

# Council Meeting

to be held at the Civic Centre, Civic Drive, Greensborough  
on Tuesday 27 September 2022 commencing at 7:00pm.

## Agenda

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

Wednesday 21 September 2022

Distribution: Public

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# Council Chamber Council Meeting seating plan

**Cr Natalie Duffy**  
Edendale Ward

**Cr Karen Egan**  
Bunjil Ward

**Cr Richard Stockman**  
Blue Lake Ward

**Cr Peter Perkins**  
Ellis Ward

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

**Cr Geoff Paine**  
Wingrove Ward

**Katia Croce**  
Governance Lead

**Blaga Naumoski**  
Director Governance  
and Communications

**Cr Frances Eyre  
(Mayor)**  
Swipers Gully  
Ward

**Carl Cowie**  
Chief  
Executive  
Officer

## Nillumbik Shire Council

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**Nillumbik Shire Council**

**Agenda of the Meeting of Nillumbik Shire Council to be held  
Tuesday 27 September 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.

**Recommendation**

**That** the apologies be noted.

**6. Presentations**

**Sporting Achievements**

**Xavier Zemancheff** (Swipers Gully Ward) receives \$150 as a contribution for being selected to represent Victoria at the 2022 Lacrosse National Championships in Perth.

**Ciara Jeffs** (Ellis Ward) receives \$150 as a contribution for being selected to the Team Victoria at the School Sport Victoria U12 Swimming in Brisbane.

**Kiarra Yalden** (Sugarloaf Ward) receives \$150 as a contribution for being selected to represent Victoria at the 2022 Pony Club Australia Prince Phillip Mounted Games in Canberra.

**Tarli Yalden** (Sugarloaf Ward) receives \$150 as a contribution for being selected to represent Victoria at the 2022 Pony Club Australia Prince Phillip Mounted Games in Canberra.

Nillumbik Shire Council wishes them every success with their future sporting pursuits.

7. Confirmation of Minutes

COM.001/22 Confirmation of Minutes

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**Summary**

Confirmation of the minutes of the Council Meeting and Confidential Council Meeting held on Tuesday 23 August 2022.

**Recommendation**

**That** Council:

- 1 Confirms the minutes of the Council Meeting and Confidential Council Meeting held on Tuesday 23 August 2022 (**Attachment 1** and **Attachment 2**).
- 2 Resolves that the Confidential Council Meeting minutes (**Attachment 2**) remain confidential in accordance with section 3(1)(f) of the *Local Government Act 2020*.

**Attachments**

1. Minutes of the Council meeting held Tuesday 23 August 2022
2. Minutes of the Confidential Council meeting held Tuesday 23 August 2022 - *CONFIDENTIAL*

**7. Confirmation of Minutes**

**COM.001/22 Confirmation of Minutes Council Meeting held Tuesday 23 August 2022**

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**8. Disclosure of conflicts of interest**

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

**9. Petitions**

**PT.001/22 Petition - Upgrade the Road & Surrounding Footpaths for Ryans Road Diamond Creek**

A petition in two parts containing **614** (as of 19 September 2022) signatures from residents with the following information;

Part one hardcopy containing **128** signatures:

This petition is to make the council aware of the infrastructure upgrade required on Ryans Road in Diamond Creek. We the undersigned would like to highlight the dangers both pedestrians and drivers face using the road. There is no footpath along this road - in an area with high degree of foot traffic. We request that Nillumbik Shire Council address these safety concerns. In particular, the signees would like the council to note:

1. That many school children use this as route to and from school and must contest a high volume of traffic on their trip without the safety of a footpath on part of the route
2. Recently there has been accidents and a number of near misses on Ryans Road and many individuals in the community are concerned someone will be injured.
3. There is vacant land opposite to 419 - 435 Ryans Road, which can provide space for the road to be moved and create safer space for both motorists and pedestrians.
4. And that the people signing this petition would like to know when and how these issues will be addressed.

Part two electronic petition containing **486** signatures (as of 19 September 2022):

Ryans Road Diamond Creek is already well overdue for an upgrade, however with the new Community Hospital approved to be built on Ryans Road, it is now even more urgent that this busy road & surrounding footpath is upgraded ASAP!

We would like the safety of our local families to be put at front of mind! The road is already very busy and a hospital, albeit great for the community, will also mean much more traffic as well as pedestrians. The road in its current state is not sufficient to support this increase and the lack of footpath is simply dangerous.

There is literally no footpath on the majority of the South West side of the road (the side which will be the home to the new hospital).

The nature of this windy, one lane road needs to be taken into consideration for its dangerous conditions

We desperately want this issue addressed and a plan in place for the upgrade of this Road and footpath.

Part one of the petition commenced earlier in 2022, and part two after the announcement that 405 Ryans Road would be the Community Hospital site.

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

1. Receives and notes the “Upgrade the Road & Surrounding Footpaths for Ryans Road Diamond Creek” petition in accordance with the Governance Rule - Meeting Procedure.
2. Refers this petition to the Director Operations and Infrastructure for investigation and response.
3. Notes that officers will advise the petition organiser of the outcome.

**10. Questions from the gallery**

11. Reports of Advisory Committees

AC.008/22 Advisory Committee Report - 27 September 2022

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**Distribution:** Public

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

**Author:** Katia Croce, Governance Lead

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. Inclusion and Access Advisory Committee meeting minutes 24 June 2022;
2. Economic Development Advisory Committee meeting minutes 4 August 2022;
3. Positive Ageing Advisory Committee meeting minutes 5 August 2022;
4. Environment & Sustainability Advisory Committee meeting minutes 17 August 2022;  
and
5. Youth Council Informal Advisory Committee meeting minutes 5 September 2022.

**Attachments**

1. Advisory Committee meeting minutes reported 27 September 2022

<b>Recommendation</b>
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**That** Council notes the Minutes of the Advisory Committee meetings reported (**Attachment 1**).

**11. Reports of Advisory Committees**

**AC.008/22      Advisory Committee Report - 27 September 2022**

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**12. Officers' reports****CM.095/22 Eltham Gateway Project - Final Design**

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**Distribution: Public****Manager: Hjalmar Philipp, Director Operations and Infrastructure****Author: Rowena Cairns, Open Space Project Officer****Summary**

Council resolved on 12 July 2022 to proceed with public engagement on the Eltham Gateway concept.

The Eltham Gateway project is intended to revitalise underutilised public land along Main Road Eltham, between Falkiner Street and the Diamond Creek Bridge to recreate a southern gateway to Nillumbik as part of a legacy initiative following the State Government Fitzsimons Lane Upgrade.

Community feedback on a draft concept plan via Participate Nillumbik was accepted from 13 July 2022 until 7 August 2022. 146 survey responses and 18 submissions were received.

Community feedback was presented at a Planning and Consultation Committee (PCC) meeting at Nillumbik Shire Council on 13 September 2022.

The community response clearly indicates support for a revitalisation project. Key feedback on the initial concept plan included suggestions to reduce the 'human' impact, in summary by reducing the area proposed as paths, minimising structured plantings, and providing more plantings of indigenous vegetation wherever possible.

Following this process, a final design has been prepared, taking into account all feedback received. This final design is presented for endorsement by Council.

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

1. Acknowledges and notes the community response to the consultation for the Eltham Gateway Project.
2. Endorses the final design presented as **Attachment 1** and supports the project to proceed.
3. Acknowledges the project may need to be completed in stages, subject to funding, with preferential delivery of plantings.
4. Authorises the Director Operations and Infrastructure to procure goods and services toward the Eltham Gateway Project with the MRPV funding contribution.
5. Requests the Mayor to write to the Southern Renewal Gateway Group, Major Roads Project Victoria and Member for Eltham, Vicki Ward MP to thank them for their support for this community outcome.

**Attachments**

1. Eltham Gateway - Final Master Plan

## 12. Officers' reports

## CM.095/22 Eltham Gateway Project - Final Design

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**Discussion**

1. The Eltham Gateway Project will focus on rehabilitating and enhancing areas on both sides of Main Road, between Falkiner Street and the Diamond Creek Bridge in Eltham, and is a response to the construction of the new intersection at Fitzsimons Lane.
2. The aim of the project is to create a sense of arrival into Eltham and the Green Wedge Shire of Nillumbik by reclaiming public open space and revegetating underutilised roadside areas. The project will acknowledge the traditional owners of the land using indigenous planting and the creation of a public artwork on the northern side of Main Road.
3. The project was developed in response to Nillumbik Shire Council, Major Road Projects Victoria (MRPV) and local community group Southern Gateway Renewal Group (SGRG) collaborating on a project to design and deliver a legacy initiative for an enhanced Eltham Gateway.
4. The project's draft plan was divided into three areas, namely Areas "A", "B" and "C" for the community consultation process. These areas were referred to in the draft plan, and subsequently also referred to in the final plan. This is consistent with messaging presented to the public via [Eltham Gateway Project | Participate Nillumbik](#).
5. Community feedback was presented at the Planning and Consultation Committee meeting on 13<sup>th</sup> September 2022.
6. Results of community feedback have been incorporated into a final version of the Eltham Gateway plan, attached as **Attachment 1**.
7. The main changes, from draft plan to final plan, made, with consideration to community feedback are:
  - a) **AREA A:**
    - Spiral path removed from plan.
    - Looped path not to proceed as a 'loop', but with an access point to Main Road to the north.
    - More space opened up for planting in general for Area A.
    - Less structured planting.
    - Structured areas, for example pathways, moved further away from the 'riparian' zone of Diamond Creek.
    - The path alignment altered with a smaller overall footprint of pathways. Path width adjusted to 2.0 metres.
    - Location and positioning of the meeting circle altered.
    - Meeting circle diameter decreased to around 3.5 m.
    - Meeting circle semi-circle seating to be timber (pine).
    - All (structured) seating to have backs and arm rests. Some seating available as rocks.

