

# Council Meeting

to be held at the Civic Centre, Civic Drive, Greensborough  
on Tuesday 28 June 2022 commencing at 7:00pm.

## Agenda

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

Thursday 23 June 2022

Distribution: Public

Civic Drive, Greensborough  
PO Box 476, Greensborough 3088

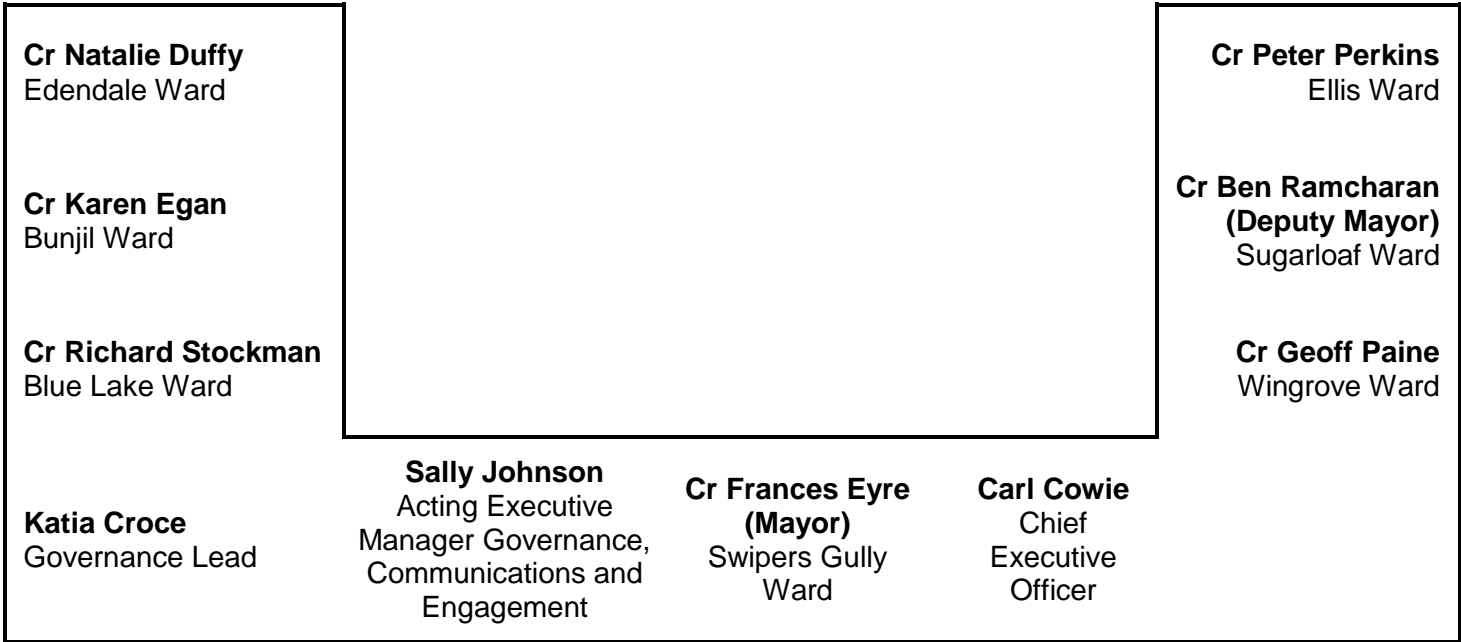
Telephone 9433 3111

Facsimile 9433 3777

Website [www.nillumbik.vic.gov.au](http://www.nillumbik.vic.gov.au)

Email [nillumbik@nillumbik.vic.gov.au](mailto:nillumbik@nillumbik.vic.gov.au)

# Council Chamber Council Meeting seating plan



## Nillumbik Shire Council

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## Nillumbik Shire Council

### Agenda of the Meeting of Nillumbik Shire Council to be held Tuesday 28 June 2022 commencing at 7:00pm

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#### 1. Welcome by the Mayor

Members of the public are advised the meeting will be livestreamed and recorded and the livestream 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.

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

#### 6. Presentations

**7. Confirmation of Minutes**

Confirmation of the minutes of the Council Meeting held on Tuesday 24 May 2022.

**Recommendation**

**That** Council confirms the minutes of the Council Meeting held on Tuesday 24 May 2022 (**Attachment 1**).

**Attachments**

- 1  Minutes of the Council Meeting held Tuesday 24 May 2022

**8. Disclosure of conflicts of interest**

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

**9. Petitions**

Nil

**10. Questions from the gallery**

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11. Reports of Advisory Committees

AC.005/22      Advisory Committee Report - 28 June 2022

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**Distribution:**    Public

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

**Author:**         Katia Croce, Governance Lead

**Summary**

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

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

1. Arts & Culture Advisory Committee meeting – 21 February 2022;
2. Positive Ageing Advisory Committee – 6 May; and
3. Youth Council Advisory Committee – 6 June 2022.

**Attachments**

1.  Advisory Committee Meeting Minutes reported 28 June 2022

**Recommendation**

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

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**12. Officers' reports****CM.039/22 Audit and Risk Committee Meeting May 2022**

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

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

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

The Audit and Risk Committee met on 31 May 2022. The minutes for the meeting are shown in **Attachment 1**.

**Recommendation**

**That** Council notes the minutes of the Audit and Risk Committee meeting held on 31 May 2022 (**Attachment 1**).

**Attachments**

1.  31 May 2022 Audit and Risk Committee Meeting Minutes

**Discussion**

1. The minutes of the Audit and Risk Committee (ARC) are submitted to Council after each meeting. To provide timely feedback, these are unconfirmed minutes.
2. Minutes of the ARC held on the 31 May 2022 have not yet been adopted by the Committee, but will be presented at its next meeting.
3. The items considered by the ARC were:
  - Sex Work Decriminalisation Bill 2021 summary
  - Health and Well-being, Sexual Harassment in Local Government and Gender Equity Action Plan update
  - 2021/2022 VAGO Interim Management Letter
  - Statutory Planning Internal Audit Report ; and
  - Risk Report Policy Framework and Strategic Risks.
4. The next ARC meeting is scheduled to take place on Monday 22 August 2022.

**Related Council decisions**

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

**12. Officers' reports**

**CM.039/22 Audit and Risk Committee Meeting May 2022**

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**Options**

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

**Council plans and policies**

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

**Sustainability implications**

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

**Community engagement**

10. Not applicable.

**Innovation and continuous improvement**

11. Not applicable.

**Collaboration**

12. The ARC meeting on 31 May 2022 was attended by the Committee members, the internal auditor from Pitcher Partners, the external auditor from HLB Mann Judd, as well as the CEO and CFO. Mayor Cr Frances Eyre and Deputy Mayor Cr Ben Ramcharan attended as the councillor representatives.

**Budget implications**

13. The associated costs are contained within Council's 2021-2022 Budget.

**Relevant law**

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

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

15. Not applicable.

**Conflicts of interest**

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

## 12. Officers' reports

### CM.056/22 Adoption of the Recreation & Leisure Strategy 2022-2030

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**Distribution:** Public

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

**Author:** Rebecca Burton, Acting Manager Recreation and Leisure

#### Summary

The proposed Recreation and Leisure Strategy 2022-2030 (**Attachment 1**) renews Council's commitment to sport and active recreation across the municipality. The strategy provides strategic priorities and objectives, which will inform the development of sport, leisure and active recreation in Nillumbik over the next eight years. It will be underpinned by two 4-year operational action plans spanning from 2022-2026 and 2027-2030.

A draft Recreation and Leisure Strategy 2022-2030 was exhibited for community consultation between 31 January and 6 March 2022. To maximise community input, Council officers engaged with key stakeholders (including Council advisory committees, community sporting clubs, and State sporting associations) together with members of the general public through pop-up consultation sessions, focus groups, a comprehensive social media campaign and an online survey via *Participate Nillumbik*.

103 submissions to the draft Recreation and Leisure Strategy were received via the *Participate Nillumbik* website, demonstrating a majority support of the 6 priority areas outlined in the strategy.

This report requests that Council adopts the Recreation and Leisure Strategy 2022-2030.

#### Recommendation

**That** Council having considered the submissions received, adopts the Recreation and Leisure Strategy 2022-2030 (**Attachment 1**).

#### Attachments

1.  Recreation & Leisure Strategy 2022-2030

#### Discussion

1. The 2011-2019 Recreation and Leisure Strategy is outdated and a new strategy is required.
2. A draft Recreation and Leisure Strategy 2022-2030 was created through extensive internal consultation with relevant Council departments (Community Support Services, Inclusion & Volunteering, Strategic Planning, Community Partnerships, Open Space, Sustainability, Capital Works, Assets, Property and Environment). It was also informed by the findings from the 2020 Club Development report and the 'Our People, Our Place, Our Future' community consultation
3. The proposed Recreation and Leisure Strategy 2022-2030 (**Attachment 1**) renews Council's commitment to sport and active recreation across the municipality. The strategy provides strategic priorities and objectives, which will inform the development of sport, leisure and active recreation in Nillumbik over the next eight years. It will be

**12. Officers' reports****CM.056/22 Adoption of the Recreation & Leisure Strategy 2022-2030**

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underpinned by two 4-year operational Action Plans spanning from 2022-2026 and 2027-2030.

4. The vision of the Recreation and Leisure Strategy 2022-2030 is *“to provide high quality, inclusive sport and recreation facilities in partnership with the community to support participation for all.”*
5. To support this vision, the Recreation and Leisure Strategy 2022-2030 identifies six priority areas:
  - a. Priority 1: Increasing Participation and Usage of Facilities and Open Space
  - b. Priority 2: Promoting Equity and Inclusion
  - c. Priority 3: Infrastructure Renewal and Upgrade
  - d. Priority 4: Community Engagement and Partnerships
  - e. Priority 5: Community Development and Strengthening
  - f. Priority 6: Sustainable Environments.
6. Objectives have been included under each priority area. The strategy also identifies where priority areas and objectives align to the Council Plan and the Municipal Health and Wellbeing Plan to demonstrate how the Recreation and Leisure Strategy integrates and responds to these strategic documents.
7. Council officers will operationalise the Recreation and Leisure Strategy through the development of two 4 year Action Plans, spanning from 2022-2026 and 2027-2030. These will detail the specific actions proposed to be delivered each year in response to the priority areas and objectives outlined. A progress report will be presented to Council at the end of each financial year.

**Related Council decisions**

8. On 14 December 2021, Council endorsed the engagement plan for a public consultation of the draft Recreation and Leisure Strategy 2022-2030.

**Options**

9. With consideration to the submissions received, Council has the option to adopt the Recreation and Leisure Strategy 2022-2030 (**Attachment 1**) and in doing so, retire 2011-2019 Recreation and Leisure Strategy.

**Council plans and policies**

10. This report directly supports the achievement of the Council Plan 2021-2025 strategy:
  - We address the social, environmental and economic factors of health to improve health and wellbeing outcomes for our communities.

**Sustainability implications**

11. Not applicable.

## 12. Officers' reports

## CM.056/22 Adoption of the Recreation &amp; Leisure Strategy 2022-2030

**Community engagement**

12. The draft Recreation and Leisure Strategy was subject to public consultation from 31 January – 6 March 2022 to provide the broader community and key stakeholders with the opportunity to provide feedback. Opportunities for consultation included:
- An online survey via the *Participate Nillumbik* website.
  - Focus groups undertaken with Council's Advisory Committees (Regional Trails Advisory Committee, Positive Ageing Advisory Committee, Youth Council and the Inclusion and Access Advisory Committee).
  - 6 "pop-up" consultation sessions at Council leisure and community facilities (Eltham Leisure Centre, Diamond Creek Community Centre, Community Bank Stadium, Diamond Valley Sports and Fitness Centre, Yarrambat Park Golf Course and Hurstbridge Community Hub).
  - Writing and illustration tasks completed throughout Early Years Services in Nillumbik.
  - A social media campaign via Council's Facebook page.
  - Corflute signage with a QR code linking to *Participate Nillumbik* displayed at key play spaces and trail heads throughout the Shire.
  - An induction session delivered to Nillumbik community sporting groups.
  - Correspondence to all sporting club presidents regarding the feedback opportunity was sent during the consultation period.
13. Community members were also invited to speak to their submissions to the draft Recreation and Leisure Strategy at Planning and Consultation committee meeting held on 12 April 2022. Six submitters registered to speak.
14. Overall, submissions to the draft Recreation and Leisure strategy demonstrated a majority support for each of the 6 priority areas outlined in the strategy

Priority Area	Support	Somewhat Support	Do Not Support
1. Increasing Participation and Usage of Facilities and Open Space	81%	14%	5%
2. Promoting Equity and Inclusion	78%	16%	6%
3. Infrastructure Renewal and Upgrade	81%	14%	5%
4. Community Engagement and Partnerships	76.0%	21%	3%
5. Community Development and Strengthening	77%	19%	4%
6. Sustainable Environments	81%	13%	6%

**12. Officers' reports**

**CM.056/22 Adoption of the Recreation & Leisure Strategy 2022-2030**

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15. Council officers will refer to the community consultation findings in their development of two 4 year actions plans which will underpin the strategy.
16. Numerous submissions to the draft Recreation and Leisure Strategy consultation referred included feedback and suggestions for passive leisure activities (e.g. gardening, festivals and music concerts) and referred to programs and services within the Communities directorate (e.g. Men's Shed, Nillumbik Living and Learning Centre).
17. To clarify the role of the Recreation and Leisure Strategy, the following statement has been included in the finalised version of the strategy:
  - a. Council acknowledges the importance that other leisure and non-physical activities play in a person's life which may fall outside the scope of this strategy.
18. Other minor changes in the document include:
  - a. The Diamond Creek Outdoor Pool has now been added to the recreation assets on Page 5 with the Leisure Centres and Golf Course.
  - b. Formatting and grammatical errors throughout the document.
  - c. Page 16 – Equine and Soccer Strategies have been added to Related Council Strategies.

