

Council Meeting

to be held at the Civic Centre, Civic Drive, Greensborough
on Tuesday 23 March 2021 commencing at 7:00pm.

Agenda

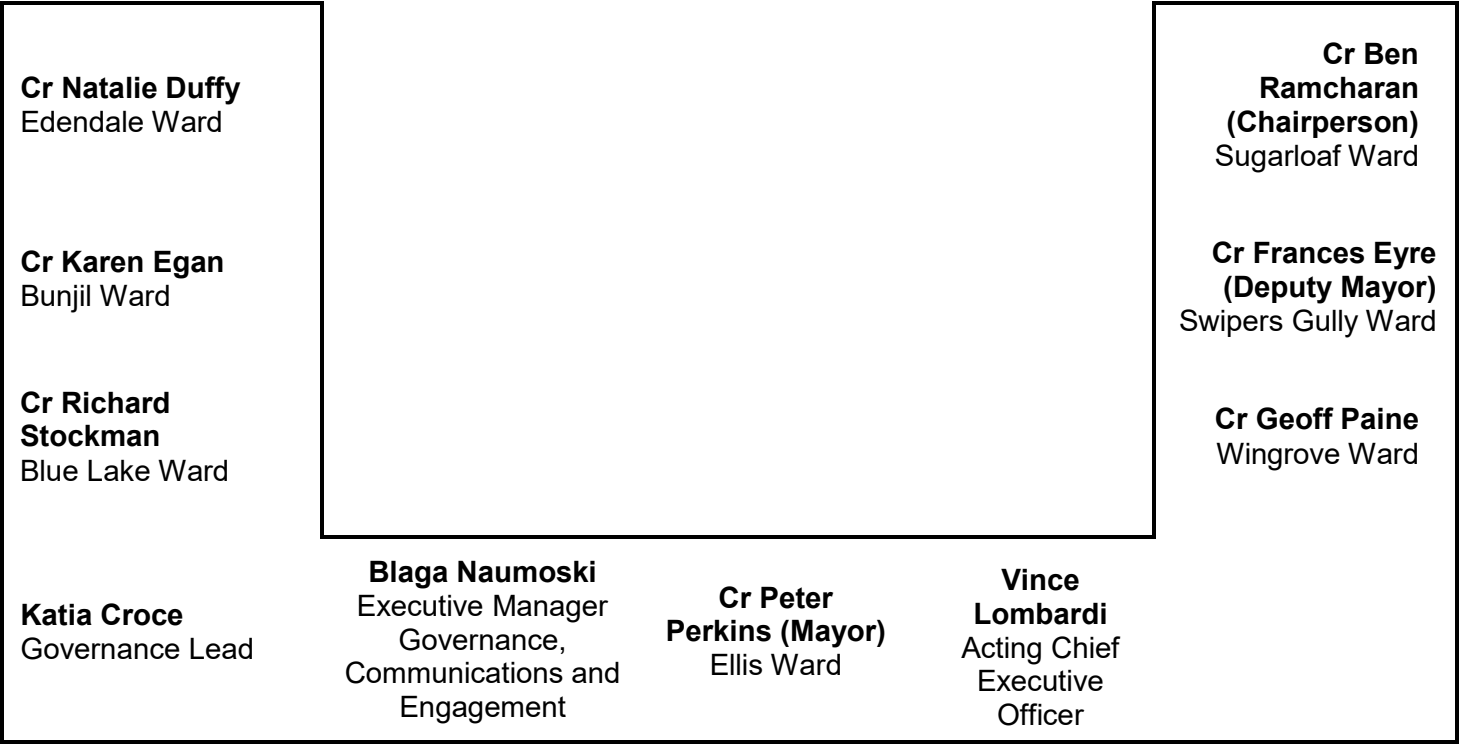
Vince Lombardi
Acting Chief Executive Officer

Thursday 18 March 2021

Distribution: Public

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Council Meeting seating plan



Nillumbik Shire Council

Contents

1. Welcome by the Mayor	1
2. Acknowledgement of Country by the Mayor	1
3. Good Governance Pledge	1
4. Prayer	1
5. Apologies	1
6. Presentations	1
7. Confirmation of minutes	1
8. Disclosure of conflicts of interest	3
9. Petitions	3
10. Questions from the gallery	3
11. Reports of Advisory Committees	5
AC.003/21 Advisory Committee Report - 23 March 2021	5
12. Reports of Special Committees	7
CM.029/21 Draft Budget 2021-2022	9
CM.030/21 Audit and Risk Committee Meeting February 2021	13
CM.031/21 Councillor Gift Policy	15
CM.032/21 Declaration of the Eltham Town Business Precinct Special Rate 2021-2026	17
CM.033/21 Declaration of the Hurstbridge Village Business Precinct Special Rate 2021-2026	25
CM.034/21 National General Assembly of Local Government 2021 - Calls for Motions	33
CM.035/21 John Street and Bridge Street Road Discontinuance	39
CM.036/21 Exhibition of Amendment C126nill to the Nillumbik Planning Scheme (Part rezoning of Bridge and John Street)	43
CM.037/21 Nillumbik Customer First Strategy - Annual Review and Update	49
CM.038/21 Quarterly Risk and Safety Report - December 2020	55
CM.039/21 Amendment C131Nill - Amending the Planning Scheme to regulate Earthworks in the Green Wedge	61
CM.040/21 Nillumbik Shire Submission to 10 Year Social and Affordable Housing Strategy	69
CM.041/21 Road Management Plan Review	73
CM.042/21 Climate Action Plan Development - Community Consultation	77
CM.043/21 Yarra Plenty Regional Library Agreement	87
CM.044/21 Review of Instrument of Delegation to Members of Council Staff	91

Council Meeting Agenda**23 March 2021**

CM.045/21	Adoption of S11A Instrument of Appointment and Authorisation under the Planning and Environment Act 1987	95
CM.046/21	Tender Report - Contract 2021-8 Graffiti Removal and Management Services	99
CM.047/21	Tender Report - Contract 2021-70: Microsoft Licensing Solution Provider	107
CM.048/21	Endorsement of Youth Council Members	111
CM.049/21	Informal Meetings of Councillors Records - 23 March 2021	117
14.	Notices of Motion	121
15.	Delegates' Reports	121
16.	Supplementary and urgent business	121
17.	Confidential reports	121
CM.050/21	CEO Employment Committee - 2020/2021 Mid-year Performance Review	
18.	Close of Meeting	121

Nillumbik Shire Council

**Agenda of the Meeting of Nillumbik Shire Council to be held Tuesday 23 March 2021
commencing at 7.00pm**

1. Welcome by the Mayor

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

2. Acknowledgement of Country 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. 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

Recommendation

That the apologies be noted.

6. Presentations

7. Confirmation of minutes

Confirmation of minutes of the Council Meeting held on Tuesday 23 February 2021.

Recommendation

That the minutes of the Council Meeting held on Tuesday 23 February 2021 be confirmed (**Attachment 1**).

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8. Disclosure of conflicts of interest

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

9. Petitions

10. Questions from the gallery

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11. Reports of Advisory Committees

AC.003/21 Advisory Committee Report - 23 March 2021

Distribution: Public

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

Author: Janet Taylor, 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.

The Arts and Cultural Advisory Committee meeting held 7 December 2020, the Environment and Sustainability Advisory Committee Meeting held 16 December 2020, the Health and Wellbeing Advisory Committee meeting held on 4 February 2021 and the Positive Ageing Advisory Committee meeting held on 12 February 2021. The minutes of each meeting are attached (**Attachment 1**).

Attachments

1. Advisory Committee Meeting Minutes reported 23 March 2021

Recommendation

That the minutes of the Arts and Cultural Advisory Committee meeting held 7 December 2020, the Environment and Sustainability Advisory Committee Meeting held 16 December 2020, the Health and Wellbeing Advisory Committee meeting held on 4 February 2021 and the Positive Ageing Advisory Committee meeting held on 12 February 2021 (**Attachment 1**) be noted.

13. Officers' reports

CM.028/21 Confirmation of Minutes of Council Meeting held 23 February 2021

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12. Reports of Special Committees

13. Officers' reports

CM.028/21 Confirmation of Minutes of Council Meeting held 23 February 2021

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13. Officers' reports**CM.029/21 Draft Budget 2021-2022****Distribution: Public****Manager: Vince Lombardi, Chief Financial Officer****Author: Melika Sukunda, Finance Manager****Summary**

This report presents the draft Budget for 2021-2022 for Council approval prior to exhibition for public consultation. The Budget provides resources for the ongoing delivery of Council services to the community, and for the development and maintenance of infrastructure throughout the Shire.

Rates and charges

- The draft Budget proposes a 1.50 per cent increase to rates levied.
- An increase of 13.86 per cent to the waste management standard charge.

Capital Works

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

Strategic Resource Plan

- In conjunction with the Council Plan, the Strategic Resource Plan has also been prepared for the next ten financial years.

Recommendation

That Council:

1. Adopts the draft 2021-2022 Budget (**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 with 223 of the *Local Government Act 1989* and 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 25 May 2021, the 2021-2022 Budget presented to this meeting.
3. Notes that any person who makes a written submission in relation to the draft 2021-2022 Budget and requests to be heard in support of the written submission, be heard at the Planning and Consultation Committee meeting to be held in the Council Chamber, Civic Centre, at 7:00 pm on 11 May 2021.
4. Authorises the Chief Executive Officer to undertake any and all administrative procedures necessary to enable Council to carry out its functions under section 223 of the *Local Government Act 1989*.

Attachments

1. Draft Budget 2021-2022

13. Officers' reports

CM.029/21 Draft Budget 2021-2022

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

Draft Budget 2021-2022

4. The major features of the draft Budget are summarised below. Details are provided within the Budget document.

Property rates and charges

5. The draft Budget for 2021-2022 proposes a 1.50 per cent increase in property rates, the maximum allowable set by the Minister under the Fair Go Rates System.
6. The waste management standard charge is proposed to be increased by 13.86 per cent.
7. A reduction is proposed to the differential rate in the dollar for vacant land, from 200 per cent of the general rate in the dollar to 150 per cent. On submission of a valid building or planning permit, the property rate type will revert to the general rate.
8. The construction rebate relating to the vacant land differential rate will no longer apply.

Other fees and charges revenue

9. Other fees and charges have been adjusted to reflect cost increases, regulatory requirements and market considerations. Details are provided in the draft Budget.

Operating expenditure

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

Major initiatives

11. The draft Budget provides resources through major initiatives for policy development, as well as policy implementation and service improvements.
12. A full list of major initiatives is provided in the draft Budget document.

Capital works

13. The draft Budget includes \$22,101 million of capital works projects, of which \$2,809 million will be funded by external grants.
14. A full list of capital works projects is included in the draft Budget document.

Loan Borrowings

15. New loan borrowings of \$7 million are proposed in 2021-2022.
16. This includes \$5 million for the rehabilitation of the closed landfill sites in response to and in compliance with the requirements set out by the Environment Protection Authority.

13. Officers' reports**CM.029/21 Draft Budget 2021-2022**

17. \$2 million will be set aside to enable Council to respond to potential Government grant funding opportunities.
18. 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 about Council's services and infrastructure. This information is then used to assess Council's long-term financial sustainability.

Related Council decisions

19. Adoption of the 2021-2022 Budget at the 25 May 2021 Council meeting commencing 7:00pm.

Options

20. Adoption the draft 2021-2022 Budget for the purposes of sections 94 and 96 of the *Local Government Act 2020*.

Council plans and policies

21. This report directly supports the achievement of Council Plan 2017-2021 strategy:
 - Ensure responsible and efficient management of Council's financial resources.

Sustainability implications

22. Council's financial sustainability is informed by the indicators set by the Victorian Auditor General's Office (VAGO).
23. 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

24. Following Council's adoption of the draft Budget 2021-2022, public notice will be provided that allows the community the opportunity to lodge submissions. 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.
25. Public submissions in relation to the draft Budget will be considered at the Planning and Consultation Committee meeting on 11 May 2021.
26. Following the consideration of any submissions reviewed, the Budget will then be presented for adoption at the Council Meeting on 25 May 2021, whereby Council is then required to formally adopt the final Budget for 2021-2022.

Innovation and continuous improvement

27. Continuous improvement and innovation opportunities identified have been considered as part of the budget process.

Collaboration

28. The drafting of budget is conducted in consultation with managers and EMT across the organisation.

Budget implications

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

13. Officers' reports

CM.029/21 Draft Budget 2021-2022

Relevant law

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

31. The approach to the budget and the composition of the financial statements are prepared reflective of the overall compliance with the Australian Accounting Standards.

Regional, state and national plans and policies

32. Not applicable.

Conflicts of interest

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

13. Officers' reports**CM.030/21 Audit and Risk Committee Meeting February 2021**

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

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

As resolved at the 26 February 2019 Ordinary Council Meeting, the minutes of an Audit and Risk Committee meeting are to be reported and presented to a subsequent Ordinary Council Meeting.

The Audit and Risk Committee met on 15 February 2021. 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 15 February 2021.

Attachments

1. Audit and Risk Committee Minutes - 15 February 2021

Discussion

1. The minutes of the Audit and Risk Committee are submitted to Council after each meeting. To provide timely feedback, these are unconfirmed minutes.
2. Minutes of the Audit and Risk Committee held on the 15 February 2021 have not yet been adopted by the Committee, but will be presented at its next meeting.
3. The items considered by the Audit and Risk Committee were:
 - Grants Management internal audit report, presented by Pitcher Partners;
 - The proposed Internal Audit Plan for 2021/2022;
 - Council's Risk and Insurance Report;
 - The Digital Transformation Roadmap;
 - COVID-19 update;
 - The December Quarterly Financial Report; and
 - The Councillor Expenses Quarterly Report.
4. The next Audit and Risk Committee meeting is scheduled to take place on Monday 12 May 2021.

Related Council decisions

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

13. Officers' reports

CM.030/21 Audit and Risk Committee Meeting February 2021

Options

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

Council plans and policies

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

Sustainability implications

9. The Audit and Risk 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.

Community engagement

10. Not applicable.

Innovation and continuous improvement

11. Not applicable.

Collaboration

12. The Audit and Risk Committee meeting on 15 February 2021 was attended by the Committee members, the internal auditor from Pitcher Partners, as well as the Chief Executive Officer and Chief Financial Officer. Mayor Cr Peter Perkins and Deputy Mayor Cr Frances Eyre are the councillor representatives.

Budget implications

13. The costs associated with this matter are contained within Council's 2020-2021 Budget.

Relevant law

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

Regional, state and national plans and policies

15. Not applicable.

Conflicts of interest

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

13. Officers' reports**CM.031/21 Councillor Gift Policy**

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

The implementation of the *Local Government Act 2020 (the Act)* requires a gradual staged development of a number of statutory documents, mainly over an 18 month period. The Governance Rules and certain policies have already been completed; the new Councillor Gift Policy (**Policy**) is required to operate on or before 24 April 2021.

Section 138 of the Act requires Council to adopt a Councillor Gift Policy which includes procedures for the maintenance of a gift register and any other matters prescribed by regulations. The *Local Government (Governance and Integrity) Regulations 2020* provide some details necessary for inclusion in the Policy, including the current threshold of \$500 or more in value requiring the gift to be detailed in a biannual personal interest return.

This report requests that Council adopts the Councillor Gift Policy in order to meet its legislative requirements set out by the Act and prescribed regulations.

Recommendation

That Council endorses the Councillor Gift Policy (**Attachment 1**).

Attachments

1. Councillor Gift Policy

Discussion

1. The objective of the Policy is to provide a transparent and accountable procedure for dealing with gifts or benefits received by Councillors during performance of their duties as Councillors.
2. The Policy provides guidance to Councillors on the ethical treatment of any gifts received, whether token or otherwise, to ensure that the potential for any conflicts of interests is not created.
3. A Council must review and adopt the Policy within six months of the general election that is on or before 24 April 2021.
4. The Risk and Audit Committee assessed the Policy at their meeting on 15 February 2021 and concluded the Policy met its criteria under the *Local Government Act 2020*.

Related Council decisions

5. The Policy is the next document to be considered by Council in the tranche of documents to be adopted during the current year.

13. Officers' reports

CM.031/21 Councillor Gift Policy

Options

6. Under section 138 of the Act, Council must adopt a new Policy within 6 months after a general election.
7. To be compliant with the Act the Councillor Gift Policy must include:
 - procedures for the maintenance of a gift register; and
 - any provisions prescribed by the regulations.

Council plans and policies

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

Sustainability implications

9. The social sustainability of the municipal district requires good leadership modelled by Councillor integrity of a high standard to improve the district's amenity.

Community engagement

10. Not applicable.

Innovation and continuous improvement

11. Section 138(3) of the Act states that Council may review and update the Policy which means that Council may improve the Policy from time to time as required.

Collaboration

12. The content of the Policy has been the subject of collaboration on content and design among councils through Engage Victoria, leading to the Local Government (Governance and Integrity) Regulations 2020. These regulations prescribe gifts that are exempt from the disclosure requirement and the method for the Secretary to the Department administering the Act to determine a higher threshold amount for gifts to be disclosed in biannual personal interest returns.

Budget implications

13. There are no significant budget implications arising from establishing a new Councillor Gift Policy.

Relevant law

14. A Councillor Gift Policy needs to comply with section 138 of the *Local Government Act 2020* which includes:
 - procedures for the maintenance of a gift register; and
 - any provisions prescribed by the regulations.

Regional, state and national plans and policies

15. The flexibility intended by the Act is that Victoria local government councils have broad guidance and consistency between them in these matters but that councils can "custom-fit" the details to meet their individual situations.

Conflicts of interest

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

13. Officers' reports

CM.032/21 Declaration of the Eltham Town Business Precinct Special Rate 2021-2026

Distribution: Public

Manager: Rosa Zouzoulas, Executive Manager Planning and Community Safety

Author: Danielle Phyland, Economic Development and Tourism Lead

Summary

The purpose of this report is for Council to consider the matter of whether to declare, modify or abandon the Special Rate for Eltham Town.

Renewing the Special Rate for Eltham Town will continue to improve the trading climate of the Eltham Town Village through the implementation of a series of business improvement and promotional activities. Over the past five years the scheme has been successful in funding advertising campaigns, events and overall marketing of Eltham Town.

In accordance with the requirements of the *Local Government Act 1989* formal notification of the proposed special rate was undertaken, with a public notice published in the Herald Sun on Monday 21 December 2020 (**Attachment 1**) and also written notification being sent via mail to owners of properties upon which the special rate would be levied (**Attachment 2 and 3**).

Notice has also been provided to the Chamber with a copy of the public notice to be forwarded on to occupiers/businesses (relevant in cases where the owner obliges the tenant pay the special rate) and available on Council's website.

In response to the above notifications, Council has received 6 submissions (**Attachment 4**) of a total of 178 properties liable to pay the special rate. 6 in support of the special rate and 0 opposing its renewal.

In accordance with sections 223(1) (b) and (c) of the *Local Government Act 1989*, Council has heard and considered all submissions and/ or objections at a meeting of its Future Nillumbik Committee that was held on 9 February 2021.

Following their consideration of the submissions, the Eltham Chamber of Commerce and Industry (Chamber) has advised that it wishes to proceed with the renewal of the Special Rate in the form advertised.

Accordingly, this report recommends that Council declares the Special Rate for Eltham Town centre for a further five year period.

13. Officers' reports**CM.032/21 Declaration of the Eltham Town Business Precinct Special Rate 2021-2026**

Recommendation

That Council:

1. Having considered all submissions received and taken account of all objections lodged and complied with the requirements of sections 163A, 163B and 223 of the *Local Government Act 1989* (the Act), and otherwise according to law, hereby declares a Special Rate for Eltham Town under section 163(1) of the Act for the purpose of defraying expenses to be incurred by Council in providing funds to the incorporated body known and operating as the Eltham Chamber of Commerce and Industry Inc. The funds, subject always to the approval, direction and control of Council, are to be used for the purpose of funding a centre marketing officer, promotional, advertising, marketing, business development and other incidental expenses as approved by Council and agreed to between Council and the Chamber, all of which are associated with the encouragement of commerce, retail and professional activity and employment in the Eltham Town centre.
2. Gives notice to all owners and occupiers of properties included in the special rate renewal and all persons who have lodged a submission and/ or an objection in writing of the decision of Council to declare and levy the Special Rate commencing on 1 July 2021, and the reasons for the decision.
3. Resolves that for the purposes of paragraph 2, the reasons for the decision of Council to declare the Special Rate are that:
 - There is sufficient support for the Special Rate from the property owners and occupiers.
 - Council considers that it is acting in accordance with the functions and powers conferred on it under the *Local Government Act 1989*, having regard to its role, purposes and objectives under the Act, particularly in relation to the encouragement of commerce, retail activity and employment opportunities in and around the scheme area.
 - All persons who are liable or required to pay the Special Rate and the properties respectively owned or occupied by them will receive a special benefit in the form of an enhancement or maintenance in land values and/ or a maintenance or enhancement in the use, occupation and enjoyment of the properties.
 - The basis of distribution of the Special Rate amongst those persons who are liable or required to pay the Special Rate is considered to be fair and reasonable.
4. Undertakes all statutory processes and procedures to implement the Special Rate.
5. Notifies the Eltham Chamber of Commerce and Industry of the above.
6. Upon declaration officers finalise the Special Rate Agreement in conjunction with the Eltham Chamber of Commerce and Industry.

