

Council Meeting

to be held at the Council Chamber, 32 Civic Drive, Greensborough
on Tuesday 10 December 2024 commencing at 7pm.

Agenda

Carl Cowie
Chief Executive Officer

Thursday 5 December 2024

Distribution: Public

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Council Chamber Council Meeting seating plan

Cr Kelly Joy
Edendale Ward

Cr Naomi Joiner
Bunjil Ward
(Deputy Mayor)

Cr Grant Brooker
Blue Lake Ward

Cr Peter Perkins
Ellis Ward

Cr Kim Cope
Sugarloaf Ward

Cr Kate McKay
Swipers Gully Ward

Emma Christensen
Acting Manager
Governance and
Property

Blaga Naumoski
Director Governance
Communications and
Community Safety

Cr John Dumaresq
(Mayor)
Wingrove 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 10 December 2024 commencing at 7:00pm

1. Welcome

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

2. Acknowledgement of Country

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

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

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

3. Good Governance Pledge

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

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

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

4. Prayer

A prayer will be read.

5. Apologies/Leave of Absence

Council to note any apologies by Councillors not in attendance and or consider requests for any leave of absence submitted.

6. Declarations of conflict of interest

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

7. Presentations

Nillumbik Shire Council 30 Year Anniversary

CFA Appreciation Awards

Presentation to our local CFA Brigades is an opportunity to acknowledge and thank each local brigade for their ongoing commitment and support they provide to the community.

The Mayor will present each brigade with a certificate of appreciation and provide a financial contribution as a gesture of Council's gratitude for their ongoing service to the community.

8. Confirmation of Minutes

COM.001/24 Confirmation of Minutes Council Meeting held Tuesday 27 August 2024




Confirmation of the Minutes of the Council Meeting and Confidential Council Meeting held on Tuesday 27 August 2024.

Recommendation

That Council:

- 1 Confirms the Minutes of the Council Meeting and Confidential Council Meeting held on Tuesday 27 August 2024 (**Attachment 1 & 4**).
- 2 Confirms the Minutes of the Extraordinary Council Meeting (**Attachment 2**) held on Tuesday 10 September 2024 and the Extraordinary Council Meeting held Tuesday 25 November 2024 (**Attachment 3**).
- 3 Resolves that the Confidential Council Meeting Minutes remain confidential in accordance with section 3(1) of the *Local Government Act 2020*.

Attachments

- 1  Minutes Council Meeting held Tuesday 27 August 2024
- 2  Minutes Extraordinary Council Meeting held Tuesday 10 September 2024
- 3  Minutes Extraordinary Council Meeting held Monday 25 November 2024
4. Confidential Council Meeting Minutes 27 August 2024 - *CONFIDENTIAL*

8. Confirmation of Minutes

COM.001/24 Confirmation of Minutes Council Meeting held Tuesday 27 August 2024

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9. Petitions

10. Questions from the gallery

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11. Reports of Advisory Committees

AC.008/24 Advisory Committee Report - 10 December 2024

Distribution: Public

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

Author: Katia Croce, Manager Governance and Property

Summary

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

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

1. Arts & Cultural Advisory Committee meeting held 20 May 2024;
2. Positive Ageing Advisory Committee meeting held 2 August 2024;
3. Environment & Sustainability Advisory Committee meeting held 21 August 2024;
4. Inclusion and Access Advisory Committee meeting held 23 August 2024;
5. Economic Development Advisory Committee meeting held 29 August 2024; and
6. Panton Hill Bushland Reserve System User Group - Advisory Committee meeting held 5 September 2024.

Attachments

- 1  Advisory Committee meeting Minutes reported 10 December 2024

Recommendation

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

11. Reports of Advisory Committees

AC.008/24 Advisory Committee Report - 10 December 2024

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12. Officers' reports

CM.102/24 Planning for development of Council Plan 2025-2029 and review of Community Vision - Nillumbik 2040 and Financial Plan

Distribution: Public

Manager: Jeremy Livingston, Director Culture and Performance

Author: Craig King, Manager Customer Experience and Business Performance

Summary

This report is seeking Council endorsement on the proposed community engagement proposal to support the development of the Council Plan 2025-2029, and the review of the Community Vision and Financial Plan.

By the end of October in the year following a Council election, each council is required to develop a four-year Council Plan defining how it will work towards achieving the adopted Community Vision, supported by an updated 10-year Financial Plan.

With the challenges of the COVID-19 pandemic behind us, a key objective is to develop a new Council Plan that better connects with the community. To ensure the 2025-2029 Council Plan truly aligns with what is important to the community, a community engagement process has been designed that meets the requirements of the *Local Government Act 2020*.

To develop and review these important strategic documents and meet the statutory timeframes as outlined under the *Local Government Act 2020*, the proposed community engagement process will need to commence in early February 2025.

This report provides an outline of the proposed community engagement process, including activities planned to best draw feedback from the community.

Recommendation




That Council:

1. Endorses the proposed community engagement approach to support the development of the Council Plan 2025-2029, review of the Community Vision – Nillumbik 2040, and the Financial Plan 2021-2031, including:
 - a) The three-phased engagement approach (**Attachment 1**);
 - b) The Community Forum as per the drafted Terms of Reference (**Attachment 3**), with participants of the forum recruited via a randomised selection process undertaken by an independent research company, with the final selection of participants informed by ensuring a representation of key demographics across the Shire; and
 - c) Project timeframes as set out in **Attachment 2**.

12. Officers' reports

CM.102/24 Planning for development of Council Plan 2025-2029 and review of Community Vision - Nillumbik 2040 and Financial Plan

Attachments

- 1  Proposed three-phased community engagement approach
- 2  Project Timelines
- 3  Terms of Reference for Community Forum

Discussion

1. This report is seeking Council endorsement on the proposed community engagement approach to support the development of the Council Plan 2025-2029, and the review of the Community Vision – Nillumbik 2040 and Financial Plan 2021-2031.
2. Section 90 of the *Local Government Act 2020* states that “a Council must develop or review the Council Plan in accordance with its deliberative engagement practices and adopt the Council Plan by 31 October in the year following a general election”. The same applies to the review of the Financial Plan at section 91 of the Act.
3. Section 88 of the Act also states that “a Council must develop or review the Community Vision in accordance with its deliberative engagement practices and adopt the Community Vision by 31 October in the year following a general election”.
4. Community engagement activities will need to commence in early February 2025, to ensure that the 2025-2029 Council Plan, updated Community Vision and Financial Plan be adopted before the 31 October 2025 statutory deadline, in line with the *Local Government Act 2020*.
5. The proposed community engagement process (**Attachment 1**) outlines the overarching engagement approach for both the broad community (to gather and understand ideas and opinions) and then a deliberative process (which uses a representative Community Forum to help inform the development and review of these strategic documents).
6. The following key elements and timeline are proposed (see also **Attachment 2**):

Activity	Duration	Indicative date
Councillor Workshops – Commence input into collective priorities, desired outcomes and key actions	As required	To be confirmed
General community engagement Phase 1 community engagement	4 weeks	February 2025
Metropolis Research – Commence door knocking for recruitment of the Community Forum (while performing fieldwork for the mandatory Annual Community Survey)	Over 2-3 weekends	February 2025
Community Forum Phase 2 community engagement	2 days (1 weekend)	May 2025