**Innovation and continuous improvement**

19. Opportunities for innovation and continuous improvement will be identified through the implementation of the Recreation and Leisure Strategy and the associated Action Plans.

**Collaboration**

20. Key stakeholders involved in the community consultation of the draft Recreation and Leisure strategy included community sporting clubs, local and state sporting associations, relevant Council advisory committees (Positive Ageing Advisory Committee, Regional Trails Advisory Committee, Youth Council and Inclusion and Access Advisory Committee) and children from Nillumbik's early year's services.

**Budget implications**

21. The development of the Recreation and Leisure Strategy has been delivered within the existing operational budget.
22. The Recreation and Leisure Strategy is a high-level strategic document and does not make specific budget commitments
23. Each year, in line with the budget process, Council officers will produce an annual implementation plan identifying how Council will work towards the 4 year Action Plan and the priorities and strategies of the Recreation and Leisure 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 presented for Council's consideration.

**Relevant law**

24. Not applicable.



**12. Officers' reports**

**CM.056/22 Adoption of the Recreation & Leisure Strategy 2022-2030**

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

25. Sport and Recreation Victoria – *Active Victoria Framework*

26. VicHealth – *Physical Activity Strategy 2019-2023*.

**Conflicts of interest**

27. 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.056/22 Adoption of the Recreation & Leisure Strategy 2022-2030**

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**12. Officers' reports****CM.057/22 Quarterly Risk and Safety Report - March 2022**

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**Distribution: Public****Manager: Jeremy Livingston, Executive Manager Business Transformation and Performance****Summary**

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

The report is presented in accordance with the Local Government Performance Reporting Framework (LGPRF). This reporting framework requires the presentation of a report to Council at least every six months, detailing the strategic risks, operational risks, the consequences and likelihood of occurrence, and risk mitigation strategies.

Risk and Safety reporting to Council is tabled each quarter following consideration by Council's Audit and Risk Committee, which in this quarter occurred on 31 May 2022.

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




Also attached is Council's Risk Management Policy, Risk Management Plan and Strategic Risk Register (**Attachments 2, 3 and 4**) for noting, following their endorsement by Council's Audit and Risk Committee on 31 May 2022.

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

1. Notes the summary of the confidential Risk and Safety Report (**Attachment 1**) for the quarter ending March 2022.
2. Notes the accompanying updated Risk Management Policy (**Attachment 2**), updated Risk Management Framework (**Attachment 3**) and Strategic Risk Register Summary (**Attachment 4**) which were endorsed by Council's Audit and Risk Committee at its quarterly meeting on 31 May 2022.
3. Resolves that the attached Risk and Safety Report (**Attachment 1**) remains confidential in accordance with section 3(1)(a) and (f) of the *Local Government Act 2020*.

**Attachments**

1. Risk and Safety Report March 2022 - *CONFIDENTIAL*
2.  Updated Risk Management Policy
3.  Updated Risk Management Framework
4.  Updated Strategic Risk Register (Summary)

**12. Officers' reports****CM.057/22      Quarterly Risk and Safety Report - March 2022**

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**Discussion**

1. Council's commitment to risk management is outlined in the Risk Management Policy, with the following objectives:
  - Ensure that all risks that could affect the achievement of Council's goals, strategies and actions are identified, assessed and treated to a commercially and professionally acceptable level of risk;
  - Integrate risk management into Council's decision making processes and embedding it into the organisational culture;
  - Ensure necessary resources are allocated in support of the Policy and supporting Risk Management Framework;
  - Maintain stakeholders' trust and due diligence;
  - Align all risk practices across all systems and to promote and support a consistent corporate approach to risk that can be clearly understood; and
  - Ensure that risk management is seen as the responsibility of all staff, i.e. – *risk management is everyone's business*.
2. In addition to the Risk Management Policy, Council's Risk Management Framework communicates and describes the risk management principles and processes that are used to identify, analyse, evaluate, treat, monitor and communicate key risks, including management reporting.
3. The context of the Risk Management Policy and Framework takes into account that local government presents a distinct risk character and profile that needs to be taken into account when considering risk management. Many assets and services are available 24 hours a day seven days a week in an unsupervised way, some are managed or provided by volunteers or committees of management or are managed by contractors, others are regulated by compliance legislation.
4. This Risk and Safety report broadly reports on:
  - Risk management;
  - Business continuity;
  - (Anti) Fraud and corruption control;
  - Insurance premiums;
  - Incident management and insurance claims;
  - Occupational Health and Safety;
  - Other data; and
  - Strategic risk summary report.

12. Officers' reports

CM.057/22 Quarterly Risk and Safety Report - March 2022

5. The Quarterly Risk and Safety Report has been prepared in accordance with Council's Risk Management Policy and Framework, and is consistent with the Australian Standard AS/NZS 31000:2018 Risk Management.
6. Highlights from the Risk and Safety Report for the quarter ending March 2022 are as follows.
7. Following a periodic review, Council's Risk Management Policy (**Attachment 2**), Risk Management Framework (**Attachment 3**) and Strategic Risk Register (**Attachment 4**) have been updated. All three of these updated documents were endorsed by Council's Audit and Risk Committee at this quarter's meeting, and are attached to this report for formal noting.
8. Strategic risks are internal and external events that impact an organisation in achieving their objectives and strategic goals. Workshops were conducted by Marsh Pty Ltd (parent company of Council's Insurance Brokers) in November 2021, which helped inform the development of the new Strategic Risk Register.
9. Drafting of a new (Anti) Fraud and Corruption Policy and Control System commenced this quarter, to align with Australian Standard AS8001:2021. These will be presented to Council's Audit and Risk Committee following consultation within the organisation.
10. The COVID-19 pandemic continues to be recorded as a Major Incident:
  - Council continues to observe all directives issued by the Victorian Chief Health Officer in response to the COVID-19 State of Emergency; and
  - Significant numbers of staff absences were noted during the March 2022 quarter, primarily due to the onset of the COVID-19 Omicron variant and incident reports were lodged to track and manage the effect on Council's service delivery. Some services were tested by the absences; however service provision was not adversely affected.
11. The following tables summarises recorded incidents by type for matters involving Council. It should be noted that this table shows all reported incidents, rather than all claims, as not every incident results in a claim being made. Note that the table excludes COVID-19 Incident reports.

Incidents by type	Apr – Jun 21	Jul – Sep 21	Oct – Dec 21	Jan-Mar 22	Total Apr - Mar 21	Last Year Apr - Mar 20
Property	16	9	6	4	33	65
Motor vehicle	11	7	11	6	35	42
Professional Indemnity	0	0	0	2	2	5
Public Liability	46	40	40	38	164	196
Occupational Health and Safety	26	18	27	20	91	79
Total incidents	99	74	84	70	325	387

12. Officers' reports

CM.057/22 Quarterly Risk and Safety Report - March 2022

12. The following table summarises all incidents by Directorate.

Incidents by Directorate	Apr – Jun 21	Jul – Sep 21	Oct – Dec 21	Jan – Mar 22	Total Apr - Mar 21	Last Year Apr - Mar 20
Corporate Services	2	0	0	1	3	2
Communications, Governance and Engagement	3	1	1	0	5	3
Planning and Community Safety	13	5	15	8	41	34
Community Services	4	4	4	6	18	15
Operations and Infrastructure	77	64	64	55	258	333
Total incidents	99	74	84	70	325	387

13. A high proportion of reported incidents during the March 2022 quarter are generated within the normal course of operations in the Operations and Infrastructure Directorate (78%). This is down 16% from the March 2021 quarter and is attributed to decreasing incidents in Operations and Infrastructure as incident data starts to return to pre-COVID-19 levels.
14. All incidents relate to major classes of asset or maintenance type incidents for Council buildings, recreational facilities, playgrounds, trees, drainage, footpath, road damage and major plant.
15. Tree related risks are mitigated through the:
- Tree Management Policy;
  - Reactive tree maintenance program;
  - Proactive electric power line clearance program;
  - Proactive box clearance program;
  - Proactive inspections of high risk trees; and
  - Meeting the objectives of the Municipal Emergency Management Plan and Municipal Fire Management Plan.
16. Road, footpath, drainage and roadside related risks are mitigated through the:
- Road Management Plan;
  - Road Asset Management Plans; and
  - Proactive and reactive maintenance programs.
17. Property incidents typically reported are property theft, break-ins, storm damage vandalism and accidental damage to Council buildings or fixed equipment such as in playgrounds and recreational facilities. Risks are mitigated through maintenance programs and insurance.

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18. There were three reports of property theft, break-ins, storm damage and vandalism noted during the March 2022 quarter, including a break-in at the Yarrambat Horse and Pony Club, vandalism to two electrical boards at Research Tennis club and asbestos dumped in a playground.
  19. One insurance claim was lodged for water damage to the Diamond Valley Sports Complex (old section) caused by a broken pipe in change rooms.
  20. Overall, reported property incidents are substantially lower when compared to the same period last year. All incidents are reported to the Police where appropriate.
  21. Motor vehicle incidents include accidental damage involving Council's light and heavy fleet, including incidents caused by third parties. Risks are mitigated through maintenance, education and insurance.
  22. There were six motor vehicle incidents during the March 2022 quarter which resulted in one at fault motor vehicle insurance claim lodged with Council's insurer. The number of incidents and dollar value of claims has fallen when compared to the previous year.
  23. Professional indemnity relates to incidents and claims for alleged negligence or breach of duty arising from an act, error or omission in the performance of Council services. Two new professional indemnity incidents were reported to Council's insurer this quarter.
  24. Public liability incidents are reported where the third party is seeking compensation for personal injury, property damage and economic loss. Note that compensation claims are only paid where Council has been negligent or there is a clear legal liability and are managed by an external claims manager or Council's insurer. Typical incidents primarily relate to vehicle road damage, property damage, tree related or trip and fall incidents.
  25. Three incidents related to vehicle damage, primarily these are tyre or body work damage caused by the road surface or road related infrastructure. (Note that the *Road Management Act 2004* threshold is currently \$1,460).
  26. There were six flooding and 21 tree damage incidents causing property damage, primarily attributed to rainfall and wind related events. Two incidents related to tree root damage.
  27. Occupational Health and Safety incidents relate to safety matters reported as incidents, hazards and near misses. Typical incidents relate to cuts and lacerations, insect and animal bites, musculoskeletal injuries and slip trips and falls. These incidents are managed through the Occupational Health and Safety Management System.
  28. The overall occupational health and safety annual trend data for the year ending March 2022 for incidents was higher compared to the same period ending March 2021.
  29. The increase is attributed to traffic management incidents reported by school crossing supervisors, which is part of a program to identify school crossings that require safety improvement.
  30. Incident costs, including under excess claim costs and insurance excesses, are managed within existing budgets. Where appropriate, insurance claims were made, repairs undertaken and matters reported to the Police.

**12. Officers' reports**

**CM.057/22 Quarterly Risk and Safety Report - March 2022**

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**Related Council decisions**

31. This summary, along with the confidential Risk and Safety Report, has been provided to meet the requirements of the Local Government Performance Reporting Framework (LGPRF) and consolidation of management reporting.
32. Ongoing reporting to Council on risk and safety matters is presented quarterly following each meeting of Council's Audit and Risk Committee.

**Council plans and policies**

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

**Sustainability implications**

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

**Community engagement**

36. Not applicable.

**Innovation and continuous improvement**

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

**Collaboration**

38. Not applicable.

**Budget implications**

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

**Relevant law**

40. Not applicable.

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

41. Not applicable.

**Conflicts of interest**

42. 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.058/22 Diamond Creek Community Infrastructure Master Plan project – Phase A - Strategic Plan (Draft) for exhibition**

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**Distribution: Public**

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

**Author: Leigh Northwood, Strategic Planning Lead**

**Summary**

The purpose of this report is to seek Council's approval to exhibit the draft Diamond Creek Community Infrastructure Strategic Plan (draft Strategic Plan), for community awareness and specifically seek feedback in regard to the proposed Youth Hub.

