

Council Meeting

held at the Civic Centre, Civic Drive, Greensborough
on Tuesday 23 March 2021 commenced at 7:05pm.

Minutes

Vince Lombardi
Acting Chief Executive Officer

Friday 26 March 2021

Distribution: Public

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

Nillumbik Shire Council

Contents

1.	Welcome by the Mayor	1
2.	Acknowledgement of Country	1
3.	Good Governance Pledge	1
4.	Prayer	1
5.	Apologies	1
6.	Presentations	2
7.	Confirmation of minutes	2
8.	Disclosure of conflicts of interest	2
9.	Petitions	2
10.	Questions from the gallery	3
11.	Reports of Advisory Committees	7
AC.003/21	Advisory Committee Report - 23 March 2021	7
12.	Reports of Special Committees	8
13.	Officers' reports	8
CM.048/21	Endorsement of Youth Council Members	9
CM.029/21	Draft Budget 2021-2022	15
CM.030/21	Audit and Risk Committee Meeting February 2021	17
CM.031/21	Councillor Gift Policy	19
CM.032/21	Declaration of the Eltham Town Business Precinct Special Rate 2021-2026	21
CM.033/21	Declaration of the Hurstbridge Village Business Precinct Special Rate 2021-2026	23
CM.034/21	National General Assembly of Local Government 2021 - Calls for Motions	25
CM.035/21	John Street and Bridge Street Road Discontinuance	27
CM.036/21	Exhibition of Amendment C126nill to the Nillumbik Planning Scheme (Part rezoning of Bridge and John Street)	29
CM.037/21	Nillumbik Customer First Strategy - Annual Review and Update	31
CM.038/21	Quarterly Risk and Safety Report - December 2020	33
CM.039/21	Amendment C131Nill - Amending the Planning Scheme to regulate Earthworks in the Green Wedge	35
CM.040/21	Nillumbik Shire Submission to 10 Year Social and Affordable Housing Strategy	37
CM.041/21	Road Management Plan Review	39
CM.042/21	Climate Action Plan Development - Community Consultation	41

Council Meeting Minutes		23 March 2021
CM.043/21	Yarra Plenty Regional Library Agreement	43
CM.044/21	Review of Instrument of Delegation to Members of Council Staff	45
CM.045/21	Adoption of S11A Instrument of Appointment and Authorisation under the Planning and Environment Act 1987	47
CM.046/21	Tender Report - Contract 2021-8 Graffiti Removal and Management Services	49
CM.047/21	Tender Report - Contract 2021-70: Microsoft Licensing Solution Provider	51
CM.049/21	Informal Meetings of Councillors Records - 23 March 2021	55
14.	Notices of Motion	56
15.	Delegates' Reports	56
16.	Supplementary and urgent business	56
17.	Confidential reports	56
CM.046/21	Tender Report - Contract 2021-8 Graffiti Removal and Management Services	56
CM.050/21	CEO Employment Committee - 2020/2021 Mid-year Performance Review	56
18.	Close of Meeting	57

Nillumbik Shire Council

Minutes of the Meeting of Nillumbik Shire Council held Tuesday 23 March 2021.
The meeting commenced at 7.05pm.

Councillors present:

Cr Richard Stockman	Blue Lake Ward
Cr Karen Egan	Bunjil Ward
Cr Natalie Duffy	Edendale Ward
Cr Peter Perkins	Ellis Ward (Mayor)
Cr Ben Ramcharan	Sugarloaf Ward
Cr Frances Eyre	Swipers Gully Ward (Deputy Mayor)
Cr Geoff Paine	Wingrove Ward

Officers in attendance:

Vince Lombardi	Acting Chief Executive Officer, Chief Financial Officer
Hjalmar Philipp	Director Operations and Infrastructure
Blaga Naumoski	Executive Manager Governance, Communications and Engagement
Corrienne Nichols	Executive Manager Communities
Jeremy Livingston	Executive Manager Business Transformation and Performance
Rosa Zouzoulas	Executive Manager Planning and Community Safety
Joseph Emmanuel	Manager Infrastructure
Lance Clark	Senior Procurement Specialist
Emma Christensen	Senior Governance Officer

1. Welcome by the Mayor

2. Acknowledgement of Country

The Acknowledgement of Country was read by the Mayor, Cr Peter Perkins.