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Activity	Duration	Indicative date
Councillor Workshops – Feedback from forum and presentation of draft documents for feedback	As required	May and June 2025
Council decision to endorse documents for public exhibition	At meeting	June 2025
Public exhibition of Council Plan, Community Vision and Financial Plan Phase 3 community engagement	3-4 weeks	July 2025
Planning and Consultation Committee Meeting – Submissions heard for Council Plan, Community Vision	N/A	August 2025
Council Meeting – Adoption of Council Plan and Community Vision	N/A	September 2025 Council Meeting

7. Each of the three phases of community engagement will be as follows.

Phase 1 – General engagement with the community

8. Council will undertake a broad level community survey identifying “what is important to the community” to inform high level priority areas.
9. The survey will address the following themes:
 - Sustainable Futures and Healthy Environments
 - Inclusive Living and Participation
 - Thriving Places and Vibrant Communities
 - Connected, Safe and Active Spaces
 - Health and Wellbeing
 - Leadership in Governance.
10. To support the survey, a range of engagement activities would be developed in order to provide broad opportunities for community input. Activities could include drop-in sessions, pop-ups, children’s activities and out-reach for priority and ‘hardly reached’ groups.
11. This integrated community engagement process would not only support the development of the Council Plan and review of the Community Vision and Financial Plan, but also the development of the Health & Wellbeing Plan which is a statutory document under the *Public Health and Wellbeing Act 2008*.
12. This integrated community engagement approach recognises the opportunity to engage across a number of strategies (e.g. Health & Wellbeing Plan, Financial Plan) in an efficient manner, avoiding duplication and mitigating the risk of community engagement fatigue.

12. Officers' reports**CM.102/24 Planning for development of Council Plan 2025-2029 and review of Community Vision - Nillumbik 2040 and Financial Plan**

Phase 2 – Community Forum

13. Council will undertake targeted consultation through the use of a representative group of community members (Community Forum). This would directly address the deliberative community engagement requirements of the *Local Government Act 2020*.
14. It is recommended that a limit of 30 people be recruited to this forum. A Terms of Reference document has been prepared that outlines the role and responsibilities of the Community Forum and its participants (**Attachment 3**).
15. Independent research company, Metropolis Research, will recruit and appoint forum participants, and the Community Forum will be facilitated by an independent consultant.
16. The recruitment for the Community Forum would coincide with the Annual Community Survey (also conducted by Metropolis Research under an existing contract arrangement) whereby the field workers ('door knockers') would offer randomised participants an opportunity to apply to be part of the Community Forum.
17. Recruitment for the Community Forum could be bolstered through an application on Participate Nillumbik and promoted on the general survey (phase 1) and through networks. However, while increasing opportunities for community members to apply to be part of the Community Forum, it may attract criticism from unsuccessful applicants and/or community members. A completely randomised selection process is therefore recommended.
18. The selection process to participate in the forum will also be managed by Metropolis Research, again ensuring the process is undertaken without (perceived) bias. The selection process would also ensure that forum participants are generally representative of the broad demographics of the community (e.g. gender, geographical location, etc.)
19. The proposed engagement approach also meets the International Association for Public Participation (IAP2) standard of 'involve', meaning that the engagement provides opportunities for Council to work directly with the community throughout the process.
20. In keeping with past Council engagements and broader practices, participants in the Community Forum should be reimbursed for their time. The recommended reimbursement amount is \$200 per participant, per day, which is an appropriate incentive to volunteer their time for one weekend. Given the participants would be volunteers, there are no tax or superannuation implications.

Phase 3 – Public exhibition

21. Once the strategy documents are developed and/or updated, a public exhibition period will commence in line with Council's Community Engagement Policy. This public exhibition period will enable the community to make submissions and provide feedback on these draft documents, prior to formal adoption at the September 2025 Council Meeting.

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CM.102/24 Planning for development of Council Plan 2025-2029 and review of Community Vision - Nillumbik 2040 and Financial Plan

22. Council's Community Engagement Policy states that opportunities to give feedback and input will be made available for 3 to 4 weeks.
23. Concurrent with the above three phases, Councillor Workshops and briefings will also occur, to assist with the development and review of these strategic documents.

Related Council decisions

24. The Council Plan 2021-2025, Community Vision – Nillumbik 2040, Financial Plan 2021-2031 and Nillumbik Health and Wellbeing Plan 2021-2025 were all adopted by Council at the October 2021 Council Meeting.

Options

25. Councillors were presented the proposed community engagement approach at a Councillor briefing on 21 November 2024 and were given the opportunity to provide feedback. To reflect the Councillor feedback received, timeframes have been refined in order to have these important strategic documents endorsed at the September 2025 Council Meeting.
26. Council officers are seeking Council endorsement of the community engagement approach with the view to commence community engagement at the beginning of February 2025.

Council plans and policies

27. 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.
 - We are forward-thinking, data driven and evidence-led in our decision-making, always looking to identify new opportunities.
 - We act in the best interests of our community
 - We continue to exercise sustainable and responsible financial management.

Access, Equity and Inclusion

28. Council recognises that everybody has a role in creating a more fair and equal society. It plays an important role in working with community to empower people to have their say and to shape the future of the Shire.
29. In developing this approach, the following issues have been considered:
 - a) The application of the Access, Equity and Inclusion Policy, and the Community Engagement Policy;
 - b) A representative sample of the community will be present at the Community Forum;
 - c) Support for activities that encourage individual, community and stakeholder engagement, including the of a range of engagement opportunities and tools to support broader participation and that that targets priority groups;

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CM.102/24 Planning for development of Council Plan 2025-2029 and review of Community Vision - Nillumbik 2040 and Financial Plan

d) Identifying and removing barriers to participation where improvements and interventions have been informed by community feedback.

30. Equity Impact Assessments (EIA) will be conducted on both the 'general engagement' and 'community forum' prior to these activities taking place.

Sustainability implications

31. The proposed approach has been designed to ensure that the processes used in the development, adoption and implementation of both the engagement program and development of the documents will utilise available resources and be tailored to meet Nillumbik's unique needs.

32. Further, this community engagement will enable input from the community to help shape Council's future objectives and actions related to sustainability implications including economic, environmental and social considerations.

Community engagement

33. The proposed community engagement process is an important part in the development of the Council Plan, Financial Plan and review of Nillumbik's Community Vision. The designed process also aligns with the Council's Community Engagement Policy.

34. This community engagement proposal has been designed to ensure the broad community engagement can occur. The deliberative panel (Community Forum) will also enable meaningful participation and support transparency in the development of the new plans in line with the *Local Government Act 2020*.

Innovation and continuous improvement

35. With the challenges of the COVID-19 pandemic behind us, a key objective is to develop a new Council Plan that better connects with the community. It is considered that the inclusion of a Community Panel, to provide deliberative engagement to inform the development of the Council Plan, will ensure transparency and better connection with community views and aspirations.

Collaboration

36. Council could engage and collaborate with key agencies and other like organisations to ensure the engagement is well informed in the development and review of these strategic planning documents.

Budget considerations

37. The development and implementation of the proposed community engagement approach will require an agile, organisational-wide approach to resourcing the required strategy development outcomes.

38. The proposed community engagement process will be accommodated within the existing operating budget. This includes the cost of an independent facilitator for the Community Forum, and engaging Metropolis Research to recruit and select members of the forum.

