

Council Meeting

to be held at the Civic Centre, Civic Drive, Greensborough
on Tuesday 25 May 2021 commencing at 7:00pm.

Agenda

Carl Cowie
Chief Executive Officer

Thursday 20 May 2021

Distribution: Public

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Council Meeting seating plan

Cr Natalie Duffy
Edendale Ward

Cr Karen Egan
Bunjil Ward

Cr Richard Stockman
Blue Lake Ward

Katia Croce
Governance Lead

Blaga Naumoski
Executive Manager
Governance,
Communications and
Engagement

Cr Peter Perkins (Mayor)
Ellis Ward

Carl Cowie
Chief
Executive
Officer

Cr Ben Ramcharan (Chairperson)
Sugarloaf Ward

Cr Frances Eyre (Deputy Mayor)
Swipers Gully Ward

Cr Geoff Paine
Wingrove Ward

Nillumbik Shire Council

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Nillumbik Shire Council

Agenda of the Meeting of Nillumbik Shire Council to be held Tuesday 25 May 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 and Confidential Council Meeting held on Tuesday 27 April 2021.

Recommendation

That Council:

1. Confirms the minutes of the Council Meeting and Confidential Council Meeting held on Tuesday 27 April 2021 (**Attachment 1** and **Attachment 2**).
2. Resolves that the Confidential Council Meeting minutes (**Attachment 2**) remains confidential in accordance with section 3(1) of the *Local Government Act 2020*.

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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

Nil

10. Questions from the gallery

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11. Reports of Advisory Committees

AC.005/21 Advisory Committee Report - 25 May 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 following minutes of Advisory Committee meetings are attached (**Attachment 1**) and presented to Council for noting:

1. Environment & Sustainability Advisory Committee Meeting held 17 February 2021;
2. Health and Wellbeing Advisory Committee Meeting held 8 April 2021; and
3. Youth Council Advisory Committee Meeting held 12 April 2021.

Attachments

1.  Advisory Committee Meeting Minutes reported 25 May 2021

Recommendation

That the minutes of the Advisory Committee meetings be noted (**Attachment 1**).

11. Reports of Advisory Committees

AC.005/21 Advisory Committee Report - 25 May 2021

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12. Reports of Special Committees

Nil

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13. Officers' reports**CM.068/21 Our People Our Place Our Future Summary Report - Integrated Community Engagement**

Distribution: Public**Manager: Jeremy Livingston, Executive Manager Business Transformation and Performance****Author: Yasmin Green, Strategy and Policy Advisor
Nichole Johnson, Manager Community Partnerships****Summary**

The *Local Government Act 2020* (the Act) requires councils to develop an integrated longer-term approach to strategic planning organised around a community vision. Other legislated documents under this framework include a Council Plan, Municipal Public Health and Wellbeing Plan, Municipal Planning Strategy, Financial Plan and Asset Plan.

In February 2021, Council endorsed an integrated community engagement program under the banner of 'Our People, Our Place, Our Future' to help inform the development of these documents. The engagement program commenced on 15 February 2021 and concluded on 28 March 2021.

During the program, Council engaged with over 2,000 participants through community engagement activities including community pop-ups, surveys, community workshops, forums and children's activities. A summary of engagement activities and key engagement findings is provided in the Summary Report (**Attachment 1**).

While participant responses to 'Our People, Our Place, Our Future' were wide and varied, what was very strongly reinforced through this engagement was that our community wants our Shire to be a place where:

- Equity, inclusion and participation is championed
- Mental and physical wellbeing is supported
- Liveability is prioritised
- The environment, including the Green Wedge, is valued, admired and protected
- Actions to mitigate the effects of climate change are undertaken
- Risk and emergency management underpins Council's practices.

The Summary Report will now be made available on Council's website and communicated through social media channels. Survey participants who provided contact details will be advised directly of how and where to access this report.

Further analysis of the engagement data and subsequent engagement phases will be delivered over the coming months in line with the following legislated strategic planning requirements for the Community Vision, Council Plan, Municipal Public Health and Wellbeing Plan, Municipal Planning Strategy and Financial Plan (all of which have to be adopted by Council before 31 October 2021).

13. Officers' reports

CM.068/21 Our People Our Place Our Future Summary Report - Integrated Community Engagement

Recommendation

That Council:

1. Receives and notes the results of the Our People, Our Place, Our Future Summary Report (**Attachment 1**).
2. Makes the Summary Report available to the public on Council's website and promotes access to the Summary Report via social media channels.
3. Requests that officers thank participants who have provided contact details and advise them where to access the Summary Report.
4. Notes that further analysis of the engagement data will be used over the coming months to develop the Community Vision, Council Plan, Financial Plan, Municipal Public Health and Wellbeing Plan and Municipal Planning Strategy in accordance with individual document requirements required by legislation.

Attachments

- 1  Our People, Our Place, Our Future - Summary Report: Integrated Community Engagement
- 2  Our People, Our Place, Our Future: Key Findings Summary

Discussion

1. The *Local Government Act 2020* requires Council to develop an integrated longer-term approach to strategic planning organised around a community vision.
2. Council's Strategic Planning Framework supports the efficient and effective delivery of strategic outcomes in line with Council resources and in line with obligations under the *Local Government Act 2020*, along with other legislative and regulatory parameters.
3. The following strategic planning documents are required to be delivered by Council over the next 18 months:

Strategic Planning Document	Due date for adoption	Relevant Act
Municipal Planning Strategy (Planning Scheme)	June 2021	Victorian Planning Provisions / <i>Planning and Environment Act 1987</i>
Community Vision	October 2021	<i>Local Government Act 2020</i>
Council Plan	October 2021	<i>Local Government Act 2020</i>
Municipal Public Health and Wellbeing Plan	October 2021	<i>Public Health and Wellbeing Act 2008</i>
Financial Plan	October 2021	<i>Local Government Act 2020</i>
Asset Plan	October 2022	<i>Local Government Act 2020</i>

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CM.068/21 Our People Our Place Our Future Summary Report - Integrated Community Engagement

4. While each deliverable has its own requirements, strong strategic links between the documents were identified that can direct and influence initiatives undertaken by Council, particularly community engagement activities.
5. This alignment provided an opportunity to engage across a number of strategies in an integrated and efficient manner, avoiding duplication and mitigating the risk of engagement fatigue. Further, it encouraged enhanced community engagement outcomes through the opportunity for more meaningful engagement with the community on a smaller number of initiatives.
6. In recognition of this, an integrated community engagement approach was developed under the banner of 'Our People, Our Place, Our Future' to inform and guide the development of the aforementioned documents.
7. A summary of engagement activities and key engagement findings is provided in the Summary Report (**Attachment 1**). A Key Findings Summary (**Attachment 2**) has also been developed and provides a one page outline of the engagement undertaken and the results.
8. While participant responses to 'Our People, Our Place, Our Future' were wide and varied, what was very strongly reinforced through this engagement was that, in broad terms, our community wants our Shire to be a place where:
 - a) Inclusion and participation is championed in all areas of community life
 - b) The mental and physical wellbeing of residents is supported through targeted, evidence based initiatives and services
 - c) The environment, including the Green Wedge, is valued, admired and protected
 - d) Liveability is prioritised, with adequate and appropriate housing, infrastructure, and land-use planning, combined with connected transport systems, which are accessible to all residents
 - e) Education and action on climate change is a priority
 - f) There is a greater emphasis on waste management and local, renewable energy production
 - g) Environmental and health emergencies are managed effectively, with a focus on building resilience.
9. After Council has formally noted the Summary Report, the Summary Report will be made available on Council's website and communicated through social media channels.
10. Survey respondents who provided contact details will be advised directly of how and where to access this report.
11. Further analysis of the engagement data and subsequent engagement phases will be delivered over the coming months in accordance with individual document requirements and in line with the 'Our People, Our Place, Our Future' engagement program.

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CM.068/21 Our People Our Place Our Future Summary Report - Integrated Community Engagement

Related Council decisions

12. The 'Our People, Our Place, Our Future' community engagement program approach was endorsed by Council at the Future Nillumbik Committee on 9 February 2021.

Council plans and policies

13. This report directly supports the achievement of Council Plan 2017-2021 strategy:
- Plan for the community's future needs through services and infrastructure.
 - Improved community trust through better communications and genuine engagement.
 - Plan for the community's future needs for services and infrastructure.
 - Ensure that Council meets its legal responsibilities and manages its risks.

Sustainability implications

14. Not applicable.

Community engagement

15. The 'Our People, Our Place, Our Future' engagement program commenced on 15 February 2021 and concluded on 28 March 2021.

Innovation and continuous improvement

16. Not applicable.

Collaboration

17. During the development of the engagement program information and advice was sought from other councils, statutory bodies and technical experts.
18. Officers attended a number of forums including co-design workshops, seminars and network meetings that explored approaches to strategic planning and community engagement at comparable councils.
19. These collaboration opportunities provided valuable insight into options for both community engagement activities as well as longer-term strategic planning outcomes in line with the Act.

Budget implications

20. The development and implementation of the community engagement program has been accommodated within existing operational budgets. To date, a total of \$15,000 has been expended on the 'Our People, Our Place, Our Future' engagement program.

13. Officers' reports

CM.068/21 Our People Our Place Our Future Summary Report - Integrated Community Engagement

Relevant law

21. The proposed approach is reflective of the overarching governance principles contained within the Act (s.9(2)(d)) including:
- a) Council decisions are to be made and actions taken in accordance with the relevant law;
 - b) Priority is to be given to achieving the best outcomes for the municipal community, including future generations;
 - c) The economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted;
 - d) The municipal community is to be engaged in strategic planning and strategic decision making;
 - e) Innovation and continuous improvement is to be pursued;
 - f) Collaboration with other councils and governments and statutory bodies is to be sought;
 - g) The ongoing financial viability of the Council is to be ensured;
 - h) Regional, state and national plans and policies are to be taken into account in strategic planning and decision making;
 - i) The transparency of Council decisions, actions and information is to be ensured.

Regional, state and national plans and policies

22. Not applicable.

Conflicts of interest

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

13. Officers' reports

**CM.068/21 Our People Our Place Our Future Summary Report - Integrated
Community Engagement**

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13. Officers' reports**CM.069/21 Final Draft Yarra Strategic Plan for Endorsement**

Distribution: Public**Manager: Rosa Zouzoulas, Executive Manager Planning and Community Safety****Author: Leigh Northwood, Strategic Planning Lead****Summary**

The purpose of this report is to present the final draft of the Yarra Strategic Plan (YSP) for Councillors consideration of endorsement at the request of Melbourne Water (**Attachment 1**). The final report will be subject to a list of edits detailed in (**Attachment 2**).

Before the YSP can be approved by the Minister for Water it must be endorsed by each of the responsible public entities listed in the *Yarra River Protection (Wilip-gin Birrarung murrn) Act 2017* (the Act) which includes (among others) Nillumbik Shire. Each agency or authority endorsing the YSP is required to:

- a. agree in principle with the objectives and actions outlined in the YSP;
- b. commit that it will not act inconsistently with the directions outlined in Part 2 of the YSP, the land use framework;
- c. have regard to the protection principles of the Act and the YSP when performing its own work and decisions that affect Yarra River land;
- d. commit to collaborate in delivering the YSP's actions and priority projects where they relate to their remit and function and where resourcing is available;
- e. contribute to rolling implementation plans and may apply the YSP's decision-making framework to projects that may impact Yarra River land;
- f. agree to submit implementation reports to the lead agency to inform an annual report to the Birrarung Council, which will be tabled in parliament.

The YSP will come into operation after its approval by the Minister for Water. The 15 state and local government authorities involved in co-designing the YSP, in partnership with recognised Traditional Owners, will continue to collaborate and work together for implementation.

Implementation of the land use framework will be multi-staged and occur iteratively across the 10-year life of the YSP, beginning with an initial planning scheme amendment. Where implementation of land use framework directions require additional strategic work to be undertaken, further planning scheme amendments will be progressed once relevant strategic and technical work is complete.

Recommendation

That Council adopts the Yarra Strategic Plan (**Attachment 1**) subject to the edits identified by Melbourne Water in (**Attachment 2**).

Attachments

- 1  Yarra Strategic Plan (subject to edits listed in Attachment 2)
- 2  Yarra Strategic Plan edits to be implemented subject to YCC endorsement

13. Officers' reports

CM.069/21 Final Draft Yarra Strategic Plan for Endorsement

Discussion

1. The landmark *Yarra River Protection (Wilip-gin Birrarung murron) Act 2017* (the Act) recognises Traditional Owners' custodianship of the river, Birrarung, and identifies the Yarra River corridor as 'one living and integrated natural entity for protection and improvement'.
2. The Act requires a *Yarra Strategic Plan* to be developed to coordinate and harmonise planning for the use, development and protection of the Yarra River, its parklands and other land in its vicinity. Its legislated purpose is to:
 - a) guide future use and development; and
 - b) identify areas for protection within 1 km either side of the Yarra's banks.
3. The Act provides for the:
 - a) declaration of Yarra River land, that being the bed, soil and banks of the river, and other Crown land within 500 metres of each bank of the river.
 - b) creation of a long-term community vision for Yarra River land.
 - c) development and implementation of the Yarra Strategic Plan, which must be endorsed by all responsible public entities (as listed in the Act) before it can be approved by the Minister (this includes Nillumbik Shire Council).
 - d) establishment of the Birrarung Council, an independent voice for the river.
 - e) setting of protection principles that authorities must have regard to when undertaking works (covers environmental, social, recreational, cultural and management).
 - f) alignment of other acts, including local government, transport integration and water.
4. The *Yarra Strategic Plan* is a ten year strategy that sets the foundation to achieve *the Yarra River 50 Year Community Vision* and deliver on the aspirations contained in the Wurundjeri Woi wurrung Cultural Heritage Aboriginal Corporation's Birrarung Water Policy - *Nhanbu narrun ba ngargunin twarn Birrarung*. It is an integrated river corridor plan which enables authorities and Traditional Owners to work collaboratively to plan, protect and manage the river corridor as one living and integrated natural entity.
5. Although its production is led by Melbourne Water, the plan is a whole of government initiative. Its development has been informed by the Yarra Collaboration Committee (YCC). Membership includes senior representatives from each of the 15 state and local authorities listed as responsible public entities in the Act, Wurundjeri Woi wurrung Cultural Heritage Aboriginal Corporation representatives, and Jane Doolan as independent Chair.