13. Officers' reports**CM.032/21 Declaration of the Eltham Town Business Precinct Special Rate 2021-2026**

Attachments

1. Intention to Declare - Eltham Chamber of Commerce - Public Notice
2. Intention to Declare - letter to property owners - Eltham Town
3. Proposed Map of Eltham Town Business Precinct
4. Notice of Intention to declare a Special Rate for Eltham Town - Submissions

Discussion

1. A Special Rate Levy proposal involves a proportional or fixed rate levied on properties included in the Special Rate area. The Special Rate enables the implementation of an ongoing program and it will fund the ongoing engagement of a centre marketing officer.
2. The current Special Rate for Eltham commenced on 1 July 2016 for a period of five years and is due to expire on 30 June 2021. The special rate has been successful in funding a range of promotional and business development activities over the past five years.
3. The Eltham Chamber of Commerce and Industry have formally requested Council to renew the Special Rate for another five years, commencing 1 July 2021. The businesses affected by this Special Rate will reflect the existing special rate.
4. For Eltham Town this special rate would raise an amount of \$143,000 in year one of the agreement based on the total of the levies collected. This charge is calculated based on the contribution of each property depending on the capital improved value (CIV) of the property increased by CPI each year.

What has happened so far?

5. At the Council Meeting on 15 December 2020, officers recommended that Council give notice of intention to declare a Special Rate for Eltham Town.
6. Public Notice of Council's intention to declare the Special Rate advertised publicly for a minimum of 28 days as required by section 163 *Local Government Act 1989* (**Attachment 1**).
7. Individual letters with a copy of the public notice were sent within five working days of the Public Notice to all property owners and property occupiers who will be made liable for the Special Rate (**Attachment 2 and 3**).
8. Any persons affected by the Special Rate were able to provide a written submission (which included in it the option to be heard at the Future Nillumbik Committee meeting on 9 February) to the Council within 28 days of the publication of this notice. These were considered in accordance with section 223 *Local Government Act 1989* (**Attachment 4**).
9. Council heard and considered submissions at the Future Nillumbik Committee meeting on 9 February 2021.

13. Officers' reports

CM.032/21 Declaration of the Eltham Town Business Precinct Special Rate 2021-2026

Current and next steps

10. Council will resolve to declare, modify or abandon the special rate at the Council meeting on 23 March 2021.
11. If the Special Rate is renewed, notice of the Special Rate will be sent to affected businesses and property owners after this date. Property owners and businesses have 30 days to appeal to the Victorian Civil and Administrative Tribunal (VCAT) from the date of this notice.
12. If there are no valid appeals or any appeals are dismissed by VCAT, Council will finalise the Special Rate Agreement with Eltham Chamber of Commerce and Industry and will commence collection of the Special Rate in 2021-22 financial year for the following 5 years.
13. Eltham Chamber of Commerce and Industry will enter into a formal agreement with Council that confirms its role in expending the Special Rate funds in an administrative nature only and at all times under the direction of, and for Council. Payment of the Special Rate funds to the Chamber is conditional on entering into such an agreement.

Conclusion

14. The Eltham Chamber of Commerce and Industry relies on appropriate funds to engage in cooperative marketing and promotion for the Eltham Town centre and to raise the profile of the centre and encourage residents to shop locally. The Special Rate renewal would enable the Association to contribute positively and in partnership with Council to the future promotion and development of Eltham Town.
15. This report recommends that Council declares the Special Rate scheme for Eltham Town for a further five year period.

Related Council decisions

16. Special Rates have been declared in the past for Nillumbik precincts. For Eltham the declaration was made at the Ordinary Council Meeting 21 June 2016.
17. Most recently, Council resolved at its meeting on 15 December 2020 to give notice of its intention to declare a Special Rate for Eltham Town.

Options

1. Special Rates for marketing, promotion and business development are an important strategy for retail centres such as Eltham Town to revitalise and maintain marketing activities.
2. Without a Special Rate, traders groups must seek funding from external bodies and/or Council. Alternatively, they could resort to a 'pay to play' model for marketing and promotion activities for the precinct.
3. As part of a renewed Special Rate Agreement clear key performance indicators will be stated and templates created for reporting to ensure the annual reporting is timely, simple and effective.

13. Officers' reports

CM.032/21 Declaration of the Eltham Town Business Precinct Special Rate 2021-2026

Council plans and policies

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

Sustainability implications

19. Without a Special Rate the Eltham Chamber of Commerce and Industry would be required to generate their own funds for marketing activities.
20. Without the Special Rate in place Traders may look to Council to fund marketing and promotional campaigns on their behalf. No funding is currently allocated or available for such activities.

Community engagement

21. Engagement with the Eltham Chamber of Commerce and Industry was undertaken as part of this process.
22. Affected owners and occupiers have been provided the opportunity to make a submission on the proposed special rate following the public notice advertised in the Herald Sun on 21 December 2020.
23. Copies of the proposed declaration of the Special Rate and a detailed plan of the proposed area were available for inspection during normal office hours at the Council offices in Greensborough for a period of 28 days after the date of the public notice, until 29 January 2021.
24. Owners and occupiers were also provided with an alternative option to inspect detailed plan of the proposed special rate and make online submissions for a period of 28 days after the date of the public notice via Council's website.
25. The Council report with all attachments was also available on the Council website.

Innovation and continuous improvement

26. An alternative submission option was made available to affected owners and occupiers on Council's website via a simple online form.
27. The Special Rate intention to declare was shared via Council's Business in Nillumbik newsletter and through the Business in Nillumbik Facebook group to raise awareness of the process and inviting submissions from affected parties.

Collaboration

28. The Special Rate encourages collaboration between Trader groups and Council and provides opportunities for partnerships.
29. Weekly reminder emails have been sent to the Eltham Chamber of Commerce and Industry with important information to support them when engaging with businesses and simple submission templates have been provided.

13. Officers' reports**CM.032/21 Declaration of the Eltham Town Business Precinct Special Rate 2021-2026**

Budget implications

30. There will be no impact on Council's budget. The funds collected through the Special Rate are levied by Council and then used to fund the Eltham Chamber of Commerce and Industry for its expenditure on marketing and promotion for the Eltham Town.
31. There is significant officer time dedicated to managing the special rate and supporting the Chamber to administer the levy.
32. Administrative costs will be incurred in the renewal of the Special Rate levy. If the Special Rate levy is renewed, it is intended that Council will provide the Special Rate proceeds to the Eltham Chamber of Commerce and Industry for expenditure on the marketing, management and business development of the Eltham Town.
33. A formal administrative payment Agreement will be entered into between Council and the Chamber confirming that:
 - The role of Eltham Chamber of Commerce and Industry in expending the monies raised by the Special Rate scheme on behalf of Council is of an administrative nature only and at all times under the direction of, and for Council.
 - Council retains discretion on how proceeds of the Special Charge will be applied and distributed.
 - Council will not forward any proceeds of the Special Rate to the Chamber until such an agreement is entered into.
34. The Chamber will continue to be required to prepare a Business and Marketing Plan and an Annual Budget for the Eltham Town centre outlining how the Special Rate proceeds will be spent. A copy of the plan, calendar of annual activities and budget must be provided to Council for approval.
35. Following approval of the Business and Marketing Plan, Annual Budget and compliance with other conditions specified in the Agreement, Council will provide the Chamber with the Special Rate proceeds in two instalments. A key aspect of this agreement is that the Eltham Chamber of Commerce and Industry continues to be an incorporated entity and acts in accordance with the *Associations Incorporation Act 1981*.

Relevant law

36. A special rate may be declared by Council under section 163 of the *Local Government Act 1989*. In declaring a Special Rate, Council must consider:
 - a) That the proposal relates to the performance of a function authorised by the Act.
 - b) That there will be a special benefit to the persons liable to pay the Special Rate.
 - c) That there is a proportional distribution of the rate amongst those persons liable to pay the Special Rate.
 - d) The total cost of the Special Rate including the annual amount, which the Chamber has budgeted to spend on various marketing and other activities.

13. Officers' reports**CM.032/21 Declaration of the Eltham Town Business Precinct Special Rate 2021-2026**

-
37. The Act requires Council to give public notice of a proposed declaration of the special charge and write to all people who will be liable to contribute. The proposed declaration for this special charge has been prepared in accordance with the Act.
38. Owners (or occupiers who would pay the charge as a condition of their lease) may object to the proposal within 28 days. If objections are received from more than fifty per cent of personas liable, Council will be prevented from making the declaration and the special rate cannot proceed.
39. The traders associations and the Chamber are required to enter into a formal Administrative Payment Agreement, driven by a Marketing Plan, with Council on the expenditure of Special Rate levy proceeds. This subsequently negates many of the risks that might arise through the possible irresponsible expenditure of Special Rate.
- If the Chamber were to expend the Special Rate funds irresponsibly and not in accordance with their Marketing Plan, this may present a perceived risk for Council.
 - As identified above Council officers do not forward any proceeds of the Special Rate to the Association until such an agreement is entered into.
 - Upon receipt of financial reporting documentation bi-annually (Profit and Loss, Balance Sheet and Marketing Activity Report) the Special Rate funds would be paid to the Eltham Chamber of Commerce and Industry in two instalments.
 - The role of the Chamber in expending the monies raised by the Special Rate levy on behalf of Council is of an administrative nature only and at all times under the direction of, and for Council. Council retains discretion on how proceeds of the Special Charge Scheme will be applied and distributed. Section 154 of the *Local Government Act 1989* enables Council to discontinue the Special Rate scheme in this circumstance.
 - A consideration of Council not adopting the Special Rate levy for the Eltham Town centre is the expectation that complimentary marketing and promotional activities are required within a commercial centre. It may be suggested under this scenario that Council will be required to fund such activities through its economic development function. Marketing and promotions of Eltham Town centre is not currently funded through Council's existing budget.
 - It is considered that localised trader associations which represent the interests of its members are best positioned to identify the commercial needs, and interests of its select trader groups, and best direct marketing charges to achieve their collective interest.

Regional, state and national plans and policies

40. Not applicable.

Conflicts of interest

41. No conflict declared by officers preparing this report.

13. Officers' reports

CM.032/21 Declaration of the Eltham Town Business Precinct Special Rate 2021-2026

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13. Officers' reports

CM.033/21 Declaration of the Hurstbridge Village Business Precinct Special Rate 2021-2026

Distribution: Public

Manager: Rosa Zouzoulas, Executive Manager Planning and Community Safety

Author: Danielle Phyland, Economic Development and Tourism Lead

Summary

The purpose of this report is for Council to consider the matter of whether to declare, modify or abandon the Special Rate for Hurstbridge Village.

Renewing the Special Rate for Hurstbridge Village will continue to improve the trading climate of the Hurstbridge Village through the implementation of a series of business improvement and promotional activities. Over the past five years the scheme has been successful in funding advertising campaigns, events and overall marketing of Hurstbridge Village.

In accordance with the requirements of the *Local Government Act 1989* formal notification of the proposed special rate was undertaken, with a public notice published in the Herald Sun on Monday 21 December 2020 (**Attachment 1**) and also written notification being sent via mail to owners of properties upon which the special rate would be levied (**Attachment 2 and 3**).

Notice has also been provided to the Hurstbridge Traders Association with a copy of the public notice to be forwarded on to occupiers/businesses (relevant in cases where the owner obliges the tenant pay the special rate) and available on Council's website.

In response to the above notifications, Council has received 6 submissions (**Attachment 4**) of a total of 178 properties liable to pay the special rate. 6 in support of the special rate and 0 opposing its renewal.

In accordance with section 223 (b) and (c) of the *Local Government Act 1989*, Council has heard and considered all submissions and/or objections at its Future Nillumbik Committee on 9 February 2021.

Council received six (6) submissions (**Attachment 3 and 4**), from a total of 66 properties liable to pay the special rate. 5 in support of the special rate and 1 submission that was a petition received with 25 signatures requesting that the Special Rate Renewal be waived for 12 months. Further to this, 2 business owners made in person objections at the Future Nillumbik Committee meeting on 9 February 2021.

Following their consideration of the submissions, the Hurstbridge Traders Association has advised that it wishes to proceed with the renewal of the Special Rate not in the form initially advertised.

The Hurstbridge Traders Association has engaged with businesses in Hurstbridge Village and submitted a revised proposal to Council suggesting a 50% reduction of the levy for one year and then revert back to the original fee for years 2-5 inclusive (**Attachment 5, 6 and 7**).

Accordingly, this report recommends that Council accepts the revised proposal submitted by the Hurstbridge Traders Association and modify the declaration of a Special Rate for Hurstbridge Village for a further five year period.

13. Officers' reports**CM.033/21 Declaration of the Hurstbridge Village Business Precinct Special Rate 2021-2026**

Recommendation

That Council:

1. Having considered all submissions received and taken account of all objections lodged and complied with the requirements of sections 163A, 163B and 223 of the *Local Government Act 1989* (the Act), and otherwise according to law, hereby modify the declaration of a Special Rate for Hurstbridge Village based on the revised proposal under section 163(1) of the Act for the purpose of defraying expenses to be incurred by Council in providing funds to the incorporated body known and operating as the Hurstbridge Traders Association. The funds, subject always to the approval, direction and control of Council, are to be used for the purpose of funding a centre marketing officer, promotional, advertising, marketing, business development and other incidental expenses as approved by Council and agreed to from time to time between Council and the Chamber, all of which are associated with the encouragement of commerce, retail and professional activity and employment in the Hurstbridge Village business precinct.
2. Gives notice to all owners and occupiers of properties included in the special rate renewal and all persons who have lodged a submission and/ or an objection in writing of the decision of Council to declare and levy the Special Rate commencing on 1 July 2021, and the reasons for the decision.
3. Resolves that for the purposes of paragraph 2, the reasons for the decision of Council to modify the declaration of the Special Rate are that:
 - There is sufficient support for the modification of a Special Rate from the property owners and occupiers.
 - Council considers that it is acting in accordance with the functions and powers conferred on it under the *Local Government Act 1989*, having regard to its role, purposes and objectives under the Act, particularly in relation to the encouragement of commerce, retail activity and employment opportunities in and around the scheme area.
 - All persons who are liable or required to pay the Special Rate and the properties respectively owned or occupied by them will receive a special benefit in the form of an enhancement or maintenance in land values and/ or a maintenance or enhancement in the use, occupation and enjoyment of the properties.
 - The basis of distribution of the Special Rate amongst those persons who are liable or required to pay the Special Rate is considered to be fair and reasonable.
4. Undertakes all statutory processes and procedures.
5. Notifies the Hurstbridge Traders Association of the above.
6. Upon declaration officers finalise the Special Rate Agreement in conjunction with the Hurstbridge Village Traders Association.

13. Officers' reports**CM.033/21 Declaration of the Hurstbridge Village Business Precinct Special Rate 2021-2026**

Attachments

1. 21 December 2020 - Intention to Declare - letter to property owners - Hurstbridge Village
2. 211220 Herald Sun - Intention to Declare - Hurstbridge Traders Association - Public Notice
3. Notice of Intention to declare a Special Rate for Hurstbridge Village - submissions
4. Notice of Intention to declare a Special Rate for Hurstbridge Village - submission - request for waiver
5. Hurstbridge Traders Association - formal letter to Council regarding Special Rate renewal and revised proposal
6. Hurstbridge Village - signed letters of support for continuation of Special Rate and revised proposal
7. Hurstbridge Village - Special Charge Renewal Collateral

Discussion

1. A Special Rate Levy proposal involves a proportional or fixed rate levied on properties included in the Special Rate area. The Special Rate enables the implementation of an ongoing program and it will fund the ongoing engagement of a centre marketing officer.
2. The current Special Rate for Hurstbridge commenced on 1 July 2016 for a period of five years and is due to expire on 30 June 2021. The Special Rate has been successful in funding a range of promotional and business development activities over the past five years.
3. The Hurstbridge Village Traders Association have formally requested Council to renew the Special Rate for a further five years, commencing 1 July 2021.
4. This would raise an amount of \$33,600 in year one of the agreement based on the total of the levies collected. This charge is calculated based on the flat rate contribution of each property set at \$480 per annum increased by CPI each year.

What has happened so far?

5. At the Council Meeting on 15 December 2020, officers recommended that Council give notice of intention to declare a Special Rate for Hurstbridge Village.
6. Public Notice of Council's intention to declare the Special Rate advertised publicly for a minimum of 28 days as required by section 163 *Local Government Act 1989* (**Attachment 2**).
7. Individual letters with a copy of the public notice were sent within five working days of the Public Notice to all property owners and property occupiers who will be made liable for the Special Rate (**Attachment 1**).
8. A person affected by the Special Rate were able to provide a written submission (which included in it the option to be heard at the Future Nillumbik Committee meeting on 9 February) to the Council within 28 days of the publication of this notice. This were considered in accordance with section 223 *Local Government Act 1989* (**Attachments 3 and 4**).

13. Officers' reports**CM.033/21 Declaration of the Hurstbridge Village Business Precinct Special Rate 2021-2026**

9. Council heard and considered submissions at the Future Nillumbik Committee meeting held on 9 February 2021 and has requested further information be submitted by the Hurstbridge Village Traders Association to Council.
10. Council Officers attended a Hurstbridge Village Traders Association meeting on 12 February 2021 where the association discussed their response to the public submissions and have provided their response to Council for consideration **(Attachment 5)**.
11. Members of the Hurstbridge Traders Association engaged with businesses paying the special rate to provide an update on the revised proposal being presented to Council and to also seek further input in the following:
 - a) Individual face to face business visits.
 - b) Email communications.
 - c) Updating members in the private Hurstbridge Traders Association Facebook group page.
 - d) Seeking endorsement in the form of signatures of businesses that were in support of the revised proposal **(Attachment 5, 6 and 7)**.
12. Members of the Hurstbridge Traders Association also provided additional information to businesses paying the Special Rate to further support decision making and 24 signatures in support of a revised proposal were received.
13. Both speakers that presented to Council at the Future Nillumbik Committee meeting held on 9 February 2021 were also provided additional information surrounding the revised proposal from members of the Hurstbridge Traders Association.
14. At the time of writing this report, signatures had not been received from the 2 speakers that presented to Council at the Future Nillumbik Committee meeting held on 9 February 2021.
15. The Hurstbridge Village Traders Association have sent a response to Council **(Attachment 5, 6 and 7)** that addresses actions over the past 5 years of the special rate and have provided supporting information including budget and commentary to outline what outcomes the association would achieve if the special rate were declared, modified or abandoned.
16. The revised proposal from the Hurstbridge Traders Association suggests that a 50% reduction of the levy for year one and then revert back to the original fee for years 2-5 inclusive.

Current and next steps

17. Council will resolve to declare, modify or abandon the special rate at its Council meeting on 23 March 2021.
18. If the Special Rate is renewed, notice of the Special Rate will be sent to affected businesses and property owners after this date. Property owners and businesses have 30 days to appeal to the Victorian Civil and Administrative Tribunal (VCAT) from the date of this notice.

13. Officers' reports**CM.033/21 Declaration of the Hurstbridge Village Business Precinct Special Rate 2021-2026**

19. If there are no valid appeals or any appeals are dismissed by VCAT, Council will finalise the Special Rate Agreement with Hurstbridge Traders Association and will commence collection of the Special Rate in 2021-22 financial year for the following 5 years.
20. Hurstbridge Traders Association will enter into a formal agreement with Council that confirms its role in expending the Special Rate funds in an administrative nature only and at all times under the direction of, and for Council. Payment of the Special Rate funds to the Chamber is conditional on entering into such an agreement.

Conclusion

21. The Hurstbridge Traders Association relies on appropriate funds to engage in cooperative marketing and promotion for the Hurstbridge Village business precinct and to raise the profile of the centre and encourage residents to shop locally. The Special Rate renewal would enable the Association to contribute positively and in partnership with Council to the future promotion and development of Hurstbridge Village.
22. This report recommends that Council accept the revised proposal and modify the declaration of the Special Rate scheme for Hurstbridge Village for a further five year period.

Related Council decisions

23. Special Rates have been declared in the past for Nillumbik precincts. For Hurstbridge, the most recent declaration was made at the Ordinary Council Meeting 21 June 2016.
24. Council resolved at its Council Meeting on 15 December 2020 to give notice of its intention to declare a Special Rate for Hurstbridge Village.
25. Most recently, at its Future Nillumbik Committee Meeting held on 9 February 2021, Council requested further supporting documentation be submitted by the Hurstbridge Traders Association regarding the special rate renewal.

Options

26. Special Rates for marketing, promotion and business development are an important strategy for retail centres such as Hurstbridge Village to revitalise and maintain marketing activities.
27. Without a Special Rate, trader groups must seek funding from external bodies and/or Council. Alternatively, they could resort to a 'pay to play' model for marketing and promotion activities for the precinct.
28. As part of a renewed Special Rate agreement clear key performance indicators will be stated and templates created for reporting to ensure the annual reporting is timely, simple and effective.