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**CM.095/22 Eltham Gateway Project - Final Design**

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- All (structured) seating is to be connected to, but set back from, the pathways for access. Consideration of views from seating, and potential for “back-to-back” seating to be considered.
- Abbreviation of the fence along Main Road with some artistic elements to be retained near both entrances to Area A, but the Main Road length to be landscaped with rocks / vegetation rather than fence to create a visual vegetation screen.
- The boardwalks to be realigned to the new path.
- The raingardens / natural drainage are included in final design.
- ‘Coldstream’ rocks, tan in colour, to be utilised in landscaping in preference to basalt.
- A ‘post and rail’ fence of pine (from the pine trees) to be constructed along the drain for protection.
- The indigenous (Wurundjeri) edible / useful garden is included, but spread throughout Area A, rather than in one location only.
- Focus on edible / useful plants – aiming for a list of twelve (12) of these, planted in mini-clusters – along the walking path as per final design.
- Removal of items considered as ‘play space’, for example the tee-pees and balance beams.
- Retention of five (5) stumps initially, 2 for carvings, 1 for a visual feature (‘tree rings’), 2 potentially for habitat. Viability of all to be determined during tree removals.
- Infillings of darker shaded trees in Area A, to complement those proposed for Area B.

**b) AREA B – NORTH**

- Removal of reference to the (existing) stump possibly being carved. This is to remain for habitat value.
- Rocks and embankment planting as presented in final design.
- Vegetation area added along boundary with residential property at the north.

**AREA B – SOUTH**

- Final design has multi-layered revegetation and tree selection reflecting the flood plain.
- Additions of colour and multi layering of vegetation considered in final design.
- Coldstream rocks provided they are surrounded by strappy planting / shrubs, and don’t require mowing right up to the rock edges.
- Consideration of rock treatment around the drain in Area B, and addition of “dry creek bed” using rock spalls element.

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## CM.095/22 Eltham Gateway Project - Final Design

c) **AREA C - NORTH:**

- Coldstream rocks with locations of rocks subject to change (need to assess if any emergency vehicles need access to this area).

d) **AREA C – SOUTH**

- Additional infillings of additional lighter shade of trees along the south side of Main Road.

e) **Planting Palette**

- The planting palette will continue to be developed in consultation with the landscape designer and with the Wurundjeri Woi-wurrung Cultural Consultation group.

8. In parallel with the landscape design process, an art piece is being procured, to be installed in Area C- North.

9. The next steps in this project would be:

- Finalise approval by relevant landowners (Melbourne Water, Department of Transport and DELWP).
- Commence tree and weed removal works. This will occur in conjunction with a separate scope to remove hazardous trees in Eltham Lower Park.
- Finalise procurement of art piece.
- Commence revegetation and planting phase at the appropriate season.

**Related Council decisions**

1. On 26 October 2021, Council resolved through a Notice of Motion:

*That Council helps facilitate discussions with Major Roads Projects Victoria (MRPV) and the “New Gateway Project” Group in order to further explore opportunities for revitalisation of underutilised public land at the Eltham Gateway area, including areas beyond the MRPV footprint, to recreate the altered southern gateway to Nillumbik.*

2. On 12 July 2022, Council resolved that the Committee (acting under delegation from Council):

- *Notes Major Roads Projects Victoria (MRPV) are contributing funding to revitalise underutilised public land along Main Road Eltham, between Falkiner Street and the Diamond Creek Bridge to recreate a southern gateway to Nillumbik as part of a legacy initiative following the State Government Fitzsimons Lane Upgrade (known as the Eltham Gateway Concept).*
- *Supports a collaboration with MRPV to deliver the Eltham Gateway Concept.*
- *Notes that Attachments 1 and 2 in report PCC.027/22 will be replaced with a single plan (amended Attachment 1) which has been revised to remove the viewing platform and add additional tree planting on the southern side of Main Road.*
- *Endorses the amended Attachment 1 for the purposes of receiving community feedback for exhibition on Participate Nillumbik for a period of 3 weeks.*



12. Officers' reports

CM.095/22 Eltham Gateway Project - Final Design

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- *Notes that following community consultation, the plan may be delivered in stages, subject to funding.*
  - *Considers public submissions at a future Planning and Consultation Committee meeting.*
  - *Requests the Director Operations and Infrastructure to work with the relevant landowners (Melbourne Water, Department of Transport and Department of Environment, Land, Water and Planning) to seek approval for the delivery of the concept on their land.*
  - *Requests the Mayor to write to MRPV to thank them for their funding and support for this community outcome.*
3. On 13 September, 2022 Council resolved that the Committee (acting under delegation from Council):
- *Acknowledges and notes the community response to the consultation for the Eltham Gateway Project.*
  - *Notes that a further report with revised plan is expected to be presented to a subsequent Council meeting.*
  - *Requests Officers to write to all respondents to the community engagement to express Council's gratitude for their contribution.*

**Options**

10. This report includes the proposed final plan, and is seeking Council endorsement to proceed with this project.
11. The final design presents best outcomes for the community, including future generations via:
- Completion of a thorough and detailed community survey and results incorporated into a final plan.
  - Removal of trees that are dead, hazardous, a 'weed', or in poor health as part of the rehabilitation of the area.
  - Rehabilitation of the areas with native / indigenous vegetation.
  - Amending the draft plan in line with community feedback to, in general terms, not over-develop the Areas (A, B, and C).
  - Providing a response to the community's request for a legacy initiative for an enhanced Eltham Gateway.

**Council plans and policies**

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

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CM.095/22 Eltham Gateway Project - Final Design

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- We are committed to protecting and enhancing the environmental integrity of our community's unique surroundings, Aboriginal heritage, natural environment and diverse wildlife.

**Sustainability implications**

13. The proposed concept plan proposes an indigenous plant palette. Re-use of timber from hazardous tree removal is also proposed

**Community engagement**

14. Consultation took the form of a survey on Council's Participate Nillumbik site <https://participate.nillumbik.vic.gov.au>. Written feedback was sought either through a submission on website or by submitting direct feedback.
15. Results of community engagement were presented to the Planning and Consultation Committee on 13<sup>th</sup> September 2022. Results are presented in Officer's report: ***PCC.029/22 – Response to public consultation for the Eltham Gateway project.***

**Innovation and continuous improvement**

16. Not applicable.

**Collaboration**

17. There has been collaboration between Major Road Projects Victoria, Nillumbik Shire Council and local community group, Southern Gateway Renewal Group, to inform the design for consultation.

**Budget implications**

18. Council contribution to the project has been budgeted in the current financial year.
19. Any project scope not able to be delivered by the budgeted MRPV and Council funding will require future funding to complete.

**Relevant law**

20. Not applicable.

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

21. The aims of the project support all relevant state and local planning policy.

**Conflicts of interest**

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

**12. Officers' reports****CM.096/22      Quarterly Risk and Safety Report - June 2022**

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**Distribution:    Public****Manager:        Craig King, Acting Executive Manager Business Transformation & Performance****Author:         Craig Commene, Risk and Safety Lead****Summary**

This report provides a summary of Council's Risk and Safety Report for the quarter ending June 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 22 August 2022.

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

<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 June 2022.
2. Resolves that the attached Risk and Safety Report (**Attachment 1**) remains confidential in accordance with section 3(1)(a) and (f) of the *Local Government Act 2020*.

**Attachments**

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

**Discussion**

1. Council's commitment to risk management is outlined in the Risk Management Policy, with the following objectives:
  - Ensure that all risks that could affect the achievement of Council's goals, strategies and actions are identified, assessed and treated to a commercially and professionally acceptable level of risk;
  - Integrate risk management into Council's decision making processes and embedding it into the organisational culture;
  - Ensure necessary resources are allocated in support of the Policy and supporting Risk Management Framework;
  - Maintain stakeholders' trust and due diligence;

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## CM.096/22 Quarterly Risk and Safety Report - June 2022

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- 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.
  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 June 2022 are as follows:
    - a. Council's insurance policies were renewed as at 30 June 2022 following instructions provided to Council's Broker, JLT Australia.
    - b. The COVID-19 pandemic is recorded as a major incident and Council continues to observe all directives issued by the Victorian Chief Health Officer in response to the COVID-19 State of Emergency.
    - c. Council's Risk Management Policy 2022 and Risk Management Framework 2022 was adopted during the June 2022 quarter.
    - d. Council's Strategic Risk register review was adopted during the June 2022 quarter.
    - e. Review of Council's Business Continuity Plan commenced and is due completion in December 2022.