3. Good Governance Pledge

The Good Governance Pledge was read by Deputy Mayor, Cr Frances Eyre.

4. Prayer

A prayer was read by Senior Minister (Vicar) Jonathan Lopez from St Mathews Panton Hill with St Andrews Anglican Church.

5. Apologies

Nil

6. Presentations

International Women’s Day read by Deputy Mayor Cr Frances Eyre

Nillumbik Shire Council held our annual International Women’s Day event on 11 March where we presented the Young Women Leader Awards. These awards celebrate the significant achievements of young women in the Nillumbik community.

The 2021 recipients of the awards are:

Young Woman of the Year, Madeleine Cameron who has dedicated herself to advocating for youth mental health including in the context of COVID-19, meeting with Prime Minister Scott Morrison last year to discuss the importance of supporting young people’s engagement and mental health.

Young Creative Leaders, Luna The Moon, an acoustic ukulele trio who adapted their performances to provide online music and entertainment during last year’s lockdown.

Young Sports Leader, Shania John has blazed a trail, breaking barriers for other girls who want to play cricket and take on leadership roles in community sport.

Young Business Leader, Brittany Reukers who has made waves in the business industry, launching her recycled active wear company Strerkandmooi.com a little over a year ago.

We have two of the recipients here tonight – Madeleine Cameron – our Young Woman of the Year, and Jess Maio and Isabella Votsis from Luna the Moon, our Young Creative Leaders.

Thank you for coming – we really wanted to highlight to the whole shire the incredible work our young women leaders are doing in the community.

These awards continue to be an important part of our calendar and celebrate the young women of Nillumbik whose leadership skills benefit us all in many ways.

We congratulate both the award recipients and the many others who were nominated. All of their stories were inspiring and signal a bright future ahead.

Madeleine Cameron – our Young Woman of the Year thanked Council for the opportunities and gave a short speech.

Jess Maio from Luna the Moon, our Young Creative Leaders thanked Council for the opportunities and gave a short speech.

7. Confirmation of minutes

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

Council Resolution

MOVED: Cr Geoff Paine

SECONDED: Cr Ben Ramcharan

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

CARRIED UNANIMOUSLY

8. Disclosure of conflicts of interest

Nil

9. Petitions

Nil

10. Questions from the gallery

Travis Hall has asked the following questions

So much for privatisation driving costs down.

We are barely three months into COVID recovery, with a lot of people still out of work and many small businesses either closed or still trying to make a dollar. Continuing the trend of borrowing and spending without looking to fix or amend the past mistakes is irresponsible financial management.

I understand that this new group of Councillors want to be seen as delivering on new projects and promises to the community over worrying about the budget black hole however, at some stage someone will need to take responsibility and action to fix the poor mishandling of borrowing and spending of previous Council's which has led to an increase of rates of approximately 40% over the past 20 years.

Borrowings of up to \$20 million is irresponsible, especially for a business such as a Council that does not make money. Any decently ran company would not allow for such poor budgeting. You have all agreed to act responsibly on behalf of the entire Nillumbik Shire and its residents, not just Diamond Creek and Eltham where most of these new projects will be delivered. Adding further debt and added costs to the rate payer right now is not responsible financial management.

Question 1

How does Council justify the rate and waste management increases currently proposed in the 2021-2022 draft budget?

Response 1

The increase to rates and waste management changes are reflective of the continued provision of services, maintained at existing levels, and capital works program delivery.

Question 2

Why are we being asked to accept a 13.86% increase for waste management charges so soon after the new deal came into place?

Response 2

Council's approach to the service charge is compliant with statutory regulations and captures all known costs associated with the provision of the service including the rehabilitation costs of the former landfill sites.

The increase in cost of the service is driven by:

1. Increases to disposal costs due to volume increases driven by 240 litre bin rollout and increases in tonnages, that relates to approximately 44% of that increase.
2. Tipping fees have increased mainly as result of an uplift to the State Government EPA levy – that accounts for 21% of that increase.
3. Kerbside waste collection costs have increased due to higher lift numbers driven by new and additional services – that equates to 22% of that increase.

If you add those percentages up that comes to 87% and the balance is made up of minor modifications across multiple line items, largely increased costs associated with the closed landfill sites including compliance monitoring and maintenance.

Michael Krause asked the following questions

According to the September Quarter Financial Report, the council had \$6.3M in long-term loans from NAB and ANZ at rates ranging between 5.86% and 7.91%. Both NAB and ANZ have poor environmental records (e.g. funding coal miners) and these rates seem excessive.