Council plans and policies

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

13. Officers' reports

CM.033/21 Declaration of the Hurstbridge Village Business Precinct Special Rate 2021-2026

Sustainability implications

- 30. Without a Special Rate the Hurstbridge Village Traders Association would be required to generate their own funds for marketing activities.
- 31. Without the Special Rate in place traders may look to Council to fund marketing and promotional campaigns on their behalf. No dedicated funding is currently allocated or available for such activities.

Community engagement

- 32. Engagement with the Hurstbridge Village Traders Association was undertaken as part of this process.
- 33. Affected owners and occupiers have been provided the opportunity to make a submission on the proposed special rate following the public notice advertised in the Herald Sun on 21 December 2020.
- 34. Copies of the proposed declaration of the Special Rate and a detailed plan of the proposed area were available for inspection during normal office hours at the Council offices in Greensborough for a period of 28 days after the date of the public notice, being until 29 January 2021.
- 35. Owners and occupiers were also provided with an alternative option to inspect detailed plan of the proposed special rate and make online submissions for a period of 28 days after the date of the public notice via Council's website.
- 36. The Council report with all attachments was also available on the Council website.

Innovation and continuous improvement

- 37. An alternative option to provide submissions was made available to affected owners and occupiers on Council's website via a simple online form.
- 38. The Special Rate intention to declare was shared via Council's Business in Nillumbik e-newsletter and through the Business in Nillumbik Facebook group to raise awareness of the process and inviting submissions from affected parties.

Collaboration

- 39. The Special Rate encourages collaboration between Trader groups and Council and provide opportunities for partnerships.
- 40. Weekly reminder emails send to the Hurstbridge Village Traders Association and simple submission templates have been provided with important information to better support them when engaging with businesses.

Budget implications

- 41. There will be no impact on Council's budget. The funds collected through the Special Rate are levied by Council and then used to fund the Hurstbridge Village Traders Association for its expenditure on marketing and promotion for the Hurstbridge Village.
- 42. There is significant officer time dedicated to managing the special rate and supporting the Association to administer the levy.

13. Officers' reports

CM.033/21 Declaration of the Hurstbridge Village Business Precinct Special Rate 2021-2026

Relevant law

43. A special rate may be declared by Council under section 163 of the *Local Government Act 1989*. In declaring a Special Rate, Council must consider:
- a) That the proposal relates to the performance of a function authorised by the Act.
 - b) That there will be a special benefit to the persons liable to pay the Special Rate.
 - c) That there is a proportional distribution of the rate amongst those persons liable to pay the Special Rate.
 - d) The total cost of the Special Rate including the annual amount, which the Chamber has budgeted to spend on various marketing and other activities.
44. The Act requires Council to give public notice of a proposed declaration of the special charge and write to all people who will be liable to contribute. The proposed declaration for this special charge has been prepared in accordance with the Act.
45. Owners (or occupiers who would pay the charge as a condition of their lease) may object to the proposal within 28 days. If objections are received from more than fifty per cent of persons liable, Council will be prevented from making the declaration and the special rate cannot proceed.

Regional, state and national plans and policies

46. Not applicable.

Conflicts of interest

47. No officer involved in preparing this report declared a conflict of interest.

13. Officers' reports

**CM.033/21 Declaration of the Hurstbridge Village Business Precinct Special Rate
2021-2026**

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13. Officers' reports**CM.034/21 National General Assembly of Local Government 2021 - Calls for Motions**

Distribution: Public**Manager: Blaga Naumoski, Executive Manager Governance, Communications and Engagement****Author: Katia Croce, Governance Lead****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 local government. The NGA is to be held in Canberra from 20 – 23 June 2021 and this year's theme is 'Working Together for our Communities'.

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

The ALGA Secretariat has prepared a short discussion paper (**Attachment 1**) to assist Councils to identify motions that address the theme of the 2021 NGA – Working Together for Our Communities.

The Mayor will be representing Council at the National General Assembly.

This report seeks endorsement of the Motions (**Attachment 2**) to be put forward to the ALGA, NGA in June 2021. The Motions submitted will be reviewed by a committee of the ALGA Board as well as by State and Territory Local Government Associations to determine their eligibility for inclusion in the NGA Business Papers. When reviewing motions, the Committee considers the importance and relevance of the issue to local government.

Motions need to be submitted no later than 26 March 2021.

Recommendation

That Council:

1. Resolves to adopt and lodge the following motions to the Australian Local Government Association, National General Assembly to be held in Canberra on 20 - 23 June 2021:
 - a. 'That this National General Assembly calls on the Australian Government to develop appropriate funding mechanisms to enable local governments to establish community hubs for the co-location of key services such as education, youth services, counselling and community health, in order to deliver comprehensive, integrated support to local communities, as they recover from the COVID-19 pandemic.'
 - b. 'That this National General Assembly calls on the Australian Government to make available greater funding – either through the extension of its Smart Cities and Suburbs program or a new initiative, to enable local governments and their

13. Officers' reports**CM.034/21 National General Assembly of Local Government 2021 - Calls for Motions**

communities to implement the latest networking and monitoring technology in their efforts to improve bushfire preparedness and climate resilience.'

2. Resolves to amend the Council meeting date from 22 June 2021 to 29 June 2021.

Attachments

1. ALGA Discussion Paper 2021
2. Motions - ALGA National General Assembly June 2021

Discussion

1. The Australian Local Government Association (ALGA) is the peak body for local governments in Australia and should take a lead role in advocating to the Federal Government on a variety of issues of concern to local governments in Australia.
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 2020 NGA 'Working Together for Our Communities' was unfortunately cancelled due to COVID-19 but the ALGA Board has decided to retain the theme and emphasise the importance of partnerships to building and maintaining resilience in our councils and communities.
4. The ALGA Secretariat has prepared a short discussion paper (**Attachment 1**) to assist Councils to identify motions that address the theme of the 2021 NGA – Working Together for Our Communities and also provided guidance on how notices of motion are to address this theme.
5. The discussion paper explores data which identify critical areas local government needs to consider now and into the future.
6. 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 focussed on a specific location or region – unless the project has national implications. You will be asked to justify why your motion has strategic national importance and should be discussed at a national conference;
 - be consistent with the themes of the NGA;
 - complement or build on the policy objectives of your state and 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 i.e. call on the Australian Government to do something; and
 - be a new motion that has not already been debated at the NGA in the preceding two years; and

13. Officers' reports**CM.034/21 National General Assembly of Local Government 2021 - Calls for Motions**

-
- 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.
7. The Mayor will be representing Council at the National General Assembly in Canberra on 20 – 23 June 2021.

Related Council decisions

8. At its meeting on 24 March 2020 Council resolved the following:
- ‘That Council resolves to adopt and lodge the following motion to the Australian Local Government Association, National General Assembly:*
1. *‘That this National General Assembly call on the Australian Government to work closely with state and local government to develop appropriate legislative policy, implementation frameworks and provide direct funding to assist local governments to implement actions and to mitigate potential climate change impacts likely to affect communities, economies and the environment.’*

Options

9. The ALGA Board is calling for motions, presenting an opportunity to gain peak local government body support for advocacy to the Federal Government.
10. Following consultation with Councillors, Council has identified two critical areas of national relevance to the sector that will influence the future direction of our council and our community.
11. These include:
- Supporting Councils with appropriate funding to enable local governments to establish community hubs for the co-location of key services such as education, youth services, counselling and community health; and
 - Ensuring Federal Government to play a key role in the development of legislative frameworks to support the roll out of the latest networking and monitoring technology to improve bushfire preparedness and climate resilience.
12. It is proposed that the following motions be moved on behalf of Council:

Funding and support for Community hubs – Motion 1

13. This motion is directly aligned to the national agenda – Council and community resilience. It promotes the notion of getting people together to create sustainable links within their community. Communities and individuals with good social networks and connections demonstrate greater resilience.
14. Council recognises that the COVID-19 pandemic has taken a severe toll on local communities, leaving no aspect of people’s daily lives untouched. Councils, in their capacity as deliverers of services directly to the community, have seen the effects first-hand.

13. Officers' reports**CM.034/21 National General Assembly of Local Government 2021 - Calls for Motions**

15. Furthermore, the challenges of financial and economic difficulties created by limited revenue growth, environmental burden created by human activity, ageing infrastructure, and cost shifting, means that Council ability to adequately deliver what is needed to support communities now and into the future is limited.

Improved bushfire preparedness and climate resilience – Motion 2

16. Council's Bushfire Mitigation Strategy emphasizes that bushfire mitigation is a shared responsibility between Council and a range of other stakeholders, including community, agencies and other levels of government.
17. Council is also in the process of developing its new Climate Action Plan. This undertaking will, in both, development and implementation emphasize a community-centred approach.
18. This motion is focused on all levels of government working closely to develop appropriate legislative policy, implementation frameworks and funding mechanisms to support the roll out of the latest networking and monitoring technology to improve bushfire preparedness and climate resilience.
19. There are a number of products on the market with highly sensitive sensor detection capabilities that include fire detection, air quality and flood monitoring. They can also be used to closely monitor biodiversity in a given area.
20. The implementation of actions by Local Government to mitigate and adapt to the impacts of climate change requires considerable funding and it is appropriate that the federal government provide the policy frameworks and funding support proposed by this motion to the ALGA National General Assembly.

Next Steps

21. The proposed motions to be submitted, if endorsed by Council (**Attachment 2**) will be reviewed by a committee of the ALGA Board as well as by State and Territory Local Government Associations to determine their eligibility for inclusion in the NGA Business Papers. When reviewing motions, the Committee considers the importance and relevance of the issue to local government.
22. Motions that are carried at the National General Assembly become Resolutions. These resolutions are then considered by the ALGA Board when setting national local government policy and will also feed into the Australian Council of Local Government processes.
23. All motions must be received not later than 11:59pm on 26 March 2021.

Council plans and policies

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

Sustainability implications

25. The Shire of Nillumbik recognises that climate change is one of the most serious challenges facing the world today and into the future. Council understands the importance of preserving the Green Wedge, contributing to global efforts to reduce

13. Officers' reports

CM.034/21 National General Assembly of Local Government 2021 - Calls for Motions

greenhouse gas emissions across all sectors, conserving natural resources and to promoting a healthy, safe and resilient community.

26. The experiences of the past 12-14 months have impacted health – both physical and mental - employment, education as well as family and social relationships. While the advent of the COVID-19 vaccine is a critical primary health intervention, the psychological, social and economic effects will require comprehensive, long-term solutions, involving all levels of government.
27. The subject matter of this report relates to economic, climate change and associated environmental, social and economic implications.

Community engagement

28. Not applicable.

Innovation and continuous improvement

29. The proposed motions represent continuous improvement by increasing opportunities for council to innovate, work together and share resources.

Collaboration

30. The proposed motions have been prepared following advice from Councillors on the items they wish to raise. The content has been prepared with collaborative feedback from teams across the organisation.

Budget implications

31. There are no associated budget implications.

Relevant law

32. Not applicable.

Regional, state and national plans and policies

33. The National General Assembly of Local Government is an important opportunity for council to influence the national policy agenda.

Conflicts of interest

34. 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.

13. Officers' reports

**CM.034/21 National General Assembly of Local Government 2021 - Calls for
Motions**

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13. Officers' reports**CM.035/21 John Street and Bridge Street Road Discontinuance**

Distribution: Public**Manager: Hjalmar Philipp, Director Operations and Infrastructure****Author: Joseph Emmanuel, Manager Infrastructure****Summary**

This report addresses the status of two road reserves located at the eastern end of Bridge Street in Eltham and the eastern end of John Street in Eltham (**Roads**).

Having identified that the Roads were no longer required for the purpose of vehicular use, Council has proposed to discontinue the Roads pursuant to the statutory process under the *Local Government Act 1989* (the Act) and retain the resultant land for public park and recreation, including pedestrian access.

A separate planning scheme amendment process, known as Amendment C126nill is being undertaken to rezone these sites from Neighbourhood Residential Zone Schedule (NRZ1) to Public Park and Recreation Zone (PPRZ).

Recommendation

That Council acting under section 206 and clause 3 of Schedule 10 of the *Local Government Act 1989* (**Act**), and having complied with sections 207A and 223 of the Act, and being of the opinion that the sections of the road reserve shown hatched on the plan (**Attachment 1** and **Attachment 2**) are not reasonably required for public use (**road**), discontinue the road and take ownership of the resultant land.

Attachments

1. Bridge Street Dimensioned Plan
2. John Street Dimensioned Plan
3. February OCM 2020 Council Resolution
4. February FNC 2021 Committee Resolution
5. Public Notice
6. Letters to Residents
7. Submission Summaries and Officer Response

Discussion

1. Officers have commenced procedures to remove the road reserve status at the non-trafficable eastern end of John Street, Eltham and the non-trafficable eastern end of Bridge Street, Eltham (**Roads**) while retaining the footpath currently used as an access way.
2. Planning Scheme Amendment C126nill is being performed to rezone the land to PPRZ to formalise its open space use.
3. The proposed discontinuance directly supports C126nill by reinforcing that the area is no longer needed as a road.

13. Officers' reports**CM.035/21 John Street and Bridge Street Road Discontinuance**

Related Council decisions

4. At Council's Meeting on 25 February 2020, Council resolved to commence the statutory procedure to remove these Roads.
5. A copy of the Council resolution can be seen in **Attachment 3**.
6. At Council's Future Nillumbik Committee Meeting on 9 February 2021, the Committee heard from submitters and resolved to refer any decisions relating to the removal of the road reserve status of the Roads to a future Council meeting. A copy of the resolution of this meeting can be seen in **Attachment 4**.

Options

7. There are a number of options available to Council following consideration of the 12 submissions received and having heard from some of the submitters at the recent Future Nillumbik Committee Meeting.
8. The following options are available:
 - a) Resolve to abandon the road discontinuance.
 - b) Resolve to discontinue the road as per the advertised plans.
 - c) Resolve to reduce the discontinuance area, and must contain the new boundaries within the area advertised as part of the proposed discontinuance.
 - d) In addition to b) or c) above, resolve to start the process to include a new area of road to be discontinued.
9. Any decision to increase the area associated with the current discontinuance proposal would require this new proposal (including any existing area(s) of the proposal currently being considered) to go through a further round of s.223 of the *Local Government Act 1989* public notice periods.
10. Further consultation would also be required should Council resolve to commence procedures to discontinue an area in addition to what is currently being proposed.

Council plans and policies

11. This report directly supports the achievement of Council Plan 2017-2021 strategy:
 - Improve the appearance of public spaces.

Sustainability implications

12. Planting and beautification works are proposed within a portion of the road discontinuance area in John Street to provide improved amenity and environmental outcomes.

Community engagement

13. In accordance with s.223 of the Act, public notice of Council's intention to discontinue the road was published in The Age on 26 October 2020. A copy of the Public Notice was also placed on notice boards, directly adjacent to both ends of the proposed discontinuance areas and letters were sent to residents within the directly surrounding area.
14. A copy of the public notice can be seen in **Attachment 5**.

13. Officers' reports

CM.035/21 John Street and Bridge Street Road Discontinuance

15. A copy of the letter sent to residents can be seen in **Attachment 6**.
16. Written submissions were required to be submitted to Council on or before 22 November 2020.
17. A total of 12 written submissions were received, including three objections to the proposal.
18. Of the 12 written submission received:
 - a) Eight are in support
 - b) One is in support however has recommended a change to the proposed boundary at the Bridge Street end.
 - c) One, taken as an objection, with respect to the John Street end;
 - i) Agrees that the road reserve land is not a road and no longer required for vehicle use,
 - ii) Agrees with the proposal to discontinue to the road reserve,
 - iii) Disagrees with comments made in Council correspondence that the entire area should be made available for pedestrian access should the discontinuance proceed and
 - iv) Disagrees that all the land is serving a public open space function and therefore should be retained by Council for public use
 - d) Two objecting to the proposal.
19. A summary of the submissions and objections received can be seen in **Attachment 7**.
20. On 9 February 2021, submitters were given the opportunity to speak to their written submissions at Council's Future Nillumbik Committee Meeting.
21. A total of 3 submitters spoke to their submissions.
22. Following consideration of the submissions, the recommendation in this report is to discontinue the Roads consistent with Council's proposal as advertised and as shown in **Attachment 1** and **Attachment 2**.
23. A separate planning scheme amendment process, known as Amendment C126nill is being undertaken to rezone these sites from Neighbourhood Residential Zone Schedule 1 (NRZ1) to Public Park and Recreation Zone (PPRZ).
24. Public Exhibition of C126nill is scheduled to start 7 January 2021 and ended 18 February 2021. Submissions and recommendation to go to a Panel Hearing will go to the 23 March 2021 Council Meeting.

Innovation and continuous improvement

25. Where roads are no longer considered to be reasonably required for public use, the discontinuation of those roads provides an opportunity to utilise the land for other public purposes, providing a tangible community benefit.

13. Officers' reports

CM.035/21 John Street and Bridge Street Road Discontinuance

Collaboration

- 26. Given that this report concerns the status of two road reserves located within the municipality, collaboration with other Councils was not considered to be necessary.
- 27. Separate inquiries were received by the Honourable Shaun Leane, Minister for Local Government and the Honourable Ben Carroll Minister for Road and Road Safety in August 2020, relating to the temporary bollards Council installed at the John Street end on 25 July 2020.
- 28. Council has responded to the Department of Transport who have worked on a response to the inquiry on behalf of the Minister for Road and Road Safety
- 29. Council is yet to hear from the Minister for Local Government on the matter.

Budget implications

- 30. Costs associated with the proposed discontinuance can be accommodated in the current operating budget.

Relevant law

- 31. Council's powers over roads are outlined in section 206 and Schedule 10 of the Act.
- 32. Pursuant to clause 3 of Schedule 10 of the Act, a Council may discontinue a road or part of a road by a notice published in the Government Gazette.

Regional, state and national plans and policies

- 33. Given that this report concerns the status of two road reserves located within the municipality, there are no applicable regional, state or national plans or policies which apply.

Conflicts of interest

- 34. All staff involved in the preparation of this report, have declared in writing that they do not have a conflict of interest in the subject matter of this report.

13. Officers' reports

**CM.036/21 Exhibition of Amendment C126nill to the Nillumbik Planning Scheme
(Part rezoning of Bridge and John Street)**

Distribution: Public

Manager: Rosa Zouzoulas, Executive Manager Planning and Community Safety

**Author: Bea Guevara, Senior Strategic Planner
 Leigh Northwood, Strategic Planning Lead**

Summary

Council has proposed to discontinue parts of John and Bridge Street road reserves and retain the resultant land as public open space optimising pedestrian accessibility.

The road discontinuance is being undertaken pursuant to a formal statutory process as required under the *Local Government Act 1989*. This planning scheme Amendment C126nill is running parallel with the road discontinuance to facilitate rezoning from Neighbourhood Character Zone to Public Park and Recreation Zone in acknowledgement of the open space function of the area.

Formal exhibition of Amendment C126nill took place for 1 calendar month through January and February as required under Section 19 of the *Planning and Environment Act 1987*.

Council received three submissions during the public exhibition of the amendment. One submission is supporting and two submissions are objecting. One of the submissions was received late (after the formal exhibition period had concluded).

Submissions to the Amendment C126nill were considered on 9 March by Council's Future Nillumbik Committee.

Where a submission raises an issue with a proposed amendment, the statutory amendment process provides for Council to request that the Minister for Planning appoint an independent planning panel to consider the amendment. This step allows Council to receive independent, technical recommendations on an amendment.

Recommendation

That Council:

1. Notes the submissions to Amendment C126nill.
2. Requests the Minister for Planning appoint an independent Planning Panel to consider the amendment, and refer all submissions to the panel appointed, in accordance with Section 23(1)(b) of the *Planning and Environment Act 1987*.
3. Prepares a submission to the Panel appointed that considers all submissions and which does not oppose the extension to the area proposed to be rezoned to include that land between Bridge Street and the corner of 8 Plumtree Close, Eltham
4. Notifies all submitters and owners and occupiers of the land affected by the proposed amendment of Council's resolution.

13. Officers' reports**CM.036/21 Exhibition of Amendment C126nill to the Nillumbik Planning Scheme
(Part rezoning of Bridge and John Street)**

Attachments

1. Submitter 1 - Redacted Submission to Amendment C126 with Attachments
2. Submitter 2 - Redacted Submission to Amendment C126 with Attachments
3. Submitter 3 - Redacted Submission to Amendment C126 with Attachments
4. Summary of Submissions to C126nill

Discussion

1. Subject to authorisation by the Minister, and pursuant to Section 19 of the *Planning and Environment Act 1987*, Amendment C126nill was formally exhibited through January and February 2021.
2. Three (3) submissions were presented at the 9 March 2021 FNC for consideration (refer **Attachments 1 – 3**). Submission 1 is supporting and Submission 2 is objecting. The supporting submission, and also general enquiries received during the exhibition period have identified support for the amendment. There is a desire in the community to protect these pocket parks and there have been suggestions of forming a *Friends Group* to help achieve this.
3. It is noted a third submission was received after the formal amendment Exhibition period that requests changes to the John Street boundary. The submission is dated 10 February 2021 however Council received the submission 22 February 2021.
4. **Attachment 4** provides a table of summary of submissions and officers response.
5. Submitter 1 has identified the need to extend the Bridge Street proposed boundary to the corner of 8 Plumtree Close, Eltham for the rezoning as more effective alignment for the open space and to prevent future car parking.
 - a) Officers note that there is no need to rezone the subject land to facilitate public space and associated planting/fixtures, e.g. tree planting and bollards. Nor does the rezoning facilitate parking abatement. Council as the public land manager may make these changes (e.g. bollards to prevent car parking) without the benefit of rezoning.
 - b) The proposed boundary for rezoning in the amendment is strategically justified based on the alignment of the proposed road discontinuance being undertaken as separate process.
 - c) Whilst Council would not oppose this submission it will require a separate road discontinuance being undertaken for that component identified by this submission at a future date.
6. Submitter 2 has identified opposition to the amendment noting that the rezoning will close vehicular access to their property.
 - a) Officers note the amendment – the extent of rezoning, does not remove or impact on the current vehicular access crossover arrangements to this submitter's property.

