

Ordinary Meeting of Council

to be held at Wadambuk St Andrews Community Centre,
35 Caledonia Street, St Andrews
on Tuesday 26 February 2019 commencing at 7:30pm.

Agenda

Carl Cowie
Chief Executive Officer

Friday 22 February 2019

Distribution: Public

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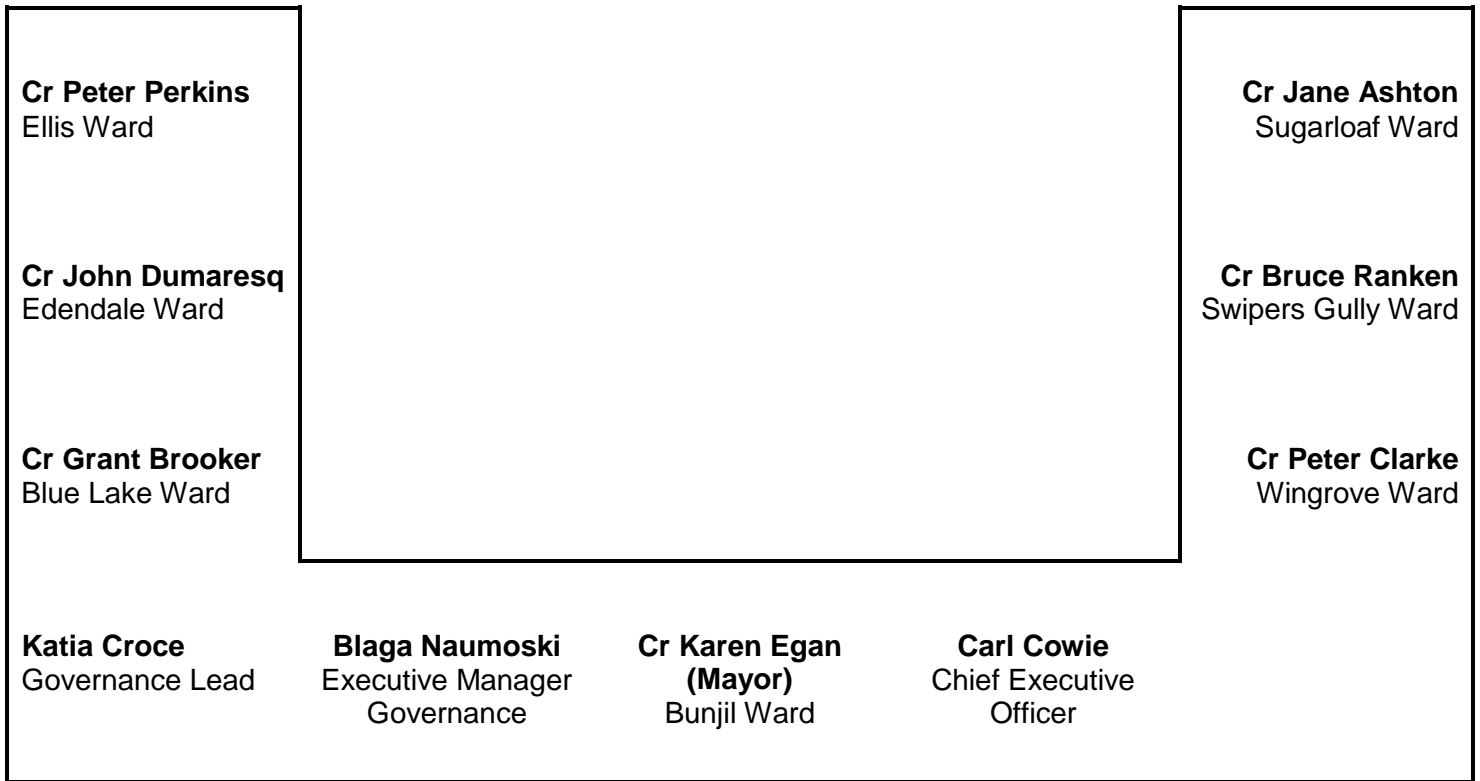
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Wadamin je ka

Ordinary Meeting of Council seating plan



Visitors in the gallery at Council meetings are:

- Welcome to copies of the reports which will be considered by the Council at the meeting. These are on the table in the foyer.
- Welcome to the tea, coffee and water provided in the foyer.
- Requested to observe Council deliberations quietly in order for Council meetings to run smoothly.
- Advised that the meeting will be recorded and an audio recording of the meeting will be made publicly available on Council's website.

Nillumbik Shire Council

Contents

1. Welcome by the Mayor	1
2. Reconciliation statement	1
3. Prayer	1
4. Apologies	1
5. Presentations	1
6. Confirmation of minutes	1
7. Disclosure of conflicts of interest	1
8. Petitions	2
Petition No. 2019-01	2
9. Questions from the gallery	2
10. Reports of Advisory Committees	3
AC.002/19 Advisory Committee Report	3
11. Reports of Special Committees	15
12. Officers' reports	17
OCM.015/19 Regulation of Fireworks Displays on Private Land	17
OCM.016/19 Clarke Avenue and Park Avenue Special Charge Scheme, Wattle Glen	21
OCM.017/19 Electoral Representation Review 2019 - Council's Preliminary Submission to the VEC	27
OCM.018/19 Economic Development Advisory Committee Membership and Terms of Reference	33
OCM.019/19 Audit Committee Matters	47
OCM.020/19 Procurement Policy Annual Review	65
OCM.021/19 Council Plan Quarterly Performance Report	87
OCM.022/19 Assembly of Councillors	101
OCM.023/19 Outcome of the expression of interest and request for proposal phases for the proposed sale and development of 895 and 903-907 Main Road Eltham	113
OCM.024/19 Tender Report - 1819-60 Allendale Road Construction	115
OCM.025/19 Risk and Insurance Report December Quarter 2018	117
13. Notices of Motion	123
14. Delegates' Reports	123
15. Supplementary and urgent business	123

16. Confidential reports	123
OCM.026/19 Outcome of the expression of interest and request for proposal phases for the proposed sale and development of 895 and 903-907 Main Road Eltham	123
OCM.027/19 Tender Report – 1819-60 Allendale Road Construction	123
OCM.028/19 Risk and Insurance Report December Quarter 2018	123

Nillumbik Shire Council

**Agenda of the Ordinary Meeting of Nillumbik Shire Council to be held
Tuesday 26 February 2019 commencing at 7:30pm.**

1. Welcome by the Mayor

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

2. Reconciliation statement

The reconciliation statement to be read by the Mayor

Nillumbik Shire Council acknowledges the Wurundjeri people who are the Traditional Custodians of this Land. We would also like to pay respect to the Elders both past and present and extend that respect to other Indigenous Australians present.

3. Prayer

A prayer will be read.

4. Apologies

Recommendation

That the apologies be accepted.

5. Presentations

6. Confirmation of minutes

Confirmation of minutes of the Ordinary Council Meeting held on Tuesday 29 January 2019..

Recommendation

That the minutes of the Ordinary Council Meeting held on Tuesday 29 January 2019 be confirmed.

7. Disclosure of conflicts of interest

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

8. Petitions

Petition No. 2019-01

An online petition containing 1,172 signatories and a further signed petition with 84 signatories requesting Council to cease private Firework Licences during peak summer in Country Victoria / Nillumbik Shire.

