

Council Meeting

to be held at the Council Chamber, 32 Civic Drive, Greensborough
on Tuesday 25 March 2025 commencing at 7:00 PM.

Agenda

Carl Cowie
Chief Executive Officer

Thursday 20 March 2025

Distribution: Public

Civic Drive, Greensborough
PO Box 476, Greensborough 3088
Telephone 9433 3111
Facsimile 9433 3777
Website www.nillumbik.vic.gov.au
Email nillumbik@nillumbik.vic.gov.au

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

Katia Croce
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

Contents

1.	Welcome	1
2.	Acknowledgement of Country	1
3.	Good Governance Pledge	1
4.	Prayer	1
5.	Apologies/Leave of Absence	1
6.	Declarations of conflict of interest	1
7.	Presentations	2
8.	Confirmation of Minutes	3
COM.001/25	Confirmation of Minutes Council Meeting held Tuesday 25 February 2025	3
9.	Petitions	5
PT.003/25	Petition to Nillumbik Shire Council - LGBTIQA+ Advisory Committee	5
10.	Questions from the gallery	5
11.	Reports of Advisory Committees	7
AC.001/25	Advisory Committee Report - 25 March 2025	7
12.	Officers' reports	9
CM.018/25	Preschool Registration and Enrolment Scheme Priority of Access review	9
CM.019/25	Quarterly Risk and Safety Report - December 2024	19
CM.020/25	Audit and Risk Committee Meeting February 2025	25
CM.021/25	Draft Budget 2025-2026	27
CM.022/25	Proposal to rename a section of Duffs Road, Panton Hill to Welton View	31
CM.023/25	Jayson Avenue Special Charge Scheme, Eltham	37
CM.024/25	Astons Road, Yarrambat - Proposed Special Charge Scheme	41
CM.025/25	Bourchiers Road Special Charge Scheme, Kangaroo Ground - Declaration	45
CM.026/25	Alistair Knox Park - Emergency Rectification Works	51
CM.027/25	Instrument of Appointment and Authorisation (Planning and Environment Act 1987)	55
CM.028/25	Instrument of Delegation to the Chief Executive Officer	59
CM.029/25	Instrument of Delegation from Council to Council staff	63
CM.030/25	National General Assembly of Local Government 2025 - Call for Motions	67
CM.031/25	Tender Report - Contract 2324-093 Cleaning Services	71

Council Meeting Agenda**25 March 2025**

CM.032/25	Tender Report - Contract 2425-028 Panton Hill Tennis Courts Resurfacing and Drainage Works	81
CM.033/25	Tender Report - Contract 2425-024 Diamond Creek Outdoor Pool Redevelopment - Construction	87
CM.034/25	CEO Employment Matters - mid-year performance review	93
CM.035/25	Informal Meetings of Councillors Records - 25 March 2025	97
13.	Notices of Motion	101
NOM.001/25	Yan Yean Road Stage 2	101
14.	Delegates' Reports	102
15.	Supplementary and urgent business	102
16.	Confidential reports	102
17.	Close of Meeting	102

Nillumbik Shire Council

Agenda of the Meeting of Nillumbik Shire Council to be held Tuesday 25 March 2025 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

Former Councillor Recognition and Sporting Grants

- **Recognition of Former Councillors**

Former councillors to be presented with a certificate of recognition.

- **Sporting Grant Presentations**

Stefanie Voelker (Edendale Ward) receives \$250 as a contribution for being selected to represent Australia in Dragon Boating at the Club Crew World Championships in Italy.

Jack Beddoe (Ellis Ward) receives \$200 as a contribution for being selected to represent Victoria at the Australian Youth Beach Volleyball Championships in Queensland.

James Beddoe (Ellis Ward) receives \$200 as a contribution for being selected to represent Victoria at the Australian Youth Beach Volleyball Championships in Queensland.

Jamie Ritchie (Swipers Gully Ward) receives \$200 as a contribution for being selected to represent Victoria in athletics at the 2025 Australian Junior Athletics Championships in Western Australia.

Xanthe Watson-Jones (Wingrove Ward) receives \$250 as a contribution for being selected to represent Australia in the Junior National Volleyball Championships in Thailand.

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

8. Confirmation of Minutes

COM.001/25 Confirmation of Minutes Council Meeting held Tuesday 25 February 2025

Confirmation of the Minutes of the Council Meeting held on Tuesday 25 February 2025.

Recommendation

That Council confirms the Minutes of the Council Meeting held on Tuesday 25 February 2025 (**Attachment 1**).

Attachments

- 1  Confirmation of Minutes Council Meeting held Tuesday 25 February 2025

8. Confirmation of Minutes

COM.001/25 Confirmation of Minutes Council Meeting held Tuesday 25 February 2025

THIS PAGE WAS LEFT INTENTIONALLY BLANK

9. Petitions

PT.003/25 Petition to Nillumbik Shire Council - LGBTIQA+ Advisory Committee

A petition containing **16** signatures requests that Nillumbik Shire Council to establish an LGBTIQA+ Advisory Committee.

The petition contained the following statement;

“Petition to Nillumbik Shire Council: LGBTIQA+ Advisory Committee - We, residents and ratepayers of Nillumbik Shire, petition Nillumbik Shire Council to establish an LGBTIQA+ Advisory Committee”

Recommendation

That Council:

1. Receives and notes the “Nillumbik Shire Council: LGBTIQA+ Advisory Committee, in accordance with the Governance Rule - Meeting Procedure.
2. Refers this petition to Director of Communities for investigation and response.
3. Notes that officers will advise the petition organiser of the outcome.

10. Questions from the gallery

THIS PAGE WAS LEFT INTENTIONALLY BLANK

11. Reports of Advisory Committees

AC.001/25 Advisory Committee Report - 25 March 2025

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. Youth Council Advisory Committee meeting held 3 February 2025;
2. Recreation Trails Advisory Committee meeting held 12 February 2025;
3. Positive Ageing Advisory Committee meeting held 14 February 2025;
4. Environment & Sustainability Advisory Committee meeting held 19 February 2025; and
5. Youth Council Advisory Committee meeting held 3 March 2025.

Attachments

- 1  Advisory Committee meeting Minutes reported 25 March 2025

Recommendation

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

11. Reports of Advisory Committees

AC.001/25 Advisory Committee Report - 25 March 2025

THIS PAGE HAS BEEN LEFT INTENTIONALLY BLANK

12. Officers' reports**CM.018/25 Preschool Registration and Enrolment Scheme Priority of Access review**

Distribution: Public**Manager: Corrienne Nichols, Director Communities****Author: Narelle Hart, Manager Community Programs****Summary**

In response to the feedback from services and community, as well as the Best Start, Best Life reforms being implemented by the Department of Education which includes the roll out of funded three year old kindergarten and an increase in hours for four year old kindergarten, Nillumbik Shire Council undertook a review of the Central Registration and Enrolment Scheme (CRES) Priority of Access (PoA) for the allocation of places at the sessional stand-alone preschools within the Shire.

An external consultant was appointed to undertake the review to ensure an objective and transparent review. The consultant met with early years services and undertook benchmarking of other CRES PoA's as part of the review process.

The report seeks Council's endorsement of Option C for implementation as the new PoA and allocation process. The proposal to adopt a new, cumulative scoring system that assigns points for multiple priorities. These include local residency (or soon-to-be residency), repetition at the service, continuity by allocating children to the same preschool where they attended three-year-old preschool (when requested), and proximity to their preferred service. The system also recognises other contributions to the Shire, such as business ownership, studying, or volunteering and considers non-residents who live nearby.

Furthermore, it suggests revising sibling priority by limiting it to within two years with a higher score for children in the same year and allowing some discretion for extenuating circumstances. This points-based approach will ensure that children who meet more of these criteria are allocated positions at their preferred preschool first. The consultant's findings are presented as **Attachment 1** and **2**, and form the basis of this report and the recommendations.

Recommendation

That Council:

1. Notes that the 2024 review of the CRES PoA indicates that:
 - a. there is a strong preference from the community and service providers to acknowledge and give priority to sibling connection; and
 - b. the community and service providers have also indicated a desire to prioritise families within the local area of a preschool within the Priority of Access for the allocation of preschool places.
2. In supporting the views of the community, endorses the implementation of Option C as Council's new Priority of Access and allocation process for preschool places within the Shire's stand-alone kindergartens from 2026 onwards.
3. Notes that the application of the new PoA would be implemented as part of the 2025 offer process commencing in July 2025.

12. Officers' reports**CM.018/25 Preschool Registration and Enrolment Scheme Priority of Access review**

-
3. Resolves that Priority of Access Review - Nillumbik Shire Council - Findings and Recommendations (**Attachment 1**) remains confidential in accordance with section 3(1)(f) of the *Local Government Act 2020*.

Attachments

1. Priority of Access Review - Nillumbik Shire Council - Findings and Recommendations - *CONFIDENTIAL*
2. Priority of Access Review- Nillumbik Shire Council- Findings and Recommendations - REDACTED
3. Department of Education - Kindergarten Funding Guide - Priority of Access Criteria.
4. Priority of Access and Offer Policy Guidelines 2024
5. Nillumbik Shire Council Priority of Access Guidelines

Discussion

1. Nillumbik Shire Council has historically managed the allocation of funded four-year-old kindergarten (preschool) places for sessional standalone preschools across the Shire.
2. With the introduction of funded three-year-old kindergarten in 2022, this was expanded to include three-year-old kindergarten registrations as well.
3. The Victorian State Government's Department of Education (DE) encourages Councils and other providers to manage CRES programs. This ensures places are allocated to children in a fair, equitable and consistent manner.
4. This has been further encouraged in recent years through the introduction of a State Government grant to support CRES providers.
5. It is a requirement that CRES providers must adhere to the guidelines set out in DE's Kindergarten Funding Guide and maintain policies and processes that:
 - promote fair and equitable access to kindergarten programs
 - adhere to the department's priority of access requirements
 - support all eligible children to access a kindergarten program including those who face barriers to participation
 - avoid barriers to participation, especially for vulnerable and disadvantaged children.

12. Officers' reports**CM.018/25 Preschool Registration and Enrolment Scheme Priority of Access review**

-
6. In addition, there is a requirement that CRES managers allocate places to high priority children as defined by DE (**Attachment 3**), and that these places are allocated prior to the application of any locally determined criteria.
 7. Nillumbik's current PoA was last reviewed in 2021 in consultation with the preschools and in response to the introduction of funded 3-year-old kindergarten, which commenced in 2022.
 8. In 2023, the Victorian State Government committed to the delivery of Best Start, Best Life kindergarten reforms. These reforms include the roll out of funded 3-year-old kindergarten (often called 'preschool' in Nillumbik) and an increase in the hours that four-year-old children can attend funded kindergarten.
 9. This significant educational reform is being delivered through a staged rollout across the State.
 10. The goal is for every three-year-old child to be participating in a kindergarten program for 15 hours per week by 2029, and for four-year-old children to be participating in 30 hours of funded kindergarten (referred to as 'Pre – Prep') by 2036.
 11. The increase in hours for both three and four year old kindergarten programs along with the State Government policy to provide free kindergarten to families by funding services for the full cost of delivery, has seen a significant increase in the demand for sessional, stand-alone preschools for both three and four year old places.
 12. In Nillumbik, this meant that not all families who registered to attend a kindergarten program in 2024 and 2025 at a stand-alone preschool were able to access the kindergarten of their choice.
 13. As the reform rollout continues and program hours increase, the supply of kindergarten places will decrease and the ability for families to access a preschool of their preference is likely to become more challenging.
 14. Given the anticipated supply and demand pressures that will be experienced across Nillumbik within the next 10 years, alongside the feedback received from families and services who have already felt the impact of the reform in accessing preferred places for the 2024 and 2025 kindergarten years, Council's Early Years determined to undertake a review of the existing PoA in 2024.
 15. To prevent bias and ensure transparency when gathering and analysing the data, an external consultant was engaged in October 2024 to lead the review.
 16. The focus of the review was to understand what families and services felt were important factors that should be considered when allocating kindergarten places to children. It was also critical to understand what others CRES programs included in their PoA.
 17. The review process included:
 - A workshop with service providers/representatives and educators
 - An online community survey conducted through Participate Nillumbik
 - Benchmarking of other CRES providers PoA.

12. Officers' reports**CM.018/25 Preschool Registration and Enrolment Scheme Priority of Access review**

Related Council decisions

18. Not applicable

Options

19. Following on from the review of the PoA and allocation process, Council has a number of options to consider:

20. Divest from managing the CRES program and redirect this function to individual service providers:

- Whilst not all Council's take on the function of managing a CRES program, many do because either they are the provider of kindergarten programs and/or they want to ensure fair, equity, consistent and transparent allocation and access to kindergarten places across their LGA area for all children.
- The Department of Education supports and encourages this approach and now provides funding to Councils and other CRES providers who manage a scheme.
- Whilst not a provider of kindergarten programs, Nillumbik Shire Council has historically managed the registration and allocation program to ensure fair, equitable and transparent access to places at the stand-alone preschools and as such, there is the requirement within the Lease and Service Level Agreement that services operating a stand-alone preschool within a Council owned/managed facility must participate and comply with Nillumbik's CRES policy/guidelines (**Attachment 4**).

21. Maintain the current PoA and allocation process:

- The existing PoA and allocation process has been in place for many years with only minor changes having been made in recent years as a direct result of the government's implementation of funded universal three-year-old kindergarten in 2022.
- Feedback about the PoA and allocation process from families has typically been received anecdotally and in response to individual circumstances from a small proportion of families who have been unsuccessful in accessing specific kindergartens that are oversubscribed.
- Council's current PoA (**Attachment 5**) includes DE's mandatory priority that must be applied when allocating places in the first instance, then followed by a range of local priority criteria.
- Feedback from families who have been part of the registration and offer process over the last two years is that proximity to the preschool from the child's place of residence and the connection with the preschool where a sibling has or is already attending the preschool should be considered when allocating places.
- These considerations are not within the current PoA.