13. Officers' reports**CM.069/21 Final Draft Yarra Strategic Plan for Endorsement**

6. YCC members include: Department of Environment, Land, Water and Planning; Melbourne Water (Lead Agency); Banyule City Council; Boroondara City Council; Manningham Council; Melbourne City Council; **Nillumbik Shire Council**; Stonnington City Council; Yarra City Council; Yarra Ranges Shire Council; Department of Transport (including VicRoads and liaising with the Major Transport Infrastructure Authority); VicTrack; Parks Victoria; Port Phillip and Westernport Catchment Management Authority; and Victorian Planning Authority.
7. In late 2019, Nillumbik Shire Council endorsed the Draft Yarra Strategic Plan for consultation and provided comments that have been responded to. These included:
 - a) The YSP must better reflect the sites of local and regional significance. While Council acknowledges the challenges of including everything when scaled to the entire river corridor, the distinct character and attributes within Nillumbik's reaches, should have, at least, a similar level of representation as other local governments.
 - b) Discrepancies in the maps and investment figures need to be resolved prior to public consultation.
 - c) Local pedestrian/cycling links within and connecting to the Yarra River corridor should be included.
 - d) The Warrandyte-Yering landscape protection area includes Kangaroo Ground which includes good quality agricultural land and highly valued scenic rural landscapes that raises a number of questions to be addressed.
8. Council provided a subsequent submission to the consultation draft of the YSP which was endorsed by Council at the 10 March 2020 Future Nillumbik Committee meeting identifying further outstanding issues.

Related Council decisions

9. Future Nillumbik Committee Meeting held 10 March 2020:

'That the Committee (acting under delegation from Council) endorses and submits the submission (Attachment 1) to the draft Yarra Strategic Plan by 22 March 2020'.

Options

10. At the briefing by Melbourne Water on the 6 April 2021, Council requested consideration of a number of matters to be addressed in the YSP including the following noting these edits are outlined with all edits proposed by all YCC members (**Attachment 2**) subject to endorsement by all YCC members:
 - a) Page 16 – add 'Eltham Lower Park' label to map;
 - b) Page 54 – change text for item 23 to 'Eltham Lower Park features the Diamond Valley miniature railway and Leinister Farm, and is the starting point for the Diamond Creek Trail.' And move number 23 dot closer to park location;
 - c) Page 117 – Add label for 'Diamond Creek' to map; and
 - d) Page 23 – item 24 - add 'The Laughing Waters area is also home to an artist-in-residence program.'

13. Officers' reports**CM.069/21 Final Draft Yarra Strategic Plan for Endorsement**

11. The Final Draft of the Yarra Strategic Plan is attached (**Attachment 1**).
12. The YSP has two parts. Part 1 sets out a way of working together to achieve four performance objectives through 41 collaborative actions, and Part 2 provides a land use framework that will be incorporated into local and state planning policy.

Part 1 – Performance Objectives

13. Part 1 acknowledges the history of Traditional Owners and recognises their intrinsic relationship to the Yarra River, Birrarung. It identifies the responsible local and state government authorities already investing in and managing the Yarra, and outlines a modern governance approach to enable these authorities and Traditional Owners to work together to manage the river as one living and integrated natural entity.
14. The four performance objectives in Part 1 represent the change the community is seeking over the next 10 years. These objectives set the foundation for achieving the 50 Year Community Vision and align with the protection principles in the Act and the Birrarung Water Policy.
15. The four key performance objectives are:
 - a) A healthy river and lands;
 - b) A culturally diverse river corridor;
 - c) Quality parklands for a growing population; and
 - d) Protecting the natural beauty of the Yarra River corridor.

Part 2 – Land Use Framework

16. The land use framework in Part 2, provides broad direction for future land use and development, to protect the river and its values. Implementing the land use framework through local and state planning policy will ensure that land use and development, on both public and private land, can deliver on the plan's performance objectives.
17. As well as providing whole-of-river directions, the land use framework provides broad directions for each of the river's four 'reaches': upper rural, lower rural, suburban and inner city. It also includes new areas for protection and related opportunities for future projects and alignment with other plans and strategies.

Decision-Making Framework

18. The YSP includes a decision-making framework that may be used by responsible public entities to facilitate transparent and coordinated decision-making, including with Traditional Owners, for activities that affect Yarra River land or when performing a function or duty or exercising power that may affect Yarra River land. The decision-making framework ensures activities and decision-making are consistent with the Act and aligned with delivery of the plan. There are three levels of activities and projects for decision-making – routine business activities, local projects and transformative projects.

13. Officers' reports**CM.069/21 Final Draft Yarra Strategic Plan for Endorsement**

- a) **Transformative projects** are those larger integrated projects with higher aspirations of delivering transformational change in the river corridor. By their nature these transformative projects will require higher levels of collaboration and resourcing to achieve the desired outcomes. Transformative projects will involve multiple partners working across the corridor collectively aiming to address gaps identified by the Yarra Collaboration Committee, Birrarung Council, Traditional Owners, key stakeholders and the community.
 - b) **Local projects** are projects identified in various strategies and plans that align with the Yarra Strategic Plan. Some will be contingent upon additional funding through government programs or collaborative arrangements with other authorities and groups. Local projects will aim for innovation or incremental improvement in delivering (extent, quality or quantity) outcomes and will have local importance, as opposed to providing whole of corridor benefit. It is envisaged that these projects will be more effective with a collaborative approach, for example, involving both public and private landholders in planning and implementing a pest control program.
 - c) **Routine business activities** are those activities authorities undertake as part of their normal business that impact Yarra River land, for example, maintenance works for parklands and reserves. Authorities will adopt a continuous improvement cycle in planning and delivering these routine business activities to allow incremental improvement and alignment with the Yarra Strategic Plan.
19. Given the Act and the strategic plan are relatively new pieces of legislation the decision-making framework will be trialled over the first year of implementation to test and adapt the assessment process. After this, it will be evaluated and adjusted to match the needs of the responsible public entities and recognised Traditional Owners. This period of testing will ensure that alignment in decision-making can be managed with available resources, and that the benefits outweigh the costs.

Council plans and policies

20. This report directly supports the achievement of Council Plan 2017-2021 strategy:
- Develop regional partnerships with other government and community agencies to benefit Nillumbik.

Sustainability implications

21. The governance arrangements for the Yarra River proposed by the YSP are of critical importance to ensure that it is managed to meet the needs of a growing Melbourne. 'Best practice' management arrangements require an integrated and coordinated approach to managing four key elements of the river:
- a) its overall environmental health (waterway and riparian lands);
 - b) community use, access and amenity of the river and its parklands;
 - c) the interface of the river corridor with adjacent (private) land use; and
 - d) its cultural and heritage values.

13. Officers' reports**CM.069/21 Final Draft Yarra Strategic Plan for Endorsement**

Community engagement

22. Development of the YSP has been informed by community feedback, background studies, and complementary strategies and policies already in operation for the Yarra River (see below).
23. A comprehensive four-stage engagement process commenced in August 2017 with drafting of the *Yarra River 50 Year Community Vision* and has continued throughout development of the plan.
24. With release of the draft YSP in January 2020, feedback was gathered using a range of methods. This included face-to-face meetings, pop-up events, focus groups and online engagement that reached more than 120,000 community members. Over 300 community conversations and 139 formal written submissions, have contributed to finalising the YSP.
25. A full report, *Yarra Strategic Plan Consultation and Engagement Summary, June 2020* can be accessed at <https://imaginetheyarra.com.au/document> library.
26. As required under the Act, a panel hearing process was undertaken under the auspices of the Victoria Planning Authority.
27. Submissions relating to the land use framework were reviewed and, where not adopted in full, referred to the Panel for their consideration. The hearings ran from 26 May 2020 to 5 June 2020, after which the Panel provided their report to the Minister for Water, Lisa Neville.
28. The Panel was complimentary of the process to develop the plan and noted in its report that the plan has grown out of an intensive, comprehensive and long community engagement process.
29. Notably the panel considers the YSP 'will provide a sound long term framework for improving the management and condition of the Birrarung.'
30. The Panel made 14 recommendations, which have been considered and addressed in the final YSP.
31. The YSP has been updated to address feedback gained through the community consultation, formal submissions and the Panel hearings. Key improvements include:
 - a) Interpretation of the panel recommendations and implications required reworking elements of the land use framework in Part 2 to get better understanding of the guidance role the framework has for informing planning scheme amendments and planning decisions at a local scale. Part 1 of the plan, which was restructured and rewritten, required additional consultation with policy owners to ensure actions supporting the performance objectives aligned with other government plans and strategies (eg integrated water management, stormwater, biodiversity, pest control and climate change).

13. Officers' reports

CM.069/21 Final Draft Yarra Strategic Plan for Endorsement

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- b) The Custodian chapter has been revised by the Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation. The chapter more closely aligns with their Birrarung Water Policy and includes Traditional Owners aspirations for management of the Birrarung. It provides more context to the selection of significant sites and areas for protection of cultural values, and protocols for working with the Corporation to improve management of the Birrarung.
 - c) Actions and opportunities in the plan have been adjusted to more closely align with the aspirations of Traditional Owners, with emphasis on supporting the development of bicultural approaches to management of Yarra River lands and approaches for assessing net gain that move beyond just management of native vegetation to include health of connection to Country.
 - d) Of specific relevance to Nillumbik Shire were the changes made to the section covering the Kinglake-Yarra biodiversity corridor and Yering to Warrandyte landscape protection area, which were informed through consultation with council officers and members of the Bend of Islands Conservation Association. In addition to the high scenic, environmental and cultural value, the area is recognised for its good quality agricultural land and highly valued scenic rural landscapes. And there is increased emphasis on supporting ongoing advocacy, education, pest eradication and rehabilitation work by the community, council and state government agencies.
 - e) Relevant Committees of Management have been consulted and are supportive of the YSP including the Collingwood Children's Farm, Heide Art Gallery and Bend of Islands Conservation Association.

Endorsement

32. Before the YSP can be approved by the Minister for Water it must be endorsed by each of the responsible public entities listed in the *Yarra River Protection (Wilip-gin Birrarung murrn) Act 2017*. Each agency or authority endorsing the YSP is required to:
- a) agree in principle with the objectives and actions outlined in the Plan;
 - b) commit that it will not act inconsistently with the directions outlined in Part 2 of the YSP , the land use framework;
 - c) have regard to the protection principles of the Act and the Plan when performing its own work and decisions that affect Yarra River land;
 - d) commit to collaborate in delivering the YSP's actions and priority projects where they relate to their remit and function and where resourcing is available;
 - e) contribute to rolling implementation plans and may apply the Plan's decision-making framework to projects that may impact Yarra River land;
 - f) agree to submit implementation reports to the lead agency to inform an annual report to the Birrarung Council, which will be tabled in parliament.

13. Officers' reports**CM.069/21 Final Draft Yarra Strategic Plan for Endorsement**

Implementation

33. The YSP will come into operation after its approval by the Minister for Water. The 15 state and local government authorities involved in co-designing the YSP, in partnership with recognised Traditional Owners, will continue to collaborate and work together for implementation.
34. The important role that Councils had on the Yarra Collaboration Committee in developing the YSP will continue through to implementation. As members of the committee, councils will contribute to developing and overseeing delivery of a rolling implementation plan, ensuring whole-of-government decision-making for Yarra River land. This collaborative approach will ensure more unified and integrated land and water management into the future along the entire length of the river.
35. An initial 12-month implementation plan has been developed that incorporates planned and funded projects nominated by state and local government authorities that align with the four performance objectives. These projects include capital works, investigations, management plans and strategies, as well as on-ground works and maintenance. The YSP also includes five priority projects that have been funded through DELWP (Environmental Contribution – Tranche 5) to quickly begin implementing changes for the river.
36. This 12-month implementation plan will be followed by a rolling three-year implementation plan, which will align with other government strategies and plans, including the *Healthy Waterways Strategy*, *Melbourne Open Space Strategy* and the State of the Yarra Parklands Report framework and preparation of local government Council Plans.
37. The implementation plan will be a live document, with annual adjustments and full update and revisions prepared on a three-yearly basis. Of note is that each responsible public entity will continue to operate independently meeting their own obligations and operational requirements, and collaborating with other entities in delivering on the Plan's actions and performance objectives where appropriate to their interests and resources.
38. The land use directions in the Part 2 – land use framework, will be translated into the Victoria Planning Provisions and become part of municipal planning schemes – making relevant decision on land use and development consistent with the land use framework.
39. Implementation of the land use framework will be multi-staged and occur iteratively across the 10-year life of the YSP, beginning with an initial planning scheme amendment. Where implementation of land use framework directions require additional strategic work to be undertaken, further planning scheme amendments will be progressed once relevant strategic and technical work is complete.