Recommendation

That Council:

1. Receives and notes the online petition and attachment petitions requesting Council to cease private Firework Licences during peak summer in Country Victoria / Nillumbik Shire.
2. Refers this matter to Director Services and Planning for investigation and response.
3. Advises the petition organiser accordingly.

9. Questions from the gallery

10. Reports of Advisory Committees

AC.002/19 Advisory Committee Report

Distribution: Public

Manager: Blaga Naumoski, Executive Manager Governance

Author: Emma Christensen, Governance Officer

Summary

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

In accordance with Advisory Committee Terms of Reference, the minutes of meetings are presented to Council. This month, the following minutes are attached for information:

- Joint Municipal Emergency Management and Fire Management Planning Committees – 17 December 2018; and
- Positive Ageing Advisory Committee – 1 February 2019.

Attachments

1. Joint Municipal Emergency Management and Fire Management Planning Committees minutes - 17 December 2018
2. Positive Ageing Advisory Committee minutes - 1 February 2019

Recommendation

That Council notes the:

- Joint Municipal Emergency Management and Fire Management Planning Committees meeting minutes held on 17 December 2018; and
- Positive Ageing Advisory Committee meeting minutes held on 1 February 2019.

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11. Reports of Special Committees

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12. Officers' reports**OCM.015/19 Regulation of Fireworks Displays on Private Land**

Distribution: Public**Manager: Matt Kelleher, Director Services and Planning****Author: Jonathan McNally, Manager Community Safety and Amenity****Summary**

Councillors have sought advice from officers in relation to the ability to create a local law either prohibiting or restricting the display of private fireworks shows within the Shire. The issue of private fireworks displays is of particular interest in rural areas following a recent display on private property in St Andrews which has resulted in considerable community interest, and a subsequent commitment to present this report to Council in response to a question from the gallery at the January 2019 Ordinary Council Meeting.

Officers have completed considerable benchmarking of other councils, and sought legal advice as to the nature of regulating such activity through a local law.

The process for making a local law is governed by Part 5 of the *Local Government Act 1989* (the Act). Council has the ability to make local laws for or with respect to any act, matter or thing in respect of which the Council has a function or power under this or any other Act.

The process of making or amending a local law requires public consultation in accordance with s.223 of the Act. Council's existing Amenity Local Law was adopted in 2013 and remains valid until 2023. Rather than amending the existing Amenity Local Law, which would create the opportunity to revisit the entire local law, whether all provisions have been amended or not, it is recommended that Council determine to commence with the development of a new individual fireworks local law to operate in tandem with the existing Amenity Local Law.

Recommendation

That Council determines to proceed with the development of a new Fireworks Local Law.

Attachments

Nil

Background

1. Councillors were briefed on 4 September 2018 and 4 December 2018 regarding options available to introduce regulation relating to the management of the display of fireworks shows from private land across the Shire.
2. In January of 2017, 2018 and 2019, fireworks displays were conducted on a private property in St Andrews. On each of these occasions, the fireworks displays created community concern, due to the potential impact of fireworks in a rural and fire prone setting. Of particular concern were the potential impact fireworks can have on the safety of livestock and other domestic animals, on wildlife and the potential for a bushfire to be sparked from fireworks during the height of the summer bushfire season.
3. Following the recent fireworks display in January of this year, there is now a heightened expectation that Council will investigate and introduce controls to restrict

12. Officers' reports**OCM.015/19 Regulation of Fireworks Displays on Private Land**

private fireworks displays. Correspondence recently received by Council has included a petition and two further attachments which included a total of 1,172 signatories, with a further 84 signatories having also signed the attachments. The petition requested Council take measures to cease private Firework Licences during peak summer in Country Victoria / Nillumbik Shire. Further, at the January 2019 Ordinary Council Meeting, in response to a question from the gallery, an undertaking was provided that a report would be presented to Council at the February Ordinary Council Meeting regarding the process for introducing a local law to control private fireworks displays within the Shire.

4. Council's current adopted fireworks policy requires a permit for fireworks displays that are discharged from Council land, however this policy does not establish a need for a permit for displays discharged from private land.
5. At the request of Councillors following the December Briefing, this report provides additional detail as to the most appropriate path forward in responding to community concerns around private fireworks displays.

Policy context

6. This report directly supports the achievement of Council Plan 2017-2021 strategy:
 - Develop policies, strategies, projects and partnerships to enhance the health and wellbeing of the community.

Budget implications

7. Will be accommodated as part of the operational budget.

Consultation/communication

8. The ability to make or amend a local law is governed by Part 5 of the *Local Government Act 1989*. In order to make a new local law or amend the existing Amenity Local Law, Council must give notice of its intention to do so, and any person affected by the proposed local law may make a submission relating to the proposed local law under s.223 of the Act. There is currently considerable community expectation that Council will introduce new local laws controls to address private fireworks displays. The development of a new local law requires the preparation of a Local Law Community Impact Statement.

Issues/options

9. Community concern around the display of private fireworks shows within the rural areas of the Shire has become a significant issue. Council currently has no role in the approval of fireworks displays held on private land within the Shire. Approval for fireworks is required from the CFA and the Victorian WorkCover Authority, both of which assess separate risks associated with fireworks displays. The Victorian WorkCover Authority issues permits to qualified pyrotechnic contractors that are licenced by that Authority to discharge fireworks based on satisfying the Occupational Health and Safety risks associated with fireworks displays. The Worksafe permit process requires pyrotechnic contractors to be accredited and to hold their own public liability insurance.

12. Officers' reports**OCM.015/19 Regulation of Fireworks Displays on Private Land**

10. The CFA is required to assess the fire risk associated with Fireworks, which is of particular importance during the fire season. CFA permits are only required during the designated fire danger period, and such permits generally set in place conditions around the manner in which the fireworks are discharged including access to water and siting requirements. Although the CFA can and does grant permits during the fire danger period, all such permits are not valid if a total fire ban day is declared. The CFA also has the power to grant permits for total fire ban days, however these can only be granted to community organisations, charitable organisations, fundraising organisations, statutory corporations, municipal councils, industrial operations or trade.
11. Currently, neither of these authorities are required to assess the potential amenity or environmental impact from fireworks, nor do they require notification of nearby land owners be provided by organisers should a fireworks display be conducted. The Nillumbik Amenity Local Law (adopted 26 November 2013) does not currently establish a requirement for a permit for fireworks displays on private property within the Shire.
12. The ability to make or amend a local law is governed by Part 5 of the *Local Government Act 1989*. In order to make a new local law or amend the existing Amenity Local Law, Council must give notice of their intention to do so, and any person affected by the proposed local law may make a submission relating to the proposed local law under s.223 of the Act.
13. Although Council has the ability to amend the existing Amenity Local Law to introduce a fireworks provision, it is not recommended that this approach is taken in this instance.
14. The process of amending the existing Amenity Local Law is complex and lengthy. When notice of an amendment to an existing local law is provided, s.223 of the Act allows submissions to be made on any aspect of the Local Law by which the submitter is affected. In effect, if the Amenity Local Law is amended to introduce a new fireworks provision, submissions can be made on any and all aspects of the existing Local Law, whether it has been amended or not. As a result of this process, the increased complexity and likely number of submissions received would make it unlikely that an amendment to the Amenity Local Law would be completed and gazetted in time for the 2019/2020 summer bushfire season. In effect, this would mean that Council would be entering another fire season without a fireworks control in place. As such, and in order to ensure that Council can adequately respond to this key community issue, if it is of a mind to proceed, it is recommended Council proceed with developing a new Fireworks Local Law, to operate in tandem with the existing Amenity Local Law.
15. The current Local Law is now half way through its 10 year lifespan. It is suggested that a review of the Amenity Local Law be carried out separately from the more pressing need to introduce fireworks controls within Nillumbik.