Question 1

Has this council considered refinancing this debt with institutions with better environment records and/or on better terms?

Response 1

Council has investigated the refinancing of the long-term commercial loans, however due to the terms and conditions in the underlying agreement, the cost to do so outweighs the financial benefit.

Question 2

Noting the previous question and that the 21/22 budget suggests additional borrowings of \$7M (mostly to fund the rehabilitation of the legacy Kangaroo Ground landfill)

Should this council implement a policy to avoid future borrowings from (and/or investments with) financial institutions with poor environmental and climate change records that could be included in council's climate change action plan?

Response 2

Council has an Investment Policy which provides a framework on the utilisation of Council's cash funds within legislative framework.

Within the policy framework preference will be given to financial institutions maintaining environmentally sustainable investment and financing practices/policies (green institutions).

When Council resolves to borrow from financial institutions, a tender process falling under Council's Procurement Policy is initiated. Tenderers are asked to provide details around what initiatives or policies they have in relation to divesting from/off-setting fossil fuels.

Sue Dyet asked the following questions on behalf of Eltham Community Action Group

In February this year ECAG wrote to the Council in response to a letter sent by MRPV dated 27 January 2021, a follow up question is:

Question 1

Has Council been consulted by Major Roads Projects Victoria (MRPV) in relation to the urban design and landscaping statement that must be prepared in consultation with the councils that include Nillumbik under clause 4.9.1. of Planning Scheme Amendment GC119 (which has been incorporated into the Nillumbik Planning Scheme)?

Response 1

Yes, Council received documentation from MRPV on 8 March 2021, which is currently being reviewed by both officers and Councillors in line with timelines put forward by MRPV.

Question 2

If so:

- a) *when did the consultation(s) take place and were the councillors advised of this process?*
- b) *did the Councillors have any input into the result of the consultation(s) and what was the outcome of this input?*

If not, is Council going to raise this issue with MRPV and the Minister for Planning (on the basis that the Minister should not approve any urban design and landscaping statement that has not been prepared in consultation with Council)?

"4.9 Landscaping and urban design

4.9.1 An urban design and landscaping statement must be prepared in consultation with Banyule City Council, Manningham City Council, Nillumbik Shire Council and the project's Urban Design Advisory Panel and to the satisfaction of the Minister for Planning. The statement must demonstrate how the final design responds to the objectives and principles of the Northern Road Upgrade – Landscaping and Urban Design Strategy and the landscape character of the area, and include:

- a. A landscape plan.
- b. A design of the proposed retaining walls and any other urban design treatments."

Response 2

The consultation with Council is occurring from 8 to 29 March 2021, which incorporates an extension, at Council's request, to MRPV's initial closing date of 22 March 2021.

Councillors have been advised of the consultation and of significant and broad-ranging concerns officers currently have regarding clarity regarding the status of the document, time to respond, concerns regarding the design response, and meeting requirements of Clause 4.9 of the incorporated document.

Officers will finalise and submit comments to the MRPV by 29 March 2021 following Council's comprehensive review and feedback to the documents received.

Sue Dyet asked the following questions

During the last year from March 2020 most Council Staff have been working from home. Also, during that period, staff will have left and staff will have been employed.

Given that the new staff will also have been working from home, some will have been having interactions with ratepayers, making reports and even recommendations or decisions about our community, whilst living some distance from Nillumbik. Some possibly may have not been to Nillumbik.

Question 1

How many staff have been employed from March 2020 until now?

Response 1

93 staff appointments were made from March 2020 to date, no new staff, only replacement of staff, of which 17 were employed under the Working for Victoria program. They are new short term positions.

Question 2

How has Council ensured and met the challenge of inducting new staff, working from home, of the history, values, culture and even geography of the area, to enable an understanding of this unique municipality?

Response 2

Throughout the pandemic there was no change to the content of the induction for new starters. The process was altered to accommodate for a virtual medium when necessary.

The induction bus tour was delayed for some new starters, which provides new starters a tour of the Shire and an overview of the history of significant sites across the municipality. We understand that the bus inductions will occur soon.

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**).

Council Resolution

MOVED: Cr Geoff Paine
SECONDED: Cr Frances Eyre

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.