13. Officers' reports**CM.036/21 Exhibition of Amendment C126nill to the Nillumbik Planning Scheme
(Part rezoning of Bridge and John Street)**

7. Submitter 3 has identified that they have occupied land on the John Street side of the proposed amendment area for over 30 years and that a rezoning will result in their fencing being removed and leave them exposed; negatively impacting their privacy, security and amenity.
 - a) Officers note that approval of amendment C126nill would result in land currently being used for private purposes be rezoned to a public zone. Any concerns with respect to adverse possession will be considered as part of a separate process.
8. On 9 March 2021, Council's Future Nillumbik Committee considered an officer report and verbal submission(s) to Amendment C126nill.

Related Council decisions

9. At Council's Meeting on 25 February 2020, Council resolved to commence the statutory procedure to remove the road reserve status and proceed to rezone eastern sections of Bridge and John Streets from Neighbourhood Residential Zone (NRZ) to Public Park and Recreation Zone (PPRZ).
10. At Council's Meeting on 28 July 2020, Council resolved to request the Minister for Planning under Section 8A of the *Planning and Environment Act 1987* to authorise the preparation and exhibition of Amendment C126nill.
11. At the Future Nillumbik Committee (FNC) meeting of 9 February, the Committee heard submissions made to Council as part of its proposal to discontinue two road reserves located at the eastern end of Bridge Street in Eltham and the eastern end of John Street in Eltham, pursuant to the statutory process under the *Local Government Act 1989*.
12. At that FNC the Committee (acting under delegation from Council) resolved to:
 - a) *Note the 12 submissions including three objections made with respect to the proposal to discontinue two road reserves located at the eastern end of Bridge Street in Eltham and the eastern end of John Street in Eltham; and*
 - b) *Consider a further report at the next available Council Meeting to resolve a position on the proposed road discontinuance relating to the eastern ends of John Street and Bridge Street in Eltham.*

Options

13. When a Council has one or more submissions which raise issue with an amendment and the Council wishes to still pursue the amendment, the next statutory step in the amendment process is for the Council to request the Minister for Planning appoint a Planning Panel to consider the amendment and the submission(s).
14. There are two options available to Council following the consideration of the three (3) submissions received. The following options are available:
 - a) Request the Minister for Planning to appoint an independent Planning Panel to consider the submissions received for Amendment C126nill in accordance with Section 23(1)(b) of the Planning and Environment Act 1987; or
 - b) Resolve to abandon the proposed rezoning.

13. Officers' reports**CM.036/21 Exhibition of Amendment C126nill to the Nillumbik Planning Scheme
(Part rezoning of Bridge and John Street)**

15. These options will be contingent to the decision made regarding the road discontinuance that the Infrastructure department is performing in a separate process.
16. If the road discontinuance is adopted as currently proposed, Council can proceed to request the Minister for Planning to appoint an independent Planning Panel to consider the submissions received should it resolve as such.
17. If the boundary of the road discontinuance is to be changed, the process of the road discontinuance may need to start over. If the process needs to restart, Amendment C126nill's strategic justification will be weakened given that the road reserve status of the road will remain in place. Amendment C126nill would likely need to be abandoned until any revised road discontinuance can be substantially determined and a future amendment could be aligned to any revised road discontinuance mapping.
18. Council must agree to potential future dates for a Panel process to be convened following exhibition of an amendment which would be confirmed subject to a resolution of Council to request the Minister convene an independent Panel. The pre-Panel dates for Amendment C126nill are:
 - a) Directions Hearing – week commencing 26 April 2021
 - b) Panel Hearing – week commencing 24 May 2021

Council plans and policies

19. This report directly supports the achievement of Council Plan 2017-2021 strategy:
 - Create and activate places and spaces that have good connectivity, provide needed infrastructure and promote social interaction.
 - Provide a range of infrastructure that encourages people of all ages to participate in a variety of active and passive opportunities.

Sustainability implications

20. The amendment is expected to have positive environmental effects and economic and social benefits as it will confirm the intended status and management of land as public open space.
21. The social interactions and community building that public open spaces bring enhances community connectivity and community capital.
22. Retention of the open space assists in maintaining the attractiveness and amenity of the public realm.
23. Retention of the open space will continue to provide habitat for flora and fauna within the predominantly urban environment.
24. Pockets of planted open space help connect larger patches of bushland, and allow freedom of movement for wildlife.

13. Officers' reports**CM.036/21 Exhibition of Amendment C126nill to the Nillumbik Planning Scheme
(Part rezoning of Bridge and John Street)**

Community engagement

- 25. Pursuant to the *Planning and Environment Act 1987*, amendment C126nill was publicly exhibited from 7 January 2021 to 18 February 2021.
- 26. Pursuant to notification requirements of the Act, Council officers sent out notification letters to all surrounding owners/occupiers and Prescribed Ministers, and notification in the Herald Sun and Government Gazette were also posted on 7 January 2021 to inform the public of the formal exhibition period.
- 27. The Amendment was also made available on council's Participate Nillumbik website.

Innovation and continuous improvement

- 28. The amendment ensures that planning controls are accurate, correct and consistent with its current use. This will improve the effectiveness and efficiency of achieving the objectives of planning in Victoria.

Collaboration

- 29. Officers liaised with the Department of Environment, Land, Water and Planning (DELWP) to ensure that amendment documents were prepared to their standard and that they are kept informed through the Planning Scheme Amendment process.

Budget implications

- 30. Planning scheme amendment budget allocation 20/21 financial year.

Relevant law

- 31. *Planning and Environment Act 1987*.

Regional, state and national plans and policies

- 32. This Amendment supports the objective of Clause 19.02 Open Space to establish, manage and improve a diverse and integrated network of public open space that meets the needs of the community. Specifically, the amendment supports the following strategy set out in Clause 19.02 6S:

Ensure that urban open space provides for nature conservation, recreation and play, formal and informal sport, social interaction, opportunities to connect with nature and peace and solitude.

- 33. The Victorian Health and Wellbeing Plan 2019-2023, outlines the government's key priorities to improve the health and wellbeing of Victorians. Priorities supported by the Amendment include increasing active living by increasing easy access to parks, open spaces and public spaces with opportunities for physical activity where appropriate.
- 34. Plan Melbourne 2017-2050 highlights the importance of 20-minute neighbourhoods. The 20-minute neighbourhood concept aims to improve liveability by giving people the ability to meet most of their daily needs within a 20-minute walk from home. The subject sites are within 12-15 minutes' walk from the Eltham Major Activity Centre (Eltham MAC). The formalisation of these pocket parks will advance the objectives of Plan Melbourne 2017-2050 and continue providing access to the residents' daily needs such as recreation and as well as services provided with the Eltham MAC.

13. Officers' reports

**CM.036/21 Exhibition of Amendment C126nill to the Nillumbik Planning Scheme
(Part rezoning of Bridge and John Street)**

Conflicts of interest

35. Officers involved in the preparation of this report do not have a conflict of interest in the subject matter of this report.

13. Officers' reports**CM.037/21 Nillumbik Customer First Strategy - Annual Review and Update**

Distribution: **Public****Manager:** **Jeremy Livingston, Executive Manager Business Transformation and Performance****Author:** **Craig King, Customer Experience Lead****Summary**

The Nillumbik Customer First Strategy is Council's first customer experience strategy which defines the strategic direction of Council's customer focus for our community. The strategy was adopted by Council in March 2019, and this report presents a second year update that highlights implementation achievements, along with performance measurement.

The strategy has progressed well since its adoption, and Council is well advanced in the implementation and delivery of the strategy. To date, 21 of the 24 actions outlined in the strategy are already operational or in progress.

Recommendation

That Council:

1. Notes the report which highlights the second year implementation and delivery of the Nillumbik Customer First Strategy 2019-2022.
2. Receives an annual progress update on the final year of implementing the Nillumbik Customer First Strategy 2019-2022 in March 2022.

Attachments

1. Strategy timeline and evaluation

Discussion

1. Council's Nillumbik Customer First Strategy 2019-2022, adopted by Council in March 2019, is an important document that outlines our journey to drive organisational change to support Council in delivering an outstanding customer service to our community every time they interact with us.
2. This drive is strongly influenced by increasing demands and expectations from our community, and we need to find and deliver efficiencies and better ways of servicing them to support their needs.
3. As community expectations of Council continue to change, we need to listen and adapt to the way we interact with our community to ensure the experiences we deliver to them are positive, solutions-focused, easy, empathetic, accessible and add value.

13. Officers' reports**CM.037/21 Nillumbik Customer First Strategy - Annual Review and Update**

4. The Nillumbik Customer First Strategy includes:
- a) Our Vision which reflects our aspirations to drive a customer service centric culture here at Nillumbik:
'Nillumbik's services are easy to use and we will ensure they will be customer focused at all times in an environment where all customers will be treated with care and respect.'
 - b) Our four Customer Commitments which are:
 - Empathetic – We listen to our customers, understand their needs and concerns and we put ourselves in their shoes
 - Consistent – Our customers are provided with accurate information and consistent experiences across Council and all its customer channels, by knowledgeable and supportive staff
 - Effective – We understand our key customer journeys, we design and deliver our services to deliver quality outcomes and reduce duplication and repetition
 - Simple – All customer processes, documentation, information and contact channels are easy to follow, are seamless and require as little time and effort from the customer.
 - c) The strategy's goals have been drawn from key findings based on internal and external research to drive the changes we need to undertake for a customer centric culture here at Nillumbik:
 - Customer focused culture and leadership
 - Improved reporting and measurement
 - Increased customer intelligence
 - Modern and effective customer channels and tools
 - Ongoing continuous business improvement and innovation.
5. Council is well advanced in the implementation and delivery of the strategy, with 21 of the 24 actions already operational or in planning (**Attachment 1**).
6. The following commentary outlines the delivery highlights from the second year of the strategy.
7. **Goal 1 – Customer focused culture and leadership**
- a) Reward and recognition for staff has been established as part of a review process by our Human Resources team. This program rewards behaviours that are aligned to our four customer commitments, and the organisation's values.
 - b) Over 350 Council staff have now completed 'Customer First' training over the life of the strategy. This has helped reshape the culture of Nillumbik by ensuring a focus is on customer service driven outcomes from the moment all staff start working for Council.

13. Officers' reports**CM.037/21 Nillumbik Customer First Strategy - Annual Review and Update**

- c) A Business Plan review has been completed with a focus on service related key performance indicators (KPIs) now embedded in annual performance plans across many work teams.

8. Goal 2 – Improved reporting and measurement

- a) The Mystery Shopping program independently measures the integrity of our phone interactions with our community in a number of key focus areas, with our service facing teams. An independent third party makes contact with Council acting as a resident and inquires and scores us based on the customer service we deliver to them on each interaction.
- This program has expanded to seven teams – Customer Service, Operations Centre Business Support, Rates, Infrastructure, Community Safety, Building and Planning;
 - Council has achieved an organisational score of 70% in December 2020. This places Nillumbik well inside the top 10% of all participating organisations. The local government sector average for this program is generally the poorest across all industry sectors (currently industry average sits at 52%);
 - Nillumbik is placed ninth across all 172 participating organisations for customer service – we are also sector leaders in local government (of 45 participating councils);
 - As a future area of focus, there is a clear link between a community pain point of closing the loop with close of calls (also reflected in our customer service survey scores);
 - Although the performance data is a positive result, there is still improvement identified in closing the loop across all areas of the organisation.
- b) Customer Complaint Handling Policy and supporting process:
- A Customer Complaint Handling Policy was adopted by Council in March 2019, and complies with the relevant requirements of *Local Government Act 2020*;
 - As a recognised feedback channel for 'free feedback', significant work has been conducted in piloting a new process to capture and improve our processes and reporting when community complaints are received;
 - Around 50% of teams are now part of the program, with the remaining to be completed within the next 12 months.
- c) Other action items:
- A focus has been on developing and embedding a key performance indicator (KPI) framework across the organisation to measure and report on customer service interactions;
 - The KPI framework demonstrates our commitment to improving community pain points by measuring ourselves based on a set of consistent and benchmarked standards;

13. Officers' reports**CM.037/21 Nillumbik Customer First Strategy - Annual Review and Update**

- This is supported by better documenting how we work through mapping our processes through the use of Promapp (our web-based process mapping tool).

9. Goal 3 – Customer intelligence drives better service**a) Community surveys:**

- Council achieved an average of 7.58 (out of 10) in the 2020 Annual Community Survey. This is an increase of 2.3% on the previous year's result. This satisfaction result is higher than the Melbourne metropolitan councils' average of 7.03 (Annual Community Survey);
- Mystery Shopping program – results are outlined above under Goal 2.

10. Goal 4 – Modern and effective channels and tools

- a) Record management implementation was completed in late February via our new Electronic Document and Records Management System (EDRMS) which went live across the organisation in late February, as part of our business transformation program;
- b) Also as part of the business transformation program, the Website Upgrade project is now underway. Content engagement workshops have been run with all work teams across the organisation who currently maintain website content on our main website. We are also reviewing our secondary sites that support and deliver specialised service delivery within the community.

11. Goal 5 – Ongoing continuous business improvement and innovation

- a) We are linking complaint management process and reporting to focus our drive on continuous improvement;
- b) An organisation knowledge management review has been completed (internal system) to support a 'one team' organisation.

12. The below three strategy action items have been 'deferred' with respect to the strategy's implementation:

- a) Action item 3.4 (Develop customer personas) – this action item is intended to help support a more specific and multi-faceted community experience online. As the changes in content and architecture are implemented as part of Action 4.4 of the strategy over the coming year, we will be better placed to understand community behaviours online and this will be looked at as part of our broader digital strategy.
- b) Action items 4.1 and 4.2 (Customer request management (CRM) platform review / single view of Council) – these two actions are inter-linked to help better support a simpler employee experience (CRM platform review) and more intuitive community experience with regards to Council delivery of service online (single view of Council) into the future. This action item was reviewed as part of the broader organisational systems work undertaken by KPMG in 2019. The recommendation was to retain our current CRM and enhance its existing capability. This forms part of our business transformation program.

13. Officers' reports

CM.037/21 Nillumbik Customer First Strategy - Annual Review and Update

Related Council decisions

13. Council adopted the Nillumbik Customer First Strategy 2019-2022 in March 2019. In adopting the strategy, Council resolved to receive an annual update of the progress of the strategy's implementation.

Council plans and policies

14. This report directly supports the achievement of Council Plan 2017-2021 strategy:
- Ensure seamless service delivery and an open and responsive approach to our customers.

Sustainability implications

15. Not applicable.

Community engagement

16. Not applicable.

Innovation and continuous improvement

17. In line with the strategy's objective for improved reporting and measurement, performance data and measurement is captured through surveys and complaints handling, ensuring that a continuous improvement approach to customer service can be pursued.

Collaboration

18. Not applicable.

Budget implications

19. The implementation of the strategy is accommodated within Council's operating budget.

Relevant law

20. Not applicable.

Regional, state and national plans and policies

21. Not applicable.

Conflicts of interest

22. None of the officers preparing this report has a conflict of interest.

13. Officers' reports

CM.037/21 Nillumbik Customer First Strategy - Annual Review and Update

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13. Officers' reports**CM.038/21 Quarterly Risk and Safety Report - December 2020**

Distribution: Public**Manager: Jeremy Livingston, Executive Manager Business Transformation and Performance****Author: Craig Commene, Risk and Safety Lead****Summary**

This report provides a summary of Council's Risk and Safety Report for the quarter ending December 2020.

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

Risk and Safety reporting to Council is tabled each quarter following consideration by Council's Audit and Risk Committee.

The full confidential Quarterly Risk and Safety Report for the December 2020 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 Quarterly Risk and Safety Report for the December 2020 quarter.
2. Resolves that the attached report (**Attachment 1**) remains confidential in accordance with section 3(1)(a) and (f) of the *Local Government Act 2020*.

Attachments

1. Quarterly Risk and Safety Report December 2020 - *CONFIDENTIAL*

Discussion

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;

13. Officers' reports**CM.038/21 Quarterly Risk and Safety Report - December 2020**

- 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".
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. This Risk and Safety report broadly reports on:
 - Risk management;
 - Business continuity;
 - 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 31000:2009 Risk Management.
 6. Highlights from the Quarterly Risk and Safety Report for the December 2020 quarter are as follows.
 7. Major Incident – COVID-19 pandemic
 - Council continues to observe all directives issued by the Victorian Chief Health Officer in response to the COVID-19 state of emergency; and
 - As restrictions ease, the focus of the Risk and Safety Team has been to provide advice, support and assistance to transition Council facilities and services to a COVID-19 compliance status. The transition also meant providing advice and assistance to community and sporting groups who occupy or hire Council facilities.

13. Officers' reports

CM.038/21 Quarterly Risk and Safety Report - December 2020

8. 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 20	Apr – Jun 20	Jul – Sep 20	Oct - Dec 20	Total Jan - Dec 20	Last Year Oct - Sep 19
Property	17	21	18	22	78	41
Motor vehicle	24	13	10	7	54	75
Professional Indemnity	0	0	3	2	5	8
Public Liability	100	55	52	48	255	163
Occupational Health and Safety	21	21	15	20	77	89
Total all incidents	162	110	98	99	469	376

9. A high proportion of reported incidents during the December 2020 quarter are generated within the normal course of operations in the Operations and Infrastructure Directorate (88%). These 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.
10. 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.
11. Road, footpath, drainage and roadside related risks are mitigated through the:
- Road Management Plan;
 - Road Asset Management Plans; and
 - Proactive and reactive maintenance programs.

13. Officers' reports**CM.038/21 Quarterly Risk and Safety Report - December 2020**

12. Property incidents typically reported are break-ins, 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.
13. 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.
14. There were no significant accidents during the December 2020 quarter and only one minor motor vehicle insurance claim was lodged with Council's insurer.
15. 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.
16. Public liability incidents are reported 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.
17. This quarter, seven trip and fall incidents were reported at various locations.
18. Three incidents related to vehicle damage, primarily these are tyre or body work damage caused by the road surface or road related infrastructure. (Note that the *Road Management Act 2004* threshold is currently \$1400).
19. There were eight flooding and 22 tree damage incidents causing property damage, primarily attributed to rainfall and wind related events. Several miscellaneous incidents were noted, including a tree root damage incident.
20. Occupational Health and Safety incidents relates to safety matters reported as incidents, hazards and near misses. Typical incidents relate to cuts and lacerations, insect and animal bites, musculoskeletal injuries and slip trips and falls. These incidents are managed by Council's Risk and Safety Team through the Occupational Health and Safety Management System.
21. The overall annual trend data for the 12 months leading up to December 2020 for incidents was higher compared to the same period ending December 2019. The increase is attributed to consistently higher numbers of flooding and tree related public liability incidents caused wind and storm weather events during the past four quarters.
22. Incident costs, including under excess claim costs and insurance excesses, are managed within existing budgets. Where appropriate, insurance claims were made, repairs undertaken and matters reported to the Police.

Related Council decisions

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

13. Officers' reports

CM.038/21 Quarterly Risk and Safety Report - December 2020

Council plans and policies

25. This report directly supports the achievement of Council Plan 2017-2021 strategy:

- Ensure that Council meets its legal responsibilities and manages its risks.

Sustainability implications

26. 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.

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

Community engagement

28. Not applicable.

Innovation and continuous improvement

29. 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

30. Not applicable.

Budget implications

31. This report is part of Council's monitoring of the Council Plan 2017-2021 and Budget. The resources for managing and reporting are accommodated within existing operational budgets.

Relevant law

32. Not applicable.

Regional, state and national plans and policies

33. Not applicable.

Conflicts of interest

34. None of the officers preparing this report has a conflict of interest.

13. Officers' reports

CM.038/21 Quarterly Risk and Safety Report - December 2020

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13. Officers' reports

CM.039/21 Amendment C131Nill - Amending the Planning Scheme to regulate Earthworks in the Green Wedge

Distribution: Public

Manager: Rosa Zouzoulas, Executive Manager Planning and Community Safety

Author: Leigh Northwood, Strategic Planning Lead

Summary

There is currently no one provision in Planning Schemes to regulate the deposit of clean fill on land particularly in the peri-urban areas of Melbourne. At least one Council - Hume has a permit requirement for earthworks involving the receipt, importation, stockpiling or placement of more than 100 cubic metres of fill.

