - Equipped and Employed
 - Welcomed and Connected.
6. An objective, set of focus areas and key strategies have been included under each Priority. The Strategy also identifies where key strategies align to the Council Plan and the Nillumbik Public Health and Wellbeing Plan to demonstrate how the Youth Strategy integrates and responds to these strategic objectives.
7. Officers will operationalise the Strategy through an annual implementation plan, which details the specific actions committed to being delivering each year in response to the focus areas and strategies across the four years. A progress report will be presented to Council at the end of each calendar year.
8. A copy of the Strategy will be available on Council's website following the adoption of the plan and shared with key stakeholders involved throughout the development.

Related Council decisions

9. On 28 September 2021, Council released the draft Youth Strategy 2022-2026 for the purposes of community consultation for a three-week period.
10. The Planning and Consultation Committee, on 16 November 2021, considered a report on the submissions received, and received verbal presentations from a number of submitters. Council resolved to receive and note those submissions, adopt officer recommended changes to the draft Strategy, and note that a report will be presented to the December 2021 Council Meeting to adopt the final Nillumbik Youth Strategy 2022-2026.

Options

11. This report presents the Nillumbik Youth Strategy 2022-2026 (**Attachment 1**) for adoption.

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CM.171/21 Adoption of Nillumbik Youth Strategy 2022-2026

Council plans and policies

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

Sustainability implications

13. Not applicable.

Community engagement

14. Through the Young Minds: Your Voice, Our Future youth engagement program that occurred in June and July 2021, feedback was received which helped inform the development of the draft Strategy. The Strategy has also been developed through a series of stakeholder workshops with Council staff, key stakeholders and Councillors.
15. The Strategy was subject to public consultation between 30 September to 21 October 2021 to provide young people and the broader community an opportunity to provide feedback. During this time, community members were invited to make submissions to the draft Strategy and have the opportunity to speak to their submission at the Planning and Consultation Committee meeting on 16 November 2021.

Innovation and continuous improvement

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

Collaboration

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

Budget implications

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

Relevant law

22. Not applicable.

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CM.171/21 Adoption of Nillumbik Youth Strategy 2022-2026

Regional, state and national plans and policies

23. Not applicable.

Conflicts of interest

24. 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.172/21 Future use of the Old Plenty Fire Station site**

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

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

The adjacent old fire station is also located on Council land (**Attachment 1**). Council need to advise the CFA if it intends to keep and repurpose this building once the CFA relocate operations to the new fire station, or require the CFA to demolish the building and rehabilitate the site (land and building).

To help inform Council's decision on the matter, a community engagement process was conducted between 29 September and 26 October 2021 to seek community views in relation to demolishing/retaining the old fire station and possible future use of the site.

365 responses were received; 53.5% supported the proposal to demolish the old Plenty Fire Station, 46.2% supported the building being retained and repurposed, with the balance 0.3% undecided. Of the 212 submissions received from Plenty residents, 73.1% support the proposal to demolish the building.

The Planning and Consultation Committee considered a report on the written submissions, and received verbal presentations from a number of submitters at the meeting on 16 November 2021.

Having considered community feedback from the written and verbal submissions as well as additional information on the site, Council is now in a position to make a decision on the matter, and advise the CFA and submitters accordingly.

Recommendation

That Council:

1. Authorises the Manager Property and Facilities Maintenance to request the Country Fire Authority to demolish the old Plenty Fire Station located at 109-115 Yan Yean Rd, Plenty, remove all other improvements and revegetate the land.
2. Requests Council Officers to complete further community engagement on developing the site for public open space and report back to Council with concept options and cost estimates within the next 12 months.
3. Thanks submitters and advises them of the outcome of the consultation process on the future use of the Old Plenty Fire Station site.

Attachments

- ⇒1. Aerial Plan of the Land - 109-115 Yan Yean Road, Plenty

12. Officers' reports**CM.172/21 Future use of the Old Plenty Fire Station site**

Discussion

1. The old Plenty Fire Station is located on Council owned land, and is subject to a lease agreement between Council and the CFA.
2. When the Plenty Brigade relocate operations to the new fire station, the CFA will have no further use for the old facility and will vacate the site.
3. Council has a contractual obligation to inform the CFA of its decision to either keep and repurpose the existing building, or require the CFA to demolish the building and rehabilitate the site within 60 days' of practical completion of the new fire station.
4. It is acknowledged that there are differing views in the community as to the future use of the site, therefore Council completed a community engagement process to help inform its decision. Submissions were considered at the Planning and Consultation Committee on 16 November 2021.
5. As a part of conducting due diligence on the matter, Council received a building condition audit and full heritage assessment to determine if there are any significant site related matters which may influence a decision.
6. The building condition report advised the building is showing general wear and tear consistent with its age, is low safety risk and is safe for its current/intended use. It also recommended some infrastructure and maintenance issues be further reviewed and addressed including mechanical services (heating/cooling); urgent remedial works including water supply, storm water, sewerage adequacy/function and electrical switchboard/circuit problems; lack of appropriate water proof membrane to section of the external brick wall where it acts as a retaining wall; and various non urgent general maintenance.
7. The building report included a cost estimate to remedy the urgent services and waterproof membrane issues of approximately \$120,000. In the case of undertaking works on old buildings, this cost can escalate considerably once unknown latent conditions become more apparent.
8. Any future use of the building may need to consider an upgrade to the toilets, *Disability Discrimination Act 1992* (DDA) upgrades, and compliance with the Building Code of Australia (BCA) and its regulations. The actual scope of works and associated cost would be dependent on the type of use.
9. The heritage assessment indicated that the building could be significantly altered or potentially demolished. However, Council's heritage advisor has indicated that the land should still be used for public/civic purposes, as this usage is integral to the historical significance of the site as a whole.
10. The site is zoned Public Park and Recreation Zone (PPRZ). This means any future use must be conducted by or on behalf of the public land manager (Council in this case), and associated with public use. This would effectively restrict commercial or private residential use.
11. Future use would also need to take into account available car parking capacity of the land. The carpark at the rear of the building is already utilised by the Plenty Community Hall and the Plenty Historical Church, as well as overflow from the sports pavilion and nearby café.

12. Officers' reports**CM.172/21 Future use of the Old Plenty Fire Station site**

12. Internal consultation was completed to ascertain if there are any requirements to retain the building to help support Council service delivery. While there are specific building needs, such as a Youth Hub and Performing Arts Centre, due to its location away from population centres, poor accessibility and lack of public transport, the site is not considered appropriate for any of the needs identified.
13. As part of the community engagement process, two organisations submitted proposals for specific use of the building, these being from Hayden's Helping Hands and District 14 Headquarters Brigade East. The CFA advised at the PCC meeting that they wished to withdraw their submission.
14. There are a number of nearby community facilities on Council land which are under either a seasonal or lease agreement to users of the facilities. The leased community facilities which include the Plenty Tennis Club, Greensborough Hockey Club, Plenty Historic Church, and Plenty Community Hall have rooms which can be hired out to the community.
15. These facilities have an adequate supply of space for casual community use within the Plenty area.

Related Council decisions

16. At the 28 September 2021 Council Meeting, it was resolved to commence a consultation process to seek ideas from the Nillumbik community to inform the future use of the old Plenty Fire Station site.
17. Council received a petition which was tabled at the Council Meeting on 24 August 2021, containing 314 signatures (143 physical and 171 online) from residents calling on Council to approve the demolition of the "old Plenty CFA building" and return the area to an open space, targeted to the needs of the Nillumbik and Plenty community.
18. Council resolved to refer the petition received to the Director Operations and Infrastructure for investigation and response.
19. At the Planning and Consultation Committee on the 16 November 2021, Council resolved to consider community feedback on the matter and request a further report to be presented at the 14 December 2021 Council Meeting to make a decision on the future use of the Old Plenty Fire Station site.

Options

20. Council's options are to either request the CFA to demolish the building and rehabilitate the site, or retain and maintain and re-purpose the building. The options of re-purposing the building would be pursued through an Expression of Interest process with the community.
21. If Council do request the building to be demolished and the site rehabilitated by the CFA, further work will be required to determine the scope of any additional upgraded open space for any future public use.

12. Officers' reports

CM.172/21 Future use of the Old Plenty Fire Station site

Council plans and policies

22. This report directly supports the achievement of the Council Plan 2021-2025 strategy:
- We act in the best interests of our community.
23. Council's Community Engagement Policy was adopted to provide a process of involving the public in decisions that affect them.

Sustainability implications

24. Not applicable.

Community engagement

25. Consultation took the form of a survey on Council's Participate Nillumbik site and was promoted through:
- a) A media release;
 - b) a series of posts on Council's social media sites including Facebook, Instagram and Twitter;
 - c) contacting key stakeholder groups;
 - d) signs located around Plenty promoting the Participate Nillumbik survey;
 - e) contacting people who had previously written to Council concerning the site;
 - f) a mail out of 912 hard copy surveys to Plenty residents via Australia Postal delivery; and
 - g) an offer to obtain a hard copy of the survey upon request.
26. The Participate Nillumbik site was open for engagement from 29 September 2021 to 26 October 2021.
27. On conclusion of the process, 365 responses were received plus an additional 23 written submissions.
28. Of the 365 respondents, 53.5% supported the proposal to demolish the old Plenty Fire Station, 46.2% supported the building being retained and repurposed, with the balance 0.3% undecided.
29. Of the 23 written submissions, 21 supported the proposal to demolish the old Plenty Fire Station and 2 supported the building being retained and repurposed.
30. 212 of the submissions received were from Plenty residents, with 73.1% in support of the proposal to demolish the building.
31. Submissions received from other suburbs including Eltham, Mernda, Diamond Creek, Hurstbridge and Greensborough had higher number of submissions received in support of retaining the building.
32. The 246 respondents who reported that they live in Nillumbik Shire were more likely to prefer that the building be demolished rather than retained.