Relevant law

39. Refer to paragraphs 1, 2 and 3 above.

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CM.102/24 Planning for development of Council Plan 2025-2029 and review of Community Vision - Nillumbik 2040 and Financial Plan

Regional, state and national plans and policies

40. Regional, state and national plans and policies will be considered in each individual program deliverable.

Conflicts of interest

41. 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.102/24 Planning for development of Council Plan 2025-2029 and review of
Community Vision - Nillumbik 2040 and Financial Plan**

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12. Officers' reports

CM.103/24 Councillor appointments to Internal Advisory Committees

Distribution: Public

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

Author: Katia Croce, Manager Governance and Property

Summary

Council has a range of advisory committees which provide an important mechanism for consultation with the community and key stakeholders. Advisory committees provide advice to Council but do not make formal decisions.

Council appoints Councillors as representatives on its advisory committees and reviews these appointments annually.

The purpose of this report is to seek Council endorsement for the Councillor appointments to Internal Advisory Committees listed in the table below.

Officer Recommendation

That Council appoints Councillors as listed below as its representatives on advisory committees for the 2024/2025 Council year:

Advisory Committee	Councillor(s) appointed
Arts and Cultural Advisory Committee	Cr (Chair) Cr (Deputy Chair)
Audit and Risk Committee	Cr Cr
CEO Employment Matters Advisory Committee	All Councillors
Economic Development Advisory Committee	Cr (Chair) Cr Cr
Environment and Sustainability Advisory Committee	Cr (Chair) Cr (Alternate Chair)
Health and Wellbeing Advisory Committee	Cr (Chair) Cr

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CM.103/24 Councillor appointments to Internal Advisory Committees

Inclusion and Access Advisory Committee	Cr (Chair) Cr (Alternate Chair)
Living & Learning Advisory Committee	Cr (Chair)
Panton Hill Bushland Reserves System User Group Advisory Committee	Cr (Chair)
Positive Ageing Advisory Committee	Cr (Chair)
Recreation Trails Advisory Committee	Cr (Chair) Cr Cr
Youth Advisory Committee	Cr Youth Council Mayor chairs the meetings

Attachments

Nil

12. Officers' reports

CM.104/24 Councillor appointments to External Organisations

Distribution: Public

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

Author: Katia Croce, Manager Governance and Property

Summary

Council is a member or participant in a range of external organisations at a local, regional or sector level.

Councillors are appointed to represent Council as delegates to those organisations. In some cases, an alternate is also appointed who can attend if the primary Councillor is not available. Following consultation with Councillors, the appointments listed in the table below are recommended for 2024/2025 Council year.

The purpose of this report is to seek Council endorsement for the Councillor appointments to External Organisations listed in the table below.

Recommendation

That Council:

1. Appoints Councillors as listed below as its delegates to external organisations for the 2024/2025 Council year:

External Organisation	Councillor(s) appointed
Diamond Creek Traders' Association	Cr Cr
Eltham Chamber of Commerce and Industry	Cr Cr Cr
Hurstbridge Traders' Association	Cr Cr (Proxy)
Outer Melbourne Councils (formerly Interface Councils Group)	Cr (Mayor of the day) Cr (Deputy Mayor Proxy)
Metropolitan Transport Forum Inc.	Cr Cr (Proxy)
Municipal Association of Victoria	Cr Cr (Proxy)
Nillumbik Reconciliation Group	Cr Cr (Proxy) <i>NRG will allow proxy to attend if Councillor Representative can't attend.</i>
Nillumbik Tourism and Business	Cr Cr (Proxy)
Northern Alliance for Greenhouse Action	Cr Cr (Proxy)
Northern Council Alliance	Cr (Mayor of the day) Cr Proxy

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CM.104/24 Councillor appointments to External Organisations

Victorian Local Governance Association Cr Cr (Proxy)

Yarra Plenty Regional Library Board Cr Cr Director Communities (Proxy)

2. Resolves to not appoint a Councillor representative to Banyule/Nilumbik Local Learning and Employment Network Inc. Board.
3. Notes that Council's organisational representative and sitting member on the Board is the Economic Development and Tourism Lead from Councils Economic Development Team, under Category 11 – Co-Opted member.

Attachments

Nil

12. Officers' reports**CM.105/24 Instrument of Appointment and Authorisation (Planning and Environment Act 1987)****File: GF/20/96****Distribution: Public****Manager: Blaga Naumoski, Director Governance, Communications and Community Safety****Author: Emma Christensen, Acting Manager Governance and Property****Summary**

Section 224 of the *Local Government Act 1989* provides for the appointment of Authorised Officers for the purposes of the administration and enforcement of any Act, regulations or local laws which relate to the functions and powers of the Council.

The Chief Executive Officer makes these appointments by authority conferred by Instrument of Delegation by Council dated 26 March 2024.

Section 147(4) of the *Planning and Environment Act 1987* provides for the appointment and authorisation of Council Officers for the purpose of the *Planning and Environment Act 1987*.

To strengthen Council's decision making and enforcement processes, appointment of authorisation under the *Planning and Environment Act 1987* is being recommended by Council Resolution.

Recommendation

That Council in the exercise of the powers conferred by s147(4) of the *Planning and Environment Act 1987*, resolves that:

- a) The Nillumbik Shire Council staff referred to in the Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*) (**Attachment 1**) be appointed and authorised as set out in the instrument.
- b) The common seal of Council be affixed to the Instrument.
- c) The Instrument comes into force immediately after the common seal of Council is affixed to the Instrument and remains in force until Council determines to vary or revoke it.

Attachments

- 1 Instrument of Appointment and Authorisation for Planning and Environment Act 1987



12. Officers' reports

CM.105/24 Instrument of Appointment and Authorisation (Planning and Environment Act 1987)

Discussion

1. The purpose of this report is for Council to consider executing an Instrument of Appointment and Authorisation under the *Planning and Environment Act 1987* (Instrument).
2. Instruments of Appointment and Authorisation enable Council staff to exercise powers permitted to authorised officers under legislation or Council local laws.
3. Council subscribes to the Maddocks Authorisations and Delegations service. The appointment and authorisation of officers for the purposes of enforcing the *Planning and Environment Act 1987* enables day to day statutory and operational decisions to be made in relation to this Act.
4. The proposed Instrument (**Attachment 1**) is based on the model developed by Maddocks Lawyers and available through the subscription service.
5. Maddocks recommend that Officers enforcing the *Planning and Environment Act 1987* be authorised by Council resolution and that Instruments of Appointment and Authorisation be refreshed on a regular basis. The instruments are reviewed by Governance as required to ensure they are up to date.

Related Council decisions

6. The current Instrument is dated 30 July 2024.

Options

7. It is recommended by Officers that Council resolves that the Officers referred to in the instrument (**Attachment 1**) be appointed and authorised as set out in the instrument.

Council plans and policies

8. This report directly supports the achievement of the Council Plan 2021-2025 strategy:
 - We act in the best interests of our community.

Access, Equity and Inclusion

9. Not applicable.

Sustainability implications

10. Not applicable.

Community engagement

11. As a legislative requirement and an administrative function of Council, Community engagement is not required.

Innovation and continuous improvement

12. Council's appointments and authorisations under the *Planning and Environment Act 1987* have been signed under delegation to the CEO in accordance with legal advice. In order to strengthen Council's decision making and enforcement process it is recommended that Council make these appointments by Council Resolution.