Council resolved at its 28 July 2020 Ordinary Council Meeting (among other matters) that *Council immediately request the Planning Minister to introduce into the schedule for Green Wedge Zone and Rural Conservation Zone a 100 cubic metre limit of clean fill.*

Subject to a resolution by Council at its Ordinary Council Meeting on 28 July 2020, and subsequent further resolution of the Future Nillumbik Committee on 11 August 2020 officers lodged a request for authorisation of amendments C130nill (for interim controls) and C131nill (for permanent controls) on 17 August 2020.

On 15 December 2020, the request for authorisation of C130nill was refused by the Minister. At the same time the Minister gave authorisation for preparation of Amendment C131nill.

Given the specific language of the original resolutions of the Council meeting of 28 July 2020 and the subsequent FNC of 17 August, reconfirmation of the resolution is required in support of C131nill which will not be a Section 20(4) amendment (led by the Minister as requested), but rather a fully exhibited amendment led by Council as the Responsible Authority.

There are situations in which a planning authority may be exempted from all or part of the normal notice requirements for an amendment pursuant to Section 19(1A) of the *Planning and Environment Act 1987*. A planning authority is not required to give notice of an amendment to the owners and occupiers of affected land that it believes may be materially affected by an amendment if the number of owners or occupiers makes it impractical to notify them all individually.

Given the associated costs to mail out directly to all Green Wedge owners/occupiers, it is recommended that Council should apply the Section 19(1A) exemption, and notification should be provided via the following means for the Amendment:

- a) On the Participate Nillumbik website;
- b) Through social media posts and at least one media release; and
- c) Advertisement in one metropolitan newspaper (the Age or the Herald Sun).

13. Officers' reports**CM.039/21 Amendment C131Nill - Amending the Planning Scheme to regulate Earthworks in the Green Wedge**

Recommendation

That Council:

1. Reconfirms its intention to regulate earthworks in the Green Wedge by requesting the Minister for Planning, under Section 8A of the *Planning and Environment Act 1987*, to authorise the preparation and exhibition of Amendment C131nill to the Nillumbik Shire Planning Scheme.
2. Exempts itself from direct notification to owners/occupiers pursuant to Section 19(1A) of the *Planning and Environment Act 1987*, and notification of Amendment C131nill should be provided via the following means:
 - a. On the Participate Nillumbik website;
 - b. Through social media posts and at least one media release; and
 - c. Advertisement in one metropolitan newspaper (the Age or the Herald Sun).

Attachments

1. C131nill Explanatory Report
2. C131nill Instruction Sheet
3. C131nill Ordinance

Discussion

1. The Victoria Planning Provisions provide a range of tools available to Responsible Authorities to ensure the Planning Scheme is appropriate to each local government area. The tools include Zones, inclusive of Schedules to the Zones and Overlays. There is currently no one provision in Planning Schemes to regulate the deposit of clean fill on land particularly in the peri-urban areas of Melbourne. Some Councils have utilised Overlays that require a planning permit for all earthworks.
2. The Hume Planning Scheme has a permit requirement for earthworks involving the receipt, importation, stockpiling or placement of more than 100 cubic metres of fill. This requirement was introduced through Amendment C143 to the Hume Planning Scheme. It is the only planning scheme in Victoria that has this permit requirement.
3. Other Councils and the Municipal Association of Victoria (MAV) have consistently advocated for a similar provision in all peri-urban Planning Schemes. In discussions with Hume Officers, it is evident that this requirement provides the necessary clarity to determine when earthworks trigger the need for a planning permit. This requirement enables earthworks ancillary to farming practices that generally require 100 cubic metres or less of fill, to not be caught up in the regulatory permit process, and continue as of right.

13. Officers' reports**CM.039/21 Amendment C131Nill - Amending the Planning Scheme to regulate Earthworks in the Green Wedge**

4. The Panel in its Panel report to Amendment C143 of the Hume Planning Scheme, stated the following:

Land filling has become an environmental, health and safety issue for Council given its role as a growth area and the close proximity between residential development and Green Wedge and rural land with respect to land filling associated with disposing of excess soil material. Much of this activity is unregulated and is of concern to Council regarding environmental impacts to the character of its rural landscape.

The key issue of concern from submissions was the impact to routine farming activities becoming caught up in additional permit requirements. This issue can be appropriately managed through the proposed post exhibition change to the permit requirement for earthworks involving a threshold limit above which permits would be required. This will assist in avoiding the need to seek permits for routine farming activities that do not involve large scale land filling earthworks.

100 cubic metre analysis:

It is clear to the Panel that the concerns of the submissions were based on the difference between what the issue Council was striving to address i.e. large scale land filling in the Green Wedge and rural areas, and what the submissions considered would be the real and much broader effect of the permit requirement for earthworks proposed to be activated by the exhibited version of the Amendment (all earthworks). The Panel acknowledges that Council realised this variation in understanding of the effect the Amendment and the reason for its proposed post exhibition change to the form of the Amendment to impose a new and separate permit requirement for: Earthworks which involve the receipt, importation, stockpiling or placement of more than 100 cubic metres of fill. In this way, Council sought to allay the concerns of the submissions regarding routine farming and other activities involving earthworks from being caught up in the new permit requirements

Council's submission outlined that the change to the form of the Amendment clarifies that it is not the intent to capture routine farming activities under the earthworks permit requirements. Council considers that the revised wording provides for a clearer distinction to be made regarding the extent of earthworks that will trigger the need for a planning permit. The use of the words "receipt", "importation", "stockpiling" or "placement" have been chosen because they capture the nature of the practice of unregulated land filling and set it apart from that of genuine and routine farming activities, which are considered to be of a much smaller scale. The selection of the 100 cubic metres threshold was based on factors including, an assessment of earthmoving farming practices and the likely volume of soil movement involved, the level of soil being moved in conjunction with current unregulated land filling sites, and the need to strike a balance between a permit requirement that would capture unregulated land filling, but not routine farming activities. The Panel supports the views of Council in this regard. The Panel considers the combination of the defined term for earthworks under Clause 72 of the Hume Planning Scheme and the shift in providing a threshold to land filling earthworks acts to provide a satisfactory safeguard to ensure unnecessary permits are not triggered for activity normally associated with routine farming and other rural activities. The concerns of the submissions should be allayed by the post

13. Officers' reports**CM.039/21 Amendment C131Nill - Amending the Planning Scheme to regulate Earthworks in the Green Wedge**

exhibition change suggested by Council with respect to introducing a threshold over the extent of earthworks that would require a permit under the GWZ, GWAZ and FZ.

Regarding the need for the Amendment, the Panel agrees with Council's concerns over the extent and nature of land filling that is occurring in Hume under the influence of both its role as a growth area and close proximity to rural land available for such activity. The lack of a comprehensive permit requirement for land filling earthworks of a large scale creates problems for Council with respect to managing and regulating such activity in order to safeguard the environment and health and safety of the green wedge and rural community. Having regard to these factors, the Panel considers the Amendment is needed in order to provide Council with the ability to manage the impacts of land filling earthworks.

5. It is noted that many VCAT decisions have stated that until issues relating to the disposal of clean fill are given State-level consideration, Councils will continue to confront difficult questions of characterisation. Furthermore, Tribunal decisions have consistently reported that the EPA, the Minister for Planning and affected metropolitan fringe councils need to work together towards a more sophisticated response, rather than relying on individual determinations. It should be noted that the proposed amendment will only be able to introduce provisions relating to works or earthworks in the Green Wedge Zones – which are the Green Wedge Zone and Rural Conservation Zone in Nillumbik Shire.
6. Amendments undertaken at the local level cannot amend State-wide planning provisions i.e. the uses allowed in a zone, only the Government can amend such provisions. Accordingly, this amendment at best will allow Council to consider permit applications and decide them appropriately with conditions to regulate amenity and other such concerns.

Related Council decisions

7. At its Council Meeting of 28 July 2020 Council resolved as follows:
 - a) (Among other matters) that *Council immediately request the Planning Minister to introduce into the schedule for Green Wedge Zone and Rural Conservation Zone a 100 cubic metre limit of clean fill.*
8. At Council's meeting of 25 August 2020, Council (among other matters) resolved to 'advocate to the Minister for Planning and request a meeting at the earliest date for the immediate approval and gazettal of Council's Planning Scheme Amendment made through Section 20(4) of the *Planning and Environment Act 1987*'.

13. Officers' reports**CM.039/21 Amendment C131Nill - Amending the Planning Scheme to regulate Earthworks in the Green Wedge**

Options

9. Council resolved at its 28 July 2020 Ordinary Council Meeting as follows (among other matters) that *Council immediately request the Planning Minister to introduce into the schedule for Green Wedge Zone and Rural Conservation Zone a 100 cubic metre limit of clean fill.*
10. Subject to a resolution by Council at its Ordinary Council Meeting on 28 July 2020, and subsequent further resolution of the Future Nillumbik Committee on 11 August 2020 officers lodged a request for authorisation of amendments C130nill and C131nill on 17 August 2020.
11. Council also wrote to the Minister for Planning at the same time as lodgement of the amendments requesting his intervention in this issue.
12. It is noted that both resolutions specifically called for the Minister to prepare an amendment pursuant to Section 20(4) of the *Planning and Environment Act 1987* (the Act), but did not specifically endorse preparation of an amendment pursuant to Section 8A of the Act to prepare and exhibit the amendment – that is the amendment process for a Council-led, fully exhibited amendment. This is required in order to appropriately lodge the amendment request with the Minister.
13. Amendment C130nill requested the Minister utilise his powers of intervention under Section 20(4) of the *Planning and Environment Act 1987* to implement interim controls to modify the schedule to the Green Wedge Zone and the Rural Conservation Zone (Schedules 1 – 5) by inserting a permit trigger for *Earthworks which involve the receipt, importation, stockpiling or placement of more than 100 cubic metres of fill to all land.*
14. Council has also lodged concurrently a request for authorisation of amendment C131nill, which seeks to make interim controls requested by C130nill permanent.
15. On Tuesday 15 December, after consistent officer enquiries in regard to the progress of authorisation of the above amendments, Council has received correspondence from the Minister advising refusal of Councils request to prepare, adopt and approve Amendment C130nill without notice, which seeks to implement planning controls on an interim basis, noting the Minister does not consider that proposed amendment meets the tests under 20(4) for exemption from the requirements of sections 17, 18 and 19 of the Planning and Environment Act.
16. The Minister further noted that Department of Environment, Land, Water and Planning (DELWP) had commenced consultation on its *Planning for Melbourne's Green Wedges and Agricultural Land* and considers that the overarching issue of 'soil importation, large-scale earthworks and associated land uses' should be properly considered through that work, and that it would be premature for him to intervene at this time.
17. Officers note that as part of its adopted submission to the *Planning for Melbourne's Green Wedges and Agricultural Land* consultation, Council have identified the issue of illegal clean fill dumping in our Green Wedge and identified the need for a State-wide approach to appropriately deal with this significant planning issue.

13. Officers' reports**CM.039/21 Amendment C131Nill - Amending the Planning Scheme to regulate Earthworks in the Green Wedge**

18. In accordance with section 8A of the Planning and Environment Act, the Minister has approved authorisation of Amendment C131nill subject to conditions mostly in regard to notification. The Minister has noted that the authorisation to prepare the amendment is not an indication of whether or not the amendment will ultimately be supported.

Council plans and policies

19. This report directly supports the achievement of Council Plan 2017-2021 strategy:
- Advocate effectively for Nillumbik's interests at a state and national level.

Sustainability implications

20. The subject matter is relevant to appropriately responding to illegal clean fill dumping on Green Wedge land through the Nillumbik Planning Scheme.

Community engagement

21. Amendment C131nill will be formally exhibited for 1 calendar month in accordance with the requirements of Section 19 of the *Planning and Environment Act* 1987.
22. Notification of the amendment's exhibition will also be placed on Council's Participate Nillumbik website.
23. A planning authority must give notice that it has prepared an amendment to (among others) the owners and occupiers of land that may be materially affected by the amendment.
24. This includes anyone whose land is subject to changed controls under the amendment and might include owners and occupiers of adjoining or nearby land. For C131nill this would be all properties located within the Green Wedge – approximately 15,000 owner/occupiers.
25. The cost attributable to a direct mail out to all owners and occupiers (approximately 15,000) would be in the order of \$16K.
26. There are situations in which a planning authority may be exempted from all or part of the normal notice requirements for an amendment pursuant to Section 19(1A) of the Act. A planning authority is not required to give notice of an amendment to the owners and occupiers of affected land that it believes may be materially affected by an amendment if the number of owners or occupiers makes it impractical to notify them all individually. In this situation, the planning authority must take reasonable steps to ensure public knowledge of the amendment. Such steps might include extra display notices in local newspapers, news items or a sign on the site proposed for development.
27. Officers recommend that given the associated costs to mail out directly to all Green Wedge owners/occupiers, Council should apply the Section 19(1A) exemption, and notification should be provided via the following means for the Amendment:
- a) On the Participate Nillumbik website;
 - b) Through social media posts and at least one media release; and
 - c) Advertisement in one metropolitan newspaper (the Age or the Herald Sun).

13. Officers' reports

CM.039/21 Amendment C131Nill - Amending the Planning Scheme to regulate Earthworks in the Green Wedge

Innovation and continuous improvement

28. Approval of Amendment C131nill would improve Council's ability to manage the impacts of illegal clean fill dumping on the Green Wedge through the Nillumbik Planning Scheme.

Collaboration

29. Council officers have been proactively liaising with the Department of Environment, Land, Water and Planning to prepare amendment material to the department's satisfaction.

Budget implications

30. The cost of preparing this planning scheme amendment is estimated at between \$40,000 - \$60,000 and this cost will be taken from the Strategic Planning amendments budget. It should be noted that direct notification to owner/occupiers within the Green Wedge (approximately 15,000 addressees) would be of itself in the order of \$16,000 (cost of outsourcing and mailing).
31. If successful, the resulting planning controls to regulate earthworks in the Green Wedge, implemented into the Nillumbik Planning Scheme via amendment C131nill, would mitigate future costs to Council in regard to pursuing illegal fill dumping and earthworks in the Green Wedge and resultant legal representation and VCAT costs.

Relevant law

32. *Planning and Environment Act 1987*

Regional, state and national plans and policies

33. Not applicable.

Conflicts of interest

34. Officers preparing this report have no conflict of interest in relation to its subject, content and recommendations.

13. Officers' reports

**CM.039/21 Amendment C131Nill - Amending the Planning Scheme to regulate
Earthworks in the Green Wedge**

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13. Officers' reports

CM.040/21 Nillumbik Shire Submission to 10 Year Social and Affordable Housing Strategy

Distribution: Public

Manager: Rosa Zouzoulas, Executive Manager Planning and Community Safety

Author: Leigh Northwood, Strategic Planning Lead

Summary

The Victorian Government has released a discussion paper seeking submissions in preparation of a 10-Year Social and Affordable Housing Strategy for Victoria (**Attachment 1**).

The new strategy will establish a 10-year vision for social and affordable housing in Victoria and build on the 'Big Housing Build' and other investment to date by the Victorian Government. It will establish a view on what success looks like for people, enablers of the overall housing system, and the actions required to get there.

This discussion paper includes an overview of the importance of housing in people's lives and challenges with the current system, a vision statement for the future, principles that underpin the strategy and four focus areas for future work (pathways, communities, growth and partnerships).

A draft submission to the discussion paper (**Attachment 2**) has been prepared, and officers are seeking Councillor's endorsement.

A webpage has been set up on Participate Nillumbik identifying that the Victorian government has called for written submissions and these are being accepted through the State governments Engage website (with links).

The deadline for submissions is 9 April 2021.

Recommendation

That Council:

1. Adopts the attached submission (**Attachment 2**) to '*10 Year Social and Affordable Housing Strategy*' discussion paper, and directs Council officers to formally lodge the adopted submission with the Department of Health and Human Services (Homes Victoria) by 9 April 2021; and
2. Makes the adopted submission publicly available on Council's Participate Nillumbik website.

Attachments

1. 10 Year Social & Affordable Housing Strategy discussion paper
2. Nillumbik Shire Council submission to the 10 year social and affordable paper

13. Officers' reports**CM.040/21 Nillumbik Shire Submission to 10 Year Social and Affordable Housing Strategy**

Discussion

1. The 10 Year Affordable & Social Housing Strategy discussion paper seeks to achieve a change in the social and affordable housing landscape, with identified collaboration based on shared goals and co-investment, and with the target of effectively responding to the needs of the community.
2. The discussion paper identifies a vision for the Strategy for *'Victorians to have access to a safe, affordable and appropriate home'*.
3. Four identified 'principle's' underpin the strategy:
 - a) People at the Centre.
 - b) Share action and accountability.
 - c) Maximising value.
 - d) Sustainability.
4. Actions are identified to be undertaken across four focus areas:
 - a) **Pathways:** Providing information and support to people to access the housing they need, sustain their tenancy and to move to sustainable housing.
 - b) **Communities:** Enabling tenants to live in housing that is built for the future, with access to social and economic opportunities and within diverse, inclusive and vibrant communities.
 - c) **Growth:** Growing the supply of social and affordable housing to meet need.
 - d) **Partnerships:** Partnering across all levels of government, the community housing sector, industry and the community to deliver the vision.

Related Council decisions

5. Not applicable.

Options

6. The visions, principles and actions identified in the discussion paper are all generally supported, however key areas that will require further consideration have been identified specifically in the attached submission are:
 - a) The limitation of local government's role in the provision of affordable and social housing, with acknowledgment of the significant limitations that funding gaps have on delivering services & infrastructure to support our community (in a rate-cap environment).
 - b) The importance of partnerships (and local governments role in this space) with established social housing providers who have connections to disability and other social services. Established providers are able to offer support to tenants or will be partnered with support organisations to ensure tenancies are sustained and housing needs are monitored. The draft submission highlights the importance of the local government role in working with 'grass roots', local organisations that are well connected to community members.

13. Officers' reports**CM.040/21 Nillumbik Shire Submission to 10 Year Social and Affordable Housing Strategy**

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- c) The need to view housing through a 'health lens' (particularly for at risk community members) as lack of secure housing is a social determinant of health. Other health issues need to be considered in the context of insecure housing and the need for social and affordable housing.
 - d) The importance of ensuring housing is fit for purpose and includes consideration of such matters as universal accessibility with examples provided.
 - e) The fact that the largest barrier still remains in the amount and diversity of affordable housing stock that is available.
 - f) The issue that land use planning to implement affordable housing policy and outcomes should not rest with local government, where initiatives and recommendations of the [Municipal Association of Victoria's \(MAV's\) Submission to Affordable Housing October 2019](#) are supported, particularly if affordable housing models could be implemented through the creation of State provisions within the Victorian Planning Provision's for affordable housing. This would ideally detail requirements (among other matters) for:
 - i) Mandatory rather than negotiable ways in which affordable housing contributions would be calculated allowing developers to work out and build the cost into their development feasibility and enabling planners to calculate the affordable housing contribution;
 - ii) Articulate who pays for the affordable housing – moving beyond a discussion about number of dwellings to certainty about the quantum of the overall affordable housing contribution; and
 - iii) Clarify other aspects of facilitating affordable housing through land use planning including but not limited to a process to collect and distribute cash-in-lieu contributions, and mechanisms to secure the benefit of the affordable housing in the community.

Council plans and policies

7. This report directly supports the achievement of Council Plan 2017-2021 strategy:

- Advocate effectively for Nillumbik's interests at a state and national level.

Other relevant Council policy/strategies:

- i) Recreation Strategy 2011-2019
- ii) Nillumbik Climate Action Plan 2016-2020
- iii) Together in Nillumbik Survey
- iv) Ageing Well in Nillumbik Action Plan 2019-2022
- v) Nillumbik Shire Council's Disability Action Plan 2020-2024
- vi) Green Wedge Management Plan 2019
- vii) Eltham Major Activity Centre Structure Plan 2020
- viii) Diamond Creek Major Activity Centre Structure Plan 2020.

13. Officers' reports

CM.040/21 Nillumbik Shire Submission to 10 Year Social and Affordable Housing Strategy

Sustainability implications

8. The subject matter of the discussion paper relates to housing affordability and housing stress, and associated environmental, social and economic implications.

Community engagement

9. A webpage has been set up on Participate Nillumbik with support of the communications team, identifying that the Victorian government has called for written submissions and these are being accepted through the State governments Engage website (with links).

Innovation and continuous improvement

10. The discussion paper outlines key actions that would implement continuous improvement in the delivery of affordable housing and social housing, particularly to the most 'at risk' parts of the community.

Collaboration

11. The draft submission to the 10 Year Affordable & Social Housing Strategy discussion paper has been prepared with collaboration between officers in strategic planning and community services (with inputs from disability inclusion, social planning, family support and gender equity teams).

Budget implications

12. Not applicable.

Relevant law

13. *Planning & Environment Act 1987.*

Regional, state and national plans and policies

14. Plan Melbourne 2050.
15. Homes for Victorians.

Conflicts of interest

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

13. Officers' reports**CM.041/21 Road Management Plan Review**

Distribution: Public**Manager: Hjalmar Philipp, Director Operations and Infrastructure****Author: Joseph Emmanuel, Manager Infrastructure
Jeff Saker, Roads and Drains Maintenance Coordinator****Summary**

The Road Management Act 2004 grants power to a road authority (Council) to make a Road Management Plan (RMP) to establish the management system and standards for the exercise of the authority's road management functions.