12. Officers' reports

OCM.015/19 Regulation of Fireworks Displays on Private Land

Conclusion

16. Significant concerns regarding private fireworks displays in St Andrews has led officers to investigate the most appropriate way to control fireworks displays within the community. Given the limited timeframe available during 2019 in which to establish a local law relating to fireworks, and having reviewed the requirements of the *Local Government Act 1989*, officers recommended that Council determine to proceed with developing a new Fireworks Local Law, to operate in tandem with the existing Amenity Local Law, and to allocate resources accordingly.

12. Officers' reports

OCM.016/19 Clarke Avenue and Park Avenue Special Charge Scheme, Wattle Glen

Distribution: Public

Manager: Hjalmar Philipp, Director Sustainability and Place

Author: Matthew Theuma, Engineer

Summary

On 28 December 2017 and 18 January 2018, an initial questionnaire was sent to property owners of Clarke Avenue and Park Avenue, Wattle Glen to ascertain the level of support for Council to investigate the construction of Clarke Avenue and Park Avenue via a Special Charge Scheme.

A number of residents expressed interest in Council investigating a Special Charge Scheme to construct Clarke Avenue and Park Avenue which initiated the questionnaire process.

The initial questionnaires indicated 28 of 44 (63.6 per cent) property owners supported further investigation into a scheme. On 18 October 2018, an information session was held for all interested property owners.

Following the information session, a formal questionnaire was sent to all property owners on 9 November 2018, and the results indicated 10 of 44 (22.7 per cent) property owners supported further investigation into a scheme.

Given that the level of support is below 60 per cent, it is recommended that Council abandon the scheme and place further investigations for the construction of Clarke Avenue and Park Avenue on a three year moratorium.

Recommendation

That Council:

1. Abandons further investigations into a Special Charge Scheme for Clarke Avenue and Park Avenue, Wattle Glen.
2. Places any further investigations into a Special Charge Scheme for Clarke Avenue and Park Avenue, Wattle Glen on a three year moratorium.
3. Notifies affected property owners accordingly.

Attachments

1. Proposed Special Charge Scheme Area

Background

1. On 28 December 2017 and 18 January 2018, Council sent an initial questionnaire to property owners of Clarke Avenue and Park Avenue, Wattle Glen. The questionnaire was in response to a number of enquiries relating to the potential development of a Special Charge Scheme to construct Clarke Avenue and Park Avenue.
2. Council has previously investigated a scheme in 2007, resulting in 20.5 percent support. This resulted in the abandonment of further investigations into a Special Charge Scheme in 2008.

12. Officers' reports

OCM.016/19 Clarke Avenue and Park Avenue Special Charge Scheme, Wattle Glen

Policy context

3. This report directly supports the achievement of Council Plan 2017-2021 strategy:
- Ensure that the provision of community infrastructure responds to community needs.

Budget implications

4. All costs associated with the investigation of the scheme are accommodated within existing operational budgets.

Consultation/communication

5. The properties engaged as part of this scheme can be viewed in **Attachment 1**.
6. Consultation has been carried out in line with Council's *Special Charge Schemes for Roads and Drainage Works Policy and Guidelines*. This has included:
- An initial questionnaire was sent to property owners on 28 December 2017 and 18 January 2018 to establish the level of support for further investigation into constructing Clarke Avenue and Park Avenue. The results are shown in Table 1 below.

	Support further investigation	Not supportive of further investigation	No response	Total
Votes	28	7	9	44
Percentage	63.6%	15.9%	20.5%	100%

Table 1 – Results from initial questionnaire

- On 10 October 2018, an information session was held for all interested property owners to discuss a construction proposal, cost apportionment and the special charge process. Twenty five of the 44 properties were represented at this information session.
- A formal questionnaire was sent to owners on 9 November 2018 to establish the level of support for further investigation into constructing Clarke Avenue and Park Avenue. The results are shown in Table 2 below.

	Construction	No change	No response	Total
Votes	10	28*	6	44
Percentage	22.7%	63.6%	13.7%	100%

Table 2 – Results from formal questionnaire

12. Officers' reports

OCM.016/19 Clarke Avenue and Park Avenue Special Charge Scheme, Wattle Glen

*Four votes were received in support of construction but included conditions which were contrary to Council's *Special Charge Schemes for Roads and Drainage Works Policy and Guidelines*. These votes have been treated as a no change as the conditions may not be met.

Issues/options

7. The level of support established for a Special Charge Scheme for Clarke Avenue and Park Avenue (refer to Table 2) is below the 60 per cent requirement for the scheme to proceed.
8. Property owners were given the opportunity to include comments in their questionnaire responses. A summary of the comments received is listed below:
 - a) Dust is a health hazard and damages the creek.
 - b) Cost and Council contribution:
 - i) It is too expensive and unable to afford repayments.
 - ii) Council should contribute to the scheme for its neglect to maintaining the road.
 - iii) Support the road being sealed but the road should be reconstructed at Council's cost first.
 - iv) Council should pay for any drainage works as it is Council's responsibility.
 - v) Council should be making a contribution.
 - vi) Council is liable to fix the road to its original condition due to its poor maintenance of the road.
 - c) Road:
 - i) The road currently damages cars, is dangerous to drive on and unsafe for pedestrians.
 - ii) Supportive of the road being sealed.
 - iii) Sealing would compromise the rural character of the area.
 - iv) Lack of maintenance causing damage to properties and flooding issues.
 - d) Apportionment:
 - i) Council has fully funded or co-funded sealing other roads in the Shire.
 - ii) A better, fairer and more equitable plan needs to be put forward to property owners.

Conclusion

9. The results of the formal questionnaire demonstrates insufficient support from property owners for the construction of Clarke Avenue and Park Avenue via a Special Charge Scheme.
10. Based on this, and in accordance with Council's Policy, it is recommended that further investigation into a Special Charge Scheme be abandoned and placed on a three year moratorium and all affected property owners be formally advised.

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12. Officers' reports

OCM.017/19 Electoral Representation Review 2019 - Council's Preliminary Submission to the VEC

Distribution: Public

Manager: Blaga Naumoski, Executive Manager Governance

Author: Katia Croce, Governance Lead

Summary

Council at its Future Nillumbik Committee Meeting on 12 February 2019 considered a report on the upcoming Electoral Representation Review conducted by the Victorian Electoral Commission (VEC) in accordance with the requirements of the *Local Government Act 1989*.

As part of the Review, Council along with all other members of the public, have been invited to make a submission to the VEC. Preliminary submissions close 13 March 2019 at 5pm and the VEC will release its preliminary report on 10 April 2019. Council will then have an opportunity to provide a further response. The final report of the VEC will be released on 5 June 2019.

Council has given considerable thought to its position in relation to what it considers to be the best electoral structure for Nillumbik and has concluded that the current structure of seven single councillor wards is the most appropriate structure to represent Nillumbik Shire Council into the future.

This report seeks Council to endorse the Preliminary Submission, which will then be forwarded to the VEC before the due date.