CARRIED UNANIMOUSLY

12. Reports of Special Committees

Nil

13. Officers' reports

Council Resolution

MOVED: Cr Natalie Duffy

SECONDED: Cr Frances Eyre

That Council alter the order of business to consider report CM.048/21 'Endorsement of Youth Council Members' to be heard before report CM.029/21 'Draft Budget 2021-2022'.

CARRIED UNANIMOUSLY

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

- (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.

Motion

MOVED: Cr Ben Ramcharan

SECONDED: Cr Frances Eyre

That Council:

1. Endorses the fifteen applicants listed (**Attachment 2**) onto the Nillumbik Youth Council Advisory Committee:
- (a) Applicant 1 **Maali Kerta-Rice** for their role as a Youth Council Advisory Committee Member
 - (b) Applicant 2 **Fieke van der Kamp** for their role as a Youth Council Advisory Committee Member
 - (c) Applicant 3 **Orianna Edmonds** for their role as a Youth Council Advisory Committee Member
 - (d) Applicant 4 **Maverick Knight** for their role as a Youth Council Advisory Committee Member
 - (e) Applicant 5 **Brianne Keogh** for their role as a Youth Council Advisory Committee Member
 - (f) Applicant 6 **Jack Linehan** for their role as a Youth Council Advisory Committee Member
 - (g) Applicant 7 **Kirra Imbriano** for their role as a Youth Council Advisory Committee Member
 - (h) Applicant 8 **Lachlan Wadsworth** for their role as a Youth Council Advisory Committee Member
 - (i) Applicant 9 **Katie O'Brien** for their role as a Youth Council Advisory Committee Member
 - (j) Applicant 10 **Indiana Sandwell** for their role as a Youth Council Advisory Committee Member
 - (k) Applicant 11 **Imogen Jaques** for their role as a Youth Council Advisory Committee Member
 - (l) Applicant 12 **Cavan Cartwright** for their role as a Youth Council Advisory Committee Member

- (m) Applicant 13 **Bailey Cumming** for their role as a Youth Council Advisory Committee Member
 - (n) Applicant 14 **Taj Andreetta** for their role as a Youth Council Advisory Committee Member
 - (o) Applicant 15 **Joseph Bowman** 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.
3. **Resolves that the Applications and Interviews and Panel Assessment (Attachments 2 & 3) to remain confidential on the grounds specified in the definition of confidential information in section 3(1)(f) of the *Local Government Act 2020*.**

Amendment

MOVED: Cr Natalie Duffy
SECONDED: Cr Richard Stockman

That Council:

1. Endorses the eighteen applicants listed (**Attachment 2**) onto the Nillumbik Youth Council Advisory Committee:
- (a) Applicant 1 **Maali Kerta-Rice** for their role as a Youth Council Advisory Committee Member
 - (b) Applicant 2 **Fieke van der Kamp** for their role as a Youth Council Advisory Committee Member
 - (c) Applicant 3 **Orianna Edmonds** for their role as a Youth Council Advisory Committee Member
 - (d) Applicant 4 **Maverick Knight** for their role as a Youth Council Advisory Committee Member
 - (e) Applicant 5 **Brianne Keogh** for their role as a Youth Council Advisory Committee Member
 - (f) Applicant 6 **Jack Linehan** for their role as a Youth Council Advisory Committee Member
 - (g) Applicant 7 **Kirra Imbriano** for their role as a Youth Council Advisory Committee Member
 - (h) Applicant 8 **Lachlan Wadsworth** for their role as a Youth Council Advisory Committee Member
 - (i) Applicant 9 **Katie O'Brien** for their role as a Youth Council Advisory Committee Member
 - (j) Applicant 10 **Indiana Sandwell** for their role as a Youth Council Advisory Committee Member
 - (k) Applicant 11 **Imogen Jaques** for their role as a Youth Council Advisory Committee Member
 - (l) Applicant 12 **Cavan Cartwright** for their role as a Youth Council Advisory Committee Member

- (m) Applicant 13 **Bailey Cumming** for their role as a Youth Council Advisory Committee Member
- (n) Applicant 14 **Taj Andreetta** for their role as a Youth Council Advisory Committee Member
- (o) Applicant 15 **Joseph Bowman** for their role as a Youth Council Advisory Committee Member
- (p) **Applicant 16 _____** for their role as a Youth Council Advisory Committee Member
- (q) **Applicant 17 _____** for their role as a Youth Council Advisory Committee Member
- (r) **Applicant 18 _____** for their role as a Youth Council Advisory Committee Member