The draft Strategic Plan is an early step in the overall broader development of a master plan that, subject to funding, will further develop the community infrastructure proposed, and provide long-term direction for community infrastructure delivery. The adoption of the strategic plan, after exhibition, will complete the first phase (Phase A) of the master plan project.

The project delivers on the 2021-2025 Council Plan priority action to develop a master plan for community facilities in Diamond Creek including recreation and community precincts and buildings.

The draft Strategic Plan investigates 'what', 'how' and 'where' community infrastructure could be provided in Diamond Creek to service the community infrastructure needs of a projected Diamond Creek population of 15,000 in 2036 — and the wider communities of the Shire that the township serves.

The draft Strategic Plan proposes two service model options for a Youth Hub, and the community will be asked to indicate their preferred option via survey on Participate Nillumbik.

The Strategic Plan, once adopted by Council after exhibition, will serve as the basis for the preparation of a more detailed master plan in the subsequent and final phase (Phase B) of the project, subject to Council project funding.

The overall broader master plan when developed will provide a long-term direction to the provision of community infrastructure (including a detailed needs and business case analyses for specific community infrastructure, as well as concept designs and a cost plan for all community infrastructure), and enable a planned approach to its investment. Further detailed designs and approvals will be required subsequent to the completion of a master plan, as well as external funding applications to support delivery that is anticipated to span several years.

**Recommendation**


**That** Council approves the draft Diamond Creek Community Infrastructure Strategic Plan (**Attachment 1**) for exhibition on Participate Nillumbik commencing in early July 2022 for a period of 4 weeks, subject to graphic/administrative refinements as required for exhibition.

## 12. Officers' reports

### CM.058/22 Diamond Creek Community Infrastructure Master Plan project - Phase A - Strategic Plan (Draft) for exhibition

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#### Attachments

- 1 Diamond Creek Community Infrastructure Strategic Plan Draft for Council Meeting  
 28 June 2022)

#### Discussion

##### Background

1. The Diamond Creek Community Infrastructure Master Plan project is a Council Priority Action in the Council Plan 2021-2025. Council was briefed on the project initiative at the 20 July 2021 and 1 March 2021 Councillor Briefings (OB.117/21 and OB.026/22, respectively).
2. The master plan project aims to optimise the capacity of the Diamond Creek township to provide community infrastructure in meeting the needs of the Diamond Creek community and broader communities of the Shire that Diamond Creek serves, including sport, recreation, social and cultural facilities, whilst ensuring other place functions and values within the township are maintained or enhanced.
3. The master plan project is defined in two phases, Phase A —Community Infrastructure Strategic Plan (current phase), and Phase B — Community Infrastructure Master Plan (future phase).
4. This first phase of the project, Phase A — Community Infrastructure Strategic Plan, only, is budgeted for and has been planned to be substantially completed (Council approval of the draft strategic plan for exhibition) in the 2021-2022 FY.
5. This report outlines the draft Strategic Plan (**Attachment 1**) prepared for Council to approve for exhibition. Council was briefed on an earlier draft of the plan at the 17 May 2022 Council Briefing (OB.070/22). The attached draft Strategic Plan has been revised with only graphic changes to assist its effective communication in exhibition particularly with regard to identifying specifically what the plan is 'testing' with the community – being the Youth Hub options.
6. The draft Strategic Plan investigates 'what', 'how' and 'where' community infrastructure could be provided in Diamond Creek to service the community infrastructure needs of a projected Diamond Creek population of 15,000 in 2036 — and the wider communities of the Shire that the township serves.
7. The draft Strategic Plan has been prepared by Williams Ross Architects with Tract (urban designers) and K2 Planning (social planning), in consultation with the Project Working Group (PWG) comprising officers from multiple council departments.
8. The Project Control Group (PCG) comprises key EMT members concerned with community infrastructure provision. Other key stakeholders have informed the preparation of the draft Strategic Plan, including the Ward Councillor, the Youth Council Advisory Committee (general discussion of preliminary options at the 4 April 2022 meeting), and the CEO of Yarra Plenty Regional Library (YPRL).

**12. Officers' reports****CM.058/22 Diamond Creek Community Infrastructure Master Plan project - Phase A - Strategic Plan (Draft) for exhibition**

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'What' infrastructure is considered

9. The draft Strategic Plan considers a range of new community infrastructure that has been identified in key community infrastructure needs assessment reports to be required to meet the community infrastructure needs of Diamond Creek's projected population of 15,000 in 2036, and the wider communities in the Shire the township serves.
10. The key needs assessment reports for both Diamond Creek and the Shire include:
  - i. *Community Infrastructure Report: Diamond Creek* (Draft, V1.0, Dec 2018), prepared as background to the *Diamond Creek Major Activity Centre Structure Plan* (adopted 2020).
  - ii. *Nillumbik Shire Community Infrastructure Needs Assessment* (Final Draft, Feb 2020).
11. Both infrastructure needs assessment reports adopt growth area benchmarks based on provision ratios (infrastructure per population) for selected infrastructure categories. These have been used as a 'starting point', only, for determining infrastructure needs, as is standard industry practice in the absence of any other metric. Infrastructure needs derived from the benchmarks have been further refined in the preparation of the infrastructure plan with the project team.
12. The infrastructure plan has also been informed by findings in Council's *Early Years Infrastructure Plan 2020 – 2026*, with respect to the Maternal and Child Health (MCH) service, and input from the CEO of YPRL with respect to the need for a library in Diamond Creek and its particular service model.

'How' infrastructure is provided

13. Infrastructure is provided according to the 'service model' developed from the preferences of PWG members who have knowledge of industry best practices, and experience in, and responsibility for, the types of community services being considered in the plan.
14. The draft Strategic Plan proposes integrated service models for all infrastructure with two options for a Youth Hub that consider an integrated service model (Youth Hub Plan Option A — Integrated Youth Hub, within the Community Hub) and a stand-alone service model (Youth Hub Plan Option B — Stand-alone Youth Hub, at the existing Diamond Creek Senior Citizens Centre site).
15. The integrated service models provided in the strategic plan include:
  - i. *Community Hub*

The Community Hub integrates a range of cultural and social facilities within the one building, to afford convenience of access to a range of related facilities and services, inter-generational exchange, and sharing of resources and governance responsibilities. The Youth Hub Plan Option A proposes the Youth Hub as an integrated facility within the Community Hub.

**12. Officers' reports****CM.058/22 Diamond Creek Community Infrastructure Master Plan project - Phase A - Strategic Plan (Draft) for exhibition**

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The plan proposes the relocation of existing programs within the Diamond Creek Senior Citizen Centre into the proposed Community Hub, to strengthen the above-mentioned benefits of the integrated Community Hub service model.

*ii. Aquatic, Health & Fitness Centre*

The Aquatic, Health & Fitness Centre integrates sport and recreation infrastructure to enable consolidation of related sport and recreational opportunities in the one location, sharing of resources and governance responsibilities, and perceived commercial viability of overall infrastructure operation.

*iii. Coniston Street Family Centre*

A new and expanded MCH centre is provided as an extension to the existing Coniston Street Family Centre, replacing the existing MCH centre at the Diamond Creek Community Centre and consolidating family needs in the one location.

16. *The Youth Hub Plan Option A* — Integrated Youth Hub, proposes the integration of a Youth Hub within the Community Hub. The inclusion of a Youth Hub within the Community Hub will strengthen the above-mentioned benefits of the integrated Community Hub service model and, specifically, provide youth users with a degree of discretion in accessing youth services because of their co-location with other public facilities in the hub (compared to a stand-alone youth hub where access to services is more obvious). It may, however, not provide youths with a sense of their own place and identity that could be important requirements for their participation.

In this option, further investigations are required to consider future uses of the existing Diamond Creek Senior Citizens Centre/ site that provide the best net community benefit.

17. *The Youth Hub Plan Option B* — Stand-alone Youth Hub proposes the Youth Hub as a stand-alone service model at the existing Senior Citizens Centre site. The stand-alone service model is considered as it would afford the Youth Hub with a strong sense of place and identity that could be important requirements for youth participation. It may not, however, provide the same degree of discretion to users that could be afforded in an integrated community hub as is considered in Youth Hub Plan Option A.
18. It should be noted that, given the scale of the Aquatic, Health & Fitness Centre, and the extent of shared spaces and the speciality of arts facilities considered within the Community Hub, and their reach to users from beyond Diamond Creek, a more detailed community needs analysis and business case is required for this infrastructure as part of the master planning phase to confirm the need and types of facilities to be provided, and their commercial viability.

'Where' infrastructure is located

19. The locations of the proposed community infrastructure are based on criteria established for each infrastructure type that acknowledges the reach of services provided to, and the accessibility needs of, infrastructure users.

**12. Officers' reports**

**CM.058/22 Diamond Creek Community Infrastructure Master Plan project - Phase A - Strategic Plan (Draft) for exhibition**

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20. Due to the highly public nature of most social/ cultural (Community Hub) and sport and recreational (Aquatic, Health & Fitness Centre) infrastructure, the catchment of users that extend outside of Diamond Creek for some of the facilities (such as the arts and the aquatic facilities), and the integrated service models adopted, these have been located within the Diamond Creek Major Activity Centre where they are on active transport networks, accessible to public transport and are highly visible. The family services (Coniston Street Family Centre) infrastructure does not require high visibility to the public, and is located outside the Diamond Creek Major Activity Centre within the local neighbourhood, where it can consolidate the location of family services in Diamond Creek.
21. The locations identified for the community infrastructure have been selected from Council-owned land, and specific sites identified from an analysis of site opportunities and constraints including, for example, accessibility, planning overlays such as heritage and land subject to inundation (LSIO), and topography.
22. It should be noted that given the extent of the LSIO in the area, the next master planning phase of the project would likely need to prepare flood modelling and involve discussions with the relevant authorities in order to best design the facilities with floor levels that sit above the flood level (that at this stage of the strategic project is unknown).

**Related Council decisions**

23. None related to this Council Plan 2021-2025 Priority action.

**Options**

24. Two service model options for the Youth Hub are provided in the draft strategic plan to test with the community in the exhibition of the plan.
25. Council is requested to consider the draft strategic plan at the Council Meeting and can resolve to:
  - a) Approve the draft strategic plan for exhibition as per Recommendation 1, above;
  - b) Approve the draft strategic plan for exhibition with changes, or
  - c) Abandon the draft strategic plan.

**Council plans and policies**

26. This report directly supports the achievement of the Council Plan 2021-2025 Strategy:
  - We address the social, environmental and economic factors of health to improve health and wellbeing outcomes for our communities.
27. This report directly supports the achievement of the Council Plan 2021-2025 Objective:
  - To protect, enhance, maintain, plan and design places and spaces that strengthen identity, reinforce character, improve accessibility, encourage social connection and enjoyment, support biodiversity and respect the environment.
28. This report directly supports the achievement of the Council Plan 2021-2025 Priority action:

**12. Officers' reports**

**CM.058/22 Diamond Creek Community Infrastructure Master Plan project - Phase A - Strategic Plan (Draft) for exhibition**

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- Develop a masterplan for community facilities in Diamond Creek including recreation and community precincts and buildings.

29. *Diamond Creek Major Activity Centre Structure Plan* (adopted 2020).
30. *Community Infrastructure Report: Diamond Creek* (Draft, V1.0, Dec 2018).
31. *Nillumbik Shire Community Infrastructure Needs Assessment* (Final Draft, Feb 2020).
32. *Early Years Infrastructure Plan 2020 – 2026*.

**Sustainability implications**

33. Not applicable.

**Community engagement**

34. Should the draft Strategic Plan be endorsed by Council, it will be exhibited on Participate Nillumbik for community awareness and for feedback on the Youth Hub options, specifically, for 4 weeks (excluding public holidays and school holidays), commencing early July 2022.
35. Exhibition of the draft Strategic Plan on Participate Nillumbik will be supported by a communications plan that includes media releases and paid social media posts. Service providers will also be directly notified, and collateral by way of posters will be provided in existing Diamond Creek community facilities (where allowable).
36. Following exhibition, a future Planning and Consultation Committee (PCC) Meeting will consider any verbal submissions to the draft Strategic Plan, prior to the plan being considered by Council for adoption.

**Innovation and continuous improvement**

37. Not applicable.

**Collaboration**

38. Not applicable at this strategic stage of the project, however, subject to council funding, the remaining master planning phase of the project will likely require consultation with relevant authorities concerning flood levels and the design and siting of buildings.