Recommendation

That Council:

1. Endorses the Nillumbik Electoral Representation Review Preliminary Submission 2019 (**Attachment 1**).
2. Officers forward the Preliminary Submission to the VEC prior to the due date of 13 March 2019.

Attachments

1. Nillumbik Electoral Representation Review Preliminary Submission 2019

Background

1. The *Local Government Act 1989* requires the VEC to review each council before every third general election. In line with the notice given by the Minister of Local Government, an electoral representation review is underway of 31 councils across Victoria. This review must be completed by 24 April 2020.
2. A representation review ensures that the electoral structure of a local council provides fair and equitable representation for all voters. Representation reviews occur approximately every 12 years, and unscheduled reviews may also take place.
3. A review considers:
 - Whether a local council has the appropriate number of councillors.

12. Officers' reports

OCM.017/19 Electoral Representation Review 2019 - Council's Preliminary Submission to the VEC

- Whether the local council should be unsubdivided, with councillors elected from the whole local council, or subdivided into wards.
- If subdivided, the number of wards, ward boundaries and the number of councillors per ward.
- When the review is complete, the VEC makes a final recommendation to the Minister for Local Government. Any changes to the electoral structure of the council then apply at the next general election.

4. Key dates in the VEC review process:

Key Dates	
11 February 2019 at 7:30pm 18 February 2019 at 7:30pm	Public Information Session - Council Chambers Public Information Session - St Andrews Community Centre
13 February 2019	Publication of notice of review and preliminary submissions open - the Submission Guide will be available
13 March 2019 at 5:00pm	Preliminary submissions close
10 April 2019 to 8 May 2019 at 5:00pm	Preliminary report released and open for public submissions for a period of 28 days
13 May 2019 at 7:30pm	Public hearing (should there be requirement to hold a public hearing)
5 June 2019	Schedule release of final report

Policy context

5. This report directly supports the achievement of Council Plan 2017-2021 strategy:
- Maintain good governance and effective leadership.

Budget implications

6. The mandatory costs associated with the conduct of the Review by the VEC have been included in the 2018/2019 Budget.

Consultation/communication

7. As advised at the Future Nillumbik Committee Meeting on 12 February 2019, the VEC is conducting its own information campaign in relation to the Review, which commenced earlier this month and has included two public information sessions.

12. Officers' reports

OCM.017/19 Electoral Representation Review 2019 - Council's Preliminary Submission to the VEC

Issues/options

8. Councillors formed a preliminary view at the February 2019 Future Nillumbik Committee Meeting, being that the retention of the current structure of seven single councillor wards would be the best outcome for Nillumbik Shire.
9. To help support Councillors' view, officers have researched available data through the Australian Bureau of Statistics and the 'Know Your Council' website in developing Council's response to the VEC and addressing the review considerations.
10. The data shows that Nillumbik has substantially fewer voters, has a smaller number of voters per Councillor, and future growth is predicted to be considerably lower than municipalities in the urban-rural fringe. This suggests that the current number of Councillors is appropriate for the Shire into the future and is sufficient to provide fair and equitable representation for the community.
11. It is accepted however that the population growth is expected to predominately occur in the south-west of the Shire around central Eltham, Diamond Creek and Plenty as shown in table below.

Population summary							
Nillumbik Shire	Forecast year					Change between 2016 and 2036	
Area	2016	2021	2026	2031	2036	Total change	Avg. annual % change
Nillumbik Shire	64,276	65,125	66,737	68,312	70,390	+6,155	0.46
Diamond Creek	12,263	12,976	13,858	14,334	14,930	+2,667	0.99
Eltham (Central)	8,375	8,840	9,792	10,602	11,544	+3,169	1.62
Eltham (East)	3,859	3,696	3,555	3,525	3,535	-324	-0.44
Eltham (Edendale)	3,473	3,305	3,212	3,180	3,196	-277	-0.42
Eltham (South)	3,353	3,263	3,245	3,388	3,486	+134	0.20
Eltham North	4,891	4,784	4,719	4,722	4,769	-122	-0.13
Greensborough	5,743	5,710	5,591	5,483	5,425	-318	-0.28
Hurstbridge	3,612	3,582	3,552	3,529	3,549	-63	-0.09
Kangaroo Ground - Wattle Glen	3,226	3,101	3,099	3,163	3,199	-27	-0.04
North Warrandyte	3,111	3,003	2,934	2,926	2,956	-154	-0.25
Plenty – Yarrambat	4,198	4,763	5,065	5,309	5,513	+1,315	1.37
Research	2,763	2,761	2,775	2,791	2,843	+79	0.14
Rural East	3,518	3,462	3,419	3,401	3,413	-104	-0.15
Rural North West	1,890	1,880	1,919	1,958	2,032	+142	0.36

Population and household forecasts 2016 to 2036, prepared by .id, the population expert, October 2017
<https://home.id.com.au>

12. Officers' reports

OCM.017/19 Electoral Representation Review 2019 - Council's Preliminary Submission to the VEC

12. A review of the deviation figures provided by the VEC in its Submission Guide, reveals that even with projected growth that will result in a shift in the councillor/voter ratio, the variance will still likely remain within the allowable +/-10 per cent variance per ward.
13. In relation to communities of interest, the VEC has acknowledged that the following factors are relevant:
 - Creating wards with manageable features and taking account of geographic features such as terrain.
 - Considering travel routes and modes of transport.
 - Governance related issues.
14. All of these factors are of particular relevance to Nillumbik and therefore strong arguments have been presented to support how the existing structure best suits Nillumbik's requirements in relation to these factors.

Further process

15. Following release of the VEC's preliminary report, Council and all other interested submitters will again have an opportunity to respond to the recommendations in the report. Response submissions will close on 10 May 2019. A public hearing will be conducted by the VEC in the Council Chamber at 7:30pm on 13 May 2019, allowing an opportunity for submitters to directly present their case to the panel. The final report of the VEC, containing the recommendations it will make to the Minister, will be released on 6 June 2019.

Conclusion

16. Council has undertaken to lodge a submission to the VEC on the Electoral Representation Review of Nillumbik Shire Council. In response, a submission has been prepared, which argues strongly and credibly for the retention of a seven single councillor ward structure for Nillumbik Shire.
17. Council is being requested to formally adopt the Preliminary Submission paper prior to it being forward to the VEC.

12. Officers' reports

OCM.018/19 Economic Development Advisory Committee Membership and Terms of Reference

Distribution: Public

Manager: Kylie Lethbridge, Manager Business, Tourism and Marketing

Author: Danielle Phyland, Business & Industry Coordinator

Summary

A vacancy has arisen within Council's Economic Development Advisory Committee (EDAC).

In preparing to fill the vacancy, it affords an opportunity to review the Terms of Reference so that they reflect current policy and operational requirements plus changes to local industry groups.

This report recommends Council endorses the revised Terms of Reference and agrees to advertise the vacant position.

Recommendation

That Council:

1. Endorses the revised Terms of Reference for the Economic Development Advisory Committee.
2. Agrees to advertise the vacant position for the Economic Development Advisory Committee.