12. Officers' reports

CM.105/24 Instrument of Appointment and Authorisation (Planning and Environment Act 1987)

Collaboration

13. Not applicable.

Budget considerations

14. The appointment of authorised officers is an administrative exercise undertaken by Council Officers. There is no additional resourcing required if Council supports and resolves the officer recommendation.

Relevant law

15. Section 224 of the *Local Government Act 1989*

16. Section 147(4) of the *Planning and Environment Act 1987*

Regional, state and national plans and policies

17. Not applicable.

Conflicts of interest

18. 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.105/24 Instrument of Appointment and Authorisation (Planning and Environment Act 1987)

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12. Officers' reports**CM.106/24 Neighbourhood Safer Places - Annual Update**

Distribution: Public**Manager: Blaga Naumoski, Director Governance, Communications and Community Safety****Author: Elishia Jansz, Manager Community Safety (Municipal Recovery Manager)****Summary****Neighbourhood Safer Places Summary**

This report is presented to Council to formally note that the Neighbourhood Safer Places - Bushfire Places of Last Resort (NSP-BPLR) within the Nillumbik Shire have been reassessed as being compliant and will maintain their status as designated NSP-BPLRs for the 2024/25 fire danger period. No additional NSP-BPLRs sites have been established for the 2024/25 fire danger period.

Annual audits have been completed for the existing seven (7) designated NSP-BPLR in Nillumbik. All 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.

The Neighbourhood Safer Places - Bushfire Places of Last Resort Plan has been prepared to outline the guidelines developed by Municipal Association of Victoria (MAV) to assist Council in identifying, designating, establishing, maintaining and decommissioning, if required.

Recommendation

That Council notes as part of the annual review process, the Neighbourhood Safer Places - Bushfire Places of Last Resort (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, Greensborough

all have been reassessed by the Country Fire Authority and have been confirmed to meet the criteria for designation as a NSP-BPLR.

Attachments

- 1  Neighbourhood Safer Places / Bushfire Places of Last Resort Plan

12. Officers' reports**CM.106/24 Neighbourhood Safer Places - Annual Update**

Discussion

1. A number of initiatives have been put in place after the Black Saturday fires, one being the Neighbourhood Safer Places - Bushfire Places of Last Resort (NSP-BPLR).
2. In accordance with the *Country Fire Authority Act 1958 (CFA Act)*, Victorian Councils are required to identify, designate, establish and maintain suitable sites as NSPs in their municipal districts. The CFA, in conjunction with Victoria Police and Council, conducts an annual assessment of each NSP to ensure compliance with the assessment guidelines.
3. Following the introduction of the NSP legislation, Nillumbik Shire Council has seven designated NSP-BPLRs within the Shire.
4. NSP-BPLRs are identified buildings or spaces within the community that may afford some protection from radiant heat during bushfire. They are a place of last resort in bushfire emergencies only.
5. NSP-BPLRs are not intended to replace a personal bushfire survival plan. The CFA advises that while NSP-BPLRs can provide a level of protection during a fire, they cannot guarantee safety from injury or loss of life due to fire or radiant heat when traveling to or sheltering at these locations. CFA advice concludes that everyone should have a written Bushfire Survival Plan.
6. 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.
7. Section 50J of the CFA Act requires that each designated NSP-BPLR is assessed each year before 31 August for compliance with the CFA criteria to determine if they are still suitable to be designated as such.
8. Section 50F of the CFA Act requires Council to publish its Neighbourhood Safer Places - Bushfire Places of Last Resort Plan on its website.
9. Nillumbik has seven sites designated as NSP-BPLRs. All sites within Nillumbik have been reassessed by the CFA on 13 August 2024 and have been found to still meet the criteria for designation as a NSP-BPLR.

Related Council decisions

10. At the 26 September 2023 Council meeting, Council resolved:

That Council 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*

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CM.106/24 Neighbourhood Safer Places - Annual Update

g) *Collendina Reserve, Greensborough*

have been reassessed by the Country Fire Authority and have been found to meet the criteria for designation as a NSP-BPLR.

Options

11. All NSP-BPLRs within Nillumbik have been reassessed. They have been confirmed to comply with the assessment guidelines and will be available for use by the community for the 2024/25 fire danger period. It is recommended that Council notes the seven compliant NSP-BPLRs.

Council plans and policies

12. This report directly supports the achievement of the Council Plan 2021-2025 strategy:
- We continue to meet Council's responsibilities for emergency management by working with the community and partner agencies, especially in relation to bushfire.

Access, Equity and Inclusion

13. A Gender Impact Assessment has not been applied to this report.

Sustainability implications

14. In meeting the criteria for ongoing designation as an NSP some vegetation maintenance may be required around sites.
15. The social impacts of a designated NSP are minimal until use during an emergency.
16. In meeting the criteria for ongoing designation as an NSP no economic impacts are expected as a result.

Community engagement

17. Community engagement is fundamental and continues to be fostered and supported through the Fuel Management Working Group as a sub-committee to the Municipal Fire Management Planning Committee.
18. Community education and information will continue to provide consistent key messages to highlight the role of NSP-BPLRs. NSP-BPLRs are a place of last resort and do not replace the need for residents to have a bushfire survival plan. Travelling to an NSP BPLRs may be dangerous because of traffic congestion, fire activity, heavy smoke, accidents or fallen trees blocking the route.

Innovation and continuous improvement

19. Where possible innovation and continuous improvement is included.

Collaboration

20. The CFA, Victoria Police, relevant land owners/managers and Nillumbik Shire Council staff were consulted during the NSP-BPLRs assessment process.

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Budget considerations

21. There will be minimal costs captured in Council's operational budget for installation and maintenance of signage at each location and periodic inspections to ensure that the sites comply with the assessment criteria.
22. All sites are subject to ongoing maintenance programs which are maintained within current operational budgets.

Relevant law

23. *Country Fire Authority Act 1958* – section 50F and 50J

Regional, state and national plans and policies

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

Conflicts of interest

25. 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.107/24 Tender Report - Contracts for 2425-011 - Play Space Renewal Projects – Six Sites

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

This report recommends the awarding of contracts for 2425-011 Play Space Renewal Projects – Six Sites.

- Parry Reserve - 62 Allendale Road, Eltham North
- Diamond Hills Reserve - 11 Diamond Hills Drive, Greensborough
- Jacaranda Drive Reserve - 13A Lorikeet Court, Diamond Creek
- Pitt Street Reserve - 179 Pitt Street, Eltham
- Oldstead Road Reserve - 21 Oldstead Road, Greensborough
- Lower Eltham Park - 570 Main Road, Eltham

The renewal projects allow for like-for-like replacements of existing play equipment including diverse play opportunities encompassing sensory and imaginative play as well as accessible features.

There will be two contracts issued for the projects, based on the outcome of the tender and evaluation process.

It is intended that Contracts will be awarded in December 2024 and the play space renewal projects completed by 1 June 2025.

The timeline is based on product supply chains and planning for works on each site.

The Tender Evaluation Panel (TEP) has assessed all submissions and this report provides a summary of their evaluation in recommending the awarding of the contracts for 2425-011 Play Space Renewal Projects – Six Sites.