**Budget implications**

39. \$65,000 has been allocated for this strategic plan phase of the master plan project; the subsequent master plan phase requires further project budget allocation.
40. It is premature to consider project delivery costs at this stage, noting that the strategic plan contains proposals that are likely to exceed \$50mil and would be contingent to grant funding.

**Relevant law**

41. Not applicable.

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

42. Not applicable.

**Conflicts of interest**

**12. Officers' reports**

**CM.058/22      Diamond Creek Community Infrastructure Master Plan project - Phase  
A - Strategic Plan (Draft) for exhibition**

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





**12. Officers' reports****CM.059/22      Asset Plan 2022-2032 - Council Adoption****Distribution:    Public****Manager:        Hjalmar Philipp, Director Operations and Infrastructure****Author:          Enrique Gutierrez, Manager Assets and Capital Works****Summary**

This report recommends that Council adopts the Asset Plan 2022-2032 (the Plan) **(Attachment 1)**.

The Plan is a requirement under section 92 of the *Local Government Act 2020* (the LGA) and must be adopted by 30 June 2022. The Plan provides a high level strategic and financial view of how Council intends to manage its transport, building, drainage and open space assets over the next ten (10) financial years.

The Planning and Consultation Committee (acting under delegation from Council) resolved to acknowledge and note any submissions received from community members who provided any feedback on the Draft Asset Plan 2022-2032 at its Planning and Consultation Committee Meeting on 10 May 2022 and requested a further report to be presented at its June 2022 Council Meeting to endorse the final version of the Asset Plan 2022-2032.

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

1. Adopts the Asset Plan 2022-2032 **(Attachment 1)**.
2. Authorises the Director Operations and Infrastructure to update legislative and council requirements listed in the Asset Plan 2022 – 2032 which may occur over the life of the Asset Plan.
3. Makes a copy of the adopted Asset Plan 2022 - 2032 publicly available on Council's website.

**Attachments**

1.  Asset Plan 2022-2032

**Discussion**

1. Council is required to adopt the Asset Plan 2022-2032 (The Plan) prior to 30 June 2022, under section 92 of the *Local Government Act 2020* (LGA). The Plan has effect from 1 July 2022.
2. The scope of the Plan is for the next ten year period, 2022-2032.
3. The Plan is a high-level strategic document, with financial projections aligned with Council's Financial Plan 2021-2031.
4. The Plan has been prepared in compliance with the LGA.
5. The Draft Asset Plan 2022-2032 was publicly exhibited for 21 days. No submissions were received.

**12. Officers' reports**

**CM.059/22 Asset Plan 2022-2032 - Council Adoption**

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**Related Council decisions**

6. Prior to the introduction of Section 92 of the LGA there was no requirement on Council to adopt an Asset Plan.
7. The Planning and Consultation Committee (acting under delegation from Council) adopted the Draft Asset Plan 2022-2032 at the 8 March 2021 Committee Meeting for the purpose of community consultation.

**Options**

8. Not applicable.

**Council plans and policies**

9. This report directly supports the achievement of the Council Plan 2021-2025 strategy:
  - We seek to enhance community safety, public health, amenity and the environment through improved planning and community engagement, prioritising fair and transparent approaches to managing compliance and enforcement.

**Sustainability implications**

10. The Plan considers the impact of climate change on assets within the Future Demand section and sustainability within the Levels of Service section.

**Community engagement**

11. The Planning and Consultation Committee (acting under delegation from Council) adopted the Draft Asset Plan 2022-2032 at the 8 March 2021 Planning and Consultation Committee Meeting for the purpose of community consultation.
12. In response to the 21-day public exhibition of the Draft Asset Plan 2022-2032, no submissions were received from the community.

**Innovation and continuous improvement**

13. The Plan has also been designed as a digitally interactive document, allowing exploration of the data behind the decision making processes. This innovative approach presents the information in a dynamic and user friendly manner that would be made available through Council's website following its endorsement.

**Collaboration**

14. As part of the development of the Draft Asset Plan 2022-2032, consultation occurred across all teams within the Operations and Infrastructure directorate. They are listed below;
  - Assets and Capital Works
  - Environment
  - Infrastructure
  - Property and Facility Maintenance
  - Recreation and Leisure.

**12. Officers' reports**

**CM.059/22 Asset Plan 2022-2032 - Council Adoption**

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**Budget implications**

15. The Plan is a high-level strategic document, with financial projections aligned with Council's Financial Plan 2021-2031.

**Relevant law**

16. This Plan follows the requirements of section 92 of the LGA, which states Council must develop, adopt and keep in force an Asset Plan that has an outlook of at least 10 years.
17. The Asset Plan must include:
- a. Information about maintenance, renewal, acquisition, expansion, upgrade, disposal and decommissioning of each class of infrastructure under its control and outline any other resource requirements considered appropriate.
  - b. The Plan has a longer-term outlook (10+ years). It provides a view (both strategic and in financial terms) of how the Council proposes to manage the whole portfolio of assets that it owns and controls.
18. The first Asset Plan under this section must be developed and adopted in accordance with Council's community engagement policy by 30 June 2022 and has effect from 1 July 2022.
19. Thereafter, Council must adopt by 31 October in the year following a general election, and it has effect from 1 July in the year following a general election.
20. With the exception of the first AP, the community must be consulted and involved through deliberative consultation processes. This includes establishing quality, cost, and provision standards as well as engagement on policy, strategy, and major initiatives.

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

21. Not applicable.

**Conflicts of interest**

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

**12. Officers' reports**

**CM.059/22      Asset Plan 2022-2032 - Council Adoption**

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**12. Officers' reports****CM.060/22 Bateson Road Special Charge Scheme, Wattle Glen**

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**File:** FOL/21/4468**Distribution:** Public**Manager:** Hjalmar Philipp, Director Operations and Infrastructure**Author:** Patrick Wood, Acting Manager Infrastructure**Summary**

In response to a petition from property owners, received on 6 March 2020, Council investigated a Special Charge Scheme to seal Bateson Road, Wattle Glen.

Initial questionnaires were sent on 7 July 2020.

After the initial questionnaire demonstrated sufficient support for further investigation, an information session was held on 11 March 2021 on site.

Following an information session formal questionnaires were sent on 9 June 2021, with estimated cost liability for each property. The result indicated 1 of 4 (25%) property owners supported the development of a special charge scheme.

Given that the level of support for the Special Charge Scheme is below 60 per cent, it is recommended that Council abandon the scheme and place further investigation for road construction of Bateson Road, Wattle Glen on a three year moratorium.

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

1. Abandons further investigation into a Special Charge Scheme for Bateson Road, Wattle Glen.
2. Places any further investigation into a Special Charge Scheme for Bateson Road, Wattle Glen on a three-year moratorium.
3. Notifies affected property owners accordingly.

**Attachments**

- 1  Properties involved in the proposed Special Charge Scheme

**Discussion**

1. Council received a petition on 6 March 2020, signed by three of four property owners (75%), requesting to investigate the level of support to seal Bateson Road via a special charge scheme.
2. Council investigated a special charge scheme to seal Bateson Road, Wattle Glen. This scheme did not receive enough level of support to progress to the development stage.

**Related Council decisions**

3. Not applicable.

**12. Officers' reports**

**CM.060/22 Bateson Road Special Charge Scheme, Wattle Glen**

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**Options**

4. Abandon further investigation into a Special Charge Scheme for Bateson Road, Wattle Glen.
5. Place any further investigation into a Special Charge Scheme for sealing of Bateson Road on a three year moratorium.

**Council plans and policies**

6. 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 prepare for, respond and adapt to the risks and impacts of a changing climate on our community, environment, infrastructure and services, and support our community to do the same.

**Sustainability implications**

7. Should the scheme proceed, environment management would form part of criteria for selecting a suitable contractor to complete the required works.
8. Council’s Climate Change Action Plan 2016-2020 recognises the increased potential for heavy precipitation events. Any future improvement works would support the management of flooding risk.

**Community engagement**

9. The properties engaged as part of this scheme can be viewed in Attachment 1.
10. Consultation has been carried out in line with Council’s *Special Charge Schemes for Roads and Drainage Works Policy and Guidelines*.
11. Initial questionnaires were sent to property owners on 7 of July 2020 to establish the level of support for further investigation into constructing Bateson Road, Wattle Glen. The results are shown in Table 1 below.

**Table 1 – Results from the initial questionnaire**

	<b>Support further investigation</b>	<b>Not supportive of further investigation</b>	<b>No response</b>	<b>Total</b>
<b>Votes</b>	3	1	0	4
<b>Percentage</b>	75%	25%	0%	100%

12. On 11 March 2021 an information session was held on site for the interested property owners to discuss a construction proposal, cost apportionment and the special charge process.
13. On 9 June 2021, formal questionnaires were sent with estimated liabilities for each property to the four property owners. The results are shown in Table 2 below.

## 12. Officers' reports

## CM.060/22 Bateson Road Special Charge Scheme, Wattle Glen

Table 2 – Results from the formal questionnaire

	Support further development of the scheme	Not supportive of further development	No response	Total
<b>Votes</b>	1	2	1	4
<b>Percentage</b>	25%	50%	25%	100%

14. The level of support established for a special charge scheme for Bateson Road, Wattle Glen is 25 per cent. This is below a minimum 60 per cent requirement for further progressing the scheme.
15. Property owners were given an opportunity to provide comments in their questionnaire responses. Summary of comments received are:
- not interested unless cost is \$10,000 or less
  - no change to neighbourhood character
  - no community/property owner benefit
  - dust is not an issue
  - road drainage is sufficient.
16. The process took longer to complete than typically expected due to the current high demand for scheme investigation. In addition to this, officers were required to follow up with some property owners on multiple occasions for their questionnaire responses, so that there would be a clear indication of the level of support for a scheme.

**Innovation and continuous improvement**

17. Not applicable.

**Collaboration**

18. Not applicable.

**Budget implications**

19. Council has incorporated costs for investigating the scheme in the current services budget.

**Relevant law**

20. The authority of Council to administer a special charge is in accordance with Section 163 of the *Local Government Act 1989*.

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

21. Not applicable.

**Conflicts of interest**

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

**12. Officers' reports**

**CM.060/22 Bateson Road Special Charge Scheme, Wattle Glen**

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**12. Officers' reports****CM.061/22 Clarke Avenue (reduced length) Special Charge Scheme, Wattle Glen**

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**File: FOL/21/5980****Distribution: Public****Manager: Hjalmar Philipp, Director Operations and Infrastructure****Author: Patrick Wood, Acting Manager Infrastructure****Summary**

In response to petition from property owners, received on 4 July 2020, Council investigated a special charge scheme to seal a reduced length of Clarke Avenue, Wattle Glen (between the existing seal and adjacent to 19 Clarke Avenue).

Initial questionnaires were sent on 21 September 2020.

After the initial questionnaire demonstrated sufficient support for further investigation, an information session was held on 1 April 2021 on site.

Following the information session, formal questionnaires were sent on 23 July 2021.

Having further consideration of safety, proposed sealing work was extended near the bend, east of the rear vehicle access of the property 36 Mannish Road. This resulted in having to recalculate the apportioning liabilities due to an additional property being included in the scheme, being 36 Mannish Rd.



Formal questionnaires with adjusted apportionment liabilities were then sent on 12 August 2021. The results indicated 3 of 9 (33.3%) property owners supporting the development of a special charge scheme.

Given that the level of support for the Special Charge Scheme is below 60 per cent, it is recommended that Council abandon the scheme and place further investigation for road construction in this section of Clarke Avenue, Wattle Glen on a three year moratorium.

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

1. Abandons further investigation into a Special Charge Scheme for Clarke Avenue, Wattle Glen (between the existing seal and near the bend, east of the rear vehicle access of the property 36 Mannish Road).
2. Places any further investigation into a Special Charge Scheme in this section of Clarke Avenue on a three year moratorium.
3. Notifies affected property owners accordingly.

**Attachments**

- 1  Properties involved in the initial questionnaire
- 2  Properties involved in the formal questionnaire

**12. Officers' reports**

**CM.061/22 Clarke Avenue (reduced length) Special Charge Scheme, Wattle Glen**

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**Discussion**

1. Council at its meeting on 26 February 2019 (OCM.016/19) resolved to abandon further investigation into a Special Charge Scheme for Clarke Avenue and Park Avenue Special Charge Scheme, Wattle Glen.
2. Since then, Council has received enquiries about sealing a reduced section of Clarke Avenue. On 4 July 2020 Council received a petition signed by property owners between 7 and 19 Clarke Avenue, requesting this section of the road to be sealed.
3. Council investigated a special charge scheme to seal Clarke Avenue between the existing road seal and near the bend, east of the rear vehicle access of the property 36 Mannish Road. This scheme did not receive enough level of support to progress to the development stage.