Attachments

1. 2019 Economic Development Advisory Committee Terms of Reference Changes
2. 2019 Economic Development Advisory Committee Terms of Reference Final

Background

1. The Economic Development Advisory Committee (EDAC) provides a formal mechanism for Council to consult with key stakeholders, seek specialist industry advice and enable community participation regarding economic development issues and opportunities in the Shire.
2. At the Ordinary Council Meeting on 28 March 2017, the Terms of Reference for the new Advisory Committee were endorsed. An advertising process was conducted and following this on the 29 August 2017 at the Ordinary Council Meeting the membership was endorsed.
3. EDAC is chaired by Mayor, Cr Karen Egan, with Cr Bruce Ranken as Deputy Chair. Cr John Dumaresq is Delegate.
4. One member of EDAC has resigned, leaving a vacancy within the Committee membership. This independent member offered expert knowledge and experience in planning and urban design.
5. Since the adoption of the original Terms of Reference, there has been some change within the functions of local industry and community groups. This vacancy affords the

12. Officers' reports

OCM.018/19 Economic Development Advisory Committee Membership and Terms of Reference

opportunity to review the structure and purpose of the Committee and revise the Terms of Reference.

Policy context

6. This report directly supports the achievement of Council Plan 2017-2021 goal:
- Identify new economic development opportunities and improve amenity for our villages in conjunction with key stakeholders including residents.

Budget implications

7. Will be accommodated as part of the operational budget.

Consultation/communication

8. Current Committee members were asked to provide feedback on the Terms of Reference.
9. Feedback was provided around ensuring the need for a gender and geographic balance as well as a complimentary skill mix. It was also suggested that a minimum attendance requirement could be included to ensure that the roles were utilised appropriately.

Issues/options

10. The current Committee has been in effect for almost two years, which provides a timely opportunity for a review to ensure the objectives are still relevant and reflect current policy and operational structure.
11. With the endorsement of the revised Terms of Reference it is recommended that all current Committee members be invited to renominate as they will be at the end of their two year tenure.
12. The vacancy in membership and the changes to some industry groups e.g. the Nillumbik Business Network has merged with the Nillumbik Tourism Association and the agribusiness forum is yet to be established, also provides an opportunity to review and update the Terms of Reference (**Attachment 2**).
13. While Officers feel that the objectives are still relevant, minor changes are being recommended to ensure the best outcomes from the Committee and the community. Key changes proposed and identified in **Attachment 1** include:
- i) Rationalisation of membership allowing for a broader, diverse membership base.
 - ii) Inclusion of a minimum attendance requirement.
 - iii) Inclusion of a code of conduct.
14. It is recommended that advertising for the vacancy commence immediately and a selection panel be appointed consisting of the EDAC Chair, Mayor, Cr Karen Egan, a Council Officer and two current members of EDAC.

12. Officers' reports

OCM.018/19 Economic Development Advisory Committee Membership and Terms of Reference

15. There is significant interest from community members, which is a testament to the importance of this body. Officers are recommending that the advertising process seek to attract skills in the area of; professional services, small/micro business, trades, investment and/or development and town or land use planning.

Conclusion

16. EDAC is a valuable asset to the organisation and the community and should continue to be supported.
17. Members provide invaluable advice, information and expertise that is essential to the formulation of Council plans, policies and strategies.

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12. Officers' reports

OCM.019/19 Audit Committee Matters

Distribution: Public

Manager: Vince Lombardi, Executive Manager Finance

Author: Melika Sukunda, Financial Accountant

Summary

February Minutes of Meeting

In accordance with section 139 of the *Local Government Act 1989* and good governance principles, Councils must have an Audit Committee. As resolved at the Ordinary Meeting of Council on 16 August 2005, the Audit Committee minutes are to be reported and presented at an Ordinary Meeting of Council following the Audit Committee meeting.

The Audit Committee met on 11 February 2019. The minutes for the meeting are attached in **Attachment 1**.

Charter Review

The audit committee charter has not been reviewed in its entirety since April 2015. The review is timely with the focus centred on the duties of the audit committee. The membership, quorum and purpose of the committee remain unchanged.

Independent Member Remuneration

The independent remuneration has not been reviewed for the past five years.

Recommendation

That Council:

1. Notes the minutes of the Audit Committee meeting held on 11 February 2019.
2. Approves the revised Audit Committee Charter.
3. Resolves to increase the independent member's remuneration by \$1,000 annually effective 1 January 2019.

Attachments

1. February 2019 Audit Committee Minutes
2. Audit Committee Charter

Background

1. As resolved at the Ordinary Meeting of Council on 16 August 2005, following the Audit Committee meeting, minutes are to be reported and presented at an Ordinary Meeting of Council.
2. The Audit Committee meets a minimum of four times a year and has the role to assist the coordination of relevant activities of management, internal audit and the external auditor to facilitate good governance, effectiveness and efficiency.
3. The Audit Committee Charter review is timely considering there has been no review since April 2015.

12. Officers' reports

OCM.019/19 Audit Committee Matters

4. The review of remuneration for the independent members has not taken place for over five years.

Policy context

5. This report directly supports the achievement of Council Plan 2017-2021 strategies:
- Maintain good governance and effective leadership.

Budget implications

6. The costs associated with this matter are contained within Council's 2018-2019 Budget.

Consultation/communication

7. The Audit Committee meeting on 11 February 2019 was attended by the Committee members, the internal Auditor from Crowe Horwath as well as the Chief Executive Officer and Executive Manager Finance. Cr Peter Clarke and Cr Bruce Ranken are the Councillor representatives.

Audit Committee minutes

8. The minutes of the Audit Committee are submitted to Council after each meeting. To provide timely feedback, these are unconfirmed minutes.
9. The Audit Committee 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.
10. Minutes of the Audit Committee held on the 11 February 2019 have not yet been adopted by the Committee, but will be presented at its next meeting.
11. The items considered by the Audit Committee were:
- The internal audits on Business Continuity and Procurement – over the tender threshold
 - Council's Risk and Insurance report. These were received and noted.
 - The VAGO report on Results of 2017–18 Audits: Local Government.
 - The revised audit and risk committee charter was endorsed by the committee.
 - The procurement policy was endorsed by the committee.
 - The procurement guidelines were received and noted.
12. The next Audit Committee meeting is scheduled to take place in May 2019.

Audit Committee Charter Review

13. The purpose of the review is to clearly document and formalise the areas of responsibility of the Committee with further consideration to areas of risk and business continuity.
14. The consideration to the areas of risk and business continuity has been highlighted with a revision to the committee title being proposed to; Audit and Risk Committee.

12. Officers' reports

OCM.019/19 Audit Committee Matters

- 15. The updated charter encompasses the following areas:
 - a) Objective
 - b) Authority
 - c) Composition
 - d) Meetings
 - e) Responsibility
 - f) Transparency measures
 - g) Conflict of interest and Register of interest
 - h) Confidentiality
- 16. A copy of the charter (**Attachment 2**) details the scope of each area.
- 17. No changes have been proposed to the objective, authority or composition of the Audit Committee.

Independent Member Remuneration

- 18. Section 139(7) of the Act allows Council to set the remuneration for independent members at its discretion.
- 19. The fees set should reflect the time, commitment and responsibility involved in as an independent member
- 20. The table below sets out the current fees and proposed fee.

Committee member	Current	Proposed
Chairperson	8,000	9,000
Member	5,000	6,000

- 21. The proposed increase reflects;
 - a) the experience and knowledge independent members are required to have
 - b) the responsibility and contribution expected from the independent members to the Committee.