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## CM.096/22 Quarterly Risk and Safety Report - June 2022

- f. Redrafting of the Fraud and Corruption Policy and Fraud and Corruption control system to align with AS8001:2021 will commence following the completion of the business continuity plans review.

7. The following tables summarise recorded incidents by type for matters involving Council. It should be noted that this table shows all reported incidents, rather than all claims, as not every incident results in a claim being made. Note that the table excludes COVID-19 Incident reports.

Incidents by type	Jul – Sep 21	Oct – Dec 21	Jan-Mar 22	Apr – Jun 21	Total Jul – Jun 22	Last Year Jul – Jun 21
Property	9	4	4	8	25	60
Motor vehicle	7	11	6	14	38	40
Professional Indemnity	0	0	2	0	2	5
Public Liability	40	40	38	20	138	187
Occupational Health and Safety	18	27	20	24	89	84
Total incidents	74	82	70	66	292	376

8. The following table summarises all incidents by Directorate.

Incidents by Directorate	Jul – Sep 21	Oct – Dec 21	Jan-Mar 22	Apr – Jun 21	Total Jul – Jun 22	Last Year Jul – Jun 21
Corporate Services	0	0	1	1	2	3
Communications, Governance and Engagement	1	1	0	1	3	6
Planning and Community Safety	5	15	8	9	37	42
Community Services	4	4	6	3	17	16
Operations and Infrastructure	64	62	55	52	233	309
Total incidents	74	82	70	66	292	376

9. A high proportion of reported incidents during the June 22 quarter are generated within the normal course of operations in the Operations and Infrastructure Directorate (79%). This is an increase of 1% from the March 2022 quarter, however overall incidents and in particular the Operations and Infrastructure directorate are significantly down, this is attributed to incidents returning to pre-COVID-19 levels.
10. 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.
11. Tree related risks are mitigated through the:

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CM.096/22 Quarterly Risk and Safety Report - June 2022

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- 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.
12. Road, footpath, drainage and roadside related risks are mitigated through the:
- Road Management Plan;
  - Road Asset Management Plans; and
  - Proactive and reactive maintenance programs.
13. 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.
14. One property insurance claim was lodged for vehicle damage to a bus shelter in Iron Bark Road.
15. Overall, reported property incidents are substantially lower when compared to the same period last year. All incidents are reported to the Police where appropriate.
16. Motor vehicle incidents include accidental damage involving Council's light and heavy fleet, including incidents caused by third parties. Risks are mitigated through maintenance, education and insurance.
17. There were 14 motor vehicle incidents during the June 2022 quarter which resulted in one 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.
18. Professional indemnity relates to incidents and claims for alleged negligence or breach of duty arising from an act, error or omission in the performance of Council services. No new professional indemnity incidents were reported to Council's insurer this quarter.
19. Public liability incidents are reported where the third party is seeking compensation for personal injury, property damage and economic loss. Note that compensation claims are only paid where Council has been negligent or there is a clear legal liability. Claims are managed by an external claims manager or Council's insurer. Typical incidents primarily relate to vehicle road damage, property damage, tree related or trip and fall incidents.
20. Six 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).

**12. Officers' reports**

**CM.096/22 Quarterly Risk and Safety Report - June 2022**

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21. There were no flooding incidents reported. Eight tree damage incidents causing property damage were reported, including five tree incidents resulting in damaged fencing from trees located in the road reserve. One incident to tree root damage.
22. Occupational Health and Safety incidents (89) relate to safety matters reported as incidents, hazards and near misses. Typical incidents are cuts and lacerations, insect and animal bites, musculoskeletal injuries and slip trips and falls. These incidents are managed through the Occupational Health and Safety Management System.
23. The overall occupational health and safety annual trend data for the year ending June 2022 for incidents was comparable to the same period ending June 2021.
24. Incident costs, including under excess claim costs and insurance excesses, are managed within existing budgets. Where appropriate, insurance claims were made, repairs undertaken and matters reported to the Police.

**Related Council decisions**

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

**Council plans and policies**

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

**Sustainability implications**

28. 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.
29. Council's risk profile includes environmental risks and climate change as a consequence of failure to adequately mitigate those risks.

**Community engagement**

30. Not applicable.

**Innovation and continuous improvement**

31. 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.

**12. Officers' reports**

**CM.096/22 Quarterly Risk and Safety Report - June 2022**

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**Collaboration**

32. Not applicable.

**Budget implications**

33. 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**

434 Not applicable.

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

35. Not applicable.

**Conflicts of interest**

36. 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.097/22 Adoption of Nillumbik Arts and Culture Strategy 2022-2026**

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**Distribution: Public****Manager: Nichole Johnson, Acting Director Community Services****Author: Katie Camilleri, Acting Manager Community Partnerships  
Sarah Hammond, Community Arts & Cultural Engagement Officer****Summary**

The purpose of this report is to present the Nillumbik Arts and Culture Strategy 2022-2026 (the Strategy) (**Attachment 1**) for adoption, following the Planning and Consultation Committee meeting held on 12 July 2022. The feedback received from community was positive and there were no recommended changes to the Strategy.

The Strategy is accompanied by the Year 1 Action Plan 2022-2023 (**Attachment 2**).

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

1. Adopts the Nillumbik Arts and Culture Strategy 2022-2026 (**Attachment 1**).
2. Authorises the Director Community Services to make any further minor changes to the Strategy that may be necessary and are inconsequential in nature.
3. Makes the adopted Nillumbik Arts and Culture Strategy 2022-2026 publically available on Council's website.
4. Notes the Year 1 Action Plan 2022-2023 (**Attachment 2**).

**Attachments**

1. Arts & Culture Strategy 2022-2026
2. Arts & Culture Strategy - Year 1 Action Plan - 2022-2023
3. What We Know: Arts and Culture Strategy 2022-26 Community Consultation Summary Report

**Discussion**

1. At a Future Nillumbik Committee on 9 March 2021, Council endorsed the Community Engagement Plan: Arts and Culture Strategy 2022-2026: Artbeat—a pulse check for Arts and Culture in Nillumbik Shire. This plan focused on putting community first in the development of Council's next Arts and Culture Strategy.
2. Community consultation for the new strategy was undertaken between December 2020 and July 2021, and included a comprehensive range of digital and in-person engagements.
3. A total of 2,216 voices were heard from across Nillumbik through participation in the community consultations, which contributed to the creation of the What We Know: Arts and Culture Strategy 2022-26 Community Consultation Summary Report (Summary Report) (**Attachment 3**).

**12. Officers' reports****CM.097/22 Adoption of Nillumbik Arts and Culture Strategy 2022-2026**

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4. Key findings from the Summary Report were presented at a Councillor Briefing on 9 November 2021 and made publically available.
  5. The Arts and Culture Strategy 2022-2026 has been co-designed with the Cultural Development Network and informed by the Council Vision, Council Plan 2021-2025, the previous Arts and Culture Plan 2018-2022 and the Summary Report.
  6. The Strategy considers external arts and culture strategies, policies and reports from relevant Local, State and Federal Arts and Culture institutions. Other Council plans, strategies and policies have also been considered in the development of the Strategy.
  7. The vision for the Strategy is to be a planning tool that provides Council with a clear set of priorities for the enrichment of arts and culture facilities and programs across the Shire over the next four years.
  8. The Strategy (**Attachment 1**) identifies the following four goals:
    - Goal 1: An Interconnected Creative Community
    - Goal 2: A Visible and Supported Creative Community
    - Goal 3: A Diverse and Resilient Creative Community
    - Goal 4: A Distinctively Nillumbik Creative Community
  9. The Draft Arts and Culture Strategy 2022-2026 (Draft Strategy) was made available for public consultation from 1 – 22 May 2022. At the close of the public consultation period, five formal submissions were received.
  10. At the Planning and Consultation Committee meeting held on 12 July 2022, the Committee considered all submissions on the Strategy. Feedback received from community was positive and there were no recommended changes to the Strategy.

**Related Council decisions**

11. On 9 March 2021 the Future Nillumbik Committee endorsed the Community Engagement Plan for the Arts and Culture Strategy 2022-2026: Artbeat – a pulse check for Arts and Culture in Nillumbik Shire.
12. At the 26 April 2022 Council Meeting, the Draft Strategy (**Attachment 1**) was endorsed by Council to proceed to public exhibition for community feedback.
13. On 12 July 2022, the Planning and Consultation Committee considered all submissions to the draft strategy and recommended that the final Strategy be presented to the 27 September 2022 Council Meeting for adoption.

**Options**

14. This report seeks endorsement of the Nillumbik Arts and Culture Strategy 2022-2026 (**Attachment 1**).
15. The Strategy is accompanied by the Year 1 Action Plan 2022-2023 (**Attachment 2**).