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

Recommendation**That Council:**

1. Accepts the tenders submitted by the **preferred tenderers** for the total sums of **#[Redacted]** and enter into the following contracts:

Number: 2425-011-1

Title: Play Space Renewal Projects – Five Sites

Awarded Sites: Parry Reserve, Diamond Hills Reserve, Jacaranda Drive Reserve, Oldstead Road Reserve and Lower Eltham Park Reserve.

Term: 11 December 2024 to 1 June 2025

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CM.107/24 Tender Report - Contracts for 2425-011 - Play Space Renewal Projects – Six Sites

Number: 2425-011-2
Title: Play Space Renewal Projects – One Site
Awarded Site: Pitt Street Reserve.
Term: 11 December 2024 to 1 June 2025

2. Authorises the Chief Operating Officer to finalise and execute the contracts documentation.
3. Authorises the Chief Operating Officer to approve 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.
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 these contracts but the Tender Evaluation Report 2425-011 (**Attachment 1**) remain confidential on the grounds specified in the definition of confidential information in section 3(1)(g) of the *Local Government Act 2020*.
7. Resolves that the preferred tenderer be named.

Attachments

1. Attachment 1 - Tender Evaluation Summary Report 2425-011 - *CONFIDENTIAL*

Discussion

1. A shortlist of sites for play space renewal projects was developed based on a recent audit which considered asset condition, age and play value.
2. This data was overlaid with a local lens to incorporate utilisation and popularity within the community.
3. Consideration was given to the proximity of alternate play sites, to ensure the sites selected were located across the Shire.
4. This approach aligns with the Nillumbik Lifetime Play Strategy principles; The Art, Nature, Health and Connection of play.
5. The scope of the contracts is for the removal and disposal of existing play equipment, and installation of new play equipment at the six (6) public play spaces.
6. For each of the listed sites, tenderers were provided with an overview of the target audience (age group), which piece or pieces of equipment were to be removed and were invited to provide proposals for options of playground equipment including sensory play components and accessibility activities.

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CM.107/24 Tender Report - Contracts for 2425-011 - Play Space Renewal Projects – Six Sites

- 7. The age and condition of the existing playground to be removed is not deemed suitable for repurposing and will be sent for recycling.

Council plans and policies

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

Tender overview

The Tender Evaluation Panel (TEP) advises that:

- 9. A selective tender was issued to a list of sixteen (16) pre-qualified vendors via an established agency arrangement with Municipal Association of Victoria (MAV) - Park & Playground Equipment - D060125 on 17 August 2024.
- 10. Use of this agency arrangement is in compliance with Councils Procurement Policy 2021-2025 – Section 2.3.2.1 Exemptions from tendering.
- 11. Council reserved the right to award separate sites to different tenderers and also reserved the right to award all sites to a single tenderer based on the outcome of received submissions and proposals.
- 12. Council provided indicative budgets for each site, to ensure tendered submissions were within the total approved and available budget.
- 13. The period for tender submissions closed at 2pm on Thursday 12 September 2024
- 14. The following tenders were received:

TENDERER
Tenderer A – Preferred Tender for Five Sites
Tenderer B - Preferred Tender for One Site
Tenderer C
Tenderer D
Tenderer E

- 15. Only tenders that were conforming and competitive were fully scored.
- 16. All received submissions were evaluated as conforming and proceeded to full evaluation.

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CM.107/24 Tender Report - Contracts for 2425-011 - Play Space Renewal Projects – Six Sites

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

Criteria	Weighting %
Financial Benefit to Council (Price)	50%
Capability (Quality/Technical) & Capacity (Resources)	40%
Economic and Social Sustainability	10%

18. The weightings reflect the relative importance of each element to the particular contract.

19. 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.

20. For each of the six (6) sites, each tenderer was assessed and evaluated on their submission for each site – including cost and proposed play space equipment.

21. The members of the TEP were:

Position Title	Scoring Member or Advisory Member
Recreation & Open Space Project Officer	Scoring
Recreation and Community Infrastructure Project Manager	Scoring
Open Space Team Leader Assets	Scoring
Manager Recreation and Leisure	Advisory
Procurement Officer	Advisory
Senior Procurement Officer	Advisory

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CM.107/24 Tender Report - Contracts for 2425-011 - Play Space Renewal Projects – Six Sites

22. The final evaluation outcome for each site, was as follows:

Parry Reserve - 62 Allendale Road, Eltham North		
TENDERER	SCORE	RANK
Tenderer A – Preferred Tender	89/100	1
Tenderer B	85/100	3
Tenderer C	86/100	2
Tenderer D	81/100	4
Tenderer E	75/100	5

Diamond Hills Reserve 11 Diamond Hills Drive, Greensborough		
TENDERER	SCORE	RANK
Tenderer A – Preferred Tender	91/100	1
Tenderer B	87/100	2
Tenderer C	87/100	2
Tenderer D	83/100	3
Tenderer E	75/100	4

Jacaranda Drive Reserve - 13A Lorikeet Court, Diamond Creek		
TENDERER	SCORE	RANK
Tenderer A – Preferred Tender	91/100	1
Tenderer B	86/100	3
Tenderer C	87/100	2
Tenderer D	80/100	4
Tenderer E	74/100	5

Pitt Street Reserve - 179 Pitt Street, Eltham		
TENDERER	SCORE	RANK
Tenderer A	87/100	2
Tenderer B – Preferred Tender	89/100	1
Tenderer C	87/100	2
Tenderer D	79/100	3
Tenderer E	74/100	4

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CM.107/24 Tender Report - Contracts for 2425-011 - Play Space Renewal Projects – Six Sites

Oldstead Road Reserve - 21 Oldstead Road, Greensborough		
TENDERER	SCORE	RANK
Tenderer A – Preferred Tender	90/100	1
Tenderer B	85/100	3
Tenderer C	89/100	2
Tenderer D	80/100	4
Tenderer E	74/100	5

Lower Eltham Park - 570 Main Road, Eltham		
TENDERER	SCORE	RANK
Tenderer A – Preferred Tender	89/100	1
Tenderer B	85/100	3
Tenderer C	86/100	2
Tenderer D	77/100	4
Tenderer E	72/100	5

- 23. The recommended tenders were the highest ranked tenderers based on assessment. for each recommended site to be awarded and are considered best value based on their tendered pricing and proposals for playspace options for the recommended sites to be awarded.
- 24. **Attachment 1** - Tender Evaluation Summary Report – Confidential, provides the tenderer names and the Evaluation Scorecard Summary.
- 25. The Tender Evaluation Summary Report (**Attachment 1**) to remain confidential on the grounds specified in the definition of confidential information in section 3(1)(g) of the *Local Government Act 2020*.

Capability (Quality/Technical) & Capacity (Resources)

- 26. Both preferred tenderers have evidenced through their submission they have the technical skills in understanding and providing suitable playspace equipment.
- 27. Both preferred tenderers have the required resources to undertake the required works.
- 28. Both preferred tenderers are primary industry suppliers of playspace equipment to local government agencies, throughout Victoria.

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CM.107/24 Tender Report - Contracts for 2425-011 - Play Space Renewal Projects – Six Sites

Tender Interviews and Reference checks

- 29. As the preferred tenderers are pre-qualified and have delivered similar projects to Council, there was no requirement to undertake tender interviews or reference checks.
- 30. Tenderers were required to provide 3 reference projects which were assessed by the tender evaluation panel.

Collaboration

- 31. Tenders were sought via established agency agreement via MAV.