Conclusion

- 22. The three matters presented to Council in relation to the Audit Committee are presented to Council to ensure timely feedback and accurate information.

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12. Officers' reports**OCM.020/19 Procurement Policy Annual Review**

Distribution: Public**Manager: Vince Lombardi, Executive Manager Finance****Author: Lance Clark, Senior Procurement Specialist****Summary**

The *Local Government Act 1989* requires Council to annually review its Procurement Policy (the policy). An annual review of the policy has been undertaken and a revised Procurement Policy is presented for Council approval. The Audit Committee considered the revisions at its meeting on the 11th of February 2019.

The Procurement Policy applies to all procurement and contracting activities at Council and is binding upon Council officers, contractors and consultants whilst engaged by and/or representing Council. This report sets out the revisions and seeks Council approval of the reviewed policy.

Recommendation**That Council:**

1. Adopts the Procurement Policy.
2. Makes the Procurement Policy available for public inspection at the Civic Office and on Council's website.

Attachments

1. Procurement Policy
2. Changes to Policy Document

Background

1. The *Local Government Act 1989* (the Act) requires Council to prepare and approve a Procurement Policy, and at least once in each financial year to review the policy. The Act defines a Procurement Policy to mean the principles, processes and procedures that will apply to the purchases of goods, services and works by the Council.

Policy context

2. This report directly supports the achievement of Council Plan 2017-2021 strategy:
 - We will meet our legal responsibilities and manage our risks.

Budget implications

3. The review of the policies has no direct budget implications.

Consultation/communication

4. Policy document has been presented to the Audit Committee for review and comment.
5. The Audit Committee recommended that council adopts the policy.

12. Officers' reports

OCM.020/19 Procurement Policy Annual Review

Issues/options

6. Council last adopted the Procurement Policy in March 2018. The annual review for 2019-2020 has been undertaken in accordance with the Act and has taken into account feedback by officers with procurement responsibilities.
7. The revised Procurement Policy is provided as **Attachment 1** and will replace the current policy.
8. There is a minor change made to the policy document which is detailed in **Attachment 2** with regard to supporting local economic and social development.
9. The policy will apply to all procurement and contracting activities of Council.
10. The policy aims to ensure that procurement activities are undertaken in a consistent and appropriate manner by Council adopting best practice principles, and provides guidance for:
 - Achieving value for money objectives.
 - Ensuring public money has been spent in the best interests of the community.
 - Generating support for the local economy and the wider community.

Conclusion

11. The Procurement Policy are presented to Council for formal approval.

12. Officers' reports

OCM.021/19 Council Plan Quarterly Performance Report

Distribution: Public

Manager: Jeremy Livingston, Executive Manager Organisational Performance

Author: James Hartigan, Business Performance Analyst

Summary

The purpose of this report is to present the Council Plan Quarterly Performance Report for Council's consideration. The attached report provides the second update (end of the second quarter) on delivery progress and performance of the 2018-2019 Annual Plan priority actions, which align with the delivery of the Council Plan 2017-2021.

Of the 51 actions in the 2018-2019 Annual Plan, 38 are on track to be completed within the financial year, 4 are being completed as 'business as usual' activities, 4 have minor issues/delays, and 4 are to yet to commence. One action is completed.

Performance against the delivery of the Council Plan is presented to Council and the community on a quarterly basis, and is also published in the Annual Report which is presented to the Minister of Local Government before 30 September each year.

Recommendation

That Council receives the Council Plan Quarterly Performance Report (**Attachment 1**) for the second quarter of 2018-2019, being the period ending 31 December 2018.

Attachments

1. 2018-19 Q2 Council Plan Status Report

Background

1. The Council Plan 2017-2021 was developed following the general Council Election in October 2016 and adopted by Council on 27 June 2017.
2. The Annual Plan 2018-2019 was developed and endorsed at the June 2018 Ordinary Council Meeting. The Annual Plan 2018-2019 contains 51 actions contributing to delivery of the Council Plan within this financial year.
3. This Quarterly Performance Report provides Council with an update on the progress of delivery of the 51 Annual Plan actions at the end of the second quarter of 2018-2019. The report documents how Council is performing and delivering on the Council Plan for the Nillumbik community.

Policy context

4. This report directly supports the achievement of Council Plan 2017-2021 strategy:
 - Maintain good governance and effective leadership.

Budget implications

5. This report is part of Council's monitoring of the Council Plan and Budget. The resources for the monitoring and the preparation of this report are accommodated within existing operational budgets.

12. Officers' reports

OCM.021/19 Council Plan Quarterly Performance Report

Consultation/communication

6. The Council Plan 2017-2021 was developed following a comprehensive program of workshops and briefings with Councillors following the general Council Election in October 2016, as well as a period of consultation with the community in May and June 2017. The Council Plan 2017-2021 was adopted by Council on 27 June 2017.
7. The Annual Plan 2018-2019, which was developed following two briefings with Councillors and adopted by Council in June 2018, contains 51 actions contributing to delivery of the Council Plan within this financial year.

Commentary on performance report

8. The 2018-2019 Annual Plan contributes to the delivery of the Council Plan 2017-2021 through 51 priority actions that sit under the five high-level strategic objectives of:
 - Engaged, connected communities – a place where communities and ideas thrive, underpinned by trust, confidence and continuous learning.
 - Active and creative people – active lifestyles and artistic expression are fostered through participation and innovation.
 - Safe and healthy environments – healthy and safe communities enjoy living in our iconic Green Wedge environment.
 - A prosperous economy – a strong local economy that supports business growth, jobs and community wealth.
 - Responsible leadership – collaborative and consultative leadership that builds trust and makes the best use of available resources to the benefit of all in the pursuit of excellence.
9. Of the 51 actions in the 2018-19 Annual Plan, 38 are on track to be completed within the financial year, 4 are being completed as 'business as usual' activities, 4 have minor issues/delays and 4 are to yet to commence. One action is completed.
10. Some highlights of the deliverables achieved and activities completed during the reporting period (October to December 2018) include:
 - An audit of community infrastructure was undertaken and a spatial mapping exercise to determine access and distribution has commenced to support a Community Infrastructure Planning Framework (Action 6);
 - A 'Smart Cities' Agreement between the principal Council (Whittlesea) and the Commonwealth Government has been signed to enable commencement of planning (Action 7);
 - In open space management, approximately one third of high use site tree works have been completed with works at preschools and childcare centres taking place over the Christmas break (Action 11);
 - With respect to the Diamond Creek Trail, VicRoads confirmed budget phasing of \$50,000 for 2018-2019 and the remaining \$3,950,000 for 2019/2020 (Action 14);

12. Officers' reports

OCM.021/19 Council Plan Quarterly Performance Report

- A consultant (Enhar) has been appointed to complete the feasibility study for the Renewable Energy Generation Project (Action 15);
- The dedicated performing arts stream of the arts and cultural grants was very well received and all funds allocated to exciting new performance programs in the New Year (Action 22);
- Officers have commenced writing the draft Green Wedge Management Plan. It is proposed that Council will consider the draft Plan in April 2019 prior to releasing for wider community consultation (Action 23);
- Nillumbik was successful in obtaining a Voluntary Affordable Housing Grant from the Department of Environment, Land, Water and Planning to assist with an affordable housing needs project across the Shire (Action 24);
- Mr Craig Lapsley has been engaged by Council to provide subject matter expertise on Emergency Management including recommendations on Council's Bushfire Mitigation Strategy (Action 25);
- A joint Municipal Emergency Management Planning (MEMP) and Municipal Fire Management Planning (MFMP) committee meeting was held in December (Action 26);
- A range of programs are being delivered to control pest plants and animals on Council and private land across the Shire (Action 28);
- Membership of Economic Development Australia has been secured by Council, and an annual business events, networking and training program has been created and a new online calendar is available on Council's website (Action 39);
- 25 Nillumbik tourism businesses have signed up as program partners to the Yarra Ranges Tourism Partnership (Action 40);
- Customer service training was rolled out across the organisation with the training now complete (Action 46); and
- The Key Results Area Framework (KRA Framework) was further embedded across the organisation through the development of staff individual performance dashboards with key performance indicators aligned to Council Plan and business plans (Action 50).