22. Implement a new PoA and allocation based on feedback received from community and service providers and benchmarking against other Councils

12. Officers' reports

CM.018/25 Preschool Registration and Enrolment Scheme Priority of Access review

-
- With demand and supply pressures at particular preschools currently increasing, alongside the evidence that this is likely to extend across all preschools in the future as the reforms are gradually implemented over the next 10 years, Council's Early Years team commissioned a review of the PoA and the allocation process.
 - It is important to note that any changes to the PoA or how places are allocated as a result of the review, will NOT change the supply of places at individual preschools or across the Shire; it would only change why and how the places would be allocated. For this reason, it was critical to engage with the community, service providers and other CRES providers to understand what their key considerations and priorities are.
23. It is important to note even with an updated PoA, with the implementation of the Best Start Best Life reforms and the pressure this will place on the capacity within sessional stand-alone services, along with the increase in population, it is unlikely that Nillumbik's CRES will be able to offer a place to all families at their first preference preschool.
24. The key findings of the community and service provider consultation and survey included that:
- a. 3 – 4 year old continuity - Children should be able to attend early childhood education at the same service for both the 3 and 4-year-old funded kindergarten programs. (This priority is included in Nillumbik's current PoA).
 - b. Proximity - Children who live in the Shire (residence) should be able to attend the service that is the closest to their place of residence. (This is not included in Nillumbik's current PoA).
 - c. Sibling loyalty - Having a sibling who previously attended the service in the past two years should allow a younger sibling access to the same preschool. (This is not included in Nillumbik's current PoA).
25. The key findings of the benchmarking exercise with other CRES providers included:
- Some included sibling loyalty – various years of attendance. Some CRES providers do not have a limit of attendance while others might note 2 or 5 years between siblings attending to gain a priority.
 - Some included proximity – varying descriptions as some may have a set distance i.e. within a 3km radius while others just note closest preschool
 - Most included three to four year old continuity –where there is capacity to prioritise those children who have attended the preschool in the previous year.
 - Residents – children who reside in a municipality are generally prioritised over those who reside in a neighbouring LGA.
26. Based on the data and findings of the review, Council's Early Years are in support of making changes to the existing PoA and the allocation process as noted in the report **(Attachment 2)** page 22:

With the above elements in mind, it is recommended that Nillumbik apply a new Scoring / weighted system that accumulates to recognise the following priorities:

12. Officers' reports**CM.018/25 Preschool Registration and Enrolment Scheme Priority of Access review**

- *residents and soon-to-be residents*
- *repeating at the service*
- *allocation to the same preschool where the child attended three-year-old preschool when requested*
- *children's closest service (where they have applied for the closest service)*
- *other contributions to the Shire, such as owning a business or studying or volunteering in the Shire*
- *non-residents that live geographically close (or for whom the Nillumbik preschool is their closest preschool)*
- *consider limiting sibling priority to within two years, and as the demand increases move to within the same year or having the same year as a higher score and within two years a lower score to ensure families with kids in at the same time are prioritised*
- *allowance for some discretion where there are extenuating circumstances for a child, their family or guardians.*

27. The recommendation includes that each of the above priorities will be allocated points that accumulate as the child meets multiple priorities so that children with higher points are allocated positions at their preferred preschool first.

28. Page 25 of Priority of Access Key Findings Report (**Attachment 2**) recommends Option C for implementation as Nillumbik Shire Council's new PoA and allocation process.

Council plans and policies

29. This report directly supports the achievement of the Council Plan 2021-2025 strategy:
- We focus on lifelong learning as a way to support our residents through key life stages.

Access, Equity and Inclusion

30. Council receives funding to administer the registrations on behalf of the 15 stand-alone services within the Shire and as such, Council's CRES PoA needs to meet the requirements outlined in point 5 of this report.
31. CRES providers must also ensure they apply DE's Priority of Access criteria (**Attachment 3**) prior to applying any other locally agreed criteria. This ensures that those most in need of quality early childhood education are placed prior to other members of the community being considered for a place within a funded kindergarten program.

Sustainability implications

32. The review of the PoA supports the ongoing viability of the sessional stand-alone preschool services to meet the requirements of the Kindergarten Funding guide and the needs of the community.

12. Officers' reports

CM.018/25 Preschool Registration and Enrolment Scheme Priority of Access review

33. As the reform rollout continues, Council may be required by DE to undertake further reviews or changes to the PoA and allocation process.

Community engagement

34. The review of the PoA was undertaken with input from a variety of sources including:

- Early years services
- Members of the community
- Educators.

35. Feedback from community was gathered via:

- the kindergarten survey which was hosted on Participate Nillumbik for a 4-week period and received 136 responses.
- an online consultation session facilitated by the consultant where 20 services were invited with representatives from seven services attending the session. One other service who was not able to attend provided feedback via email.
- Regular and ongoing network and discussion meetings with services.

36. This information along with the feedback received from the community during previous preschool allocation processes was all considered when undertaking the review of the current PoA.

37. Details of the community engagement process and the findings are further detailed in the attached Priority of Access Key Findings Report (**Attachment 2**).

38. If Council determines to endorse the recommended changes to the PoA and allocation process, the community and service providers will be advised of these changes via:

- Families who have already registered to attend preschool in 2026 or 2027 will be contacted advising of the changes to the PoA with the opportunity to update their registration in response to the changes.
- Updated PoA documentation will be provided to the services.
- Information sessions about the updated PoA will be held with the enrolment officers of the preschool services.
- Updating the website and policy documentation to reflect the changes to the PoA.

Innovation and continuous improvement

39. The ongoing monitoring and review of the PoA provides the opportunity to undertake continued improvement ensuring we meet the DE Best Start Best Life reforms and the needs of the community.

40. In undertaking a full review and consultation, we were able to have insight into other CRES PoA's ensuring the Nillumbik PoA was consistent with other PoA's and DE requirements.

12. Officers' reports

CM.018/25 Preschool Registration and Enrolment Scheme Priority of Access review

41. With the ongoing roll out of the Best Start Best Life reforms and the anticipated increase in demand for places at sessional stand-alone preschool services, Nillumbik's PoA will need to be reviewed regularly to ensure it meets DE requirements and the changing needs of the community.

Collaboration

42. The Nillumbik early years team work closely with the early years services operating from council owned buildings. Relationships are built through various network sessions and regular Service Level Agreement (SLA) meetings held with the management bodies and educators.
43. These networking and SLA meetings provide a platform for officers to collaborate with the management bodies and educators on a variety of issues including how services can address the Best Start Best Life reforms to meet the needs of the community, educators and the services.
44. The stand-alone sessional preschool services will also use these opportunities to feedback to officers on the current PoA.
45. Officers from the early year's team have regular and ongoing conversation with families who are registering from preschool attendance. Members of the community often use these ongoing conversations to provide feedback to officers on the PoA and services program.
46. The Nillumbik early years team work closely with the early years services operating from council owned buildings. Relationships are built through various network sessions and regular Service Level Agreement (SLA) meetings held with the management bodies and educators.
47. These networking and SLA meetings provide a platform for officers to collaborate with the management bodies and educators on a variety of issues including how services can address the Best Start Best Life reforms to meet the needs of the community, educators and the services.
48. The stand-alone sessional preschool services will also use these opportunities to feedback to officers on the current PoA.
49. Officers from the early year's team have regular and ongoing conversation with families who are registering from preschool attendance. Members of the community often use these ongoing conversations to provide feedback to officers on the PoA and services program.

Budget considerations

50. There are no budget implications in making changes to the existing PoA and allocation process.

Relevant law

51. Not applicable.

12. Officers' reports

CM.018/25 Preschool Registration and Enrolment Scheme Priority of Access review

Regional, state and national plans and policies

- 52. The State Government, Department of Education oversees the Priority of Access for the allocation to funded kindergarten programs within early year's services.
- 53. This Priority of Access criterion (**Attachment 3**) must be used by services and CRES providers, as part of their funding agreements, prior to applying locally agreed criteria when prioritising enrolments.
- 54. The Department of Education along with the Municipal Association of Victoria has developed a Central Registration and Enrolment Scheme guide to provide guidance to organisations administering a CRES.

Conflicts of interest

- 55. 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.018/25 Preschool Registration and Enrolment Scheme Priority of Access
review**

THIS PAGE WAS LEFT INTENTIONALLY BLANK

12. Officers' reports**CM.019/25 Quarterly Risk and Safety Report - December 2024**

Distribution: Public**Manager: Jeremy Livingston, Director Culture and Performance****Summary**

This report provides a summary of Council's Risk and Safety Report for the quarter ending December 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 24 February 2025.

The full confidential Risk and Safety Report for December 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 December 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. Risk & Safety Quarterly Report - December 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

12. Officers' reports

CM.019/25 Quarterly Risk and Safety Report - December 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. 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.
 7. The total number of incidents (294) for the year ending December 2024, was higher compared to the previous year’s (December 2023) corresponding number of 266.
 8. Property incidents at the end of the December 2024 quarter almost doubled in number compared to the same time in the previous year (December 2023). Preliminary analysis does not show any trends with this increase.

All Incidents by Type	Jan - Mar 24	Apr - Jun 24	Jul - Sep 24	Oct - Dec 24	Total Jan - Dec 24	Total Jan - Dec 23
Property	3	4	18	15	40	21
Motor Vehicle	15	16	4	7	42	33
Professional Indemnity	0	1	0	0	1	2

12. Officers' reports

CM.019/25 Quarterly Risk and Safety Report - December 2024

All Incidents by Type	Jan - Mar 24	Apr - Jun 24	Jul - Sep 24	Oct - Dec 24	Total Jan - Dec 24	Total Jan - Dec 23
Public Liability	46	24	28	4	102	117
Occupational Health & Safety	16	24	33	36	109	93
Total All Incidents	80	69	83	62	294	266

9. The following table summarises all incidents by directorate.

Incidents by Directorate	Jan - Mar 24	Apr - Jun 24	Jul - Sep 24	Oct - Dec 24	Total Jan - Dec 24	Total Jan - Dec 23
Culture & Performance	10	7	7	8	32	19
Governance, Communications & Community Safety	8	7	13	13	41	10
Planning, Environment & Strategy	1	2	10	0	13	18
Communities	6	10	12	4	32	27
Operations	55	43	41	35	176	192
Total	80	69	83	60	294	266

10. A high proportion of reported incidents during the December 2024 quarter are generated within the normal course of business in the Operations directorate (60%), and represents an increase compared to the previous quarter (49%).

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

12. Officers' reports

CM.019/25 Quarterly Risk and Safety Report - December 2024

- 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. As reported earlier, there were 15 property incidents reported during the December 2024 quarter, and 40 for the year ending December 2024. No trends have been identified with respect to this reported increase, and the increase has not resulted in a significant increase in property related 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 seven motor vehicle incidents during the December 2024 quarter, and two new motor vehicle insurance claims were lodged with Council's insurer. For the second consecutive quarter, motor vehicle incidents have significantly reduced.
 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. One new professional indemnity claim was received 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. There were 5 public liability incidents reported during the December 2024 quarter and 103 for the year ending December 2024. This quarter experienced a significant reduction in such incidents.
 21. Of the five reported incidents, two related to slip, trip or fall. (Note that the *Road Management Act 2004* threshold is currently \$1,640 for 2024-2025).
 22. Council's four major leisure facilities recorded 110 incidents. Predominate injuries were bruising and sprains/strains.
 23. Occupational health and safety incidents during the quarter (36) were noted being safety matters reported as incidents, hazards and near misses. Typical incidents are animal or inspect related, verbal abuse and harassment, and slip trips and falls. These incidents are managed through the Occupational Health & Safety Management System.
 24. There were also 15 more OHS incidents reported for the year end December 2024 compared to year end December 2023. This increase is being monitored.
 25. Incident costs, including under excess claim costs and insurance excesses, are managed within existing budgets. Where appropriate, insurance claims were made, repairs undertaken and matters reported to the Police.

12. Officers' reports

CM.019/25 Quarterly Risk and Safety Report - December 2024

Related Council decisions

26. 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.
27. 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

28. 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

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

Sustainability implications

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

Community engagement

32. Not applicable.

Innovation and continuous improvement

33. 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

34. Not applicable.

Budget considerations

35. 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

36. Not applicable.

12. Officers' reports

CM.019/25 Quarterly Risk and Safety Report - December 2024

Regional, state and national plans and policies

37. Not applicable.

Conflicts of interest

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

12. Officers' reports**CM.020/25 Audit and Risk Committee Meeting February 2025**

Distribution: Public**Manager: Melika Sukunda, Acting Chief Operating Officer****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 25 June 2024 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 24 February 2025. 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 24 February 2025 (**Attachment 1**).

Attachments

- 1  24 February 2025 Audit Committee 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 18 November 2024 have been adopted by the Committee, and will be presented at its next meeting.
3. The items considered by the ARC were:
 - Draft 2024/2025 VAGO Audit Strategy
 - Tree Management Internal Audit Report
 - Cybersecurity Dashboard and the Essential 8 update
 - Stock-take of internet facing technology assets
 - Risk and Safety report
 - December Quarter Financial Report.
4. A condolence motion was recorded in recognition of the passing of Craig Commane (Risk and Safety Lead) and the dedication and tenacity he demonstrated during his tenure.
5. The next ARC meeting is scheduled to take place on Monday 2 June 2025.

Related Council decisions

6. As resolved at the 25 June 2024 Ordinary Council Meeting, the minutes of an ARC meeting are to be reported and presented to a subsequent Council Meeting.

12. Officers' reports

CM.020/25 Audit and Risk Committee Meeting February 2025

Options

7. 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.
8. The ARC meets four times a year. The Internal Auditor, CEO and Chief Operating 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

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

Access, Equity and Inclusion

10. Where applicable, the Committee considers Gender Access, Equity and Inclusion.

Sustainability implications

11. 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

12. Not applicable.

Innovation and continuous improvement

13. Not applicable.

Collaboration

14. The ARC meeting on 24 February 2025 was attended by the VAGO appointed external auditor from HLB Mann Judd, internal auditors from Pitcher Partners, as well as the three independent members, the CEO and Acting COO. The Councillor members, Mayor Cr John Dumaresq and Deputy Mayor Naomi Joiner also attended.

Budget considerations

15. The associated costs are contained within Council's 2024-2025 Budget.

Relevant law

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

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.021/25 Draft Budget 2025-2026

Distribution: Public

Manager: Melika Sukunda, Acting Chief Operating Officer

Author: Robert Malignaggi, Acting Manager Finance, Assets and Procurement

Summary

This report presents the draft Budget 2025-2026 for Council approval prior to exhibition for public consultation. The Budget provides resources for the ongoing delivery of Council services, delivery of Council Plan actions and for the development and maintenance of infrastructure throughout the Shire.

The draft Budget proposes a 3.00 percent increase to rates levied and an increase of 3.27 percent to the waste management standard charge.

A range of capital works projects have been identified through planning and community consultation. The draft Budget also provides significant resources to maintain and develop existing infrastructure.

The Strategic Resource Plan has also been prepared for the next ten financial years.

Recommendation

That Council:

1. Adopts the draft Budget 2025-2026 (**Attachment 1**) for the purposes of section 94 of the *Local Government Act 2020*.
2. Authorises the Chief Executive Officer to give public notice in accordance section 96 of the *Local Government Act 2020* of Council's intention to adopt, at a Council Meeting proposed to be held at 7:00 pm on 27 May 2025, the Budget 2025-2026.
3. Notes that any person who makes a written submission in relation to the draft Budget 2025-2026 and requests to be heard in support of the written submission, be heard at the Planning and Consultation Committee meeting on Tuesday 13 May 2025.
4. Authorises the Chief Executive Officer to undertake any and all administrative procedures necessary to enable Council to carry out its functions under sections 94 and 96 of the *Local Government Act 2020*.

Attachments

1.  Draft Budget 2025-2026

Discussion

1. Council is required by the *Local Government Act 2020* to prepare a Budget for each financial year.
2. Adoption of the Budget is an important policy decision by Council in terms of resource allocation for services and projects in the coming year.