**Council plans and policies**

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

**12. Officers' reports**

**CM.097/22 Adoption of Nillumbik Arts and Culture Strategy 2022-2026**

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- We celebrate and prioritise the protection of our heritage, arts and culture, places and spaces by focusing on the diversity of experiences that have shaped our shared history.
- We recognise and celebrate our community's significant contributions to art and culture

**Sustainability implications**

17. Arts and culture responds to and celebrates the natural environment and can create awareness of the need to protect it. It also explores climate change and creates awareness of issues related to it.

**Community engagement**

18. Community Engagement was undertaken in line with the Community Engagement Plan for the 2022-26 Arts and Culture Strategy 2022 -2026: Artbeat—a pulse check for Arts and Culture in Nillumbik Shire.
19. The Community Engagement Plan incorporated (alongside more conventional engagement methodology) a range of cultural devices, including the use of street performers, installations and interactive art activities to encourage community conversations around culture. The purpose of these non-conventional approaches was to ensure that the Arts and Culture Strategy 2022-2026 represented a wide array of community, not just those who identify as members of the local arts community.

**Innovation and continuous improvement**

20. The Arts and Culture Strategy 2022-2026 is informed by detailed analysis on the impacts of the Arts and Culture Plan 2018-2022 and key findings from the Summary Report.
21. The Cultural Development Network's Framework for Cultural Development Planning and Evaluation has been incorporated into the Strategy.

**Collaboration**

22. Collaboration was undertaken across the organisation, with community members, community groups, local artists and artist groups, Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation, and the Cultural Development Network.

**Budget implications**

23. The strategies stated within the Strategy, will be resourced through existing operational budget. Where gaps exist in resources or new opportunities for initiatives are presented, additional budget or grant funding opportunities may be sought.

**Relevant law**

24. *The Local Government Act 2020.*

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

25. Creative State 2025, Creative Victoria.
26. Corporate Plan 2021-2025, The Australia Council for the Arts.

**12. Officers' reports**

**CM.097/22 Adoption of Nillumbik Arts and Culture Strategy 2022-2026**

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**Conflicts of interest**

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

12. Officers' reports

CM.098/22 Audit and Risk Committee Meeting August 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 22 August 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 22 August 2022 (**Attachment 1**).

**Attachments**

1. 22 August 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 22 August 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:
  - Yarra Plenty Regional Library Update
  - VAGO Final Audit Management Letter;
  - Annual Financial Report and Performance Statement for the year ended 30 June 2022;
  - Asset Management Internal Audit Report; and
  - Local Government Amendment (Rating and Other Matters) Bill 2022.
4. The next ARC meeting is scheduled to take place on Monday 14 November 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.098/22 Audit and Risk Committee Meeting August 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 22 August 2022 was attended by the Committee members, the external auditor from HLB Mann Judd as VAGOs representatives, the internal auditor from Pitcher Partners, 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 2022-2023 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.099/22 Annual Financial Report and Performance Statement 2021 - 2022**

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

Council is required to produce an Annual Financial Report, containing audited financial statements and an audited Performance Statement pursuant to the requirements and process outlined in the *Local Government Act 2020* (the Act) and the *Local Government (Planning and Reporting) Regulations 2020*.

The draft 2021-2022 financial statements and the draft 2021-2022 performance statement have been reviewed by Council's external auditors on behalf of the Victorian Auditor General.

For the 2021-2022 financial year, Council has reported an operating surplus of \$14.35 million on an accrual basis.

This report recommends that Council approves in principle the 2021-2022 financial statements and performance statement and appoints the Mayor, Deputy Mayor and Chief Executive Officer to sign the 2021-2022 financial statements and the 2021-2022 performance statement.

Council has produced a performance statement in accordance with the Local Government Performance Reporting Framework. This provides results on a range of prescribed indicators of service performance, financial performance and sustainable capacity.

The draft statements have been presented to Council's Audit and Risk Committee which has recommended that Council give 'in principle' approval for the statements pursuant to section 99 of the Act, prior to formal presentation to the Victorian Auditor General.

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

1. Approves 'in principle' the 2021-2022 Annual Financial Report (**Attachment 1**) and 2021-2022 Performance Statement (**Attachment 2**).
2. Authorises the Mayor, Deputy Mayor and the Chief Executive Officer to sign the 2021-2022 Annual Financial Report and the 2021-2022 Performance Statement in their final form after any changes recommended, or agreed to, by the auditor have been made.
3. Supports the allocation of the cash surplus for the year ended 30 June 2022 against the prior year cash deficits resulting from the pandemic.

**Attachments**

1. DRAFT 30 June 2022 Financial Report
2. DRAFT 30 June 2022 Performance Statement

**12. Officers' reports****CM.099/22 Annual Financial Report and Performance Statement 2021 - 2022**

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**Discussion**

1. Council is required to produce an Annual Financial Report, containing audited financial statements and an audited Performance Statement pursuant to the requirements and process outlined in the Local Government Act 2020 (the Act) and the Local Government (Planning and Reporting) Regulations 2020.
2. Section 99 of the *Local Government Act 2020* and the Local Government (Planning and Reporting) Regulations 2020 require Council to:
  - a) Adopt a resolution giving its approval, 'in principle', to the Annual Financial Report and Performance Statement before they are submitted to the Auditor General.
  - b) Authorise two Councillors and the Chief Executive Officer to certify the statements in their final form, after any changes recommended, or agreed to, by the auditor have been made.
3. Audit work has been completed by Council's external auditors and officers have prepared drafts of the 2021-2022 Financial Report and Performance Statement for submission to the Auditor General. A copy of these statements, forming the 'in principle' statements, is provided in **Attachment 1 and 2**.
4. The Statements were presented to the Audit and Committee on 22 August 2022. The recommendations of the Audit and Risk Committee were:
  - a) Record its approval 'in principle' to the Annual Financial Report and Performance Statement (the statements) for the year ended 30 June 2022;
  - b) That subject to the review of the final version of the Financial Report and the Performance Statement, that Council:
    - i) Authorise the Chief Executive Officer to send the statements to the Auditor General
    - ii) Authorise the Chief Executive Officer, the Mayor, and Deputy Mayor to certify the final version of the statements
    - iii) Authorise the Finance Manager to implement any non-material changes to the statements as recommended by the Auditor General, and provide a summary of such changes to the Audit and Risk Committee at its next meeting. Any material changes will be discussed with the Chair of the Audit and Risk Committee prior to being presented to Council.

**Approval Process**

5. The following process is required to ensure that Council's Financial Report and Performance Statement are submitted to the Auditor General in a timely manner, enabling the Auditor General to officially express his opinion prior to the statutory deadline of 31 October 2022:
  - a) Council must meet formally to review the draft Financial Report and Performance Statement, and resolve that Council approves the report and statements 'in principle' and authorises two Councillors and the Chief Executive Officer to sign the final report and statements on behalf of, and with the full authority of, Council. The 'in principle' report and statements and the Council resolution are given to the external auditor;



**12. Officers' reports**

**CM.099/22 Annual Financial Report and Performance Statement 2021 - 2022**

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- b) The external auditor checks the 'in principle' report and statements. The report and statements, the Council resolution, and the external auditors recommended Audit Report will then be forwarded to the Auditor General for review;
- c) The Auditor General reviews the report and statements and requests any changes where appropriate;
- d) The Principal Accounting Officer (Finance Manager) then considers the Auditor General's requested changes and incorporates them into the 'in principle statements', where appropriate;
- e) The Principal Accounting Officer will identify any matters of significance, including proposed qualification issues, not previously considered by the Council and formally draw Council's attention to them prior to the formal sign off of the statements by the two designated Councillors and the Chief Executive Officer;
- f) If Council and the Auditor General are satisfied with the statements, the statements are to be signed by the delegated Councillors and the Chief Executive Officer and forwarded to the Auditor General;
- g) The Auditor General's Audit Reports will be issued to the Council once the formally signed statements have been received and checked by the Auditor General; and
- h) The organisation's 2021-2022 Annual Report, including the audited Financial Report and Performance Statement, must be forwarded to the Minister by 31 October 2022.

**Performance Statement**

- 6. Council has produced a Performance Statement in accordance with the Local Government Performance Reporting Framework.
- 7. The Performance Statement reports the audited results for 2021-2022 for the prescribed indicators of service performance, financial performance and sustainable capacity.
- 8. The financial performance and sustainable capacity indicators include several of the indicators used by the Victorian Auditor-General to assess the financial sustainability of local government.
- 9. The overall assessment of Council's financial sustainability will be confirmed by the Auditor-General in the annual report on Victorian local government in late 2022, which will also confirm the indicators to be applied for 2021-2022.
- 10. In addition to the audited Performance Statement, the results for a range of other indicators are reported in the Report of Operations as part of the Annual Report.

**Related Council decisions**

- 11. Not applicable.

**12. Officers' reports**

**CM.099/22 Annual Financial Report and Performance Statement 2021 - 2022**

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**Options**

12. It is recommended that Council give 'in principle' approval to the 2021-2022 Annual Financial Report, which includes the financial statements and the Performance Statement and authorise two Councillors and the Chief Executive Officer to sign the statements in their final form after any changes recommended, or agreed to, by the auditor have been made.