Conclusion

11. The Council Plan Quarterly Performance Report provides an update on the progress of the Council Plan at the end of the second quarter of the 2018-2019 financial year. The report documents how Council is performing and delivering on the Council for the Nillumbik community.

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12. Officers' reports

OCM.022/19 Assembly of Councillors

Distribution: Public

Manager: Blaga Naumoski, Executive Manager Governance

Author: Emma Christensen, Governance Officer

Summary

In accordance with section 80A(2) of the *Local Government Act 1989* Council is required to report as soon as practicable to an Ordinary Meeting of Council a record of any assemblies of Councillors held.

This report lists assemblies of Councillors forms that have been submitted since the matter was last reported to Council on 29 January 2019.

An Assembly of Councillors record was kept for:

- Councillor Briefing Session – 22 January 2019;
- Councillor Briefing Session and Pre-meeting to Ordinary Council Meeting – 29 January 2019;
- Councillor Briefing Session – 5 February 2019;
- Activity Centres Urban Design Project Reference Group – 6 February 2019;
- Arts Advisory Committee – 11 February 2019;
- Pre-meeting to Future Nillumbik Committee – 12 February 2019; and
- Councillor Briefing Session – 19 February 2019.

Recommendation

That Council, in accordance with section 80A(2) of the *Local Government Act 1989*, receives the records of the Assemblies of Councillors held on 22 January 2019, 29 January 2019, 5 February 2019, 6 February 2019, 11 February 2019, 12 February 2019 and 19 February 2019 (**Attachment 1**).

Attachments

1. Assembly of Councillors reported 26 February 2019

Background

1. The *Local Government Act 1989* (the Act) requires records of assemblies of Councillors be reported to an Ordinary Meeting of Council and recorded in the minutes of that meeting.

Policy context

2. This report directly supports the achievement of Council Plan 2017-2021 strategy:
 - Ensure that Council meets its legal responsibilities and manages its risks.

Budget implications

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

12. Officers' reports

OCM.022/19 Assembly of Councillors

Consultation/communication

4. None required.

Issues/options

5. An assembly of Councillors is defined in section 76AA of the Act. 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:
- A planned or scheduled meeting that includes at least half the Councillors and at least one Council officer. These assemblies do not include meetings of Councillors and Council staff that are not planned or scheduled.
 - A 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.
6. A record must be kept of an assembly 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.
7. In accordance with section 80A(2) of the Act, Council is required to report as soon as practicable to an Ordinary Meeting of Council a record of any assemblies of Councillors held.
8. The recommendation contains the list of assemblies of Councillor forms that have been submitted since the matter was last reported to Council on 29 January 2019.

Conclusion

9. It is recommended that Council receives the records of recent assemblies of Councillors as contained in this report, fulfilling section 80A(2) of the *Local Government Act 1989*.

12. Officers' reports

OCM.023/19 Outcome of the expression of interest and request for proposal phases for the proposed sale and development of 895 and 903-907 Main Road Eltham

Distribution: Public

Manager: Naomi Paton, Manager Integrated Strategy

Author: Paul Usatov, Senior Project Manager

Summary

This report refers Council's consideration and decision to the confidential section of the Council meeting on the outcome of the Expression of Interest (EOI) and subsequent Request for Proposal (RFP) for the proposed sale and development of Council land at 895 and 903-907 Main Road Eltham

At the August 2018 Ordinary Meeting of Council, Council resolved to commence an urban renewal process to deliver enhanced social, economic and public realm outcomes in a built form reflective of Eltham's preferred character on the two parcels of land.

Council seeks to realise the value of land to deliver outcomes, including provision of contemporary community facilities, at no cost to ratepayers.

The EOI and RFP process were designed to explore the commercial realities of Council's broad objectives.

An external evaluation panel with expertise in finance, risk, property development, and architecture were appointed to assess the EOIs. EOIs were assessed for proponents' financial capacity to deliver the project, quality of the project team including experience, and ability to deliver the project within agreed timeframes.

Shortlisted proponents were invited to participate in the RFP phase. Council sought proposals that meet the broad objectives addressing community benefit, provision of community facilities, design qualities and financial return to Council. The evaluation panel was extended to include expertise in urban design and place-making. Proposals addressed Council's objectives to deliver community benefits. The panel concluded their evaluation in January 2019.

Recommendation

That Council notes this report.

Attachments

Nil

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12. Officers' reports

OCM.024/19 Tender Report - 1819-60 Allendale Road Construction

Distribution: Public

Manager: Hjalmar Philipp, Director Sustainability and Place

Author: Steven Blight, Coordinator Construction

Summary

This report is an overview of a separate confidential report recommending the awarding of the contract for the rural road sealing of Allendale Road, between the aqueduct trail crossing and Ingrams Road, Diamond Creek.

The works will involve the spray sealing approximately 1.2km of Allendale Road, west of Ingrams Road, Diamond Creek including, traffic calming and intersection works, asphalt road humps, vehicle crossing connections, roadside drainage improvements, some asphalt table drains kerb and channel (intersection) and other associated works.

The Tender Evaluation panel has assessed all submissions and this report outlines their evaluation in recommending the awarding of the contract for the construction of Allendale Road, west of Ingrams Road, Diamond Creek as part of Council's Rural Road Sealing Program.

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.

The confidential report associated with this contract contains a recommendation to make public the decision regarding this contract but the evaluation remain confidential.

Recommendation

That Council notes this report.

Attachments

Nil

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12. Officers' reports

OCM.025/19 Risk and Insurance Report December Quarter 2018

Distribution: Public

Manager: Jeremy Livingston, Executive Manager Organisational Performance

Author: Craig Commane, Risk Advisor

Summary

This report provides a summary of Council’s Risk and Insurance Report for the quarter ending December 2018.

The report is presented in accordance with the Local Government Performance Reporting Framework (LGPRF) that commenced on 1 July 2014. This reporting framework requires the presentation of a report to Council at least every six months, detailing the strategic risks, operational risks, the consequences and likelihood of occurrence, and risk mitigation strategies.

Risk and insurance reporting to Council will be tabled each quarter following consideration by the Audit and Risk Committee.

A separate report in this agenda provides detailed information for Council consideration. It is recommended that this detailed report remain confidential as it includes information which may prejudice the Council or another person.

Recommendation

That Council notes this report.