Innovation and continuous improvement

40. The YSP is an integrated river corridor plan which enables authorities and Traditional Owners to work collaboratively to plan, protect and manage the river corridor as one living and integrated natural entity. This is an innovation in the way local governments, State agencies and Traditional Owners plan.

13. Officers' reports

CM.069/21 Final Draft Yarra Strategic Plan for Endorsement

Collaboration

41. The YSP is a whole of government initiative. Its development has been informed by the Yarra Collaboration Committee (YCC). Membership includes senior representatives from each of the 15 state and local authorities listed as responsible public entities in the Act, Wurundjeri Woi wurrung Cultural Heritage Aboriginal Corporation representatives, and Jane Doolan as independent Chair.

Budget implications

42. Resourcing will be required for annual reporting as part of the YSP implementation to the lead agency (Melbourne Water) to inform an annual report to the Birrarung Council, which will be tabled in parliament.
43. Future projects will need to consider resourcing and timing implications (costs) in meeting the consultation requirements of the YSP decision-making framework.

Relevant law

44. The *Yarra River Protection (Wilip-gin Birrarung murron) Act 2017*.
45. The *Planning & Environment Act (1987)*.

Regional, state and national plans and policies

46. Plan Melbourne 2050.

Conflicts of interest

47. No conflicts of interest exist in relation to the preparation of this report.

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CM.069/21 Final Draft Yarra Strategic Plan for Endorsement

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CM.070/21 Adoption of Budget 2021-2022, declaration of Rates and Charges

Distribution: Public

Manager: Vince Lombardi, Chief Financial Officer

Author: Robert Malignaggi, Business Services Lead
Melika Sukunda, Finance Manager

Summary

This report recommends that Council formally adopts the Budget and declare the rates and charges for the 2021-2022 Financial Year.

Council commenced preparation of the 2021-2022 Budget in late 2020 in order that it could then be exhibited for public consultation, and adopted prior to 30 June 2021.

The draft Budget was exhibited and the community invited to comment on it. Written submissions were received and considered by a meeting of the Planning and Consultation Committee on 11 May 2021. A separate report from the Committee to Council regarding the submissions was included in that agenda.

Rates and charges for 2021-2022

The 2021-2022 Budget has been prepared in compliance with the rate capping legislation introduced by the Victorian Government.

The draft Budget proposes a 1.50 percent increase in rates per property, the maximum allowable set by the Minister under the Fair Go Rates System.

Capital Works

The Budget proposes a number of significant capital works projects that have been identified through planning and community consultation.

A full list of capital works projects is included in the draft Budget document (**Attachment 2**).

Policy, planning and services initiatives

In addition to capital works, the Budget also includes resources for a range of initiatives regarding policy, planning and services.

Strategic Resource Plan

As part of the budget process, the Strategic Resource Plan has also been reviewed and updated. Council adopts the Strategic Resource Plan in conjunction with the budget by 30 June each year.

The Strategic Resource Plan shows that Council can maintain a balanced Budget within the rate cap, provided that the assumptions in the Plan are met.

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CM.070/21 Adoption of Budget 2021-2022, declaration of Rates and Charges

Recommendation

That Council:

1. Having considered the submissions received, adopts the proposed 2021-2022 Budget (**Attachment 2**).

2. The Chief Executive Officer be authorised to give public notice of the decision to adopt the Budget, and to submit a copy of the adopted Budget to the Minister for Local Government.

3. The amount of rates and charges intended to be raised are:

- a) an amount of \$69.499 million (or such greater amount as is lawfully levied as a consequence of this recommendation being adopted) be declared as the amount which Council intends to raise by general rates and annual service charge (described later in this recommendation). The amount declared is calculated as follows:

General Rates \$58,780,166

Annual Service Charge \$10,719,059

4. General Rates

a) That general rates be declared in respect of the 2021-2022 Financial Year.

b) It be further declared that the general rates be raised by the application of differential rates.

c) A differential rate be respectively declared for rateable land having the respective characteristics specified below, which characteristics will form the criteria for each differential rate so declared.

I. Farm Land

Any land which is 'farm land' within the meaning of section 2(1) of the *Valuation of Land Act 1960*.

II. Commercial/Industrial Land

Any land which is used or adapted to be used primarily for commercial or industrial purposes.

III. Vacant Land – General Residential / Activity Centre Zone / Neighbourhood Residential Zone and Specified Low Density Residential Zones.

Any land located in a General Residential / Activity Centre Zone / Neighbourhood Residential Zone, or in the Low Density Residential Zone (LDRZ) to which DPO4 applies, on which no habitable dwelling is erected.

IV. Other Land

Any land which is not:

- Farm Land

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CM.070/21 Adoption of Budget 2021-2022, declaration of Rates and Charges

- Commercial/Industrial Land or
 - Vacant Land – General Residential / Activity Centre Zone / Neighbourhood Residential Zone and Specified Low Density Residential Zones.
- d) The quantum of rates payable in respect of each rateable land will be determined by multiplying the Capital Improved Value of such land (categorised by the characteristics described in paragraph 4(c) above) by the relevant rates indicated in the following table:

Category	Rate in Dollar
Farm Land	0.002310 (or 0.2310 cents in the dollar of Capital Improved Value)
Commercial / Industrial Land	0.003153 (or 0.3153 cents in the dollar of Capital Improved Value)
Vacant land – General Residential / Activity Centre Zone / Neighbourhood Residential Zone and Specified Low Density Residential Zones	0.004031 (or 0.4031 cents in the dollar of Capital Improved Value)
General Rate / Other Land	0.002718 (or 0.2718 cents in the dollar of Capital Improved Value)

- e) It be recorded that Council considers that each differential rate will contribute to the equitable and efficient carrying out of Council functions, and that the:
- I. respective objectives, uses and levels of each differential rate be those specified in Schedule A – Rating Strategy (**Attachment 1**).
 - II. respective types or classes of land which are subject to each differential rate be those defined in part 4(d) above.
- f) It be confirmed that no amount is fixed as the minimum amount payable by way of general rate in respect of each rateable land within the municipal district.
- g) In accordance with section 4(4) of the *Cultural and Recreational Lands Act 1963*, the amount of rates payable in respect of each of the rateable lands to which that Act applies be determined by multiplying the Capital Improved Value of that rateable land by 0.001060 (or 0.1060 cents in the dollar of Capital Improved Value).

5. Annual Service Charge

- a) An annual service charge be declared in respect of the 2021-2022 Financial Year.

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- b) The annual service charge be declared for the collection and disposal of residential refuse and other waste.
- c) Except in the case of elderly persons units, the amount of the annual service charge so declared is dependent upon the option chosen by the owner of the land. The options are:
- Option 1: \$477.73 per service in respect of the following three bins:
- 120 litre green waste bin
 - 240 litre recycling bin
 - 120 litre landfill bin.
- Option 2: \$382.18 per service in respect of the following three bins:
- 120 litre green waste bin
 - 240 litre recycling bin
 - 80 litre landfill bin.
- Option 3: \$668.82 per service in respect of the following four bins:
- 120 litre green waste bin
 - 240 litre recycling bin
 - 2 x 120 litre landfill bins.
- Option 4: \$525.50 per service in respect of the following four bins:
- 120 litre green waste bin
 - 240 litre recycling bin
 - 140 litre landfill bin.
- Option 5: \$859.91 per service in respect of the following four bins:
- 120 litre green waste bin
 - 240 litre recycling bin
 - 120 litre landfill bin – weekly collection.
- d) The amount of the annual service charge so declared in respect of elderly persons units, being units occupied by elderly persons or persons with a disability where the applicable form of declaration has been received by Council, is \$119.43.
- e) For each rateable land or non-rateable land in respect of which an annual service charge may be levied, the annual service charge will apply irrespective of whether the owner or occupier of the land avails himself, herself or itself of the service.
- f) The annual service charge is not declared in respect of, and is not be levied on, any land on which no habitable dwelling is erected.

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6. Rebates – Sustainable Agricultural Land

- a) It be recorded that subject to paragraph 4(c) of this recommendation, Council may grant a rebate to each owner (or, where applicable, occupier) of land which:
 - i) is not less than 30 hectares in area.
 - ii) is otherwise 'farm land' under section 2(1) of the *Valuation of Land Act 1960*.
- b) The rebate be granted to:
 - i) assist the proper development of the municipal district.
 - ii) preserve places within the municipal district which are of environmental interest.
 - iii) restore or maintain places of environmental importance within the municipal district.
 - iv) more generally achieve the objectives outlined in the Sustainable Agricultural Rebate (SAR) Guidelines.
- c) The grant of the rebate be:
 - i) subject to the criteria detailed in the SAR Guidelines.
 - ii) set at a level based on the following two components:
 - Component A - a single fixed amount of \$100 per eligible property (or per single aggregate of 'continuous' properties, as defined in section 13 DC (6) of the *Valuation of Land Act 1960*).
 - Component B - \$15 per hectare of 'productive agricultural land' across each eligible property. The area of productive agricultural land is calculated for each property by subtracting the apparent area of bushland and domestic use from the total property area. Landowners will be given a single opportunity to challenge this area calculation, after which that figure will be set and documented within the relevant Property Management Plan. Any future change in bushland area will not change the set figure for productive agricultural land.
 - iii) subject to development of an approved Property Management Plan (PMP) for each eligible property. The development of a PMP will replace the need for an annual SAR application form, yet each Plan must satisfy the following conditions:
 - PMP Condition A - The PMP must be submitted for approval to the Environment Department of Council. The approval date for each ratified PMP will be noted and a copy of the document will be retained for Council records.

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- PMP Condition B - A separate PMP will be required for each property or aggregate of properties where the owner receives the \$100 fixed payment component of the SAR.
- PMP Condition C - Landowners who have previously received the SAR must return their PMP by the date indicated in correspondence that has been sent to the recipient (further detail regarding this point can be obtained from the Sustainability and Environment Unit of Council).
- PMP Condition D - All SAR applicants who have not previously received the SAR will require an approved PMP prior to being eligible for the rebate.
- PMP Condition E - All PMPs will need to be revised by the owner and submitted for re-approval every four years (approximately). Council's Environment Team will notify landholders when PMP revision is required and will allow ample time and assistance to facilitate this process.

7. Payment:

- a) In accordance with section 167 of the *Local Government Act 1989*, Council determines that rates and charges may be paid by four equal quarterly instalments due on:

30 September 2021

30 November 2021

28 February 2022

31 May 2022.

8. Consequential further actions:

- a) The Manager Finance be authorised to levy and recover the general rates and annual service charge in accordance with the *Local Government Act 1989*.
- b) Pursuant to section 172(1) of the *Local Government Act 1989*, Council records that it will require the payment of interest on any amounts of rates and charges which have not been paid by the date specified under section 167 of the said Act for their payment.

9. Council writes to all those who have made a submission on the 2021-2022 Budget, thanking them for their input and advising them of Council's decision and reasons for the decision.

Attachments

1  2021-22 Schedule A - Rating Strategy

2  Budget 2021-2022

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CM.070/21 Adoption of Budget 2021-2022, declaration of Rates and Charges

Discussion

Background

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

Budget 2021-2022

4. This report is presented to enable Council to formally adopt the Budget and declare the rates and charges for the 2021-2022 Financial Year.
5. This report outlines the key elements of the Budget. Details are provided in the full 2021-2022 Budget document (**Attachment 2**).

Capital works

6. The draft Budget includes \$22.101 million of capital works projects, of which \$2.809 million will be externally funded by grants and \$7 million from borrowings. The balance will be funded by Council from rates and reserve funds.
7. A full list of capital works projects is included in the draft Budget document (**Attachment 2**).

Strategic projects and service improvements

8. The Budget provides resources for policy development, as well as policy implementation and service improvements. A full list is provided in the 2021-2022 Budget document (**Attachment 2**).

Services (Operating Budget)

9. Recurrent operating budgets for Council services have been adjusted to reflect changes in unit costs, including inflationary impacts and contracted prices.

Rates, charges and other revenue

10. The Budget proposes a 1.50 percent increase per property in rates and a 13.86 per cent increase to the standard Waste Management Charge.
11. Other fees and charges increases are reflective of cost increases, regulatory requirements and market considerations.
12. A reduction is proposed to the differential rate in the dollar for vacant land, from 200 percent of the general rate in the dollar to 150 percent. On submission of a valid building or planning permit, the property rate type will revert to the general rate.
13. The construction rebate relating to the vacant land differential rate will no longer apply.

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Differential rating

14. At present, Council levies a General Rate, a Farm Rate (15 per cent below the General Rate), a Commercial/Industrial Rate (16 per cent above the General Rate), a Vacant Land Rate (50 per cent above the General Rate) and a Cultural and Recreational Land Rate (61 per cent below the General Rate).

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.
17. \$2 million will be set aside to enable Council to respond to potential Government grant funding opportunities.
18. Council is forecast to remain within the Auditor-General's low-risk (green light) range on the Indebtedness measure of financial sustainability.

Strategic Resource Plan

19. Council adopts the Strategic Resource Plan in conjunction with the Budget.
20. The Strategic Resource Plan is the financial plan which is required to enable Council to achieve its Council Plan goals over the coming years.
21. The updated version of the Strategic Resource Plan is included in the 2021-2022 Budget (**Attachment 2**). It incorporates the financial projections in expenditure and revenue which are based on a series of assumptions about the community's needs and how Council plans to continue to address these needs for services and infrastructure.
22. The Strategic Resource Plan incorporates the 2021-2022 Budget and projections for the next 10 years based on the assumptions.