Council commenced the RMP review by advertising its intent to review in The Age and Government Gazette on 28 January 2021.

As part of the notice, Council invited and received 73 submissions and at the 9 March 2021 Future Nillumbik Committee Meeting considered these submissions, as well as 3 submissions relating to the review report.

Having received and considered the submissions, together with the review performed, there is no proposal as part of developing Council's amended RMP to reduce any of the current service levels.

Officers will finalise the amended RMP for consideration of adoption at a future Council meeting.

Recommendation

That Council:

1. Notes there are no reductions in service levels proposed as part of developing and implementing an amended Road Management Plan.
2. Notes that further statutory consultation is not required, where the intention is to maintain or increase service levels within its amended Road Management Plan.
3. Receives a further report to consider the adoption of the amended Road Management Plan at future Council meeting prior to the 30 June 2021 statutory deadline.

Attachments

1. Previous Council and Committee Decisions
2. Submissions Summary and Officer Response

13. Officers' reports

CM.041/21 Road Management Plan Review

Discussion

1. The main purpose of Council's RMP is to document the level of service relating to how often Council inspects its roads and footpaths network, what Council defines as a hazard and defect and within what timeframe Council will rectify that hazard or defect.
2. The review process takes into consideration the following inputs:
 - a) Changes to law and precedence set by recent court decisions.
 - b) A benchmarking exercise of service levels with neighbouring councils.
 - c) Public liability claims history.
 - d) Performance of the road and footpath network.
 - e) Service level compliance.
 - f) Budget analysis.
 - g) Community consultation.
3. Based on the above inputs it is evident that no reduction in service levels will be proposed as part of an amended RMP.

Related Council decisions

4. At the 27 June 2017 Council Meeting, Council resolved to adopt its 2017 RMP.
5. At the 27 January 2021 Council Meeting, Council resolved that "*Council publishes a public notice of its intention to review its Road Management Plan, inviting submissions to be heard at the next available Future Nillumbik Committee Meeting.*" Details can be seen in **Attachment 1**.
6. The details of the Committee resolution for the 9 March 2021 Future Nillumbik Committee Meeting can be seen in **Attachment 1**.

Options

7. As there is no proposal to reduce service levels in the amended RMP, in other words, if it is determined to –
 - **maintain** existing service levels (that is, to not amend the RMP); or
 - **increase** standards (that will provide for more frequent inspections or maintenance of roads or decrease the period of time within which defects are to be repaired) –no further public notice or consultation process is required in relation to such amendments."
8. Council at any stage during its term can, through a Council resolution, determine to improve its service levels relating to its RMP.
9. Where there is a proposal to permanently reduce service levels within Council's RMP there is a requirement to adhere to the process set within the *Road Management Act 2004* and the *Local Government Act 1989*, which includes the invitation of S223 submissions.

13. Officers' reports

CM.041/21 Road Management Plan Review

Council plans and policies

10. This report directly supports the achievement of Council Plan 2017-2021 strategy:

- Plan for the community's future needs for services and infrastructure.

Sustainability implications

11. Safe and functioning roads can provide a range of sustainability related benefits, particularly economic and social. There may be a degree of trade off with environmental implications, for example through more frequent inspection and management measures.

Community engagement

12. The review and amendment of a RMP is required to follow the process set out in the *Local Government Act 1989* and *Road Management Act 2004*. This includes inviting community input into the current RMP before considering and making any amendments.
13. To commence the review process a public notice was placed in The Age and Victorian Government Gazette on 28 January 2021 advising of Council's intention to conduct a review of the RMP, inviting the community to an information session and how to make a submission. This was also communicated on Council's website and social media.
14. The consultation period closed 27 February 2021 and 73 submissions were received.
15. The online engagement approach has been successful in attracting an increase in submissions compared to the 2017 process in which Council received 7 submissions with respect to its intent to review its RMP.
16. Council considered the submissions, and the three submissions to the Committee at its Future Nillumbik Committee Meeting on 9 March 2021.
17. A summary of the submissions received, during the formal consultation period and the officer response can be seen in **Attachment 2**.
18. Having reviewed the submissions received officers will prepare an amended RMP and present to Council for consideration at a future Council meeting.

Innovation and continuous improvement

19. The review process embraces a continuous improvement philosophy.
20. A review of Council's RMP is performed every four years.
21. The 2017 version of Council's RMP is the fourth iteration of this plan. With each iteration, Council refines its service levels and one of the benefits of this is building in efficiencies gained through program and process improvement.

Collaboration

22. A benchmarking exercise has been completed with neighbouring councils.
23. Opportunity to improve awareness and understanding of the RMP will be considered.

13. Officers' reports

CM.041/21 Road Management Plan Review

Budget implications

24. Any proposed changes to service levels are likely to have an impact on the operational budgets and these will be further considered as part of the adoption of an amended RMP.

Relevant law

25. The *Road Management Act 2004* grants power to a road authority (Council) to make a RMP to establish the management system and standards for the exercise of the authority's road management functions.
26. In accordance with the *Road Management Act 2004* Council required to conduct and complete a review of its RMP within the period of 6 months after the last general election of Council or by the next 30 June, whichever is later.

Regional, state and national plans and policies

27. Not applicable.

Conflicts of interest

28. All staff involved in the preparation of this report, have declared in writing that they do not have a conflict of interest in the subject matter of this report.

13. Officers' reports**CM.042/21 Climate Action Plan Development - Community Consultation**

Distribution: Public**Manager: Hjalmar Philipp, Director Operations and Infrastructure****Author: Kirsten Reedy, Coordinator Environment
 Lisa Pittle, Manager Environment****Summary**

Council's current Climate Change Action Plan expired in 2020.

A process to develop a new Climate Action Plan is underway. This has included consultation with the community via an attitudinal survey (797 respondents) gauging residents understanding and concerns about climate change and how Council should respond.

This report presents the findings of the 2020 Climate Action Plan Survey, including community attitudes and priorities, which will help to inform Council and guide the development of the new Plan.

Additional consultation, research and scoping, and a proposed timeline for development of a new Climate Action Plan are also included in the report.

Recommendation

That Council:

1. Receives and notes the results of the 2020 Climate Action Plan Survey (**Attachment 1**).
2. Makes the 2020 Climate Action Plan Survey Report available to the public on Council's website.
3. Notes the timeframe for the development of the Climate Action Plan.

Attachments

1. Nillumbik 2020 Climate Action Plan Survey Report - Final Draft

Discussion

1. Council's *Climate Change Action Plan 2016-2020* expired in 2020 and a new Climate Action Plan is being developed.
2. The process of developing the new plan considers State and Commonwealth legislation and policy with regard to climate change; the risk posed by climate change to the Nillumbik community; and the community's expectation for Council action on climate change. Actions will then be developed to respond to the identified requirements and risks.
3. Benchmarking against other local governments and state government; and research into relevant policy, legislation and best practice has been undertaken.

13. Officers' reports**CM.042/21 Climate Action Plan Development - Community Consultation**

4. The Victorian government's *Climate Change Act 2017* does not require councils to develop a climate action plan. The Act does direct other state legislation and policy which can require a local government response. For example, the next iteration of Council's Health and Wellbeing Plan must consider the impact of climate change on the health and wellbeing of the community.
5. In order to create internal alignment and build the capacity of the organisation to respond, internal consultation has been undertaken and includes:
 - a. Establishment of an internal reference group comprising representatives from across Council, which has met twice to date.
 - b. Survey of Council officers exploring their understanding of climate change; about how it may impact on their service; and their ability to respond to climate impacts. 102 responses were received providing information on internal upskilling to help staff deliver on climate action for their service.
 - c. Presentation of the survey outcome at an all-staff meeting.
 - d. Mapping alignment with Council policies, strategies and plans.
6. Benchmarking and internal consultation has provided an understanding of climate change impacts and the broad scope that the plan may address in terms of emissions reduction and climate resilience. The following list is not exhaustive but captures the broad themes arising from research and consultation so far:
 - a. Leadership and governance – advocating for and demonstrating leadership in emissions reduction and climate adaptation.
 - b. Renewable energy – sourcing Council and community energy needs from renewable sources.
 - c. Carbon emissions – reducing emissions from buildings, services and transport.
 - d. Circular economy – promoting sustainable purchasing, using recovered resources and reducing emissions from waste.
 - e. Infrastructure and assets – ensuring that existing and new infrastructure and assets are climate resilient.
 - f. Natural environment – understanding the impact of climate change on the natural environment mitigating impacts where possible and facilitating adaptation.
 - g. Land management - promoting land management practices that conserve and/or improve the existing carbon value of vegetation and soils.
 - h. Council services/community health and wellbeing – providing services that are responsive to community needs with a changing climate.
 - i. Natural disaster – developing strategies and programs to manage the impact of natural disasters, such as bushfire, on the community and the environment.
 - j. Planning and environmentally sustainable development – promoting emissions reduction and climate resilience through land use planning.
 - k. Targets and reporting.

13. Officers' reports**CM.042/21 Climate Action Plan Development - Community Consultation**

7. Similarly, external consultation has been undertaken to help inform the understanding of local climate change impacts and the importance of various mitigation and adaptation actions. Consultation to date includes:
 - a. Consultation with Council's Environment and Sustainability Advisory Committee on the draft scope and the development of the community survey.
 - b. Consultation with Wurundjeri – three meetings to date focusing on how the Climate Strategy can enable Caring for Country. Key matters/concerns raised included: increasing die-back of old growth trees is occurring and heavy grazing is preventing recruitment of new growth; decreasing permeability of surfaces is negatively impacting the Yarra River and its tributaries (ref: Yarra Protection Bill) and the use of drinking water to water parks and ovals should be limited – water sensitive urban design is required; need to teach and work with landholders to help them to realise the potential of traditional burns; need to protect areas of highest biodiversity value and explore opportunities to work with Wurundjeri (Narrup team) in achieving this; and the need to protect species such as the platypus.
 - c. Community survey – total 797 responses – details provided below.
 - d. Discussion with the Councillors including briefings on 19 November 2019 and 2 June 2020 as well as informal discussions during Environment portfolio meetings.
8. **Summary of community survey**
9. Formal community consultation to inform development of Council's new Climate Action Plan was conducted from October to December 2020. **Attachment 1.**
10. Council engaged social research company Metropolis Research to undertake a representative telephone survey (telephone) and open-access online survey (online), including assistance to develop the questions, conducting the survey, analysis and reporting. The research findings will enable Council to better understand the Nillumbik community's priorities for responding to climate change, including:
 - a. Level of concern about local impacts.
 - b. Thoughts on climate targets.
 - c. What actions Council should prioritise in responding to climate change.
 - d. What the Nillumbik community can and is already doing to respond to climate change.
11. The telephone survey of 400 participants reflecting geographic, age and gender demographics of the Nillumbik community was conducted between 11 November and 22 November 2020. These results reflect the views of the underlying Nillumbik community. Its 95 per cent confidence interval is plus or minus 4.8 per cent.
12. The online survey was launched on 30 October 2020 and remained open for seven weeks until Sunday 20 December 2020, allowing interested residents to participate in the research. The online survey included the same questions as the telephone survey and received 397 responses.

13. Officers' reports**CM.042/21 Climate Action Plan Development - Community Consultation**

13. The following overview of survey responses focuses mainly of the telephone survey. The results of the online survey are indicated where they are different from the random group.
14. **Key community attitudes** identified via telephone survey show that climate change is an issue of concern for the community.
15. Responses were clustered to provide four typologies with 8 per cent of respondents are sceptical about climate change, 36 per cent have mixed views, 39 per cent are very concerned and 17 per cent are extremely concerned about climate change. An analysis is provided on page 6 of **Attachment 1**.
16. 93.2 per cent believe that climate change is an important issue for them and their household.
 - a. Eltham and Greensborough/Plenty precinct respondents rated the importance of the issue somewhat higher than respondents from rural and Diamond Creek precincts.
 - b. Female respondents rated the importance of climate change measurably and significantly higher than male respondents.
 - c. The most common reason was the impact on future/future generations
17. 65.5 per cent believe they are currently impacted by climate change and 83.6 per cent expect to be impacted by climate change in the future.
18. Respondents were asked to rate their level of concern with 13 effects of climate change on the local environment, their work, home and community. Fire and water security were key concerns. Respondents are:
 - a. *Extremely concerned about:* harsher fire weather and longer fire seasons (8.42 out of 10); water shortages and droughts (8.07); and the health of the natural environment (7.96). Approximately three quarters were 'very concerned' with these effects, and less than 10 per cent were unconcerned.
 - b. *Very concerned about:* impacts on agriculture and land productivity (7.71); more frequent/extreme hot days and heat waves (7.69); and disrupted power supply and communications (7.38). Almost two-thirds were 'very concerned' with these and approximately 10 per cent were unconcerned.
 - c. *Moderately concerned about:* damage to roads, buildings and private dwellings (6.83); increased weeds and pest animals (6.82); the ability to maintain public gardens and green spaces (6.68); physical health impacts of climate change (6.55); and reduced access to/availability of community services (6.22). Between a third and less than half were 'very concerned' with these effects and approximately 15 per cent were unconcerned.
 - d. *Mildly concerned about:* the mental health impacts of climate change (5.89). Whilst one-third of respondents were 'very concerned', approximately 25 per cent were unconcerned.
19. Preferred **mitigation targets** identified by telephone survey showed strong agreement on setting targets for both Council and community emissions and at least at the same level as State Government targets.

13. Officers' reports

CM.042/21 Climate Action Plan Development - Community Consultation

20. 90 per cent believe Council should set a carbon emission target for Council's own operations.
 - a. 70 per cent think Council should set the same carbon emission target for its operations as the State Government (net zero emissions by 2030)
 - b. 18.5 per cent think Council should set a higher target, with achieving net zero emissions by 2025 as the most common alternative target, with females measurably more likely to prefer this.
21. 88 per cent believe Council should set a carbon emission target for the Nillumbik community.
 - a. 65 per cent believe that the target should be the same as the State Governments target for the Victorian community i.e. to be carbon neutral by 2050.
 - b. 22 per cent believe it should be a higher target
 - c. 1.3 per cent believe it should be a lower target.
22. The **key community priorities for Council focus and resources** identified from the telephone survey :
23. Council decision making:
 - a. 28 per cent believe that climate change should be *the PRIMARY consideration for ALL Council decisions*.
 - b. Most (55 per cent) believe it should be A consideration.
 - c. In comparison, 42 per cent of online respondents believe it should be the primary consideration.
24. 48 per cent are prepared to pay additional rates to "help Council achieve net zero emissions and be proactive in adapting to climate change". 15 per cent are willing to pay more than \$100 per year in additional rates and 33 per cent are willing to pay less than \$100 per year.
25. Respondents generally believe Council should focus equally on mitigation and adaptation.
26. Respondents believe Council's climate actions should focus on the following top 5:
 - a. Planning for the increasing risk of fire by managing bushland reserves and supporting the community to reduce the risk of bushfire. This was measurably and significantly the highest priority adaptation action identified that Council should take to address climate change, with an average priority score of 8.83 out of 10. 85 per cent rated this as a 'very high priority'.
 - b. Planning for increasing health impacts (7.99 out of 10)
 - c. Planning and advocating for sustainable transport (7.97)
 - d. Planning for effect on local animals and plants (7.82)
 - e. Buying sustainable products and services (7.74)

13. Officers' reports**CM.042/21 Climate Action Plan Development - Community Consultation**

27. The key barrier to respondents implementing climate mitigation or adaptation options themselves at home is the cost of making changes. Despite this, many to most respondents have already made changes at home.
28. **Next steps draft plan development**
29. The draft plan is proposed to include the following indicative content
- Introduction including vision and objectives, targets (if relevant) the risk landscape for Council and community, legislation and policy drivers.
 - Approach to the plan, including the role of Council in responding to climate change, risk based approach, integration of the plan across Council dynamic engagement, review and reporting.
 - Scope of plan (sectors included in the scope which, at this stage include Council and the community).
 - Mitigation – what we've done to date, areas of future work following from risk assessment.
 - Adaptation - what we've done to date, areas of future work following from risk assessment.
30. The findings of the community survey will be used to help to inform the development of the draft Climate Action Plan with Councillors over the coming months, including prioritising objectives, consideration of targets and exploring the specific initiatives that respondents have suggested and/or that Councillors may suggest.
31. Next steps in the plan development process currently include undertaking a climate risk assessment; developing emissions reduction and adaptation roadmaps and continuing internal collaboration / consultation to deliver on the climate risk assessment and to develop the internal capability to deliver the endorsed plan.

Related Council decisions

32. Not applicable.

Options

33. The outcome of the community survey and the proposed risk assessment require Councillors to make decisions regarding key aspects of the plan including:
- Scope of the plan, its timeframe, and priorities for action including emissions reduction and adaptation roadmaps.
 - Mitigation targets – the community strongly support setting emissions targets. The telephone survey representing the broader community is comfortable aligning with state government targets; the online survey showed more support for a higher target. There are resource implications for setting and monitoring targets in terms of data gathering and analysis.
 - Council decision making – this question was designed to test support for declaring a climate emergency. Similar to mitigation targets the telephone survey community showed majority support (55 per cent) for climate change as a consideration for council decisions whilst 28 per cent believed it should be the primary consideration for all Council decision. The online community was showed greater support (42 per cent) for climate change being the primary consideration.

13. Officers' reports

CM.042/21 Climate Action Plan Development - Community Consultation

Council decisions about climate change issue
Nillumbik Shire Council - 2020 Climate Action Plan Survey
 (Number and percent of total respondents)

Response	Random		Online	
	Number	Percent	Number	Percent
The primary consideration for all Council decisions	112	28.0%	165	41.6%
A consideration for all Council decisions	219	54.8%	160	40.3%
Not be a consideration for all Council decisions	58	14.5%	65	16.4%
Don't know / can't say	11	2.8%	7	1.8%
Total	400	100%	397	100%

34. Councillors may also consider options for further consultation to inform the development of the Climate Action Plan. This may explore, for example, aspects of risks, support for specific actions and/or the perspective of specific community sectors (eg youth, business, rural).
35. The current proposed timeframe for development of the plan is shown in the table below.

Timing	Action
March 2021	Council to endorse the Climate Action Plan Community Survey Report to enable it to be made publically available.
March / April / May 2021	Climate risk assessment Monthly meetings with Councillors to review Climate Action Plan development.
June 2021	Formal briefing of Councillors on the draft Climate Action Plan
July 2021	The draft Climate Plan will be presented at a Council Meeting for endorsement for public exhibition and associated consultation.
August-September 2021	Public consultation via Participate Nillumbik.
November 2021	Council to consider community feedback on the draft Plan at the Future Nillumbik meeting.
December 2021	Council to consider a revised draft Climate Action Plan for adoption at the December Council Meeting.

36. This timeframe may be extended to accommodate Councillor initiatives.

13. Officers' reports

CM.042/21 Climate Action Plan Development - Community Consultation

Council plans and policies

37. This report directly supports the achievement of Council Plan 2017-2021 strategy:

- Review and communicate Council's climate change strategies.

Sustainability implications

38. The Climate Action Plan will provide Council and the community with a plan to both mitigate and adapt to the impacts of climate change.

Community engagement

39. Council's Environment and Sustainability Advisory Committee has been consulted in the progress of developing the Climate Action Plan scope and in drafting the survey for community consultation. Further consultation will occur.

40. A professional market research / consultation company Metropolis Research Pty Ltd was engaged to assist Council in conducting the community survey – including in developing survey questions, conducting the consultation, and analysing and presenting the findings in the most effective and modern way. The methodology reflected COVID-19 health and safety requirements.

41. A total of 400 telephone surveys were conducted from a random sample of 6,257 residential telephone numbers.

42. Promotion of the online survey, which received 397 responses, included:

- a. Media release
- b. Website news item
- c. Community newsletters – Warrandyte Diary, Hurstbridge Roundabout and Whittlesea Town Crier
- d. Council's various social media channels including a paid Facebook campaign
- e. Council's e-newsletters
- f. Nillumbik News
- g. Plenty Valley FM
- h. Distribution to local schools' newsletter contacts
- i. Distribution to Edendale's school network, traders' associations and Council's committees.
- j. Internal communication channels

Innovation and continuous improvement

43. Council's climate action to date has demonstrated innovation and continuous improvement with large scale projects such as the hybrid solar and battery off-grid Community Bank Stadium and relief centre project and the proposed Plenty landfill solar farm.

44. The new Climate Action Plan is intended to provide Council with a roadmap for future action, including innovation and continuous improvement.

13. Officers' reports

CM.042/21 Climate Action Plan Development - Community Consultation

Collaboration

45. Climate action planning is supported regionally by the Northern Alliance for Greenhouse Action which brings together councils to discuss and progress climate action. Nillumbik is an active member of this group.

Budget implications

46. No additional operating or capex budget is proposed for this financial year.
47. The cost of implementing the Plan would be incorporated into future budgets for consideration annually.