Attachments

Nil

Background

1. Council’s commitment to risk management is outlined in the Risk Management Policy adopted in June 2018, with the following objectives:
 - Ensure that all risks that could affect the achievement of our Council’s goals, strategies and actions are identified, assessed and treated to a commercially, professionally and politically acceptable level of risk;
 - Integrate risk management into decision making processes and embed it into the organisation culture to help make informed choices for the benefit of Council and our stakeholders;
 - Ensure that necessary resources are allocated in support of the policy outcomes;
 - Maintain stakeholders trust and due diligence;
 - Align all risk management practices across the organisation and to promote and support a consistent corporate approach to risk management that can be clearly understood and applied by everyone and provide a basis for higher standards of accountability; and
 - To ensure that risk management is seen as the responsibility of all staff, i.e.: “Risk Management is everyone’s business”.

12. Officers' reports

OCM.025/19 Risk and Insurance Report December Quarter 2018

2. In addition to the Risk Management Policy, Council's Risk Management Framework 2018 communicates and describes the risk management structure and procedures 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. Prior to the introduction of the Local Government Performance Reporting Framework (LGPRF), risk reporting was referred to Councils' Audit and Risk Committee and the information included for consideration by Council through the adoption of the Audit and Risk Committee's minutes.
5. Commencing 1 July 2014, the State Government introduced the LGPRF. This framework requires the presentation of risk reporting processes to Council at least every six months on strategic risks to Council operations.
6. The Risk and Insurance report is a result of consolidation of these management reports, which broadly reports on:
 - Risk management;
 - Business continuity;
 - Insurance;
 - Incident management and insurance claims;
 - Safety, health and wellbeing;
 - Other data; and
 - Strategic risk summary report.

Policy context

7. This report directly supports the achievement of Council Plan 2017-2021 strategy:
 - Ensure that Council meets its legal responsibilities and manages its risks.

Budget implications

8. The costs for managing and reporting are covered by Council's operating budget.

Consultation/communication

9. The Risk and Insurance Report was considered by the Audit and Risk Committee on 11 February 2019.

Issues/options

10. The Risk and Insurance report has been prepared in accordance with Council's Risk Management Policy and Framework and is consistent with the Australian Standard AS/NZS 31000:2009 Risk Management.

12. Officers' reports

OCM.025/19 Risk and Insurance Report December Quarter 2018

11. Workshops at Council's Operations Centre focussing on Council's operational risks were completed during the December 2018 quarter, six additional operational risk were identified and proposed as follows:
 - Security at the Operations Centre;
 - Storage of records as it relates to Council's records management system;
 - Lack of technology and reliance on heavily paper based system;
 - Internal communications and relationships – maintenance of waste vehicles;
 - Asset maintenance – renewal spend vs required spend; and
 - Absenteeism.
12. There are currently 84 operational risks being consulted with internal stakeholders across Council before integration into Council systems and processes.
13. An operational risk is a risk that is external or internal that may impact the current business strategy to provide services to the community.
14. Highlights from the December 2018 Risk and Insurance report are:
 - A review of Council's business continuity policy and framework was completed and all existing business continuity plans were updated.
 - Commencement of the development of a business continuity annual program, including training and awareness, scenario based testing and management reporting.
 - Council strategic risk status reporting – 99 per cent of all risk control actions have been completed and one per cent is yet to commence in accordance with their timelines.
 - The following table summarises recorded incidents by type for matters involving Council. It should be noted that this table shows all reported incidents, rather than all claims, as not every incident results in a claim being made.

Incidents by type (excluding OHS incidents)	Jan - Mar 2018	Apr-June 2018	Jul - Sep 2018	Oct - Dec 2018	Total Jan – Dec 2018	Last Year Jan - Dec 2017	Year to year trend
Property	4	9	4	3	20	36	▼
Motor vehicle	24	34	17	21	96	133	▼
Professional Indemnity	0	2	1	3	6	2	▲
Public Liability	35	24	22	16	97	138	▼
Total all incidents	63	69	44	43	219	309	▼

- A high proportion of reported incidents during the December 2018 quarter are generated within the normal course of operations of the Directorate, Sustainability and Place, 80 per cent. These incidents relate to major classes of asset or maintenance type incidents for trees, footpaths, roads, drainage, major plant and Council buildings.
- Tree related risks are mitigated through the:
 - Tree Management Policy;
 - Reactive tree maintenance program;
 - Proactive electric powerline clearance program;
 - Proactive box clearance program;
 - Proactive inspections of high risk trees;
 - Meeting the objectives of the Municipal Emergency Management Plan and Municipal Fire Management Plan;
- Road, footpath, drainage and roadside related risks are mitigated through the:
 - Road Management Plan;
 - Road Asset Management Plans; and
 - Proactive and reactive maintenance programs.
- Property incidents typically are reported break-ins, vandalism and accidental damage to Council buildings or fixed equipment such as in playgrounds. Risks are mitigated through maintenance programs and insurance.
- 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.

12. Officers' reports

OCM.025/19 Risk and Insurance Report December Quarter 2018

- Waste truck fire in the hydraulic area of the bin lifter during a collection route in October 2018 caused approximately \$40,000 damage. Repairs were authorised by Council's insurer and the truck has returned to service. Council's workshop completed a preventative maintenance program and all waste trucks were checked.
 - Professional indemnity relates to claims for alleged negligence or breach of duty arising from an act, error or omission in the performance of Council services.
 - Public liability incidents are reported to Council where the third party is seeking compensation for personal injury, property damage and economic loss. These 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.
 - Four trip and fall incidents were reported at various locations;
 - Four incidents related to vehicle damage, primarily these are tyre or body work damage caused by the road surface or road related infrastructure. Note that the Road Management Act threshold is currently \$1400;
 - Four incidents related to trees were reported, three related to damage to fences and one to damage to a vehicle. All claims were referred to Council's claims manager for assessment;
 - One flood / water damage incident was reported relate to an issue where the volume of water exceeded the capacity or capability of Council's drainage system to cope and overflowed onto private property; and
 - Three miscellaneous incidents were noted.
 - The annual trend data for year ending December 2018 was lower than expected compared to the same period ending December 2017. The decrease is attributed to fewer weather related events and it is not unusual for the number of incidents to vary from period to period.
15. Incident costs including under excess claim costs and insurance excesses are managed within existing budgets.

Conclusion

16. This summary, along with the confidential Risk and Insurance Report December 2018, have been provided to meet the requirements of the Local Government Performance Reporting Framework (LGPRF) and consolidation of management reporting.
17. Ongoing reporting to Council is presented quarterly following each meeting of the Audit and Risk Committee.

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

The Chief Executive Officer, pursuant to section 77(2)(c) of the *Local Government Act 1989* (the Act), has designated the following items to be confidential:

OCM.026/19 Outcome of the expression of interest and request for proposal phases for the proposed sale and development of 895 and 903-907 Main Road Eltham

This item is designated confidential because it is a contractual matter pursuant to section 89(2)(d) of the Act, and a proposed development matter pursuant to section 89(2)(e) of the Act.

OCM.027/19 Tender Report – 1819-60 Allendale Road Construction

This item is designated confidential because it is a contractual matter pursuant to section 89(2)(d) of the Act.

OCM.028/19 Risk and Insurance Report December Quarter 2018

This item is designated confidential because it is any other matter which the Council considers would prejudice the Council or any person pursuant to section 89(2)(h) of the Act.

The Meeting may be closed to members of the public to consider confidential matters.

Recommendation

That in accordance with section 89(2) of the *Local Government Act 1989*, Council resolves to close the meeting to members of the public to consider the items designated confidential by the Chief Executive Officer.