12. Officers' reports

CM.172/21 Future use of the Old Plenty Fire Station site

33. The key reasons respondents wanted to retain the old Plenty Fire Station were:
- a) Use as a community space and/ or for community groups (35.7%) – this includes those who specifically mentioned use by the local community groups such as Men's Shed, Rotary Clubs, Hayden's Helping Hand, U3A and similar groups, and those who mentioned use as a community building, hub or neighbourhood house.
 - b) Local heritage/character (21.4%) – heritage, its character or that it is an icon.
 - c) Waste/cost (22.6%) – perceived waste of demolishing a functional building or sited the cost to taxpayers of demolition and rebuilding; and
 - d) Other types of uses mentioned included hospitality, retail, CFA D14 HQ East Home, and multiple activities.
34. The main reasons respondents choose to demolish the Old Plenty Fire Station:
- a) Perceived need for more open space (50.7%) – includes the need to replace green open space and trees lost due to the new CFA building and/or the Yan Yean Road upgrade, and a need for more open space, green space, nature, parks and/or native plantings.
 - b) Cost of refurbishment/maintenance to the existing building (23.1%); and
 - c) Age and character of the building (22.1%) – demolish the building sited the age of the building, or believed it was unattractive or an eyesore.

Innovation and continuous improvement

35. Not applicable.

Collaboration

36. External collaboration with the CFA on matters relevant to the lease in place for the site.
37. Internal collaboration across property, strategic planning, community partnerships, and communications and engagement.

Budget implications

38. Costs associated with the community consultation have been met through operational expenditure.
39. The CFA are only responsible when surrendering their existing lease for the site to demolish the building (including footings), remove all other improvements and revegetate the land.
40. The cost to re-purpose the building is informed by the proposed end use. This relates to both building amenity as well as statutory requirements (such as accessibility and Essential Safety Measures), which are triggered by different uses. Therefore it is premature to provide an accurate estimate at this stage. A starting point may be in the order of \$200,000, subject to confirmed use and further investigation.
41. If Council resolves to complete public space improvement works on the land this will need to be funded.

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CM.172/21 Future use of the Old Plenty Fire Station site

Relevant law

42. Not applicable to this consultation.

Regional, state and national plans and policies

43. Not applicable to this consultation.

Conflicts of interest

44. No officers involved in the preparation of this briefing have a conflict of interest in this matter.

12. Officers' reports**CM.173/21 Recreation and Leisure Strategy - Community Engagement**

Distribution: Public**Manager: Hjalmar Philipp, Director Operations and Infrastructure****Author: April Wilson, Sports and Recreation Development Officer
Rebecca Burton, Acting Manager Recreation and Leisure****Summary**

The purpose of this report is to seek Council endorsement to commence community engagement on the draft Recreation Strategy 2022-2030.

Recommendation

That Council:

1. Commences a community engagement process as outlined in **Attachment 1** (Community Engagement Plan) to seek feedback from the Nillumbik community on the draft Recreation and Leisure Strategy 2022-2030 (**Attachment 2**).
2. Considers public submissions at the Planning and Consultation Committee meeting to be held on 12 April 2022.
3. Notes that any person who makes a submission in relation to the draft and requests to be heard in support of their submission, be heard at the 12 April 2022 Planning and Consultation Committee meeting.

Attachments

- ⇒1. Community Engagement Plan
- ⇒2. Draft Recreation and Leisure Strategy 2022 - 2030

Discussion

1. The 2011-2019 Recreation & Leisure Strategy is outdated and a new strategy is required.
2. A review of the previous strategy found gaps in the following areas:
 - a) Inclusive sporting opportunities
 - b) Access to grants and funding
 - c) Active recreation/unstructured activities.
3. These areas have been emphasized as priorities in the Draft Recreation and Leisure Strategy 2022-2030 (the Strategy) (**Attachment 2**).

12. Officers' reports

CM.173/21 Recreation and Leisure Strategy - Community Engagement

4. The overarching Recreation and Leisure Strategy renews Council's commitment to recreation by setting strategic priorities and key objectives for the Recreation and Leisure program Shire wide. The proposed priorities are:
 - a) Increasing participation and usage of facilities and open space.
 - b) Promoting equity and inclusion.
 - c) Infrastructure renewal and upgrade.
 - d) Community engagement and partnerships.
 - e) Community development and strengthening.
 - f) Sustainable Environments.
5. The strategy will be supported by actions plans and documented service levels (where relevant).
6. Council Officers drafted the Recreation and Leisure Strategy 2022-2030 and briefed Councillors in July 2021.
7. Since then, internal consultation, findings from the 2020 Club Development report and the 'Our People, Our Place, Our Future' consultation have further informed the draft and enabled the development of the community consultation engagement plan.
8. The community consultation engagement plan (**Attachment 1**) will guide and inform the formal process of community consultation, scheduled in the first quarter of 2022.
9. Councillors were briefed on 23 November 2021 and provided with the most up to date versions of the draft Recreation and Leisure Strategy and community consultation engagement plan.

Related Council decisions

10. N/A.

Options

11. Option 1: Proceed with engagement on the draft Strategy as proposed in the attached Community Engagement Plan.
12. Option 2: Amend the Community Engagement Plan and/or the Strategy prior to commencing engagement at a later date.

Council plans and policies

13. This report directly supports the achievement of the Council Plan 2021-2025 strategy:
 - We work with our local partners, government and non-government agencies to respond to health and wellbeing priorities in Nillumbik.
14. The draft Recreation & Leisure Strategy 2022-2030 supports the delivery of the:
 - Municipal Health & Wellbeing Plan;
 - Gender Equity Policy;
 - Disability Action Plan;
 - Positive Ageing Action Plan;

12. Officers' reports

CM.173/21 Recreation and Leisure Strategy - Community Engagement

- Recreation Trails Report;
- Open Space Strategy;
- Grants Policy;;
- Nillumbik Youth Strategy;
- Nillumbik Lifetime Play Strategy;
- Nillumbik Playground and Audit Strategy;
- Nillumbik Sports Ground Audit ;
- Nillumbik Sportsground Lighting Audit;
- Inclusive Sports Pavilion Plan;
- Sports Ground Pricing Policy; and
- Nillumbik Skate Facilities Assessment Report.

Sustainability implications

15. Not Applicable

Community engagement

16. Community consultation for the Recreation and Leisure Strategy 2022-2030 will be undertaken in line with Council's Community Engagement Policy.
17. Additional input may be sought from relevant Advisory committees and the Youth Council.
18. Community consultation for the Recreation and Leisure Strategy 2022-2030 is scheduled to occur in the first quarter of 2022.

Innovation and continuous improvement

19. The adopted Municipal Health & Wellbeing Plan identified that there is an opportunity to improve health and wellbeing in Nillumbik through increase physical activity. This is further highlighted by the 2021 Community Profile.

Collaboration

20. Community consultation will commence in late January 2022 and engage key stakeholders including community sporting clubs, peak sporting bodies, associations and leagues, relevant advisory groups, leisure facility users and users of Nillumbik's playgrounds, trails and skate parks.
21. As part of the development of the draft Recreation and Leisure Strategy 2022-2030, various internal council teams were consulted:
- Community Support Services
 - Inclusion & Volunteering
 - Strategic Planning
 - Community Partnerships

12. Officers' reports

CM.173/21 Recreation and Leisure Strategy - Community Engagement

- Open Space
- Sustainability
- Capital Works
- Assets
- Property
- Environment.

Budget implications

22. Community consultation on this Strategy is covered in the existing 2021/2022 operating budget.

Relevant law

23. Not Applicable.

Regional, state and national plans and policies

24. Sport & Recreation Victoria – Active Victoria
25. VicHealth – Physical Activity Strategy 2019 – 2023.

Conflicts of interest

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

12. Officers' reports

CM.174/21 Advocacy Priorities 2022

Distribution: Public

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

Author: Licardo Prince, Communications and Advocacy Lead

Summary

Advocating on the community's behalf is a key Council responsibility and it does so on a range of issues including infrastructure, services and policy in order to deliver better outcomes.

Most of Council's advocacy is directed at State and Federal Governments and the next Federal and State Council elections will be held in 2022.

It is timely therefore, to focus Council's advocacy priorities more sharply, the aim being to advocate directly to major parties and local candidates in the lead-up to both elections.

The Advocacy Priorities 2022 document (**Attachment 1**) outlines Council's top priorities for 2022, with a particular focus on items that will resonate in a pre-election context. The priorities will help inform what Nillumbik Shire Council advocates for on behalf of the community in the State and Federal elections and leading up to any pre-budget periods scheduled to take place in 2022.

The list of advocacy priorities includes but are not limited to:

- Asking the State and Federal Governments for funding to boost youth outreach and support services in Nillumbik Shire.
- Building a Community Hub to provide a variety of services, centrally located in Diamond Creek.
- Funding support to foster increased social connection and promote health and wellbeing in our Shire.
- Bringing about greater connectivity between existing shared trails in the Shire to improve accessibility and extend the existing trails network.
- Improve sustainable and accessible transport.
- Funding to identify and develop additional fit for purpose BMX and off-road biking locations in the Shire.
- Greater enhancement and protection of our Green Wedge and open space.

The purpose therefore, is to seek Council endorsement of the Advocacy Priorities 2022 document (**Attachment 1**), as the priorities identified for Council-led advocacy for the 2022 calendar year.

Recommendation

That Council endorses the Advocacy Priorities 2022 (**Attachment 1**).

12. Officers' reports

CM.174/21 Advocacy Priorities 2022

Attachments

- ⇒1. Advocacy Priorities 2022

Discussion

1. One of the primary roles of local government is to provide leadership on behalf of the local community through advocacy. Advocacy means seeking the support of partners to help us deliver the services our community needs.
2. Council has a strong record of obtaining funding from both State and Federal sources and has in the past, calibrated its advocacy priorities and efforts to election, Budget and grant allocation cycles – State and Federal.
3. Throughout 2020 and 2021 Council has taken on board feedback provided by the community in various forums, including the development of the Community Vision 2040, Council Plan 2021-2025 and Health and Wellbeing Plan which has helped to identify a range of priority initiatives requiring Council-led advocacy.
4. The 23 items identified as advocacy priorities are intended to reflect the overarching themes in the adopted Council Plan 2021-2025 and importantly, resonate with the major parties and candidates. It is important to note the varying levels of advocacy that will be utilised to secure the funding or necessary decision-making.
5. Once adopted, Council will roll out a targeted advocacy campaign in an approach which combines advocacy, engagement and public relations to influence decision-makers and garner support from State and Federal Governments.
6. In preparation for the upcoming federal and state elections, Officers are currently refining proposed advocacy priority projects requiring a dedicated advocacy campaign - likely to be 5 to 6 key priority projects.

Related Council decisions

7. Council has in the past endorsed documents (most recently in February 2020) outlining priority items and issues on which to advocate to Federal and State Governments in the community's interests.