**Council plans and policies**

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

**Sustainability implications**

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

**Community engagement**

16. The Annual Financial Report and Performance Statement will be published within Council's Annual Report 2021-2022.

**Innovation and continuous improvement**

17. Not applicable.

**Collaboration**

18. The Annual Financial Report and Performance Statement was presented to the Audit and Risk Committee in August 2022.

**Budget implications**

19. The costs of preparing the Annual Financial Report and Performance Report are funded from operating budget allocations.

**Relevant law**

20. Section 98 and 99 of the *Local Government Act 2020* applies to the collation and approval of the Annual Financial Report and Performance Statement.

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

21. Not applicable.

**Conflicts of interest**

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

**12. Officers' reports****CM.100/22 Events and Festivals Funding (Triennial Funding) 2023 onwards**

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**Distribution: Public****Manager: Nichole Johnson, Acting Director Community Services****Author: Anna Maio, Coordinator Events & Place****Summary**

The purpose of this report is to seek Council endorsement of an Expression of Interest (EOI) process to take place every three years inviting new and existing events and festival organisers for the Events and Festivals Funding (Triennial Funding) 2023 onwards.

A summary of the festivals and events currently delivered is provided in **Attachment 1**.

Officers are also seeking endorsement of the Festivals and Events Triennial Program Guidelines (**Attachment 2**) and Events Policy (**Attachment 3**).

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

1. Endorse that an Expression of Interest (EOI) process takes place every three years for the Events and Festivals Funding (Triennial Funding).
2. Endorse that no CPI increases be applied for future Triennial Funding agreements.
3. Endorse the Festivals and Events Triennial Program Guidelines (**Attachment 2**).
4. Endorse the Events Policy (**Attachment 3**).

**Attachments**

1. Summary of Festivals and Events Delivered 2020-2023
2. Guidelines - Festivals and Events Triennial Program
3. Events Policy

**Discussion**

1. Each year, our community benefits from a diverse range of festivals and events that take place across Nillumbik.
2. Council currently fund nine events and festivals under the Triennial funding program 2020-2023. Each of these events and festivals have a three-year term agreement until June 2023, which includes CPI increase in year 2 and 3.
3. An annual acquittal process is required for each of the Triennial funded events and festivals and funding for the following year is not released until the acquittal process is complete.
4. Council has provided ongoing funding to seven event organisers through a festivals and events program for a number of years (in some cases in excess of twenty years).
5. In 2020, two further external run festivals and events moved across to the triennial funding pool from operational budgets. These are Open Cellars and Open Art Studios who equally have run in excess of 20 years.

12. Officers' reports

CM.100/22 Events and Festivals Funding (Triennial Funding) 2023 onwards

- 6. The triennial funding model has provided substantial certainty and continuity for long standing events and festivals delivered by local community groups across Nillumbik as well as a streamlined process for the administering of funds to these groups.
- 7. The funding agreements for these Triennial agreements ends in June 2023.
- 8. The events and festivals that are currently funded under the triennial model are as follows:

	Event Name
1	Hurstbridge Wattle Festival
2	Diamond Creek Town Fair
3	Mudbrick Tour
4	On the Hill Festival (Panton Hill)
5	Open Cellars
6	Eltham Rotary Festival
7	Artist Open Studios
8	Eltham Jazz Food & Wine
9	Warrandyte Festival

- 9. COVID-19 restrictions and lockdowns have had a significant impact on all events over the past 2 years with many festival organisers looking at alternate ways to keep the community connected.
- 10. **Attachment 1** provides a summary of the festivals and events delivered in this triennial period (2020-2023).

**Related Council decisions**

- 11. At a Future Nillumbik Committee meeting in February 2020 Council resolved that all nine existing long standing events and festivals be awarded funding for a three-year term agreement (with CPI Increase to be added in year 2 and 3).

**Options**

- 12. The findings of the Nillumbik Shire Council Grants Management Internal Audit Report December 2020 states that:
  - Given the Triennial Event Funding agreements operate until 2023, officers should use the remaining time to establish a competitive funding program for all grant rounds supported by alignment to Council objectives, standard eligibility criteria, determining funding levels, and using an open market application and evaluation process.
- 13. Based on the above feedback from the Audit and Risk committee, an endorsed position is required from Council to ensure the ongoing administration of Triennial Events meets the audit requirements.
- 14. Officers are seeking Council endorsement for an Expression of Interest (EOI) process to take place every three years inviting new and existing events and festival organisers to apply for the Events and Festivals Funding (Triennial Funding).

**12. Officers' reports**

**CM.100/22 Events and Festivals Funding (Triennial Funding) 2023 onwards**

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15. Given the budget implications, it is also recommended that no CPI increases be awarded as part of these future funding agreements, and instead, budget increases could be considered by Council every three years for the following triennial program.
16. An eight week EOI process is recommended for the 2023 Festivals and Events Triennial program, opening on the 4 October until 27 November 2022.
17. EOI's will be promoted through various social media outlets including Council social media pages, website, internal communications including newsletters and targeted emails to all community groups on Council's database.
18. During the EOI period a pre-application program will be offered to potential applicants, the program will include a series of grant writing, budgeting and community group organisational workshops to support high quality applications.
19. As per the Grants policy, to ensure an accountable and transparent assessment process, applications for grants programs offering funding equal to and above \$5,000 will be vetted internally against eligibility criteria before being assessed by an assessment panel of community representatives or experts drawn from existing advisory committees and/or stakeholder groups.
20. To support the program, Officers are also seeking endorsement of the Festivals and Events Guidelines (**Attachment 2**) and the Events Policy (**Attachment 3**). The guidelines outline the application and acquittal process. The Events Policy defines an event and clarifies when an event permit is required.

**Council plans and policies**

21. This report directly supports the achievement of the Council Plan 2021-2025 strategy:
  - We make Council's programs, services, processes and information equitable, accessible and inclusive.

**Sustainability implications**

22. Not applicable.

**Community engagement**

23. Not applicable.

**Innovation and continuous improvement**

24. Not applicable.

**Collaboration**

25. A panel would be established to assess applications against the criteria in the guidelines (**Attachment 2**) and would comprise a combination of officers representing Economic Development and Tourism, Community Partnerships, Open Space, Risk, Sustainability, Social Inclusion, Recreation and Leisure, members of the community and/or advisory committees.

**Budget implications**

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

**12. Officers' reports**

**CM.100/22 Events and Festivals Funding (Triennial Funding) 2023 onwards**

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27. Consideration for an increase in funding to the program would be recommended every three years.

**Relevant law**

28. Not applicable.

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

29. Not applicable

**Next steps**

30. In early 2023 Councillors will be provided with a Councillor Briefing – Memo Update updating them of the outcomes of the EOI process.

**Conflicts of interest**

31. 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.101/22 Bushfire Mitigation (Fire Prevention) Works Program 2022-2023**

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

Council makes an annual allocation of funding towards works on Council owned and managed land to prepare for the Fire Danger Period. The annual Bushfire Mitigation Works Program is informed by the Municipal Fire Management Plan (MFMP) and includes planned work on roadsides and in Council reserves.

All Neighbourhood Safer Places - Bushfire Places of Last Resort (NSP-BPLR) are required to be assessed each year by the Country Fire Authority (CFA) and Council is required to record the outcome of these assessments. All sites have been reassessed as being compliant.

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

1. Notes the Bushfire Mitigation Works Program 2022-2023 (**Attachment 1**).
2. Notes, that as part of the annual review process, the NSP-BPLRS are located at:
  - a) Diamond Hills Reserve Oval, Greensborough
  - b) The Outdoor Performance Centre, Greensborough
  - c) Diamond Creek Community Centre, Diamond Creek
  - d) Yarrambat Park Golf Course Clubrooms, Yarrambat
  - e) Hurstbridge Basketball Stadium, Hurstbridge
  - f) Carpark between Arthur and Dudley Streets, Eltham
  - g) Collendina Reserve, Greensboroughhave been reassessed by the Country Fire Authority and have been found to meet the criteria for designation as a NSP-BPLR.
3. Publishes the Bushfire Mitigation Works Program 2022-2023 (**Attachment 1**) on Council's website.

**Attachments**

1. Bushfire Mitigation Works Program 2022-2023

**12. Officers' reports****CM.101/22 Bushfire Mitigation (Fire Prevention) Works Program 2022-2023**

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**Discussion**

1. Section 43 of the *Country Fire Authority Act 1958* (CFA Act) requires municipal councils to take all reasonable steps to prevent fire starting and spreading from land under their control. To meet this requirement, Council provides and discusses the annual works program with the Municipal Fire Management Planning Committee (MFMP). The MFMP is responsible for integrated planning at the municipal and local level and include representation from: Council, Country Fire Authority, Department of Environment, Land, Water and Planning, Department of Transport, Fire Rescue Victoria, Parks Victoria and Victoria Police. Members of this committee work collaboratively, meet at appropriate intervals, share planning information and produce the Nillumbik Municipal Fire Management Plan.
2. The Bushfire Mitigation Works Program 2022-2023 is informed by the Municipal Fire Management Plan 2020-2023. The Plan has an agreed process for the identification of priority roads and treatments that need to be applied to these roads.
3. Section 50 of the CFA Act requires municipal councils to undertake an annual review of all Neighbourhood Safer Places to determine if they are still suitable to be designated as such.