Budget considerations

- 32. The overall resulting tendered costs for the selected vendors and playspace equipment is within the approved budget for the annual program.

Sustainability implications

- 33. Where feasible, the existing play space equipment that is removed, will be recycled.
- 34. Preferred Tenderer A business is based in Northern Council Alliance (NCA) area & provides full time employment for one resident from within Nillumbik Shire Council and provides full time employment for an additional twelve (12) residents within the other NCA Council areas.
- 35. Preferred Tenderer B currently employ 1 Engineering Apprentices (Metal Fabrication)
- 36. Preferred Tenderers A and B where possible use recycled or recyclable materials in the manufacture of their playground equipment.

Stakeholder Consultation/communication

- 37. Engagement was undertaken with Councils Disability Inclusion and Volunteer Coordinator to ensure that Accessibility requirements were taken into account.

Innovation and continuous improvement

- 38. Not applicable.

Relevant law

- 39. Sections 108 and 109 of the Local Government Act 2020.

Regional, state and national plans and policies

- 40. Not applicable.

Conflicts of interest

- 41. 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.

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**CM.107/24 Tender Report - Contracts for 2425-011 - Play Space Renewal Projects
– Six Sites**

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12. Officers' reports**CM.108/24 Quarterly Risk and Safety Report - September 2024**

Distribution: Public**Manager: Jeremy Livingston, Director Culture and Performance****Author: Craig Commane, Risk and Safety Lead****Summary**

This report provides a summary of Council's Risk and Safety Report for the financial year ending September 2024.

The report is presented in accordance with the *Local Government (Planning and Reporting) Regulations 2020*, which 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 18 November 2024.

The full confidential Risk and Safety Report for September 2024 is attached to this report (**Attachment 1**) and provides detailed information for Council's consideration.

Recommendation

That Council:

1. Notes the summary of the confidential Risk and Safety Report (**Attachment 1**) for the year ending September 2024.
2. Resolves that the 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. Quarterly Risk & Safety Report - September 2024 - *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;
 - Align all risk practices across all systems and to promote and support a consistent corporate approach to risk that can be clearly understood; and

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CM.108/24 Quarterly Risk and Safety Report - September 2024

-
- 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. Council's strategic risks are:
 - Changing environmental conditions and climate change impacting Council's infrastructure, operations and services;
 - Changes in Federal and State government policy that impact Council's strategic objectives;
 - Strategic focus, infrastructure, service delivery and projects are not aligned with community expectations;
 - Impacts of a disruption to Council's service delivery;
 - IT disruption and cyber security attacks including data breach, fraud or theft, data loss and data privacy;
 - Failure to maintain a sustainable long term financial position;
 - Major failure of Council infrastructure;
 - Council does not deliver on major projects, eroding reputation and influences potential future funding opportunities; and

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CM.108/24 Quarterly Risk and Safety Report - September 2024

- Good governance failure.

7. The following can be used to monitor the progress of control actions and progress of strategic risks as at the end of September 2024 through to financial year end.

Strategic Risks – Action Status	No.	%
Complete or in place	121	63%
On target	71	37%
Not on target	0	0%
Not yet due to start	0	0%
Total	192	100%

8. The following tables summarise recorded incidents by type for matters involving Council. Note that these tables show all reported incidents, rather than all claims, as not every incident results in a claim being made.

Incidents by Type	Oct - Dec 23	Jan - Mar 24	Apr - Jun 24	Jul - Sep 24	Total Oct - Sep 24	Total Oct - Sep 23
Property	11	3	4	18	36	16
Motor Vehicle	6	15	16	4	41	40
Professional Indemnity	0	0	1	0	1	2
Public Liability	27	46	24	28	125	166
Occupational Health & Safety	25	16	24	33	98	98
Total Incidents	69	80	69	83	301	322

9. The following table summarises all incidents by directorate.

Incidents by Directorate	Oct - Dec 23	Jan - Mar 24	Apr - Jun 24	Jul - Sep 24	Total Oct - Sep 24	Total Oct - Sep 23
Culture and Performance	6	10	7	7	30	17
Governance, Communications and Community Safety	6	8	7	13	34	5
Planning, Environment and Strategy	2	1	2	10	15	26
Communities	6	6	10	12	34	27
Operations	49	55	43	41	188	247
Total	69	80	69	83	301	322

12. Officers' reports**CM.108/24 Quarterly Risk and Safety Report - September 2024**

10. A high proportion of reported incidents during the September 2024 quarter are generated within the normal course of business in the Operations directorate (49%). Small increases were encountered in two other directorates, but with no notable trends.
11. 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.
12. Tree related risks are mitigated through the:
 - Tree Management Policy;
 - Reactive tree maintenance program;
 - Proactive electric power line clearance program;
 - Proactive box clearance program;
 - Proactive inspections of high risk trees; and
 - Meeting the objectives of the Municipal Emergency Management Plan and Municipal Fire Management Plan.
13. Road, footpath, drainage and roadside related risks are mitigated through the:
 - Road Management Plan;
 - Road Asset Management Plans; and
 - Proactive and reactive maintenance programs.
14. 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.
15. Overall, reported property incidents compare unfavourably this past year (36) compared to the same period last year (16). The 18 incidents reported this quarter primarily related to building damages, and none have resulted in insurance claims.
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 four motor vehicle incidents during the September 2024 quarter and three new motor vehicle insurance claims lodged with Council's insurer. The number of incidents this past year compares similar to the same period last 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 or claims occurred during this quarter.

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CM.108/24 Quarterly Risk and Safety Report - September 2024

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. A total of 28 incidents were notified during the September 2024 quarter, a 25% reduction compared to the previous quarter. 13 incidents resulted in personal injuries, 11 incidents related tree falls/overhanging and four to vehicle damage, primarily caused by the road surface or road related infrastructure. (Note that the *Road Management Act 2004* threshold is currently \$1,640 for 2024/2025).
21. Council's four major leisure facilities recorded 114 incidents. Predominate injuries were sprains/strains (21) and bruising (20).
22. Occupational health and safety incidents during the quarter (33) were noted being safety matters reported as incidents, hazards and near misses. Typical incidents are verbal abuse and harassment, slip trips and falls, and traffic management. These incidents are managed through the Occupational Health and Safety Management System.
23. The overall occupational health and safety annual trend data show that incidents have remained stable, comparing the same at the end of this quarter compared to the end of the September 2023.
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 (Planning and Reporting) Regulations 2020* 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.

Access, Equity and Inclusion

28. A Gender Impact Assessment has not been applied to this report.

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CM.108/24 Quarterly Risk and Safety Report - September 2024

Sustainability implications

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

Community engagement

- 31. Not applicable.

Innovation and continuous improvement

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

Collaboration

- 33. Not applicable.

Budget implications

- 34. 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

- 35. Not applicable.

Regional, state and national plans and policies

- 36. Not applicable.

Conflicts of interest

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

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CM.109/24 Council Plan Quarterly Performance Report 2024-2025 - Quarter 1

Distribution: Public

Manager: Jeremy Livingston, Director Culture and Performance

Author: Craig King, Manager Customer Experience and Business Performance

Summary

The purpose of this report is to present the Council Plan Quarterly Performance Report for noting.

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

The Council Plan Quarterly Performance Report provides the first update on delivery progress and performance of the 2024-2025 Annual Action Plan actions, which align to delivery of the fourth and final year of the Council Plan 2021-2025.