- 2. **Amend the Terms of Reference to increase the membership to 18.**
- 3. Acknowledges and thanks all community members who submitted applications to the Youth Council Advisory Committee.
- 4. **Resolves that the Applications and Interviews and Panel Assessment (Attachments 2 & 3) to remain confidential on the grounds specified in the definition of confidential information in section 3(1)(f) of the *Local Government Act 2020*.**

LOST

Cr Natalie Duffy called for a division:

For: Crs Natalie Duffy, Peter Perkins and Richard Stockman

Against: Crs Karen Egan, Frances Eyre, Geoff Paine and Ben Ramcharan

The Mayor, Cr Peter Perkins declared the Motion Lost.

Cr Ben Ramcharan proposed to amend his motion to include point 4:

Amended Motion

- 4. **Under the Membership and Chairperson heading in the Youth of Council Terms of Reference add a sixth dot point that specifies observers may be present at meeting of Youth Council Advisory.**

Following discussions, Cr Ben Ramcharan withdrew his amended motion.

The motion before the chair reads as follows:

Motion

MOVED: Cr Ben Ramcharan

SECONDED: Cr Frances Eyre

That Council:

- 1. Endorses the fifteen applicants listed (**Attachment 2**) onto the Nillumbik Youth Council Advisory Committee:
 - (a) Applicant 1 **Maali Kerta-Rice** for their role as a Youth Council Advisory Committee Member

- (b) Applicant 2 **Fieke van der Kamp** for their role as a Youth Council Advisory Committee Member
 - (c) Applicant 3 **Orianna Edmonds** for their role as a Youth Council Advisory Committee Member
 - (d) Applicant 4 **Maverick Knight** for their role as a Youth Council Advisory Committee Member
 - (e) Applicant 5 **Brianne Keogh** for their role as a Youth Council Advisory Committee Member
 - (f) Applicant 6 **Jack Linehan** for their role as a Youth Council Advisory Committee Member
 - (g) Applicant 7 **Kirra Imbriano** for their role as a Youth Council Advisory Committee Member
 - (h) Applicant 8 **Lachlan Wadsworth** for their role as a Youth Council Advisory Committee Member
 - (i) Applicant 9 **Katie O'Brien** for their role as a Youth Council Advisory Committee Member
 - (j) Applicant 10 **Indiana Sandwell** for their role as a Youth Council Advisory Committee Member
 - (k) Applicant 11 **Imogen Jaques** for their role as a Youth Council Advisory Committee Member
 - (l) Applicant 12 **Cavan Cartwright** for their role as a Youth Council Advisory Committee Member
 - (m) Applicant 13 **Bailey Cumming** for their role as a Youth Council Advisory Committee Member
 - (n) Applicant 14 **Taj Andreetta** for their role as a Youth Council Advisory Committee Member
 - (o) Applicant 15 **Joseph Bowman** 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.
3. **Resolves that the Applications and Interviews and Panel Assessment (Attachments 2 & 3) to remain confidential on the grounds specified in the definition of confidential information in section 3(1)(f) of the *Local Government Act 2020*.**

THE MOTION WAS PUT TO THE VOTE AND CARRIED AND BECAME THE COUNCIL RESOLUTION AS FOLLOWS:

Council Resolution

MOVED: Cr Ben Ramcharan

SECONDED: Cr Frances Eyre

That Council:

- 1. Endorses the fifteen applicants listed (**Attachment 2**) onto the Nillumbik Youth Council Advisory Committee:

- (a) Applicant 1 Maali Kerta-Rice for their role as a Youth Council Advisory Committee Member
 - (b) Applicant 2 Fieke van der Kamp for their role as a Youth Council Advisory Committee Member
 - (c) Applicant 3 Orianna Edmonds for their role as a Youth Council Advisory Committee Member
 - (d) Applicant 4 Maverick Knight for their role as a Youth Council Advisory Committee Member
 - (e) Applicant 5 Brianne Keogh for their role as a Youth Council Advisory Committee Member
 - (f) Applicant 6 Jack Linehan for their role as a Youth Council Advisory Committee Member
 - (g) Applicant 7 Kirra Imbriano for their role as a Youth Council Advisory Committee Member
 - (h) Applicant 8 Lachlan Wadsworth for their role as a Youth Council Advisory Committee Member
 - (i) Applicant 9 Katie O'Brien for their role as a Youth Council Advisory Committee Member
 - (j) Applicant 10 Indiana Sandwell for their role as a Youth Council Advisory Committee Member
 - (k) Applicant 11 Imogen Jaques for their role as a Youth Council Advisory Committee Member
 - (l) Applicant 12 Cavan Cartwright for their role as a Youth Council Advisory Committee Member
 - (m) Applicant 13 Bailey Cumming for their role as a Youth Council Advisory Committee Member
 - (n) Applicant 14 Taj Andreetta for their role as a Youth Council Advisory Committee Member
 - (o) Applicant 15 Joseph Bowman 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.
 3. Resolves that the Applications and Interviews and Panel Assessment (Attachments 2 & 3) to remain confidential on the grounds specified in the definition of confidential information in section 3(1)(f) of the *Local Government Act 2020*.

CARRIED UNANIMOUSLY

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 percent increase to rates levied.
- An increase of 13.86 percent 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.

Council Resolution

MOVED: Cr Natalie Duffy**SECONDED: Cr Ben Ramcharan****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*.

CARRIED UNANIMOUSLY

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**.

Council Resolution

MOVED: Cr Frances Eyre

SECONDED: Cr Geoff Paine

That Council notes the minutes of the Audit and Risk Committee meeting held on 15 February 2021.

CARRIED UNANIMOUSLY

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.

Council Resolution

MOVED: Cr Karen Egan**SECONDED: Cr Natalie Duffy****That Council endorses the Councillor Gift Policy (Attachment 1).****CARRIED UNANIMOUSLY**

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.

Council Resolution

MOVED: Cr Geoff Paine

SECONDED: Cr Frances Eyre

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

13. Officers' reports

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

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.

CARRIED UNANIMOUSLY

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

Council Resolution

MOVED: Cr Karen Egan**SECONDED: Cr Natalie Duffy****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.

CARRIED UNANIMOUSLY

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.

Council Resolution**MOVED: Cr Karen Egan****SECONDED: Cr Ben Ramcharan****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.'

13. Officers' reports

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

- 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 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.

CARRIED UNANIMOUSLY

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

MOVED: Cr Geoff Paine

SECONDED: Cr Natalie Duffy

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.

CARRIED

Motion

MOVED: Cr Geoff Paine

SECONDED: Cr Natalie Duffy

That Council:

1. 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.
2. **Requests Officers commence a separate process to discontinue the road, at the Bridge Street end, between the north-western corner of 91 John Street and the south-western corner of 8 Plumtree Close, being an area of approximately 58 square metres.**

THE MOTION WAS PUT TO THE VOTE AND CARRIED AND BECAME THE COUNCIL RESOLUTION AS FOLLOWS:

13. Officers' reports

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

Council Resolution

MOVED: Cr Geoff Paine

SECONDED: Cr Natalie Duffy

That Council:

1. 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.
2. Requests Officers commence a separate process to discontinue the road, at the Bridge Street end, between the north-western corner of 91 John Street and the south-western corner of 8 Plumtree Close, being an area of approximately 58 square metres.

CARRIED UNANIMOUSLY

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.

Council Resolution

MOVED: Cr Geoff Paine**SECONDED: Cr Natalie Duffy****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.

CARRIED UNANIMOUSLY

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.

Council Resolution**MOVED: Cr Geoff Paine****SECONDED: Cr Frances Eyre****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.

CARRIED UNANIMOUSLY

Jeremy Livingston, Executive Manager Business Transformation and Performance left the meeting at the conclusion of the above item at 8.30pm.

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.

Council Resolution

MOVED: Cr Ben Ramcharan**SECONDED: Cr Natalie Duffy****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*.

CARRIED UNANIMOUSLY

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).

Council Resolution

MOVED: Cr Karen Egan**SECONDED: Cr Ben Ramcharan****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*

13. Officers' reports

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

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).

CARRIED UNANIMOUSLY

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.

Council Resolution

MOVED: Cr Natalie Duffy

SECONDED: Cr Richard Stockman

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.

CARRIED UNANIMOUSLY

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.

Council Resolution

MOVED: Cr Richard Stockman

SECONDED: Cr Ben Ramcharan

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 a future Council meeting prior to the 30 June 2021 statutory deadline.