**Related Council decisions**

4. The Bushfire Mitigation Works Program 2021-2022 was noted by Council at its September 2021 Council Meeting.

**Options**

5. The Municipal Fire Management Plan informs Council as to where the most effective works can be carried out to mitigate bushfire risk.
6. The priority for works on Council reserves have also been developed using a risk based approach. This has considered possible ignition sources such as power lines, history of ignitions within the reserves, the ability for fire to spread from the reserve combined with the proximity of assets such as houses and schools, and the size of the reserve to give a relative rating of risk and priorities for works.
7. Qualitative and quantitative data (if available) is used to determine which roads are primary roads. Factors considered for determining primary roads include:
  - Lack of alternative routes
  - Location of vulnerable groups eg. aged care facilities
  - Number of roads feeding into the road
  - Number of residents likely to be isolated
  - Road being cited in Community Information Guides
  - Access to Neighbourhood Safer Places - Bushfire Places of Last Resort (NSP-BPLR)
  - Roads listed in Local Response Plans (CFA).



**12. Officers' reports****CM.101/22 Bushfire Mitigation (Fire Prevention) Works Program 2022-2023**

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8. The Fuel Management Working Group (Working Group), a sub-committee of the MFMP, was formed to identify and mitigate fuel risks tenure blind. The Working Group is responsible for: reviewing all Primary and Secondary Roads; makes recommendations for prioritising remedial works, and explores opportunities for funding to support fuel management initiatives.
9. The Working Group met on 14 September to further progress the review of the primary and secondary roads throughout Nillumbik, namely Appendix C – Road Access and Egress Risk Treatment Plan (Vegetation Management) of the Municipal Fire Management Plan 2020-2023. The outcome of the review will inform the 2024-2026 Nillumbik Municipal Fire Management Plan. It should be noted that the Working Group has made no significant changes and additions to primary roads since it was endorsed on 22 September 2021.
10. A range of treatments will be applied where practical to primary and secondary roads as follows:
  - Slashing
  - Box clearance
  - Proactive tree assessment
  - Woody weed removal.
11. Other treatments undertaken on roadsides include:
  - Managing regrowth in the fire affected area
  - In collaboration with local CFA brigades, undertaking planned burns to complement other vegetation management works.
12. Numerous other initiatives have been put in place after the Black Saturday fires, one being the NSP-BPLR.
13. NSP-BPLRs are identified buildings or spaces within the community that may afford some protection from radiant heat, the biggest killer during bushfire. They are a place of last resort in bushfire emergencies only.
14. NSP-BPLRs are assessed by council committees and formally designated by Council. They will also be assessed by CFA against standards in the NSP-BPLR - Assessment Guidelines.
15. The CFA Act requires that each designated NSP-BPLR is assessed each year before 31 August for compliance with the CFA criteria.
16. Nillumbik has seven sites designated as NSP-BPLRs. All sites within Nillumbik have been reassessed by the CFA on 8 September 2022 and have been found to still meet the criteria.

**Council plans and policies**

17. This report directly supports the achievement of Council Plan 2021-2025 strategy:
  - We strengthen emergency preparedness, prevention, response and recovery through the sharing of emergency management information and capabilities.

**12. Officers' reports**

**CM.101/22 Bushfire Mitigation (Fire Prevention) Works Program 2022-2023**

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**Sustainability implications**

18. Council in line with the CFA Act must take all reasonable steps to prevent fire starting and spreading from land under their control. The Nillumbik Municipal Fire Management Plan provides the mechanism to mitigate bushfire risk on public, private and Council land.

**Community engagement**

19. Community engagement is fundamental and continues to be fostered and integrated, largely supported through the appointment of officers in the Emergency Management Unit (Communities First program).

**Innovation and continuous improvement**

20. Where possible innovation and continuous improvement is included. Council collaborate with the MFMPC to monitor progress towards the completion of works listed as part of the action plan deliverables in the Municipal Fire Management Plan.

**Collaboration**

21. The development of the Bushfire Mitigation Works Program 2022-2023 has been established through assessments conducted by officers and is based on feedback and the strategic intent provided through the MFMPC.
22. The development of the Bushfire Mitigation Works Program 2022-2023 has taken a strategic and risk based approach to aligning the works planned with clear fire management objectives outlined in the Municipal Fire Management Plan.

**Budget implications**

23. Implementation of the Bushfire Mitigation Works Program is funded through operational budgets.

**Relevant law**

24. *Country Fire Authority Act 1958*

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

25. Consideration is given to any relevant industry specific, regional, state or national plan, policies and research.

**Conflicts of interest**

26. No officers involved in the preparation of this report have declared a conflict of interest in the subject matter of this report.

**12. Officers' reports****CM.102/22 Nillumbik Mental Health and Wellbeing Advocacy Priorities**

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**Distribution: Public****Manager: Nichole Johnson, Acting Director Community Services****Author: Katie Camilleri, Acting Manager Community Partnerships****Summary**

Nillumbik Shire Council has a responsibility to advocate on behalf of the community with regards to a range of issues, including services and policy, in order to deliver better health outcomes.

With the Victorian state election scheduled for November 2022, it is important to identify the emerging needs of the community and to focus Council's advocacy priorities appropriately, with the aim of advocating effectively to major parties and local candidates in the lead-up to the election. The establishment of Nillumbik's Mental Health and Wellbeing Advocacy Priorities (**Attachment 1**) will allow Council to advocate for appropriate funding distribution following the recommendations from the Royal Commission into Mental Health.

The purpose of this report is to communicate the findings of the Nillumbik Mental Health Service Mapping project (**Attachment 2**), and to provide Council with the draft Mental Health and Wellbeing Advocacy Priorities (**Attachment 1**) for endorsement.

<b>Recommendation</b>
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**That** Council endorses the Nillumbik Mental Health and Wellbeing Advocacy Priorities (**Attachment 1**).

**Attachments**

1. Mental Health and Wellbeing Advocacy Priorities
2. Nillumbik Mental Health Service Mapping – Report Summary

**Discussion**

1. The Royal Commission into Victoria's Mental Health System was tabled in Victorian Parliament in March 2021; the final report has outlined priorities and recommendations to transform the Victorian mental health system.
2. In the wake of the report, Nillumbik Shire Council sought to undertake an audit of current mental health service provision across the municipality to identify gaps in access and availability, as well as to understand work being undertaken locally in the prevention space.
3. In addition to the findings of the Royal Commission, Council has received anecdotal evidence from Council Officers, community and local service providers suggesting an increase in drivers of poor mental health and wellbeing outcomes across the municipality. Contributing factors include the impact of the COVID-19 pandemic and shifting experiences of vulnerability, aligning with significant changes in Nillumbik's population demographics.

**12. Officers' reports****CM.102/22 Nillumbik Mental Health and Wellbeing Advocacy Priorities**

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4. In 2022, Nillumbik Shire Council undertook a broad mental health service mapping exercise to identify and develop the Mental Health and Wellbeing Advocacy Priorities (**Attachment 1**) (the Priorities). This was both in response to emerging community need, as described above, and aligned to a broader body of work being undertaken by the Northern Councils Alliance (NCA), of which Nillumbik Shire Council is a member. The findings of the mapping are summarised in **Attachment 2**.
5. The NCA is undertaking regional advocacy to develop a collective, coordinated approach to supporting mental health in the Northern Council region to improve health outcomes, with a focus on prevention. Council's alignment with the NCA will support regional priorities and initiatives, however, it was recognised that the Nillumbik municipality has a range of unique factors impacting community mental health and wellbeing that require independent and targeted advocacy.
6. The Priorities align with the NCA regional advocacy work but will be Nillumbik Shire Council's standalone mental health advocacy priorities specific to the municipalities needs. The Priorities compliment and align with the Nillumbik Advocacy Priorities 2022.
7. The Priorities will be used by Council Officers, Councillors and other relevant stakeholders to advocate for resourcing across multiple platforms, including the 2022 Victorian state election and the implementation of the Royal Commission into Mental Health recommendations.
8. It is recognised that this municipal service mapping work is the beginning of more comprehensive service mapping that is required to establish need, appropriateness and accessibility of broad intersecting social and health services across Nillumbik Shire. As a result of this ongoing advocacy, priorities should acknowledge and take into account emerging information.

**Related Council decisions**

9. On 14 December 2021 Council resolved to endorse the Advocacy Priorities 2022.

**Options**

10. The findings from the Nillumbik Mental Health Service Mapping project (**Attachment 2**) identify significant service and program gaps in mental health care, as well as underlying resourcing and systematic issues, both broadly and across Nillumbik Shire.
11. To address the identified gaps and issues, a series of advocacy priorities have been established (**Attachment 1**).
12. This report seeks Council endorsement of the Nillumbik Mental Health and Wellbeing Advocacy Priorities outlined in **Attachment 1**.
13. Once endorsed, the Nillumbik Mental Health and Wellbeing Advocacy Priorities will be made public, and can be championed by Council Officers, Councillors and other relevant stakeholder's at all relevant opportunities and across all appropriate platforms in the lead up to and following the Victorian state election.