Of the 30 actions in the 2024-2025 Annual Action Plan, 28 actions are 'on track' for completion, one action is experiencing minor issues, and one action is yet to commence (**Attachment 1**).

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

In early 2025, Council will commence developing the 2025-2029 Council Plan, which will be a key strategy document reflecting Council's priorities, aspirations and outcomes in the 2025-2029 Council term.

Recommendation

That Council receives and notes the Council Plan Quarterly Performance Report for the first quarter of 2024-2025.

Attachments

1.  Council Plan Quarterly Performance Report 2024-2025 - Quarter 1

Discussion

1. The Council Plan 2021-2025 was developed throughout 2021 and adopted by Council in October 2021. The Council Plan 2021-2025 has four high-level strategic themes:
 - Community and Connection – to encourage inclusion and participation to support health and wellbeing and ensure that all our residents have equitable access to services, programs, events and initiatives.
 - Place and Space – to protect, enhance, maintain, plan and design places and spaces that strengthen identity, reinforce character, improve accessibility, encourage social connection and enjoyment, support biodiversity and respect the environment.

12. Officers' reports**CM.109/24 Council Plan Quarterly Performance Report 2024-2025 - Quarter 1**

- Sustainable and Resilient – to manage and adapt to changing circumstances that affect our community to ensure it remains sustainable and resilient, both now and into the future.
 - Responsible and Accountable – to facilitate the best possible outcomes for our community, by demonstrating strong leadership and working actively to achieve the community's objectives.
2. The Annual Action Plan 2024-2025, adopted by Council in May 2024, contains 30 actions contributing to delivery of the Council Plan within the corresponding financial year.

Priority actions

3. **Attachment 1** provides a summary of the progress on the 30 actions in the 2024-2025 Annual Action Plan. Of the 30 actions in the 2024-2025 Annual Action Plan, 28 actions are 'on track' for completion, one action is experiencing minor issues, and one action is yet to commence.
4. Some of the highlights of activities and deliverables achieved during the first quarter of 2024-2025 included:
- a) Council endorsed its first Reconciliation Action Plan at the August 2024 Council Meeting. Final adoption of the plan is subject to feedback from the Wurundjeri Cultural Heritage Aboriginal Corporation, before being submitted to Reconciliation Australia for review and approval;
 - b) Implementation of the Year 4 Action Plan for the Nillumbik Health and Wellbeing Plan 2021-2025 is underway and on track, with progress on actions including a Gambling Harm project, an Alcohol Harm project and the Rainbow Ready Roadmap;
 - c) Delivery of the Youth Strategy 2022-2026 progressed, including the completion of capital works and official opening of the Youth Hub in Diamond Creek;
 - d) Delivery of actions in the Arts and Culture Strategy 2022-2026 continued, including planning for the Nillumbik Prize for Contemporary Art 2025 and development of an implementation plan for the Creative Infrastructure Framework;
 - e) The Nillumbik Biodiversity Strategy 2024-2034 and Urban Tree Canopy Strategy 2024-2040 were adopted by Council. The purpose of these new strategies is to help protect and enhance the Shire's unique and highly valued Green Wedge environment;
 - f) To progress development of Council's first Housing Strategy, a submission to the State Government's draft Plan for Victoria and draft Housing Targets has been prepared and endorsed by Council. The endorsed submission was subsequently lodged with the Minister for Planning in late October 2024. Council awaits further State Government updates on planning policy reforms by the end of 2024;
 - g) Council's Integrated Transport Strategy was adopted at the August 2024 Council Meeting. The new strategy will guide transport planning and advocacy priorities in Nillumbik over the next five years, and will promote more sustainable transport outcomes;

12. Officers' reports

CM.109/24 Council Plan Quarterly Performance Report 2024-2025 - Quarter 1

- h) Work to progress implementation of Council's Climate Action Plan included endorsement of the Year 3 (2024-2025) Climate Action Implementation Plan, which contains 69 actions across eight focus areas and launching the Rethink Nillumbik community sustainability education program;
- i) Key actions completed in the Economic Development Strategy 2020-2030 included the Shop in our Shire winter campaign receiving 731 responses, with shout-outs to over 150 different businesses, the Home Based Business Survey receiving over 260 responses, and three e-newsletters distributed to over 1,600 businesses;
- j) Council attended a number of forums to put forward a range of motions to the Federal and State Governments to support the local government sector and the Nillumbik community;
- k) Implementation of the Customer First Strategy 2023-2026 has progressed well, with highlights including Council again being rated number 1 overall across a range of industry sectors in the Customer Service Benchmarking Australia (CSBA) telephone mystery shopping program; and
- l) Delivery of Council's 2024-2025 Capital Works program is well underway. Industry costs are still relatively high, which has impacted some project budgets. Consultant availability is also a risk, which is impacting design timeframes and pre-planning activities prior to works commencing.

Overall status

- 5. The overall position as reflected in the report suggests that Council continues to make solid progress in delivering on the key actions supporting the Council Plan.
- 6. Reporting updates will continue to be received by Council on a quarterly basis that demonstrates in a practicable and tangible way how the Council Plan 2021-2025 is being delivered to the community.
- 7. In early 2025, Council will commence developing the 2025-2029 Council Plan, which will be a key strategy document reflecting Council's priorities, aspirations and outcomes in the 2025-2029 Council term.

Related Council decisions

- 8. In concert with the adoption of the 2024-2025 Council Budget, the Annual Action Plan 2024-2025 was adopted at the May 2024 Council Meeting.

Options

- 9. Not applicable.

Council plans and policies

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

12. Officers' reports

CM.109/24 Council Plan Quarterly Performance Report 2024-2025 - Quarter 1

Access, Equity and Inclusion

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

Sustainability implications

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

Community engagement

13. Through the Our People, Our Place, Our Future community engagement program that occurred in February and March 2021, feedback was received which helped inform the development of the Council Plan 2021-2025. The Council Plan was also developed and refined through a series of workshops with Councillors following the general election in November 2020.
14. The Council Plan was subject to a four-week public consultation process across July and August 2021, with refinements made following the receipt of submissions. The Council Plan was subsequently adopted by Council in October 2021.
15. The Annual Action Plan 2024-2025, reflecting the final year of delivery of the four-year Council Plan, was also adopted at the May 2024 Council Meeting.

Innovation and continuous improvement

16. Not applicable.

Collaboration

17. Not applicable.

Budget considerations

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

Relevant law

19. Not applicable.

Regional, state and national plans and policies

20. Not applicable.

Conflicts of interest

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

12. Officers' reports

CM.110/24 September Quarter Financial Report

Distribution: Public

Manager: Vince Lombardi, Chief Operating Officer

Author: Melika Sukunda, Manager Finance, Assets and Procurement

Summary

This report outlines Council's financial performance and financial position for the period ended 30 September 2024.

The Income Statement shows an overall favourable year to date (YTD) variance of \$1.93 million representing 2.76 per cent of YTD Budget. This reflects the combined result of higher than budgeted operating income of \$1.41 million and higher than budgeted operating expenses of \$515,495.

Council's overall financial position at the end of this quarter is sound.

Recommendation

That Council receives and notes the Financial Report for the period ended 30 September 2024 (**Attachment 1**).