**Related Council decisions**

4. Not applicable.

**Options**

5. Abandons further investigation into a Special Charge Scheme for Clarke Avenue, Wattle Glen (between the existing seal and near the bend, east of the rear vehicle access of the property 36 Mannish Road).
6. Places any further investigation into a Special Charge Scheme in this section of Clarke Avenue on a three year moratorium.

**Council plans and policies**

7. 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 prepare for, respond and adapt to the risks and impacts of a changing climate on our community, environment, infrastructure and services, and support our community to do the same.

**Sustainability implications**

8. Should the scheme proceed, environmental management would form part of criteria by which a suitable contractor would be selected to complete the required works.
9. Council's Climate Change Action Plan 2016-2020 recognises the increased potential for heavy precipitation events. Any future improvement works would support the management of flooding risk.

**Community engagement**

10. The properties engaged as part of this scheme can be viewed in Attachment 1 and Attachment 2. Attachment 1 shows the properties initially consulted in response to the petition Council received dated 4 July 2020. The Attachment 2 shows the properties that were formally consulted after officers reviewed the scope of the scheme needing to include two additional properties (30 Murray Drive and 36 Mannish Road).

## 12. Officers' reports

**CM.061/22 Clarke Avenue (reduced length) Special Charge Scheme, Wattle Glen**

11. Consultation has been carried out in line with Council's *Special Charge Schemes for Roads and Drainage Works Policy and Guidelines*. This has included:
12. An initial questionnaire was sent to property owners on 21 September 2020 to establish the level of support further investigation into constructing Clarke Avenue between properties 7 Clarke Avenue and 19 Clarke Avenue (refer to Attachment 1). The results are shown in Table 1 below.

**Table 1 – Results from the initial questionnaire**

	Support further investigation	Not supportive of further investigation	No response	Total
<b>Votes</b>	5	0	2	7
<b>Percentage</b>	71%	0%	29%	100%

13. On 1 April an Information Session was held on site for all interested property owners to discuss a construction proposal, cost apportionment and the special charge process.
14. Although property owner of 30 Murray Drive was not consulted via the initial questionnaire they were invited to the Information Session as this property adjoins this section of the road and would be required to be included in a formal questionnaire. Eight properties were represented at this information session.
15. On 23 July 2021, formal questionnaires were sent to the eight property owners.
16. Further discussion in relation to the safety issues with sightlines and ending a seal at a bend, resulted in the proposal to extend the seal past the bend near the rear vehicle access of 36 Mannish Road. Hence that property would also need to be included in the scheme. Council officers recalculated the apportionment liabilities, based on a total of 9 properties, and sent an adjusted version of the formal questionnaires to property owners on 12 August 2021 (refer to Attachment 2). The results are shown in Table 2 below.

**Table 2 – Results from the subsequent questionnaire**

	Support further investigation	Not supportive of further investigation	No response	Total
<b>Votes</b>	3	3	3	9
<b>Percentage</b>	33.3%	33.3%	33.3%	100%

17. The level of support established for a special charge scheme for Clarke Avenue, Wattle Glen (reduced length) is 33 per cent. This is below a minimum of 60 per cent requirement for further progressing the scheme.

**12. Officers' reports**

**CM.061/22 Clarke Avenue (reduced length) Special Charge Scheme, Wattle Glen**

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18. Property owners were given an opportunity to provide comments in their questionnaire responses. Summary of comments received are:
- a) Clarke Av is used by a wider public (store customers, parking, turning area)
  - b) dust levels are high
  - c) health/safety issues
  - d) personal and financial circumstances
  - e) extremely high cost
  - f) Council is responsible to maintain the road
  - g) unfair that residents bear the full cost without a Council contribution.

**Innovation and continuous improvement**

19. Not applicable.

**Collaboration**

20. Not applicable.

**Budget implications**

21. Council has incorporated costs for investigating the scheme in the current services budget.

**Relevant law**

22. The authority of Council to administer a special charge is in accordance with Section 163 of the *Local Government Act 1989*.

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

23. Not applicable.

**Conflicts of interest**

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

12. Officers' reports

CM.062/22 Growing Suburbs Fund 2022-2023 project endorsement

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**Distribution: Public**

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

**Author: Enrique Gutierrez, Manager Assets and Capital Works**  
**Corrienne Nichols, Executive Manager Community Services**

**Summary**

To seek Council's endorsement of the candidate projects for the 2022/2023 Growing Suburbs Fund grant released on 23 May 2022 for prioritisation and endorsement prior to submission before the 4 July 2022 grant submission deadline.

**Recommendation**

**That Council:**

1. Endorses the following list of projects to be submitted for funding through the 2022-2023 round of Growing Suburbs Fund, subject to meeting grant criteria:
  - a) Expanded BMX/Mountain Bike facility
  - b) Diamond Valley Library Landscaping Works
  - c) Ryans Reserve, Broadgully Road, Diamond Creek Open Space Upgrade
  - d) Eltham Lower Park Masterplan Implementation
  - e) Former CFA Plenty Building Open Space Enhancement
  - f) Diamond Creek Outdoor Pool Energy Efficiency Upgrade.
2. Notes that no other Council contributions are available and the Growing Suburb Fund submissions will seek to leverage existing Federal Local Roads and Community Infrastructure grant and Federal election commitment funding, subject to meeting Growing Suburbs Fund criteria.

**Attachments**

Nil

**Discussion**

1. Since 2015, the Growing Suburbs Fund (GSF) program has supported growing communities with community infrastructure projects.
2. State Government has allocated \$50 million in 2022-2023 financial year towards the GSF for 16 Councils, comprising 10 interface councils and 6 peri-urban councils.
3. Guidelines have been released and applications to this program opened on 23 May 2022. Applications close at 2 pm on 4 July 2022, with announcements occurring from September 2022 and funding agreements for successful projects to be executed in October 2022.
4. In line with previous GSF programs, the funding supports projects that have a direct benefit to communities and surrounding catchment areas across the following broad infrastructure categories:

**12. Officers' reports****CM.062/22 Growing Suburbs Fund 2022-2023 project endorsement**

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- a) community health and well-being
  - b) early education, libraries, learning and training
  - c) sport, recreation, and leisure facilities that have dedicated community space and support multiuse purposes
  - d) environmental and climate change resilience
  - e) place making, civic amenity, and community connecting.
5. Councils are expected to contribute funding; a notional program-wide funding ratio of one dollar contribution for each dollar of grant. No more than 15% of the total pool of funding (\$7.5 million) will be allocated to a single council.
6. Construction of successful projects must commence within eighteen months of the grant being announced (March 2024) and completed within 24 months of the commencement of construction (March 2026).
7. In anticipation of this GSF round, on 7 June 2022 Council was briefed on candidate projects that fit within the guidelines of GSF, including:
- a) BMX/Mountain Bike Facility
  - b) Diamond Valley Library Landscaping Works
  - c) CFA Plenty Building Open Space Project
  - d) Diamond Creek Pool Energy Efficiency Upgrades
  - e) Eltham Lower Park Masterplan Implementation
  - f) Ryans Reserve, Broadgully Road Upgrade
  - g) Eltham Woods Pre-school
  - h) DC Men's Shed and/or scout's hall redevelopment.
8. Based on investigations to date, the first six 7(a to f) candidate projects:
- a) Align with GSF's infrastructure categories of community health, well-being, sport and recreation, environmental and climate change resilience and place making.
  - b) Are likely to have the relevant documentation prepared by the submission due date.
  - c) Are considered deliverable within the required timelines.
9. Further detail on the candidate projects follows:

**BMX/Mountain Bike Facility**

This submission will seek funding to augment a current Council proposal to construct a BMX facility to meet the growing needs for active recreation for the BMX and Mountain Bike enthusiasts. The site under investigation is 145 Allendale Road, Diamond Creek.

A budget of \$650,000 has been allocated by Council through the federal Local Roads and Community Infrastructure (LRCI) grant for the current proposal. It is proposed the GSF submission leverage this current funding for an expanded scope.

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External BMX track specialists are in the process of developing a draft concept design. The final scope of works proposed as part of the GSF submission will be informed by that design, and is anticipated to support an enhanced riding facility as well as ancillary facilities such as toilets, shelter and seating.

The scope of works will inform the value of the GSF submission, anticipated to be at least the value of the LRCI grant.

Diamond Valley Library Landscaping Works

This project is aimed to revitalise the library's existing back courtyard into an external learning and gathering space. Addressing the underutilised zone by adding sensory and exploratory play features (using natural materials), climbable surfaces, seating, lighting, an open multi-purpose lawn area, community food garden, shading/covering, decking. The works will:

- Extend the library services into the outdoor areas.
- Expand learning activities to include the health and wellbeing benefits of nature and growing food.
- Expand the scope, range and quality of services provided to the community.
- Enhancement of the urban space located next to the Library's entrance.
- Increase usability with new seating, planting and lighting, encouraging public gathering/use (rather than just using for circulation).
- Replace aged concrete entrance and ensure accessibility and safety.

The estimated cost of works and value of GSF submission is \$450,000.

CFA Plenty Building Open Space Project

Following a community feedback process, Council resolved on 14 December 2021 to demolish the former CFA Plenty Building and complete further community engagement on developing the site for public open space.

Whilst the CFA will rehabilitate the site of the fire station, they are not required to fund works to develop the open space. This project involves a basic upgrade of the open space that will become available with the demolition of the former Plenty Fire Station.

Proposed works will include hard and soft landscaping (for example seating and revegetation) as the first step to making the site useable.

Further development of the site for public open space will still be subject to community engagement as per Council's resolution.

The estimated cost of works and value of GSF submission is \$200,000.

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Diamond Creek Pool – Energy Efficiency Upgrades

Diamond Creek Pool was the subject of a \$1.5M Labour federal election commitment to deliver much needed upgrades.

This project seeks to make the election commitment funding go further by commencing the transition of Council's larger facilities from inefficient and emissions-intensive gas plant, to efficient electric plant. This project proposes to replace the old gas-powered boiler that is utilised to heat water for the pool with electric heat pumps. The existing boiler represents Council's second largest single source of gas use.

Works for this project include replacing the gas boiler with three efficient electric powered heat pumps; installation of a solar electrical generating system; upgrading of electrical supply and switch boards; replacement of two existing semi commercial gas hot water heaters that are used for change room showers with electric heat pumps; and supply and installation of an insulating pool cover to help retain water heat and reduce evaporation.

The estimated cost of works and value of GSF submission is \$400,000.

These works would be delivered separately to any other upgrade work funded by the Federal Labour election commitment.

Eltham Lower Park Masterplan Implementation

Eltham Lower Park was the subject of \$2M Labour federal election commitment to deliver upgrades the park, including the lacrosse and cricket pavilion.

These upgrades are part of the Eltham Lower Park Masterplan, which contain a list of improvement works such as the reconstruction of the existing toilet block, storage facilities, signage, landscaping, shade and seating areas, irrigation works, safety fencing, parking and lighting.

This submission to GSF is proposed to implement a significant portion of the outstanding masterplan works to the value of \$1,000,000. These works would be separate to the work delivered as part of the Federal Labour election commitment.

Ryans Reserve Upgrade

This project is to reinvigorate the open space at Ryans Reserve, on Broadgully Road. Works include upgrades such as toilets, BBQ shelter, landscaping, interconnecting paths and a scooter loop.

This proposal is consistent with feedback from the community in 2019, and the playground is listed in the Lifetime Play Strategy implementation plan as requiring replacement, so upgrading the playground now will accelerate the program, whilst the equipment still has some value.

The estimated cost of works and value of GSF submission is \$700,000.

**Options**

10. Council may consider their inclusion in future capital works programs and grant submissions should any of the proposed projects be not successful.



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**CM.062/22 Growing Suburbs Fund 2022-2023 project endorsement**

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**Council plans and policies**

11. This report directly supports the achievement of Council Plan 2017-2021 strategy:
- a) Open spaces.
  - b) Strengthen the focus on social inclusion, building social capital and connection within communities.

**Sustainability implications**

12. Sustainability principles will be applied in the design and delivery of the projects, including use of sustainable materials, energy-efficiency and recycling where possible.

**Community engagement**

13. Individual candidate projects have been subject to a community feedback process, either as direct projects or as part of Council strategies (in the case of the Diamond Creek Pool energy efficiency upgrade).

**Innovation and continuous improvement**

14. The proactive master-planning, research and development of strong and current planning documentation of these three projects will enhance their chances of success in both their grant application and their delivery.

**Collaboration**

15. Consultation and collaboration was undertaken with the administering State body for this grant as well as with each of the project's stakeholders groups.

**Related Council decisions**

16. There are no other Council decisions relevant to the selection of candidate projects for this GSF funding round. Some candidate projects are the subject of other Council decisions.
17. The allocation of Phase 3 Federal Local Roads and Community Infrastructure funds was the subject of Council decision at the 26 April 2022 Council Meeting.