**Council plans and policies**

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

**12. Officers' reports**

**CM.102/22 Nillumbik Mental Health and Wellbeing Advocacy Priorities**

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- We work with our local partners, government and non-government agencies to respond to health and wellbeing priorities in Nillumbik.

**Sustainability implications**

15. Not Applicable.

**Community engagement**

16. Not Applicable.

**Innovation and continuous improvement**

17. Not Applicable.

**Collaboration**

18. The Nillumbik Mental Health and Wellbeing Advocacy Priorities have been informed by substantial service mapping undertaken by Quality Service Improvement.

19. This research project encompassed a series of consultations with local service providers, Council staff and other relevant stakeholders to develop an understanding of Nillumbik's current service provision data.

**Budget implications**

20. Not Applicable.

**Relevant law**

21. *Local Government Act 2020.*

22. *Public Health and Wellbeing Act 2006.*

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

23. Victorian Royal Commission into Mental Health – Final Report.

**Conflicts of interest**

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

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**CM.102/22 Nillumbik Mental Health and Wellbeing Advocacy Priorities**

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12. Officers' reports

CM.103/22 Diamond Creek Bowling Club Loan Guarantee Extension Request

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**Distribution:** Public

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

**Author:** Melika Sukunda, Finance Manager

Rebecca Burton, Manager Recreation and Leisure

**Summary**

This report considers a request from the Diamond Creek Bowling Club (the Club), operating from Council-owned facilities at Reserve CCT, Diamond Creek.

The Club has approached Council requesting that Council continue to act as a loan guarantor for the existing loan via the utilisation of the loan redraw facility.

The existing loan balance is \$48,000, with the Club seeking to redraw up to \$40,000 to enable the upgrade of lighting of the two greens.

The Bendigo Bank has agreed to facilitate the redraw, subject to a Council resolution to continue the guarantee of the loan. The Club proposes to repay the loan within the existing terms.

**Recommendation**

**That Council:**

1. Continues to act as loan guarantor for the Diamond Creek Bowling Club, acknowledging the redraw of up to \$40,000 within the existing loan terms, to enable the Club to undertake lighting replacement works, maintaining all existing requirements of the guarantee.
2. Notes that any future redraw request must be endorsed through a Council resolution.
3. Affixes the common seal of Nillumbik Shire Council to any necessary loan guarantee documentation.

**Attachments**

Nil

**Discussion**

1. The Diamond Creek Bowling Club (the Club) is a tenant of Reserve CCT, Diamond Creek.
2. In 2018 the Council guaranteed a loan to the value of \$200,000 to enable the redevelopment of the bowling greens on this site.
3. The Club has maintained accelerated loan repayments during this time.
4. The Club is seeking to undertake lighting improvements on the two greens and has received a quote for works to the value of approximately \$32,000.
5. Due to the value of works, the project will be undertaken by Council, but paid for by the Club.
6. The Club is seeking to access the redraw facility associated with the original loan, to the value of up to \$40,000, to be repaid within the original loan terms.

**12. Officers' reports**

**CM.103/22 Diamond Creek Bowling Club Loan Guarantee Extension Request**

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**Related Council decisions**

7. The previous loan guarantee was endorsed by Council at the ordinary council meeting on 30 October 2018.

**Options**

8. A loan redraw is the only identified option for the club to pay the substantive portion of lighting upgrade.
9. Providing the Club with an extension to their loan guarantee will enable the project to proceed.

**Council plans and policies**

10. This report directly supports the achievement of the Council Plan 2021-2025 strategy:
  - We facilitate participation in sports, leisure and recreational activities.

**Sustainability implications**

11. The proposed lighting upgrade includes the use of LED lighting, which provides improved economic and environmental outcomes for the Club, for Council and for the broader community.

**Community engagement**

12. Not applicable

**Innovation and continuous improvement**

13. Not applicable

**Collaboration**

14. Not applicable

**Budget implications**

15. There is no direct impact on Council's annual budget.
16. The total of all Council loan guarantees is reflected in the annual report as a contingent liability to the extent of Councils' potential exposure.
17. Council will only guarantee a loan over Council's own asset.

**Relevant law**

18. Not applicable

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

19. Not applicable

**Conflicts of interest**

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



**12. Officers' reports****CM.104/22 2021-100 Local Drainage Improvement Works at Somers Road - Variation Report**

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

On 2 August 2021 under Delegated Authority the CEO approved awarding of contract 2021-100 Local Drainage Improvement Works at Somers Road, North Warrandyte, with Evergreen Civil Pty Ltd for an amount of \$198,387.97 plus 20% contingency (\$43,645.35). The total approved contract amount is \$242,033.32. All amounts shown in this report exclude GST, unless otherwise noted.

Additional costs of \$60,000 incurred into as a result of variations on this project exceed the limit of the Delegated Authority (\$300,000 inclusive of GST). As a result Council is, therefore, required to approve all variations above this amount.

This reports recommends Council to delegate financial authority to the Chief Executive Officer to approve variations that will push the total contract expenditure above the amount provided for contract 2021-100 Local Drainage Improvement Works at Somers Road, North Warrandyte, as detailed in this report.

**Recommendation**

**That** Council authorises the Chief Executive Officer to approve additional contract variations to the value of \$60,000 for contract 2021-100 Local Drainage Improvement Works at Somers Road, North Warrandyte.

**Attachments**

Nil

**Background**

1. On 2 August 2021 the CEO approved awarding a contract under Delegated Authority, with Evergreen Civil Pty Ltd for the Local Drainage Improvement Works at Somers Road, North Warrandyte.
2. Evergreen Civil Pty Ltd was awarded contract 2021-100 for an amount of \$198,387.97 plus 20% contingency (\$43,645.35). The total approved contract amount is \$242,033.32.
3. During construction works, additional costs have occurred from several causes:
  - i) Latent conditions were encountered during excavation, including trenching works close to Telstra's services and boring needed to install the new pipe line without excavation to avoid damage to existing assets.
  - ii) The site was washed out and damaged by a severe storm. Works required rectification as well as cleaning and repair of the new drainage system.
  - iii) A Yarra Valley Water main burst in Somers Road causing further damage to the site and washing debris into the drainage system.

**12. Officers' reports****CM.104/22 2021-100 Local Drainage Improvement Works at Somers Road - Variation Report****Related Council decisions**

4. Not applicable

**Council plans and policies**

5. This report directly supports the achievement of Council Plan 2017-2021 strategy Open spaces
- Open spaces

**Budget implications**

6. The project has been funded through the Drainage Proactive Program capital works budget:

Project Funding Source	Contribution (\$,000)
Nillumbik Shire Council - Drainage Proactive Budget	242
<b>Total budget</b>	<b>242</b>

7. The current project expenditure to date is detailed below.

Project	Budget Allocation(\$,000)
Construction Contract (excluding contingency)	199
Construction Contingency to date	43
<b>TOTAL</b>	<b>242</b>
<b>Variations</b>	
Additional Variations	60
<b>Total Expected Expenditure</b>	<b>302</b>

8. This additional amount required to complete this project will be funded from the remaining budget of this financial year's Drainage Proactive program.

**Conclusion**

9. This reports seeks approval from Council to delegate financial authority to the Chief Executive Officer to approve additional contract variations for drainage construction works for Contract 2021-100 Local Drainage Improvement Works at Somers Road, North Warrandyte.

**Conflicts of interest**

10. 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.105/22 Tender Report - Contract 2122-062 Diamond Hills Preschool Redevelopment Project**

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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 2122-062 for Diamond Hills Preschool Redevelopment Project.

The contract is for the Design and Construction of a new building for the Diamond Hills Preschool.

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 2122-062 for Diamond Hills Preschool Redevelopment Project.

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

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

1. Accepts the tender submitted by the **preferred tenderer** for the sum of **#[Redacted]** plus **#[Redacted]** for contingency (inclusive of GST) and enter into the following contract:  
Number: 2122-062  
Title: Diamond Hills Preschool Redevelopment Project  
Term: 1 October 2022 to 1 February 2024  
Options: N/A
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 value of no more than the approved budget of 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.105/22 Tender Report - Contract 2122-062 Diamond Hills Preschool Redevelopment Project**

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**Attachments**

1. Attachment A - Tender 2122-062 Evaluation Summary Report - *CONFIDENTIAL*

**Discussion**

1. This contract's scope of works involve the detailed design and construction of a new preschool building to replace the existing one.
2. Established in 1986, Diamond Hills Preschool offers sessional kindergarten for children aged 3 to 6 years old. Since inception, the Preschool has been led by community volunteers, dedicated to delivering quality early childhood education for the children of the community, and the sustainability of the preschool as an exceptional community asset. The preschool has been operating for 35 years and has historically operated at maximum capacity. The preschool building is a portable (demountable) single playroom building, which was purchased second hand by the (former) Shire of Diamond Valley. Over the last 35 years it has had minor renovations, including the refurbishment of the kitchen facilities and a storeroom extension. The age and structure of the facility is deteriorating and failing to meet contemporary standards of education and fit for purpose requirements.
3. The new building will include:
  - children's rooms and toilets
  - interview and consulting rooms
  - staff and resource rooms
  - multipurpose and store rooms
  - landscaping
  - parking
  - solar panels
4. Once completed, the new facility will provide:
  - a) Increased licensed preschool places (from 80 to 120 places).
  - b) Multipurpose/functional spaces to accommodate specialised allied health services, community groups, programs that support children with additional needs and their families, maternal and child health, playgroups, professional and community training and development.
5. This project is funded a Growing Suburbs grant, with contributions by Council and the Diamond Hills Preschool.