Financial Sustainability Measures

23. These measures include all those used by the Auditor-General to assess financial sustainability for local government across Victoria.
24. The 2021-2022 Budget includes details of Council's projected performance over the next ten years, based on the Strategic Resource Plan.

Related Council decisions

25. Not applicable.

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CM.070/21 Adoption of Budget 2021-2022, declaration of Rates and Charges

Options

26. Council has undertaken public consultation in accordance with its statutory obligations in relation to the proposed Budget 2021-2022.
27. Having considered the Budget submissions, Council is now able to formally adopt the Budget 2021-2022 and resolve to declare the rates and charges. It can also adopt the differential rates applied to the classes of land which are listed in the recommendation.
28. Preparation of the annual Budget is a major decision for Council in allocating resources to services and projects for the coming year.
29. The Budget has been prepared with regard to the strategic context provided through the Council Plan and various individual policies, strategies and plans.
30. The Budget and the Strategic Resource Plan are recommended for Council approval.

Council plans and policies

31. This Budget has been developed in the context of the Council Plan 2017-2021. It is also developed in the context of the Strategic Resource Plan which demonstrates how the outcomes of the Council Plan can be resourced in a way which ensures Nillumbik's ongoing sustainability.
32. In developing the Budget, Council has also considered the key priorities emerging from the master-plans for Council's major recreation facilities and reserves, the structure plans for Nillumbik's activity centres, and other Council policies and strategies.

Sustainability implications

33. Council's financial sustainability is informed by the indicators set by the Victorian Auditor General's Office (VAGO).
34. 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

35. Council adopted the draft Budget 2021-2022 at the 23 March 2021 Council Meeting for the purpose of community consultation. The draft Budget was made available to the public for a period of 28 days.
36. An advertisement was placed in The Age on the 25 March 2021 and on Council's website. Submissions in relation to the draft Budget have been sought from the public. Submissions were received and considered at the meeting of the Planning and Consultation Committee on 11 May 2021.
37. The draft Budget was made available on Council's website, at the Civic Centre and at the Eltham and Diamond Valley libraries.
38. At the meeting of the Planning and Consultation Committee on 11 May 2021, the Committee, acting under delegation from Council, received and considered the submissions on the draft Budget. The Committee has presented a report to Council on the submissions about the draft Budget 2021-2022 in accordance section 96 of the *Local Government Act 2020*.

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CM.070/21 Adoption of Budget 2021-2022, declaration of Rates and Charges

Innovation and continuous improvement

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

Collaboration

40. The drafting of budget is conducted in consultation with managers and EMT across the organisation.
41. The draft Budget 2021-2022 was presented to the Audit and Risk Committee at the 12 May 2021 meeting.

Budget implications

42. The costs of preparing the Budget, such as public notices, mail outs and community consultation sessions are funded from operating budget allocations.

Relevant law

43. *Local Government Act 1989* and *Local Government Act 2020*.
44. 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

45. Not applicable.

Conflicts of interest

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

13. Officers' reports**CM.071/21 Audit and Risk Committee Meeting May 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 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.

The Audit and Risk Committee met on 12 May 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 12 May 2021 **Attachment 1**.

Attachments

1.  12 May 2021 Audit and Risk Committee Minutes

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 12 May 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:
 - The Victorian Auditor General's Office 2020-2021 Audit Strategy;
 - 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 March Quarterly Financial Report; and
 - The Councillor Expenses Quarterly Report.
4. The next Audit and Risk Committee meeting is scheduled to take place on Monday 23 August 2021.

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CM.071/21 Audit and Risk Committee Meeting 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.

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 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 12 May 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 as 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.072/21 Quarterly Risk and Safety Report - March 2021**

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 March 2021.

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 March 2021 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 March 2021 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. Risk and Safety Report March 2021 - *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;

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CM.072/21 Quarterly Risk and Safety Report - March 2021

- 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 March 2021 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 the organisation to a COVID-19 normal status.

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CM.072/21 Quarterly Risk and Safety Report - March 2021

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)	Apr – Jun 20	Jul – Sep 20	Oct - Dec 20	Jan - Mar 21	Total Apr - Mar 21	Last Year Apr - Mar 20
Property	21	18	22	4	65	50
Motor vehicle	13	10	7	12	42	81
Professional Indemnity	0	3	2	0	5	7
Public Liability	55	52	48	41	196	228
Occupational Health and Safety	21	15	20	23	79	80
Total all incidents	110	98	99	80	387	446

9. A high proportion of reported incidents during the March 2021 quarter are generated within the normal course of operations in the Operations and Infrastructure Directorate (86%). 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.
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. Officers' reports**CM.072/21 Quarterly Risk and Safety Report - March 2021**

13. A significant decline in reported property incidents when compared to previous quarters.
14. 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.
15. There was one significant loss during the March 2021 quarter which resulted in a motor vehicle insurance claim lodged with Council's insurer.
 - February 2021, Council's community transport bus was stolen overnight from its storage cage at Panton Hill;
 - The matter was reported to the Police who undertook an investigation;
 - The bus was later found burnt out on Bowden Spur Road; and
 - Replacement is in progress.
16. 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.
17. No new professional indemnity incidents were reported.
18. 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.
19. This quarter, eight trip and fall incidents were reported at various locations.
20. Seven 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 \$1,400).
21. There were six flooding and 13 tree damage incidents causing property damage, primarily attributed to rainfall and wind related events. Several miscellaneous incidents were noted, including two tree root damage incidents.
22. Occupational Health and Safety incidents relate 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.
23. The overall annual trend data for the 12 months leading up to March 2021 for incidents was lower compared to the same period ending March 2020. The decrease is attributed to fewer motor vehicle and property incidents, along with a reduction in public liability incidents caused wind and storm weather events during the past quarter.
24. Incident costs, including under excess claim costs and insurance excesses, are managed within existing budgets. Where appropriate, insurance claims were made, repairs undertaken and matters reported to the Police.

13. Officers' reports

CM.072/21 Quarterly Risk and Safety Report - March 2021

Related Council decisions

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

Council plans and policies

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

Sustainability implications

28. 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.
29. Council's risk profile includes environmental risks and climate change as a consequence of failure to adequately mitigate those risks.

Community engagement

30. Not applicable.

Innovation and continuous improvement

31. 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

32. Not applicable.

Budget implications

33. 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

34. Not applicable.

Regional, state and national plans and policies

35. Not applicable.

Conflicts of interest

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

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CM.072/21 Quarterly Risk and Safety Report - March 2021

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13. Officers' reports**CM.073/21 Nillumbik Pandemic Recovery Plan**

Distribution: Public**Manager: Corrienne Nichols, Executive Manager Communities****Author: Melissa Ensink, Social Planner & Policy Officer
Lauren Treby, Coordinator Social Planning and Equity
Nichole Johnson, Manager Community Partnerships****Summary**

The Nillumbik Pandemic Recovery Plan 2021-2022 ("the Plan") (**Attachment 1**) outlines how Council has responded to the COVID-19 pandemic, and the approach we are taking to continue to support the community through the recovery process.

This plan states our focus for the short to medium term recovery process. Longer term approaches will be embedded in key strategic documents such as the Council Plan and the Municipal Public Health and Wellbeing Plan, as well as other relevant documents.

The purpose of this report is to present the Nillumbik Pandemic Recovery Plan 2021-2022 and provide context as to how the Plan was developed.

Council's approach to community engagement for the Plan is guided by the IAP2 framework for community engagement and informed by Council's Community Engagement Policy (**Attachment 2**). This Plan is informed by community consultation through the Together in Nillumbik community survey (**Attachment 3**), conducted in late 2020. In addition, officers conducted a benchmarking activity to understand best practice in developing a Pandemic Plan and members of the Health & Wellbeing Advisory Committee were invited to provide feedback on the draft Plan. Some minor changes were made based on this feedback and incorporated into the Plan.

Recommendation

That Council endorses the Nillumbik Community Pandemic Recovery Plan 2021-2022 (**Attachment 1**).

Attachments

1.  Nillumbik Community Pandemic Recovery Plan 2021-2022
2.  Community Engagement Policy
3.  Together in Nillumbik Survey

Discussion

1. Local Government has a wide range of responsibilities in Victoria's emergency management arrangements. Councils are required to work with State Government emergency management agencies such as the police, fire authorities, ambulance services and the SES to ensure a coordinated approach to emergency events and a safer outcome for communities.

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CM.073/21 Nillumbik Pandemic Recovery Plan

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2. While Local Government is not the lead agency to respond to any emergency, it has a support role for a range of emergencies including, bushfires, flood, earthquakes and dam safety. More recently, Local Governments have also had to play a role around pandemic response and recovery.
 3. Nillumbik has a Municipal Emergency Management Plan 2020 – 2023 which was activated as part of the COVID-19 response. An organisational approach was implemented addressing business and service continuity. This was coordinated through the COVID Huddle, which met frequently to lead organisational decisions in response to National and State Government Directions.
 4. During this period, it was identified that there was a gap in responding and supporting the recovery of emergencies of pandemic in nature and that the organisation needed to develop a more coordinated response.
 5. A Pandemic Recovery Taskforce was established to complement the COVID-19 Organisational Huddle. The role of this taskforce was to explore the social and economic impacts of COVID on the community and develop an integrated approach to delivering recovery into the future.
 6. To address response, relief and recovery in the short to medium term, the Nillumbik Community Pandemic Recovery Plan 2021 – 2022 has been developed (see **Attachment 1**).
 7. The Plan seeks to outline how Council has responded to the COVID-19 pandemic, and the approach we are taking to continue to support the community through the recovery process.
 8. The Plan outlines the Key Recovery Directions which will guide Council's short to medium term recovery process.
 9. Longer term approaches to pandemic recovery will be embedded in both the Municipal Public Health and Wellbeing Plan 2021 – 2025 and the Council Plan 2021 - 2025.
 10. Four key themes have been identified for Nillumbik to inform future planning in recovery phases of disasters such as pandemic. These include:
 - a) Inclusion
 - b) Healthy Environments
 - c) Healthy Behaviours
 - d) Employment & Education.
 11. See **Attachment 1** for a full copy of the Nillumbik Community Pandemic Recovery Plan 2021 - 2022.

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Related Council decisions

12. At the Future Nillumbik Committee meeting held on 9 February 2021, Council resolved to reallocate unspent 2020/21 Triennial Event Funding to support the planning and delivery of the interim Plan. Under the delegation of the Executive Manager Communities, \$20,000 was allocated to the development of the Plan through the engagement of an external consultant. Council also resolved the allocation of unexpended funding toward community recovery through the delivery of an internal and external recovery grants program.

Options

13. The Nillumbik Community Pandemic Recovery Plan 2021 – 2022 will be reviewed in June 2022 with a report on actions delivered across the 12 month period to be presented back to Council.
14. Ongoing recovery action will be embedded in Council's strategic planning documents such as the Council Plan and Municipal Public Health & Wellbeing Plan.

Council plans and policies

15. This report directly supports the achievement of Council Plan 2017-2021 strategy:
- Develop policies, strategies, projects and partnerships to enhance the health and wellbeing of the community.
16. Nillumbik Emergency Management Plan (NMEMP) 2020 – 2023:
- The NMEMP was activated as part of the COVID-19 response. This has involved the establishment of the Pandemic Recovery Taskforce to explore the social and economic impacts of COVID on the community and develop an integrated approach to delivering recovery into the future. The Pandemic Recovery Taskforce's activity has led to the formation of the Plan.
17. Nillumbik Relief and Recovery Plan (NRRP)
- Functional areas of recovery including social, economic, built and natural environments should be incorporated within the planning process post disaster.
18. Nillumbik Pandemic Influenza Plan.
19. Municipal Public Health & Wellbeing Plan 2017 – 2021.

Sustainability implications

20. Economic longevity in the municipality has been threatened by the COVID-19 pandemic. Economic losses are still mounting and the repercussions of the pandemic will continue to be felt for months, possibly years to come. The Plan explores initial economic impacts on the community, and how Council has responded, which includes a range of measures outlined in *Respond, Recover, Thrive*.

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Community engagement

21. Council's approach to community engagement is guided by the IAP2 framework for community engagement. This is outlined on page 6 of the Community Engagement Policy (**Attachment 2**). Our role is to apply the IAP2 framework appropriately in community engagement processes based on the activity and context of the subject and the time and resources available.
22. This Plan is informed by community consultation through the Together in Nillumbik community survey, conducted in late 2020.
23. In addition to the Together in Nillumbik Survey, A series of workshops with community networks and staff were undertaken to better understand the nature of impact, potential recovery activity and support plan development.
24. The Together in Nillumbik COVID-19 Community Survey Findings Report is included as **Attachment 3**.
25. Officers conducted a rapid benchmarking activity to understand best practice of community engagement for pandemic recovery in the Metropolitan Melbourne local government context. Of the thirteen councils we heard back from, two have developed a standalone recovery plan and eleven have not. One council put their recovery plan out for community consultation. Of those councils who have not developed a standalone plan, recovery directions and actions have been embedded into business or work plans, or will be included in the new Council Plan and Municipal Public Health & Wellbeing Plan.
26. Members of the Health & Wellbeing Advisory Committee were invited to provide feedback on the draft Plan. Four members of the committees responded with feedback. Some minor changes were made based on this feedback and incorporated into the updated Plan. Feedback included:
 - a) The most important information in the plan is right at the beginning, and subsequent information may not be overly useful, especially to the community.
 - b) Consider cutting back the length of the document and keep in only the actual plan directions.
 - c) Reposition 'Nillumbik's Approach to Recovery' to the start of the document to orient the focus of the content of the plan.
 - d) On page 9 in the table section on Healthy Behaviours, add improve access to fresh food and improve access to physical activity opportunities.
 - e) On page 13, delete from the first sentence of the first paragraph 'modifiable lifestyle choices and'.
 - f) On page 13, remove 'psychological distress and intimate partner violence' from the list of issues that may be modifiable through behaviour change, as this may be interpreted as the individuals not exercising choice (victim blaming).
27. Ongoing pandemic recovery directions and activities will be embedded into the Council Plan and Municipal Public Health & Wellbeing Plan, both of which will go out for public exhibition before they are endorsed by Council.