Relevant law

48. Not applicable.

Regional, state and national plans and policies

49. The Victorian *Climate Change Act 2017* establishes a legislative framework to drive action to achieve “a net zero emissions, climate-resilient Victorian community and economy by 2050”; and requires that five yearly interim emissions reduction targets be set to keep Victoria on track to meet this long-term target.
50. Through the Act, Victoria also recognises and supports the 2015 Paris Agreement on climate change, in which the international community committed to “holding the increase in global average temperature to well below 2 degrees Celsius above pre-industrial levels and pursuing efforts to limit the temperature increase to 1.5 degrees Celsius”.
51. The work of Council through a new Climate Action Plan should support the Victorian Government in achieving its targets.

Conflicts of interest

52. 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.

13. Officers' reports

CM.042/21 Climate Action Plan Development - Community Consultation

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13. Officers' reports**CM.043/21 Yarra Plenty Regional Library Agreement**

Portfolio: Officers' reports**Distribution: Public****Manager: Corrienne Nichols, Executive Manager Communities****Author: Corrienne Nichols, Executive Manager Communities****Summary**

The Yarra Plenty Regional Library Agreement (Library Agreement) between the three (3) member Councils, Nillumbik Shire Council (Nillumbik), Banyule City Council (Banyule) and the City of Whittlesea (Whittlesea) is due to be renewed for the next five (5) years (2020-2025).

Nillumbik Shire Council was an original member Council, as the then Shire of Eltham, of the original regional library service, Heidelberg Regional Library in 1965.

YPRL delivers library services for Nillumbik Shire Council through the two Branch Libraries at Eltham and Diamond Valley. The Mobile Library delivers services to the other towns within the Shire and YPRL is piloting a new Library Click and Collect service at the Hurstbridge Hub which is proving to be well utilised. The YPRL Outreach Service also delivers services to Retirement Villages in the Shire.

Recommendation

That Council:

1. Continues to be a part of the Yarra Plenty Regional Library Corporation for the next five (5) years.
2. Signs the Library Agreement 2021 – 2026 (**Attachment 1**).

Attachments

1. Supplemental Agreement 2020
2. 2015 Review of Regional Library Agreement

Discussion

1. The Library Agreement covers:
 - The Purpose of the regional library service.
 - The Board makeup, proceedings, and responsibilities.
 - Strategic Planning, Reporting, Annual Budget, Asset allocation, Policy and other legislative requirements of the Corporation.
 - Dissolution, Member Council exit requirements.

Additional schedules also define:

- The Cost Apportionment Methodology.
- The Chair responsibilities on a rotating basis per member Council.
- Lists the buildings assets allocated to YPRL for the delivery of library services.

13. Officers' reports**CM.043/21 Yarra Plenty Regional Library Agreement**

2. The Library Agreement is reviewed every five (5) years. A major review of the Library Agreement was undertaken by an external consultant in 2015 (**Attachment 2**). A major change to the Cost Apportionment model was recommended and adopted by the Board. The YPRL Cost Apportionment model is now one of the most sophisticated in use among Victoria's regional corporations. The costs are now apportioned based on usage, with the State Government grant apportioned to each member council as income. Individual Branch income is apportioned to the relevant member Council which also offsets each Council's costs. The cost drivers used mean that each Council explicitly pays for their residents' use of the library service, not the cost to deliver the individual branch service to their community. As an example, Diamond Valley Branch Library operational costs are allocated by the usage model as 65 per cent allocated to Nillumbik, 25 per cent to Banyule 10 per cent to Whittlesea.
3. This current review was a minor review of the Library Agreement with the Schedules for Council Assets and Rotation of Chair updated. Hunt and Hunt legal services provided the review and developed the necessary Supplementary Agreement for the next five (5) years (**Attachment 1**). In the next five (5) years a major review of the regional library corporation model will need to be undertaken, in line with the changes made to the Local Government Act 2020. YPRL has ten (10) years to move to a new business model which could include becoming a Beneficial Enterprise under the Act. Current Regional Library Corporation legislation remains grandfathered over this time within the Local Government 2020 Act.

Related Council decisions

4. At the Ordinary Meeting of Council held on 26 November 2019, Council resolved to:
 1. Receive the Libraries Alive! Opening Hours Review.
 2. Endorse Extended operating hours - Option 1 with the following:
 - 9am opening at all branches, increased evening hours and full day Sunday openings at the 1 main library in each Local Government Area (LGA) branches.
 - It is also proposed that the remaining branches close at 8pm not 8.30pm.
 - This represents a 10.4 per cent increase in our current opening hours for a 3.1 per cent increase in Councils' contributions for a total increase of \$385,746 across the region of which Nillumbik's contribution is \$84,501.
 - Council retains the half hour in Diamond Valley Library.
 - That Council will seek a review of the implementation of this proposal within 12 months of implementation.

13. Officers' reports**CM.043/21 Yarra Plenty Regional Library Agreement**

Options

5. There are two options for Councils consideration moving forward.
- Option 1. To continue to be a part of the Yarra Plenty Regional Library Corporation for the next five (5) years. Council will need to sign the Library Agreement.
- Option 2. Withdraw from the Yarra Plenty Regional Library Corporation. Council will need to give 12 months' notice in writing of the intention to withdraw. This will require Council to take over the Library service delivery to the community. Details for withdrawal and allocation of assets are detailed in the Library Agreement.

Council plans and policies

6. This report directly supports the achievement of Council Plan 2017-2021 strategy:
- Ensure that community services, programs and facilities are inclusive and respond to current and emerging needs.

Sustainability implications

7. Regional Library services provide a cost-efficient model to deliver library services for Councils in Victoria and this was confirmed in the 2019 VAGA audit into Council Library services. The overall finding of the audit was 'that Regional Library Corporations and co-operative models are, overall, more efficient than standalone Council Libraries, because their longer opening hours and high volume of loans offset their larger investments'. YPRL performs in the top 10 of the State's Library services for the efficiency measures used in the VAGO audit. Nillumbik Shire residents are also avid users of the library service with close to 50 per cent of residents as active library members.

Community engagement

8. Not Applicable.

Innovation and continuous improvement

9. YPRL is a trusted innovative partner of Council in the delivery of Library Services to our community. During the pandemic, YPRL was one of the first Library Services to deliver a planned digital program, with the aim of making lockdown bearable for residents by ensuring they had something to do, groups to join, digital learning opportunities and resources to borrow. Other innovations were Family Fun Packs and Care Boxes of resources and activities delivered to the home. During this past difficult year, YPRL has also worked with Council to pilot a new Click and Collect Library service at the Hurstbridge Hub which has been well received by the community. A new Library App, new Library website and new library business software continue to drive efficiencies and innovative new ways of service delivery to our communities.

Collaboration

10. The Yarra Plenty Regional Library Agreement (Library Agreement) between the three (3) member Councils of Nillumbik Shire Council (Nillumbik), Banyule City Council (Banyule) and the City of Whittlesea (Whittlesea) is a collaborative model that demonstrates value for rate payers of all three municipalities

13. Officers' reports

CM.043/21 Yarra Plenty Regional Library Agreement

Budget implications

11. The contract costs are part of the existing operational budget.

Relevant law

12. Not Applicable.

Regional, state and national plans and policies

13. Not Applicable.

Conflicts of interest

14. No conflicts of interests exist by officers preparing this report.

13. Officers' reports**CM.044/21 Review of Instrument of Delegation to Members of Council Staff**

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

This update takes into account some minor updates to various provisions under various acts and new provisions in the *Food Act 1984* have been included which affect Council's powers, duties and functions.

This report requests that Council resolves to adopt the amended Instrument of Delegation to reflect legislative changes.

Recommendation

That Council:

1. In the exercise of the powers conferred by the legislation referred to in the attached Instrument of Delegation (**Attachment 1**), Nillumbik Shire Council (Council) resolves that:
 - a. 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.
 - b. The Instrument comes into force immediately the common seal of Council is affixed to the Instrument.
 - c. On the coming into force of the Instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.
 - d. 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. S6 Instrument of Delegation to Members of Council Staff
2. Marked up - S6 Instrument of Delegation to Members of Council Staff

13. Officers' reports**CM.044/21 Review of Instrument of Delegation to Members of 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. The Instrument of Delegation to Members of Council Staff was last considered by Council at its meeting on 25 August 2020.

Related Council decisions

5. At its Council Meeting on 25 August 2020 Council resolved:

"That Council:

1. *In the exercise of the powers conferred by the legislation referred to in the attached instrument of delegation (**Attachment 1**), Nillumbik Shire Council (Council) resolves that:*
 - a. *There be delegated to members of Council staff holding, acting in or performing 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.*
 - b. *The instrument comes into force immediately the common seal of Council is affixed to the instrument.*
 - c. *On the coming into force of the instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.*
 - d. *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."*

Options

6. Under the Act, one of Council's objectives is to delegate decision-making to appropriate levels within the organisation.
7. The Instrument of Delegation to Members of Council Staff 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.

13. Officers' reports**CM.044/21 Review of Instrument of Delegation to Members of Council Staff**

8. The Instrument of Delegation to Members of Council Staff 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*
 - *Environment Protection Act 1970*
 - *Food Act 1984*
 - *Heritage Act 2017*
 - *Local Government Act 1989 and 2020*
 - *Planning and Environment Act 1987*
 - *Residential Tenancies Act 1997*
 - *Road Management Act 2004*
 - *Planning and Environment Regulations 2015*
 - *Planning and Environment (Fees) Regulations 2016*
 - *Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020*
 - *Road Management (General) Regulations 2016*
 - *Road Management (Works and Infrastructure) Regulations 2015*
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. A marked up copy of the Instrument of Delegation to Members of Council Staff considered by Council in August 2020 (**Attachment 2**) is presented to illustrate the changes recommended as part of this review.

Council plans and policies

11. This report directly supports the achievement of Council Plan 2017-2021 strategy:
- Maintain good governance and effective leadership.
 - Ensures that Council meets its legal responsibilities and manages its risks.

Sustainability implications

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

Community engagement

13. Not applicable.

Innovation and continuous improvement

14. Not applicable.

13. Officers' reports

CM.044/21 Review of Instrument of Delegation to Members of Council Staff

Collaboration

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

Budget implications

16. 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.

Relevant law

17. As outlined in this report this effects a range of legislation under various Acts.

Regional, state and national plans and policies

18. Not applicable.

Conflicts of interest

19. 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.

13. Officers' reports

CM.045/21 Adoption of S11A Instrument of Appointment and Authorisation under the Planning and Environment Act 1987

Distribution: Public

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

Author: Katia Croce, Governance Lead

Summary

The *Planning and Environment Act 1987* establishes the duties and function of councils as Planning and Responsible Authorities. The Act provides that certain authority, responsibility and functions can be delegated to Committees of Council or council officers.

In delegating authority to officers limitations may be imposed on the use of the power, matter or thing delegated.

In addition to the Planning and Environment Act, the *Local Government Act 2020* sets out that a council and Chief Executive Officer may, by instrument of delegation, delegate to a member of staff any power, duty of function of a council.

For the purposes of efficiency, all councils have a system of delegation in place that allows officers of a council to make formal decisions on components of the planning scheme amendment process and planning permit applications.

Maddocks Lawyers' has developed a model Instrument of Appointment and Authorisation for Victorian councils to use for this purpose. The S11A Instrument of Appointment and Authorisation (S11A) is used specifically for authorised officers appointed under the *Planning and Environment Act 1987*.

This Instrument of Appointment and Authorisation provides for councils as the Responsible Authority (rather than CEOs by delegation) to appoint officers by a resolution.

This report requests that Council adopts the new S11A Instrument of Appointment and Authorisation.

Recommendation

That Council, in the exercise of the powers conferred by section 147(4) of the *Planning and Environment Act 1987*, resolves that:

1. The members of Council staff referred to in the S11A Instrument of Appointment and Authorisation (**Attachment 1**) be appointed and authorised as set out in the Instrument.
2. The Instrument comes into force immediately after it is signed by Council's Chief Executive Officer, and remains in force until Council determines to vary or revoke it.

Attachments

1. S11A Instrument of Appointment and Authorisation

13. Officers' reports

CM.045/21 Adoption of S11A Instrument of Appointment and Authorisation under the Planning and Environment Act 1987

Discussion

1. The *Planning and Environment Act 1987* requires Council to appoint authorised officers by way of a S11A Instrument of Appointment and Authorisation.
2. Council's solicitor, Maddocks, have provided Council with an updated S11A Instrument of Appointment and Authorisation document which requires Council to appoint officers by resolution, to be an authorised officers to exercise the powers conferred to them by the *Planning and Environment Act 1987* and section 313 of the *Local Government Act 2020*.
3. Adoption of the S11A Instrument of Appointment and Authorisation provides that certain authority, responsibility and functions will be delegated to Council officers under the *Planning and Environment Act 1987*.

Related Council decisions

4. Nil

Options

5. As legislation is amended from time to time, all councils are required to update Instruments of Appointment and Authorisation conferred on various positions within the organisation by Council, to ensure officers are operating and enforcing under the current legislation.
6. It is recommended that Council resolves to appoint and authorise members of Council staff as set out in the attached Instrument.
7. Having an appropriate system of delegation in place offers councils a number of significant advantages by allowing more time to address higher order priorities and improve the efficiency and effectiveness.

Council plans and policies

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

Sustainability implications

9. There are no sustainability impacts associated with this report.

Community engagement

10. Not applicable.

Innovation and continuous improvement

11. Not applicable.

Collaboration

12. Council's S11A Instrument of Appointment and Authorisation has been developed in conjunction with Council's solicitor, Maddocks, and satisfies current legislative requirements.

13. Officers' reports

CM.045/21 Adoption of S11A Instrument of Appointment and Authorisation under the Planning and Environment Act 1987

Budget implications

13. 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.

Relevant law

14. This report satisfies the requirements of section 313 of the *Local Government Act 2020* and appoints Council staff to be authorised officers under the *Planning and Environment Act 1987*.

Regional, state and national plans and policies

15. Not applicable.

Conflicts of interest

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

13. Officers' reports

**CM.045/21 Adoption of S11A Instrument of Appointment and Authorisation under
the Planning and Environment Act 1987**

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13. Officers' reports

CM.046/21 Tender Report - Contract 2021-8 Graffiti Removal and Management Services

Distribution: Public

Manager: Rosa Zouzoulas, Executive Manager Planning and Community Safety

Author: Jonathan McNally, Manager Community Safety and Amenity

Summary

This report recommends the awarding of contract 2021-8 for Graffiti Removal and Management Services.

The contract term is for an initial period of three (3) years, with two (2) x one (1) year options to extend the contract. The total duration of the contract, including the exercise of any options, shall not exceed five (5) years.

The Tender Evaluation Panel (TEP) has assessed all submissions and this report provides a summary of their evaluation in recommending the awarding of the contract for 2021-8 for Graffiti Removal and Management Service.

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 from and enter into a contract with **Tenderer A** _____ as per the preferred tenderers schedule of rates shown in **Attachment 1** for the following contract:
Number: 2021-8
Title: Graffiti Removal and Management Service
Term: 1 April 2021 to 30 March 2024
Options: Two (2) x one (1) year term extensions
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. Advises all tenderers accordingly.
5. Resolves that the Tender Evaluation Report (**Attachment 1**) remain confidential on the grounds specified in the definition of confidential information in section 3(1)(g) of the *Local Government Act 2020*.

Attachments

1. Tender Evaluation Summary Report - *CONFIDENTIAL*
2. Graffiti Removal Plan Policy

13. Officers' reports

CM.046/21 Tender Report - Contract 2021-8 Graffiti Removal and Management Services

Discussion

1. Graffiti removal and management services are a critical Council role in relation to the following key objectives:
 - To protect and enhance the amenity of our Shire;
 - To ensure the appropriate management and maintenance of the significant Council assets throughout the Shire; and
 - To enhance the feeling of community wellbeing, safety and liveability within the Shire.
2. Council does not currently have a formal contract in place for the provision of graffiti removal and management services. The service is currently provided via a non-contracted arrangement.
3. Council has undertaken a Public Request for Tender process to put in place a formal contract for Graffiti Removal and Management Services.

Related Council decisions

4. The Graffiti Removal Plan was adopted at the March 2020 Ordinary Council Meeting

Council plans and policies

5. This report directly supports the achievement of Council Plan 2017-2021 strategy Improve the appearance of public spaces.
 - Improve the appearance of public spaces.
 - Ensure responsible and efficient management of Council's financial resources.
6. This report directly supports the objectives of the Graffiti Removal Plan Policy (**Attachment 2**).

Tender overview

The Tender Evaluation Panel (TEP) advises that:

7. A public tender was issued on 10 October 2020 and advertised in the Melbourne Age on Saturday 10 October 2020.
8. The period for tender submissions closed at 2pm on Thursday 5 November 2020.
9. The tender called for submissions to provide the following services via a schedule of rates:
 - a) Undertake and perform regular inspections and removal of all graffiti as per an agreed schedule as required within Shire boundaries, and undertake and perform removal of all other reported graffiti within the municipality on receipt of notification by authorised Council representative or via system notifications to Contractor in accordance with Council's established timeframes as per the table below;

13. Officers' reports

CM.046/21 Tender Report - Contract 2021-8 Graffiti Removal and Management Services

Type of graffiti	Timeframe from Notification
Offensive	Within 24 hours
On high profile infrastructure*	Within 24 hours
Reported Graffiti – Parks & Playgrounds	Within 36 hours
All other reported graffiti	Within 7 days
Identified in annual audit	As advised by Council within budget constraints

- b) Capture and record data and process all graffiti related service requests in Councils Customer Management System; and
- c) Maintain a register of all graffiti events on a database. Data is to include all details of graffiti and data is to be made available to nominated council staff and Vic Police upon request.
- d) Tenderers were also required to evidence their technology for covert surveillance if requested by Council.

10. The following tenders were received.

11.

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

The Senior Procurement Specialist assessed all submissions for completeness and conforming tenders and performed initial tender pricing analysis/comparisons.

- 12. 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.
- 13. Only tenders that were conforming and competitive were fully scored. Tender submissions that were evaluated as non-conforming or not sufficiently competitive were set aside from further evaluation.
- 14. 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	The tendered schedule of rates from this tenderer were the highest – 50% higher on average in comparison to other tendered rates.

13. Officers' reports

CM.046/21 Tender Report - Contract 2021-8 Graffiti Removal and Management Services

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

Criteria	Weighting %
Price	40%
Capability (Quality/Technical) & Capacity (Resources)	35%
Collaborative Approach	10%
Environmental Management Policy and Systems	5%
Supporting Local Economic and Social Development	10%

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

17. The members of the TEP were;

Member Name	Position Title	Business Unit	Scoring Member or Advisory Member
Jonathan McNally	Manager Community Safety and Amenity	Community and Planning	Scoring
Greg Shaw	Open Space Team Leader Assets	Operations and Infrastructure	Scoring
Jonathon Miller	Manager Property and Facilities Maintenance	Operations and Infrastructure	Scoring
Lance Clark	Senior Procurement Specialist	Corporate Services	Advisory

18. The final evaluation outcome was as follows:

TENDERER	SCORE	RANK
Tenderer A – Preferred Tender	85/100	1
Tenderer B	79/100	2
Tenderer C	67/100	3

19. The recommended tender was the highest ranked and is considered best value because they:

- are a well-established organisation and a 'leader' in the provision of graffiti management, with a proven and demonstrated capacity and capability to deliver against the key objectives of the Councils Graffiti Removal Plan policy;

13. Officers' reports**CM.046/21 Tender Report - Contract 2021-8 Graffiti Removal and Management Services**

-
- has accredited quality management, environmental management and health and safety as well as risk management systems and processes in place;
 - has in place established technology systems and has a fleet of custom built and fully equipped vehicles;
 - Has established on-going contracts and relationships with other local government bodies, agencies and facility management organisations and as such can assist Council with developing a strategic approach to Graffiti Management reduction initiatives such as recommendations around lighting improvements, plantings and anti-graffiti coating in areas deemed to be 'high hit' locations, rather than the existing approach which is to primarily just paint out;
 - business operations are located within a neighbouring Northern Region Council area and business is providing local employment opportunities to 14 residents from within the Northern Region Council Group area; and
 - tender reference checks evidenced satisfaction by clients with an ability to assist clients in developing and managing their approach to graffiti management requirements.

20. **Attachment 1** - Tender Evaluation Summary Report – Confidential, provides the tenderer names, the Evaluation Scorecard Summary and the preferred tenderers Schedule of Rates.

Capability and Capacity

21. Well established organisation and a 'leader' in the provision of graffiti management. Northern Region Council Area based business with nationwide contracts and services in place.
22. Initial tender response referred to monthly patrols with a focus on getting community involved to proactively report graffiti. Further information requested and response provided and further supported by reference checks, confirmed organisation can be highly proactive to provide a service in line with graffiti removal plan.
23. Has proven ability to work collaboratively with Clients, supported by a well-structured and established operational setup including a fleet of highly visible customised vehicles and equipment, backed up by accredited systems and processes.

Tender Interviews and Reference checks

24. There were two tender reference checks undertaken and both evidenced satisfaction by clients with management of their graffiti management requirements.

Contingency and risks

25. Due to the size and structure of the company and operations, there is no risk to continuity of the service.
26. As part of the tender specification, there are now defined permitted hours of service operation. These permitted hours of services are to ensure that where ever possible, Council does not have a contractor undertaking services in less than optimal safety conditions or times.