12. Officers' reports

CM.021/25 Draft Budget 2025-2026

3. The draft Budget has been prepared for the purposes of public exhibition in accordance with statutory requirements.

Draft Budget 2025-2026

4. The major features of the draft Budget are summarised below and in **Attachment 1**.

Property rates and charges

5. The draft Budget proposes a 3.00 percent increase in property rates, in compliance with and as set by the Minister under the Fair Go Rates System.
6. The waste management standard charge is proposed to be increased by 3.27 percent, which is largely driven by an increase in the disposal costs in recycling and general waste as well as increases to the landfill levy.

Other fees and charges revenue

7. Other fees and charges have been adjusted to reflect cost increases, regulatory requirements and market considerations.

Operating expenditure

8. Recurrent operating budgets for Council services have been budgeted to reflect changes in unit costs, including inflationary impacts and contract prices.

Major initiatives

9. The draft Budget provides resources through major initiatives for delivery of Council plan action items including policy development, implementation and service improvements.
10. A full list of major initiatives is provided in the draft Budget document.

Capital works

11. The draft Budget includes \$21.46 million of capital works projects, of which \$5.34 million will be funded by external grants.

Loan Borrowings

12. New loan borrowings up to \$2.1 million are proposed in 2025-2026.

Related Council decisions

13. Council endorsed the 2024-2025 Budget at the May 2024 Council meeting. Adoption of the 2025-2025 Budget is anticipated to be tabled at the 27 May 2025 Council Meeting for Council consideration.

Options

14. Adoption the draft Budget for the purposes of sections 94 and 96 of the *Local Government Act 2020*.

Related Council decisions

15. Not Applicable.

Options

16. Not Applicable.

12. Officers' reports

CM.021/25 Draft Budget 2025-2026

Council plans and policies

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

- We continue to exercise sustainable and responsible financial management.

Access, Equity and Inclusion

18. A Gender Impact Assessment has been conducted and Gender Responsive Budgeting included within the guidelines throughout the budget development process.

Sustainability implications

19. The Strategic Resource Plan provides a ten year forecast of Council's finances, using projections of expenditure and revenue which are based on a series of assumptions. This information is then used to assess Council's long-term financial sustainability.

20. Council's financial sustainability is informed by the indicators set by the Victorian Auditor General's Office (VAGO).

21. These indicators comprise of both short term and longer term measures. The indicators are calculated and considered as part of the budget process.

Community engagement

22. Public exhibition will be for 28 days, and the draft Budget will be available for inspection at the Civic Centre and on Council's website.

23. Public submissions in relation to the draft Budget will be considered at the Planning and Consultation Committee meeting on 13 May 2025.

24. The Budget will then be presented for adoption at the Council Meeting on 27 May 2025.

Innovation and continuous improvement

25. Continuous improvement and innovation opportunities identified have been considered.

Collaboration

26. The drafting of budget is conducted in consultation with managers and Executive Leadership Team.

Budget considerations

27. The costs of preparing and exhibiting the Budget, such as public notices, are funded from operating budget allocations.

Relevant law

28. *Local Government Act 2020*, sections 94 and 96.

29. The budget and financial statements are prepared reflective of the overall compliance with the Australian Accounting Standards.

Regional, state and national plans and policies

30. Not applicable.

12. Officers' reports

CM.021/25 Draft Budget 2025-2026

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.022/25 Proposal to rename a section of Duffs Road, Panton Hill to Welton View****Distribution: Public****Manager: Blaga Naumoski, Director Governance, Communications and Community Safety****Author: Natalie Campion, Coordinator Property****Summary**

Council has received a request from a resident in Panton Hill to rename a section of Duffs Road. Duffs Road is split into two separate sections with no connecting access between them, yet both sections of the road share the same name.

The resident is proposing to rename the section of Duffs Road off Goldmans Road end to 'Welton View' in honour of Mrs Welton and their relevant family history and association to the area since the 1950s.




This report is seeking endorsement to commence a public consultation process on the proposed name 'Welton View' for a section of Duffs Road, Panton Hill as required under section 7 of the Naming Rules for Places in Victoria – 2022 (Naming Rules) and Council's Community Engagement Policy.

Recommendation**That Council:**

1. Endorses the commencement of the public consultation process as outlined in **Attachment 1** on the proposed renaming of a section of Duffs Road, Panton Hill to Welton View as shown on the plan in **Attachment 2 and 3** as required under Section 7 of the Naming Rules for Places in Victoria – 2022 (Naming Rules) and Council's Community Engagement Policy.
2. Requests all residents and businesses abutting Duffs Road, Panton Hill be formally advised of the proposal to rename a section of Duffs Road, Panton Hill to Welton View.
3. Invites public submissions on the naming proposal between 27 March and 27 April 2025.
4. Notes that public submissions will be considered at the Planning and Consultation Committee meeting to be held on 13 May 2025.
5. Notes that any person who requests to make a verbal submission in relation to the road renaming proposal be heard at the 13 May 2025 Planning and Consultation Committee meeting.

12. Officers' reports**CM.022/25 Proposal to rename a section of Duffs Road, Pantan Hill to Welton View**

Attachments

- 1  Community Engagement Process
- 2  Plan of Road Renaming - Duffs Road, Pantan Hill
- 3  Vicmap Plan - Duffs Road Pantan Hill

Discussion

1. Council received an enquiry from a resident of Goldmans Road, Pantan Hill to rename a section of Duffs Road, Pantan Hill to Welton View in July 2023 as shown in **Attachment 2 and Attachment 3**.
2. The road renaming request is due to the fact that Duffs Road, which is a Government Road is split into two sections with no road access through the middle section, yet both sections of the Road are called "Duffs Road".
3. The land in between both sections of Duffs Road was deemed to be Unused Road and is currently licensed by Department of Energy, Environment and Climate Action (DEECA) to the adjoining landowner of 210 Goldmans Road, Pantan Hill. The Unused Road forms part of 210 Goldmans Road paddocks, and is steep terrain with part of a trail running through it.
4. A Government Road is road reserve laid out on Crown land, represented for practical purposes by DEECA. All Government Roads are public highways at common law. Duffs Road is a road for the purposes of the *Road Management Act 2004*.
5. Geographic Names Victoria (GNV) has confirmed the road name as it stands is non-compliant with the 'Naming rules for places in Victoria (Naming Rules)' and does present a risk to public safety. GNV has agreed that this section of road should be renamed to prevent confusion especially for emergency services.
6. The enquirer has advised that in the 8 years they have lived there, multiple vehicles have been lost and looking for the other side of Duffs Road which can only be accessed via Halley Road. The landowner of 145 Duffs Road has also supported this road renaming request for the same reasons.
7. There is a track between both ends of Duffs Road and many vehicles have driven down the track into the paddocks and become bogged, requiring a tow truck.
8. As there is only one house addressed at Duffs Road off Goldmans Road end, known as 145 Duffs Road, Pantan Hill, the enquirer is proposing to rename this section of Duffs Road after their neighbours at 145 Duffs Road by naming it 'Welton View'.
9. The name 'Welton View' has been proposed as the Welton family have lived off Duffs Road since the 1950s.
10. The name is in honour of Mrs Welton and their relevant family history and association to the area.

12. Officers' reports

CM.022/25 Proposal to rename a section of Duffs Road, Panton Hill to Welton View

11. Council officers were initially advised by GNV that the name 'Welton' did not meet the GNV naming requirements as:
 - a) it was too similar to another two names in close proximity being Wilton Vale Road 12.6km away and Wilton Court 14.8km away; and
 - b) if the person to be commemorated is less than two years deceased then an exemption request should be raised, should Council want to pursue the name.
12. Council officers considered Mrs Welton's first name but on VicNames Register there was a duplication of this name in close proximity.
13. The enquirer was provided with some further name suggestions by Council officers, however as the enquirer was still wishing to proceed with the name 'Welton View' they wrote to GNV seeking an exemption and in principle support for the name 'Welton'.
14. GNV discussed the matter with Council Officers in December 2024 and GNV agreed that they would provide 'in principal support' for the proposed name given the low risk and they confirmed this in writing to the enquirer.
15. The Naming Rules, Principle I, states that commemorative names can only be assigned once a person is deceased, so in this instance the name would be in commemoration of Mrs Welton who passed away but also in the longer term in commemoration of the Welton family history in the area.
16. The proposed renaming of part of Duffs Road is still subject to Council undertaking the necessary process as outlined in the Naming Rules including community consultation and making a final decision on the proposed name before submitting it to GNV for approval.
17. Mr Welton has confirmed in writing to Council that he supports the renaming of the stretch of Duffs Road on which he lives and has no objection to this part being named Welton View in honour of his wife and family.

Related Council decisions

18. Not applicable.

Options

19. That Council undertake a public consultation process on the proposed name as required under section 7 of the Naming rules for places in Victoria – 2022 (Naming Rules) and Council's Community Engagement Policy.

Council plans and policies

20. 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

21. The Naming Rules include Principle G - Gender equality, which states 'Gender equality in the naming of roads, features and localities is encouraged. When developing a naming proposal consideration should be given to gender equality'.
22. Proposed names must conform to the Principles in the Naming Rules.

12. Officers' reports

CM.022/25 Proposal to rename a section of Duffs Road, Panton Hill to Welton View

Sustainability implications

23. Not applicable.

Community engagement

- 24. Council must undertake a public consultation process on the proposed road renaming as required under section 7 of the Naming rules for places in Victoria – 2022 (Naming Rules).
- 25. This is a key component in the process of naming roads, features and localities. Naming authorities typically consult the public on any naming proposal and must comply with the minimum requirements under Section 7.1, where relevant.
- 26. Section 7.1 of the Naming Rules include that consultation with the immediate and/or extended community must be a minimum of 30 days, though may be longer.
- 27. The community consultation process as outlined in **Attachment 1** to seek the views of the Nillumbik community and other relevant stakeholders on the proposed road renaming complies with the Naming Rules and Council's Community Engagement Policy.

Innovation and continuous improvement

- 28. The Naming Rules - Statutory requirements for naming roads, features and localities, was reviewed and updated to fulfil Geographic Names Victoria's requirement under the *Geographic Place Names Act 1998* section 6 to review the 'guidelines' once every five years.
- 29. The Naming Rules were developed following consultation with municipal councils, government departments and emergency response and public service providers.
- 30. The Naming Rules support commemorative naming of places after women.
- 31. Council as a statutory naming authority must comply with the Naming Rules, which includes naming principles.

Collaboration

- 32. Internal consultation has occurred with Governance, Social Planning and Equity, Rates, Assets, Development and Assets, Traffic Management, Community Safety, Capital Works and Infrastructure and Spatial IT Business Analyst on the proposed name 'Welton View' and all relevant departments supported the renaming of a section of Duffs Road, Panton Hill to Welton View.

Budget considerations

- 33. All costs associated with the naming proposal and community consultation process have been accounted for in the Governance and Property Department operational budget.
- 34. If Council resolves to rename a section of the road and the name is approved by GNV, the street signage will be paid through the capital budget for signage upgrades at a later date.

12. Officers' reports

CM.022/25 Proposal to rename a section of Duffs Road, Panton Hill to Welton View

Relevant law

- 35. The Naming rules for places in Victoria 2022, statutory requirements for naming roads, features and localities are commonly referred to as the Naming Rules.
- 36. The Naming Rules uphold the guidelines in the *Geographic Place Names Act 1998*. They are mandatory for naming authorities in Victoria.

Regional, state and national plans and policies

- 37. Not applicable.

Conflicts of interest

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

12. Officers' reports

CM.022/25 Proposal to rename a section of Duffs Road, Panton Hill to Welton View

THIS PAGE WAS LEFT INTENTIONALLY BLANK

12. Officers' reports

CM.023/25 Jayson Avenue Special Charge Scheme, Eltham

Distribution: Public

Manager: Melika Sukunda, Acting Chief Operating Officer

Author: Amanda James, Infrastructure Design Coordinator

Summary

On 24 November 2022, Council received a petition by property owners to seal Jayson Avenue, Eltham.

The results of an initial questionnaire to all affected property owners confirmed sufficient support to proceed with further investigation into a Special Charge Scheme to seal Jayson Avenue.

On 31 July 2024, a formal questionnaire, including cost apportionment details, was sent to property owners to determine the level support for a Special Charge Scheme to seal Jayson Avenue. The level of support was 62.5 percent (5 of the 8 property owners).

As the level of support for the Scheme is over the required 60 percent threshold as outlined in Council's Special Rates and Special Charges Policy and Guidelines 2024, it is recommended that the scheme development process proceeds and Council invites affected property owners for nominations to join a task group to provide input to the design.

Recommendation

That Council:

1. Proceeds with the development of a Special Charge Scheme for the sealing of Jayson Avenue, Eltham.
2. Requests Council officers to notify affected property owners of Council's decision and invite nominations to join a task group to provide input to the design.

Attachments

- 1  Jayson Avenue Scheme Area

12. Officers' reports

CM.023/25 Jayson Avenue Special Charge Scheme, Eltham

Discussion

1. On 24 November 2022, Council received a petition signed by property owners in Jayson Avenue, Eltham requesting that Council investigate sealing of Jayson Avenue.
2. Initial questionnaires were sent to all property owners in Jayson Avenue on 3 March 2023 to establish the level of support to seal the road via a Special Charge Scheme.
3. The results of the initial questionnaire demonstrated a sufficient level of support to proceed with further investigation of the Scheme (refer table below).

	Construction	No Change	Abstained	Total
Votes	7	0	1	8
Percentage	87.5%	0%	12.5%	100%

4. Council officers conducted an information session with property owners on 29 February 2024.
5. A concept design and cost estimate have been prepared for the sealing of Jayson Avenue, including associated drainage and vehicle crossover improvements. The estimated cost of the Scheme is between \$328,000 and \$394,000.
6. On 31 July 2024, a formal questionnaire and cost apportionment were sent to all property owners of Jayson Avenue to ascertain their level of support. A meeting was held with four of the property owners on 20 August 2024 to provide additional information.
7. The results of the formal questionnaire are shown in the table below.

	Construction	No Change	Abstained	Total
Votes	5	1	2	8
Percentage	62.5%	12.5%	25%	100%

8. As the level of support is above the 60 percent threshold, it is recommended that the development process proceeds and Council invite nominations from affected property owners to join a task group to provide input to the design.

Related Council decisions

9. Not applicable.

Options

10. The options available to Council are:
 - Proceed with the development of the Scheme, as per the recommendations of this report and reflective of the consultation undertaken with property owners.
 - Abandon further investigation of the Scheme, which is not recommended and not consistent with Council's Special Rate and Special Charges Policy and Guidelines.

12. Officers' reports

CM.023/25 Jayson Avenue Special Charge Scheme, Eltham

Council plans and policies

11. This report directly supports the achievement of the Council Plan 2021-2025 strategy:
- We continue to deliver on our road management responsibilities; working to enhance infrastructure that aligns with the character of the neighbourhood.