Options

8. Officers strongly recommend that Council adopt the Advocacy Priorities 2022. There is a requirement for a Council decision on the Advocacy Priorities 2022 by December 2021, to enable strong advocacy on behalf of the community, in the lead up to the State and Federal elections and any pre-budget periods scheduled to take place in 2022.

12. Officers' reports

CM.174/21 Advocacy Priorities 2022

Council plans and policies

9. The development of Council's Advocacy Priorities supports the achievement of KPI 20 of the CEO Performance Plan 2021/22.
10. This report directly supports the achievement of the Council Plan 2021-2025 strategy:
 - We source alternative and innovative funding sources to support and complement Council services and infrastructure.
 - We partner with state and federal governments to advocate in our community's best interests.

Sustainability implications

11. The Advocacy Priorities 2022 list covers a range of policy areas, with the aim of:
 - a. Preserving and enhancing the natural environment including infrastructure and activities, climate mitigation and response and enhancing our natural amenities; and
 - b. Improving the health and wellbeing of our residents through improved recreational facilities and enhanced health and social services, programs and facilities.

Community engagement

12. The Advocacy Priorities 2022 list is informed and guided by the Council Plan strategic themes. In addition, a number of the items included have also been identified through previous community engagement processes.

Innovation and continuous improvement

13. The Advocacy Priorities 2022 list is the result of a review of the existing document to best reflect current and future community needs and the goals of the Council Plan as well as include items that would resonate in a pre-election context.

Collaboration

14. Officers from across Council have been heavily involved in the development of the draft themes and the priorities identified within each theme. The list is the result of consultation with all relevant Council departments as well as consultation with Councillors.
15. Councillors provided feedback on the proposed list at the 19 October 2021 and 9 November 2021 Councillor Briefings. In addition, one-on-one meetings between Councillors and the relevant officer were also held prior to the initial formal Councillor Briefing. This document is the result of that process and takes into account the feedback received.

Budget implications

16. Advocacy efforts, including the development of this list and related advocacy initiatives are resourced through Council's operating budget.

12. Officers' reports

CM.174/21 Advocacy Priorities 2022

Relevant law

17. The Charter of Human Rights and Responsibilities has been considered in the preparation of this report but is not relevant to the content of the report.
18. There are no legal repercussions associated with this report.

Regional, state and national plans and policies

19. Council's advocacy priorities and advocacy campaign will be delivered in line with the Council's protocols, frameworks and policies.

Next steps

20. Upon formal endorsement, printed copies of the Advocacy Priorities 2022 document will be produced. In addition, 5 to 6 priority items will be identified and an extended one-page information sheet developed for each. The document will then form the centrepiece of Council's advocacy outreach in the lead-up to the 2022 Federal and State elections.

Conflicts of interest

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

12. Officers' reports**CM.175/21 Complaint Handling Policy**

Distribution: Public**Manager: Jeremy Livingston, Executive Manager Business Transformation and Performance****Author: Craig King, Customer Experience Lead****Summary**

An updated Complaint Handling Policy (the Policy) is presented for adoption. This Policy has been updated in order to respond to the new requirements of the *Local Government Act 2020* and the latest guidance developed by the Victorian Ombudsman in the 'Councils and Complaints: A Good Practice Guide, 2nd edition' (July 2021) publication.

This operational policy relates to the management of complaints made to Council, by any person who has been affected by an action, inaction or decision of Council. The Policy provides a framework which outlines:

- the organisation's commitment to complaint handling;
- a definition of what is and is not a complaint to be managed under this policy;
- a consistent, respectful and objective approach to handling complaints; and
- an accessible, transparent and easy to understand process on how complaints will be captured, managed and reported.

Complaints are 'free feedback' for Council about its services, and can highlight needs for improvement. The Policy also supports a maturing approach to recording, handling and reporting on complaints.

The Policy does not apply to complaints about individual Councillors.

Once adopted, the updated policy will be published on Council's website.

Recommendation

That Council:

1. Adopts the updated Complaint Handling Policy (December 2021) (**Attachment 1**).
2. Makes the Complaint Handling Policy (December 2021) publicly available on Council's website.

Attachments

- ⇒1. Complaint Handling Policy (December 2021)

12. Officers' reports**CM.175/21 Complaint Handling Policy**

Discussion

1. In response to a key deliverable of the Nillumbik Customer First Strategy 2019-2022, a new Complaint Handling Policy (the Policy) was adopted by Council in March 2020. This Policy was developed in line with the then *Local Government Bill 2019* draft legislation and the Victorian Ombudsman's guidance around complaint handling at that time.
2. The Victorian Ombudsman released an updated 'good practice guide' in July 2021, which coincides with the requirement for Victorian councils to adopt a complaint handling policy under the *Local Government Act 2020* that complies with the framework set out through this legislation. Under the Act, a council must have an adopted complaint handling policy before 31 December 2021.
3. The updated Policy hereby presented (**Attachment 1**), supported by a system now embedded across the majority of organisation, addresses the *Local Government Act 2020* and the Victorian Ombudsman's 'Councils and Complaints: A Good Practice Guide, 2nd edition' (July 2021).
4. The Policy provides a framework which outlines:
 - the organisation's commitment to complaint handling;
 - a definition of what is and is not a complaint to be managed under this policy;
 - a consistent, respectful and objective approach to handling complaints; and
 - an accessible, transparent and easy to understand process on how complaints will be captured, managed and reported.
5. The Policy also identifies that complaints are 'free feedback' for Council about its services, and can highlight needs for improvement.
6. The *Local Government Act 2020* defines a complaint as communication, whether orally or in writing, to the Council by a person of their dissatisfaction with:
 - the quality of an action taken, decision made or service provided by a member of Council staff or a contractor engaged by the Council; or
 - the delay by a member of Council staff or a contractor engaged by the Council in taking an action, making a decision or providing a service; or
 - a policy or decision made by a Council or a member of Council staff or a contractor.
7. This Policy does not apply to complaints about individual Councillors.
8. The updated Policy will be complemented with reporting to target continuous improvement initiatives, which is a key recommendation from the Victorian Ombudsman. This reporting will be published annually in Council's Annual Report.

Related Council decisions

9. Council's existing Complaint Handling Policy was adopted under delegation from Council at the March 2020 Future Nillumbik Committee Meeting. This policy was informed by the Victorian Ombudsman's 2019 report into complaint handling across local government.

12. Officers' reports

CM.175/21 Complaint Handling Policy

Options

10. Adopt the Complaint Handling Policy (December 2021).

Council plans and policies

11. This report directly supports the achievement of the Council Plan 2021-2025 strategy:
- We are forward-thinking, data-driven and evidence-led in our decision making, always looking to identify new opportunities.
 - We enhance the effectiveness and efficiency of our services, prioritising a great customer experience.

Sustainability implications

12. Not applicable.

Community engagement

13. The updated Complaint Handling Policy has not been released for community engagement or public consultation due to the following reasons:
- The updated policy only represents minor changes to that adopted by Council in March 2020 (based on changes to the *Local Government Act 2020* and updated guidance from the Victorian Ombudsman);
 - The updated policy focuses on largely internal processes to best manage and report on complaints received; and
 - The updated policy responds directly to the recommendations and suggested models outlined by the Victorian Ombudsman.
14. The updated policy was presented to Council's Audit and Risk Committee for review and comment on 10 November 2021, as did the early earlier version of the policy in November 2019.
15. Once adopted, the updated policy will be publicly communicated and made available on Council's website.

Innovation and continuous improvement

16. Improved management and reporting of complaints through the updated Complaint Handling Policy will help drive incremental continuous improvement across a wide range of Council services.

Collaboration

17. Not applicable.

Budget implications

18. The operation of the Complaint Handling Policy is accommodated within the existing operating budget.

12. Officers' reports

CM.175/21 Complaint Handling Policy

Relevant law

19. Section 107(4) of the *Local Government Act 2020* requires that councils adopt a customer complaint handling policy before 31 December 2021.
20. Section 107 prescribes what a council complaint handling policy must include:
 - definition of a complaint as outlined in the Act;
 - a clear and prescriptive process for recording, managing, responding to and reporting complaints;
 - an independent internal review process for reviewing any action, decision or service in respect of which the complaint is made; and
 - guidance relating to exercising discretion for the Council to refuse to deal with a complaint which is otherwise subject to statutory review.

Regional, state and national plans and policies

21. Not applicable.

Conflicts of interest

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

12. Officers' reports**CM.176/21 Panton Hill Bushland Reserve System User Group Advisory Committee revised Terms of Reference and term extension**

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

The Panton Hill Bushland Reserves System (PHBRS) User Group was formed in 2011 to support the implementation of the PHBRS Management Plan. The User Group has representatives from the various groups using the reserves or with an interest in the activities occurring in the reserves.

The User Group is an Advisory Committee of Council. The fourth, two-year term of the PHBRS User Group Committee commenced in October 2019 and expired in October 2021.

Recommendations on the revised Terms of Reference and a one year term extension for the current committee are presented.

Recommendation

That Council:

1. Endorses the revised Terms of Reference of the Panton Hill Bushland Reserve System User Group Advisory Committee 2021 (**Attachment 2**); and
2. Endorses a one-year extension of the current Panton Hill Bushland Reserve System User Group Advisory Committee to the end of 2022.
3. Requests Officers present a further report before the end of 2022 on renewing the Panton Hill Bushland Reserve System User Group Advisory Committee.