13. Officers' reports**CM.046/21 Tender Report - Contract 2021-8 Graffiti Removal and Management Services**

This is in line with Councils obligations under the Victorian Occupational Health and Safety Act 2004.

Days	Hours of Operation
Monday - Friday	Between Hours 6:00am - 6:00pm
Saturday*	Between Hours 6:00am - 6:00pm
Sunday*	Between Hours 7:00am - 6:00pm
Public Holidays*	Between Hours 7:00am - 6:00pm

* Indicates that the only works permitted on these days is the removal of reported Offensive graffiti or graffiti that is reported on High Profile Infrastructure.

27. The Councils nominated Contract Manager may on a case-by-case basis, request the appointed contractor to undertake urgent works outside of these stated hours of operation.

Collaboration with other Councils and Governments and statutory bodies

28. Not applicable.

Budget implications

29. Provision is made in the annual Community Safety operating budget for the provision of a graffiti removal service. The 2021/2022 draft budget allocates \$130,000 for the service at this stage.
30. The preferred tenderers schedule of rates resulted the lowest overall average rate* per m2 for graffiti removal based on tendered rates for Monday–Friday.

* Excludes rates for highly specialised rectification of acid attacks on Glass surfaces.

Sustainability implications

31. Preferred tenderer is a business based within the Northern Region Council Area, providing employment opportunities to 14 residents.
32. Possibility of further employment/trainee opportunities based on outcome of tender and understanding ongoing workloads.
33. Is compliant with the International Environmental Management Standard ISO14001:2004. Materials used are biodegradable or limited to high pressure water.

Stakeholder Consultation/communication

34. Not applicable

13. Officers' reports

CM.046/21 Tender Report - Contract 2021-8 Graffiti Removal and Management Services

Innovation and continuous improvement

- 35. The preferred tenderer can provide to Council, strategic advice as well as network connections in relation to how Council can develop a strategic approach to improving graffiti management outcomes. This was further evidenced during tender reference checks whereby the referee outlined a number of initiatives implemented by the tenderer to combat ongoing graffiti hotspots.
- 36. The preferred tenderer has also indicated a willingness to work closely with Council to implement improved access to data relating to the identification and removal of graffiti/

Relevant law

- 37. The tender process described in this report is in accordance with Council's Procurement Policy and Guidelines, the relevant provision of the *Local Government Act 1989* – section 186 (Restriction on power to enter into contracts), section 3C (Council Objectives) and section 208 (Best Value Principles).

Regional, state and national plans and policies

- 38. Not applicable.

Conflicts of interest

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

13. Officers' reports

CM.046/21 Tender Report - Contract 2021-8 Graffiti Removal and Management Services

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13. Officers' reports

CM.047/21 Tender Report - Contract 2021-70: Microsoft Licensing Solution Provider

Distribution: Public

Manager: Melika Sukunda, Finance Manager

Author: Eddie Cheng, Manager Information Technology

Summary

This report recommends the awarding of contract 2021-70 for the provision of Microsoft products in accordance with a Microsoft Enterprise Agreement (EA).

The current EA with Microsoft is due to expire on 31 March 2021. It is proposed to appoint a preferred Victorian Local Government Microsoft licensing provider to deliver Microsoft software and associated services to Council. This will enable Council to enter into formal agreements to procure from the contracted provider. The contract term is for a period of three years.

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 bill of materials (rates) as submitted by the **preferred tenderer** _____ as disclosed in (**Attachment 2**) and enter into the following contract:
Number: 2021-70
Title: Microsoft Licensing Solution Provider
Term: 1 April 2021 to 31 March 2024
2. Authorises the Chief Financial Officer to finalise and execute the contract documentation.
3. Authorises the Chief Financial Officer to review and approve any licensing changes during the term of the contract.
4. Resolves that the MAV Tender Evaluation Report and bill of materials (**Attachments 1-3**) to remain confidential on the grounds specified in the definition of confidential information in section 3(1)(g) of the *Local Government Act 2020*.

Attachments

1. MAV Tender Evaluation Recommendation Report - *CONFIDENTIAL*
2. Supplier A - Bill of Materials - *CONFIDENTIAL*
3. Supplier B - Bill of Materials - *CONFIDENTIAL*

13. Officers' reports**CM.047/21 Tender Report - Contract 2021-70: Microsoft Licensing Solution Provider**

Discussion

1. Council has a large number of Microsoft licenses associated with laptops, servers, applications and cloud infrastructure which are licensed using the EA. Council currently has 425 user licences and over 100 servers using Microsoft Licences. The existing contract arrangement allows for Council to add licences as required and pay for any additional licenses added over the course of the year. This arrangement represents an effective means for Council to acquire and manage Microsoft licensing.
2. The EA provides other benefits such as consultancy days for a highly qualified Microsoft Engineer to consult and design the implementation of Microsoft systems.
3. The requirement to enter into a new EA for Microsoft licencing for Council to maintain business functions and ensure continuity both in contractual and legislative requirements as the current agreement expires on 31 March 2021.
4. Council is required to maintain its licensing of Microsoft software such that it complies with Microsoft's terms and conditions of licensing. Also due to the frequency of upgrades of Microsoft products, a Software Assurance component is required to ensure licensing remains current for software when upgrades are required.
5. Microsoft licensing is a complex area requiring knowledge of the intricate rules and conditions of Microsoft offerings. Microsoft does not deal directly with local governments but appoints Microsoft licensing resellers that act as an intermediary to negotiate on behalf of councils. The EA has proven to be the most cost effective means of licensing Microsoft products and provides the flexibility applicable to large organisations.
6. As the existing EA expires on the 31 March 2021, the new agreement needs to be signed with Microsoft and the licensed reseller before that date.
7. The value proposition presented by each of the Microsoft licensing solution providers was assessed in terms of per centage margin to be added to licensing cost price across the entire pricing schedule.

Council plans and policies

8. This report directly supports the achievement of Council Plan 2017-2021 strategy
 - Ensure responsible and efficient management of Council's financial resources.

Tender overview

The Tender Evaluation Panel (TEP) advises that:

9. MAV Procurement on behalf of councils in Victoria issued a Request for Tender (RFT) for the Provision of Victorian Local Government Microsoft licensing solution. The outcome of this tender was contracted suppliers that Councils can engage directly for Microsoft licensing for the period of 1 July 2020 to 28 March 2022.
10. Council engaged and requested bill of materials and rates from two suppliers on the MAV Procurement Contract. One of the engaged suppliers is the current incumbent supplier of Microsoft licensing for Council via the previous tendered process and contract. The other supplier was engaged to undertake a competitive market pricing assessment.

13. Officers' reports**CM.047/21 Tender Report - Contract 2021-70: Microsoft Licensing Solution Provider**

11. The tendered sum covers Council's current licensing commitment to Microsoft. The EA allows Council the flexibility to add additional types of Microsoft licenses as required.

The table below represents a costed value based on the current number of licenses issued to Council and the associated (tendered) bill of materials. This representation is not the value of the contract – as licensing requirements and numbers will change throughout the next three years.

Supplier	Tendered Sum	12.
Supplier A – Preferred Supplier	\$842,960	
Supplier B	\$846,675	

Attachment 1 – MAV Tender Evaluation Summary Report – Confidential, provides the tenderer names and the Evaluation Scorecard Summary as provided by MAV.

13. **Attachments 2 and 3** – Bill of materials – Confidential, provides the tenderer names and the comparative (tendered) licensing rates.
14. The Tender Evaluation Summary Report and bill of materials (**Attachments 1, 2 and 3**) to remain confidential on the grounds specified in the definition of confidential information in section 3(1)(g) of the *Local Government Act 2020*.

Capacity and Capability

15. The preferred tenderer was approved by the MAV Procurement Contract panel as a preferred supplier and as such has the capacity and capability to provide Microsoft licensing for Council.

Collaboration

16. The MAV Procurement panel focusses on achieving better procurement outcomes for local governments in Victoria. They leverage the combined purchasing power of Councils to achieve better value on products and services. The utilisation of the MAV Procurement panel for Council to procure the Microsoft EA demonstrates cross Council collaboration.

Budget implications

17. This contract for Microsoft software licensing can be accommodated in the operating budget.

Sustainability implications

18. Not applicable for this licensing agreement.

Stakeholder Consultation/communication

19. Council's Senior Procurement Specialist has been consulted as part of this process.

13. Officers' reports

CM.047/21 Tender Report - Contract 2021-70: Microsoft Licensing Solution Provider

20. The Manager of Information Technology, Lead Systems Architect and Information Technology Project Manager assessed the validity of the offer based on the needs of the current and future IT environment.

Innovation and continuous improvement

21. Not applicable for this licensing agreement.

Relevant law

22. The *Local Government Act 1989* – section 186 (Restriction on power to enter into contracts), section 3C.

Regional, state and national plans and policies

23. Not applicable.

Conflicts of interest

24. The tender process described in this report is in accordance with Council's Procurement Policy and Guidelines, the relevant provision of the *Local Government Act 1989* – section 186 (Restriction on power to enter into contracts), section 3C (Council Objectives) and section 20B (Best Value Principles).
25. In accordance with Council's Employee Code of Conduct Policy this report has been prepared by the officers of the Tender Evaluation Panel and all officers have declared no conflict of interest in the evaluation process and in determining the recommendations contained in this report.
26. As part of the tender process, all members of the Tender Evaluation Panel were required to declare any disclosable conflicts of interest.
27. There were no disclosable conflicts of interest raised.

13. Officers' reports**CM.048/21 Endorsement of Youth Council Members**

Distribution: Public**Manager: Corrienne Nichols, Executive Manager Communities****Author: Nichole Johnson, Coordinator Strategic Projects****Summary**

At the 15 December 2020 Council meeting, Council endorsed the establishment of the Nillumbik Youth Council, to act as an Advisory Committee of Council.

The Youth Council is to consist of up to fifteen young people aged 15-25 years of age who are passionate for their community and represent the views, ideas and needs of young people in the municipality.

A total of 19 applications were received and assessed against the selection criteria by an internal assessment panel.

This report seeks Council endorsement for fifteen elected Youth Councillor members to the Nillumbik Youth Council.

Recommendation

That Council:

1. Endorses the fifteen applicants listed (**Attachment 2**) onto the Nillumbik Youth Council Advisory Committee:
 - (a) Applicant 1 _____ for their role as a Youth Council Advisory Committee Member
 - (b) Applicant 2 _____ for their role as a Youth Council Advisory Committee Member
 - (c) Applicant 3 _____ for their role as a Youth Council Advisory Committee Member
 - (d) Applicant 4 _____ for their role as a Youth Council Advisory Committee Member
 - (e) Applicant 5 _____ for their role as a Youth Council Advisory Committee Member
 - (f) Applicant 6 _____ for their role as a Youth Council Advisory Committee Member
 - (g) Applicant 7 _____ for their role as a Youth Council Advisory Committee Member
 - (h) Applicant 8 _____ for their role as a Youth Council Advisory Committee Member
 - (i) Applicant 9 _____ for their role as a Youth Council Advisory Committee Member
 - (j) Applicant 10 _____ for their role as a Youth Council Advisory Committee Member

13. Officers' reports

CM.048/21 Endorsement of Youth Council Members

- (k) Applicant 11 _____ for their role as a Youth Council Advisory Committee Member
 - (l) Applicant 12 _____ for their role as a Youth Council Advisory Committee Member
 - (m) Applicant 13 _____ for their role as a Youth Council Advisory Committee Member
 - (n) Applicant 14 _____ for their role as a Youth Council Advisory Committee Member
 - (o) Applicant 15 _____ for their role as a Youth Council Advisory Committee Member
2. Acknowledges and thanks all community members who submitted applications to the Youth Council Advisory Committee.

Attachments

- 1. Terms of Reference
- 2. Applications and Interviews - *CONFIDENTIAL*
- 3. Panel Assessment - *CONFIDENTIAL*

Discussion

- 1. At the 15 December 2020 Council meeting, Council endorsed the establishment of the Nillumbik Youth Council, to act as an Advisory Committee of Council.
- 2. The Youth Council is to consist of up to fifteen young people aged 15-25 years of age who are passionate for their community and represent the views, ideas and needs of young people in the municipality.
- 3. The Nillumbik Youth Council will:
 - Act as a positive link to Nillumbik's community of young people;
 - Advocate for opportunities, needs and overcoming the barriers impacting young people;
 - Inform the development and implementation of solutions relating to these matters from a young person's perspective;
 - Plan, develop and evaluate the Nillumbik Youth Strategy and Action Plan; and
 - Design and deliver local initiatives and projects for young people.
- 4. Acting under a similar governance model to Nillumbik Council, a Youth Mayor and Deputy Youth Mayor will be elected at the first formal Advisory Committee Meeting. Meetings will be held formally on a bi-monthly basis with an agenda and minutes.

13. Officers' reports**CM.048/21 Endorsement of Youth Council Members**

5. As per the endorsed Terms of Reference (see **Attachment 1**), the Youth Council will be appointed for a two year term however all Youth Councillors reserve the right to reconsider their role on Youth Council each financial year according to work, study or personal commitments.
6. Up to fifteen Youth Councillors aged between 15-25 years of age, who live, work, volunteer, study or play in Nillumbik were to be selected through an expression of interest process.
7. Youth Councillors should represent the diverse and varied needs of the youth community in Nillumbik including but not limited to living in rural Nillumbik, LGBTIQ+, Aboriginal or Torres Strait Islander, People with a Disability and Culturally and Linguistically Diverse communities.
8. Applications for the Youth Council opened Monday 11 January 2021 and closed Friday 26 February 2021.
9. A total of 19 applications were received and assessed against the selection criteria by an internal assessment panel (see confidential **Attachment 2** and **Attachment 3**).

Related Council decisions

10. Council unanimously endorsed the establishment of the Nillumbik Youth Council, to act as a formal advisory committee of Council at the 15 December 2020 Council Meeting.

Options

11. A full copy of the assessment outcomes against the 19 applications is attached (see **Attachment 3**).
12. Based on scoring and suitability, applicants were shortlisted to the top 15 and interviewed in accordance with Council's volunteer recruitment policy.
13. The 15 proposed applicants have been successful in their application to the Nillumbik Youth Council Advisory Committee.
14. This membership represents a diverse and broad range of young people across Nillumbik Shire, as demonstrated in the table below:

Townships	Eltham	6
	Diamond Creek	3
	Plenty	1
	Wattle Glen	1
	Hurstbridge	1
	St Andrews	1
	St Helena	1
	Macleod	1

13. Officers' reports

CM.048/21 Endorsement of Youth Council Members

Age	15 years old	3
	16 years old	4
	17 years old	1
	19 years old	2
	21 years old	2
	23 years old	2
	24 years old	1
Gender	Male	7
	Female	8
Diversity	Rural	3
	LGBTIQA+	2
	Person with a disability	1
	Culturally and linguistically diverse	3
	Aboriginal or Torres Strait Islander	0

15. Officers recognise the very high standard of applications received and commend all young people on their applications and passion for community.
16. Unsuccessful applicants will be advised and offered the opportunity to meet with a Youth Development Officer to explore other local opportunities for community engagement and skill development.
17. Induction of the Youth Council is set to take place Monday 29 March, with the first formal Advisory Committee meeting to take place Monday 12 April, where the election of the Youth Mayor and Deputy Youth Mayor will take place.
18. That Council formally acknowledges and publically thank all community members who submitted applications for vacant positions.

Council plans and policies

19. This report directly supports the achievement of Council Plan 2017-2021 strategy:
 - Improve community trust through better communications and genuine engagement.

Sustainability implications

20. Not applicable

13. Officers' reports**CM.048/21 Endorsement of Youth Council Members**

Community engagement

21. Applications for the Nillumbik Youth Council was launched on Monday 11 January and remained open for 7 weeks until Friday 26 February.
22. The opportunity was promoted in community through a number of different platforms including:
 - a) Hard copy postcards – total of 500 postcards distributed to community centres, libraries, living and learning centres, youth services, local businesses and schools.
 - b) Online – via Council website (total 475 page views) and social media platforms (reaching 11,635 people, 454 of which engaged with the post (via click, like, comment or share).
 - c) Emails – to local youth groups, networks and services, schools, directly to young people through youth programs and activities, community groups, sporting clubs, leisure facilities, advisory committees, local MPs etc.
 - d) Newsletters – including Nillumbik News, School Wrap up, Community Connect, Positive Ageing, Environment, Business, Arts & Culture and Disability.
 - e) Internally – promoted to Council staff and various teams to support promotions.
 - f) Word of mouth – phone calls to schools and young people, attending network meetings.

Innovation and continuous improvement

23. Nillumbik Youth Council is an innovative capacity building model to enhance young people's understanding of Council and the Nillumbik Community. Elected members will be provided with opportunities to learn about the functions and role of Council and the local demographics and needs. Using this knowledge, they will be guided by an external specialist contractor and Council Officers to co-design the development of Nillumbik's first youth led, Youth Strategy and Action Plan.
24. In the development of the Strategy, the Youth Council will play a lead role in engaging and consulting with the young people in Nillumbik to gain a diverse perspective on matters impacting their lives within community. This process will provide young people with a stronger voice and sense of importance in community.
25. They will also provide a strategic opportunity for Council Officers to tap into young people for planning and delivery of policy and practice, which currently is undertaken in an adhoc way.

Collaboration

26. Recruitment of the Nillumbik Youth Council was supported by a number of different internal and external stakeholders.

Budget implications

27. An ongoing funding to the amount of \$12,500 per annum commencing July 2021 was endorsed at the 15 December 2020 Council Meeting to allow for remuneration of the Youth Council members and funds to deliver youth led actions identified in the Youth Strategy.

13. Officers' reports

CM.048/21 Endorsement of Youth Council Members

Relevant law

28. Not applicable.

Regional, state and national plans and policies

29. Not applicable.

Conflicts of interest

30. 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.

13. Officers' reports**CM.049/21 Informal Meetings of Councillors Records - 23 March 2021**

Distribution: Public**Manager: Blaga Naumoski, Executive Manager Governance, Communications and Engagement****Author: Janet Taylor, Governance Officer****Summary**

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

This report lists Informal Meetings of Councillors records submitted since the matter was last reported to Council on 23 February 2021.

An Informal Meetings of Councillors record was kept for:

- Positive Ageing Advisory Committee Meeting held 12 February 2021.
- Arts and Cultural Advisory Committee Meeting held 15 February 2021.
- Councillor Briefing held 16 February 2021.
- Environment & Sustainability Advisory Committee held 17 February 2021.
- Panton Hill Bushland Reserve System User Group Advisory Committee held 18 February 2021.
- Pre-meeting to Council Meeting held 23 February 2021.
- Living and Learning Nillumbik Advisory Committee Meeting held 24 February 2021
- Councillor Briefing held 2 March 2021.
- Positive Ageing Advisory Committee Meeting held 5 March 2021.
- Pre-meeting to Future Nillumbik Committee Meeting held 9 March 2021.

Officer Recommendation

That Council, in accordance with *Item 19 of Council's Governance Rule – Meeting Procedure*, receives the Informal Meetings of Councillors records held 12 February 2021, 15 February 2021, 16 February 2021, 17 February 2021, 18 February 2021, 23 February 2021, 24 February 2021, 2 March 2021, 5 March 2021 and 9 March 2021, as contained in (**Attachment 1**).

Attachments

1. Informal Meeting of Councillors Record - 23 March 2021

Discussion

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

13. Officers' reports

CM.049/21 Informal Meetings of Councillors Records - 23 March 2021

Related Council decisions

2. Not applicable

Options

3. An Informal Meetings of Councillors is defined in *Item 19 of the Governance Rule – Meeting Procedure*. It is a meeting at which matters are considered that are intended or likely to be the subject of a Council decision or the exercise of delegated authority and which is either of the following:
- A 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.
 - 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.
4. A record must be kept of any Informal Meeting of Councillors and include the names of all Councillors and Council staff attending, the matters considered, disclosures of conflict of interest and whether a Councillor left the meeting after making a disclosure.
5. In accordance with *Item 19 of the Governance Rule – Meeting Procedure*, Council is required to report as soon as practicable to a Council Meeting, a record of any Informal Meetings of Councillors held.
6. The recommendation contains the list of Informal Meetings of Councillors records submitted since the matter was last reported to Council on 23 February 2021.

Conclusion

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

Council plans and policies

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

Sustainability implications

9. None required.

Community engagement

10. Not applicable

Innovation and continuous improvement

11. Not applicable.

Collaboration

12. None required.

13. Officers' reports

CM.049/21 Informal Meetings of Councillors Records - 23 March 2021

Budget implications

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

Relevant law

14. *Local Government Act 2020.*

Regional, state and national plans and policies

15. None applicable.

Conflicts of interest

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

13. Officers' reports

CM.049/21 Informal Meetings of Councillors Records - 23 March 2021

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

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

CM.050/21 CEO Employment Committee - 2020/2021 Mid-year Performance Review

This item is confidential because it is personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs pursuant to section 3(1)(f) of the *Local Government Act 2020*. These grounds are applied because it is information that, if publicly released at the time, is likely to be inappropriately detrimental to the Council or any person (natural or corporate).

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

Recommendation

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

18. Close of Meeting