Access, Equity and Inclusion

12. Not applicable.

Sustainability implications

13. Council is committed to using environmentally sustainable materials where available and appropriate.

Community engagement

14. Consultation has been undertaken in accordance with Council's Special Rate and Special Charge Policy and Guidelines (June 2024).

Innovation and continuous improvement

15. Not applicable.

Collaboration

16. Not applicable.

Budget considerations

17. All costs associated with the investigation and design of the Scheme are currently accommodated within existing budgets.
18. Upon any future declaration of the Scheme, all external costs associated with the investigation, design and construction of the Scheme (before and after declaration) will be met by abutting property owners.
19. Council will be liable for the contribution for the abutting Crown land, which is currently estimated between \$57,834 and \$69,401.

Relevant law

20. Section 163 and other relevant sections of the *Local Government Act 1989*.

Regional, state and national plans and policies

21. Not applicable.

Conflicts of interest

22. 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.023/25 Jayson Avenue Special Charge Scheme, Eltham

THIS PAGE WAS LEFT INTENTIONALLY BLANK

12. Officers' reports**CM.024/25 Astons Road, Yarrambat - Proposed Special Charge Scheme**

Distribution: Public**Manager: Melika Sukunda, Acting Chief Operating Officer****Author: Steven Blight, Manager Capital and Infrastructure****Summary**

Council received a petition on 14 November 2019 from property owners on Astons Road between De Fredericks Lane and Milthorpe Road in Yarrambat, requesting the road to be sealed. The results of an initial questionnaire sent to property owners on 25 February 2020 confirmed sufficient support to proceed with investigation into a Special Charge Scheme (SCS) for this section of Astons Road.

As the proposed road length to be sealed under a SCS exceeded 1 km, it could be considered without connecting to a sealed road, in line with the SCS policy.

At an information session held with property owners on 10 November 2022, property owners voiced their interest in extending the scheme to Bannons Lane or along part of Milthorpe Road to Broad Gully Road to connect with an existing sealed road. The results of an initial questionnaire sent to property owners in the extended sections on 16 March 2023 showed less than 60 percent support in each section and therefore the Scheme was not extended.

On 26 August 2024, a formal questionnaire and cost apportionment were sent to property owners to determine their support for sealing Astons Road between De Fredericks Lane and Milthorpe Road. The level of support for the Special Charge Scheme was 52 percent (11 out of 21 property owners).

The level of support is below the required 60 percent threshold as required by Council's Special Rate and Special Charge Policy and Guidelines (June 2024). Therefore, it is recommended that Council abandon the proposed Scheme for Astons Road, between De Fredericks Lane and Milthorpe Road and place any further investigation of the Scheme on a three year moratorium.

Recommendation**That Council:**

1. Abandons further investigations into the Special Charge Scheme for Astons Road between De Fredericks Lane and Milthorpe Road in Yarrambat.
2. Places any further investigations into a Special Charge Scheme for Astons Road between De Fredericks Lane and Milthorpe Road on a three year moratorium, commencing 25 March 2025.
3. Notes that Officers will advise affected property owners of Council's resolution.

Attachments

1.  Astons Road Special Charge Scheme Area

12. Officers' reports

CM.024/25 Astons Road, Yarrambat - Proposed Special Charge Scheme

Discussion

1. On 14 November 2019, Council received a petition from property owners on Astons Road between De Fredericks Lane and Milthorpe Road in Yarrambat to seal the road through a Special Charge Scheme.
2. Initial questionnaires were sent to all property owners on Astons Road between De Fredericks Lane and Milthorpe Road on 25 February 2020 to establish the level of support to seal the road via a Special Charge Scheme.
3. The questionnaire result demonstrated a sufficient level of support (65%) to proceed with further investigation of the Scheme (refer table below).

	Construction	No Change	Total
Votes	13	7	20
Percentage	65%	35%	100%

4. Council officers held an information session with property owners on 10 November 2022. Property owners showed interest in extending the scheme to either Bannons Lane (via Astons Road) or Broad Gully Road (via Milthorpe Road) to connect with an existing sealed road.
5. Council sent initial questionnaires to property owners in the section of Astons Road between Bannons Lane and De Fredericks Lane, and in the section of Milthorpe Road between Astons Road and Broad Gully Road on 16 March 2023. Council received less than 60 percent support for each of these sections and therefore the Scheme was not extended.
6. The section of Astons Road between De Fredericks Land and Milthorpe Road is approximately 1.3km in length and does not connect to an existing sealed road. Council's Special Rate and Special Charge Policy and Guidelines (June 2024) allows for a Scheme in excess of 1km in length to proceed without the need to connect to an existing sealed road.
7. On 26 August 2024 a formal questionnaire and cost apportionment were sent to all affected property owners along Astons Road between De Fredericks Lane and Milthorpe Road (refer **Attachment 1** for Scheme Area) to ascertain the level of support.
8. The results of the formal questionnaire are shown in the table below.

	Construction	No Change	Total
Votes	11	10	21
Percentage	52%	48%	100%

9. As the level of support (52%) for the Scheme is below the 60 percent threshold in Council's policy, it is recommended that the Scheme be abandoned and put on a three year moratorium.

12. Officers' reports

CM.024/25 Astons Road, Yarrambat - Proposed Special Charge Scheme

Related Council decisions

10. Not applicable.

Options

11. The options available to Council are:

- Abandon further investigation into a Special Charge Scheme reflective of the responses provided and as recommended in this report.
- Proceed with development of the Scheme. This is not recommended due to the low level of property owner support and that it does not meet the minimum support levels as required by Council's Special Rate and Special Charge Policy and Guidelines (June 2024).

Council plans and policies

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

- We continue to deliver on our road management responsibilities; working to enhance infrastructure that aligns with the character of the neighbourhood.

Sustainability implications

13. Council is committed to using environmentally sustainable materials in road construction projects where available and appropriate.

Community engagement

14. Consultation was initially undertaken in accordance with Council's Special Charge Schemes for Road and Drainage Works Policy & Guidelines (August 2018) and later in accordance with Council's Special Rate and Special Charge Policy and Guidelines (June 2024).

Budget considerations

15. All internal costs associated with the investigation of the Scheme are accommodated within existing operational budgets.

16. All external costs would be borne by the abutting property owners if the Scheme proceeded.

Relevant law

17. The 'Special Charge Scheme' legislation under Section 163 of the *Local Government Act 1989* enables a Council to recover the cost of works from abutting property owners where the works will be of special benefit to them.

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 of this report.

12. Officers' reports

CM.024/25 Astons Road, Yarrambat - Proposed Special Charge Scheme

THIS PAGE WAS LEFT INTENTIONALLY BLANK

12. Officers' reports

CM.025/25 Bouchiers Road Special Charge Scheme, Kangaroo Ground - Declaration

Distribution: Public

Manager: Melika Sukunda, Acting Chief Operating Officer

Author: Steven Blight, Manager Capital and Infrastructure

Summary

Council resolved on 25 June 2024 (Item CM.059/24) to give public notice of its Intention to Declare a Special Charge Scheme for the sealing of Bouchiers Road, Kangaroo Ground. The submissions received in response to the public notice indicated that six abutting property owners supported the Scheme and four abutting property owners objected.

On 27 August 2024 (Item CM.093/24) Council noted the submissions considered at the Planning and Consultation Committee on 13 August 2024 and resolved to defer any decision in relation to the Scheme to a future Council Meeting. The decision was deferred to enable Council officers to obtain legal advice and undertake additional assessments, particularly in relation to the cost apportionment and the change of address of one of the properties.

The estimated cost of the Scheme is \$430,000. Council is responsible for the liability for a Council reserve and a crown land property, with the remaining cost apportioned between ten rural residential properties.

Council advised property owners in June 2024 that Council's contribution would be \$57,252.15 to the Scheme. Following a review of one property's classification and updated traffic counts from January 2025, Council's liability has been revised upwards to \$86,775.14. This accounts for the higher than anticipated use of the crown land and river during the summer holiday period.

This report recommends that Council declares the Bouchiers Road Special Charge Scheme, Kangaroo Ground and levies the special charge.

Recommendation




That Council:

1. Notes that property owners abutting Bouchiers Road have provided various submissions and feedback since July 2024 in response to Council's Intention to Declare and that six of ten property owners support the Scheme.
2. Notes that Council officers have obtained legal advice and undertaken additional assessments, and that traffic counts undertaken in January 2025 support revision of the cost apportionment for the Scheme to increase Council's funding contribution.
3. Declares a special charge under Section 163(1) of the *Local Government Act 1989* for the purposes of defraying the expenses to be incurred by Council for road construction works in Bouchiers Road, Kangaroo Ground.
4. Bases the declaration on the following key matters:
 - a) The Special Charge Scheme shall apply to the properties at 15, 35, 40, 60, 80, 85, 95, 100 and 105 Bouchiers Road and 185 Menzies Road, Kangaroo Ground, as shown in **Attachment 1**.

12. Officers' reports**CM.025/25 Bouchiers Road Special Charge Scheme, Kangaroo Ground - Declaration**

-
- b) The estimated total project cost is \$430,000 with a benefit ratio of 0.7982. The total amount to be levied under the Scheme based on Council's Special Rate and Special Charge Policy and Guidelines (June 2024) is \$343,224.86. Council will contribute \$86,775.14 for the Crown Land at 110 Bouchiers Road and Council reserve at 120 Bouchiers Road.
 - c) The total estimated cost to each property is shown in **Attachment 2** and may be paid as a lump sum within the 30 days of invoice or by quarterly instalments over a 10 year period with interest.
 - d) The Scheme shall remain in force for 10 years
5. Levies the special charge to each person liable to pay it by giving notice under Section 163(4) of the *Local Government Act 1989*.

Attachments

1.  Properties in Bouchiers Road Special Charge Scheme
2.  Cost Apportionment March 2025
3.  Submission and Feedback Summary

Discussion

1. Council resolved its Intention to Declare the Bouchiers Road Special Charge Scheme, Kangaroo Ground on 25 June 2024 (Item CM.059/24). The public was advised of the resolution via notice in the *Herald Sun* newspaper on 4 July 2024. A notice of the Intention to Declare was also sent to the property owners with a liability to the Scheme.
2. The estimated cost of the Scheme, which includes road sealing and upgrade of table drains and vehicle crossovers, is \$430,000. The cost is apportioned between ten rural residential properties, one Council Reserve and one Crown Land property. In addition to the Council Reserve, Council is liable under The Act for the financial contribution of the Crown Land property that provides access to the Yarra River.
3. Council received six submissions in response to the notice of the Intention to Declare. Some of the submissions represented the views of multiple property owners. It was apparent that 60 per cent of property owners (six of ten) supported the Scheme.
4. Some of the submissions suggested that Council's contribution at that time of \$57,252.15 should be increased to better reflect the significant use of the Crown Land property and river by the broader community rather than just the residents of Bouchiers Road.
5. During the submission period one of the property owners changed the address of their property from 20 Bouchiers Road to 185 Menzies Road. The property owner's submission advised that the primary access to the property was Menzies Road not Bouchiers Road. Council officers visited the site and confirmed the change of address was reasonable and better reflected the primary access point and frontage of the property.

12. Officers' reports**CM.025/25 Bouchiers Road Special Charge Scheme, Kangaroo Ground - Declaration**

-
6. The change of property address and in turn the revised property assessment under the Special Charge policy altered the cost apportionment for the Scheme, as properties with a side or rear abuttal to the road being sealed are apportioned less than properties assessed as fronting the road.
 7. Council considered the submissions, together with presentations from or on behalf of some of the property owners, at the Planning and Consultation Committee on 13 August 2024 (Item PCC.017/24).
 8. On 27 August 2024 (Item CM.093/24), Council resolved to defer any decisions in relation to the declaration of the Scheme to a future Council Meeting. The decision was deferred to enable Council officers to obtain legal advice and undertake further assessments, particularly in relation to the cost apportionment.
 9. On 5 December 2024 a letter was sent to property owners advising of a revised cost apportionment due to the above change of address. The feedback received from property owners indicated that six of ten property owners maintained their support of the Scheme.
 10. The cost apportionment in the notice of the Intention to Declare was based primarily on the 2018 Special Charge policy. The 2024 Special Charge policy considers the traffic generation of non-residential properties, and provides a more fair and reasonable apportionment of costs in this case.
 11. Traffic counts and inspections undertaken in January 2025 during the summer school holiday period indicated greater use of the river than previously anticipated. It is considered appropriate to assign 3.2 and 0.1 access benefit units to the Crown Land property and Council reserve respectively based on the 2024 Special Charge policy, which increases Council's total liability to \$86,775.14. This consequently reduces the contribution of the ten residential properties to the amounts shown in **Attachment 2**, which are less than the amounts advised at the time of the Intention to Declare.
 12. As there is a new Council in place since the Council meeting where the Intention to Declare decision was made and some current Councillors were not a part of the previous Council, all submissions presented to the previous Council and a recording of the in person presentations have been made available again to all Councillors.
 13. Additional brief summary of the initial submissions and subsequent feedback from property owners and others in relation to the Scheme is provided in **Attachment 3**.
 14. It is recommended that Council declare the special charge because six of ten property owners support the Scheme. Property owners would then be sent notices advising of the declaration and levying the special charge, together with advice on their appeal rights to the Victorian Civil and Administrative Tribunal.

Related Council decisions

15. Council resolved on 26 October 2021 (Item CM.157/21) to proceed with development of a Special Charge Scheme for the sealing of Bouchiers Road.
16. Council resolved on 25 June 2024 (Item CM.059/24) to give public notice of its Intention to Declare a Special Charge Scheme for the sealing of Bouchiers Road.

12. Officers' reports

CM.025/25 Bouchiers Road Special Charge Scheme, Kangaroo Ground - Declaration

17. Council's Planning and Consultation Committee considered six submissions from property owners and other parties on 13 August 2024 (Item PCC.017/24) in response to the Intention to Declare.
18. Council resolved on 27 August 2024 (Item CM.093/24) to defer any decision in relation to the Bouchiers Road Special Charge Scheme to a future Council Meeting.

Options

19. Options available to Council are to:
 - a) Declare the Special Charge Scheme for the sealing of Bouchiers Road, Kangaroo Ground and levy the amounts shown in **Attachment 2**, as per the recommendations of this report.
 - b) Not to declare a Special Charge Scheme for the sealing of Bouchiers Road, Kangaroo Ground, which would not be consistent with the views of the majority of property owners.

Council plans and policies

20. This report directly supports the achievement of the Council Plan 2021-2025 strategy:
 - a) We continue to deliver on our road management responsibilities; working to enhance infrastructure that aligns with the character of the neighbourhood.
21. The scheme is consistent with the policies and objectives of the Nillumbik Planning Scheme, including the protection of neighbourhood character and environment.

Access, Equity and Inclusion

22. Not applicable.

Sustainability implications

23. Council is committed to using environmentally sustainable materials in the construction of the scheme where available and appropriate.

Community engagement

24. Consultation was carried out in accordance with Council's Special Charge Schemes for Road and Drainage Works Policy and Guidelines (August 2018) and Special Rate and Special Charge Policy and Guidelines (June 2024).