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Innovation and continuous improvement

28. Not applicable.

Collaboration

- 29. Council and healthAbility collaborated to develop, distribute and evaluate the Together in Nillumbik Survey (**Attachment 3**) to better understand the impacts of the COVID-19 pandemic on the Nillumbik community.
- 30. A range of teams, networks and taskforces have also been working on Nillumbik's response to COVID-19, and will be continuing to perform important work in recovery.
- 31. Collaboration in various forms has been considered within the Key Recovery Directions, as the Plan outlines.

Budget implications

- 32. Under the delegation of the Executive Manager, Community Services, Community & Planning, \$20,000 of unspent funds from the Triennial Event Funding was allocated to the development of the Plan. These funds have been spent engaging an external consultant to support the development of the Together in Nillumbik survey and the development of the Draft Pandemic Recovery Plan.
- 33. Council resolved to allocate a total of \$187,452.00 in unexpended funding toward community recovery, through the delivery of an internal and external recovery grants program.
- 34. The aim of the Plan was not to create extra work that would require additional resourcing. Rather, it captures how various teams within Council have shifted their 'business as usual' to respond to the impacts of COVID-19 and support community with recovery.

Relevant law

35. Not applicable.

Regional, state and national plans and policies

36. Not applicable.

Conflicts of interest

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

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CM.073/21 Nillumbik Pandemic Recovery Plan

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CM.074/21 Amendment C135nill - Planning Policy Framework (PPF) Translation

Distribution: Public**Manager: Rosa Zouzoulas, Executive Manager Planning and Community Safety****Author: Leigh Northwood, Strategic Planning Lead****Summary**

Amendment C135nill facilitates the translation of the Nillumbik Planning Scheme to the new format as required by the Minister for Planning by 1 June 2021.

The amendment replaces the Municipal Strategic Statement (MSS) at Clause 21 and Local Planning Policies at Clause 22 of the Nillumbik Planning Scheme with local policies within the Planning Policy Framework (PPF) and operational provisions, consistent with the *Victoria Planning Provisions* (VPP) as a result of Amendment VC148 and the Ministerial Direction – The Form and Content of Planning Schemes.

The translation requires a 'fast-track' planning scheme amendment to implement the updated Local Planning Policy Framework (LPPF) which is specifically a policy neutral translation of LPPF content, implemented with expedited priority processing and utilisation of Section 20(4) of the *Planning and Environment Act 1987 (the Act)*.

Due to the policy neutral nature of the amendment the amendment process pursuant to Section 20(4) of the Act does not include exhibition and therefore no community engagement as no new content is proposed.

Recommendation

That Council:

1. Notes the process to introduce Amendment C135nill to the Nillumbik Planning Scheme will be undertaken by the Minister for Planning pursuant to Section 20(4) of the *Planning & Environment Act 1987*.
2. Requests officers to draft and consult on a revised Municipal Planning Strategy (MPS) and undertake an amendment to the Nillumbik Planning Scheme following endorsement of the MPS.
3. Directs officers to make the tracked changed and final amendment material available on the Nillumbik website.

Attachments

1 C135nill Explanatory Report



2 C135nill Instruction Sheet



3 Current LPPF (Track Changed) showing where content removed, reworded and relocated



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CM.074/21 Amendment C135nill - Planning Policy Framework (PPF) Translation

- 4  Current LPPF (Track Changed) in New Format showing relocation
- 5  New LPPF in New Format - proposed planning scheme amendment ordinance

Discussion

1. The Victoria Planning Provisions (VPPs) Local Planning Policy Framework (LPPF) guides how discretion in a zone, overlay or a particular provision will be exercised. A Local Planning Policy should only be taken into account when making a decision about a planning permit application, and it must directly relate to a permit trigger in the planning scheme.
2. Amendment C135nill forms part of Stage 3 of the Smart Planning Rules and Policy Program to reform Victoria's planning system and change the Victorian Planning Provisions (VPP) to make planning schemes more efficient, accessible and transparent. Nillumbik Shire is in the last tranche of Councils to go through the translation process.
3. In 2018, Amendment VC148 introduced widespread changes to the VPP's as part of Stage 2 of the Smart Planning Program. More specifically, Amendment VC148:
 - a) Introduced a new PPF.
 - b) Enabled the future introduction of a Municipal Planning Strategy (MPS).
 - c) Introduced a new state, regional and local integrated policy structure.
 - d) Modified the schedules to some existing zones, overlays and provisions to accommodate additional local content.
 - e) Created new operational provisions.
4. A key focus for Stage 3 of the Smart Planning Program is to ensure better alignment of local planning policy with state and regional policy by integrating local policy content into the new PPF.
5. Current local policy content within the Nillumbik Planning Scheme has been translated (refer **Attachment 5**) into the required new format, in a policy neutral manner, in accordance with the principles set out in *A Practitioner's Guide to Victorian Planning Schemes* to ensure policy content is:
 - a) Within the scope of the *Planning and Environment Act 1987* (the Act) and is strategically justified.
 - b) Clear in its application, proportional to the intended planning outcome and consistent with relevant parent provisions, practice notes, advisory notes and ministerial directions issued by the Minister for Planning.
 - c) Drafted to be clear and unambiguous.
6. The translation has also been undertaken in accordance with the *LPPF Translation Manual (March 2020)* prepared by DELWP.

13. Officers' reports**CM.074/21 Amendment C135nill - Planning Policy Framework (PPF) Translation**

7. Maps within the translated PPF have also been prepared and updated in accordance with requirements for mapping outlined in *A Practitioner's Guide to Victorian Planning Schemes*, noting some maps in the current existing ordinance are hand drawn and photocopied and not easily readable.
8. The Minister (via DELWP) requires the Nillumbik Planning Scheme to be translated by **1 June 2021** when the Smart Planning team will be de-commissioned.
9. The translation requires a 'fast-track' planning scheme amendment to implement the updated Local Planning Policy Framework (LPPF) which is specifically a policy neutral translation of LPPF content, implemented with expedited priority processing and utilisation of Section 20(4) of the *Planning and Environment Act 1987*.
10. Due to the policy neutral nature of the amendment the amendment process pursuant to Section 20(4) does not include exhibition and therefore no community engagement as no new content is proposed.

Translation Review Process

11. DELWP led the drafting process and sought to identify and carry forward existing local policy into the new PPF structure and Council have vetted the proposed changes and assisted with background work review of the drafts. As per the process for other Councils, two drafts have been prepared by DELWP.
12. A thorough review of the proposed changes by Smart Planning to the LPPF has been undertaken by officers which has included internal workshops with relevant teams within Council including statutory planning, environment and infrastructure in gaining feedback across the two drafts prepared by DELWP.
13. Two workshops were undertaken with the Smart Planning Team at DELWP to review Council's feedback.
14. Workshops have also been undertaken with internal Council departments and Councillors as part of the review of drafts.
15. The latest draft of the LPPF translation has captured, and in officer's view, effectively dealt with the majority of key concerns raised by officers – particularly in those areas that could have an impact on decision making on matters that are particular to Nillumbik.
16. Feedback was provided to Smart Planning that emphasised the specific unique environs of Nillumbik in the first Draft of the translation.
17. The issue of clauses being split between new clauses has been resolved with content being located in appropriate locations that now maintains the intent and integrity of the original policy.
18. Language changes proposed that could have had significant impacts on the strength of policy application have been changed to protect the strength of the policy, for example where original wording was 'strongly discourage' in certain policies the wording has been changed to 'avoid' which meets the policy drafting rules but is also considered a stronger position.
19. New Clause 15.01-5L Neighbourhood Character had been heavily edited. Council rely on this policy and the proposed edits were considered problematic for decision-making

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CM.074/21 Amendment C135nill - Planning Policy Framework (PPF) Translation

around neighbourhood character, particularly where there is generally no application of the SLO (e.g Diamond Creek residential areas). Content for policy currently sits in clause 22.12 and was implemented via the *Shire of Nillumbik Neighbourhood Character Study and Residential Design Guidelines (2000)*. This policy is very significant in the assessing of applications and has performed well at VCAT.

20. Some changes were appropriate (removal of bushfire provisions and existing character statement). However, there were changes which could have significantly weakened the policy. For example:
 - a) Removal of clear statement of preferred character
 - b) Removal of emphasis on retention of existing vegetation
 - c) Removal of clear pairing of design objectives with design responses
 - d) Removal and diluting of design responses tailored to particular precincts (e.g. car and access infrastructure in the bush precinct).
21. Officers through negotiation have secured a version of the current neighbourhood character policy (translated to new clause 15.01-5L) that does not meet the policy drafting rules, but retains the statement of preferred character, maintains the emphasis on retention of existing vegetation, and keeps the pairing of design objectives with design responses.
22. The statutory planning team have also reviewed the draft and have indicated comfort with this draft of the policy until a new policy can be implemented.
23. Smart Planning have advised that the policy has been reviewed by DELWP and they are accepting of its current form (noting it does not meet current drafting rules) given Council's intention to undertake preparation of a Neighbourhood Character Strategy which would inform an amendment to update the policy and would meet the drafting rules and guidelines.

Amendment C135nill (to facilitate the translation)

24. The amendment replaces the existing LPPF within the Nillumbik Planning Scheme with a Municipal Planning Strategy (MPS), local policies within the Planning Policy Framework (PPF) and selected operational provisions, consistent with:
 - a) The *Victoria Planning Provisions* as a result of Amendment VC148; and
 - b) The Ministerial Direction – The Form and Content of Planning Schemes.
25. The amendment makes the following changes to the content of Clauses 21 and 22 of the Nillumbik Planning Scheme (refer **Attachment 1 – Explanatory Report** and **Attachment 2 - Instruction Sheet** for information):
 - a) Relocates the content to the appropriate theme-based clauses in the PPF, MPS and relevant local schedules, with the intended effect of the original clauses remaining unchanged.
 - b) Clarifies and improves the style, format, language or grammatical form of content in accordance with the *Practitioner's Guide to Victorian Planning Schemes*, with the intended effect of the original clauses remaining unchanged.

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CM.074/21 Amendment C135nill - Planning Policy Framework (PPF) Translation

- c) Updates clause references, department names, legislation names, document references, terminology and statistical data.
 - d) Deletes or adjusts incompatible content that conflicts with State planning policy of the Victoria Planning Provisions (VPP).
 - e) Removes repetitive content.
 - f) Removes or updates outdated content.
26. To assist in detailing all the proposed changes to be made in the current LPPF as part of the planning scheme translation, this report includes:
- a) **Attachment 3:** which identified in tracked changes and tags, the current PPF (indicating removed/changed content and the new location of any relocated content);
 - b) **Attachment 4:** which identifies the tracked changes and tags version of the current PPF (as presented in Attachment 3) translated into new PPF structure; and
 - c) The final draft of the proposed new PPF (amendment ordinance at **Attachment 5**).
27. Further changes that have been made to the final draft of the ordinance (after Councils briefing of 4 May 2021) are highlighted in blue where any wording changes have been highlighted since the last draft.

Municipal Planning Strategy (MPS)

28. When Council translates its LPPF into the new format, it is also required to introduce a new (MPS). This replaces the MSS (although it has a different structure to the MSS) and sits at the front of the scheme.
29. The MPS supports and sets the vision and must succinctly explain the context for a municipality and provide the overarching strategic directions for the major land use and development matters that affect it.
30. Unlike the LPPF translation a new and robust MPS will not be 'policy neutral'.
31. It will therefore need to be undertaken in a separate process to the LPPF translation.
32. Preparation of the MPS represents the key opportunity to engage with the community.
33. The MPS will require community engagement in preparing the MPS, and a resulting planning scheme amendment to insert the new MPS into the Planning Scheme would be subject to full exhibition and notification (re-consultation).
34. Early community engagement on the MPS has been integrated with the 'Our People Our Place Our Future' (OPOPOF) work, with the result of the Shire-wide survey being used to inform the first draft of the MPS.
35. The OPOPOF survey closed on March 24 2021 and results are being finalized with preparation of a summary report. This report along with the outcomes of the survey for the Climate Action Plan will form the basis for the next round of consultation, specifically targeted to the preparation of the MPS which will result in a proposed amendment to Planning Scheme in late 2021 / early 2022.

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CM.074/21 Amendment C135nill - Planning Policy Framework (PPF) Translation

Related Council decisions

36. Not applicable.

Options

37. Not applicable.

Council plans and policies

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

- Prepare and develop an improved and holistic approach to strategic planning.

Sustainability implications

39. The changes to the Nillumbik Planning Scheme are generally administrative and policy neutral, however the amendment is expected to have positive environmental, social and economic effects for Victorian businesses, industry and the community by:

- a) Improving the clarity and transparency of local policy content in the MPS, PPF and proposed local schedules which results in greater certainty for users of the system.
- b) Reducing unnecessary costs to applicants and councils as a result of unclear planning provisions.
- c) Improving planning outcomes by removing errors, inconsistencies and incompatibility in local policy content in the MPS, PPF and proposed local schedules.