**Budget implications**

18. The GSF submissions do not include contribution from Council budget.

**Relevant law**

19. Not applicable.

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

20. Not applicable.

**Conflicts of interest**

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

**12. Officers' reports**

**CM.062/22 Growing Suburbs Fund 2022-2023 project endorsement**

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**12. Officers' reports****CM.063/22 Informal Meetings of Councillors Records - 28 June 2022**

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**Distribution: Public****Manager: Blaga Naumoski, Executive Manager Governance, Communications and Engagement****Author: Katia Croce, Governance Lead****Summary**

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

This report lists Informal Meetings of Councillors Records submitted since the matter was last reported to Council on 26 April 2022.

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

1. Australia Day | January 26 Councillor Workshop held 11 May 2022;
2. Arts and Cultural Advisory Committee meeting held 16 May 2022;
3. Councillor Briefing held 17 May 2022;
4. Council Meeting pre-meet held 24 May 2022;
5. Neighbourhood Character Strategy - 2nd Councillor workshop - held 3 June 2022; and
6. Councillor Briefing held 7 June 2022.

**Recommendation**

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

**Attachments**

1. Informal Meeting of Councillors Record reported 28 June 2022

**Discussion**

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

**Related Council decisions**

2. Not applicable.

**12. Officers' reports**

**CM.063/22 Informal Meetings of Councillors Records - 28 June 2022**

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**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 summary contains the list of Informal Meetings of Councillors records submitted since the matter was last reported to Council at the last Council Meeting.

**Conclusion**

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

**Council plans and policies**

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

**Sustainability implications**

9. None required.

**Community engagement**

10. Not applicable.

**Innovation and continuous improvement**

11. Not applicable.

**12. Officers' reports**

**CM.063/22 Informal Meetings of Councillors Records - 28 June 2022**

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**Collaboration**

12. None required.

**Budget implications**

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

**Relevant law**

14. *Local Government Act 2020.*

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

15. None applicable.

**Conflicts of interest**

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

**12. Officers' reports**

**CM.063/22 Informal Meetings of Councillors Records - 28 June 2022**

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## 12. Officers' reports

## CM.064/22 Proposed relinquishment of Registered Training Organisation Status

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**Distribution:** Public

**Manager:** Corrienne Nichols, Executive Manager Community Services

**Author:** Cobie Vermeulen, Coordinator Living & Learning Nillumbik

### Summary

The purpose of this report is to provide Councillors with an understanding of the impacts facing Council's Registered Training Organisation (RTO) and options for consideration.

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

**That** Council:

1. Considers the presented challenges and risks associated with Council's Registered Training Organisation.
2. Resolves to relinquish the Registered Training Organisation Licence.
3. Resolves that the Budget Considerations (**Attachment 4**) to remain confidential on the grounds specified in the definition of confidential information in section 3(1)(a) of the *Local Government Act 2020*.

### Attachments

1. RTO FAQ and Considerations
2. Sector review - Aged Care
3. Sector review - Early Years
4. Budget Considerations - *CONFIDENTIAL*

### Discussion

1. Nillumbik Shire Council (Trading as Living & Learning Nillumbik, TOID 3898) is a Registered Training Organisation under the National Vocational Education and Training Regulator Act 2011. Living & Learning Nillumbik (L&LN) is registered through the Australian Skills Quality Authority (ASQA).
2. All RTOs have to adhere to stringent compliance standards as per the Federal register of Registration. These Standards form part of the Vocational Education and Training (VET) Quality Framework, a system which ensures the integrity of nationally recognised training in Australia. RTOs are required to comply with the VET Quality Framework at all times. As the national regulator for the VET sector, ASQA regulates training providers against the VET Quality Framework.
3. The RTO is currently facing a number of challenges, which are putting Council at risk of being non-compliant against the Vocational Education and Training (VET) Quality Framework. **Attachment 1** (Question 9) provides a detailed overview of these challenges, which include:
  - a) Insufficient staffing levels
  - b) Transition of qualifications (scope changes)

**12. Officers' reports****CM.064/22 Proposed relinquishment of Registered Training Organisation Status**

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- c) Compliance and audit considerations
  - d) Sector challenges: Early Childhood and Aged Care (**Attachments 2 and 3**)
  - e) Recruiting and retaining trainers
  - f) Recruiting and retaining students
  - g) Funding.
4. Qualifications currently being offered through the RTO are: Cert III in Individual Support; Cert III and Diploma in Early Childhood, 2 First Aid units (CPR and First Aid). All of these courses are regarded as high risk from an auditing and delivery perspective as well as the assessment outcomes are highly regulated.
  5. Currently all qualifications being offered from L&LN have to transition in a 12-month period. Early Childhood and First Aid have been superseded and Individual Support is awaiting final endorsement. Changes are significant and impact heavily on course duration, budget and student support required (e.g. Minimum placement hours for Cert III ECEC were 120, now 180).
  6. New students may not be enrolled before new Training and Assessment Strategies, resources, fee structures, industry consultations, and communication plans have been finalised. This implies that the team must complete all of this work prior to being able to advertise the courses and recruitment of trainers and students resulting in a delay in Councils ability to generate income for at least 12 months while this work takes place.
  7. Council is not alone in facing these types of challenges. Other RTOs in the VET network report similar trends and are experiencing a high number of student withdrawals, low enrolments and high staff and trainer turn-over. This impacts on financial sustainability and increases non-compliance risks.
  8. Through the VET network we are aware that two organisations are not taking enrolments this year due to scope transition of qualifications, while another two cannot find trainers to deliver community services, disability and Individual Support.
  9. It is a compliance requirement for RTOs to develop a detailed trainer matrix in which trainer competencies and industry currency are mapped against unit requirements. Recruiting and retaining Individual Support trainers is a risk for L&LN as Council cannot compete with higher rates offered by the TAFE sector, and there is currently an industry wide shortage in Individual Support trainers.
  10. The TAFE sector is funded and supported by State Government to address skills shortages. L&LN is having to compete with the TAFEs for staffing, students and promotional activities. L&LN does not have sufficient resourcing to be responsive or competitive in the current climate.

**Related Council decisions**

11. Not applicable.



**12. Officers' reports****CM.064/22 Proposed relinquishment of Registered Training Organisation Status**

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**Options**

## 12. Option 1: Relinquish the RTO status:

Please refer to **Attachment 1** (Question 13) in which considerations and recommendations are highlighted.

## 13. Option 2: Retain the RTO status:

Please refer to **Attachment 1** (Question 14) in which considerations and recommendations are highlighted.

**Council plans and policies**

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

- We focus on lifelong learning as a way to support our residents through key life stages.

**Sustainability implications**

15. Should the RTO status be relinquished, Council will forfeit their Skills First funding contract which provides a financial offset to the global L&LN budget. This will result in additional budget allocation to L&LN to ensure the sustainability of the Neighbourhood House- and Learn Local programs.

16. The RTO status can only be retained if RTO operations are resourced appropriately, to avoid risk of non-compliance this will include additional FTE.

17. Should Council decide to retain the RTO status, qualifications currently on scope should be reviewed to ensure L&LN does not only deliver qualifications that meet market-demand, but that these qualifications qualify for Skills First funding to ensure financial sustainability.

18. It needs to be noted that should Council decide to retain the RTO status, any foreseeable income would be minimal at best, for at least 12 months whilst new courses are being developed and implemented.

**Community engagement**

19. Not applicable.

**Innovation and continuous improvement**

20. It is a compliance requirement for RTOs to have a current Continuous improvement process and register.

21. RTOs are required to engage in frequent industry consultations to ensure course content and assessments takes into consideration any industry updates and requirements.

**Collaboration**

22. The RTO collaborates closely with local Early Childhood and Aged Care services which support placement opportunities for students. Furthermore, the RTO is collaborating closely with other RTOs in the network to stay informed about any changes, upcoming audits and industry expectations.

**12. Officers' reports**

**CM.064/22 Proposed relinquishment of Registered Training Organisation Status**

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**Budget implications**

**Option 1: Relinquish the RTO status**

23. Is it assumed there will be an impact to both revenue generated and expenses incurred:
  - a) Estimated reduction in operating expenditure
  - b) Impact on the ability to generate revenue.
24. Please refer to **Attachment 4** for a detailed budget estimation.
25. The RTO must remain open and operate as a registered VET provider whilst the withdrawal application to ASQA is submitted to be approved. During this time the RTO (Council) remains responsible for any relevant fees and charges.

**Option 2: Retain the RTO status**

26. This option will require additional expenditure:
  - a) Additional resourcing
  - b) Operating budget uplift.
27. Please refer to **Attachment 4** for a detailed budget estimation.
28. There will be a delay in the ability to generate income whilst additional staff are recruited and new courses are being developed prior to students being recruited and enrolled, this would result in a large financial risk to Council in the first 12 months and possibly ongoing if we are unable to attract and retain Trainers and or students.

**Relevant law**

29. National Vocational Education and Training Regulator Act 2011.
30. Federal register of Registration: Standards for Registered Training Organisations.
31. Federal register of Registration: Data provision requirements 2020.

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

32. Australian Quality Training Framework (AQTF).
33. Australian Qualifications Framework.
34. Skills First Training System Reporting guidelines
35. Fit and proper person requirement 2011.
36. Financial Viability Risk Assessment Requirements 2011.
37. Skills First Quality Charter.

**Conflicts of interest**

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

## 12. Officers' reports

**CM.065/22 Arts and Cultural Advisory Committee Membership Endorsement 2022-2024**

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

The Arts and Cultural Advisory Committee (ACAC) provides a formal mechanism for Council to consult with key stakeholders, seek specialist advice and enable community participation in the development, implementation and evaluation of Arts and Culture.

Council called for nominations for the 2022-24 ACAC for a 3-week period in April 2022. All nominations received have been assessed and the purpose of this report is to seek endorsement of the recommended new members (**Attachment 1**).

Council's endorsement is also sought for an update of the proposed Arts and Cultural Advisory Committee Terms of Reference 2022-25 (TOR) (**Attachment 2**)

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


**That Council:**

1. Endorses the nine recommended applicants listed for appointment to the 2022-24 Arts and Cultural Advisory Committee (**Attachment 1**):
  - (a) Applicant 1 \_\_\_\_\_ for their role as Arts and Cultural Advisory Committee member.
  - (b) Applicant 2 \_\_\_\_\_ for their role as Arts and Cultural Advisory Committee member.
  - (c) Applicant 3 \_\_\_\_\_ for their role as Arts and Cultural Advisory Committee member.
  - (d) Applicant 4 \_\_\_\_\_ for their role as Arts and Cultural Advisory Committee member.
  - (e) Applicant 5 \_\_\_\_\_ for their role as Arts and Cultural Advisory Committee member.
  - (f) Applicant 6 \_\_\_\_\_ for their role as Arts and Cultural Advisory Committee member.
  - (g) Applicant 7 \_\_\_\_\_ for their role as an Arts and Cultural Advisory Committee member.
  - (h) Applicant 8 \_\_\_\_\_ for their role as an Arts and Cultural Advisory Committee member.
  - (i) Applicant 9 \_\_\_\_\_ for their role as an Arts and Cultural Advisory Committee member.
2. Acknowledges and thanks all community members who submitted expressions of interest to the Arts and Cultural Advisory Committee.

**12. Officers' reports****CM.065/22 Arts and Cultural Advisory Committee Membership Endorsement 2022-2024**

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3. Resolves that the Panel Recommendations and Scoring (**Attachment 1**) to remain confidential on the grounds specified in the definition of confidential information in section 3(1)(f) of the *Local Government Act 2020*.
  4. Endorses the update of the proposed Arts and Cultural Advisory Committee Terms of Reference 2022-25 (**Attachment 2**)

**Attachments**

1. Recommendations and Scoring - Arts and Cultural Advisory Committee Nominations 2022-24 - *CONFIDENTIAL*
- 2 Proposed Arts and Cultural Advisory Committee Terms of Reference 2022-25  


**Discussion**

1. The Arts and Cultural Advisory Committee (ACAC) provides a formal mechanism for Council to consult with key stakeholders, seek specialist advice and enable community participation in the development, implementation and evaluation of Arts and Culture.
2. ACAC members serve two year terms, to allow for an annual community application opportunity and to ensure greater skills transfer for new members, the Committee is roughly divided into two membership term groupings with each groups term expiring on alternating years.
3. The ACAC has been operating with a total membership base of 16 since 2020. This has provided greater ability to meet quorum and increased the depth of experience and offering of the Committee to Council.
4. In February a 2021-23 term Committee member resigned and on 16 May 2022 nine members of the 2020-2022 Committee completed their terms, leaving five current members on the ACAC.
5. Nominations for the 2022-24 community committee members were open for three weeks from 1 April until 22 April 2022.
6. Nominees were sought via multiple channels including multiple Council communication channels, through other Council Committees and their networks and via additional external community networks.
7. The proposed Arts and Cultural Advisory Committee TOR were updated in line with Council's adopted Advisory Committee Policy and standardised templates. The Proposed Arts and Cultural Advisory Committee TOR 2022-25 (**Attachment 2**) were included in the nomination process and Council's endorsement is sought for this document in conjunction with endorsement for the recommended nominees (**Attachment 1**).
8. All nominees were individually evaluated by a selection panel against the selection and assessment criteria outlined in the Proposed Arts and Cultural Advisory Committee TOR 2022-25 (**Attachment 2**).