Innovation and continuous improvement

25. Not applicable.

Collaboration

26. Not applicable.

Budget considerations

27. All internal costs associated with the scheme's investigation and development are accommodated within Council operational budgets.
28. Council is liable for a contribution of \$86,775.14 for the Scheme.

12. Officers' reports

CM.025/25 Bouchiers Road Special Charge Scheme, Kangaroo Ground - Declaration

Relevant law

29. The authority of Council to declare and levy a special charge is in accordance with Sections 163(1) and 163(4) of the *Local Government Act 1989* (Act) respectively.
30. The right of Council to vary the cost apportionment as part of the declaration is consistent with Section 163(2BA) of the Act, which states:
- “A Council must not make a declaration under subsection (1) which has been altered from the proposed declaration specified in the public notice if the effect of the alteration is to increase the liability of any person to pay the special rate or special charge to be imposed by the proposed declaration unless —*
- a) *the alteration is made in response to a submission or objection received by the Council in response to the proposed declaration; and*
 - b) *the increase in the liability of any person to pay the special rate or special charge does not exceed 10%.”*
31. Should Council decide to declare the Scheme, under Section 185 of The Act, *“A person may apply to VCAT for review of a decision of a Council imposing a special rate or special charge on that person. The person must apply within 30 days after the date of issue of a notice to the person of the special rate or special charge and on the ground...”* as outlined under Section 185 (2) (b) of The Act.

Regional, state and national plans and policies

32. Not applicable.

Conflicts of interest

33. 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.025/25 Bouchiers Road Special Charge Scheme, Kangaroo Ground -
Declaration**

THIS PAGE WAS LEFT INTENTIONALLY BLANK

12. Officers' reports**CM.026/25 Alistair Knox Park - Emergency Rectification Works**

Distribution: Public**Manager: Melika Sukunda, Acting Chief Operating Officer****Author: Steven Blight, Manager Capital and Infrastructure****Summary**

During works on the Alistair Knox Park Changing Places and Universal Design project, small pieces of non-friable asbestos sheeting were encountered during excavation works. As a result and in the interests of public safety, it was necessary to urgently engage a specialist asbestos management consultant and a suitably licenced and experienced contractor to assist in the safe removal of any affected soil on site.

As the site is an old landfill, these works were significant and the resulting costs substantial. This report is to inform Council of these costs and the need to complete the works as soon as possible, outside the requirements of Council's procurement policy.

Recommendation

That Council:

- a) Acknowledges that the asbestos remediation works at Alistair Knox Park were necessary and needed to be acted upon immediately in line with the relevant legislation and in the best interest of public and contractor safety.
- b) Acknowledges the expenditure for the asbestos remediation works required at Alistair Knox Park of \$460,709.04 (GST exclusive).
- c) Acknowledges that the engagement of the contractors in relation to the asbestos remediation works has been reported to Council, in line with Council's procurement responsibilities.

Attachments

Nil

Discussion

1. This report outlines asbestos management works that were undertaken in Alistair Knox Park as a result of the construction of the Changing Places and new amenities and associated works.
2. During works on the Alistair Knox Park Changing Places and Universal Design project, small pieces of non-friable asbestos sheeting were encountered during excavation works.
3. In the interests of community and contractor safety and to ensure compliance with relevant legislation, it was necessary to urgently engage a specialist asbestos management consultant and a suitably licenced and experienced contractor to assist in the safe removal of any affected soil on site.
4. The urgency of the engagement of these specialists meant that Council's normal procurement processes and reporting could not be followed.

12. Officers' reports

CM.026/25 Alistair Knox Park - Emergency Rectification Works

5. This also resulted in additional works undertaken by the appointed landscaping contractor, Regal Innovations Pty Ltd, which were completed outside of their existing contract with Council.
6. Alistair Knox Park is located on an old landfill site that has been closed since 1971. The landfill was capped with imported soils and converted into a public park during the 1970's.
7. A key feature of the new Changing Places and amenities recently constructed at Alistair Knox Park was to make it fully accessible to all, including compliant paths to the facility from the Panther Place Car Park and other surrounding park features.
8. This involved excavating large amounts of soil within the park to ensure the compliant accessibility grades of the proposed paths of 1 in 20 were achieved.
9. Prior to works commencing, initial soil and site history investigations suggested there was a possibility of some level of contamination in the cover soils, however testing did not reveal the presence of asbestos or any other hazardous material.
10. During the excavation for the accessible paths, a small piece of asbestos was identified in the excavated spoil. This triggered a more intensive inspection of all of the excavated material and the excavation site itself.
11. A number of additional small pieces of asbestos sheeting were found. These were solid non-friable pieces and considered to be low risk to the public, but it was necessary to initiate an asbestos management process to ensure the matter was addressed as per the legislation and to ensure the immediate safety of both the public and the project contractors.
12. Specialist asbestos management consultants, Enviro Protect were engaged to help manage the situation. They came with significant experience in working for local government and managing contaminated sites within public open space.
13. A new site specific asbestos management plan was established and the remaining works concluded in line with the practices and procedures outlined in the plan.
14. As part of the management plan, it was necessary to engage a suitably qualified and experienced, licenced asbestos removal company.
15. At this stage the cost and extents of works required was unknown and the urgency and perceived risk to the community and contractors did not allow for the completion of the formal procurement process.
16. It was necessary to remove any immediate risk by removing the existing contaminated excavated soil, including supervision, inspection and removal of all remaining excavation works and subsequent excavated soil from site.
17. Under the guidance of our specialist asbestos management consultant, Precision Environmental Removalists were appointed as they had the resources, experience and licencing to undertake the removal works immediately.
18. As per the legislative requirements, all excavated soil must be removed from site and disposed of in a licenced facility. It cannot be removed and taken to a standard landfill. This is by its nature, an extremely expensive activity.

12. Officers' reports

CM.026/25 Alistair Knox Park - Emergency Rectification Works

19. The final cost of the asbestos remediation works across Enviro Protect Pty Ltd, Precision Environmental Removalist and Regal Innovations was \$460,709.04. (See the breakdown below in Budget Considerations.)
20. While Council's procurement policy does allow for exemptions for emergencies, such as declared emergencies and natural disasters, it is not clear on issues of public safety, so to ensure probity it is necessary to report this engagement and expenditure to Council.
21. Councils Procurement Policy is current undergoing a review and allowances for these type of unknown issues of public safety will be considered for inclusion in the updated version of Councils Procurement Policy.
22. These remediation works are complete and have been paid for by Council.

Related Council decisions

23. Not applicable.

Options

24. Not applicable.

Council plans and policies

25. This report directly supports the achievement of the Council Plan 2021-2025 strategy:
 - We carefully protect, plan, maintain and improve open spaces, streetscapes and places to ensure that they are safe, accessible and enjoyable.
26. Nillumbik Shire Procurement Policy – 1 July 2021 – 30 June 2025

Access, Equity and Inclusion

27. Not applicable.

Sustainability implications

28. Not applicable.

Community engagement

29. The community were kept informed of the issue and works via on-site signage, including QR codes linking back to the project web page and social media posts.

Innovation and continuous improvement

30. Not applicable.

Collaboration

31. Not applicable.

Budget considerations

32. All works are funded through the 2024/25 Capital Works budget.
33. The expenditure amounts for each consultant or contractor is as follows:
 - a) Enviro Project (VIC) Pty Ltd - \$94,931.46
 - b) Precision Environmental Removalists - \$219,538.28

12. Officers' reports

CM.026/25 Alistair Knox Park - Emergency Rectification Works

- c) Regal Innovations - \$146,239.30 (Outside the existing Alistair Knox Park Landscaping contract.)
 - d) TOTAL REMEDIATION COST: \$460,239.30
34. Enviro Protect had previously been granted an initial exemption for \$53,181.46 for the initial engagement, including assessment and management of the occurrence. This report only relates to the subsequent \$41,750 of expenditure.

Relevant law

- 35. Occupational Health and Safety (Asbestos) Regulations 2003
- 36. Occupational Health and Safety Regulations 2017
- 37. *Environment Protection Act 2017*

Regional, state and national plans and policies

- 38. Not applicable.

Conflicts of interest

- 39. 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.027/25 Instrument of Appointment and Authorisation (Planning and Environment Act 1987)

Distribution: Public

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

Author: Katia Croce, 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:

1. 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.
2. The common seal of Council be affixed to the Instrument.
3. 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 

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.

12. Officers' reports

CM.027/25 Instrument of Appointment and Authorisation (Planning and Environment Act 1987)

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 25 February 2025.

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.

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.

12. Officers' reports

CM.027/25 Instrument of Appointment and Authorisation (Planning and Environment Act 1987)

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.027/25 Instrument of Appointment and Authorisation (Planning and Environment Act 1987)

THIS PAGE WAS LEFT INTENTIONALLY BLANK

12. Officers' reports**CM.028/25 Instrument of Delegation to the Chief Executive Officer**

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

Council approved the current Instrument of Delegation of powers, duties and functions to the Chief Executive Officer (CEO) on 26 March 2024.

The *Local Government Act 2020* (the Act) provides for each Council to establish a delegation of power. The Act also requires Council to review the delegation within one year of each general election. This report meets Councils obligations under the Act.

The delegation of powers is considered essential to enable day-to-day decisions to be made to ensure the operations of Council are enacted efficiently and effectively. Delegations are standard practice across all Councils. Delegations should be regularly updated to reflect any legislative changes and or a more appropriate level of accountability.

The review of the Instrument of Delegation to the Chief Executive Officer in this instance does not recommend any changes.

Recommendation

That Council in the exercise of the power conferred by s 11(1)(b) of the *Local Government Act 2020* resolves that:

1. There be delegated to the person holding the position, or acting in or performing the duties, of Chief Executive Officer the powers, duties and functions set out in the attached *Instrument of Delegation to the Chief Executive Officer, (Attachment 1)* subject to the conditions and limitations specified in that Instrument.
2. The instrument comes into force immediately the common seal of Council is affixed to the instrument.
3. On the coming into force of the instrument all previous delegations to the Chief Executive Officer are revoked.
4. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

Attachments

- 1  Instrument of Delegation to the Chief Executive Officer

12. Officers' reports**CM.028/25 Instrument of Delegation to the Chief Executive Officer**

Discussion

1. The Instrument of Delegation to the CEO which flows from section 11(1) is a broad, 'by exception' delegation. This means that Council's powers, duties and functions, under any legislation, are delegated by the Instrument, excepting those matters specifically excluded from delegation by the Instrument.
2. Council subscribes to a service provided by Maddocks lawyers in which recommended delegation updates are provided.
3. The delegation of powers is considered essential to enable day-to-day decisions to be made to ensure the operations of Council are enacted efficiently and effectively. Delegations are standard practice across all Councils. Delegations should be regularly updated to reflect any legislative changes and or a more appropriate level of accountability.
4. The Council is a legal entity composed of its members (ie. the Councillors). Because it is not a "natural person", the Council can act in only one of two ways: by resolution; or through others acting on their behalf.
5. Where the latter is to occur, the authority to act needs to be formalised through written 'Instruments of Delegation'. The Act and other legislation make express provision for the appointment of delegates to act on behalf of the Council.
6. The Act requires that Council review and update the instruments of delegation to the CEO. In turn, the CEO will review and update various Instruments of Delegation by the CEO to other officers.

Related Council decisions

7. The Instrument of Delegation to the Chief Executive Officer was last considered by Council at the 26 March 2024 meeting.
8. The common seal of Council was affixed and signed at the Council Meeting on 26 March 2024.

Options

9. As legislation is amended from time to time, all councils are required to update delegations conferred on various positions within the organisation by Council, to ensure officers are operating and enforcing under the current legislation.
10. The Instrument of Delegation to the Chief Executive Officer (**Attachment 1**) has been reviewed to ensure it remains consistent with current legislation and business practices.
11. The current Instrument of Delegation from Council to the Chief has been in force since 26 March 2024. No change is proposed to the level of delegation provided to the Chief Executive Officer.

Council plans and policies

12. 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.028/25 Instrument of Delegation to the Chief Executive Officer

- We act in the best interests of our community.

Access, Equity and Inclusion

13. The Instrument applies equally to any person undertaking the role of Chief Executive Officer and therefore a Gender Impact Assessment was not undertaken.

Sustainability implications

14. This report seeks to update the current Council to CEO delegation, therefore there would be no change to the existing sustainability impacts.

Community engagement

15. As the delegation to Council staff is an operational matter that allows for staff to undertake their duties, no community engagement was undertaken.

Innovation and continuous improvement

16. Not applicable.

Collaboration

17. Council's Instruments of Delegation have been developed in conjunction with Council's solicitors, Maddocks and satisfies current legislative requirements.

Budget considerations

18. The regular updates of Council's Instruments of Delegation are an administrative function, the cost of which is included within Council's operational budget.

Relevant law

19. Section 11 of the *Local Government Act 2020*, and by various Acts and regulations.
20. Consistent with Council's obligations under the *Local Government Act 2020* and Council's Public Transparency Policy, this instrument will be published on Council's website.

Regional, state and national plans and policies

21. Not applicable

Conflicts of interest

22. 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.028/25 Instrument of Delegation to the Chief Executive Officer

THIS PAGE WAS LEFT INTENTIONALLY BLANK

12. Officers' reports**CM.029/25 Instrument of Delegation from Council to Council staff**

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

Council is empowered under various legislation to undertake duties and functions in accordance with that legislation. To undertake these duties and functions, it is necessary for Council to delegate relevant powers to the administration of the Council.

It is also necessary for Council to delegate some of its other functions to the administration for reasons of efficiency and to prevent Council from having to make many operational decisions at Council meetings.

The *Local Government Act 2020 (the Act)* requires Council to undertake a review within 12 months of a general election.

Directors and Officers have undertaken a review of the existing Instrument of Delegation – Council to Council staff (**Instrument**) provisions in addition to new and amended provisions since it was last presented to Council.



This report requests that Council resolves to adopt the amended Instrument of Delegation (**Attachment 1**) to reflect legislative changes and organisational requirements.

Recommendation

That Council in the exercise of the powers conferred by the legislation referred to in the attached Instrument of Delegation (**Attachment 1**) resolves that:

1. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached Instrument of Delegation to members of Council Staff, the powers, duties and functions set out in that Instrument, subject to the conditions and limitations specified in that Instrument.
2. The Instrument comes into force immediately the common seal of Council is affixed to the Instrument.
3. On the coming into force of the Instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.
4. The duties and functions set out in the Instrument must be performed, and the powers set out in the Instrument must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

Attachments

- 1  Instrument of Delegation - Council to Council Staff
- 2  Summary of the new and changed provisions

12. Officers' reports**CM.029/25 Instrument of Delegation from Council to Council staff**

Discussion

1. The power conferred by the legislation enables Council, by Instrument of Delegation, to delegate to a member of Council staff any power, duty or function of Council under the Act or any other Act, other than certain specified powers.
2. The delegations are necessary to enable the Chief Executive Officer and Council staff to carry out the day-to-day management of Council's operations.
3. Council subscribes to a service provided by Maddocks lawyers in which half-yearly recommended updates to Instruments of Delegations are provided to reflect legislative changes.
4. Officers have amended the Instrument of Delegation (**Attachment 1**) to reflect legislative changes and organisational requirements.
5. **Attachment 2** outlines the new and amended provisions that have been added to the instrument since Council last reviewed and considered an update in March 2024.