40. The application of updated and improved local policy content in the MPS, PPF and amended local schedules will provide certainty to the users of the planning system by ensuring land use and development outcomes are consistent with environmental, social and economic land use objectives of planning in Nillumbik and Victoria.

Community engagement

41. Pursuant to the *Planning and Environment Act (1987)* notification will not be undertaken for Amendment C135nill pursuant to Section 20(4) of the Act.

DELWP Consultation VC148

42. In July 2017 the Smart Planning program undertook stakeholder consultation that included a targeted stakeholder questionnaire and an open online survey that generated 688 responses. The feedback informed the reform proposals included in the discussion paper *Reforming the Victoria Planning Provisions*, which was released for public comment in October 2017.

43. The discussion paper outlined recommendations that are partly implemented by Amendment C135nill, over 250 submissions were received from a range of stakeholders to all elements of the discussion paper, including local government, state government departments and agencies, development and planning industry organisations and practitioners, community groups and individuals.

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CM.074/21 Amendment C135nill - Planning Policy Framework (PPF) Translation

44. The types of changes to be made to local policy across all planning schemes were communicated to council staff during the series of Smart Planning Consultation Roadshows in August and September 2018 that outlined the Program's direction for 2018/19.
45. The types of changes to be made to local policy across all planning schemes is set out in the *LPPF Translation Manual (March 2020)*. The document has been provided to all councils as part of the translation project.
46. A December 2018 Smart Planning newsletter was sent to all subscribers advising them of the roll out of the Local Planning Policy Translation project.

Innovation and continuous improvement

47. The amendment provides certainty to users of the scheme and provides clear strategic direction that will inform decision making regarding use and development in the municipality, consistent with these objectives.

Collaboration

48. The amendment has been prepared by the Smart Planning Team at DELWP as project lead for all planning scheme translations in Victoria. Officers have worked with DELWP to ensure the translated PPF is appropriate for Nillumbik.
49. Amendment C135nill makes administrative changes to the Nillumbik Planning Scheme following approval of the changed planning scheme format established in Amendment VC148. Various government agencies and other entities were involved in the identification or preparation of particular changes as part of the wider Smart Planning consultation.
50. The views of Nillumbik Council officers were addressed in the preparation of the amendment.

Budget implications

51. The cost of preparing and undertaking the amendment will be at the expense of the Minister for Planning (DELWP).

Relevant law

52. *The Planning and Environment Act (1987)* (the Act).

Regional, state and national plans and policies

53. By restructuring local policy content into the MPS, PPF and local schedules, the amendment will clarify, condense and modernise the Nillumbik Planning Scheme, implementing the objectives of planning in Victoria set out in section 4(1) of the Act:
 - a) To provide for the fair, orderly, economic and suitable use, and development of the land.
 - b) To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.
 - c) To facilitate development in accordance with the objectives of planning in Victoria.

Conflicts of interest

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

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CM.074/21 Amendment C135nill - Planning Policy Framework (PPF) Translation

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CM.075/21 **Victorian Electoral Commission - Nillumbik Shire Council Election Report**

Distribution: **Public**

Manager: **Katia Croce, Acting Executive Manager Governance, Communication and Engagement**

Author: **Emma Christensen, Acting Governance Lead**

Summary

The *Local Government Act 2020* (the Act) outlines that the general election of Councillors for all councils must be held on the fourth Saturday in October 2020 and every four years thereafter.

On 24 October 2020 local government general elections were held for 76 out of 79 Councils, with Nillumbik being one of the 76 councils. As they currently sit under administration, South Gippsland, Casey and Whittlesea are the three councils that did not hold elections.

Regulation 83(1) of the *Local Government (Electoral) Regulations 2020* (Regulations) requires the Victorian Electoral Commission (VEC) to prepare a report to the Chief Executive Officer of a council on the conduct of the election within the period of six months after election day.

The Regulations require the Chief Executive Officer to ensure that the report is submitted to the Council at the earliest practicable meeting of the Council held after the report is received.

The 2020 Nillumbik Shire Council – Election Report (**Attachment 1**) prepared by the VEC, was received on 19 April and this officers' report to Council satisfies the requirements of the Regulations.

Recommendation

That Council notes the 2020 Nillumbik Shire Council – Election Report (**Attachment 1**).

Attachments

- 1  2020 Nillumbik Shire Council - Election Report

Discussion

1. The VEC is the statutory election service provider for the conduct of local government elections as specified in section 263(1) of the Act.
2. In 2019 the VEC undertook an electoral representation review of Nillumbik, with the result being the retention of the existing seven single-councillor wards with a slight boundary review between the Swipers Gully and Sugarloaf wards. The VEC submitted their preliminary report to the Minister which was accepted in April 2020.
3. It was confirmed that the general election would again be conducted by postal vote.

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CM.075/21 Victorian Electoral Commission - Nillumbik Shire Council Election Report

4. Following changes with the implementation of the new Act in 2020, single-councillor wards will be the default electoral structure and the VEC is no longer responsible for conducting electoral representation reviews. In the future, electoral representation reviews will be undertaken by an independent Local Government Electoral Representation Advisory Panel.

Voters Roll

5. As required by both the Act and the *Electoral Act 2002* (Vic) the voters' roll was prepared for the election. The close of the voters' roll was 4pm on 28 August 2020, and the voters' roll was certified on 17 September 2020.
6. At the time of certification, the voters' roll for Nillumbik's general election included 48,101 enrolled voters. This voters' roll was formed by combining two lists of voters being:
- The Electoral Commissioner's list (list of State electors that are enrolled within the municipality) – 46,895 voters; and
 - The Chief Executive Officer's list (List of council-entitled voters) – 1,206 voters.

Appendix 1 of the Report breaks down the voters' roll for Nillumbik by ward.

Candidates

7. The Act required for the first time that all individuals nominating as a candidate for election must have completed mandatory training to be eligible to nominate.
8. At the close of nominations at 12 noon on Tuesday 22 September 2020, 79 candidates had nominated for election. The breakdown of candidates by ward was as follows:
- Blue Lake – 8
 - Bunjil – 13
 - Edendale – 10
 - Ellis – 3
 - Sugarloaf – 16
 - Swipers Gully – 11
 - Wingrove – 18

A full list of candidate names can be found in Appendix 7 of the Report.

Election

9. Doug Hocking was appointed by the VEC to be the Election Manager (previously referred to as Returning Officer) for the election. The Nillumbik general election was conducted by postal ballot in accordance with the Act and the Regulations.
10. Ballot packs were mailed out between 6 October and 8 October 2020, as outlined in Appendix 8 of the Report. During the voting period, 546 ballot packs were returned to the election office by Australia Post as 'return-to-sender' mail. Most of this mail was due to the addressee not residing at the address.

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CM.075/21 Victorian Electoral Commission - Nillumbik Shire Council Election Report

11. Ballot papers were counted manually using the preferential method of counting following the extraction of ballot papers, and provisional results were published on the VEC website as they became available.
12. Prior to a candidate being declared, a recount may be initiated by the Election Manager or in writing by a candidate stating the reasons for their request. A request by a candidate is assessed by the Election Manager supported by the VEC and either accepted or declined.
13. Two requests for recounts were received by the Election Manager, one request for Blue Lake ward and one request for Bunjil ward. As neither ward had a critical margin and all operational processes were followed, the requests did not proceed to a recount process.
14. Results for the Nillumbik general election were declared at 3:30pm on 6 November 2020 at the Election Office in Bolton Street, Eltham. A full list of the results including first preference votes and percentages can be found in Appendix 9 of the Report.

Election statistics

15. Voter participation and turnout were measured separately for the purpose of election statistics. Participation is the total number of marks on the roll as a percentage of the total enrolment. Voter turnout is measured by the number of formal and informal ballot papers counted in the election as a percentage of the voters on the voters' roll.
16. Voter participation and turnout were both higher than the State average and an increase on the 2016 Nillumbik election (excluding Melbourne City Council), while informal voting was lower than the State average and a decrease on the 2016 Nillumbik election (excluding Melbourne City Council).

	Nillumbik 2020 election	State average (excluding Melbourne City Council)	Nillumbik 2016 election
Voter participation	89.86%	84.12%	82.95%
Voter turnout	88.16%	81.47%	80.97%
Informal voting	3.59%	4.76%	3.67%

17. On 22 February 2020 the VEC commenced the process for non-voter follow up in accordance with section 267 of the Act. Any person who was required to vote at the 2020 general election and appeared not to have voted was to be issued an apparent failure-to-vote notice.
18. An apparent failure-to-vote notice does not carry a penalty, however a person who received a notice was required to respond stating the reasons why they have failed to vote. 2,763 apparent failure-to-vote notices were issued on 22 February 2021.

13. Officers' reports

CM.075/21 Victorian Electoral Commission - Nillumbik Shire Council Election Report

19. Failure to vote infringement notices were dispatched in early May to persons who either did not respond to the apparent failure-to-vote notice or where their reason for not voting has been deemed as an insufficient reason to be excused for failing to vote at the 2020 general election. Failing to vote carries a penalty of \$83.00.

Complaints

20. Complaints received by the VEC for local government elections will generally fall into one of two broad categories being:

- a) The conduct of participants in the election (candidates and other participants)
- b) The administration of the election.

The majority of complaints received for the election related to category a), often being a complaint alleging inappropriate or illegal actions by another person or group.

21. A complaint received by the VEC may be referred to the Local Government Inspectorate for investigation where an alleged breach relates to the Act, or to Council where an alleged breach relates to a Council local law.
22. The VEC received 43 written complaints relating to the election, and a description and action taken by the VEC is outlined in Appendix 11 of the Report.

Related Council decisions

23. Not applicable.

Options

24. Not applicable.

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. Not applicable.

Community engagement

27. The VEC as the statutory election service provider for the local government elections, was responsible for the publishing of all statutory public notices. Statutory advertising is outlined in Appendix 2 of the Report.
28. The Council 'Elections' webpage was reformatted to include up to date information of a general nature, and specific tiles that took users to information for voters and information for candidates. A banner tile and link was inserted on the Council website homepage highlighting the Elections webpage.
29. Information mandated under the Act to be available for public inspection on the website during the election period being 'Candidate Information Requests' was included as a link on the Elections webpage and remains available for inspection.
30. Information mandated under the Act to be available for public inspection after the election being, 'Candidate Donations' is available as a link on the Elections webpage.

13. Officers' reports

CM.075/21 Victorian Electoral Commission - Nillumbik Shire Council Election Report

31. Council used the website and social media platforms regularly in the lead up to the election, during the election period, and after the election to promote key dates and events and to keep the community informed of matters such as candidate information sessions, the mail out of ballot papers, reminders to complete ballot papers and failure to vote notices being issued by the VEC.

Innovation and continuous improvement

32. Not applicable.

Collaboration

33. Not applicable.

Budget implications

34. Costs associated with the 2020 local government general election are accommodated within the 2020-2021 operating budget.

Relevant law

35. The following legislation is relevant to council elections:
- *Local Government Act 2020*
 - *Electoral Act 2002 (Vic)*
 - Local Government (Electoral) Regulations 2020.

Regional, state and national plans and policies

36. Not applicable.

Conflicts of interest

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

13. Officers' reports

CM.075/21 Victorian Electoral Commission - Nillumbik Shire Council Election Report

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13. Officers' reports**CM.076/21 Expert Panel's Comprehensive Review of Victoria's Building System - Framework for Reform**

Distribution: Public**Manager: Rosa Zouzoulas, Executive Manager Planning and Community Safety****Author: Mehran Khademollah, Manager Building Services****Summary**

The Victorian Government established the independent Building Reform Expert Panel (the Panel) to lead its review of the building legislative and regulatory system (the Review). The reasons the Government commissioned this comprehensive Review of Victoria's building system include the need to:

- a) address risks of regulatory and industry failure, as highlighted by the use of combustible cladding material; and
- b) modernise the legislative and regulatory framework to address contemporary building design and construction approaches, and to underpin a thriving construction sector.

On 7 April 2021, the Victorian Government's Expert Panel on Building Reform released the 'Framework for Reform' discussion paper, which sets out its plan for reforming the building system. Feedback to the discussion paper is due on 19 May 2021, although Council has received confirmation of an extension until 27 May 2021 to allow consideration at this Council meeting. Subject to Council resolving to make a submission officers will submit Council's Submission (**Attachment 1**) by the extended due date.

Recommendation

That Council:

1. Submits Council's Submission to the State Government in response to the Expert Panel's Review of Victoria's Building System (**Attachment 1**) in relation to the Framework for Reform discussion paper before 27 May 2021.
2. Places Council's Submission to the State Government in response to the Expert Panel's Review of Victoria's Building System (**Attachment 1**) in relation to the Framework for Reform discussion paper on Council's website.