CARRIED UNANIMOUSLY

Joseph Emmanuel, Manager Infrastructure left the meeting at the conclusion of the above item at 8.45pm.

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.

Council Resolution

MOVED: Cr Ben Ramcharan

SECONDED: Cr Frances Eyre

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.

CARRIED UNANIMOUSLY

13. Officers' reports

CM.043/21 Yarra Plenty Regional Library Agreement

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.

Council Resolution

MOVED: Cr Karen Egan

SECONDED: Cr Natalie Duffy

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**).

CARRIED UNANIMOUSLY

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.

Council Resolution

MOVED: Cr Geoff Paine**SECONDED: Cr Ben Ramcharan****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 after 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.

CARRIED UNANIMOUSLY

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.

Council Resolution

MOVED: Cr Geoff Paine

SECONDED: Cr Richard Stockman

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.

CARRIED UNANIMOUSLY

Council Resolution**MOVED: Cr Karen Egan****SECONDED: Cr Geoff Paine**

That Council alter the order of business to consider report CM.046/21 Tender Report - Contract 2021-8 Graffiti Removal and Management Services under Item 17 – Confidential Reports.

CARRIED UNANIMOUSLY

This item was considered in the confidential section of the agenda and Council subsequently resolved to make the resolution public.

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.

13. Officers' reports

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

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*.

This item was heard in a closed meeting and Council resolved to make the following resolution public.

Council Resolution

MOVED: Cr Peter Perkins

SECONDED: Cr Ben Ramcharan

That Council:

1. Abandons the Tender Process for Contract No 2021-8 Graffiti Removal and Management Service.
2. Commences a new public tender process for the Graffiti Removal and Management Service with an independent probity officer appointed to oversee the tender process.
3. Resolves to make the Council Resolution public but the Tender Evaluation Report (**Attachment 1**) remain confidential on the grounds specified in the definition of confidential information in section 3(1)(g) of the *Local Government Act 2020*.

CARRIED

Deputy Mayor Cr Frances Eyre called for a division

For: Crs Natalie Duffy, Karen Egan, Peter Perkins, Ben Ramcharan and Richard Stockman

Against: Crs Frances Eyre and Geoff Paine

The Deputy Mayor, Cr Frances Eyre declared the Motion Carried.

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*.

Motion

MOVED: Cr Richard Stockman

SECONDED: Cr Geoff Paine

That Council:

1. Accepts the bill of materials (rates) as submitted by the preferred tenderer **Data#3 Limited** as disclosed in (**Attachment 2**) and enter into the following contract:
Number: 2021-70
Title: Microsoft Licensing Solution Provider

13. Officers' reports

CM.047/21 Tender Report - Contract 2021-70: 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*.

THE MOTION WAS PUT TO THE VOTE AND CARRIED AND BECAME THE COUNCIL RESOLUTION AS FOLLOWS:

Council Resolution

MOVED: Cr Richard Stockman

SECONDED: Cr Geoff Paine

That Council:

1. Accepts the bill of materials (rates) as submitted by the preferred tenderer Data#3 Limited 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*.

CARRIED UNANIMOUSLY

Item - CM.048/21 Endorsement of Youth Council Members – Council considered and resolved this item earlier in the meeting prior to item CM.029/21 'Draft Budge 2021-2022'.

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.

Council Resolution

MOVED: Cr Geoff Paine

SECONDED: Cr Richard Stockman

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**).

CARRIED UNANIMOUSLY

14. Notices of Motion

Nil

15. Delegates' Reports

Nil

16. Supplementary and urgent business

Nil

17. Confidential reports

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

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

This item is confidential because it is private commercial information, being information provided by a business, commercial or financial undertaking which if released would unreasonably expose the business, commercial or financial undertaking to disadvantage pursuant to section 3(1)(g) of the *Local Government Act 2020*. This ground is 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).

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 paragraph (f) of the definition of confidential information under section 3(1)(f) of the *Local Government Act 2020*. This ground is 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).

Council Resolution

MOVED: Cr Karen Egan
SECONDED: Cr Frances Eyre

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.

CARRIED UNANIMOUSLY

Council Meeting Minutes

23 March 2021

The meeting closed to the public at 9.20pm.

The meeting re-opened to the public at 11.05pm.

18. Close of Meeting

The meeting closed at 11.05pm.

Confirmed: _____
Cr Peter Perkins, Mayor