Related Council decisions

6. The Instrument of Delegation to Members of Council Staff was last considered by Council at the 26 March 2024 meeting.
7. The common seal of Council was affixed and signed at the Council Meeting on 26 March 2024.

Options

8. Under the Act, one of Council's objectives is to delegate decision-making to appropriate levels within the organisation.
9. The Instrument comprises those delegations which only Council can delegate directly to staff, unlike, other matters which the Chief Executive Officer can sub-delegate to Council staff. They comprise powers, functions and duties that are delegated to positions such as environmental health officers, town planners and other officers authorised under certain legislation.
10. The Instrument covers delegations from Council to Directors, Executive Managers, relevant Managers and staff under a range of legislation including, but not limited to, the:
 - *Domestic Animals Act 1994*
 - *Food Act 1984*
 - *Heritage Act 2017*
 - *Local Government Act 1989*
 - *Planning and Environment Act 1987*
 - *Residential Tenancies Act 1997*
 - *Road Management Act 2004*
 - *Planning and Environment Regulations 2015*
 - *Planning and Environment (Fees) Regulations 2016*

12. Officers' reports

CM.029/25 Instrument of Delegation from Council to Council staff

- *Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020*
 - *Residential Tenancies Regulations 2021*
 - *Road Management (General) Regulations 2016*
 - *Road Management (Works and Infrastructure) Regulations 2015*
11. As legislation is amended from time to time, all councils are required to update delegations conferred on various positions within the organisation by Council, to ensure officers are operating and enforcing under the current legislation.
12. In addition to routinely reviewing delegations, Council is required under section 11(7) of the Act to review all delegations within 12 months after a general election.
13. The Instrument presented as **Attachment 1** satisfies Council's requirements to review the delegation and considers amended and new provisions to the various Acts since Council resolved the current Instrument.
14. It is recommended that Council adopt the Instrument as shown in **Attachment 1**.

Council plans and policies

15. 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 act in the best interests of our community.

Access, Equity and Inclusion

16. The Instrument applies equally to any member of Council staff undertaking the role that is prescribed in the Schedule and therefore an Equity Impact Assessment was not undertaken.

Sustainability implications

17. This report seeks to update the current Council to staff delegations, therefore there would be no change to the existing sustainability impacts.

Community engagement

18. As the delegation to Council staff is an operational matter that allows for staff to undertake their duties, no community engagement was undertaken.

Innovation and continuous improvement

19. Not applicable.

Collaboration

20. Council's Instruments of Delegation have been developed in conjunction with Council's solicitors, Maddocks and satisfies current legislative requirements.

Budget considerations

21. The regular updates of Council's Instruments of Delegation and Authorisation are an administrative function, the cost of which is included in Council's operational budget.

12. Officers' reports

CM.029/25 Instrument of Delegation from Council to Council staff

Relevant law

- 22. Section 11 of the *Local Government Act 2020*.
- 23. As outlined in this report this effects a range of legislation under various Acts and regulations.
- 24. Consistent with Council's obligations under the *Local Government Act 2020* and Council's Public Transparency Policy, this instrument will be published on Council's website.

Regional, state and national plans and policies

- 25. Not applicable.

Conflicts of interest

- 26. 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.030/25 National General Assembly of Local Government 2025 - Call for Motions

Distribution: Public

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

Author: Megan Medhurst, Acting Manager Communications and Engagement

Summary

The Australian Local Government Association (ALGA) National General Assembly (NGA) provides the opportunity for Councils throughout Australia to contribute to the development of national local government policy and receive updates on the major policy issues facing the local government sector.

The 31st NGA will be held in Canberra from 24-27 June 2025, featuring the theme 'National Priorities Need Local Solutions'. The Assembly is a major event and typically attracts more than 600 Mayors, Councillors and senior officers from across Australia.

The NGA is an opportunity for individual councils to identify matters of national relevance to the sector, influence the future direction of their Council and community, and to submit notices of motion to seek support for these matters to be considered by the NGA as national policy.

Motions must be submitted no later than 31 March 2025.

Motions that are carried by the NGA become resolutions, which are then considered by the ALGA Board when setting national local government policy, while also feeding into the Australian Council of Local Government processes. Each of the three motions submitted by Nillumbik at last year's NGA was passed by delegates and became resolutions.

This report seeks endorsement of the Nillumbik Shire Council - Motions (**Attachment 2**) to be put forward to the ALGA NGA in June 2025.

Recommendation

That Council:

1. Adopts the motions to the Australian Local Government Association National General Assembly as outlined in **Attachment 2**, to be held in Canberra from 24 - 27 June 2025.
2. Requests officers to lodge the motions as outlined in **Attachment 2** to the Australian Local Government Association Board by no later than 31 March 2025.

Attachments

1. National General Assembly 2025 Discussion Paper
2. ALGA Motions - June 2025

12. Officers' reports**CM.030/25 National General Assembly of Local Government 2025 - Call for Motions**

Discussion

1. The Australian Local Government Association (ALGA) is the peak body for local governments in Australia and plays a key role in advocating to the Federal Government on a variety of issues of concern to Australia's local government sector.
2. Submitting motions to the ALGA National General Assembly (NGA) is consistent with Council's practice of advocating on behalf of the community.
3. The theme for the 2025 NGA, 'National Priorities Need Local Solutions', highlights the unique role Australia's 537 councils can play in delivering local, place-based solutions that meet the needs of their communities, while addressing broader national priorities.
4. It is important to note that the NGA will focus debate on motions that address how councils can work in partnership with the Australian Government in particular, to meet the current and future needs of local communities.
5. The ALGA Secretariat has prepared a short discussion paper (**Attachment 1**) to assist Councils in identifying motions that address the theme 'National Priorities Need Local Solutions' and to provide guidance to ensure notices of motion address this theme.
6. The discussion paper explores data that identifies critical areas local government needs to consider now and into the future.
7. To be eligible for inclusion in the NGA Business Papers, and subsequent debate on the floor of the NGA, motions must meet the following criteria:
 - Be relevant to the work of local government nationally.
 - Not be focused on a specific jurisdiction, location or region – unless the project or issue has national implications.
 - Be consistent with the themes of the NGA.
 - Complement or build on the policy objectives of the ALGA and your state or territory local government association.
 - Be submitted by a council which is a financial member of their state or territory local government association.
 - Propose a clear action and outcome, ie. call on the Australian Government to act on something.
 - Not be advanced on behalf of external third parties that may seek to use the NGA to apply pressure to Board members, or to gain national political exposure for positions that are not directly relevant to the work of, or in the national interests of, local government.
 - Address issues that will directly improve the capacity of local government to deliver services and infrastructure for the benefit of all Australian communities.
 - Not seek to advance an outcome that would result in a benefit to one group of councils to the detriment of another.

12. Officers' reports

CM.030/25 National General Assembly of Local Government 2025 - Call for Motions

- Be supported by sufficient evidence to support the outcome being sought and demonstrate the relevance and significance of the matter to local government nationally.

Summary of Proposed Themes and Motions

8. The key themes focus on environmental conservation, biodiversity protection, climate resilience, disaster preparedness, and essential infrastructure. Motions are centred around:
- a. increased federal funding to support the recovery of threatened species and ecological communities, as well as for the development of a nationwide biodiversity atlas to standardise data collection and monitoring.
 - b. addressing the urgent need for controlling the spread of feral deer, which are causing environmental and agricultural damage. It proposes additional grant funding and infrastructure investment to implement the National Feral Deer Action Plan, with a potential for making deer control commercially viable.
 - c. calls for dedicated government funding to help local councils adapt infrastructure to better withstand climate-related disasters such as floods, fires, and heatwaves.
 - d. highlighting the need for greater cooperation and financial support to accelerate Australia's transition to net-zero emissions.
 - e. advocating for improved mobile and internet connectivity in disaster-prone areas.
 - f. a proposal for a federal-local government partnership to refurbish and develop vital community infrastructure, such as libraries and aquatic centres, to ensure equitable access for all municipalities.

Related Council decisions

9. Not applicable.

Options

10. The ALGA Board is calling for motions, presenting an opportunity to gain peak local government body support for advocacy to the Federal Government.
11. All notices of motions will be reviewed by the ALGA Board's sub-committee prior to publishing the NGA Business Papers to ensure that they meet the guidelines.
12. Officers are proposing the motions in **Attachment 2** be considered for submission to the ALGA Board.

Council plans and policies

13. 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 partner with state and federal governments to advocate in our community's best interests.

12. Officers' reports

CM.030/25 National General Assembly of Local Government 2025 - Call for Motions

Access, Equity and Inclusion

14. Not applicable.

Sustainability implications

15. The motions to be considered at ALGA NGA will cover a range of matters.
16. The motions being proposed for Nillumbik Shire have the potential to achieve impactful results for the Nillumbik community and broader Australian community.

Community engagement

17. Not applicable.

Innovation and continuous improvement

18. The proposed motions may represent continuous improvement opportunities by pursuing solutions to issues that have been identified as important to local communities.

Collaboration

19. The proposed motions have been prepared after seeking ideas and input from teams across the organisation, Executive Leadership Team and Councillors.

Budget considerations

20. Funds are available within the relevant operating budget to enable councillors to attend conferences and meet costs associated with attendance at the National General Assembly of Local Government.
21. The cost of attendance at the 2025 ALGA National General Assembly in Canberra for delegates including registration, flights and accommodation (minimum three nights) is accommodated through Council's operating budget. Travel is to be undertaken in accordance with the Councillors Expense Policy.

Relevant law

22. Not applicable.

Regional, state and national plans and policies

23. Not applicable.

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.

12. Officers' reports

CM.031/25 Tender Report - Contract 2324-093 Cleaning Services

Distribution: Public

Manager: Melika Sukunda, Acting Chief Operating Officer

Author: Lance Clark, Senior Procurement Specialist

Summary

A collaborative public tender was issued by the following Councils in the Northern Council Alliance (NCA) group of Councils along with Yarra Plenty Regional Library for Cleaning Services.

The organisations involved in the collaborative public tender process are as follows;

- Banyule City Council
- Merri-bek City Council
- Nillumbik Shire Council
- Yarra Plenty Regional Library.

This report recommends the awarding of contract 2324-093 Cleaning Services for Nillumbik Shire Council requirements.

The contract term is for an initial period of 3 years, with a 2 x 1 year and 2 x 1 year options to extend the contract. The total duration of the contract, including the exercise of any options, shall not exceed 7 years.

The Contract commencement date is 1 July 2025.

The services to be provided under this contract to Nillumbik Shire Council is for general and periodic cleaning services across Council occupied buildings, Public Toilets, Public BBQ's, Bus Shelters (Urban and Rural) and 6 key priority sites.

The Collaborative 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 2324-093 for Cleaning Services in respect to Nillumbik Shire Council requirements.

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

12. Officers' reports

CM.031/25 Tender Report - Contract 2324-093 Cleaning Services

Recommendation

That Council:

1. Accepts the tender submitted by the **preferred tenderer** for the schedule of rates disclosed in (**Attachment 1**) and enter into the following contract:
Number: 2324-093
Title: Cleaning Services
Term: 1 July 2025 to 30 June 2028
Options: Term extensions up to 4 years
2. Authorises the Chief Executive Officer to finalise and execute the contract documentation.
3. Authorises the Chief Executive Officer to approve contract term extensions.
4. Authorises the Chief Executive Officer to approve changes to operational requirements throughout the term of the contract and any exercised extensions.
5. Advises all tenderers accordingly.
6. Makes public the decision regarding this contract but the Tender Evaluation Report 2324-093 (**Attachment 1**) and Group Tender Evaluation Report (**Attachment 2**) 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 2324-093 - *CONFIDENTIAL*
2. Attachment 2 - Group Tender Evaluation Report - *CONFIDENTIAL*

Discussion

1. Cleaning Services are a critical component of Councils operational requirements and this new contract replaces a business as usual contract arrangement.
2. Cleaning services are used throughout the Shire to maintain Council occupied sites and public amenities such as public toilets, public BBQ's and bus shelters and are based on programmed routine (day to day) cleaning schedules and times as well as programmed schedules for periodic cleaning requirements.
3. Periodic cleaning services focus on more general quarterly or annual cleaning requirements such as window cleaning, pressure washing, carpet cleaning.

12. Officers' reports**CM.031/25 Tender Report - Contract 2324-093 Cleaning Services**

4. A new addition to the new contract is for routine cleaning services for 6 key priority sites. These are;
 - Eltham Township Vicinity
 - Eltham Library Vicinity
 - Bolton Street Shops Vicinity
 - Chute Street Shops Vicinity
 - Hurstbridge Township Vicinity
 - Research Shops Vicinity.
5. As part of the tender process, schedule of rates were obtained for additional services should they be required based on site or seasonal demand requirements during the term of the contract.

Council plans and policies

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

Tender overview

The Tender Evaluation Panel (TEP) advises that:

7. A public tender was issued and advertised in the Melbourne Age on Saturday 16 November 2024.
8. Tenderers could tender for just 1 of the participating organisations and some services, or could tenderer for all participating organisations and all services.
9. An industry briefing was held virtually on 20 November 2024 and was attended by nominated TEP and Procurement representatives from each of the four participating organisations.
10. The initial period for tender submissions to close was 2pm on Thursday 12 December 2024. Due to requests from the industry, the tender closing date was extended by one week and closed at 2pm on Thursday 19 December 2024.
11. Due to the overall estimated value of the resulting contracts and the complexity of the collaborative tender processes, Arcblue were appointed as the Probit Manager for the project. Arcblue was appointed via a formal competitive request for quote (RFQ) process.
12. Banyule City Council nominated to be the lead Council for the tender and to be responsible for the development of tender documentation and issue of tender and receipt of tendered submissions.
13. Due to capacity issues at Banyule City Council, Nillumbik Shire Council was required to develop the tender documentation and take on the role of Procurement Lead for the collaborative tender process.
14. Nillumbik Shire Council was also the Chair of the tender evaluation panel and process.

12. Officers' reports

CM.031/25 Tender Report - Contract 2324-093 Cleaning Services

- 15. One Hundred and Fifty Five (155) companies accessed the tender documentation.
- 16. There were submissions received from twenty three (23) tenderers.
- 17. The following tenders were received:

TENDERER
Tenderer 1
Tenderer 2
Tenderer 3
Tenderer 4
Tenderer 5
Tenderer 6
Tenderer 7
Tenderer 8 – Preferred Tender
Tenderer 9
Tenderer 10
Tenderer 11
Tenderer 12
Tenderer 13
Tenderer 14
Tenderer 15
Tenderer 16
Tenderer 17
Tenderer 18
Tenderer 19
Tenderer 20
Tenderer 21
Tenderer 22
Tenderer 23

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

12. Officers' reports

CM.031/25 Tender Report - Contract 2324-093 Cleaning Services

- 19. Of the twenty-three (23) received tendered submissions only eleven (11) submissions were shortlisted to proceed to full evaluation stage.
- 20. The following tenders were evaluated as non-conforming or not sufficiently competitive and were subsequently set aside from further evaluation.