**12. Officers' reports****CM.065/22 Arts and Cultural Advisory Committee Membership Endorsement 2022-2024**

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9. The Selection Panel consisted of current Arts and Cultural Advisory Committee members and was administered by Council's Community Arts and Cultural Engagement Officer.
10. Sixteen nominations were received and assessed. Officers recognise the high standard of nominations received and commend all nominees on their passion and commitment to supporting arts and culture in Nillumbik.
11. Nine nominees are recommended by the Selection Panel for membership to the 2022-24 Arts and Cultural Advisory Committee (**Attachment 1**).
12. The recommended new committee members will provide new and complimentary expertise to the ACAC and will add to the diversity of industry knowledge and community representation for local arts and culture practices in Nillumbik.

**Related Council decisions**

13. At the 24 March 2020 Ordinary Council Meeting, Council endorsed the updated Arts and Cultural Advisory Committee Terms of Reference 2020, allowing for an increase in the number of sitting representatives at Council's discretion.
14. At the 11 May 2021 Planning and Consultation Committee meeting, Council formally endorsed the six recommended members to the 2021-23 ACAC.

**Options**

15. That Council formally endorses the nine nominees recommended for appointment to the 2022-24 Arts and Cultural Advisory Committee (**Attachment 1**).
16. That Council formally endorses the update of the Proposed Arts and Cultural Advisory Committee TOR 2022-25 (**Attachment 2**) in line with Council's adopted Advisory Committee Policy and standardised templates.
17. Officers recommend Council formally acknowledges and publically thank all community members who submitted applications for vacant positions.

**Council plans and policies**

18. This report directly supports the achievement of the Council Plan 2021-2025 strategy:
  - We recognise and celebrate our community's significant contributions to art and culture.
  - We encourage and support volunteering to enable community participation opportunities and actively celebrate these contributions.

**Sustainability implications**

19. Not applicable.

**12. Officers' reports**

**CM.065/22 Arts and Cultural Advisory Committee Membership Endorsement  
2022-2024**

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**Community engagement**

20. Nominations were sought via multiple channels including:

- a) Council website and social media platforms, Arts & Culture E-News and other Council department e-newsletters and Media Release
- b) The Arts and Cultural Committee Advisory Group and Community Newsletters
- c) Living & Learning Nillumbik, Yarra Plenty Regional Library and Yarra Plenty Heritage networks
- d) Nillumbik Artists Open Studios and Local creative groups and organisations
- e) Internally promoted and through Nillumbik Community Fund grant recipients
- f) Artist Commission Program recipients and Council-run exhibition artists
- g) Word of mouth: phone calls, emails and video meetings to local artists and local arts and culture groups.

**Innovation and continuous improvement**

21. Not Applicable.

**Collaboration**

22. Collaboration was undertaken in terms of promotion of the nominations.

**Budget implications**

23. Not Applicable.

**Relevant law**

24. Not Applicable.

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

25. Not Applicable.

**Conflicts of interest**

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

**12. Officers' reports****CM.066/22 Tender Report - Contract 2021-063 Bushland Reserves Conservation Management Services**

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

This report recommends the awarding of contract 2021-063 for Bushland Reserves Conservation Management Services.

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

This Contract is for business as usual supply of environmental works services, replacing a previous contract, to support Council's operational requirements for bushland reserves. The contracted service arrangement may also be accessed by other areas of the Council as required.

The Tender Evaluation Panel (TEP) has assessed all submissions and this report provides a summary of their evaluation in recommending the awarding of the contract for 2021-063 Bushland Reserves Conservation Management Services.

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

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


1. Accepts the tender submitted by the **preferred tenderer** for the schedule of rates disclosed in (**Attachment 1**) and enter into the following contract:  
Number: 2021-063  
Title: Bushland Reserves Conservation Management Services  
Term: 1 July 2022 to 30 June 2027  
Options: Term extensions up to 30 June 2029
2. Authorises the Director Operations and Infrastructure to finalise and execute the contract documentation.
3. Authorises the Director Operations and Infrastructure to approve contract term extensions.
4. Authorises the Director Operations and Infrastructure to approve changes to operational requirements throughout the term of the contract.
5. Advises all tenderers accordingly.

**12. Officers' reports****CM.066/22 Tender Report - Contract 2021-063 Bushland Reserves Conservation Management Services**

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6. Makes public the decision regarding this contract but the Tender 2021-063 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 2021-063 Evaluation Summary Report - *CONFIDENTIAL*
2.  Bushland Reserves Management Methodology

**Discussion**

1. Nillumbik Shire Council is responsible for the management of 89 environmentally significant bushland reserves covering an area of 495 hectares ranging in size from 0.1ha to 69ha.
2. The reserves are within the land of the Wurundjeri Woi Wurrung people.
3. The reserves range in quality, from isolated, degraded urban blocks to larger areas of connected remnant bushland.
4. The bushland reserves support a variety of threatened or endangered vegetation communities and provide habitat for rare or threatened species. They are home to threatened species at a national, state and local level including, Eltham Copper Butterfly (*Paralucia pyrodiscus lucida*), Brush-tailed Phascogale (*Phascogale tapoatafa*), Rosella Spider Orchid (*Caladenia rosella*) and Clover Glycine (*Glycine latrobeana*). In some cases, these reserves support some of the last remaining populations of these species.
5. Biodiversity within these reserves is under constant threat from a range of processes including, weed invasion, predation by and competition with pest animals, pressure from residential development, altered fire regimes and habitat destruction.
6. Climate change is having a significant impact on these reserves. However, these reserves provide important refuges from climate change (such as along waterways) and they help support the resilience of the surrounding landscape.
7. A new methodology (see **Attachment 2** Bushland Reserves Management Methodology) has been developed based on the biological significance of reserves using the State Government's Standard Criteria for *Sites of Biological Significance in Victoria*.



## 12. Officers' reports

**CM.066/22 Tender Report - Contract 2021-063 Bushland Reserves Conservation Management Services**

<b>Biological Significance Categorisations</b>	<b>Breakdown by number of reserves in Nillumbik</b>
National	13
State	7
Regional	33
Local	19
Basic	17

8. The Shire of Nillumbik (and its bushland reserves) are all located within the Highlands Southern Fall Bioregion. The Highlands Southern Fall Bioregion occurs through the foothills along the southern edges of the Great Dividing Range from Melbourne to East Gippsland. Although much of the bioregion is undeveloped public land, the Shire of Nillumbik is one of the more developed areas of this bioregion.
9. Council's bushland reserves are located on both Council freehold land and Crown Land reserves where Council is the Committee of Management.
10. The primary purpose of these bushland reserves is for the conservation of natural values. However, most also support low-impact recreation in a bushland setting and have high community values.
11. Many are connected to areas of Council managed open space such as ovals or recreational trails. Some reserves benefit from additional care by one of over 20 active Friends Groups.
12. The reserves also have aesthetic and scientific/educational value, as well as both European and Indigenous cultural heritage values.
13. The contracted service also includes management of threatened species, primarily for, but not limited to the Eltham Copper Butterfly and Orchid species found within the bushland reserves.
14. This contract replaces a previous contract arrangement for the required services.
15. Tender specifications and service requirements have been developed as part of this process. The scope and longer term strategic outlook for the programed services is significantly different to the previous contracted arrangements.
16. The new contract is based on a single (lead) contractor arrangement with sub-contracted arrangement for one component (rabbit control). The previous contract arrangement was for multiple individual contractors on a selected panel arrangement.
17. Council's Environmental Works Team are responsible for the management of Council's bushland reserves.

12. Officers' reports

**CM.066/22 Tender Report - Contract 2021-063 Bushland Reserves Conservation Management Services**

**Council plans and policies**

18. This report directly supports the achievement of the Council Plan 2021-2025 strategy Good governance
- We continue to exercise sustainable and responsible financial management.
- Natural environment
- We are committed to protecting and enhancing the environmental integrity of our community's unique surroundings, Aboriginal heritage, natural environment and diverse wildlife.
  - We understand and value biodiversity and its importance to human health and wellbeing, and take action to protect and enhance biodiversity in Nillumbik.

**Tender overview**

The Tender Evaluation Panel (TEP) advises that:

19. A public tender was issued on and advertised in the Melbourne Age on Saturday 19 February 2022.
20. The period for tender submissions closed at 2pm on Thursday 7 April 2022.
21. The tender was for a schedule of rates based on prescribed statement of works for each reserve and the level of biological significance for each of the reserves.
22. The proposed tendered contract was for the appointment of a single lead contractor.
23. There were some prescriptive requirements in relation to the required qualification/certification of staff requirements.
24. A tenderer could nominate sub-contracted suppliers in their tendered submission if they were unable to deliver against all the stated requirements using 'in-house' qualified/certified experienced or available resources.
25. An indicative annual budget was provided to assist tenderers in developing their tendered schedule of rates.
26. The following tenders were received:

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

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

12. Officers' reports

**CM.066/22 Tender Report - Contract 2021-063 Bushland Reserves Conservation Management Services**

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

<b>TENDERER</b>	<b>Reasons why tender was set aside from further evaluation</b>
Tenderer C	The tender was invalid. It was a sales proposal from a company that provides Remote Controlled Mower - Slashing – Mulching services.

29. The following tenders proceeded to evaluation.

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

30. The following Evaluation Criteria and Weightings were applied during the evaluation of the tendered submissions. These weightings were set and agreed to by the Tender Evaluation Panel Members prior to the issue of the tender.

<b>Criteria</b>	<b>Weighting %</b>
Evidenced Minimum Level Qualifications for Lead Contractor roles or Sub-contracted roles	Pass or Fail
Capability (Quality/Technical) & Capacity (Resources)	60%
Methodology	20%
Environmental & Sustainability	20%
Economic Sustainability (Bonus Points)	5%
Social Sustainability (Bonus Points)	5%

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

## 12. Officers' reports

## CM.066/22 Tender Report - Contract 2021-063 Bushland Reserves Conservation Management Services

32. The members of the TEP were:

Position Title	Business Unit	Scoring Member or Advisory Member
Environmental Works Team Leader	Living Landscapes	Scoring
Environment Project Officer x 3	Living Landscapes	Scoring
Open Space Project Officer	Living Landscapes	Scoring
Parks and Open Space Coordinator	Living Landscapes	Advisory
Manager Operations Centre	Infrastructure and Operations	Advisory
Manager Environment	Environment Services	Advisory
Senior Procurement Specialist	Corporate Services	Advisory

33. The final evaluation outcome was as follows:

TENDERER	SCORE	RANK
<b>Tenderer A – Preferred Tender</b>	86	1
Tenderer B	57	2

34. The recommended tender was the highest ranked and is considered best value due to their evidenced capability and capacity to deliver the key services using suitably qualified and experience 'in-house' resources as well as value for money outcomes in relation to tendered schedule of rates.
35. **Attachment 1** - Tender 2021-063 Evaluation Summary Report – Confidential, provides the tenderer names and the Evaluation Scorecard Summary.
36. The Tender 2021-063 Evaluation Summary Report (**Attachment 1**) to remain confidential on the grounds specified in the definition of confidential information in section 3(1)(g) of the *Local Government Act 2020*.

### Capability and Capacity

37. Solid evidenced experience in delivery of contracts for the same or similar works with other Local Government Agencies and other state agencies.
38. Extensive 'in-house' experience resource in relation to requirement for management of threatened species.
39. Is able to deliver against 99 percent of required works using suitably qualified and experienced resources - current staffing levels. The only sub-contracted aspect of required services is for rabbit control requirements.
40. Currently has over 95 skilled and experienced staff and is confident of ability to upsize to meet the requirements of the contract as needed.

**12. Officers' reports**

**CM.066/22 Tender Report - Contract 2021-063 Bushland Reserves Conservation Management Services**

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41. Has been operating in the environment works space for 18 years and has been delivering against current environmental works requirements with Council for more than 15 years and as such has a solid understanding and knowledge of Councils bushland reserves.
42. Has accredited Quality, Safety and Environmental Management systems (more than 7 years accreditation status).
43. Has in place written procedures for management of waste and disposal of chemical containers.
44. A local contractor that understands the local community, understands Councils expectations regarding communication and customer service.