Attachments

- ⇒1. Panton Hill Bushland Reserve System User Group Advisory Committee Terms of Reference 2019
- ⇒2. Revised Panton Hill Bushland Reserve System User Group Advisory Committee Terms of Reference 2021

12. Officers' reports**CM.176/21 Panton Hill Bushland Reserve System User Group Advisory Committee revised Terms of Reference and term extension**

Discussion

1. The PHBRS is made up of seven individual reserves in the Watsons Creek catchment, near the townships of Panton Hill, Smiths Gully and Watsons Creek.
2. On 28 June 2011, Council adopted the PHBRS Management Plan as the key document to manage the important conservation, social and recreation values of the reserves.
3. As part of the adoption of the Plan, Council sought to facilitate community engagement with the establishment of a broad-interest advisory group for the PHBRS.
4. The Panton Hill Bushland Reserves System User Group (PHBRSUG) Advisory Committee was established to provide a formal mechanism for Council to consult with the various user groups of the reserves and to encourage an understanding, appreciation, enjoyment and care by the community and the reserve users of the significant natural features, biodiversity, social, educational, recreational and historical values of the Panton Hill bushland reserves.
5. The Committee is made up of nine community representatives selected to represent a broad spectrum of reserves users including environmental interests, horse riding, bushwalking and mountain bike groups, the indigenous and artistic communities and the general community.
6. Successive PHBRS User Group Advisory Committees have provided beneficial advice, feedback and hands-on involvement in developing, promoting and implementing community engagement programs such as:
 - a) Port Phillip and Westernport Catchment Management Authority Grant project: 'Wurundjeri Food, Fibre and Medicine Garden: Restoring Indigenous cultural practices in Bunjil Reserve'.
 - b) PHBRS Interpretation Design Plan.
 - c) PHBRS map sign design in Fire Fighters Memorial Park and other locations for wayfinding.
 - d) Biodiversity On-Ground Action Grant – Cultivating Community Stewardship: Caring for the significant biodiversity of Panton Hill and Smiths Gully.
 - e) An annual calendar of events.
7. As a result of the community engagement programs above:
 - a) A Friends Group has been established focusing on tending the Wurundjeri Food, Fibre and Medicine Garden near the entrance to Bunjil Reserve.
 - b) Community volunteers have signed up to be involved in monitoring threatened fauna species and tending to significant orchids.
 - c) Community leaders involved in Council's L.E.A.D. program have been inspired to focus on a project in the PHBRS.
 - d) Artists have been inspired to implement aspects of the Interpretation Design Plan.

12. Officers' reports

CM.176/21 Panton Hill Bushland Reserve System User Group Advisory Committee revised Terms of Reference and term extension

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- e) Surrounding landowners have been engaged to undertake environmental actions on their properties that complement works undertaken on the reserves.
 - f) The Nillumbik Reconciliation Group has been inspired to run activities in the PHBRS.
8. The current Committee was appointed by Council in October 2019 in accordance with the existing Terms of Reference – see **Attachment 1**.
 9. The term of the Committee is two years with three meetings per year on the third Thursday every four months. Meetings were determined to be held in February, June and October with the first meeting held on Thursday 17 October 2019. The term of this committee expired with the final meeting held on 21 October 2021.
 10. With the impact of Covid-19 and the suspension of Council events and volunteering, the committee has had little opportunity to plan and carry out activities in the reserves.
 11. The Committee has requested a one-year term extension so that they can have the opportunity to have hands-on involvement in reserve activities.

Related Council decisions

12. The Terms of Reference and the appointment of the current committee were endorsed at the October 2019 Council meeting.
13. The Advisory Committee Policy as well as an Advisory Committee Terms of Reference Template and Advisory Committee Agenda and Minutes Templates were endorsed by at the October 2021 Council meeting.

Options

14. The PHBRS User Group Advisory Committee Terms of Reference have been revised to align with Council's Advisory Committee Policy – refer **Attachment 2**.
15. In relation to the current PHBRS User Group Advisory Committee, Council has the following options:
 - a) To extend the term of the current committee for one year to expire following the October 2022 committee meeting with the revised Terms of Reference aligned with the new Advisory Committee Policy – refer **Attachment 2**.
 - b) To not extend the term of the existing committee. A process to renew the Committee may commence with the endorsement of the revised Terms of Reference in **Attachment 2**.
16. The recommendation is to endorse the revised Terms of Reference and extend the term of the current committee for one year.

12. Officers' reports

CM.176/21 Panton Hill Bushland Reserve System User Group Advisory Committee revised Terms of Reference and term extension

Council plans and policies

17. This report directly supports the achievement of the Council Plan 2021-2025 strategy:
- We encourage and support volunteering to enable community participation opportunities and actively celebrate these contributions.
18. The Panton Hill Bushland Reserve System Management Plan was adopted by Council in 2011. The broad management objectives of the plan are to:
- a) Conserve natural ecosystems and environments.
 - b) Conserve vulnerable and rare flora and fauna species.
 - c) Promote awareness and appreciation of the reserves and their special features.
 - d) Provide sustainable and safe recreational activities for visitors.
 - e) Provide opportunities for scientific research and apply the results to management of the reserves.
19. The recommended establishing a PHBRS User Group to assist with education strategies and advice on trail development and maintenance.

Sustainability implications

20. Not applicable

Community engagement

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

Innovation and continuous improvement

22. Not applicable

Collaboration

23. Not applicable.

Budget implications

24. Not applicable.

Relevant law

25. Not applicable.

Regional, state and national plans and policies

26. Not applicable.

Conflicts of interest

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

12. Officers' reports

CM.177/21 Tender Report - Contract 2122-026 Yarrambat Streetscape Works

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 2122-026 for Yarrambat Streetscape Works. The works are to upgrade of the Yarrambat Township Streetscape in Ironbark Road, Yarrambat.

Works will include the construction of asphalt road pavement, kerb and channel, footpaths, indented parking bays, vehicle crossovers, underground drainage, and associated works

The Tender Evaluation Panel (TEP) has assessed all submissions and this report provides a summary of their evaluation in recommending the awarding of the contract for 2122-026 for Yarrambat Streetscape Works.

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

Recommendation

That Council:

1. Accepts the tender submitted by the **preferred tenderer** for the sum of \$[Redacted] plus \$[Redacted] for contingency (inclusive of GST) and enter into the following contract:
Number: 2122-026
Title: Yarrambat Streetscape Works
Term: 10 January 2022 to 30 April 2022
2. Authorises the Director Operations and Infrastructure to finalise and execute the contract documentation.
3. Authorises the Director Operations and Infrastructure to approve additional cost variations that are a result of unknown latent site conditions or changes to operational requirements throughout the term of the contract with a total value of no more than the approved budget for the project.
4. Notes that any variations that exceed the agreed approved budget will require a further Council resolution.
5. Advises all tenderers accordingly.
6. Makes public the decision regarding this contract but the Tender Evaluation Report (**Attachment 1**) remain confidential on the grounds specified in the definition of confidential information in section 3(1)(g) of the *Local Government Act 2020*.
7. Resolves that the preferred tenderer be named.

12. Officers' reports**CM.177/21 Tender Report - Contract 2122-026 Yarrambat Streetscape Works**

Attachments

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

Discussion

1. This contract is for the delivery of civil works to upgrade of the Yarrambat Township Streetscape in Ironbark Road, Yarrambat.
2. Works will include the construction of asphalt road pavement, kerb and channel, footpaths, indented parking bays, vehicle crossovers, underground drainage, and associated works

Council plans and policies

3. This report directly supports the achievement of the Council Plan 2021-2025 strategies of Movement and place and Good governance
 - We continue to deliver on our road management responsibilities; working to enhance infrastructure that aligns with the character of the neighbourhood.
 - We continue to exercise sustainable and responsible financial management.

Tender overview

The Tender Evaluation Panel (TEP) advises that:

- a) A public tender was issued on 25 September 2021.
- b) The period for tender submissions closed at 2pm on Thursday 21 October 2021.
- c) The following tenders were received.

TENDERER
Tenderer A – Preferred Tenderer
Tenderer B

4. 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.
5. Both tendered submissions were conforming and proceeded to full evaluation stage.

12. Officers' reports

CM.177/21 Tender Report - Contract 2122-026 Yarrambat Streetscape Works

6. 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%

7. 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.
8. The members of the TEP were:

Position Title	Business Unit	Scoring Member or Advisory Member
Construction Coordinator	Capital Works	Scoring
Contract Works Supervisor	Capital Works	Scoring
Project Management Officer	Capital Works	Scoring
Manager Capital Works	Capital Works	Advisory
Senior Procurement Specialist	Corporate Services	Advisory

9. The final evaluation outcome was as follows:

TENDERER	SCORE	RANK
Tenderer A – Preferred Tender	88/100	1
Tenderer B	69/100	2

10. The recommended tender was the highest ranked and is considered best value based on the information provided in their tendered submission and their capacity and capability along with competitive cost to deliver a good outcome for Council.
11. **Attachment 1** - Tender Evaluation Summary Report – *Confidential*, provides the tenderer names and the Evaluation Scorecard Summary.

12. Officers' reports

CM.177/21 Tender Report - Contract 2122-026 Yarrambat Streetscape Works

12. 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

13. The preferred tender:
- Is very experienced in delivering similar contracts and primarily works with Local Government Agencies.
 - Has in place certified Quality Management, Environmental and Occupational Health and Safety systems and processes.
 - Has successfully delivered previous contracts to Council.

Capacity

14. The preferred tender:
- Has the required staff and plant and equipment to deliver against the contract requirements and timelines.
 - Has a methodology and works program which demonstrate the required capacity to complete these works.

Tender Interviews and Reference checks

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

Contingency and risks

16. A 20% contingency has been included to cover any unforeseen disruptions to schedule and site access.

Collaboration

17. Not applicable

Budget implications

18. The project is funded in part by Council (Contribution of \$350,837) with an additional \$100,000 in funding provided via Department of Jobs, Precincts and Regions (DJPR) through the "Neighbourhood Activity Centre Renewal Fund" (NACRF).

Sustainability implications

19. As part of the tender specification and requirements is the need for the use of Environmentally friendly and sustainable materials for concrete and asphalt.
20. Tenderers were required to provide manufacturers information on the products they would use for concrete and asphalt.

12. Officers' reports

CM.177/21 Tender Report - Contract 2122-026 Yarrambat Streetscape Works

21. The outcome of this is:

- Recycled crushed concrete to be used as the base layer of all concrete pavements and kerb and channel.
- Asphalt product is using recycled crumbed rubber from used, non-biodegradable Australian-made tyres.
- Eco concrete being used in the kerb and footpath concrete.
- Permacrete concrete in concrete footpaths that are near the tree root zones, which allows water to permeate through the material and minimise impact on the root system.

22. The preferred tenderer is a supplier that is located within the Northern Council Alliance area (NCA) and is providing full time employment to more than 10 residents from within the NCA

Stakeholder Consultation/communication

23. Not applicable.

Innovation and continuous improvement

24. Not applicable.

Relevant law

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

Regional, state and national plans and policies

26. Not applicable.

Conflicts of interest

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

12. Officers' reports

CM.177/21 Tender Report - Contract 2122-026 Yarrambat Streetscape Works

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12. Officers' reports

CM.178/21 Tender Report - Contract 2122-020 Andrew Park Pocket Park Construction

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 2122-020 for Andrew Park Pocket Park Construction.