TENDERER	Reasons why tender was set aside from further evaluation
Tenderer 2	Only tendered for 1 of the participating organisations and pricing was incomplete. The nominated participating organisation determined not proceed any further with Tendered submission.
Tenderer 5	Only tendered for partial services for 2 of the participating organisations. Due to concerns re the tendered costing for these partial services, both nominated participating organisations determined not proceed any further with Tendered submission.
Tenderer 6	Only tendered for partial services for 1 of the participating organisations and pricing was incomplete. Due to the high costs re the tendered partial services, the nominated participating organisation determined not proceed any further with Tendered submission.
Tenderer 7	Only tendered for partial services for 1 of the participating organisations and pricing was incomplete. The nominated participating organisation determined not proceed any further with Tendered submission
Tenderer 9	Due to missing pricing for a high number of tendered sites and statements by the tenderer as to why no pricing provided, it was determined by all participating organisations to not proceed any further with Tendered submission.
Tenderer 11	Was a Sales pitch from a company and incomplete tendered submission.
Tenderer 12	Was a Sales pitch from a company and incomplete tendered submission.
Tenderer 17	Was one of the overall highest tendered costs and not within possible budgets and was determined by all participating organisations to not proceed any further with Tendered submission.

12. Officers' reports

CM.031/25 Tender Report - Contract 2324-093 Cleaning Services

TENDERER	Reasons why tender was set aside from further evaluation
Tenderer 18	Was one of the overall highest tendered costs and not within possible budgets and was missing some information. It was determined by all participating organisations to not proceed any further with Tendered submission.
Tenderer 20	Only tendered for partial services for 1 of the participating organisations and pricing was incomplete. Due to the high costs re the tendered partial services, the nominated participating organisation determined not proceed any further with Tendered submission.
Tenderer 23	Was one of the overall highest tendered costs and not within possible budgets and was missing some information. It was determined by all participating organisations to not proceed any further with Tendered submission.

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

Criteria	Weighting %
Price	40%
Technical Capability as below <ul style="list-style-type: none"> • Capacity and Capability • Customer Service • Sustainable Procurement 	60%

22. 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.
23. For the purposes of this report, only the participating Tender Evaluation Panel members from Nillumbik and the Probity Manager are provided. The full list of all representatives from each of the participating organisations is provided in Group Tender Evaluation Report 2324-093 (**Attachment 2**).

12. Officers' reports

CM.031/25 Tender Report - Contract 2324-093 Cleaning Services

Position Title	Participating Organisation	Role in Tender Process
Senior Procurement Specialist	Nillumbik Shire Council	Chairperson of Tender Evaluation Panel & Procurement Lead on behalf of participating organisations Non-scoring
Facility Maintenance Contracts and Grants Officer	Nillumbik Shire Council	Technical SME and Scoring Member
Facilities Maintenance Coordinator	Nillumbik Shire Council	Provide specialist support and advice- Non-scoring
Probity Manager	ArcBlue	Provide specialist probity support and advice Non-scoring

24. Each of the participating organisations reserved the right to appoint a single contractor or multiple contractors that best met, the needs of their organisations.
25. The Technical Capability of the shortlisted eleven tenderers, were evaluated as a group by the Technical SME and Scoring Members from each of the participating organisations and agreed on a group technical score for each of the shortlisted tenderers.
26. As each participating organisations required services are different and as such, tendered pricing was different for each participating organisations by each of the shortlisted tenderers.
27. The pricing from each of the eleven shortlisted tenderers was assessed and ranked individually and result was then applied to the agreed overall group technical capability score for each of the eleven shortlisted tenderers.
28. For the purposes of this report, only the final tender evaluation results for shortlisted tenderers are shown for Nillumbik Shire Council. The detailed information of shortlisted tenderers is provided in Tender Evaluation Summary Report 2324-093 (**Attachment 1**).

12. Officers' reports

CM.031/25 Tender Report - Contract 2324-093 Cleaning Services

29. The full list of tendered submissions and overall collaborative Group evaluation outcomes, is provided in Group Tender Evaluation Report (**Attachment 2**)

30. The final evaluation outcome for Nillumbik Shire Council was as follows;

TENDERER	SCORE	RANK
Tenderer 1	58/100	5
Tenderer 3	67/100	2
Tenderer 4	60/100	4
Tenderer 8 – Preferred Tender	70/100	1
Tenderer 10	53/100	7
Tenderer 14	62/100	3
Tenderer 15	53/100	6
Tenderer 16	47/100	9
Tenderer 19	35/100	10
Tenderer 21	35/100	11
Tenderer 22	48/100	8

31. The recommended tender was the highest ranked and is considered best value because they have clearly evidenced within their submission, that with their capacity and capability and in consideration of their tender pricing and sustainability outcomes, they are the best positioned tenderer to deliver the required services.

32. **Attachment 1** - Tender Evaluation Summary Report 2324-093 – Confidential, provides the shortlisted tenderer names and the Evaluation Score Outcomes for Nillumbik Shire Council.

33. **Attachment 2** – Group Tender Evaluation Report – Confidential, provides the full list of all tenderer names and the Group Evaluation Scores outcomes.

34. The Tender Evaluation Summary Report 2324-093 (**Attachment 1**) and the Group Tender Evaluation Report (**Attachment 2**) are to remain confidential on the grounds specified in the definition of confidential information in section 3(1)(g) of the *Local Government Act 2020*.

Technical Capability

35. The preferred tenderer has clearly evidenced in their tender submissions that they have in place all the resources, systems and processes, supported by evidenced outcomes to environmental and sustainable procurement initiatives to successfully deliver the service requirements.

36. Is considered best value to deliver the required services to Nillumbik Shire Council based on their capability and overall scores.

12. Officers' reports

CM.031/25 Tender Report - Contract 2324-093 Cleaning Services

Tender Interviews and Reference checks

- 37. Tender interview was held with the preferred tenderer on 5 February 2025.
- 38. As the preferred tenderer is known to Council, tender reference checks were not required.

Collaboration

- 39. This tender process was undertaken as a collaborative tender process.

Budget considerations

- 40. Budgets for cleaning services are planned for as part of annual budget planning processes.
- 41. With the defined schedule of rates, each respective business function will be able to accurately forecast their cleaning costs.
- 42. The tendered and accepted schedule of rates apply for the first year of the contract term.
- 43. Annualised CPI adjustments will be applied for each subsequent year of the contract based on the published quarter results the March Quarter.

Sustainability implications

- 44. Has in place and uses environmental cleaning practices and solutions, such as use of Stabilised Aqueous Ozone (SAO) technology, which uses cold water that is infused with Ozone which creates a safe, high performing, chemical free cleaner and sanitiser which results in a reduction in general cleaning chemicals that are used for sanitising and disinfecting common and high touch surfaces and in turn resulting in a reduction in risk of chemical harm.
- 45. Business is based within the Northern Council Alliance (NCA) area and has 50+ Full-time, 120+ Part-time and 80+ Casual staff that are residents from within the NCA with a total of 250+ residents from within the NCA, employed by the business.
- 46. Of this number, 50+ are local residents from within Nillumbik Shire Council area.
- 47. Has in place, significant engagement with and sourcing from First Nations businesses and has established strong ongoing relationships with not-for profit and social enterprise organisations that specialise in providing and facilitating employment opportunities and programs for disadvantaged community members.
- 48. Is registered with the Workplace Gender Equality Agency (WGEA) and has Certificate of Compliance with the *Workplace Gender Equality Act* for the 2023-24 reporting period.
- 49. Total workforce consists of Fifty four (54) percent of positions held by women or gender diverse persons.
- 50. Tenderer is investing in Hybrid and Electric fleet capability.

Stakeholder Consultation/communication

- 51. Each business function across Council, that has cleaning services requirements, were provided with the opportunity to revise and submit their routine and periodical cleaning services requirements as part of the go to market tender process.

12. Officers' reports

CM.031/25 Tender Report - Contract 2324-093 Cleaning Services

Innovation and continuous improvement

52. The preferred tenderer has and continues to invest in battery operated machinery that reduces risk to operator injury in comparison to hand operated machinery with power cables (trip and fall), while at the same time provides savings in labour hours and driving costs lower for their clients. The types of battery operated machinery used by the preferred tenderer are;

- Robot Floor Scrubbers and Sweepers
- Battery powered vacuums / blowers.

Relevant law

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

Regional, state and national plans and policies

54. Not applicable.

Conflicts of interest

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

56. There were no disclosable conflicts of interest raised.

12. Officers' reports**CM.032/25 Tender Report - Contract 2425-028 Panton Hill Tennis Courts Resurfacing and Drainage Works**

Distribution: Public**Manager: Melika Sukunda, Acting Chief Operating Officer****Author: Lance Clark, Senior Procurement Specialist
Steven Blight, Manager Capital and Infrastructure
Rebecca Burton, Manager Recreation and Leisure****Summary**

This report recommends the awarding of contract 2425-028 for Panton Hill Tennis Courts Resurfacing and Drainage Works.

Project is for the resurfacing and refurbishment of courts 1 & 2 at Panton Hill Tennis Courts at 35 Rodger Road, Panton Hill.

The contract commencement date will be the 1 April 2025 with an intended completion date of 31 December 2025.

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 2425-028 Panton Hill Tennis Courts Resurfacing and Drainage Works.

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

Recommendation

That Council:

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

Number: 2425-028

Title: Panton Hill Tennis Courts Resurfacing and Drainage Works

Term: 1 April 2025 to 31 December 2025

Options: N/A

2. Authorises the Chief Operating Officer to finalise and execute the contract documentation.
3. Authorises the Chief Operating Officer 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 total approved budget for the project.
4. Notes that any variations that exceed the agreed approved budget will require a further Council resolution
5. Advises all tenderers accordingly.

12. Officers' reports

CM.032/25 Tender Report - Contract 2425-028 Panton Hill Tennis Courts Resurfacing and Drainage Works

6. Makes public the decision regarding this contract but the Tender Evaluation Report 2425-028 (**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 2425-028 - *CONFIDENTIAL*

Discussion

1. This project is for the resurfacing and refurbishment of courts 1 & 2 at Panton Hill Tennis Courts at 35 Rodger Road, Panton Hill. The works include but are not limited to;
 - The removal and disposal of the existing surface, including tree removal
 - Excavation of base material as highlighted in attached plans
 - Releveling and repair of court base where required
 - Supply and installation of new acrylic playing surface
 - Associated drainage
 - Renewal of surrounding fencing
 - Remediation of all disturbed areas.
2. Works are expected to commence April 2025 and be completed by 31 December 2025.

Council plans and policies

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

Tender overview

The Tender Evaluation Panel (TEP) advises that:

4. A public tender was issued on and advertised in the Melbourne Age on Saturday 11 January 2025.
5. The period for tender submissions closed at 2pm on Thursday 6 February 2025.

12. Officers' reports

CM.032/25 Tender Report - Contract 2425-028 Panton Hill Tennis Courts Resurfacing and Drainage Works

6. The following tenders were received:

TENDERER
Tenderer A – Preferred Tender
Tenderer B
Tenderer C
Tenderer D
Tenderer E
Tenderer F
Tenderer G
Tenderer H
Tenderer I

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

TENDERER	Reasons why tender was set aside from further evaluation
Tenderer H	Large sections of the tender response form were not completed. Deemed to be incomplete. Was the 2 nd highest of tendered cost submissions.
Tenderer I	Was the highest of the received tendered costs submissions and was more than \$350,000 higher than the average cost all other received submissions.

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

Criteria	Weighting %
Financial Benefit to Council (Price)	50%
Capability (Quality/Technical) & Capacity (Resources)	30%

12. Officers' reports

CM.032/25 Tender Report - Contract 2425-028 Panton Hill Tennis Courts Resurfacing and Drainage Works

Criteria	Weighting %
Collaborative Approach	10%
Economic and Social Sustainability	10%

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

11. The members of the TEP were:

Position Title	Business Unit	Scoring Member or Advisory Member
Capital Works Coordinator	Operations and Infrastructure	Scoring
Project Management Officer	Operations and Infrastructure	Scoring
Coordinator Recreation and Leisure Facilities	Recreation and Leisure	Scoring
Manager Capital and Infrastructure	Operations and Infrastructure	Advisory
Manager Recreation and Leisure	Recreation and Leisure	Advisory
Senior Procurement Specialist	Finance, Assets and Procurement	Advisory

12. The final evaluation outcome was as follows:

TENDERER	SCORE	RANK
Tenderer A – Preferred Tender	85/100	1
Tenderer B	79/100	2
Tenderer C	76/100	3
Tenderer D	75/100	4
Tenderer E	70/100	5
Tenderer F	69/100	6
Tenderer G	53/100	7

12. Officers' reports

CM.032/25 Tender Report - Contract 2425-028 Panton Hill Tennis Courts Resurfacing and Drainage Works

13. The recommended tender was the highest ranked and is considered best value because tenderer has successfully completed larger sports field projects previously and the information and detail provided in their submission evidences that the tenderers has the experience, qualified and skilled staff and the expertise to carry out these works.
14. **Attachment 1** - Tender Evaluation Summary Report 2425-028 – Confidential, provides the tenderer names and the Evaluation Scorecard Summary.
15. The Tender Evaluation Summary Report 2425-028 (**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

16. Tenderer has successfully completed larger sports field projects previously and the information and detail provided in their submission evidences that the tenderers has the experience, qualified and skilled staff and the expertise to carry out these works.
17. All required plant and equipment is owned by company with no reliance on sub-contractors for civil works requirements.
18. Has in place accredited ISO integrated management systems.
19. Has provided detailed methodology and customer service plan.
20. Has provided an achievable works program.
21. References provided are strong and relate to similar type projects (e.g. sports field construction) across other Councils.

Tender Interviews and Reference checks

22. Tender interviews were held with the preferred Tender A and Tenderer B and D on Thursday 6 March 2025.
23. The tender interview with the preferred tenderer further evidenced their ability and capacity to undertake the required works.

Contingency and risks

24. Weather conditions. The majority of the works will be undertaken in what are generally wetter months. Councils Capital Works Coordinator will work closely with the appointed Contractor to mitigate any delays due to unforeseen weather impacts.
25. The preferred tenderer has provided information on an alternative conforming product for the Tennis Court surface that can be applied during the colder month's period, which will allow for an earlier completion of works.

Collaboration

26. Not applicable for this contract.

Budget considerations

27. This project is co-funded by State Government (Local Sports Infrastructure Fund – Sport and Recreation Victoria) and Council.