**Methodology**

45. Has provided a very detailed and structured Transition in Plan.
46. Has as an established workforce, already experienced, trained, and aligned with Nillumbik Shire Council's Biodiversity Strategic direction and requirements.
47. With over 95 skilled and experienced employees able to deliver against the contract requirements, the transition in and mobilization phase of the proposed contract arrangements will be seamless.
48. Utilises a range of GPS, Cloud-Based, HR and Project Management Software.
49. Business continuity outlined well including methods of knowledge transfer.
50. Has outlined a sound method for upskilling staff where and as required to ensure there is career progression for staff and thus assisting in retention of skilled staff to support the ongoing requirements of the contract.

**Environmental & Sustainability**

51. Has accredited Environmental Management System and processes.
52. Has a structured Waste Management procedure along with a documented herbicide container disposal procedure.
53. Has strategy to move away from reliance on fossil fuels and Investment in battery powered equipment
54. Company is carbon neutral, purchases 100% green electricity.
55. Investment in battery powered equipment.

**Traditional Owner Land Management Engagement**

56. As part of the conditions of tender and the proposed contract, Council has reserved the right to engage traditional land owner organisations to undertake cultural land management activities such as cultural burns and other traditional land management activities as part bushland reserves conservation outcomes.

**12. Officers' reports**

**CM.066/22 Tender Report - Contract 2021-063 Bushland Reserves Conservation Management Services**

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- 57. Discussions have taken place with a lead representative from Wurundjeri Narrap Rangers (Narrap) in relation to this approach and Council is waiting on feedback from Narrap as to which of the bushland reserves they would be interested to be engaged at and for what level of land management activities.
- 58. On receipt of this information, Council officers will then work with both Narrap and the awarded contractor to formulate proposed activity plans.
- 59. The previous engagement model with Narrap has been a more prescriptive allocation of what services were to be provided and for which reserve.
- 60. The preferred tenderer has a well-established working relationship with Narrap.

**Tender Interviews and Reference checks**

- 61. A tender interview was held with the preferred tenderer on 11 May 2022.
- 62. The tender interview further evidenced the preferred tenderers capability to deliver against the requirements of the contract.
- 63. As the preferred tenderer is known to Council and is a preferred contractor on the previous panel contract arrangement, no referee checks were undertaken.

**Collaboration**

- 64. Not applicable.

**Budget implications**

- 65. The planned program activities are planned for as part of the annual budget planning processes.
- 66. From time to time, Council may seek and receive grant funding for specific aspects of the bushland reserve management requirements. On receipt of any funding, Council officers will work with the appointed contractor to undertake the funded project works.

**Sustainability implications**

- 67. Is a local based supplier, providing employment opportunities to more than 50 staff (Full time, Part time and Casual) to residents from within the Northern Council Alliance areas.
- 68. Has committed to taking on an additional 3 Full Time Equivalent staff if awarded the contract.
- 69. Has committed to taking on a trainee via a recognised Apprentice training organisation for a 2-year traineeship – of which 4 days a week will be spent working for the preferred tenderer and where viable, based on work and training requirements, active participation in delivering services for Nillumbik Contract where viable.

**12. Officers' reports**

**CM.066/22 Tender Report - Contract 2021-063 Bushland Reserves Conservation Management Services**

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**Stakeholder Consultation/communication**

70. Not applicable.

**Innovation and continuous improvement**

71. Not applicable.

**Relevant law**

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

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

73. Council manages Bushland Reserves in response to a variety of legislative and local policy drivers.

The most relevant State and Federal legislation includes:

- *Environment Protection and Biodiversity Conservation Act 1999*
- *Flora and Fauna Guarantee Act 1988*
- *Catchment and Land Protection Act 1994*
- *Country Fire Authority Act 1958*.

Key Council local policy drivers include:

- Council Plan 2021-2025
- Green Wedge Management Plan 2019
- Biodiversity Strategy 2012
- Bushfire Mitigation Strategy 2019
- Nillumbik Invasive Species Action Plan 2015.

**Conflicts of interest**

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

75. There were no disclosable conflicts of interest raised.

**12. Officers' reports**

**CM.066/22 Tender Report - Contract 2021-063 Bushland Reserves Conservation Management Services**

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## 12. Officers' reports

**CM.067/22 Tender Report - Contract 2122-044 Coventry Oval Sports Lighting Upgrade**

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

This report recommends the awarding of contract for Coventry Oval Sports Lighting Upgrade.

The scope of works involve the removal off the existing oval lighting system infrastructure and supply and installation of a 200lux LED lighting solution suitable for twilight/night AFL games at the Coventry Oval Sports field.

The project is joint funded by Sport and Recreation Victoria and Council.

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 2122-044 for Coventry Oval Sports Lighting Upgrade.

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

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

1. Accept the tender submitted by the preferred tenderer for the sum of \$[Redacted] plus \$[Redacted] for contingency (inclusive of GST) and enter into the following contract:  
Number: 2122-044  
Title: Coventry Oval Sports Lighting Upgrade  
Term: 30 June 2022 to 31 March 2023
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.067/22 Tender Report - Contract 2122-044 Coventry Oval Sports Lighting Upgrade**

**Attachments**

1. Tender 2122-044 Evaluation Summary Report - *CONFIDENTIAL*

**Discussion**

1. The tender outcome provides an upgrade of the existing sports field lighting at Coventry Oval, Diamond Creek.
2. The lighting will be 200lux LED suitable for twilight/night AFL games.
3. The project is joint funded by Sport and Recreation Victoria and Council.

**Council plans and policies**

4. This report directly supports the achievement of the Council Plan 2021-2025 strategy
  - Good governance
    - We continue to exercise sustainable and responsible financial management.
  - Open spaces
    - We facilitate participation in sports, leisure and recreational activities.

**Tender overview**

The Tender Evaluation Panel (TEP) advises that:

5. There was an initial selective Request for Quote process undertaken in January 2022.
6. Due to higher than anticipated costs and lack of competitive submissions, the RFQ process was cancelled and a public tender was subsequently issued.
7. A public tender was issued on 26 March 2022.
8. The period for tender submissions closed at 2pm on Thursday 28 April 2022
9. The following tenders were received:

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

10. 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.
11. The following tenders were evaluated as non-conforming or not sufficiently competitive and were subsequently set aside from further evaluation.

12. Officers' reports

CM.067/22 Tender Report - Contract 2122-044 Coventry Oval Sports Lighting Upgrade

TENDERER	Reasons why tender was set aside from further evaluation
Tenderer C	Tendered costs was the highest and was more than \$250,000 higher than the preferred tenderers cost

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

Criteria	Weighting %
Price	50%
Capability (Quality/Technical) & Capacity (Resources)	40%
Collaboration	10%
Economic Sustainability (Bonus Points)	5%
Social Sustainability (Bonus Points)	5%

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

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

**12. Officers' reports****CM.067/22 Tender Report - Contract 2122-044 Coventry Oval Sports Lighting Upgrade**

15. The final evaluation outcome was as follows:

TENDERER	SCORE	RANK
Tenderer A – <b>Preferred Tender</b>	94	1
Tenderer B	82	2

16. The recommended tender was the highest ranked and is considered best value due to evidenced experience in delivering similar lighting projects as well as value for money.

17. **Attachment 1** - Tender 2122-044 Evaluation Summary Report – Confidential, provides the tenderer names and the Evaluation Scorecard Summary.

18. The Tender 2122-044 Evaluation Summary Report (**Attachment 1**) to remain confidential on the grounds specified in the definition of confidential information in section 3(1)(g) of the *Local Government Act 2020*.

**Capability and Capacity**

19. The preferred tenderer has successfully delivered other sportsground lighting projects for Council.

20. Has OH&S and quality procedures and practices in place.

21. Well-resourced and experienced in this type of works.

22. Has provided an acceptable works program schedule.

23. Works program and methodology show that the contractor has required capacity to complete these works.

**Collaborative Approach**

24. Based on previous experience with the preferred tenderer on the referenced projects provided, the contractor has evidenced capability in engagement with general public and sporting groups.

**Tender Interviews**

25. As the preferred tenderer is known to Council and has successfully delivered similar projects, there was no need for a tender interview.

**Contingency and risks**

26. The standard lead time for the poles and fittings to be delivered to site is 16 weeks from contract award. This lead time may be impacted by COVID-19 supply chain issues.

27. To mitigate this impact on the project an additional time allowance has been requested with the funding body to provide time contingency in case there are further delays.

**12. Officers' reports**

**CM.067/22 Tender Report - Contract 2122-044 Coventry Oval Sports Lighting Upgrade**

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28. Council officers have proposed a completion date of 30 March 2023 which will allow a time contingency to complete the works and is still within the required completion date according to the executed funding agreement.

**Collaboration**

29. Not applicable.

**Budget implications**

30. The project is joint funded by Sport and Recreation Victoria and Council.

**Sustainability implications**

31. The preferred tenderer is a supplier that is located within the Northern Council Alliance area (NCA) and is providing full time employment to 4 residents from within the NCA.
32. As part of the tender, tenderers were required to provide details on the companies that would be used in the processing of the following redundant materials. All information was provided.
- Metals – existing light poles
  - Electrical – cabling/wiring
  - Lights - Existing lamps/globes
  - Organics – Wood/concrete/fill.

**Stakeholder Consultation/communication**

33. Council officers have been providing updates on the tender processes to the related sport clubs that use Coventry Oval.

**Innovation and continuous improvement**

34. Not applicable

**Relevant law**

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

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

36. Not applicable

**Conflicts of interest**

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

**12. Officers' reports**

**CM.067/22 Tender Report - Contract 2122-044 Coventry Oval Sports Lighting Upgrade**

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13. Notices of Motion

NOM.002/22 Free Julian Assange

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Cr Natalie Duffy advised of her intention to move the following motion at the Council Meeting to be held on Tuesday 28 June 2022:

**Motion**

**That** Nillumbik Shire Council:

1. Notes that Wikileaks publisher Mr Julian Assange, an Australian from Melbourne where he studied and founded Wikileaks, is one of our own and has been experiencing prolonged injustice and incarceration for publishing the truth.
2. Asserts Nillumbik Shire Council's support for Freedom of the Press and the Rule of Law and the extension of both to all people.
3. Notes that despite controversy, Wikileaks has played an important and effective role in disclosing war crimes, corporate fraud, environmental damage and other criminal abuses.
4. Notes that Mr Assange is currently being held on remand maximum security prison in the United Kingdom (UK) without charge for over 3 years and is in poor health.
5. Notes that the United Nations have ruled that Mr Assange's incarceration is unlawful and that he must be released immediately also stating his treatment constitutes psychological torture, and that the United Nations Special Rapporteur on torture, Mr Nils Melzer, has examined Mr Assange in Belmarsh Prison and believes that his life is in danger.
6. Notes and supports Amnesty International and other major civil liberties, media freedom and human rights groups have spoken out against the arrest and treatment of Mr Assange, along with the following Australian local councils:
  - Melbourne City Council
  - Darebin City Council
  - Moreland City Council
  - Yarra City Council
  - Fremantle City Council
  - Lismore City Council
  - Byron City Council
  - Blue Mountains City Council
  - Maribyrnong City Council
7. Notes that on Friday 17 June the British Home Secretary signed the order authorising Mr Assange's extradition to the United States of America (USA), where he faces unprecedented Espionage Act prosecution for engaging in journalistic activity which if found guilty could result in 175 years imprisonment.
8. Requests the Mayor write immediately to the Australian Prime Minister and the Minister for Foreign Affairs copying the local federal members Ms Kate Thwaites MP, Mr Rob Mitchell MP and Mr Keith Wolahan MP, calling on the Australian Government to urgently intervene in this matter to ensure that:

- a. the UK authorities urgently address Mr Assange's poor health and mistreatment and in doing so, uphold the Human Rights of an Australian citizen unjustly imprisoned.
  - b. the Australian Government uphold their duty to protect Human Rights and Press Freedoms of every Australian citizen both at home and abroad.
  - c. the Australian Government publicly and privately calls for Mr Assange's extradition to the United States of America (USA) on espionage charges to be stopped and his freedom be granted so he can be reunited with his family.
9. Encourages members of the public interested in learning more on this matter view the documentary "Ithaka: A Fight To Free Julian Assange" on ABC iview and ABC TV or go to [www.ithakamovie.com](http://www.ithakamovie.com).



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

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

**CM.068/22      Yan Yean Road Stage 1 upgrade - Operations Centre 290-304 Yan Yean Road, Plenty**

This item is confidential because it is Council business information being information that would prejudice the Council's position in commercial negotiations if prematurely released pursuant to paragraph (a) of the definition of confidential information under section 3(1) of the *Local Government Act 2020*. This ground is applied because it is information that, if publicly released at the time, is likely to be inappropriately detrimental to the Council or any person (natural or corporate).

**Recommendation**

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

- 17. Close of Meeting