The works within this contract include (but are not limited to) the following:

- Demolition of unwanted existing facilities inclusive of disposal off site of unwanted materials and vegetation to approved landfill.
- Construction of the pocket park as per the design.
- Supply and install play equipment, toilet, fence, bicycle station, shelter, shade sail, bins, drinking fountain, lighting and seating.

The contract period will commence on 10 January 2022 with works intended to be completed by 24 June 2022.

The Tender Evaluation Panel (TEP) has assessed all submissions and this report provides a summary of their evaluation in recommending the awarding of the contract for 2122-020 for Andrew Park Pocket Park Construction.

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

Recommendation

That Council:

1. Accept the tender submitted by the **preferred tenderer** for the sum of \$[Redacted] plus \$[Redacted] for contingency (exclusive of GST) and enter into the following contract:

Number: 2122-020
Title: Andrew Park Pocket Park Construction
Term: 10 January 2022 to 24 June 2022
2. Authorises the Director Operations and Infrastructure to finalise and execute the contract documentation.
3. Authorises the Director Operations and Infrastructure to approve additional cost variations that are a result of unknown latent site conditions or changes to operational requirements throughout the term of the contract with a total value of no more than the approved budget for the project.

12. Officers' reports**CM.178/21 Tender Report - Contract 2122-020 Andrew Park Pocket Park Construction**

-
4. Notes that any variations that exceed the agreed approved budget will require a further Council resolution.
 5. Advises all tenderers accordingly.
 6. Makes public the decision regarding this contract but the Tender Evaluation Report (**Attachment 1**) remain confidential on the grounds specified in the definition of confidential information in section 3(1)(g) of the *Local Government Act 2020*.
 7. Resolves that the preferred tenderer be named.

Attachments

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

Discussion

1. Andrew Park, Eltham is located in the heart of Eltham in close proximity to the Eltham train station, St Vincent's Care Service, Eltham Tennis club, Eltham youth hall and Eltham central recreation reserve.
2. It is positioned with direct access on the Diamond Creek trail, which spans across the Shire from Eltham to Diamond Creek, with trail soon to be extended all the way to Hurstbridge.

Council plans and policies

3. This report directly supports the achievement of the Council Plan 2021-2025 strategy Open spaces and Good governance
 - We carefully protect, plan, maintain and improve open spaces, streetscapes and places to ensure that they are safe, accessible and enjoyable.
 - We continue to exercise sustainable and responsible financial management.

Tender overview

The Tender Evaluation Panel (TEP) advises that:

- a) A public tender was issued on 23 October 2021.
- b) The period for tender submissions closed at 2pm on Thursday 11 November 2021.
- c) The following tenders were received:

TENDERER	Tendered Sum
Tenderer A – Preferred Tender	
Tenderer B	
Tenderer C	

12. Officers' reports

CM.178/21 Tender Report - Contract 2122-020 Andrew Park Pocket Park Construction

4. 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.
5. All tendered submissions were conforming and proceeded to full evaluation stage.
6. 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	30%
Capacity	20%
Social and Local	10%

7. 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.
8. The members of the TEP were:

Position Title	Business Unit	Scoring Member or Advisory Member
Construction Coordinator	Capital Works	Scoring
Project Management Officer	Capital Works	Scoring
Recreation and Open Space Planner	Recreation and Open Space	Scoring
Manager Capital Works	Infrastructure	Advisory
Senior Procurement Specialist	Corporate Services	Advisory

9. The final evaluation outcome was as follows:

TENDERER	SCORE	RANK
Tenderer A – Preferred Tender	83/100	1
Tenderer B	78/100	2
Tenderer C	67/100	3

12. Officers' reports

CM.178/21 Tender Report - Contract 2122-020 Andrew Park Pocket Park Construction

10. The recommended tender was the highest ranked and is considered best value based on the information provided in their tendered submission and their capacity and capability along with competitive cost to deliver a good outcome for Council and Community.
11. **Attachment 1** - Tender Evaluation Summary Report – Confidential, provides the tenderer names and the Evaluation Scorecard Summary.
12. 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

13. The preferred tender:
 - Has relevant industry experience (over ten years) and has completed works in this space for other Councils.
 - Is an accredited installer for some of the equipment that will be used within the park.
 - Has accredited OH&S, Quality Management and Environmental Management systems.
 - Has the capability to deliver the project outcomes, confirmed through interview and reference checks

Capacity

14. The preferred tender:
 - Has very experienced staff and is well resourced.
 - Has a works program which provides a clear structure and approach to the works and shows that the preferred tenderer has the capacity and resources to deliver the project within the stated funding agreement timelines.

Tender Interviews and Reference checks

15. Tender interview was held with the preferred tenderer on the 24 November 2021.
16. Tender reference checks were undertaken.
17. No concerns or flags were raised and the tender evaluation panel is confident that the preferred tenderer is capable of delivering against the contract requirements.

Contingency and risks

18. A 20% Contingency has been allocated to this project due to following risks
 - COVID 19 related delays impacting construction works and/or supply chain
 - Flooding delays, given proximity to Diamond Creek
 - Approval delays from relevant authorities, including Melbourne Water.

12. Officers' reports

CM.178/21 Tender Report - Contract 2122-020 Andrew Park Pocket Park Construction

Collaboration

19. Not applicable.

Budget implications

20. The works are funded by a \$1.3Million grant via the Local Parks Program – New Pocket Parks, through DELWP.

21. Council contribution to the project is \$61,321.00.

Sustainability implications

22. As part of the landscape design for the project, the following environmentally sustainable materials will be used.

- Recycled plastic for street furniture and bollards
- ECO green concrete for concrete works
- Solar-powered lights to be installed onsite.

Stakeholder Consultation/communication

23. Initial concept plans were made public and Community feedback and input was sought via Council's community engagement website Participate Nillumbik.

24. Eighty percent of the respondents were in support of the concept plan.

25. The feedback provided indicates a strong interest in retaining a dual purpose area and revealed the following elements for inclusion and consideration:

- Concern over the location of the toilet block
- Inclusion of Netball Courts
- Incorporation of a water bowl for dogs at the drinking station
- Clear signage for the Diamond Creek Trail and pedestrian crossings.

26. The project team has worked with the landscape architect to incorporate the mentioned elements in the final design, where budget and funding guidelines permit.

Innovation and continuous improvement

27. Not applicable.

Relevant law

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

Regional, state and national plans and policies

28. Not applicable.

12. Officers' reports

CM.178/21 Tender Report - Contract 2122-020 Andrew Park Pocket Park Construction

Conflicts of interest

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

12. Officers' reports**CM.179/21 Tender Report - Contract 2122-021 De Fredericks Road Special Charge Scheme**

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 2122-021 for De Fredericks Road Special Charge Scheme.

Works include the construction and sealing of De Fredericks Road and associated works between Ironbark Road and Hacketts Road, Yarrambat.

The Tender Evaluation Panel (TEP) has assessed all submissions and this report provides a summary of their evaluation in recommending the awarding of the contract for 2122-021 for De Fredericks Road Special Charge Scheme.

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

Recommendation

That Council:

1. Accepts the tender submitted by the **preferred tenderer** for the sum of \$[Redacted] plus \$[Redacted] for contingency (exclusive of GST) and enter into the following contract:
Number: 2122-021
Title: De Fredericks Road Special Charge Scheme.
Term: 10 January 2022 to 30 April 2022
2. Authorises the Director Operations and Infrastructure to finalise and execute the contract documentation.
3. Authorises the Director Operations and Infrastructure to approve additional cost variations that are a result of unknown latent site conditions or changes to operational requirements throughout the term of the contract with a total value of no more than the approved budget for the project.
4. Notes that any variations that exceed the agreed approved budget will require a further Council resolution.
5. Advises all tenderers accordingly.
6. Makes public the decision regarding this contract but the Tender Evaluation Report (**Attachment 1**) remain confidential on the grounds specified in the definition of confidential information in section 3(1)(g) of the *Local Government Act 2020*.
7. Resolves that the preferred tenderer be named.

12. Officers' reports**CM.179/21 Tender Report - Contract 2122-021 De Fredericks Road Special Charge Scheme**

Attachments

1. Tender Evaluation Summary Report - *CONFIDENTIAL*

Discussion

1. The works involve the construction of De Fredericks Road, Yarrambat (full length), including the construction of a sprayed seal road pavement, asphalt road pavement (vehicle crossings), asphalt and natural table drains, drainage culverts, signage and line marking and other associated works.

Related Council decisions

2. Not applicable.

Council plans and policies

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

Tender overview

The Tender Evaluation Panel (TEP) advises that:

4. A public tender was issued on 18 September 2021.
5. The period for tender submissions closed at 2pm on Thursday 21 October 2021.
6. The following tenders were received.

TENDERER
Tenderer A – Preferred Tender
Tenderer B
Tenderer C

7. Only tenders that were conforming and competitive were fully scored. Tender submissions that were evaluated as non-conforming or not sufficiently competitive were set aside from further evaluation.
8. All tendered submissions were conforming and proceeded to full evaluation stage.

12. Officers' reports

CM.179/21 Tender Report - Contract 2122-021 De Fredericks Road Special Charge Scheme

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

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

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

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

12. The final evaluation outcome was as follows:

TENDERER	SCORE	RANK
Tenderer A – Preferred Tender	90/100	1
Tenderer B	56/100	3
Tenderer C	63/100	2

13. The recommended tender was the highest ranked and is considered best value based on the information provided in their tendered submission and their capacity and capability along with competitive cost to deliver a good outcome for Council and to the residents that are funding the Special Charge Scheme works.

12. Officers' reports

CM.179/21 Tender Report - Contract 2122-021 De Fredericks Road Special Charge Scheme

-
14. **Attachment 1** - Tender Evaluation Summary Report – *Confidential*, provides the tenderer names and the Evaluation Scorecard Summary.
15. 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

16. The preferred tender:
- a) Is very experienced in delivering similar special charge scheme contracts and primarily works with local government.
 - b) Has certified Quality Management, Environmental and Occupational Health and Safety systems and processes.
 - c) Has in place the required insurances.
 - d) Demonstrable experience with similar works in surrounding local government areas
 - e) Has provided ECO sustainable product options for all concrete bases and asphalt.