12. Officers' reports

CM.032/25 Tender Report - Contract 2425-028 Panton Hill Tennis Courts Resurfacing and Drainage Works

Sustainability implications

- 28. The preferred tenderers business is located within the Northern Council Alliance Area (NCA) and provides full time employment for more than 15 residents from within the NCA.
- 29. Upon completion of this project, the tenderer is required to provide a report to Council a Waste to Landfill Minimisation Report that details the type of waste, the quantity and the destination of all recycled, re-used or repurposed waste.
- 30. There will be use of green materials and products containing recycled materials in the project and contractor has nominated which products will be used.

Stakeholder Consultation/communication

- 31. Consultation was carried out with the tennis club in 2024 to determine their requirements and the scope of works to be used.
- 32. Notification letters will be issued to nearby residents when the contract is awarded with further detail around the construction.

Innovation and continuous improvement

- 33. Not applicable.

Relevant law

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

Regional, state and national plans and policies

- 35. Not applicable.

Conflicts of interest

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

12. Officers' reports

CM.033/25 Tender Report - Contract 2425-024 Diamond Creek Outdoor Pool Redevelopment - Construction

Distribution: Public

Manager: Melika Sukunda, Acting Chief Operating Officer

Author: Lance Clark, Senior Procurement Specialist

Rebecca Burton, Manager Recreation and Leisure

Steven Blight, Manager Capital and Infrastructure

Summary

This report recommends the awarding of contract 2425-024 for Diamond Creek Outdoor Pool Redevelopment - Construction.

The contract commences on 1 April 2025 with an intended completion date of 31 October 2025.

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 2425-024 for Diamond Creek Outdoor Pool Redevelopment - Construction.

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

Recommendation

That Council:

1. Accepts the tender submitted by the **preferred tenderer** for the sum of **[\$[Redacted]]** plus **[\$[Redacted]]** for contingency (exclusive of GST) as disclosed in (**Attachment 1**) and enter into the following contract:
Number: 2425-024
Title: Diamond Creek Outdoor Pool Redevelopment - Construction
Term: 1 April 2025 to 31 October 2025
Options: Nil
2. Authorises the Chief Operating Officer to finalise and execute the contract documentation.
3. Authorises the Chief Operating Officer 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 total approved budget for the project.
4. Notes that any variations that exceed the agreed approved budget will require a further Council resolution.
5. Advises all tenderers accordingly.

12. Officers' reports

CM.033/25 Tender Report - Contract 2425-024 Diamond Creek Outdoor Pool Redevelopment - Construction

6. Makes public the decision regarding this contract but the Tender Evaluation Report 2425-024 (**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 2425-024 - *CONFIDENTIAL*

Discussion

1. This project is a Commonwealth funded project with specific funding milestones and dates.
2. The Diamond Creek Pool is an aged facility with some elements not being fit for purpose, the project includes but is not limited to works to the following;
 - The Main Pavilion
 - Outdoor Pool and Concourse
 - Swim Club Building
 - Toddlers Pool and Surrounds
 - Pool Plant Building and Surrounds.

Council plans and policies

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

Tender overview

The Tender Evaluation Panel (TEP) advises that:

4. A public tender was issued on and advertised in the Melbourne Age on Saturday 18 January 2025.
5. Due to complexity of the required works, a mandatory site visit was held on the 22nd January 2025. Only tendered submissions from tenderers that attended the mandatory site visit would be accepted.
6. 4 tenderers attended the mandatory site visit.
7. The period for tender submissions closed at 2pm on Thursday 13 February 2025.

12. Officers' reports

CM.033/25 Tender Report - Contract 2425-024 Diamond Creek Outdoor Pool Redevelopment - Construction

8. The following tenders were received:

TENDERER
Tenderer A – Preferred Tender
Tenderer B
Tenderer C
Tenderer D

9. 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.

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

TENDERER	Reasons why tender was set aside from further evaluation
Tenderer D	Did not submit a completed tender submission within the required closing date and time.

11. 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)	30%
Collaboration	10%
Economic and Social Sustainability (Social and Local)	10%

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

12. Officers' reports

CM.033/25 Tender Report - Contract 2425-024 Diamond Creek Outdoor Pool Redevelopment - Construction

13. The members of the TEP were:

Position Title	Business Unit	Scoring Member or Advisory Member
Capital Works Coordinator	Operations and Infrastructure	Scoring
Recreation and Community Infrastructure Project Manager	Recreation and Leisure	Scoring
Coordinator Recreation and Leisure Facilities	Recreation and Leisure	Scoring
Manager Capital and Infrastructure	Operations and Infrastructure	Advisory
Manager Recreation and Leisure	Recreation and Leisure	Advisory
Senior Procurement Specialist	Finance, Assets and Procurement	Advisory

14. The final evaluation outcome was as follows:

TENDERER	SCORE	RANK
Tenderer A – Preferred Tender	87/100	1
Tenderer B	84/100	2
Tenderer C	69/100	3

15. The recommended tender was the highest ranked and is considered best value because they have clearly evidenced their experience with and successful outcomes of similar aquatic projects for other local government agencies for some key aquatic projects.

16. **Attachment 1** - Tender Evaluation Summary Report 2425-024 – Confidential, provides the tenderer names and the Evaluation Scorecard Summary.

17. The Tender Evaluation Summary Report 2425-024 (**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

18. Has in place, skilled and experienced staff to successfully deliver against the project requirements.

19. Have recently delivered similar aquatic project works for other Councils for some high profile aquatic centres as well as other similar projects.

20. The nominated construction manager, was project manager on a Nillumbik Council key project that was successfully delivered.

12. Officers' reports

CM.033/25 Tender Report - Contract 2425-024 Diamond Creek Outdoor Pool Redevelopment - Construction

Tender Interviews and Reference checks

- 21. Tender interviews were held with Tenderer A and B on Wednesday 5 March 2025.
- 22. The outcome from the tender interviews, provided assurance to the evaluation panel that Tenderer A was the best suited tenderer to undertake and deliver the project requirements.
- 23. Tender reference checks were undertaken for Tenderer A as the preferred tenderer.

Contingency and risks

- 24. Weather conditions. The majority of the works will be undertaken in what are generally wetter months. Councils Capital Works Coordinator will work closely with the appointed Contractor to mitigate any delays due to unforeseen weather impacts.

Collaboration

- 25. Not applicable for this contract.

Budget considerations

- 26. This project is co-funded by Federal Government (Investing in Our Communities program – Department of Infrastructure, Transport, Regional Development, Communications and the Arts) and Council.

Sustainability implications

- 27. 60% of sub-contractors to be engaged within the project are based within the Northern Council Areas (NCA).
- 28. Upon completion of this project, the tenderer is required to provide a report to Council a Waste to Landfill Minimisation Report that details the type of waste, the quantity and the destination of all recycled, re-used or repurposed waste.
- 29. Has provided a clear waste management plan with a KPI of 80% of waste from site been diverted from landfill and entering waste recycling streams.
- 30. There will be use of green materials and products containing recycled materials in the project and contractor has nominated which products will be used.

Stakeholder Consultation/communication

- 31. Consultation was carried out via Participate Nillumbik in September/October 2023 as well as consultation with the Diamond Creek Swimming Club and service provider, Aligned Leisure.
- 32. The project is included on Councils Projects and Works page.

Innovation and continuous improvement

- 33. Not applicable.

Relevant law

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

Regional, state and national plans and policies

- 35. Not applicable.

12. Officers' reports

CM.033/25 Tender Report - Contract 2425-024 Diamond Creek Outdoor Pool Redevelopment - Construction

Conflicts of interest

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

12. Officers' reports

CM.034/25 CEO Employment Matters - mid-year performance review

Distribution: Public

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

Summary

Section 44 *Local Government Act 2020* (**the Act**) requires that Council must appoint a natural person to be its Chief Executive Officer (CEO) in accordance with its Chief Executive Officer Employment and Remuneration Policy (**the Policy**), and that a CEO is eligible to be re-appointed under a new contract of employment for a period that does not exceed five years.

The Council entered into the current CEO contract on 1 October 2023 for a four-year term. This contract will expire on 30 September 2027.

In accordance with the CEO's contract, performance is reviewed on an annual basis, in order to provide feedback and to ensure the decisions and directions of Council are being implemented through the administration.

Margaret Devlin was contracted in January 2024 to assist Nillumbik Shire Council with facilitating discussion between members of the Committee consisting of all Councillors in line with the Terms of Reference, and CEO Carl Cowie regarding the annual performance review.

The Committee met on 11 February 2025 to discuss progress on the CEO's 2024/2025 Performance Plan (**Attachment 1**). Following the conclusion of the meeting, the Chairperson, Margaret Devlin presented Minutes detailing the discussions had during the mid-year review process (**Attachment 2**).

This report recommends that Council endorses the advice and recommendations of the Committee as outlined in (**Attachment 3**).

Recommendation

That Council:

1. Notes that the CEO Employment Matters Advisory Committee has completed the 2024/25 mid-year Performance Plan review of the CEO.
2. Endorses the CEO Employment Matters Advisory Committee meeting Minutes held on 11 February 2025 (**Attachment 2**).
3. Endorses the Committees recommendation regarding the mid-year CEO Performance Review 2024/2025 as set out in the Chairperson Memorandum (**Attachment 3**).
4. Notes the satisfactory progress made against the CEO Performance Plan 2024/2025.
5. Resolves that the CEO Performance Plan 2024-2025 mid-year update (**Attachment 1**), Minutes CEO Employment Matters Advisory Committee – 11 February 2024 (**Attachment 2**) and Chairperson Memorandum (**Attachment 3**) remain confidential on the grounds specified in the definition of confidential information in section 3(1)(f) of the *Local Government Act 2020*.

12. Officers' reports

CM.034/25 CEO Employment Matters - mid-year performance review

Attachments

1. Attachment 1 - CEO Performance Plan 2024-2025 Mid Year update - *CONFIDENTIAL*
2. Attachment 2 - Minutes CEO Employment Matters Advisory Committee - 11 February 2024 - *CONFIDENTIAL*
3. Attachment 3 - Chairperson Memorandum - *CONFIDENTIAL*

Discussion

1. Council has appointed a CEO Employment Matters Advisory Committee (**the Committee**) which includes the Mayor and all Councillors. The Committee has the responsibility for providing advice and making recommendations to the Nillumbik Shire Council on:
 - Contractual matters relating to the CEO
 - The appointment of the CEO
 - Remuneration and conditions of appointment of the CEO
 - Extension (i.e. reappointment) of the CEO.
2. In line with the Terms of Reference, the Committee must conduct a performance review of the CEO and make recommendations to Council as a result of the review.
3. In January 2024, Margaret Devlin was engaged to support Nillumbik Shire Council by facilitating discussions among the Committee, comprised of all Councillors, in accordance with the Terms of Reference. This includes addressing matters related to the CEO performance review.

Related Council decisions

4. At its Council meeting on 27 August 2024 Council resolved to endorse the CEO Performance Plan 2024/2025.

Options

5. In line with the Terms of Reference, the Committee must conduct an annual performance review of the CEO and make recommendations to Council as a result of the review (**Attachment 3**).
6. It is recommended that Council give due consideration to the advice and recommendations of the Committee.

12. Officers' reports

CM.034/25 CEO Employment Matters - mid-year performance review

Council plans and policies

7. 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

8. Not applicable.

Sustainability implications

9. Not applicable.

Community engagement

10. Not applicable.

Innovation and continuous improvement

11. Not applicable.

Collaboration

12. Not applicable.

Budget considerations

13. The costs of supporting this committee and the cost of employing the CEO are met from the existing operating budget.

Relevant law

14. In keeping with our commitment to public transparency outlined in the Council's Public Transparency Policy, this report has been made public. However, the attachments remain confidential, as they contain personal affairs, namely aspects of the CEO's employment contract and performance. This approach is in line with the confidentiality provisions set out in the *Local Government Act 2020*.
15. This report complies with the *Local Government Act 2020* (the Act). Section 44 of the Act requires that Council must appoint a natural person to be its Chief Executive Officer in accordance with its Chief Executive Officer Employment and Remuneration Policy, under a contract of employment that does not exceed five years.
16. Section 44(6) of the Act provides that a Council must comply with any requirements prescribed by the regulations in relation to the employment of a Chief Executive Officer.

Regional, state and national plans and policies

17. Not applicable.

Conflicts of interest

18. The officer involved in the preparation of this report has made a declaration that they do not have a conflict of interest in the subject matter of this report.

12. Officers' reports

CM.034/25 CEO Employment Matters - mid-year performance review

THIS PAGE WAS LEFT INTENTIONALLY BLANK

12. Officers' reports**CM.035/25 Informal Meetings of Councillors Records - 25 March 2025**

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 25 February 2025.

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

1. Youth Council Committee held 3 February 2025;
2. Recreation Trails Advisory Committee held 12 February 2025;
3. Councillor Briefing held 18 February 2025;
4. Environmental and Sustainability Advisory Committee held 19 February 2025;
5. Council Meeting Pre-Meet held 25 February 2025;
6. Inclusion and Access Advisory Committee held 28 February 2025;
7. Youth Council Meeting held 3 March 2025;
8. Councillor Briefing held 4 March 2025; and
9. Planning and Consultation Committee Pre-Meet held 11 March 2025.

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 Meetings of Councillors record reported 25 March 2025

12. Officers' reports

CM.035/25 Informal Meetings of Councillors Records - 25 March 2025

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.

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.

12. Officers' reports

CM.035/25 Informal Meetings of Councillors Records - 25 March 2025

Community engagement

11. Not applicable.

Innovation and continuous improvement

12. Not applicable.

Collaboration

13. Not applicable.

Budget considerations

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.035/25 Informal Meetings of Councillors Records - 25 March 2025

THIS PAGE HAS BEEN LEFT INTENTIONALLY BLANK

13. Notices of Motion

NOM.001/25 Yan Yean Road Stage 2

Cr Naomi Joiner advised of her intention to move the following:

Motion

That Council:

1. Requests the Mayor to write to the Hon. Gabrielle Williams MP, Minister for Transport Infrastructure, and the Hon. Sonya Kilkenny MP, Minister for Planning, to
 - a) convey Council's disappointment with Major Road Projects Victoria (MRPV) proceeding with the Option B proposal.
 - b) reiterate Council's strong support for Option C, highlighting its alignment with Council and community preferences, particularly in preserving the rural character of the area and protecting significant environmental and cultural assets.
2. Requests the Chief Executive Officer, Carl Cowie, to write to Duncan Elliott, CEO of Major Road Projects Victoria (MRPV), inviting MRPV representatives to present to the Councillors at a future briefing this year on the project.
3. Notes that, due to the anticipated impacts on peri-urban roads resulting from Option B, Council requests the State Government to:
 - a) consider implementing measures to mitigate increased heavy traffic flow through Hurstbridge, including but not limited to:
 - i. introducing an east-west bus service connecting Hurstbridge and Mernda to provide public transport alternatives for the community.
 - ii. implementing virtual fencing along key roads to protect local wildlife, thereby reducing the environmental impact of increased traffic
 - b) review the current plan to explore feasible alternatives that preserve the six river red gums and minimize tree loss as much as possible.

Council Meeting Agenda

25 March 2025

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