Attachments

- 1  Victorian Building Review Submission

13. Officers' reports**CM.076/21 Expert Panel's Comprehensive Review of Victoria's Building System - Framework for Reform**

Discussion

1. This Review was a key recommendation of the Victorian Cladding Taskforce in its 2019 report to the Government.
2. The key objectives of this Review are to create a building regulatory system for Victoria that:
 - 4.1. *Delivers safe, compliant, durable, affordable and sustainable housing and buildings efficiently and effectively.*
 - 4.2. *Protects consumers and improves confidence in the industry and regulators.*
 - 4.3. *Supports skilled and experienced practitioners to carry out compliant and safe practices; and*
 - 4.4. *Supports regulators to effectively and efficiently enforce compliance.*
3. The review identifies a three staged approach to reform which is aimed to deliver holistic and fundamental changes for an effective risk-based building regulatory system for Victoria which will aim to improve compliance and enforcement and encourage and reward best practice. The Panel has recommended the staged approach, to be delivered over two years from 2021 as follows:
 - 5.1. *Stage one will include prioritising improvements to the system which will underpin the foundations of a modern, robust and growing construction sector*
 - 5.2. *Stage two actions will improve building information, dispute resolution and building approvals, including mandatory inspections and consider the introduction of statutory duties of care*
 - 5.3. *Stage three is the delivery of a new legislative framework for the Building Act.*
4. The discussion paper to which feedback is currently being sought talks to Stage one. The key issues and possible improvements for Stage one as outlined in the discussion paper centre on the following four elements:
 - 6.1. *Practitioner registration – concerns of complex and high risk work being performed by practitioners without the necessary skills, the corporate registration system not being effective enough to deter non-compliance, only some classes stipulate that a practitioner must be registered to carry out work and not all aspects of work undertaken for today's construction projects are covered by registered practitioner classes;*
 - 6.2. *Building approvals – inadequate processes and oversight of complex buildings, concentration of responsibility and associated risk on the Relevant building surveyor (RBS) in the building approvals process, limited oversight over decision making by the RBS during the building approvals process and potential for conflicts of interest between private building surveyors and builders, developers or design practitioners;*
 - 6.3. *Regulatory oversight – overlay of functions and powers of the regulators, fragmented approach to oversight of design practitioners, inadequate data collection, access to and sharing of data with government agencies or departments, and ongoing criticism of building regulators;*

13. Officers' reports**CM.076/21 Expert Panel's Comprehensive Review of Victoria's Building System - Framework for Reform**

-
- 6.4. *Consumer protection – difficulties for consumers accessing and acting on information to exercise their rights, a lack of transparent information about consumer harms and systemic risks, and a lack of formal systemic representation and individual advocacy support for consumers.*
7. Council's Municipal Building Surveyor, Mehran Khademollah has engaged with the expert panel review through our involvement with and membership of the Victorian Municipal Building Surveyors Group and has made a considerable contribution to the development of this discussion paper.
8. The Municipal Association of Victoria (MAV) has also made significant contributions to the development of discussion paper. The MAV media release is available here [Unprecedented opportunity to fix our building regulatory system | MAV website](#)
9. The discussion paper is available on the Engage Victoria website at engage.vic.gov.au/expert-panels-comprehensive-review-victorias-building-system
10. A comprehensive consultation plan including stakeholder forums is published on the Engage Victoria website.

Key Issues

11. One of the common criticisms of the current Victorian building system is the potential for conflicts of interest between private building surveyors and builders or developers, which has arisen due to a lack of sufficient regulatory oversight. The Panel has considered a number of options to address this important issue.
12. Although a series of changes have been made to the building regulatory system over the last decade, these changes have been focused on addressing specific issues rather than delivering whole-scale reform, and have been largely ineffective in resolving the major shortcomings of the system.
13. Recent evidence of regulatory and industry failures that led to incidents, such as the Lacrosse and Neo200 building fires caused by the use of combustible cladding, highlighted weaknesses in the regulatory system and the fact that our regulatory system has not kept pace with changes in housing demand and construction practices.
14. There are thousands of buildings with non-compliant combustible cladding throughout Victoria which have to be rectified at considerable cost to both government, state and local as well as owners of the defective and non-compliance buildings.
15. Many of the shortcomings of the current system have been referred to Councils and their Municipal Building Surveyors to resolve through enforcement processes. There is little revenue to Council in the current system to carry out these functions which has placed considerable stress on the municipal Building Control system.
16. Significant changes to the building regulatory system are needed to improve community safety as well as outcomes for consumers of building industry products and services.

13. Officers' reports

CM.076/21 Expert Panel's Comprehensive Review of Victoria's Building System - Framework for Reform

Related Council decisions

17. Not Applicable.

Options

18. Not Applicable.

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. Not Applicable.

Community engagement

21. Not Applicable.

Innovation and continuous improvement

22. Not Applicable.

Collaboration

23. Not Applicable.

Budget implications

24. The system needs to provide clear lines of funding for Councils and MBS to carry out their building control functions.

Relevant law

25. Not Applicable.

Regional, state and national plans and policies

26. Not Applicable.

Conflicts of interest

27. Mehran Khademollah (MBS) and author of this report, is an ordinary committee member of the VMBSG.

13. Officers' reports

CM.077/21 Inclusion Advisory Committee membership and Terms of Reference endorsement

Distribution: Public**Manager: Narelle Hart, Manager Community Programs****Author: Angela Lampard, Disability Inclusion and Volunteer Coordinator****Summary**

The Inclusion Advisory Committee (IAC) provides a formal mechanism for Council to consult with key stakeholders, seek specialist advice and enable community participation in the implementation of the Disability Action Plan 2020-2024, as well as current and future planning to promote disability inclusion.

Council called for 2021-2023 Inclusion Advisory Committee nominations via a public Expression of Interest (EOI) process from 2 November - 18 December 2020.

Angela Lampard (Disability Inclusion and Volunteering Coordinator), Angela Clare (Disability Inclusion Officer) and IAC Committee Chair, Mayor Cr Peter Perkins formed the assessment panel required to review all nominations.

The assessment panel feel that all 13 EOI nominees will bring further depth and diversity to the work of the Committee.

Following the 4 May 2021 Council Briefing about the nomination and assessment process for vacant IAC membership positions, Council endorsement of membership and amended Terms of Reference is now recommended. Proposed membership consists of seven new members, and six standing members. This report also recommends that Council acknowledge all submissions received and thank each nominee for their expression of interest.

Recommendation**That Council:**

1. Endorses all 13 nominees for appointment to the Inclusion Advisory Committee in the Inclusion Advisory Committee Nominations Recommendation Report (**Attachment 1 - CONFIDENTIAL**).
2. Acknowledges and thanks all community members who submitted expressions of interest to the Inclusion Advisory Committee.
3. Resolves that the Inclusion Advisory Committee Nominations Recommendation Report (**Attachment 1 - CONFIDENTIAL**) remain confidential on the grounds specified in the definition of confidential information in section 3(1)(f) of the *Local Government Act 2020*.
4. Confirms amended Terms of Reference for the Inclusion Advisory Committee (**Attachment 2**).
5. Resolves that the successful nominees be named.

13. Officers' reports

CM.077/21 Inclusion Advisory Committee membership and Terms of Reference endorsement

Attachments

1. Inclusion Advisory Committee Nominations Recommendation Report - *CONFIDENTIAL*
2. Inclusion Advisory Committee Terms of Reference 

Discussion

1. In August 2020, current standing members of the Inclusion Advisory Committee (IAC) reviewed the IAC Terms of Reference (ToR) and discussed the potential to re-apply for the 2021-2023 Committee term.
2. In November 2020, expressions of interest (EOI) were sought via multiple channels including:
 - Nillumbik News Summer edition 2020
 - Targeted invitations to disability service providers including HealthAbility, St John of God, Araluen and Brotherhood of St Lawrence
 - Existing advisory committee members and local community group networks, including the Disability Inclusion Network with over 290+ members (individuals, organisations and schools)
 - Council's website and social media page.
3. A total of 13 EOI applications were received. Applications were reviewed in April 2021 by the assessment panel, in accordance with the assessment matrix. The assessment matrix forms the Inclusion Advisory Committee Nominations Recommendation Report for all 13 nominees (**Attachment 1**).
4. The assessment matrix was equally weighted to assess each nominees response to the following:
 - Expertise and/or interest relating to disability inclusion and how they will represent the broader needs of the community.
 - Understanding of the current issues and needs in Nillumbik.
 - Action undertaken with Council to address Nillumbik's 2020-2024 Disability Action Plan.
 - Previous experience representing a Council committee or group.
5. Nominees represented a balance of people with personal experience of disability, disability advocates, carers and disability service providers.
6. The assessment panel consider all 13 EOI nominees to be suitable for IAC membership and that nominees will bring further depth and diversity to the work of the Committee. IAC membership also serves as an opportunity for professional development for nominees.

13. Officers' reports

CM.077/21 Inclusion Advisory Committee membership and Terms of Reference endorsement

7. The report recommendation is therefore for membership to increase from 10 to 13 members and for this change to be endorsed in the IAC Terms of Reference (**Attachment 2**).
8. Should Council endorse IAC membership and ToR, members will review the name of the Committee at its first Meeting to ensure the name clearly reflects the function and duties of the Committee.

Related Council decisions

9. In May 2020, Council endorsed the 2020 - 2024 Disability Action Plan (DAP). The DAP underpins and drives the work of the Committee.

Options

10. That Council formally endorses membership for the Committee to allow for the Inclusion Advisory Committee to complete its duties.
11. That Council confirms the amended ToR to reflect an increase in membership to 13 members (**Attachment 2**).
12. That Council formally acknowledges and publically thank all community members who submitted expressions of interest for vacant positions.

Council plans and policies

13. This report directly supports the achievement of Council Plan 2017-2021 strategy to:
 - Strengthen the focus on social inclusion, building social capital and connection within communities.
14. This report also directly supports the achievement of priority areas in the Disability Action Plan 2020-2024 to:
 - Reduce discrimination and create more opportunities for people with disability to participate in all aspects of community life.

Sustainability implications

15. Not applicable.

Community engagement

16. IAC Terms of Reference were presented to the Inclusion Advisory Committee for consultation in August 2020.
17. Expressions of Interest (EOI) sought via multiple engagement channels.

Innovation and continuous improvement

18. Through the EOI process, community members were encouraged to speak directly with the Inclusion Team about the IAC and the support we offer to ensure their experience is welcoming, accessible and inclusive.

Collaboration

19. Not applicable.

13. Officers' reports

CM.077/21 Inclusion Advisory Committee membership and Terms of Reference endorsement

Budget implications

20. Not applicable. Administrative support for the Committee is provided through the Community Services operational budget.

Relevant law

21. Not applicable.

Regional, state and national plans and policies

22. Not applicable.

Conflicts of interest

23. None of the officers involved in the preparation of this report have a conflict of interest to declare.

13. Officers' reports

CM.078/21 Tender Report - Contract 2021-059 Essential Safety Measures & Auditing - Council Facilities

Distribution: Public

Manager: Hjalmar Philipp, Director Operations and Infrastructure

**Author: Jonathon Miller, Manager Property and Facilities Maintenance
Colin Wood, Facility Manager - Edendale Community Farm
Lance Clark, Senior Procurement Specialist**

Summary

This report recommends the awarding of contract 2021-059 for Essential Safety Measures & Auditing - Council Facilities.

The contract term is for an initial period of two (2) 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 four (4) 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 2021-059 for Essential Safety Measures & Auditing - Council Facilities.

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. Accept the tender submitted by the **preferred tenderer** for the schedule of rates disclosed in (**Attachment 1**) and enter into the following contract:
Number: 2021-059
Title: Essential Safety Measures & Auditing - Council Facilities
Term: 1 June 2021 to 31 May 2023
Options: Term extensions up to 31 May 2025.
2. Authorises the Director Operations and Infrastructure to finalise and execute the contract documentation.
3. Authorises the Director Operations and Infrastructure to approve contract term extensions.
4. Authorises the Director Operations and Infrastructure to approve additional cost variations that are a result of changes to operational or legislated requirements throughout the term of the contract.
5. Advises all tenderers accordingly.
6. Makes public the decision regarding this contract 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*.

13. Officers' reports**CM.078/21 Tender Report - Contract 2021-059 Essential Safety Measures & Auditing - Council Facilities**

Attachments

1. Tender Evaluation Summary Report - *CONFIDENTIAL*

Discussion

1. In accordance with the *Building Act 1993* (the Act), building owners, including councils, are required to maintain certain components of their buildings for the safety of occupants, tenants and the public. This is achieved by inclusion and maintenance of Essential Safety Measures (ESMs), which are determined by an Occupancy Permit (post 1994) or a Maintenance Determination. Examples of ESMs include illuminated "exit" signage, fire detection and suppression equipment/systems, such as extinguishers, fire indicator panels and smoke detectors.
2. The Act provides that an 'owner' in relation to a building means the owner of the land on which the building is situated. On this basis, Council is considered responsible for maintaining the ESM's and equipment within buildings that are:
 - Council owned;
 - Council managed; and
 - Non Council where:
 - A lease/license agreement directs responsibility for ESM onto Council; or
 - Council occupies the building and provides services; or
 - A building resides on Council owned/managed land where a land only lease exists.
3. There is strict liability in relation to maintaining compliance of ESMs of a building, and all required buildings are subject to an annual compliance audit and report, signed off by a registered building surveyor. The annual audit essentially reports on the compliance of a particular building's ESM maintenance program.
4. Council's current ESM program includes 127 occupied buildings. The program has grown organically since the mid 2000's as additional buildings have been added, and understanding of legislative requirements to maintain compliant buildings has matured.
5. To comply with requirements of the Act and the Building Code of Australia, Council's ESM program includes auditing, maintenance, defects rectification work and quarterly egress inspections.
6. Council's current program model utilises 22 contractors to undertake audits and maintenance tests of various specialised ESM components, and then the same number to implement any defect rectification. In addition, a professional organisation is contracted to complete 3 monthly egress audits to all buildings, and to coordinate and sign off (or otherwise) required annual ESM reports for each building – to certify that the ESMs are being maintained as required.