**Related Council decisions**

6. At the Council Meeting held on 28 September 2021, Council resolved to seek funding for the project.

12. Officers' reports

**CM.105/22 Tender Report - Contract 2122-062 Diamond Hills Preschool Redevelopment Project**

7. At the Council Briefing Meeting held on 2 August 2022, Council committed to a contingency funding via approved borrowings to further support the project.

**Council plans and policies**

8. This report directly supports the achievement of the Council Plan 2021-2025 strategy  
Good governance

- We continue to exercise sustainable and responsible financial management.

Neighbourhood character

- We champion good design in our public buildings and developments that is consistent with local character.

**Tender overview**

The Tender Evaluation Panel (TEP) advises that:

9. A public tender was issued on Saturday 14 June 2022 and tender submissions closed at 2 pm on Thursday 21 July 2022.
10. Tenderers were invited to submit tenders for either a traditional construction methodology or pre-fabricated/modular one.
11. Ninety (90) companies accessed the tender documentation however only two submissions were received.
12. The following tenders were received:

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

13. Only tenders that were conforming and competitive were fully scored. Tender submissions that were evaluated as non-conforming or not sufficiently competitive were set aside from further evaluation.
14. Both tenders were conforming and proceeded to evaluation stage.
15. The following Evaluation Criteria and Weightings were applied during the evaluation of the conforming and competitive tenders. These weightings were set and agreed to by the Tender Evaluation Panel Members prior to the issue of the tender.

<b>Criteria</b>	<b>Weighting %</b>
Price	40%
Capability	20%

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**CM.105/22 Tender Report - Contract 2122-062 Diamond Hills Preschool Redevelopment Project**

Criteria	Weighting %
Capacity	15%
Build Design and Construction Methodology and Innovation	20%
Sustainable Procurement	5%

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

17. The members of the TEP were:

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

18. The final evaluation outcome was as follows:

TENDERER	SCORE	RANK
Tenderer A – Preferred Tender	87/100	1
Tenderer B	78/100	2

19. The recommended tender was the highest ranked and is considered best value due to their evidenced experience in delivering early years/preschool building projects along with their tendered pricing.

20. **Attachment 1** - Tender 2122-062 Evaluation Summary Report – Confidential, provides the tenderer names and the Evaluation Scorecard Summary.

21. The Tender 2122-062 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**

22. The preferred tenderer has:

- a) evidenced in their tendered submission and the subsequent tender interview they have the experience and resources to undertake and deliver against the project

12. Officers' reports

**CM.105/22 Tender Report - Contract 2122-062 Diamond Hills Preschool Redevelopment Project**

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requirements.

- b) completed similar-scoped early-years/preschool building projects and has the necessary expertise for this project.
  - c) been delivering early-years/preschool-related projects to the Victorian School Building Authority (VBSA), and has a clear understanding of key requirements for this type of project.
  - d) in place ISO certified Quality Management system
  - e) the necessary staffing and resource expertise for this project.
  - f) provided details of the management team proposed for this particular project and provided additional information on personnel and staff (both from the construction and design teams) to be allocated to this project.
  - g) extensive background in delivering against projects issued by the Victorian Schools Building Authority (VBSA).
23. The design and construct methodology provided by the preferred tenderer is sound and the detail and content in the construction methodology and the work program indicates that company has a clear understanding on what is expected by the council and has addressed all key areas.
24. The tenderer has proposed a construction program that is within the Growing Suburbs Fund completion milestone of July 2024.

**Tender Interviews and Reference checks**

- 25. A tender interview was held with the preferred tenderer on the 6 September 2022.
- 26. Reference checks were undertaken.

**Contingency and risks**

- 27. The following table outlines the risks and steps to be undertaken to mitigate and manage them as part of the contract management process. They have been discussed with the preferred tenderer during the tender process.

Risk	Mitigation measure
Delays and cost escalations from builder due to current supply chain issues and shortage of materials	The builder will be asked to provide a letting schedule (at the appropriate timing during the detail design phase) especially for those materials that present the highest risk of delays to the project (concrete, steel and timber), and confirmation of a purchase order sent to their supplier will be requested at nominated dates to ensure this supply is on track. An open book approach will be discussed with the

12. Officers' reports

**CM.105/22 Tender Report - Contract 2122-062 Diamond Hills Preschool Redevelopment Project**

Risk	Mitigation measure
	<p>preferred tenderer so any costs escalations can be managed accordingly (on a cost plus basis).</p> <p>The builder will need to present alternatives to materials that could be in shortage in the market. These alternatives need to be of similar quality and appearance and will be vetted by Councils nominated architects and council officers.</p>
<p>Impacts to the operation of the preschool during construction</p>	<p>The builder will be asked to present a plan to minimise disruptions to the operation of the preschool during construction times.</p> <p>This plan will be discussed with representatives of the school.</p>
<p>Variances due to design creep and changes</p>	<p>The builder's design team will be requested to have Project Control Group (PCG) meetings with representatives of the school, council and Councils nominated architects, to ensure that the final design details are in line with their expectations.</p>
<p>Delays due to shortage of labour</p>	<p>The builder will need to present a plan to minimise delays due to shortage of staff/contractors.</p>

**Collaboration**

28. Not applicable

**Budget implications**

29. The contract is funded by a Growing Suburbs Grant, with contributions by both Council and the Diamond Hills Preschool.

**Sustainability implications**

30. As part of the project works, use of sustainable products are required.

31. Tenderers were asked to nominate sustainable products and manufacturer name for the following;

- Eco-friendly or green concrete
- Crumbed rubber asphalt



**12. Officers' reports**

**CM.105/22 Tender Report - Contract 2122-062 Diamond Hills Preschool Redevelopment Project**

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- Recycled crushed concrete
32. As part of the contract, the successful contractor will be required to provide a Waste to Landfill Minimisation Report.
33. This requires the successful contractor to provide a report at the completion of the project, providing detail on the type of waste, the quantity and the destination of all recycled, re-used or repurposed waste, supported by certificates from the recycling provider.
34. The preferred tenderer provides employment opportunities to 8 residents within the Nillumbik Shire area.

**Stakeholder Consultation/communication**

35. Extensive consultation has been undertaken with representatives of the preschool during the phase of schematic design.
36. Diamond Hills Preschool have confirmed their support of the concept plans developed.
37. There will be further detailed engagement with the representatives of the preschool for key milestone deliverables throughout the project.

**Innovation and continuous improvement**

38. Not applicable

**Relevant law**

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

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

40. Not applicable.

**Conflicts of interest**

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

**12. Officers' reports**

**CM.105/22 Tender Report - Contract 2122-062 Diamond Hills Preschool  
Redevelopment Project**

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**12. Officers' reports****CM.106/22 Informal Meetings of Councillors Records - 27 September 2022**

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

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

This report lists Informal Meetings of Councillors Records submitted since the matter was last reported to Council on 23 August 2022.

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

1. CEO Employment Matters Advisory Committee Meeting held 15 August 2022;
2. Councillor Briefing held 16 August 2022;
3. Environment & Sustainability Advisory Committee meeting held 17 August 2022;
4. Council Meeting Pre-Meet held 23 August 2022;
5. Arts and Cultural Advisory Committee held 15 August 2022;
6. Inclusion and Access Advisory Committee held 26 August 2022;
7. Positive Ageing Advisory Committee held 2 September 2022;
8. Youth Council Advisory Committee held 5 September 2022;
9. Councillor Briefing held 6 September 2022; and
10. Councillor Briefing held 13 September 2022.

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

**Attachments**

Nil

**Discussion**

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

**Related Council decisions**

2. Not applicable.

**Options**

**12. Officers' reports**

**CM.106/22 Informal Meetings of Councillors Records - 27 September 2022**

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

**Conclusion**

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

**Council plans and policies**

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

**Sustainability implications**

9. None required.

**Community engagement**

10. Not applicable.

**Innovation and continuous improvement**

11. Not applicable.

**Collaboration**

12. None required.

**Budget implications**

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

**12. Officers' reports**

**CM.106/22 Informal Meetings of Councillors Records - 27 September 2022**

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**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.106/22 Informal Meetings of Councillors Records - 27 September 2022**

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