Capacity

17. The preferred tender:
- a) Is well-resourced and experienced in this type of works.
 - b) Uses same sub-contractors on all jobs.
 - c) Has the technical knowledge, experience and resources to complete these works.
 - d) Has provided an acceptable works program chart.
 - e) Has a works program and methodology which demonstrate capacity to complete these works.
 - f) Is a local contractor, that understands the local community, understands our expectations regarding communication and customer service.

Tender Interviews and Reference checks

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

12. Officers' reports

CM.179/21 Tender Report - Contract 2122-021 De Fredericks Road Special Charge Scheme

Contingency and risks

19. A 20% contingency has been included to cover:
- a) Potential delay risks, attributable to COVID, weather and bushfire.
 - b) Potential soft spots within the pavement

Collaboration

20. Not applicable

Budget implications

21. Project is directly funded by the residents within the Special Charge Scheme for De Fredericks Road.

Sustainability implications

22. As part of the tender specification and requirements is the need for the use of Environmentally friendly and sustainable materials for the works.
23. Tenderers were required to provide manufacturers information on the products they would use.
24. The outcome of this is:
- Recycled crushed concrete instead of crushed rock – for use as the base for all concrete works.
 - Duragrip asphalt – recycled steel slag aggregate in asphalt mix. This is a high grip asphalt.
25. Although not part of this contract, when Council undertakes the final seal next year, Council will be using a sustainable product from Quality Roads Sealing - SAM seal with 18 parts recycled rubber tyres.
26. The preferred tenderer is a supplier that is located within the Northern Council Alliance area (NCA) and is providing full time employment to more than 10 residents from within the NCA

Stakeholder Consultation/communication

27. Engagement and discussions have taken place with the residents that are participating and funding the Special Charge Scheme for De Fredericks Road.

Innovation and continuous improvement

28. Not applicable.

Relevant law

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

Regional, state and national plans and policies

30. Not applicable.

12. Officers' reports

CM.179/21 Tender Report - Contract 2122-021 De Fredericks Road Special Charge Scheme

Conflicts of interest

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

12. Officers' reports**CM.180/21 Tender Report - Contract 2021-088 Road Signs, Lighting, Grates, Covers and Associated Traffic Products**

Distribution: Public**Manager: Hjalmar Philipp, Director Operations and Infrastructure****Author: Lance Clark, Senior Procurement Specialist****Summary**

This report recommends the awarding of contract 2021-088 for Road Signs, Lighting, Grates, Covers and Associated Traffic Products

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

The Public Tender was issued via Procurement Australia on behalf of its members, of which, Nillumbik Shire Council is one.

The intent of the Public Tender process was to appoint a panel of suppliers to provide products across the following categories.

- Category 1 – Road & Traffic Signs & Accessories
- Category 2 – Grates, Access Covers & Associated Products
- Category 3 – Traffic Calming Devices
- Category 4 – Work Zone & Associated Products
- Category 5 – Road & Pedestrian Lighting & Associated Products

The Procurement team at Procurement Australia assessed all submissions and this report provides a summary of their evaluation in the appointment of a panel of product suppliers.

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

Recommendation

That Council:

1. Enters into the following panel contract arrangement via Procurement Australia for the list of preferred tenderer (s) as disclosed in (**Attachment 1**);

Council Contract Number: 2021-088

Procurement Australia Ref: 2409/0334

Title: Road Signs, Lighting, Grates, Covers and Associated Traffic Products

Term: 1 October 2021 to 30 September 2024

Options: Term extensions up to 30 September 2026

2. Authorises the Director Operations and Infrastructure to finalise and execute the contract documentation.

12. Officers' reports**CM.180/21 Tender Report - Contract 2021-088 Road Signs, Lighting, Grates, Covers and Associated Traffic Products**

3. Authorises the Director Operations and Infrastructure to approve contract term extensions for a maximum of up to two further years.
4. Makes public the decision regarding this contract but the following documents remain confidential on the grounds specified in the definition of confidential information in section 3(1)(g) of the *Local Government Act 2020*.
 - Attachment 1 – Tender Evaluation Summary Report – *CONFIDENTIAL*
 - Tender Evaluation Report by Procurement Australia – *CONFIDENTIAL*
 - Appendix A – 2409-0034 Submission Summary – *CONFIDENTIAL*
 - Appendix B – 2409-0334 Schedule of Rates – *CONFIDENTIAL*
 - Appendix C – 2409-0334 Weighted Average Scores – *CONFIDENTIAL*
 - Appendix D – 2409-0334 Award Summary - *CONFIDENTIAL*
5. Resolves that the preferred tenderer(s) be named.

Attachments

1. Tender Evaluation Summary Report - *CONFIDENTIAL*
- ⇒2. Sustainability Information
- ⇒3. Category Product Definitions
4. Tender Evaluation Report by Procurement Australia - *CONFIDENTIAL*
5. Appendix A - 2409-0334 Submission Summary - *CONFIDENTIAL*
6. Appendix B - 2409-0334 Schedule of Rates - *CONFIDENTIAL*
7. Appendix C - 2409-0334 Weighted Average Scores - *CONFIDENTIAL*
8. Appendix D - 2409-0334 Award Summary - *CONFIDENTIAL*

Discussion

1. This is a business as usual contract arrangement and Council has been sourcing the required products via similar contract arrangements over many years.
2. Procurement Australia is an Authorised Agent that can undertake Public Tenders on behalf of Local Government Authorities
3. Nillumbik Shire Council was one of 26 Local Government Agencies that opted in to be a party to the Public Tender process.
4. The panel contract arrangement provides officers with flexibility around sourcing products from multiple suppliers as required supporting the Councils operational needs.

12. Officers' reports

CM.180/21 Tender Report - Contract 2021-088 Road Signs, Lighting, Grates, Covers and Associated Traffic Products

5. The intent of the Public Tender process was to appoint a panel of suppliers to provide products across the following categories.
 - Category 1 – Road & Traffic Signs & Accessories
 - Category 2 – Grates, Access Covers & Associated Products
 - Category 3 – Traffic Calming Devices
 - Category 4 – Work Zone & Associated Products
 - Category 5 – Road & Pedestrian Lighting & Associated Products
6. Refer to Attachment 3 - Category Product Definitions for further information

Council plans and policies

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

Tender overview

8. A public tender was issued and advertised by Procurement Australia as below;
 - Herald Sun (16 Jun 2021)
 - The Advertiser (Adelaide) (16 Jun 2021)
 - Sydney Morning Herald (15 Jun 2021)
9. The period for tender submissions closed at 3pm on Wednesday 7 July 2021.
10. Tenderers could tender for any of the product categories and could be appointed, if successful to multiple product categories.
11. Tenderers are not guaranteed volume of sales under the terms of the panel contract arrangements.
12. Councils accessing the panel contract arrangements can seek request for quotes from 1 or many of the successfully appointed suppliers of the respective product categories,
13. 22 suppliers downloaded the tender documents.
14. 15 suppliers made formal tender submissions.
15. Of the 15 suppliers who made a formal submission, only 10 suppliers were appointed by Procurement Australia to the panel contract arrangement.
16. Only 7 of the appointed suppliers offer products within Victoria.

12. Officers' reports**CM.180/21 Tender Report - Contract 2021-088 Road Signs, Lighting, Grates, Covers and Associated Traffic Products**

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 Procurement Australia prior to the issue of the tender.

Criteria	Weighting %
Price	50%
Technical – Refer below for Sub-criteria and weightings	50%
<ul style="list-style-type: none"> Professional Competence & Capability 	54%
<ul style="list-style-type: none"> Customer Focus 	26%
<ul style="list-style-type: none"> Corporate Social Responsibility Profile 	20%

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. Responses were assessed against the criteria and given a score out of 5 in line with the scoring description below. This score was then multiplied by the criteria weighting to give a maximum possible score of 500.

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

20. The following table provides the final evaluation score outcomes for the 10 appointed Tenderers by each of their awarded categories and indicates the tenderers that provide products within Victoria.

12. Officers' reports

CM.180/21 Tender Report - Contract 2021-088 Road Signs, Lighting, Grates, Covers and Associated Traffic Products

	Category 1		Category 2		Category 3		Category 4		Category 5	
Provides Products within Victoria	Road & Traffic Signs & Accessories		Grates, Access Covers & Associated Products		Traffic Calming Devices		Work Zone & Associated Products		Road & Pedestrian Lighting & Associated Products	
	Score / 500	Rank	Score / 500	Rank	Score / 500	Rank	Score / 500	Rank	Score / 500	Rank
Tenderer 1	402	3			368	3	302	4		
Tenderer 2	447	1			452	1	352	2		
Tenderer 3	361	4					316	3		
Tenderer 4	331	6					278	7		
Tenderer 5	440	2			379	2	370	1	370	1
Tenderer 6	300	7			262	5	292	5		
Tenderer 7	353	5	291	1	266	4	291	6		
Tenderer 8			269	2						
Tenderer 9			251	3						
Tenderer 10			250	4						

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*.
23. While there are multiple appointed tenderers that service Victoria across Categories 1, 2, 3 & 4, to ensure there is standardisation of products, and best value outcomes for Council, Council will source from a selected panel of suppliers and not from all suppliers that provide products in Victoria.
24. In one case, although the supplier did not achieve the best score in their tendered category (Category 2), Council uses the product they supply as a standard product within existing infrastructure, and to move away from use of the product from that supplier, would result in additional costs.
25. Following on from a meeting with Council officers from the Infrastructure areas held on the 10 November 2021, the following table shows the breakdown of suppliers that Council will source required products from.

12. Officers' reports**CM.180/21 Tender Report - Contract 2021-088 Road Signs, Lighting, Grates, Covers and Associated Traffic Products**

Selected Suppliers	Category 1		Category 2		Category 3		Category 4		Category 5	
	Road & Traffic Signs & Accessories		Grates, Access Covers & Associated Products		Traffic Calming Devices		Work Zone & Associated Products		Road & Pedestrian Lighting & Associated	
	Score / 500	Rank	Score / 500	Rank	Score / 500	Rank	Score / 500	Rank	Score / 500	Rank
Tenderer 1	402	3			368	3	302	4		
Tenderer 2	447	1			452	1	352	2		
Tenderer 3	361	4					316	3		
Tenderer 4	331	6					278	7		
Tenderer 5	440	2			379	2	370	1	370	1
Tenderer 6	300	7			262	5	292	5		
Tenderer 7	353	5	291	1	266	4	291	6		
Tenderer 8			269	2						
Tenderer 9			251	3						
Tenderer 10			250	4						

Capacity & Capability

26. The appointed suppliers to the panel contract have been evaluated by Procurement Australia and deemed to have the required capacity, capability and resources to deliver against the contract requirements.
27. Most of the appointed suppliers are well known and established organisations and have been delivering products to Local Government Authorities for years.