13. Officers' reports

CM.078/21 Tender Report - Contract 2021-059 Essential Safety Measures & Auditing - Council Facilities

7. Council's Tendered ESM Model is to simplify the current process to appoint a single supplier to deliver the required ESM's services to Council buildings. The single provider will undertake all ESM testing, maintenance auditing, defect rectification, egress inspections and reporting. As a safe guard, Council retains the right to obtain independent quotations for any defect rectification works.
8. This model allows for program improvements such as QR coding of all individual ESM assets, which link to specialised ESM IT software that allows instantaneous tracking of asset compliance status. It also allows full integration with Council's new Asset Management System – Assetic.
9. Having the above technology in place will allow Council to be issued with legislated annual compliance reports when they come due. The current manual system of checking maintenance log books in individual buildings takes a consultant approximately 3 months (annually from late March to June) to complete, with further delays encountered if log books have not been completed by any one of our 22 maintenance contractors.

Council plans and policies

10. This report directly supports the achievement of Council Plan 2017-2021 strategies
 - Ensure responsible and efficient management of Council's financial resources.
 - Ensure that Council meets its legal responsibilities and manages its risks.

Tender overview

The Tender Evaluation Panel (TEP) advises that:

11. A public tender was issued on and advertised in the Melbourne Age on Saturday 16 January, 2021.
12. The period for tender submissions closed at 2pm on Thursday 25 February 2021.
13. Eight tenders were received.
14. 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.
15. The members of the TEP were;

Position Title	Business Unit	Scoring Member or Advisory Member
Manager Property and Facilities Maintenance	Operations & Infrastructure	Scoring
Building Maintenance & Early Years Support Officer	Operations & Infrastructure	Scoring
Coordinator, Community Facilities Maintenance & Management	Operations & Infrastructure	Scoring
Senior Procurement Specialist	Corporate Services	Advisory

13. Officers' reports

CM.078/21 Tender Report - Contract 2021-059 Essential Safety Measures & Auditing - Council Facilities

16. The recommended tenderer was the highest ranked and is considered best value because of their overall tender response and ability to evidence their capability and capacity clearly. The recommended tenderers schedule of rates was the most competitive of the four shortlisted tenderers.
17. **Attachment 1** - Tender Evaluation Summary Report – Confidential, provides the tenderer names and the Evaluation Scorecard Summary.
18. The Tender Evaluation Summary Report (**Attachment 1**) is to remain confidential on the grounds specified in the definition of confidential information in section 3(1)(g) of the *Local Government Act 2020*.

Capability and Capacity

19. A detailed and thorough tender response that demonstrated the company ability to undertake the contract in an efficient manner. Both Service & Account Managers reside in Nillumbik which is favourable.
20. A well-established organisation with multiple Essential Safety Measures contracts.
21. Have adequate internal and external resources and professional knowledge and systems for reporting, ordering and tracking work are in place.

Tender Interviews and Reference checks

22. Tender interview held on Tuesday 23 March 2021 provided further assurance in the company's capabilities and capacity to undertake the required services and provide a solid auditing and reporting structure.

Contingency and risks

23. The appointment of a single ESM provider will de-risk Council's ESM program by providing contemporary technology and by minimising the number of contractors involved – all potential points of failure.
24. It is expected that additional ESM program costs will be incurred as Council upgrades its existing facilities, and constructs new facilities. This must be considered in all building upgrade and new construction programs.

Collaboration

25. Not applicable for this tender.

Budget implications

26. Council's ESM program is funded from a specific recurrent budget line item, within the Property and Facilities Maintenance Department.

Sustainability implications

27. Not applicable.

Stakeholder Consultation/communication

28. Not applicable.

13. Officers' reports

CM.078/21 Tender Report - Contract 2021-059 Essential Safety Measures & Auditing - Council Facilities

Innovation and continuous improvement

29. The new contract arrangements will tie into the new Council Asset Management System – Assetic, that is currently in implementation phase. The recommended tenderers system is compatible with Assetic requirements.
30. The system used by the recommended tenderer now provides Geomapping capability, which will be a huge benefit to Council in developing clear mapping of the location of ESM assets at each Council sites.
31. The recommended tenderers system also allows for instant access to determine compliance of individual ESM components, and tracking of compliance testing schedules.

Relevant law

32. Local Government Act 1989 - SECT 186 Restriction on power to enter into contracts.
33. Building Act (1993).
34. National Construction Code of Australia.

Regional, state and national plans and policies

35. Not applicable.

Conflicts of interest

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

13. Officers' reports

CM.078/21 Tender Report - Contract 2021-059 Essential Safety Measures & Auditing - Council Facilities

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13. Officers' reports

CM.079/21 Tender Report - Contract 2021-032 Provision of Immunisation Services

Distribution: Public

Manager: Corrienne Nichols, Executive Manager Communities

**Author: Sonia Evans, Coordinator Maternal Child Health and Immunisation
Narelle Hart, Manager Community Programs
Lance Clark, Senior Procurement Specialist**

Summary

This report recommends the awarding of contract 2021-032 for Provision of Immunisation 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 2021-032 for Provision of Immunisation Services.

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. Accept the tender submitted by the **preferred tenderer** for the sum of \$[_____] for the initial first year of contract, plus annual CPI increases applied for the remaining years of the contracted period and enter into the following contract:
Number: 2021-32
Title: Provision of Immunisation Services
Term: 1 July 2021 to 30 June 2024
Options: Term extensions up to 30 June 2026
2. Authorises the Chief Executive Officer to finalise and execute the contract documentation.
3. Authorises the Chief Executive Officer to approve contract term extensions.
4. Authorises the Chief Executive Officer to approve additional cost variations that are a result of changes to the National Immunisation Program Schedule requirements throughout the term of the contract.
5. Advises all tenderers accordingly.
6. Makes public the decision regarding this contract 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*.

13. Officers' reports

CM.079/21 Tender Report - Contract 2021-032 Provision of Immunisation Services

Attachments

1. Tender Evaluation Summary Report - *CONFIDENTIAL*

Discussion

1. In Victoria the routine schedule of vaccines is provided free to the community under the National Immunisation Program and the Victorian funded immunisation program. It includes vaccines provided for children, adolescents and adults at increased risk of vaccine preventable disease.
2. Whilst the Victorian State program falls under the umbrella of the National Immunisation Program, programs vary across each State and are updated and changed as required by the individual States.
3. Immunisations in Victoria are provided by:
 - a. Local councils
 - b. Some GPs and specially qualified nurses in medical clinics
 - c. Community Health Services
 - d. Some Maternal and Child Health nurses
 - e. Travel clinics
 - f. Some pharmacists and hospitals.
4. In Victoria, local councils deliver a significant proportion of vaccines provided free under the National Immunisation Program (NIP) Schedule, to people at all ages and stages of life.
5. Within their municipal districts, local council immunisation services may provide free vaccinations to babies and children; young people in secondary schools; refugee and asylum seeker communities; and those eligible for free influenza immunisation. These services may be delivered in the community, secondary schools and workplaces.
6. Some Councils deliver the program 'in-house'. Nillumbik Shire Council outsources the program service requirements. The current contract for the program service ends on 30 June 2021.
7. Under section 186 of the Local Government Act 1989, given the annualised cost of the immunisation program, Council is required to issue a Public Tender process to replace the existing contracted arrangements for the service.

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.
 - Ensure that community services, programs and facilities are inclusive and respond to current and emerging needs.

13. Officers' reports

CM.079/21 Tender Report - Contract 2021-032 Provision of Immunisation Services

Tender overview

The Tender Evaluation Panel (TEP) advises that:

9. A public tender was issued and advertised in the Melbourne Age on Saturday, March 20, 2021.
10. The period for tender submissions closed at 2pm on Thursday, April 15, 2021.
11. The following tenders were received.

TENDERER	Tendered Sum
Tenderer A – Preferred Tender	Schedule of Rates
Tenderer B	Schedule of Rates

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. No tenders were evaluated as non-conforming or not sufficiently competitive and subsequently set aside from further evaluation.
14. 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	20%
Capacity	20%
Collaboration	10%
Social and Local	10%

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

13. Officers' reports

CM.079/21 Tender Report - Contract 2021-032 Provision of Immunisation Services

16. The members of the TEP were;

Member Name	Position Title	Business Unit	Scoring Member or Advisory Member
Narelle Hart	Manager Community Programs	Community Services	Scoring
Sonia Evans	Maternal and Child Health Nurse Coordinator	Community Services	Scoring
Leah Farrell	Coordinator Environmental Health	Community and Planning	Scoring
Corrienne Nichols	Executive Manager Community Services	Community Services	Advisory
Lance Clark	Senior Procurement Specialist	Corporate Services	Advisory

17. The final evaluation outcome was as follows:

TENDERER	SCORE	RANK
Tenderer A – Preferred Tender	92	1
Tenderer B	87	2

- 18. The recommended tender was the highest ranked and based on their capacity and capability and location is considered best value.
- 19. **Attachment 1** - Tender Evaluation Summary Report – Confidential, provides the tenderer names and the Evaluation Scorecard Summary.
- 20. The Tender Evaluation Summary Report (**Attachment 1**) to remain confidential on the grounds specified in the definition of confidential information in section 3(1)(g) of the *Local Government Act 2020*.

Capacity

21. Submission demonstrates ability to deliver this program on behalf of Nillumbik whilst also being responsive and adaptive to changes with the program or delivery environment and changes to the National immunisation schedule. Policies and procedures are in place and documented. Processes and systems in place for OHS and QMS alternative. Proven experience in managing a large immunisation program.

Capability

22. Submission demonstrates a structured approach to program delivery and outlines the process and timelines if successful in tender. Intricate local knowledge and workforce planning evident. All staff are suitably qualified.

13. Officers' reports

CM.079/21 Tender Report - Contract 2021-032 Provision of Immunisation Services

Contingency and risks

23. Considered risks as part of the tender process was in relation to transition in plans and timelines.
24. All tenderers were required to provide their COVID-19 Safe Work Plans, along with their methodology in the event of another COVID-19 outbreak to demonstrate service continuity plans.

Collaboration

25. Not applicable for this tender process.

Budget implications

26. The budget forecast for the immunisation program is managed during the annual budget process and takes into account any changes to the immunisation schedule if required.

Sustainability implications

27. Not applicable.

Stakeholder Consultation/communication

28. Not applicable.

Innovation and continuous improvement

29. An Annual Client Satisfaction Survey and report will be undertaken during the term of the contract. The results of these surveys will identify any areas for improvement in the delivery of the program.
30. The success of the program will be measured using the following;
 - a) Overall immunisation coverage rate must be achieved in accordance with Federal Government targets:
 - Minimum total age appropriate immunisation rate of 95% from 24 January 2021.
 - b) Accuracy and timeliness of records and reports.
 - c) Relative incidence of vaccine preventable disease
 - Vaccine coverage is an important factor in determining the incidence of vaccine preventable disease. Relative incidence in this context means the reported level of vaccine preventable disease in the community does not increase as a direct result of decreased uptake of overall vaccination across the Shire.

Relevant law

31. Section 186 of the Local Government Act 1989.

13. Officers' reports

CM.079/21 Tender Report - Contract 2021-032 Provision of Immunisation Services

Regional, state and national plans and policies

32. National Immunisation Program Schedule.

Conflicts of interest

33. As part of the tender process, all members of the Tender Evaluation Panel were required to declare any disclosable conflicts of interest.
34. There was one disclosable conflict of interest declared. The conflict of interest was of a non - material nature and related to the fact that the officer sat on the board of an organisation on which an employee of one of the tenderers was also a member of the board. The organisation is in no way related to or involved in the tender process.

13. Officers' reports**CM.080/21 Informal Meetings of Councillors Records - 25 May 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 27 April 2021.

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

1. Health & Wellbeing Advisory Committee Meeting held 8 April 2021.
2. Positive Ageing Advisory Committee Meeting held 9 April 2021.
3. Youth Council Advisory Committee Meeting held 12 April 2021.
4. Climate Action Plan Development Meeting held 20 April 2021.
5. Councillor Briefing held 20 April 2021.
6. Pre-Meeting to Council Meeting held 27 April 2021.
7. Councillor Briefing held 4 May 2021.
8. Positive Ageing Advisory Committee Meeting held 7 May 2021.
9. Pre-meeting to Planning and Consultation Committee Meeting held 11 May 2021.

Officer Recommendation

That Council, in accordance with *Item 19 of Council's Governance Rule – Meeting Procedure*, receives the Informal Meetings of Councillors Records (**Attachment 1**) for the meetings held.

Attachments

- 1  Informal Meeting of Councillors Record - 25 May 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.

Related Council decisions

2. Not applicable.

13. Officers' reports

CM.080/21 Informal Meetings of Councillors Records - 25 May 2021

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 27 April 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.080/21 Informal Meetings of Councillors Records - 25 May 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.080/21 Informal Meetings of Councillors Records - 25 May 2021

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14. Notices of Motion

NOM.002/21 Proposed Plan by Heritage Golf and Country Club to Cull Kangaroos on Their Property

Cr Ben Ramcharan advised of his intention to move the following:

Motion

That Council:

1. Notes the plans by Heritage Golf and Country Club to cull kangaroos on their property;
2. Express our concern over the unnecessary killing of native wildlife, particularly in our Green Wedge and on the edge of Bend of Islands and the Warrandyte-Kinglake Wildlife Corridor; and
3. Authorises the Mayor to write to Heritage Golf Course and Country Club to:
 - a. Express the above concerns;
 - b. Ask for the rationale behind the intention to cull kangaroos; and
 - c. Ask that the decision to cull kangaroos on the site be thoroughly reviewed, with careful consideration given to non-lethal methods if population control really is necessary.

15. Delegates' Reports

16. Supplementary and urgent business

17. Confidential reports

Nil

18. Close of Meeting