Attachments

1. Quarterly Finance Report September 2024

Discussion

1. In May 2024, Council adopted the 2024-2025 Budget.
2. Budgeted surplus reflects the amount by which operating revenue exceeds operating expenses, in accordance with relevant accounting standards.
3. Operating expenditure excludes non-operating transactions such as capital works and investments, which are separately detailed in the report.
4. The report compares actual performance to budgeted targets at this stage of the financial year.

Income statement

5. Council closed the period ending 30 September 2024 with a favourable YTD variance of \$1.93 million. This represents 2.76 per cent of the YTD Budget.
6. The overall variance is made up of the following:
 - Income – \$1.41 million (1.48 per cent) favourable variance. This includes new/additional grant funding \$147,589, user charges \$146,790, supplementary rates \$68,833, capital contributions \$725,500 and other revenue (including leisure contracted amount, container deposit refunds and WorkCover refunds) \$272,729.
 - Expenditure – \$515,495 (2.31 per cent) favourable, mainly attributed to reduced employee benefits expenditure \$674,093 due to current vacancies, offset by additional spend across external contracts expenditure \$34,419 and materials and related costs \$76.552 million.

12. Officers' reports**CM.110/24 September Quarter Financial Report**

Balance sheet

7. The balance sheet reflects Council's financial position at 30 September 2024 and is prepared in compliance with the Australian Accounting Standards.
8. Council's balance sheet as detailed on page 4 of **Attachment 1** continues to show a strong net position. This is represented by \$1.16 billion of assets which is largely made up of Council's Property, Plant and Equipment. Council's total liabilities are \$60.67 million, which results in net assets of \$1.1 billion.

Statement of cash flows

9. The statement of cash flows as detailed on page 5 of **Attachment 1** captures Council's actual cash transactions for the period.
10. Council is showing a cash position of \$36.32 million after all cash transactions for the period to date (\$41.32 million including the term deposit held for twelve months, classified as a financial asset).
11. \$34.42 million is currently held in term deposit investments as detailed on page 9 of **Attachment 1**, with the balance held in the general account for operational purposes.

Capital works

12. The capital works report detailing YTD spend by asset class is detailed on page 8 of **Attachment 1**.
13. This shows a variance of \$318,488 relative to YTD budget, largely driven by the close out of works commenced in the prior financial year.

Related Council decisions

14. Council adopted the 2023-2024 Budget at the Council Meeting held on 23 May 2023.

Options

15. The detailed Financial Report for the period ended 30 September 2024 is provided in **Attachment 1**. This report is an analysis of Council's financial performance and financial position as at 30 September 2024. The report also includes an analysis of budget variances.

Council plans and policies

16. This report directly supports the achievement of Council Plan 2021-2025 strategy:
 - Ensure responsible and efficient management of Council's financial resources.

Access, Equity and Inclusion

17. A Gender Impact Assessment has been conducted on the budget process and Gender Responsive Budgeting included within the guidelines as a priority consideration throughout the development of the draft 2024-2025 budget.

Sustainability implications

18. Council's financial sustainability is informed by the indicators set by the Victorian Auditor General's Office (VAGO). These indicators comprise of both short term and longer term measures. This is monitored through the annual external audit and presented to the Audit and Risk Committee.

12. Officers' reports

CM.110/24 September Quarter Financial Report

19. The quarterly financial statements are used as an ongoing mechanism to monitor Council's financial position during the year.

Community engagement

20. The budget was subject to public exhibition prior to its final adoption by Council.

Innovation and continuous improvement

21. Not applicable.

Collaboration

22. Not applicable.

Budget implications

23. The Chief Executive Officer has reviewed the quarterly report and the mid-year forecast and has determined that a revised budget is not required.
24. This is a standard reporting item to Council, the associated costs for which are included in the current budget.

Relevant law

25. *Local Government Act 2020*, section 101 Financial Management Principles.
26. *Local Government Act 2020*, section 97 Quarterly Budget Report
27. Australian Account Standards.

Regional, state and national plans and policies

28. Not applicable.

Conflicts of interest

29. 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.110/24 September Quarter Financial Report

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12. Officers' reports**CM.111/24 Informal Meetings of Councillors Records - 10 December 2024**

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

In accordance with *Item 20 of Council's Governance Rule – Meeting Procedures*, adopted on 25 July 2023, Council is required to report as soon as practicable to a Council Meeting a record of each Informal Meeting of Councillors held.

This report lists Informal Meetings of Councillors Records submitted since the matter was last reported to Council on 27 August 2024.

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

1. Environment and Sustainability Advisory Committee Meeting held 12 August 2024;
2. Arts and Cultural Advisory Committee meeting held 19 August 2024;
3. Councillor Briefing held meeting 20 August 2024;
4. Council Meeting Pre-Meet held 27 August 2024;
5. Councillor Briefing held 3 September 2024;
6. Panton Hill bushland Reserve System User Group meeting held 5 September 2024;
7. Extraordinary Council Meeting Pre-Meet held 10 September 2024; and
8. Extraordinary Council Meeting Pre-Meet held 25 November 2024.

Recommendation

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

Attachments

- 1  Informal Meeting of Councillors record reported 10 December 2024

Discussion

1. *Item 20 of Council's Governance Rule – Meeting Procedures*, requires records of Informal Meetings of Councillors be reported to a Council Meeting and recorded in the minutes of that meeting.

Related Council decisions

2. Not applicable.

12. Officers' reports

CM.111/24 Informal Meetings of Councillors Records - 10 December 2024

Options

3. An Informal Meetings of Councillors is defined in *Item 20 of the Governance Rule – Meeting Procedures*. It is a meeting at which matters are considered that are intended or likely to be the subject of a Council decision or the exercise of delegated authority and which is either of the following:
 - Planned or scheduled meeting that includes at least half the Councillors and at least one Council officer. These meetings do not include meetings of Councillors and Council staff that are not planned or scheduled.
 - Meeting of an Advisory Committee where at least one Councillor is present. An Advisory Committee is any committee established by the Council, other than a special committee, that provides advice to the Council or to a special committee or to a member of Council staff who has been delegated a power or duty or function of the Council.
4. A record must be kept of any Informal Meeting of Councillors and include the names of all Councillors and Council staff attending, the matters considered, disclosures of conflict of interest and whether a Councillor left the meeting after making a disclosure.
5. In accordance with *Item 20 of the Governance Rule – Meeting Procedures*, Council is required to report as soon as practicable to a Council Meeting, a record of any Informal Meetings of Councillors held.
6. The recommendation contains the list of Informal Meetings of Councillors records submitted since the matter was last reported to Council at the last Council Meeting.

Conclusion

7. It is recommended that Council receives the records of recent records of Informal Meetings of Councillors as contained in this report, fulfilling *Item 20 of the Governance Rule – Meeting Procedures*.

Council plans and policies

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

Access, Equity and Inclusion

9. A Gender Impact Assessment has not been completed for this report.

Sustainability implications

10. Not applicable.

Community engagement

11. Not applicable.

Innovation and continuous improvement

12. Not applicable.

12. Officers' reports

CM.111/24 Informal Meetings of Councillors Records - 10 December 2024

Collaboration

13. Not applicable.

Budget implications

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

Relevant law

15. *Local Government Act 2020.*

Regional, state and national plans and policies

16. None applicable.

Conflicts of interest

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

12. Officers' reports

CM.111/24 Informal Meetings of Councillors Records - 10 December 2024

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