Tender Reference checks

28. All required tender reference checks were undertaken by Procurement Australia.

Collaboration

29. There were 26 Local Government Agencies that formally participated in the tender process. As such, this is deemed a collaborative tender.

Budget implications

30. As part of the annual budget process, the associated costs related to the required products are included in the budget planning processes.

Sustainability implications

31. Information on sustainability implications for each of the preferred tenderers to be used by Council is provided in Attachment 2 - Sustainability Information

Stakeholder Consultation/communication

32. Not applicable.

Innovation and continuous improvement

33. Not applicable.

12. Officers' reports

CM.180/21 Tender Report - Contract 2021-088 Road Signs, Lighting, Grates, Covers and Associated Traffic Products

Relevant law

34. The tender process undertaken is in compliance with Local Government Act 2020 / Section 108.

Regional, state and national plans and policies

35. Not Applicable.

Conflicts of interest

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

12. Officers' reports

**CM.180/21 Tender Report - Contract 2021-088 Road Signs, Lighting, Grates,
Covers and Associated Traffic Products**

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12. Officers' reports**CM.181/21 Informal Meetings of Councillors Records - 14 December 2021**

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

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

This report lists Informal Meetings of Councillors records submitted since the matter was last reported to Council on 30 November 2021.

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

1. Recreational Trails Advisory Committee Meeting held 17 November 2021;
2. Youth Council Advisory Committee Meeting held 22 November 2021;
3. Climate Action Plan Committee Meeting held 23 November 2021;
4. Councillor Briefing held 23 November 2021;
5. Council Meeting Pre Meeting held 30 November 2021;
6. Economic Development Advisory Committee Meeting held 2 December 2021; and
7. Positive Ageing Advisory Committee Meeting held 3 December 2021.

Officer Recommendation

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

Attachments

- ⇒1. Informal Meeting of Councillor Record reported 14 December 2021

Discussion

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

Related Council decisions

2. Not applicable.

Options

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

Conclusion

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

Council plans and policies

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

Sustainability implications

9. None required.

Community engagement

10. Not applicable.

Innovation and continuous improvement

11. Not applicable.

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.

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12. Officers' reports**CM.182/21 BMX Site near Challenger St Reserve, Diamond Creek****Distribution: Public****Manager: Hjalmar Philipp, Director Operations and Infrastructure****Author: Rebecca Burton, Acting Manager Recreation and Leisure
Jonathon Miller, Manager Property and Facilities Maintenance
Heath Gillett, Acting Community Safety Manager****Summary**

This report provides information on a community built BMX jump site in an area of VicTrack land under lease to Nillumbik Shire Council near Challenger Street Reserve, Diamond Creek.

A Council decision is required to direct the Chief Executive Officer on the next steps with respect to managing this land being leased from VicTrack land, including in relation to managing the risks associated with the BMX jumps.

Recommendation

That Council:

1. Requests officers to work with VicTrack, Metro Trains and Melbourne Water to mitigate the impacts and risks associated with the BMX jumps to the west of the railway line in the area of VicTrack land leased to Nillumbik Shire Council near Challenger Street Reserve, Diamond Creek. Where impacts and risks cannot be mitigated, proceed with removing the BMX jumps and rehabilitating the area.
2. Requests officers work with VicTrack to excise the area of VicTrack land between the railway line and Diamond Creek from the lease with Nillumbik Shire Council and Council execute a Deed of Variation of Lease to reflect the amended leased area.
3. Endorses the allocation of up to \$50,000 from 2021/2022 budgeted borrowings to consult and work with BMX specialist/s to develop a draft concept BMX and off ride facility at a suitable alternate location.

Attachments

- ⇒1. BMX Jump Mountain Bike Track Policy 2005

Discussion

1. Over the past two years, there has been an increasing number of informal dirt jumps and mountain bike tracks being built in Nillumbik.
2. Members of the community build these tracks on land owned and managed by local and State Government, including VicTrack and Melbourne Water, but any action on these structures impact the Nillumbik community.
3. The trend has shifted significantly from BMX racing track style to a more unstructured free-style activity, this has been exacerbated by the State's lockdowns due to COVID-19.

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4. Unstructured and free-style bike tracks are an important way in which the community, especially youth, can participate in a recreation and leisure activity, connect socially and support and improve mental health and wellbeing.
5. In the case of unstructured BMX activity, Council's objectives around youth, health and wellbeing, and recreation and leisure can be limited by its responsibilities around public safety and environment protection.
6. In mid-November 2021, BMX bike jumps on land owned and managed by VicTrack located near Challenger Street Reserve Diamond Creek were removed by VicTrack. Those jumps were originally built by the community, some 30 years ago.
7. Another similar, community built jump site remains in close proximity, in a heavily vegetated area between the western side of the railway line and the Diamond Creek. Use of the site for this purpose has not been authorised by Council.
8. This BMX jump site is on VicTrack land, under lease to Nillumbik Shire Council. The leased area is identified as Lot 22 below.



9. Council's BMX Policy (**Attachment 1**) contains suitability criteria for BMX jump sites on land for which Council has responsibility. The location near the railway line is not considered to meet these criteria and therefore under the policy would be demolished.
10. A site walkover identified the main issues arising from the BMX jumps at this location as:
 - a) Public safety (from access along railway line, falling trees, construction and use of jump and use of building structures).
 - b) Environmental (impacts to vegetation, soil, water, and wildlife).

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11. A Visual Tree Assessment (VTA) was conducted for a number of trees on this site. A VTA consists of a detailed visual inspection of a tree including the surrounding site, looking at the buttress (root plate disturbance), trunk, branches and leaves. The trees were observed from a distance and close up to consider the potential damage to the trees and landscape surroundings. It provides an assessment of the trees with regard to their health, structure and retention value in the landscape and identifies the impact of the excavation works on the future longevity of the trees.
12. When officers inspected the site they found that it is the combination of the root zone and surrounding landscape which has mostly been affected from the excavation and track construction causing major root disturbance around the base of numerous trees which is required for the tree's stability in the ground. The woody root growth and soil cohesion in this area is necessary to hold the tree upright, so that the tree remains viable.
13. Soil around the base of the mature trees has been excavated to the point where the long term future of the trees is at risk and are more likely to fall and cause potential damage to person or property.
14. There have been channels and cuts within the land that have been made for the construction of bike jumps and BMX track which have caused a large amount of root disturbance around many large mature trees. This disturbance is likely to contribute to major tree failure in the future.
15. As a result of the BMX construction, site conditions have changed and there is a high level of compaction and existing changes in levels surrounding trees due to soil erosion from water and ground disturbance.
16. The site area contains remnant indigenous vegetation, some of which has been removed or relocated. Root damage is the most common cause of damage to the trees on this site.
17. The Structural Root Zone (SRZ) surrounding the trees on the site has compromised future tree stability and structure and has increased the potential for future tree failure. SRZ refers to the minimum volume of roots required by the tree to remain stable in the ground. If the SRZ is compromised the chances of wind throw are significantly increased. Wind throw is an event where the entire tree fails/falls over.
18. Access to this site requires users to walk on and alongside the railway track, including over a section where the railway forms a bridge over the Diamond Creek. Aside from endangering users, this causes issues with any future maintenance of the site and access by emergency vehicles.
19. The method of construction of the structures and jumps is unknown. To mitigate risk associated with these structures, further technical investigation would be verified and then maintained to a minimum standard. Poor construction could create potential for serious injury to a user.

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20. A structure has been built on site which does not meet the requirements of the Building Code of Australia and AS1684.1 Residential Timber Framing Construction, in construction methods, timber treatments and timber sizing. Observations from Council's Deputy Municipal Building Surveyor are:
- a) The decking onsite is bouncy underfoot indicating that the timbers aren't supported adequately or are over spanned. Over the front door the timbers are joined mid span in lieu of being joined over points of support.
 - b) The two trees either side of the front of the structure have been used for support and anchoring off also. Should these trees begin to move independently of one another end support may be lost to the structural timbers.
 - c) The roof rafters appear to be tree logs harvested onsite and looking at the span of the roof there is visible sag in the timbers.
 - d) The structure houses a "chimenea" style wood burner inside.
21. With respect to environmental impacts, the vegetation has been severely impacted through excavation and track construction and in the most extreme cases has led to large trees that are critical to wildlife and bank stabilisation being undermined and falling. Through the widespread clearing of indigenous vegetation, it has led to conditions that will be favoured by the many environmental weeds present onsite that will persist in the long term and have a long term impact on vegetation structure and changes to soil chemical composition. This will require significant ongoing weed control and successful revegetation works to rehabilitate the site.
22. Through the loss of vegetation, weed infestation, litter and other pollutants brought into site including makeshift toilets, the soil will be adversely affected leading to erosion, changes in chemical composition and overall soil health that will in turn impact indigenous vegetation, critical fungal associations and waterway health.
23. Waterways are impacted in several ways including, increased sediment loads due to erosion, pollution from hard waste and other contaminants, destabilisation of creek banks from vegetation loss and also increased pressure from opportunistic rabbit activity that will benefit from disturbed soil and vegetation removal.
24. Wildlife will be impacted directly from vegetation removal that provides critical habitat to native insects, reptiles, fish, frogs, birds and mammals including platypus. The displacement of many of these species and disturbance to soil and vegetation will also benefit feral animal activity including rabbits and foxes that will exacerbate the pressure on the surrounding environment.

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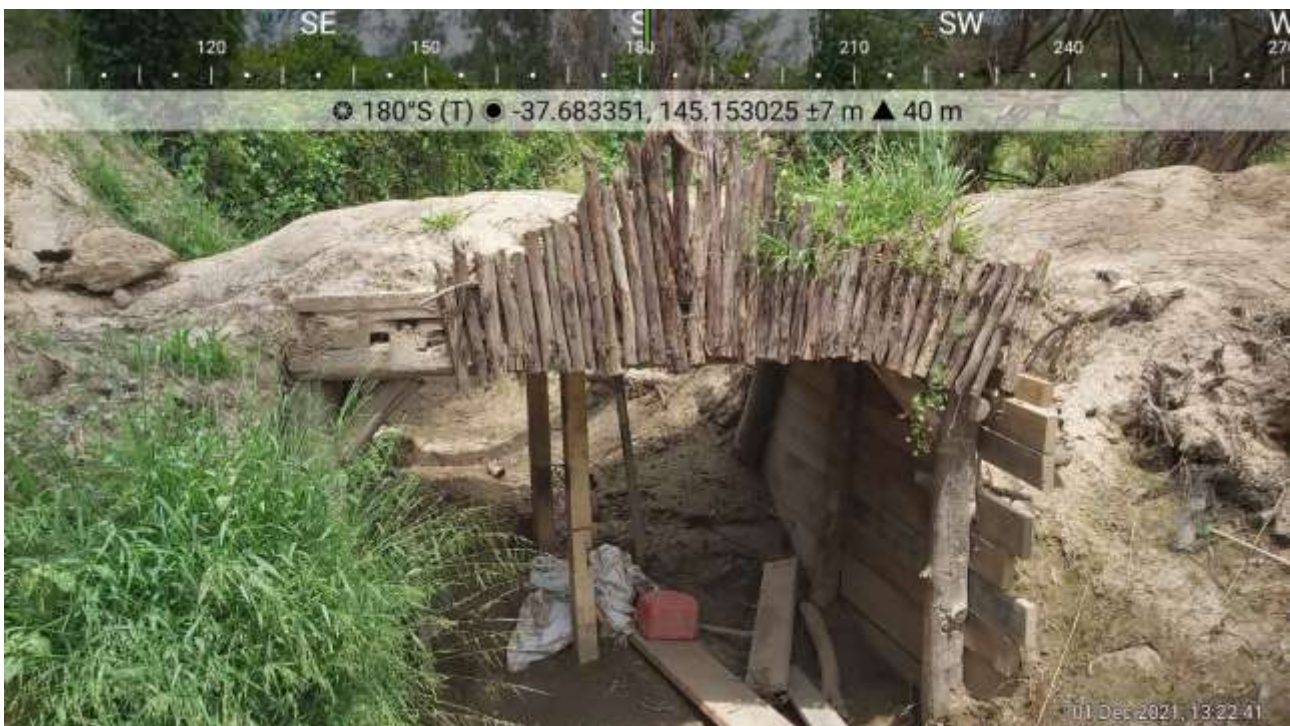
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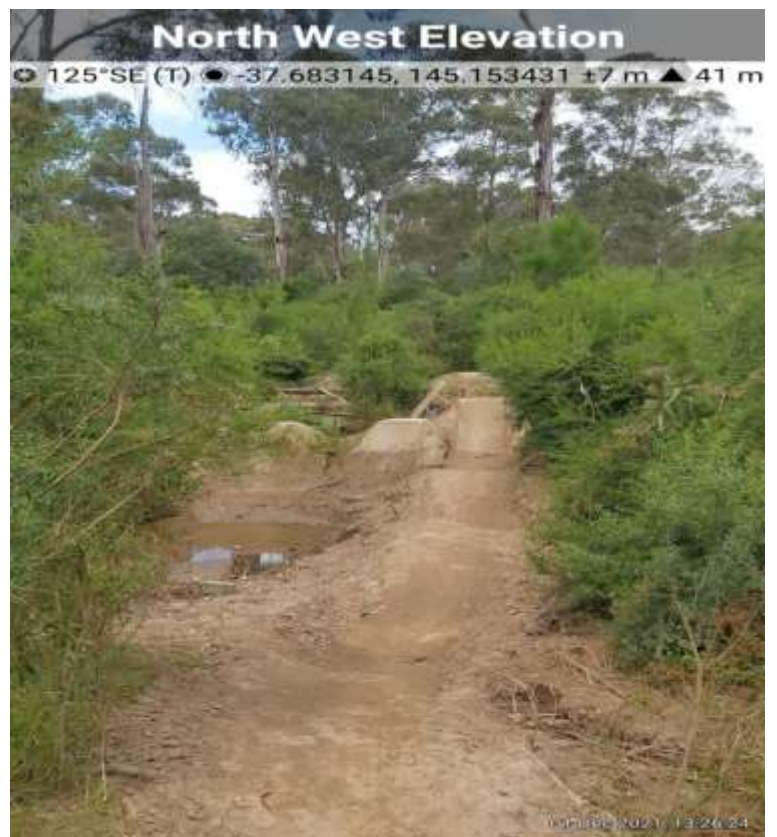
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Related Council decisions

25. At the Council Meeting on 30 November 2021 Council unanimously resolved to:

Requests officers to:

- a. *Continue to work with the land holder VicTrack and various responsible agencies such as Melbourne Water and Metro Trains to find solutions to mitigate and manage the risks on the land alongside the Hurstbridge Rail Line and Diamond Creek, near the Diamond Creek linear reserve.*
- b. *Commence consultation with the community for BMX and off-roading opportunities in the area near the Diamond Creek trail on Allendale Road.*
- c. *Commence investigation into BMX and off-road biking opportunities across the Shire and provide progress updates to Council throughout 2022.*

Seeks funding from relevant state agencies and advocates to all levels of government to identify funding opportunities to develop BMX and off-road biking locations in the Shire

Options

26. There are several risks and impacts that require mitigation and management. In the event this cannot be achieved, in line with Council's BMX Policy and general duty of care, the structures and jumps/tracks should be removed.

Council plans and policies

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

- We carefully protect, plan, maintain and improve open spaces, streetscapes and places to ensure that they are safe, accessible and enjoyable.
- Draft Recreation and Leisure Strategy 2022 – 2030

Priorities and Objectives in the Strategy;

- Priority 1: Increasing Participation and Usage of Facilities and Open Space
Objective: Recreation and Leisure actively support and promote opportunities to participate in active recreation opportunities, including walking, skating, scootering and cycling.
- Priority 2: Promoting Equity and Inclusion
Objective: Projects, programs and services which support and increase in access, equity and inclusion in recreation are prioritised for funding.
Objective: Recreation and Leisure actively pursue options to make recreation and leisure facilities more accessible.
Objective: Recreation and Leisure proactively work with community groups to increase awareness and build capacity around inclusion best practice.
- Priority 3: Infrastructure Renewal and Upgrade
Objective: Recreation and Leisure actively pursue grant funding opportunities to develop and renew assets to meet community needs.

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- Nillumbik BMX Jump and Mountain Bike Track Policy 2005 (**Attachment 1**):
 - to ensure appropriate public safety is achieved and maintained in this recreational setting
 - establish a fair and reasonable process to deal with emerging BMX and mountain bike facilities on Council land
 - protect and enhance the natural environment through appropriate site selection and placement of BMX and mountain bike tracks
 - ensure the process of community engagement is effective, democratic and meets expectations

Sustainability implications

28. Impacts on the environment are outlined in the discussion section of this report.

Community engagement

29. Following the adoption of the Notice of Motion at the Council Meeting on 30 November 2021, consultation commenced December 2021 and will conclude on 13 February 2022.
30. Postcards, hardcopy surveys and discussions were distributed and held at the 'Girls to the Front gig' on 9 December 2021 at the Eltham Town Square (an event hosted by the Youth team).
31. Pop up face to face consultation sessions have been scheduled for the:

Date	Time	Location
15 December 2021	3pm – 5pm	Diamond Creek Skate Park
18 December 2021	11am – 1pm	Eltham Skate Park
14 January 2022	10am – 12pm	Hurstbridge Skate Park
10 February 2022	4.30 – 6.30pm	Diamond Creek Skate Park

32. The Youth Council have a meeting scheduled for 7 February 2022, where BMX and off road biking is an agenda item for discussion.

Innovation and continuous improvement

33. Community feedback is sought on innovative approaches to meeting community demand for BMX jump sites in Nillumbik.

Collaboration

34. Officers are liaising with other Councils who have similar community needs in regards to BMX and off-road biking to gain an understanding of what has worked well when working with the community to achieve a desired outcome.
35. Council's Chief Executive Officer has raised these public safety concerns with VicTrack, VicMetro and Melbourne Water to seek their support to manage the risks.

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Budget implications

- 36. A budget allocation will be required to support consultation and planning to develop design a draft concept of a BMX and off ride facility.
- 37. It is proposed this allocation be sourced from Council's 2021/2022 budgeted borrowings to support planning capital projects for future grant submissions.
- 38. This allocation will not impact the delivery of any current projects or contribution grants already submitted.

Relevant law

- 39. Not applicable.

Regional, state and national plans and policies

- 40. Not applicable.

Conflicts of interest

- 41. 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.

13. Notices of Motion**NOM.008/21 Refugees Community Sponsorship Program 2021**

Cr Natalie Duffy advised of her intention to move the following motion at the Council Meeting to be held on Tuesday 14 December 2021:

Motion

That Council:

1. Notes Nillumbik Shire is a community which welcomes refugees and reaffirms our commitment made in 2016 to be a Refugee Welcome Zone.
2. Notes that the Federal Government's Community Sponsorship Program enables individuals to cover a refugee's resettlement costs and that while this program is very expensive for sponsors, it comes out of Australia's existing humanitarian intake so does not provide any additional places;
3. Requests the Mayor write to the relevant Federal Ministers and the opposition spokespersons copying the local members The Hon. Kevin Andrews MP, Ms Kate Thwaites MP and Mr Rob Mitchell MP immediately to call on the Federal Government to:
 - a. improve and expand the Community Sponsorship Program to ensure the program:
 - i. Does not take places from others in need
 - ii. Provides adequate support and services
 - iii. Limits the costs on sponsors
 - iv. Allows community, family and businesses to act as sponsors
 - v. Creates more places for people in need of protection to settle in Australia
 - b. for those refugees medically evacuated to Australia from Nauru and Papua New Guinea, provide permanent residency, access to Medicare, employment and government support by way of a humanitarian visa.
 - c. take action to immediately resettle those refugees and people seeking asylum detained in Nauru and Papua New Guinea allowing them access permanent resettlement options in Canada, USA, New Zealand and Australia by way of a humanitarian visa.
 - d. increase Australia's intake of Afghani refugees by 20,000 in addition to our country's regular humanitarian intake.

14. Delegates' Reports**15. Supplementary and urgent business****16. Confidential reports**

Nil

17. Close of Meeting